



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, June 30, 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 May 26, 2011 RPC Minutes
- Executive Committee Minutes of June 22, 2011
- Statement of Policy

II. VARIANCES

01-05.2-4.V Homewood Corp. for Cheshire Woods – Berkshire Twp. – from Sections 102.03 and 204.04

III. ZONING MAP/TEXT AMENDMENTS

12-11 ZON Liberty Twp. Zoning Commission – text amendments
 13-11 ZON Village at Bale Kenyon LLC – Orange Twp. – 53.263 acres – MFPRD to MFPRD
 14-11 ZON Liberty B-1, LLC – Liberty Twp. - .469 acres – PC – development plan amendment

IV. SUBDIVISION PROJECTS

Preliminary

			Township	Lots/Acres
01-11	W	Magnolia Place	Liberty	08 lots / 14.418 acres
03-11		Sheedy CAD Subdivision	Porter	02 lots / 10.002 acres

Preliminary/Final (none)

Final (none)

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

01-05.2-4	Cheshire Woods, Sections 2-4	Berkshire Twp.	177 lots / 148.42 acres
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VI. OTHER BUSINESS

- OEPA Budget procedures

VII. POLICY / EDUCATION DISCUSSION

VIII. RPC STAFF AND MEMBER NEWS

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, Ric Irvine, Fred Fowler, Ken O’Brien, Tiffany Jenkins, Gary Gunderman, Tom Hopper, Dave Stites, Holly Foust, Dick Gladman, Bill Thurston, Eric Fischer, Lloyd Shoaf, Charlie Callender, Bill Metzler, and Bonnie Newland. Alternates: Steve Ruckman, Doug Riedel, and Karl Johnson. Arrived after roll call: Susan Kuba (R). Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the May 26, 2011 RPC Minutes**

Mr. Shoaf made a motion to approve the minutes from the May 26, 2011 meeting, seconded by Mr. Sedlack. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **June 22, 2011 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes from May 18, 2011**

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

3. **New Business**

a. Financial / Activity Reports for May 2011

REGIONAL PLANNING RECEIPTS		May	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,025.00	\$2,255.00
Fees A (Site Review)	(4202)		\$300.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$700.00
Membership Fees	(4204)	\$303.00	\$281,623.32
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$1,325.26	\$2,003.96
Assoc. Membership	(4206)		
General Sales	(4220)		\$40.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$600.00	\$2,488.00
Charges for Serv. B (Final. Appl.)	(4231)	\$3,300.00	\$7,688.00
Charges for Serv. C (Ext. Fee)	(4232)	\$450.00	\$750.00
Charges for Serv. D (Table Fee)	(4233)		\$200.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$900.00	\$1,200.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$1,500.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$480.00	\$580.00
Soil & Water Fees	(4243)	\$125.00	\$500.00

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$124.82
Other Reimbursements A			\$0.00
Other Misc. Revenue (GIS maps)	(4730)	\$79.00	\$577.17
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$8,987.26	\$302,530.27

Balance after receipts	\$285,417.66
Expenditures	- \$ 19,431.34
End of May balance (carry forward)	\$265,986.32

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

- b. June RPC Preliminary Agenda
 - 1.) Site Review: none for June
 - 2.) Rezoning: Liberty Twp. Zoning Commission – text amendments
 Village at Bale Kenyon LLC – Orange Twp. – 53.263 acres – MFPRD – development plan amendment.
 - 3.) Variance: Cheshire Woods
 - 4.) Preliminary: Sheedy CAD Subd., Magnolia Place was withdrawn by the applicant
 - 5.) Final: none for June
 - 6.) Extension: Cheshire Woods, Sections 2-4

- c. Director’s Report
 - 1.) Unpaid dues – Mr. Sanders stated that he had sent a second notice to Scioto Township Trustees and Delaware City Manager regarding nonpayment of dues as requested by the Executive Committee with no response as of yet by either entity. Mr. Sanders was directed to contact Attorney Don Brosius regarding membership issues.

 - 2.) Ohio Environmental Education Fund - Preliminary meetings with partners (FLOW and Heart of Ohio Resource Conservation and Development) to discuss schedule. Also met with Harry Kallipolitis at EPA to discuss data collection, application of grant requirements and to confirm that the project’s proposed activities meet the intention of the EPA in its creation of the permit.

 Staff continues to work with the Treasurer’s office to determine the best way to manage the funds through the RPC budget and expenditure process (see agenda for motion).

