



# Delaware County Regional Planning Commission

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

Scott B. Sanders, AICP  
Executive Director

## \*MINUTES\*

Thursday, June 26, 2008 at 7:00 PM  
Delaware Hayes Services Building,  
140 N. Sandusky Street, Room G 35, Delaware, Ohio 43015

### I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of March 27, 2008 and May 29, 2008 RPC Minutes
- Executive Committee Minutes of June 18, 2008
- Statement of Policy

### II. VARIANCES

19-05.V Ravines at Meadow Ridge – Berlin Twp. – requesting variance from Preliminary plan expiration

### III. ZONING MAP/TEXT AMENDMENTS

14-08 ZON Brown Twp. Zoning Commission – text amendments

### IV. SUBDIVISION PROJECTS

Preliminary (none)

Township

Lots/Acres

#### Preliminary/Final

09-08 “High Park Center Replat of Lot 4924”  
Lots 6609 & 6612, Division # 1 Orange 02 lots / 11.486 acres

#### Final

11-07 Big Bear Farms, Sec. 10, Lot# 4615, Div. #1 Liberty 07 lots / 26.90 acres  
**T=TABLED, W=WITHDRAWN**

### V. EXTENSIONS

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

### VI. OTHER BUSINESS (none)

### 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:* Rick Sedlacek, Dale Johnson, Fred Fowler, Kris Jordan, Steve Burke, Sharon Hough, Tom Hopper, Joe Clase, Holly Foust, Dick Gladman, Pam Roush, Bill Thurston, Marvin Miller, Lloyd Shoaf, Tom Brown, Yvonne Clippinger, Tom Zalewski, and Bonnie Newland. *Alternates:* Pat Blayney and Dave Stites. *Staff:* Scott Sanders, Paul Deel, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the March 27, 2008 and May 29, 2008 RPC Minutes**

*Mr. Blayney made a motion to approve the RPC minutes of 3/27/08 and 5/29/08. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **June 18, 2008 Executive Committee Minutes**

**1. Call to order**

Vice-Chairperson Steve Burke called the meeting to order at 8:30 a.m. Present: Steve Burke, Lloyd Shoaf and Dick Gladman. Staff present: Scott Sanders and Stephanie Matlack. Absent: Holly Foust and Jim Ward.

**2. Approval of Executive Committee Minutes**

a. May 21, 2008 – *Mr. Gladman made a motion to approve the minutes from the May Executive Committee meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**3. Old Business**

- a. Employee handbook – Mr. Sanders explained that since the By-laws have been approved, staff will now begin the review of the employee handbook.
- b. Contracts – Mr. Sanders explained that Union County may contract with the RPC for GIS mapping. Also, Berlin Township may be requesting assistance on a parks chapter revision for their comprehensive plan.

**4. New Business**

a. Financial / Activity Reports for May 2008 –

REGIONAL PLANNING RECEIPTS		May	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$2,915.00
Fees A (Site Review)	(4202)		\$1,310.00
Insp. Fees (Lot Line Transfer)	(4203)	\$140.00	\$300.00
Membership Fees	(4204)	\$13.00	\$235,893.08
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$30.75	\$2,367.46
Assoc. Membership	(4206)		
General Sales	(4220)	\$125.90	\$681.30
Charges for Serv. A (Prel. Appl.)	(4230)	\$3,048.60	\$10,248.60
Charges for Serv. B (Final. Appl.)	(4231)	\$1,548.60	\$11,916.50
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$450.00
Charges for Serv. D (Table Fee)	(4233)		\$600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$600.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)	\$1,680.00	\$31,410.00
Soil & Water Fees	(4243)	\$500.00	\$1,700.00
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)	\$76.30	\$163.30
Misc. Non Revenue Receipts	(4733)		
<b>TOTAL RECEIPTS</b>		\$7,928.15	\$300,555.24

<b>Balance after receipts</b>	<b>\$219,804.36</b>
<b>Expenditures</b>	<b>- \$ 33,385.43</b>
<b>End of May balance</b>	<b>\$186,418.93</b>

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

- b. June RPC Preliminary Agenda – includes 1 variance, 1 rezoning/text amendment, 1 Preliminary/Final and 1 extension. Mr. Sanders explained that the variance is a request for an extension of the preliminary plan. Mr. Gladman asked if there are requirements the applicant has to meet for a variance. Mr. Sanders explained that applicant must follow four criteria in the subdivision regulations (Sec. 102.09). The applicant has submitted all the proper paperwork.

