



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, July 29, 2010 at 7:00 PM
Frank B. Willis Building, 2079 US 23 North, Conference Room,
Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of June 24, 2010 RPC Minutes
- Executive Committee Minutes of July 21, 2010
- Statement of Policy

II. VARIANCES

- 06-07.V Sorrento at Highland Lakes – Genoa Twp. – variance from Sec. 204.04 & 102.03 – requesting additional extension of Preliminary plan approval
- 13-08.V Sage Creek, Section 5 – Berkshire Twp. – variance from Sec. 205.05 – requesting extension of time to record the final plat

III. ZONING MAP/TEXT AMENDMENTS *(none)*

IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary *(none)*

Preliminary/Final *(none)*

Final *(none)*

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

- 06-07 Sorrento at Highland Lakes – Genoa Twp. – requesting 1-year extension
- 13-08 Sage Creek, Section 5 – Berkshire Twp. – requesting 1-year extension

VI. OTHER BUSINESS

- Consideration for Approval of Expenditure: Auditor of State, \$1,682.70

VII. POLICY / EDUCATION DISCUSSION

- Building permit update

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, Mike Jones, David Leitch, Fred Fowler, Steve Burke, Tiffany Jenkins, Gary Gunderman, Tom Hopper, Dave Stites, Holly Foust, Hal Clase, Carolyn VanBrimmer, Bill Thurston, Tom Brown, Charlie Callender, and Bill Metzler. Alternates: Doug Riedel and Tom Farahay. Arrived after roll call: Ken O’Brien (R), Joe Clase (R) and David Andrian (R). Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack

▪ **Approval of the June 24, 2010 RPC Minutes**

Mr. Burke made a motion to approve the minutes from the June 24th RPC meeting. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **July 21, 2010 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes from June 16, 2010**

Mr. Gladman made a motion to approve the minutes from the June 16th meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

a. **Financial / Activity Reports for June 2010**

REGIONAL PLANNING RECEIPTS		JUNE	YTD TOTAL
General Fees (Lot Split)	(4201)	\$205.00	\$205.00
Fees A (Site Review)	(4202)		\$300.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$1,400.00
Membership Fees	(4204)	\$21.00	\$273,204.84
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$727.32	\$5,511.95
Assoc. Membership	(4206)		
General Sales	(4220)		\$131.50
Charges for Serv. A (Prel. Appl.)	(4230)		\$1,200.00
Charges for Serv. B (Final. Appl.)	(4231)		\$12,561.20
Charges for Serv. C (Ext. Fee)	(4232)		\$750.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)	\$121.25	\$721.25
Charges for Serv. F (Planned District Zoning)	(4235)		\$900.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$100.00
Soil & Water Fees	(4243)		\$250.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$170.00
Other Reimbursements A			

Other Misc. Revenue (GIS maps)	(4730)	\$135.00	\$312.00
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$1,509.57	\$297,717.74

Balance after receipts	\$238,176.82
Expenditures	- \$ 20,269.33
End of June balance	\$217,907.49

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. July RPC Preliminary Agenda - includes two variance requests along with extensions for those requests. Chairwoman Foust asked for the variance reason and specific section in the Subdivision Regulations to be added to the agenda.
- c. Director’s Report
 - 1.) Contract billing to date:

Twp.	Contract amount	Free hours remaining	Billed to date (06/30/10)	Remaining on contract
Berlin	(2010) \$5,000	12.87	\$991.22	\$4,008.78
Kingston	\$8,000.00	6.75	\$5,580.64	\$2,419.36
Orange	\$18,000.00	61.815	\$8,704.37	\$9,295.63

- 2.) Berlin Twp. - should be wrapped up in the next couple of meetings
- 3.) Kingston Twp. – working on the definitions section of their Zoning Code which is one of the last steps in the process.
- 4.) Orange Twp. – Trustees approved the Comp. Plan on Monday night.
- 5.) Rural Zoning Commission – has asked for an informal review of their zoning code. Possible contract to follow.

4. Old Business

- a. Consideration for recommendation of approval – State Audit, \$1,682.70

Mr. O’Brien made a motion to recommend approval of the \$1,682.70 expenditure for the RPC audit. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

5. Other Business

- a. Discussed procedure for plat approval and recording after RPC sign-off, including fees and possession of the plat. Mr. Sanders to work out a flow-chart for signatures and recommendation of procedure.

6. Personnel (none)

7. Adjourn –

Having no further business, Mr. Burke made a motion to adjourn the meeting at 9:55 a.m. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, August 18, 2010 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.