 - 3.) Shawnee Hills - Work continues – completed the first draft of background chapters – will start on recommendations at next meeting.

 - 4.) ACHIEVE/CHART - Participated in an ACHIEVE Action Institute with 9 others Delaware County representatives. The Institute was in Baltimore and sponsored by the Centers for Disease Control. The emphasis is to make the connection between the environment and health, with particular attention to the built environment. Presenters made the case that many of our policies have produced an environment where the healthy choice is not always the easy choice. The concepts discussed included many of the topics that we cover when we work with communities on their Comprehensive Plans – connections, walkability, mixed-use, parks, open space, sidewalks, bikeways, etc. Although these issues are familiar to planners and zoning commissions, they haven’t necessarily been tied to health before.

The Delaware County team will perform an assessment of the county, collecting sample health-related

policies from a couple of schools, work places, non-profits, and health care providers. We will also collect data on community facilities (existing sidewalks and bikeway data, most of which RPC has already collected). An Action Plan will then be created and promoted across the county. Expect to hear more about this as we progress.

- 5.) Liberty Township - Will attend a meeting with the Liberty Township Zoning Commission to discuss changes to the Zoning Code. Significant work has already been done by the Zoning Commission and this will pull everything together.
- 6.) Village of Galena - Has asked Mr. Sanders to serve on a working group that will create new Subdivision Regulations for the Village. It will emphasize Best Management Practices for stormwater management.

4. Old Business (*none*)

5. Other Business

- a. OEPA Grant procedures – Mrs. Matlack explained that a new fund would need to be set up for the OEPA grant with a total budget of \$27,657. All expenditures pertaining to the work on this grant would be paid from this fund which is separate from the RPC (720) fund.

Mr. Gladman made a motion to recommend approval of a separate fund being created for administration of the OEPA grant. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

6. Personnel (*none*)

7. Adjourn

Having no further business, Mr. Shoaf made a motion to adjourn the meeting at 9:40 a.m. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, July 20, 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

01-05.2-4.V Homewood Corp. for Cheshire Woods – Berkshire Twp. – from Sections 102.03 and 204.04

I. Request

Homewood Corp. and Sotseks II are requesting a variance to allow a 5-year extension beyond the time limit allowed in the Subdivision Regulations for the Cheshire Woods subdivision in Berkshire Township.

The proposed subdivision is located on the south side of Cheshire Road, about 2000 feet east of I-71.

II. Facts

1. The Subdivision Regulations state that “the approval of a Final plat for the first phase of the subdivision shall serve to extend the Preliminary Plan approval period to five (5) years from the date the Final Plat for the first phase is recorded.”
2. Cheshire Woods, Section 1-4 received Preliminary approval on January 27, 2005, and received a six-month extension on January 26, 2006 to expire July 27, 2006;
3. Cheshire Woods, Section 1 was recorded June 20, 2006, which would hold the Preliminary approval until June 2011;
4. The applicant seeks a five-year extension 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: “To date, only Section 1 has been developed and the Final Plat recorded. There are in excess of thirty-five lots available in Section 1 and it is not anticipated to develop future sections for another two years. The future sections account for 186 lots and considerable open space. All four 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 five years.”

“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 not unique to this project, the economy is affecting all development. It is reasonable to allow a longer period where the Preliminary is active and this has recently been allowed on other projects as long as progress is being made. However, staff recommends the 1-year extension, to be re-evaluated annually.*

IV. Staff Recommendation

DCRPC staff recommends that based on current market and economic conditions, the variance request from Sec. 102.03 & 204.04 for **Cheshire Woods, Sections 2-4** be *Approved*.

Commission / Public Comments

Mr. James Lipnos of Homewood Corp. was present to represent the applicant. He explained that Phases 2-4 have been engineered and that they are looking to begin Phase 2 in 2012/2013. He did not anticipate being able to finish the remaining project within one year and therefore has asked for a 5-year extension.

Several Commission members expressed concern over a 5-year extension. Some were in favor of a two-year extension. Mr. O’Brien asked if a two-year extension had ever been given. Mr. Sanders explained that at last month’s RPC meeting Sheffield Park received a 2-year extension. Mr. O’Brien did not want to set a precedence of allowing two years.

Mr. Lipnos amended his extension request from 5 years to 2 years.