**5. Other Business**

- a. MORPC study – Mr. Sanders is participating in a pilot emergency planning study headed by MORPC. It will create a 7-county Regional Emergency Preparedness Plan for populations with mobility needs.

**6. Personnel** *(none)*

- 7. **Adjourn** – *Mr. Gladman made a motion to adjourn the meeting at 9:05 a.m. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next Executive Committee meeting will be Wednesday, July 23, 2008 at 8:30 a.m. at  
 109 North Sandusky Street, Delaware, Ohio, 43015*

- **Statement of Policy**

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

## II. VARIANCES

### 19-05.V Ravines at Meadow Ridge – Berlin Twp. – requesting variance from Preliminary plan expiration

#### 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 beyond the time limit allowed in the Subdivision Regulations.

#### II. Facts

1. The Subdivision Regulations allows an approved Preliminary Plan to request extensions up to a total of one Year;
2. 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;
3. When the last extension was granted, it was “with the understanding that this would be the last extension Granted;
4. The applicant seeks a one-year extension, based on 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 applicant states there will be no negative impact to the health, welfare or safety of the public. Staff concurs, but notes that the applicant is not truly out of options: If a Final Plat were to be signed and approved today, the developer would have 15 months, or until September, 2009, to record the Final Plat. During that time, improvements could either be made or bonded through the County Engineer.**
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
  - **The applicant states that part of their delay in developing is based on the permitting through the Army Corps of Engineers. Those delays occurred as the housing market was slowing. Staff concurs, although we do not know the specifics of that review process in this case.**
- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.
  - **Staff isn’t sure this is applicable, but if it is, the applicant’s response under 2) covers both items.**
- 4.) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.
  - **Staff does not believe this is applicable either, but it should be noted that development plan as approved by Berlin Township will have a time limit and may need to be renewed at some point.**

**IV. Staff recommendation:**

DCRPC staff recommends that based on market conditions, it is logical to give applicants additional time. However, it is important for the Commission to have a discussion on the purpose of these time limits. When these limits were increased in the 2007 revision from one year and six months (one year automatically plus a six-month extension) to three years (two years automatically plus a one-year extension), the purpose was to give additional time for Preliminary Plans to be platted. When additional periods are granted, other rules and standards may change, some of which may be through other agencies. Also, development may have taken place in the surrounding area that was not originally anticipated when the initial approval was granted.

*Staff recommends Approval of a six-month extension, but only because this is a condominium development, where the Commission’s review is limited by the ORC.*

**Commission / Public Comments**

Mr. Joe Thomas with Village Communities was present. He stated that the property was zoned in 2005 and final development approval was given in February 2008. He noted the consistent decline in permits being issued over the past three years including 339 being issued in June 2007 and only 178 issued in June 2008. Village Communities has invested approximately \$1.7 million to date on land, engineering and application fees. He asked for a one year extension on the preliminary approval.

*Mr. Miller made a motion to approve the variance for Ravines at Meadow Ridge as requested (12 months). Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**III. ZONING MAP/TEXT AMENDMENTS**

**14-08 ZON      Brown Twp. Zoning Commission – text amendments**

**Applicant:** Brown Township Zoning Commission

**I. Introduction**

The township zoning commission initiated a comprehensive review of its zoning code in 2004. DCRPC staff assisted the township on numerous updates to make the code consistent with RPC’s “model” code that was developed for other townships.

