



Delaware County Regional Planning Commission

109 North Sandusky Street
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Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, August 26, 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 July 29, 2010 RPC Minutes
- Executive Committee Minutes of August 18, 2010
- Statement of Policy

II. VARIANCES

05-05.V The Estates at Sherman Lakes – Berlin Twp. - variance from Sec. 102.03 & 204.04 – requesting additional extension of Preliminary plan approval

III. ZONING MAP/TEXT AMENDMENTS

11-10 ZON Christine Hance – Berkshire Twp. – 2.959 acres from A-1 to FR-1

IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary (*none*)

Preliminary/Final (*none*)

Final (*none*)

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

05-05 The Estates at Sherman Lakes – Berlin Twp. – requesting a 1-year extension

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: Jeff George, Rick Sedlacek, Mike Jones, Fred Fowler, Ken O’Brien, Steve Burke, Tiffany Jenkins, Gary Gunderman, Dave Stites, Holly Foust, Dick Gladman, Bill Thurston, Marvin Miller, Lloyd Shoaf, Charlie Callender, Bill Metzler, Bonnie Newland, Mike Dattilo. *Alternates:* Doug Riedel and Charlie Cooperider. Arrived after roll call: Tom Brown (R). Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the July 29, 2010 RPC Minutes**

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

▪ **August 18, 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, Ken O’Brien, and Lloyd Shoaf. Steve Burke was absent. Staff present: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from July 21, 2010**

Mr. O’Brien made a motion to approve the minutes from the July 21st meeting. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

a. Financial / Activity Reports for July 2010

REGIONAL PLANNING RECEIPTS		JUNE	YTD TOTAL
General Fees (Lot Split)	(4201)	\$820.00	\$1,025.00
Fees A (Site Review)	(4202)	\$300.00	\$600.00
Insp. Fees (Lot Line Transfer)	(4203)	\$200.00	\$1,600.00
Membership Fees	(4204)		\$273,204.84
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$553.99	\$6,065.94
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)	\$450.00	\$1,200.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)	\$900.00	\$1,621.25
Charges for Serv. F (Planned District Zoning)	(4235)		\$900.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$100.00
Soil & Water Fees	(4243)	\$200.00	\$450.00

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$170.00
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)	\$171.79	\$483.79
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$3,595.78	\$301,313.52

Balance after receipts	\$221,503.27
Expenditures	- \$ 28,885.67
End of July balance	\$192,617.60

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

- b. August RPC Preliminary Agenda – includes 1 variance, 1 rezoning and 1 extension
- c. Director's Report
 - 1.) Contract billing to date:

Twp.	Contract amount	Free hours remaining	Billed to date (07/31/10)	Remaining on contract
Berlin	\$5,000.00	12.87	\$1,594.60	\$3,405.40
Kingston	\$8,000.00	18	\$5,897.77	\$2,102.23
Orange	\$18,000.00	57.3775	\$8,912.78	\$9,087.22

- 2.) Berlin Township Comprehensive Plan – delivered full draft last month, updated version on web. Nearing completion.
- 3.) Kingston Township Zoning Resolution – completed full draft and delivered last month. Will be attending tonight to see if there are any issues. Nearing completion.
- 4.) Completed an informal review of the County Zoning Resolution, sent comments to Fred Fowler and Duane Matlack.
- 5.) Da-Wei worked on maps for Genoa Township that track their zoning over the years. They have some old zoning maps from the 1980s and early 1990s that have never been digitized.
- 6.) Working on a “Residential Zoning Guide” for Oxford Township using one that Joe Clase put together for Genoa Township as a model. If successful, will see if other townships are interested.
- 7.) MORPC continues work on their Olentangy Balanced Growth Plan and has announced two more similar watershed plans in our county – Upper Scioto and Big Walnut. Debbie Martin and I discussed official county representation and we agreed that I could be the official vote for the county. (RPC is not a voting member for either of the plans.)
- 8.) MORPC is updating the 208 Water Quality Plan that was last performed by DCRPC in 2006. They received a grant from the EPA to do the work and are hosting a meeting on Sept. 1st.
- 9.) MORPC is also applying for a grant from the federal government to do sustainability planning.

- 10.) Hosting a bikeways meeting tomorrow with the larger communities and Preservation Parks. Intent is to get something in place as a reference, which combines every jurisdiction's individual plan into a county-wide map and plan.

4. **Old Business** (none)

5. **Other Business** (none)

6. **Personnel** (none)

7. **Adjourn**

Mr. Shoaf made a motion to adjourn the meeting at 9:30 a.m., seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, September 22, 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

05-05.V The Estates at Sherman Lakes – Berlin Twp. - variance from Sec. 102.03 & 204.04 – requesting additional extension of Preliminary plan approval

I. Request

The Estates at Sherman Lakes is a proposed 39-lot single-family residential subdivision on 40.71 acres in Berlin Township. The applicant originally proposed 34 lots with a boat storage area and received Preliminary Approval in January 2005. The revision removed the boat storage and in its place added five single-family lots. This change is in accordance with an approved Development Plan from Township zoning.

There are two passive open space reserve areas totaling 16.285 acres, or 40% of the site. The surrounding single-family subdivisions include Sherman Lakes, Section 1, to the south and Sherman Lakes, Section 2, to the west. Estates at Sherman Lakes access will align with Sherman Lakes, Section 2, across Africa Road to reduce staggered intersections. Other surrounding uses include large-lot single-family residential and agriculture.