Mr. Sedlacek made a motion to approve the Variance request for Cheshire Woods, Sections 2-4 and the modified extension request for 2 years. Mr. Fischer seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

12-11 ZON Liberty Twp. Zoning Commission – text amendments

I. Introduction

On June 6, 2011, the Liberty Township Trustees initiated amendments to the Liberty Township Zoning Resolution to allow the appointment of two alternate members to the Zoning Commission and Board of Zoning Appeals. The Ohio Revised Code allows for such appointments but the Resolution does not currently include this language. These changes reflect the current “model” that the RPC uses when working with other townships. The word “may” is used so that the Trustees will have flexibility in the future, should it be difficult to find a sufficient number of candidates for such positions.

II. 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

Mr. Gladman made a motion to recommend Approval of the Liberty Twp. Zoning Resolution amendments. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

13-11 ZON Village at Bale Kenyon LLC – Orange Twp. – 53.263 acres – MFPRD to MFPRD

I. Request

The applicant, Village at Bale-Kenyon LLC, is requesting a 53-acre rezoning on land currently zoned MFPRD with approval for 100 condominium units to the same zoning designation (MFPRD) with a total of 138 units. The RPC reviewed a similar layout for this site in 2010 for 152 units.

II. Conditions

Location: 7264 Bale-Kenyon Road, Orange Twp.

Present Zoning: Multi-family Planned Residential District (MFPRD)

Proposed Zoning: Multi-family Planned Residential District (MFPRD)

Present Density: 2 d.u./acre

Proposed Density: 2.57 d.u./acre

Present Use(s): Twenty condominium units (five buildings), clubhouse and pool with 80 approved but unbuilt units.

Proposed Use(s): Seven four-unit buildings and fifteen six-unit buildings for a total of 48 ranch and 90 carriage units.

School District: Olentangy Local School District

Utilities Available: Del-Co Water and County Sanitary Sewer

Critical Resources: Ravine, existing ponds and 100-year floodplain

Surrounding land uses: Waverly Place Subdivision to the south, I-71 to the west

Soils: AmE: Amanda Silt Loam (18 to 25% slopes)

BeA: Bennington Silt Loam (0 to 2% slopes)

CaB: Cardington Silt Loam (2 to 6% slopes)

CaC2: Cardington Silt Loam (6 to 12% slopes)

RoA: Rossburg Silt Loam (0 to 2% slopes)

III. Issues

1. The 2010 Orange Township Comprehensive Plan recommends single-family use in this general area, including the land north of this site. In 2004, the applicant requested multi-family on this site due to floodplain, topography and overhead electric transmission lines impacting the site.

Staff Comment: Staff agreed with this request in 2004 and maintains that the impacts to the site and the commitment to leave the east side of Bale-Kenyon undeveloped justified allowing the unit-type to be built as multi-family. By clustering condominiums in areas that are suitable for development, the developer will be able to preserve environmental elements that make this site unique.

2. The 2010 Orange Township Comprehensive Plan acknowledges the development plan for this site at 2 dwelling units per acre with public sewer and water.

Staff Comment: The township has generally developed at and recommended future densities of 2

d.u./acre. This proposal represents a departure from that development pattern at 2.57 units per acre in an area where there are no convenient services typically seen in higher density areas. The additional units are gained with no appreciable increase in building coverage. This is due to the layout of the units, with three units occupying the first floor with three units directly above on the second floor. The applicant notes that similar product is available in southern Delaware County and that those units are selling well. While a valid point, these similar units are located off Gemini Place within the city of Columbus. That community has relatively easy access to Interstate 71 and Polaris Parkway and is within walking distance to shopping and dining opportunities. Generally speaking, this site was approved from multi-family use because of its natural (ravines) and man-made (powerline) impacts. Now additional density is requested to meet the desire to sell the site to young professionals, when the site doesn't really lend itself to that market.

3. The property adjacent to the north of this site has poor sight distance on Bale-Kenyon Road.

Staff Comment: As discussed at the original rezoning review, as well as the 2010 proposal, this development has provided a connection to the property to the north to allow for future access. A condition of the original approval by the Regional Planning Commission was that this be built either as a public road or as a private road built to public standards for full access. This road has been constructed as a private road and an easement granted across this site to the northern adjacent property for emergency purposes only.

4. Traffic: A 2010 traffic analysis is included in the application. It shows that the original zoning (100 units) was projected to produce 52 vehicle trips in the morning peak hour and 60 trips during the evening peak hour. The 2010 density was projected to generate 72 trips during the morning peak and 85 trips during evening peak. This was a difference of about 20-25 trip ends per peak hour.