**II. Summary**

Because of the comprehensive nature of the changes, this is only a brief summary of some of the major updates:

1. At least thirty-five definitions were either added or amended;
2. “Nature of the Districts” section;
3. Agriculture definition;
4. Telecommunications towers;
5. Limited Home Occupations as permitted uses;
6. Expanded Home Occupations as conditional uses;
7. Pre-2006 Adult Use language in the Planned Industrial District;
8. New Landscaping section;
9. Brought into compliance with the ORC the sections on Zoning Inspector, Zoning Commissions, Zoning Amendments, and Board of Zoning Appeals;

10. Eliminate the Neighborhood Office District (C-1) and Industrial District (I). Does not affect the Zoning Map (except the legend) since no properties in the township are currently zoned C-1 or I;
11. Created a Planned Farm Residence Conservation District (PRCD) overlay, and made this a permitted use in the Farm Residential District (FR-1) subject to approval of a final development plan by the Zoning Commission;
12. Modernized the Planned Residence District (PRD), Planned Commercial District (PCD), and Planned Industrial District (PID). Provides options for a One or Two step application review process;
13. Introduces the North American Industrial Classification System (NAICS) for specifying land use in the PCD and PID.

### **III. Comments/corrections**

Staff suggests the following edits to the proposed amendments:

1. The definition for Land Evaluation Site Assessment (LESA) should be removed. This is not used anywhere in the Zoning Resolution, so it does not need to be defined;
2. Neighborhood Office District (C-1) and Industrial (I) are being eliminated from the Resolution and the Floodplain Regulatory District (FPRD) is no longer being proposed, so these can be removed from the Zoning District table in Section 5.01. Planned Unit Development (PUD) and Planned Farm Residential Conservation District (PRCD) should be added to this table;
3. Section 5.057. Replace NCD with C-2;
4. Section 7.02 (e) the reference should be 21.13 not 21.15;
5. Change Section 7.06 to 7.07 and add a Section 7.06 Reserved;
6. Section 7.07.05 C should reference 21.15 and 21.16, not 21.17 and 21.18;
7. Section 7.07.06 should reference Section 21.15 and 21.16, not 21.18 and 21.19;
8. Section 8.02 (e) the reference should be 21.13 not 21.15;
9. Section 10.08, first paragraph contains a “?” in the ORC reference. This should be removed;
10. Section 10.12 – The reference to the site walkabout (number 1) is not one of the options for rezoning to PRD. This should be moved to a new section immediately after Section 10.12 Process for Amendment, but before the paragraph “Planned Residential Developments may be approved...”. Number 2 then becomes 1 and Number 3 becomes 2;
11. Was Article XI already adopted? If so, it should not be reflected as new language;
12. Article XVI does not need the number 2 in the title;
13. Section 17.03 (A) allows Adults Only Entertainment Establishments as a conditional use and sets forth development standards and restrictions for the development of such businesses. Article XVIII Adult Entertainment is a more updated and detailed regulation for Adults Only Businesses (as of 2006). There have been some recent cases in the last two years that continue to affect local authority to regulate adult only businesses. We recommend that the township have the Prosecutor’s office review the language in Article XVIII. If the regulation is legal, then we would suggest that the language in Section 17.03 (A) be deleted and a reference to Article XVIII be provided;
14. Section 19.02 (i) the reference should be 21.13 not 21.15;
15. Section 21.07. Replace “Clerk” with “Fiscal Officer”. Twice in same paragraph.

### **IV. DCRPC Staff Recommendation**

Staff recommends **Conditional Approval** of the Brown Township Zoning Amendments to the DCRPC, the Brown Township Zoning Commission and the Brown Township Trustees, *subject to the staff comments noted in Section III of this report.*

### **Commission / Public Comments**

*Mr. Miller made a motion to recommend Conditional Approval of the Brown Township zoning*

amendments, subject to staff comments. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Dale Johnson). Motion carried.

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#### IV. SUBDIVISION PROJECTS

**Preliminary** (none)

##### Preliminary/Final

09-08            **“High Park Center Replat of Lot 4924” Lots 6609 & 6612, Division # 1 – Orange Twp.  
- 02 lots / 11.486 acres**

**Applicant:** KD Orange 486, Inc. c/o Kimco Developers, Inc.

**Subdivision Type:** Commercial

**Location:** West side of Owenfield Drive, 1000’ south of Windbrush Ave.

**Current Land Use:** Former agriculture/woods

**Zoned:** Planned Commercial and Office

**Utilities:** Del-Co water and Delaware County Sanitary Sewer

**School District:** Olentangy

**Engineer:** WD Partners

##### I. Staff Comments

This plat is proposed for the purpose of adjusting the west lot line of Lot 6612 and eliminating a portion of an ingress/egress easement along the same lot line. Approximately 0.29 acres is being removed from Lot 6609 (original 9.49 acres, now 9.2 acres) and adding to the rear of Lot 6612 (formerly 1.99 acres, now 2.28 acres) to allow for a different building footprint than previously proposed. The modification eliminates the need for an access easement behind the front lot. This lot line adjustment does not affect the two other lots in High Park Center Replat of Lot 4924.

