



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, July 28, 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 June 30, 2011 RPC Minutes
- Executive Committee Minutes of July 20, 2011
- Statement of Policy

II. VARIANCES

- 13-08.V Jimba Ltd. – Sage Creek, Section 5 – Berkshire Twp. – from Section 205.05
 06-07.V Romanelli & Hughes-Sorrento at Highland Lakes–Genoa Twp.–from Sec.’s 102.03 & 204.04

III. ZONING MAP/TEXT AMENDMENTS

IV. SUBDIVISION PROJECTS

	Township	Lots/Acres
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Preliminary (none)

Preliminary/Final (none)

Final (none)

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

- | | | | |
|-------|----------------------------|-----------|------------------------|
| 13-08 | Sage Creek, Section 5 | Berkshire | 06 lots / 37.702 acres |
| 06-07 | Sorrento at Highland Lakes | Genoa | 01 lot / 30.57 acres |

VI. OTHER BUSINESS

- Consideration for approval: Transfer of Appropriation from Services & Charges (53) to Materials & Supplies (52) for future purchase of Director laptop

VII. POLICY / EDUCATION DISCUSSION

- Presentation of the Centers for Disease Control’s ACHIEVE program and Delaware County’s involvement in the 2011 round of funding for an Assessment and Community Action Plan.

VIII. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

Chairwoman Foust called the meeting to order at 7:05 p.m.

▪ **Roll Call**

Representatives: Jeff George, Rick Sedlacek, Susan Kuba, Ric Irvine, Fred Fowler, Tommy Thompson, Steve Burke, Tiffany Jenkins, Sharon Hough, Tom Hopper, Joe Clase, David Andrian, Dave Stites, Holly Foust, Dick Gladman, Bill Thurston, Lloyd Shoaf, Charlie Callender, Bill Metzler, Bonnie Newland, Mike Dattilo, and Doug Price. *Alternates:* Doug Riedel. *Staff:* Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the June 30, 2011 RPC Minutes**

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

▪ **July 20, 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, Steve Burke, Ken O'Brien and Lloyd Shoaf. Staff: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from June 22, 2011**

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

3. **New Business**

a. Financial / Activity Reports for June 2011

REGIONAL PLANNING RECEIPTS		June	YTD TOTAL
General Fees (Lot Split)	(4201)	\$205.00	\$2,460.00
Fees A (Site Review)	(4202)		\$300.00
Insp. Fees (Lot Line Transfer)	(4203)		\$700.00
Membership Fees	(4204)		\$281,623.32
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$819.96	\$2,823.92
Assoc. Membership	(4206)		
General Sales	(4220)	\$788.18	\$828.18
Charges for Serv. A (Prel. Appl.)	(4230)		\$2,488.00
Charges for Serv. B (Final. Appl.)	(4231)		\$7,688.00
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$900.00
Charges for Serv. D (Table Fee)	(4233)		\$200.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$1,500.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$2,100.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$580.00
Soil & Water Fees	(4243)		\$500.00
MISCELLANEOUS REVENUE			

Other Reimbursements	(4720)		\$124.82
Other Reimbursements A			\$0.00
Other Misc. Revenue (GIS maps)	(4730)	\$10.00	\$587.17
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$2,873.14	\$305,403.41

Balance after receipts		\$295,009.50
Expenditures	-	\$ 19,627.99
End of June balance (carry forward)		\$275,381.51

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

- b. June RPC Preliminary Agenda
 - 1.) Site Review: Vinmar North
 - 2.) Rezoning: none to date (7/17/11)
 - 3.) Variance: Sage Creek, Section 5 and Sorrento at Highland Lakes
 - 4.) Preliminary: none for July
 - 5.) Final: none for July
 - 6.) Extension: Sage Creek, Section 5 and Sorrento at Highland Lakes

Mr. Sanders explained that Sage Creek, Section 5 is requesting a two-year extension via variance. The project received final approval 4-30-09 to be recorded by July, 2010. The developer then received a variance to extend the final plat approval 7-29-10 due to legal action that had been filed by the Village of Galena. Sorrento at Highland Lakes received Preliminary approval 7-26-07, an extension 7-30-09 to July 2010, and a variance for an additional year extension to July 2010. They are requesting an additional year extension by variance.