Staff Comment: The report concludes that no additional improvements (turn lane warrants) were needed and also stated that the additional 20-25 trips projected at build-out would have "little to no impact on traffic operations in the area". This proposal is for fewer units than that proposed in 2010, with a new total of 138 units. The zoning commission should consider the size and nature of Bale-Kenyon Road where it has not been improved adjacent to this development when considering the impact of these additional units.

5. Waverly Place Drive stubs into the southern edge of this development. The development plan reviewed by Regional Planning in 2004 indicated an emergency access gate at this stub with full pedestrian/bike access.

Staff Comment: The proposed development plan no longer shows any sort of connection for emergency or recreational purposes to Waverly Place. The applicant noted during the 2010 review that neighbors had opposed the connection and the Fire Chief did not feel it was needed. Staff continues to support some sort of connection to the south for safety purposes. If no connection is provided, staff recommends that the walking path connect to this location instead.

6. The applicant is requesting that the township take their 35-foot maximum building height measurement from the front of the walkout units. There are two types of condominium units that are being proposed for this site; 4-unit attached ranch condominiums and 6-unit garden-style condominiums.

Staff Comment: In the 2010 rezoning review, there was concern that the 6-unit buildings were proposed to be placed on the western end of the site, nearest the single-family homes to the south. During the original rezoning case, the staff report noted that placement of four-unit buildings at this

location was logical, given the rolling nature of portions of the site and the story-and-a-half building product. The applicant has now adjusted the layout so that the smaller, four-unit buildings are adjacent to the single-family development. In addition, the development plan shows a detail drawing showing the relationship in elevation between the buildings closest to the existing single-family homes. The development plan also shows the addition of landscaping along the existing berm. Based on the fact that these buildings are smaller, 4-unit buildings and that there is a landscaped berm between them, the height is no longer out of scale.

7. Internal circulation: The new layout changes the road circulation pattern slightly and adds a walking path throughout the site.

Staff Comment: The road network is acceptable as long as the Fire Dept. approves and staff concurs that a walking path is needed. If acceptable to the neighbors to the south, the walking path could be extended to the Waverly Place road stub.

IV. Criteria for Approval

The MFPRD requires that all the following criteria be met:

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

Staff Comment: Generally yes, if the township agrees to measure the building height from the front of the structure rather than the rear of walkout units.

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

Staff Comment: No, the density does not conform. Even though multi-family does not conform either, this is an existing approved use and allowed as a trade-off for preserving the land on the east side of Bale-Kenyon Road. However, the density is higher than that allowed in the Plan and the adjoining development.

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

Staff Comment: Perhaps, since the main entrance allows a cross easements to allow emergency access to the property north of this site. The extensive open space and clustered condominiums provide for better preservation of the deep ravines and 100-year floodplain than would single-family homes. The traffic generation requires no additional improvements to Bale-Kenyon Road.

V. Staff Recommendations

Staff recommends **Conditional Approval** of this rezoning case from MFPRD to MFPRD for Village at Bale-Kenyon LLC to the DCRPC, the Orange Township Zoning Commission and the Orange Township Trustees, *subject to the applicant and township continuing to work together toward reducing the density closer to the 2 units / acre on the comprehensive plan and minimizing the mass of the proposed 6-unit buildings.*

Commission / Public Comments

Ms. Jill Tangeman, on behalf of Village Communities, stated they would continue working with the Township and current residents (16 currently living on site) with regards to density. She explained that they have until October to get an approved plan or they lose their financing. Although the Township has not yet agreed to the proposal, the current residents have agreed to a density of 2.6/2.7 units, that the front part of the development

remain the original plan and keeping the 4 unit ranch condos closer to the single-family homes. She stated they signed a good neighbor agreement with those residents.

Chairwoman Foust asked why the change from ranch to two-story units. Ms. Tangeman stated it has to do with the change in the market. They have found that banks have stopped financing empty nester type projects. Village has built similar type buildings such as Lakes at Polaris. Those units have continued to sell consistently and are almost completely sold out. Empty nesters tend to buy on the first floor and your professionals tend to buy on the second floor. She said that because of their track record with this type of unit, they feel they can use that record for financing.

Mr. O'Brien expressed his concern about approving something that may be foreclosed upon if financing doesn't go through. Mr. Fischer said that the project would continue on with another developer who may be in a better financial situation due to the bank not wanting to hold on to it. Ms. Tangeman said that they have had this conversation with Orange Twp.'s attorney and have discussed a potential reverter clause and how to implement it. She said that would be worked out with the Township.