II. Facts

1. The Subdivision Regulations allow an approved Preliminary Plan to expire if a plat of at least one Section is not submitted within two years.

2. An approved Preliminary Plan may be extended up to a total of one additional year;
3. Estates at Sherman Lakes (revised) received a Preliminary approval on August 31, 2006, which was valid until August of 2008. The proposal received a 12-month extension on August 28, 2008 to expire August 27, 2009;
4. The Commission granted a variance on August 27, 2009 to allow the Preliminary extension of Estates at Sherman Lakes until August, 2010;
5. The applicant seeks a second variance to allow the Preliminary extension of Estate at Sherman Lakes to August, 2011.

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.

Applicant's Response: The request would not be detrimental to the public health, safety and welfare, and not injurious to other surrounding property.

- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.

Applicant's Response: The request is based on an economic recession that has slowed new housing starts in Delaware County. While this is not unique to the property, it has essentially halted projects that were in the development process.

- 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.

Applicant's Response: Not applicable.

- 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: The zoning development plan was extended through 2011.

IV. Staff comments

This is one of several area projects in development by the applicant. To the south, Sherman Lakes Section 1 includes 39 building lots, with 16 approved building permits, leaving 23 available. Directly to the west is Sherman Lakes Section 2 which platted 82 lots, 46 of which have received building permits, leaving 36 un-built. Approximately 1800 feet north is the platted, but unimproved, Ravines of Alum Creek, with 66 platted lots where none are built. There are 125 lots without building permits in this area alone, which begs the questions of whether any activity will take place on this site within the next year. According to the DALIS system, 10 lots have sold in

Sherman Lakes 1 and 2 within the last two years, so there has been some activity. The Commission has recently approved variances for an additional year as well as a second additional year.

V. Staff recommendation

DCRPC staff recommends that based on market conditions, the variance request to extend the Preliminary Plan approval until August 2011 for **The Estates at Sherman Lakes** be Approved.

Commission / Public Comments

Mr. Ron Sabatino along with Mr. John Maceyko of T& R Properties was present to answer questions from the Commission.

Mr. Fischer made a motion to approve the variance request for The Estates at Sherman Lakes. Mr. Jones seconded the motion. VOTE: Majority For, 0 Opposed, 2 Abstained (Mr. O'Brien and Mr. Sedlacek). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

11-10 ZON Christine Hance – Berkshire Twp. – 2.959 acres from A-1 to FR-1

I. Request

The applicant, Christine Hance, is requesting a 2.959-acre rezoning from A-1 to FR-1 to allow for the adjacent property transfer of 2.117-acres.

II. Conditions

Location: 1430 S. Galena Rd., Berkshire Township

Present Zoning: Agricultural (A-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): One single-family house

Proposed Use(s): One single-family house lot, transferring back acreage to adjoining property

Existing Density: 1 du / 5 acres minimum lot size

Proposed Density: 1 du / 1.95 acres minimum lot size

School District: Big Walnut Local School District

Utilities Available: Del-Co Water and private on-lot treatment systems

Critical Resources: none

Surrounding land uses: Agriculture and residential lots

Soils: CaB Cardington Silt Loam 2-6% slope

AmD2 Amanda Silt Loam 12-18% slope

SnA Silt Loam 0-2% slope

III. Issues

The Hance property is adjacent to a 12.14-acre flag lot to the west owned by David A. Bender. The 12-acre parcel currently contains a single-family house and is a flag lot sharing a driveway with its neighbor to the west. The Bender property shares a driveway with the adjacent flag lot, but not in a Common Access Driveway subdivision. The intention is to transfer the western half of the Hance property to the west, giving the Bender property a larger area on which to keep horses.

The portion of the lot on which the house is located will go through the No-Plat lot split process, ensuring that it

meets zoning and Health District standards. This review will require the existing on-lot waste treatment area be denoted, as well as adequate area for a secondary system.

The Berkshire Township Comprehensive Plan recommends 2-acre lot minimums and the resulting lot is not out of character with the surrounding area.

IV. Staff Recommendations

Staff recommends **Approval** of this rezoning case from A-1 to FR-1 for Christine Hance to the DCRPC, the Berkshire Township Zoning Commission and the Berkshire Township Trustees.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Gladman made a motion to recommend Approval of the rezoning request by Christin Hance. Mr. O'Brien seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. George). Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. EXTENSIONS

05-05 The Estates at Sherman Lakes – Berlin Twp. - variance from Sec. 102.03 & 204.04 – requesting additional extension of Preliminary plan approval

Applicant: T&R Land Development – Ron Sabatino

Engineer: Floyd Browne Group

Preliminary approval: 08-31-06

I. Staff Comments

The applicant is requesting a 12-month extension of the **The Estates at Sherman Lakes** subdivision due to the slowdown in building activity.

II. Staff Recommendation

Staff recommends *Conditional Approval* of a 12-month extension for the **The Estates at Sherman Lakes** to the

RPC, subject to a Variance being granted.

Commission / Public Comments

Mr. Miller made a motion for the 1 year extension of The Estates at Sherman Lakes. Mr. Gladman seconded the motion. VOTE: Majority For, 0 Opposed, 2 Abstained (MR. O'Brien and Mr. Sedlacek). Motion carried.

VI. OTHER BUSINESS (none)

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 7:15 p.m. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, September 30, 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