A no-disturb zone is located along the southern property line and extends northward to protect a drainage swale and to buffer homes in Fox Ridge Subdivision. High Park Center is served by County sewer and Del-co water.

*A technical review was held on June 17, 2008, after which the applicant has addressed all of the required changes on the Preliminary Plan. The applicant has also presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.*

##### II. Staff Recommendation

Staff recommends *Preliminary and Final approval* of **“High Park Center Replat of Lot 4924” Lots 6609 & 6612, Division # 1** to the RPC.

##### Commission / Public Comments

Mr. Scott Nierman with Kimco Developers and Mr. Matt Davis with WD Partners were present to answer questions from the Commission.

*Mr. Blayney made a motion for Preliminary and Final approval for “High Park Center Replat of Lot*

4924” Lots 6609 & 6612, Division # 1. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed, 1 Abstained (Dick Gladman). Motion carried.

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## **CONSENT AGENDA**

### **Final**

11-07                    **Big Bear Farms, Sec. 10, Lot# 4615, Div. #1 – Liberty Twp. - 07 lots / 26.90 acres**

#### **I. Conditions**

**Applicant:** Three Rocks and a Boulder, LLC.

**Location:** South side of Powell Rd between Sawmill Parkway and Old Sawmill Rd

**Current Land Use:** Vacant

**Zoned:** Planned Commercial & Office District (PC)

**Utilities:** Del Co. water and public sewer

**School District:** Olentangy

**Engineer:** Bird and Bull

**Surrounding Land Use:**

To the north: First Citizens National Bank (Big Bear Farms, Section 4)

To the east: Village Communities Condominiums (City of Powell)

To the south: Drug Mart, vacant commercial site (Wedgewood Commerce Center, Section 3)

To the west Donato’s, BP Service Station (Big Bear Farms, Section 6A)

#### **II. Request**

Big Bear Farms, Section 10, Lot 4615, Division 1 is a commercial and retail development of 7 lots on 26.9 acres. This site will gain access at four key locations along with two additional secondary points. Access from Powell Road will be opposite Galloway Drive to the north. This access will be limited to right in/right out only. A single full access point (signalized) is provided for Sawmill Parkway approximately 700’ south of Powell Road (aligning with the existing Donato’s/BP access drive). There are two additional cuts on Sawmill that are restricted access, north and south of the signal. A single access point is also provided to both Sawmill Road and Attucks Drive. The lots range from 0.86 acres to 6.14 acres. Internal streets are private and are contained within a separate reserve lot (Reserve A) totaling 1.86 acres. A second reserve lot (Reserve B) is located in the southeast corner and will be used for stormwater management. All lots will utilize County sewer and Del-Co water.

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 **Big Bear Farms, Sec. 10, Lot# 4615, Div.# 1** to the RPC.

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

*Mr. Sedlacek made a motion for Final Approval of Big Bear Farms, Section 10, Lot# 4615, Division*



#1. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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**VI. EXTENSIONS**

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

*(see variance report)*

**Applicant:** Village Communities

**Engineer:** Floyd Browne Group

**Preliminary approval:** 6-30-05

**Extensions granted:** 6-29-06 to 12-21-06, 12-21-06 to 6-28-07, 6-28-07 to 12-20-07, 12-20-07 to 6-26-08

**I. Staff Recommendation**

Staff recommends Conditional Approval of a 6-month extension for **Ravines at Meadow Ridge**, *subject to Commission approval of the variance request, to the RPC.*

**Commission / Public Comments**

Mr. Joe Thomas was present on behalf of Village Communities.

*Mr. Miller made a motion to approve the 1 year extension request for the Preliminary approval of Ravines at Meadow Ridge. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**VII. OTHER BUSINESS** *(none)*

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

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

*At 7:25 p.m., Mr. Clase made a motion to adjourn the meeting. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, July 31, 2008, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.*