- c. Director’s Report
 - 1.) ACHIEVE – would like to do a short presentation at the July RPC meeting to introduce this groups functions. They are currently doing a community health assessment for several locations including Woodward Elem., Hylan-Souder Elem., OSU Olentangy Urgent Care and Sunbury Urgent Care.
 - 2.) Shawnee Hills – completed the background section of the Comp. Plan update and will begin working on the Recommendations section at the next meeting.
 - 3.) Liberty Twp. – will meet next week with the Zoning Commission to discuss amendments to the Zoning Code.
 - 4.) There was some discussion about MORPC’s Sustainable Communities grant application.
- d. Director’s computer – Mr. Sanders explained that during last year’s budget discussion, it was determined that only the GIS and Admin. Asst. computers would be replaced this year but after several recent problems a new computer for the Director may be in need. Mr. Liou has priced a new laptop for the Director at roughly \$1,089.00. Mr. O’Brien suggested waiting until September if possible for lower pricing.

Mr. O’Brien made a motion to recommend approval of a transfer of appropriations from Services & Charges to Materials & Supplies for the purpose of replacing the director’s laptop as needed up to \$1,200.00. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- 4. Old Business (None)
- 5. Other Business (None)

6. Personnel (None)

7. Adjourn –

Having no further business, Mr. O'Brien made a motion to adjourn the meeting at 9:50 a.m. Seconded by Mr. Burke. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, August 17, 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

13-08.V Jimba Ltd. – Sage Creek, Section 5 – Berkshire Twp. – from Section 205.05

Applicant: JIMBA Ltd.

Consultant: Mark Cameron, Sands Decker CPS

I. Request

Sage Creek, Section 5 is a 6-lot CAD subdivision on 37.7 acres. A variance is requested from Section 205.05 of the Subdivision Regulations, which requires that an approved Final Plat must be recorded within 15 months of approval.

II. Facts

1. Sage Creek, Section 5 received Final Plat Approval from the RPC on April 30, 2009, having secured the signatures of the various plat-signing agencies;
2. The Regulations allow 15 months to record an approved Final Plat;
3. After Final Plat approval, the applicant must construct the Common Access Driveway, certify it to the RPC, and allow RPC staff to confirm that the drive has been built;
4. The applicant received a Variance and one-year extension of the Final Plat in July, 2010.
5. The applicant now seeks a second Variance for a two-year extension to record the Final Plat.
6. The lots are all larger than 5 acres – there is no zoning or development plan at risk of expiration.

“205.05 Recording and Distributing Copies of Plat. The subdivider shall follow all applicable procedures for recording the Final plat including, without limitation, those promulgated by the Delaware County Engineer. A Final Plat that has not been recorded within 15 months of Commission approval shall expire.

The subdivider shall be responsible for satisfying plat requirements and conditions, securing required plat signatures, recording the plat, and providing copies for distribution (quantity of copies determined by Commission).”

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 Statement: “This letter is a formal request for an extension of the recording of the final plat of the previously approved Sage Creek, Section 5 Subdivision.” “The Section 5 subdivision consists of six building sites. This variance request is based upon our credit requirements in regards to obtaining a purchase contract on one of the building sites prior to commencing construction on the Common Access Driveway.

Due to the county requirements pertaining to a CAD and the physical characteristics of the property being served by a CAD the approved final plat can not be recorded until the construction on the CAD is complete and approved by Delaware County Regional Planning.

Granting of this request will not vary the provisions of the zoning regulations, comprehensive plans, or other existing guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations or the desirable development of the neighborhood and community. In addition this variance will not be detrimental to the public health, safety and welfare and not injurious to other parties.”

Staff comment: This is an unusual request to extend the time limit on recording approved subdivisions. Staff checked with the various offices which signed the current plat and found that there were no concerns with extending the plat approval period.

However, staff notes that the request for two years is excessive and only recommends one additional year.

IV. Staff Recommendation

Staff recommends **Approval** of the variance from Section 205.05, Final plat approval period, for **Sage Creek, Section 5** to the RPC.