- **Statement of Policy**

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

II. VARIANCES

06-07.V Sorrento at Highland Lakes – Genoa Twp. – variance from Sec. 102.03 & 204.04 – requesting additional extension of Preliminary plan approval

Applicant: Romanelli & Hughes

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 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;
4. The applicant seeks a Variance for a one-year extension.
5. The expiration of the zoning development plan in Genoa Township is February, 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. We are requesting a variance to section 102.03 of the Delaware County Regional Planning Subdivision Regulations to allow a second 1 year extension of the approved preliminary plan. Construction has been delayed due to the current market conditions.”

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. Although there has been recent discussion whether market conditions justify a time-limit variance, traditionally, the Commission has approved one variance for a one-year extension of a 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

There was no one present to represent the applicant.

Mr. Sedlacek made a motion to approve the variance request for Sorrento at Highland Lakes. Mr. Clase seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

13-08.V Sage Creek, Section 5 – Berkshire Twp. – variance from Sec. 205.05 – requesting extension of time to record the final plat

Applicant: JIMBA Ltd.

Consultant: Mark Cameron, Sands Decker CPS

I. Request

Sage Creek Section 5 is a 6-lot CAD subdivision called on 37.7 acres. A variance is requested from the 2007 Subdivision Regulations, Section 205.05, which provides that an approved Final Plat must be recorded within 15 months of approval.

II. Facts

1. Sage Creek Section 5 received Final Plat Approval on April 30, 2009;
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 seeks a Variance for a one-year extension to record the Final Plat.
5. The lots are all larger than 5 acres – there is no zoning or development plan at risk of expiration.
6. Relevant sections of the Subdivision Regulations:

“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 CAD.

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. Based on the fact that there is no “second chance” to review a subdivision after the Final Plat has received approval, staff checked with the various offices which signed the current plat and found that there were no concerns with extending the plat approval period. As stated in the “facts” above, this subdivision is not part of a planned zoning (PUD) and most of the lots are 5.22-5.6 acres in size.

However, staff notes that an additional year is an unusually long time to allow the plat to be recorded. If the Commission is in favor of approving this extension, staff recommends no more than 9-months for the recording time-frame. This would bring the total time allowed to be two years.

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 stated that the applicant has requested a variance for a 1-year extension. He explained that the bank is requiring a sale or a contract on one of the lots before they can proceed with the financing of the project. An issue that is preventing the developer from getting a contract is pending litigation brought forward by the Village of Galena. It was previously withdrawn by Galena, but recently re-filed.

Mr. Clase made a motion to approve the variance for Sage Creek, Section 5. Mr. Gunderman seconded the motion. VOTE: Majority For, 2 Opposed (Mr. O’Brien, Chairwoman Foust), 4 Abstained (Mr. Burke, Mr. Hopper, Mr. Andrian, and Mr. Sedlacek). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS (none)

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. EXTENSIONS

06-07 Sorrento at Highland Lakes – Genoa Twp. – requesting 1-year extension

Applicant: Romanelli & Hughes Building Company

Engineer: Stantec

Preliminary approval: 07-26-07

Extensions granted: 7-30-09 to 7-29-10

I. Staff Recommendation

Staff recommends *Approval* of a 12-month 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 12-month extension for Sorrento at Highland Lakes. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

13-08 Sage Creek, Section 5 – Berkshire Twp. – requesting 1-year extension

Applicant: JIMBA Ltd.

Engineer: Sands Decker CPS

Preliminary approval: 08-28-08

Final Approval: 4-30-09

I. Staff Recommendation

Staff recommends *Approval* of a **9-month** extension for **Sage Creek, Section 5** to the RPC, *based on the comments in the Variance review above and subject to the Variance being approved.*

Commission / Public Comments

Mr. Clase made a motion to approve a 12-month extension for Sage Creek, Section 5. Mr. Brown seconded the motion. VOTE: Majority For, 2 Opposed (Mr. O'Brien, Chairwoman Foust), 4 Abstained (Mr. Hopper, Mr. Andrian, Mr. Sedlacek, and Mr. Burke). Motion carried.

VI. OTHER BUSINESS

- Consideration for Approval of Expenditure: Auditor of State, \$1,682.70

*Mr. Gunderman made a motion to approve the \$1,682.70 expenditure for the State audit.
Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

VII. POLICY / EDUCATION DISCUSSION

- Building permit update – Mr. Sanders noted that building permits have been higher in 2010 than those same months in 2009.

VIII. RPC STAFF AND MEMBER NEWS (none)

Having no further business, Mr. O'Brien made a motion to adjourn the meeting at 7:20 p.m. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, August 26, 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