Mr. Fischer made a motion to recommend Conditional Approval of the rezoning request by Village at Bale-Kenyon LLC, subject to staff and Commission comments. Mr. Stites seconded the motion. VOTE: Majority For, 2 Opposed (Radnor and Berlin Twp.), 2 Abstained (Mr. O'Brien and Mr. Gladman). Motion carried.

14-11 ZON Liberty B-1, LLC – Liberty Twp. - .469 acres – PC – development plan amendment

I. Request

The applicant, Liberty B-1 LLC, is requesting a .469-acre development plan amendment to allow a Panera Bread fast casual restaurant. They have supplied a Preliminary and Final development plan for this small site within the Shoppes at Liberty Crossing development.

II. Conditions

Location: Lot #5149 of The Shoppes at Liberty Crossing, Section 1, east of Sawmill Parkway, south of Liberty Market Way (pvt.) and west of Liberty Crossing Drive (pvt.)

Present Zoning: Planned Commercial (PC)

Proposed Zoning: Planned Commercial (PC)

Present Use(s): vacant

Proposed Use(s): Panera Bread restaurant

School District: Olentangy Local School District

Utilities Available: Del-Co Water and central sanitary sewer system

Critical Resources: none

Surrounding land uses: commercial

Soils: BoA Blount Silt Loam 0-2% slope

PwA Pewamo Silty Clay Loam 0-1% slope

III. Issues

In September 2007, Liberty Crossing was zoned by Liberty Township with subsequent platting in 2008 and 2009 and building activities on the site. To date, a pharmacy, childcare center, two fast-food restaurants and two structures housing several inline stores have been built on the site. On the southwest corner of the overall development the approved plan called for a bank site on this specific location. The applicant is seeking to change

that to a Panera Bread restaurant with drive-through. This change has triggered several other divergences from the approved Development Plan which are outlined below:

1. Changing from a bank site to a restaurant site.
2. Addition of exterior seating.
3. Increasing square footage from 3,282 s.f. to 4,663 s.f.
4. Increasing the finished floor elevation from 918.50 to 918.70.
5. Allowance of a 14' one-way drive aisle north of the drive-thru lane to access 10 parking spots with a mountable curb for emergency use.
6. Reduction of parking spaces by 49, to provide a total of 310 where 359 is required in the overall Subarea.

Staff response: Of the items listed above, only the drive aisle and the reduction of parking spaces are of concern:

Drive aisle: Generally the 14' one-way drive aisle should not be a problem based on the eventual completed development of this site. However, the immediate improvement only includes circulation to the west, north, and east of the Panera site, leaving the southern side undeveloped. This appears to allow flexibility for the future location of either two small restaurants or one large restaurant between Panera and BWW. This generates the potential of drivers entering the site from the driveway in front of the building and then going the wrong way in an attempt to park in these 10 spaces. Instead, more of the parking lot to the west should be built as part of this development.

Parking: Based on the fact that there have been some changes since this zoning was originally reviewed by the RPC, it is difficult to know the impact of the proposed reduction in overall parking. It appears that parking is sufficient, given the generally-accepted rule that provided parking is usually excessive. However, this site is not built-out and timing is a question. The application states that 11 spaces to the immediate east of the site will be built by the overall developer. These spaces are not within the .469-acre site controlled by the end user. These spaces will help serve the building, but the applicant needs to indicate that there is a commitment by the developer to build these concurrent with the building development. Also, as mentioned in the point above, the developer should construct some spaces to the west of the building as this area will ultimately be parking anyway.

Additional item; Dumpster location: The development plan shows the dumpsters located on the site of the building, at the entrance to the drive-through. This does not seem to be the ideal location, either for those driving through or for the necessary access of waste pickup. The applicant should work with the township and overall developer on locating the dumpsters to the east of the site, possibly taking two parking spaces, as long as the units are in permanent enclosures.

IV. Staff Recommendations

Staff recommends **Conditional Approval** of this Development Plan amendment in the PCD district for Liberty B-1 LLC to the DCRPC, the Liberty Township Zoning Commission and the Liberty Township Trustees, *subject to review of circulation and parking as mentioned in this report, as well as review of the location of the dumpster.*

Commission / Public Comments

Mr. Brian Crider with MS Consultants was present to answer questions from the Commission.