Commission / Public Comments

Mr. Mark Cameron with Sands Decker CPS was present to represent the applicant. He explained that the lending institute is requiring that at least one lot be in contract before they would move forward with financing the construction of the driveway and without the improvements being in place the plat cannot be approved for final and lots sold.

Chairwoman Foust expressed her concern with giving an additional two years extension. She did acknowledge the difficulties given the state of the economy and the previous legal issues with the Village of Galena.

Mr. Cameron reminded the Commission that this project started several years ago and “got caught up in the regulation changes” and discussions of changing the Common Access Drive to a Low Volume / Low Density Road. The developer held off submitting this project as suggested by RPC staff. Those changes were not implemented and lost about 2 years in that process, then subsequent legal issues. Had the developer proceeded back then, Mr. Cameron feels this would not be an issue and the CAD would have been completed.

Mr. Andrian asked if all the signatures are on the plat and is ready. Mr. Sanders explained that he checked with the Health Dept. and County Engineer and there have been no changes that would affect this project. Mr. Andrian explained that since it is a final than the RPC should encourage keeping projects alive rather than making them start over.

Mr. Stites made a motion to approve the variance request for 1 year as suggested by RPC staff, seconded by Mr. Shoaf.

Mr. Clase made a motion to amend the motion to approve the variance and extend the application for 2 years, seconded by Mr. Andrian. VOTE: Majority For the Amendment, Some Opposed. Motion carried.

Mr. Sedlacek made a motion to approve the variance and 2 year extension, seconded by Mr. Clase. VOTE: Majority For, Some Opposed, 2 Abstained (Berkshire Twp. and Village of Galena).

06-07.V Romanelli & Hughes-Sorrento at Highland Lakes–Genoa Twp.–from Sec.’s 102.03
& 204.04

Applicant: Romanelli & Hughes Building Company
Consultant: Kevin Kershner, Stantec

I. Request

Sorrento at Highland Lakes is a proposed condominium development on a 30.57-acre tract. Forty-two detached, single-family-style condominiums are proposed. Main access is from Highland Lakes Avenue, with an additional emergency access from Worthington Road. The applicant is requesting a second variance for an additional 1-year extension to the Preliminary Plan.

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 up to a total of one additional year.
3. Sorrento at Highland Lakes received Preliminary approval on July 26, 2007 and received 1-year extension on July 30, 2009, along with an additional 1-year extension granted by variance July 29, 2010.
4. The applicant seeks a Variance for a second one-year extension.
5. Genoa Township granted a one-year zoning extension of the zoning development plan on February 7, 2011.
6. Relevant sections of the Subdivision Regulations:

“102.03 Expiration or Extension of Subdivision Plat Applications. Failure to comply within stated time periods of these Regulations as provided in Section 204.04 shall result in the expiration of the application. Before expiration as provided in Section 204.04, the subdivider may submit a written

request for an extension and proper extension fee, indicating the status of the project, stating why the time periods cannot be met, and specifying time length of extension being requested for each extension request, **with the-maximum total extensions not to exceed one year.** Extensions may be considered by the DCRPC; their issuance is discretionary. The subdivider is solely responsible for knowledge of, and compliance with, applicable expiration dates. The requested extension shall be forwarded with a written Staff Report and Recommendation to the Commission for action. In granting an extension, the project may be required to comply with new regulations or standards in effect at the time of the extension.”

“**204.04 Commission Action and Expiration.** Staff shall provide a Preliminary Plan report and recommendation to the Commission. Commission Preliminary Plan approval or conditional approval shall not constitute Final Plat approval, but shall provide an endorsement of the layout and intent of the proposal, and govern the preparation of the Final Plat. **The Preliminary Plan shall expire if a complete Final Plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval.** However, 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. A Preliminary Plan shall be void upon expiration of the approval period.”

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 statement: “On behalf of Romanelli & Hughes Building Company we [Stantec Consulting Services Inc.] are requesting a one year extension of the Preliminary Plan for the above referenced project, formerly known as Preserve at Highland Lakes. The project received Preliminary Plan approval on July 26, 2007 and a 1 year extension in July 2009 and a second one-year extension July 7, 2010 [correct date is 7/29/10]. Genoa Township granted a one-year zoning extension on February 7, 2011. Construction has been delayed due to the current market conditions; however Vince Romanelli has instructed Stantec to prepare final plans for construction this fall.

