



Delaware County Regional Planning Commission

109 North Sandusky Street Delaware, Ohio 43015
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www.dcrpc.org

Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, September 25, 2008 at 7:00 PM
Delaware Hayes Services Building,
140 N. Sandusky Street, Room G 35, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of August 28, 2008 RPC Minutes
- Executive Committee Minutes of September 10, 2008
- Statement of Policy

II. VARIANCES

14-08.V W Ross Road CAD – Webster Building Company – Trenton Twp. – 8 lots / 49.3 acres

III. ZONING MAP/TEXT AMENDMENTS

21-08 ZON Thomas and Jennifer Hoover – Harlem Twp. – 2.2 acres from AR-1 to FR-1

22-08 ZON Porter Twp. Zoning Commission – text amendments

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

Final

		Township	Lots/Acres
02-08	Ranbridge Ravines	Berlin	10 lots / 26.931 acres

T=TABLED, W=WITHDRAWN

V. EXTENSIONS (none)

VI. OTHER BUSINESS

- Consideration for Approval: Loveland & Brosius, legal fees, \$1,683.30
- Executive Session for the consideration of appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or public official and for pending or imminent litigation per Ohio Revised Code 121.22 (G).

VII. POLICY / EDUCATION DISCUSSION (none)

VIII. RPC STAFF AND MEMBER NEWS (none)

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

Chairwoman Foust called the meeting to order at 7:00 p.m.

▪ **Roll Call**

Representatives: Rick Sedlacek, Dale Johnson, Fred Fowler, Tom Hopper, Joe Clase, Holly Foust, Dick Gladman, Bill Thurston, Marvin Miller, Eric Fischer, Tom Brown, Tom Zalewski, Bonnie Newland, Mike Datillo, and Doug Price. *Alternates:* Jim Cogar, Tiffany Jenkins, Pat Blayney, and Dave Stites. *Staff:* Scott Sanders, Paul Deel, Da-Wei Liou and Stephanie Matlack. Arrived after roll call: Gary Spanner, Jim Ward, and David Andrian.

▪ **Approval of the August 28, 2008 RPC Minutes**

Mr. Blayney made a motion to approve the August 28, 2008 RPC minutes. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **September 10, 2008 Executive Committee Minutes**

1. Call to order

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

2. Approval of Executive Committee Minutes

Mr. Gladman made a motion to approve the minutes from the August Executive Committee meeting. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. Old Business

a. 2008 Budget Review – Mrs. Matlack presented the Committee with the scenarios as requested at last month’s meeting. Due to the advance of Membership Dues by the County Commissioners, the Executive Committee agreed none of the scenarios would need to be further discussed for this year but they would continue to review the financial status of the Commission regarding next year’s budget.

4. New Business

a. Financial / Activity Reports for August 2008

REGIONAL PLANNING RECEIPTS		AUGUST	YTD TOTAL
General Fees (Lot Split)	(4201)		\$3,940.00
Fees A (Site Review)	(4202)		\$2,310.00
Insp. Fees (Lot Line Transfer)	(4203)	\$540.00	\$1,020.00
Membership Fees	(4204)		\$235,893.08
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$2,772.86
Assoc. Membership	(4206)		
General Sales	(4220)	\$140.80	\$1,102.50
Charges for Serv. A (Prel. Appl.)	(4230)	\$1,000.00	\$24,932.20
Charges for Serv. B (Final. Appl.)	(4231)		\$17,423.50
Charges for Serv. C (Ext. Fee)	(4232)		\$600.00
Charges for Serv. D (Table Fee)	(4233)		\$600.00

Charges for Serv. E (Appeal/Var.)	(4234)		\$900.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$1,440.00	\$33,050.00
Soil & Water Fees	(4243)	\$125.00	\$2,700.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)		\$202.21
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS		\$3,245.80	\$327,446.35

Balance after receipts \$154,302.66
 Expenditures - \$ 35,886.74
 End of August balance \$118,415.92

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. September RPC Preliminary Agenda – includes 1 variance request and 1 final plat application. Mr. Sanders presented the request for the 8 lot variance for the Ross Road CAD. The Committee discussed the criteria for a variance approval as listed in the Subdivision Regulations and agreed that the applicant did not meet all four criteria. They suggested a LVLVD road that stubs to the north for future development.
- c. Project updates- Mr. Sanders explained that he met with the Orange Township Zoning Commission regarding a cover to cover review of the Comprehensive Plan for a possible contract. Berlin Township has also expressed interest in a Comprehensive Plan update. RPC staff is also working on traffic modeling projections for MORPC.
- d. Consideration for approval: Loveland and Brosius, legal assistance, \$1,683.30 – *Mr. Gladman made a motion to recommend approval of the legal fees for Loveland and Brosius. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