Mr. Gladman expressed concern over the parking and asked if it was going to be built when the restaurant is. Chairwoman Foust stated that in talking with the developer of the overall development Shoppes of Liberty

Crossing is the parking spaces on the east side will be built by Panera and then Elford Development will build the parking spaces on the west side before Panera opens for business. She also stated that it would be in the development plan text.

Mr. Fischer shared Mr. Sanders’ comment on placement of the dumpsters and asked if that area of parking would also be built prior to Panera opening. Chairwoman Foust said all timing of parking areas would be in the development plan text.

Mr. Shoaf made a motion for Conditional Approval of the development plan amendment for Liberty B-1 LLC, subject to staff comments. Mr. O’Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

01-11 W Magnolia Place – Liberty Twp. - 08 lots / 14.418 acres

6/20/11 - Thom Reis with Terrain Evolution on behalf of the applicant requested to withdraw the Magnolia Place subdivision.

03-11 Sheedy CAD Subdivision – Porter Twp. - 02 lots / 10.002 acres

I. Conditions

- Applicant:** Thomas and Pamela Sheedy
- Subdivision Type:** Single-Family Residential
- Location:** North side of Monkey Hollow Road, approx. 1340 feet east of SR 61
- Current Land Use:** Single-family residence
- Zoned:** A-1
- Utilities:** Private Wells and on-site sewer treatment
- School District:** Big Walnut
- Engineer:** Bob Wolfe Engineering

II. Staff Comments

This two-lot subdivision is on an existing flag lot with a single-family house. The two lots will share the CAD, with a private drive extending west from the end of the CAD. Due to topography, the driveway for the second lot will not stay within the lot, but will travel within an easement across the first lot. Because the drive is located on the adjacent lot, it will be required to be built prior to RPC signature on the plat.

This is an unusual layout, but based on topography, existing structures, and surrounding splits and subdivisions, this was the best choice as determined by the applicants.

The usual CAD Maintenance Agreement and visual confirmation of improvements will be required before RPC signature on the plat.

A technical review was held on June 21, 2011, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of **Sheedy CAD Subdivision** to the DCRPC based on the following:

- *Code Compliance would like to see a more accurate Finished Grade Elevation for the proposed building location.*

Commission / Public Comments

Mr. Bob Wolfe with Wolfe Engineering was present to represent the applicant. They have no objection to providing the Finished Grade Elevation as requested by Code Compliance.

Mr. Fowler corrected the request as Finished Grade Elevation from Finished Floor Elevation as initially noted by RPC staff.

Mr. Gladman made a motion for Preliminary approval of the Sheedy CAD subdivision. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final *(none)*

CONSENT AGENDA

Final *(none)*

V. EXTENSIONS

01-05.2-4 Cheshire Woods, Sections 2-4 - Berkshire Twp. - 177 lots / 148.42 acres

Applicant: Homewood Corp.
Engineer: Advanced Civil Design
Preliminary approval: 01/27/05
Extensions: 01/26/06 to 07/27/06

I. Staff Comments

The applicant is requesting a 5-year extension of **Cheshire Woods, Sections 2-4** due to the “declining housing market and general economic conditions”.

II. Staff Recommendation

Staff recommends *Conditional Approval* of a 1-year extension for **Cheshire Woods, Section 2-4**, *subject to the variance being granted*, to the RPC.

Commission / Public Comments

During discussion of the variance, Mr. James Lipnos of Homewood Corp. modified his extension request from 5-years to 2-years.

Mr. Sedlacek made a motion to approve the modified Extension request for Cheshire Woods, Sections 2-4 for 2 years. Mr. Fischer seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp). Motion carried.

VI. OTHER BUSINESS

- OEPA Budget procedures – The Executive Committee recommended approval of creating a new fund to administer and maintain the OEPA grant. The total grant amount is \$27,657.

Mr. Gladman made a motion to approve the new budget fund 76270702 for Ohio Environmental Education Fund (OEEF) for the financial activities of the recently awarded grant from the OEPA and to approve the appropriations as follows:

Administration		
Salaries		\$5,958
PERS		\$1,204
Workers Comp.		\$86
Medicare		\$125
Hospitalization		\$1,009
Life Insurance	(5104)	\$33
Dental	(5103)	\$186
		\$8,600
Materials & Supplies		
Office Supplies	(5201)	\$225
		\$225
Services & Charges		
Contracted Professional Services	(5301)	\$18,632
Maintenance agreement	(5335)	\$200
		\$18,832
		\$27,657

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

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 7:50 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, July 28, 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