We are requesting a variance to section 102.03 of the Delaware County Regional Planning Subdivision Regulations since the total length of extension will exceed one year, and to Section 204.04 to prevent the Preliminary Plan from expiring since a Final Plat application will not be submitted within two years of Preliminary Plan approval.”

Staff Comment: Staff agrees that the current market conditions have made it a challenge to meet the existing time limits in the Subdivision Regulations. 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. No changes appear to have occurred in the surrounding development to raise additional concerns for the extension of this plan.

IV. Staff Recommendation

Staff recommends **Approval** of the variance from Sections 102.03 and 204.04, extension of Preliminary Plan approval for **Sorrento at Highland Lakes** to the RPC.

Commission / Public Comments

Mr. Kevin Kershner with Stantec Consulting Services was present to represent the applicant. He stated the engineering plans have not been signed off by the County Engineers yet but they developer has asked to get those plans finalized for construction to begin in the fall.

Mr. Andrian made a motion to approve the variance request and the 1 year extension. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. EXTENSIONS

13-08 Sage Creek, Section 5 – Berkshire Twp. - 06 lots / 37.702 acres

Applicant: JIMBA Ltd.
Engineer: Sands Decker CPS
Preliminary approval: 08-28-08
Final Approval: 4-30-09
Extension: 7/29/10 – 7/29/11

I. Staff Recommendation

Staff recommends *Conditional Approval* of a **1-year** extension for **Sage Creek, Section 5** to the RPC, *subject to the Variance being approved.*

Commission / Public Comments

Mr. Sedlacek made a motion to approve a 2-year extension of Sage Creek, Section 5. Mr. Clase seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

06-07 Sorrento at Highland Lakes – Genoa Twp. - 01 lot / 30.57 acres

Applicant: Romanelli & Hughes Building Company

Engineer: Stantec

Preliminary approval: 07-26-07

Extensions granted: 7-30-09 to 7-29-10, 7-29-10 to 7-28-11 (via variance)

I. Staff Recommendation

Staff recommends *Approval* of a 1-year extension for **Sorrento at Highland Lakes** to the RPC, *subject to the Variance above being approved.*

Commission / Public Comments

Mr. Andrian made a motion to Approve the 1-year extension for Sorrento at Highland Lakes. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

- Consideration for approval: Transfer of Appropriation from Services & Charges (53) to Materials & Supplies (52) for future purchase of Director laptop

Mr. Clase made a motion to approve the Transfer of Appropriation from Services & Charges (53) to Materials & Supplies (52) for future purchase of Director laptop up to \$1200.00. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. POLICY / EDUCATION DISCUSSION

- Presentation of the Centers for Disease Control’s ACHIEVE program and Delaware County’s involvement in the 2011 round of funding for an Assessment and Community Action Plan.

The Action Communities for Health, Innovation, and Environmental Change (ACHIEVE) project is designed to enhance local communities’ abilities to develop and implement policy, systems, and environmental change strategies that can help prevent or manage health-risk factors for heart disease, stroke, diabetes, cancer, obesity, and arthritis. Specific activities will be directed toward reducing tobacco use and exposure, promoting physical activity and healthy eating, improving access to quality preventive health care services, and eliminating health disparities. Five national organizations have been selected to collaborate with the Centers for Disease Control and Prevention (CDC) in conducting ACHIEVE.

Delaware County was one of 50 communities chosen this year for a three-year “capacity building and policy implementation” phase. This includes a community assessment in four broad sectors: Schools, Worksites, Community Organizations, Health Care, and Overall Community. Assessments are performed at sample sites. A Community Action Plan will be developed and sample sites will be monitored for three years to see if positive change has occurred.

(See attached slide presentation.)

VIII. RPC STAFF AND MEMBER NEWS

- Chairwoman Foust acknowledged **Mr. Gladman** retired as Orange Twp. Zoning Officer June 30, 2011. She explained that he would continue as Representative for Orange Twp. at the RPC meetings.

Having no further business, Mr. Andrian made a motion to adjourn the meeting at 7:45 p.m. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, August 25, 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