5. Other Business

6. Personnel

- a. Executive Session – At 10:00 a.m., *Mr. Shoaf made a motion to move into Executive Session for consideration of appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or public official and for pending or imminent litigation. The motion was seconded by Mr. Burke. VOTE: Mr. Shoaf Aye, Mr. Gladman Aye, Mr. Burke Aye, Mr. Ward Aye, Mrs. Foust Aye.*

It was moved by Mr. Shoaf and seconded by Mr. Burke to move out of Executive Session at 10:20 a.m. Vote: Mr. Shoaf Aye, Mr. Gladman Aye, Mr. Burke Aye, Mr. Ward Aye, Mrs. Foust Aye.

- 7. Adjourn – At 10:30 a.m. *Mr. Shoaf made a motion to adjourn the meeting. Mr. Ward seconded*

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

*The next Executive Committee meeting will be Wednesday, October 22, 2008 at 8:30 a.m. at
109 North Sandusky Street, Delaware, Ohio, 43015.*

- **Statement of Policy**

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

II. VARIANCES

14-08.V W Ross Road CAD – Webster Building Company – Trenton Twp. – 8 lots / 49.3 acres

*** This application was withdrawn by the applicant.***

III. ZONING MAP/TEXT AMENDMENTS

21-08 ZON Thomas and Jennifer Hoover – Harlem Twp. – 2.2 acres from AR-1 to FR-1

I. Request

The applicant is requesting a rezoning from AR-1 to FR-1 for the purpose of subdividing a 2.2 acre lot.

II. Conditions

Location: 13180 Trenton Road, Harlem Township
Present Zoning: Agricultural Residential (AR-1)
Proposed Zoning: Farm Residential (FR-1)
Present Use(s): Residential
Proposed Use(s): Residential
Existing Density: 1 du / 5 acres in AR-1
Proposed Density: 1 du / 2 acres in FR-1
School District: Big Walnut Local School District
Utilities Available: Del-Co Water and on-lot treatment systems
Critical Resources: Ravine/stream along south property line
Surrounding land uses: Residential & agricultural.
Soils: BeA: Bennington Silt Loam (0 to 2% slope)
BeB: Bennington Silt Loam (2 to 4% slope)
PwA: Pewamo Silty Clay Loam (0 to 1% slope)

III. Staff Comments

This request would allow the applicant to split a 2.2 acre lot out of 12.405 acres. The site is located on the south side of Trenton Road approximately 1,300' east of Miller-Paul Road. An existing residence would remain on the property. Since the proposed lot is smaller than 5 acres, a No-Plat approval (NPA) subdivision application will need to be submitted to the DCRPC for approval subsequent to zoning approval. The applicant should consult with the Health Department to assure that there is adequate area for the on-lot waste treatment system.

The Harlem Township Comprehensive Plan recommends residential at 1 unit/2 acres for this area. The proposed zoning district would conform to the Comp Plan.

Surrounding land use is largely agricultural, with scattered single-family lots along Trenton Road. Some of the lots in the vicinity are also zoned FR-1. Trenton Township lies to the north and includes both Farm Residential (5 acre) and Rural Residential (3 acre) zoning districts.

IV. Staff Recommendations

Staff recommends **Approval** of the rezoning from AR-1 to FR-1 for Thomas and Jennifer Hoover to the DCRPC, the Harlem Township Zoning Commission and the Harlem Township Trustees.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Miller made a motion to recommend approval of the rezoning application by Thomas and Jennifer Hoover. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

22-08 ZON Porter Twp. Zoning Commission – text amendments

I. Introduction: The Regional Planning Commission recently reviewed a number of changes to the Porter Township Zoning Resolution as requested by the Zoning Commission. Subsequently, the township discovered some additional changes that needed to be reviewed. These are generally considered to be housekeeping in nature and include:

- Removal of the meeting time of the Zoning Commission (to allow flexibility);
- Time limit for conditional uses to be commenced added to Articles 6 (A-1), 7 (A-2), 8 (R-1), 9 (PRD), and 11 (PID);
- Conditions added to the “kennels, catteries or stables” conditional use standards in Articles 6 (A-1), 7 (A-2), and 8 (R-1);
- Conditions added to “parks, playgrounds, play fields and picnic areas” conditional use standards in Articles 6 (A-1), 7 (A-2), and 8 (R-1);
- Conditions added to “cemetery” conditional use standards in Articles 6 (A-1) and 7 (A-2);
- Addition of Bed and Breakfast as a conditional use in residential districts (and defines a number of conditions similar to Berlin Township’s code) in Articles 6 (A-1), 7 (A-2), 8 (R-1), and 9 (PRD);
- Addition of a statement that comments made by township or county officials prior to formal submission are non-binding in Articles 9 (PRD), 10 (PCD), and 11 (PID);
- Adds screening requirement for outside storage associated with a home occupation in Articles 6 (A-1), 7 (A-2), 8 (R-1), and 9 (PRD);

- Clarified the “noise, vibration, glare, nuisance, hazard, etc.” language in Articles 6 (A-1), 7 (A-2), 8 (R-1), and 9 (PRD);
- Adds veterinary, medical-care and related services offices to the list of conditional uses in Article 8 (R-1);

II. DCRPC Staff Recommendation

These changes are generally minor and deal with issues of consistency. Some new language comes from other township codes which have recently been reviewed. Staff recommends **Approval** for the proposed text changes in the township’s zoning code to the DCRPC, the Porter Township Zoning Commission and the Porter Township Trustees.

Commission / Public Comments

There was no comments made by the public or Commission.

Mr. Blayney made a motion to recommend Approval of the Porter Township zoning text changes. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Miller). Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary *(none)*

Preliminary/Final *(none)*

CONSENT AGENDA

Final

02-08 Ranbridge Ravines – Berlin Twp. - 10 lots / 26.931 acres

Applicant: O’Brien Development

Subdivision Type: Single family residential (CAD)

Location: West side of Lackey Old State Rd, 800’ north of Curve Rd, Berlin Twp.

Current Land Use: Vacant

Current Zoning: Farm Residential District (FR-1)

Utilities: Del-Co Water and individual on-lot treatment systems

School District: Olentangy Local School District

Critical Resources: Series of ravines and tributaries to Alum Creek Lake

Engineer: Cornerstone Engineering

I. Staff Comments

Ranbridge Ravines is a 10 lot subdivision on 26.93 acres. It consists of 2 Common Access Driveways (CAD) each serving 5 lots. The lots range from 2.1 acres to 3.2 acres in size and will utilize Del-Co Water and individual on-lot sewage disposal systems. Each CAD is situated along a ridge between the ravines that run west to east. Some homes will include walkout basements overlooking the ravines. A drainage and tree preservation easement will be platted over the ravines. The preliminary plan was approved in March 2008.

Surrounding land use is single family residential on acreage lots and agriculture along the west side of Lackey Old State Road as well as along Curve Road to the south. Alum Creek State Park is located to the east.

The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

II. Staff Recommendation

Staff recommends *Final Approval* of the **Ranbridge Ravines Subdivision**, to the RPC.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Gladman made a motion for Final approval of Ranbridge Ravines Subdivision. Mr. Brown seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (MR. Sedlacek). Motion carried.

VI. EXTENSIONS *(none)*

VII. OTHER BUSINESS

- Consideration for Approval: Legal Fees, Loveland & Brosius \$1,683.30

Mr. Blayney made a motion to approve the legal expenditure of \$1,683.30 for Loveland & Brosius. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Executive Session for the consideration of appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or public official and for pending or imminent litigation per Ohio Revised Code 121.22 (G).
- *At 7:10 p.m., Mr. Miller made a motion to go into Executive Session for the consideration of appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or public official and for pending or imminent litigation per Ohio Revised Code 121.22 (G). Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

At 8:30 p.m. Mr. Miller made a motion to return to regular session. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

There was some discussion regarding membership fees and the previous increases.

Mr. Miller made a motion to set the 2009 RPC per capita membership dues as the greater of the following: 92 cents per capita plus a 3% increase for each year since the year of the most recent increase, or \$1.00 per capita. Mr. Andrian seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Ward). Motion carried.

The RPC staff will notify all member jurisdictions of the approved per capita increase for 2009 in a timely fashion, to aid them in 2009 budget planning.

Mr. Clase recommended that the Commission members attend a City of Delaware Council meeting to discuss what their non-participation has done to the Commission, with participation particularly by the contiguous Townships. Mr. Fischer explained that he agreed some bridges needed to be mended but thought a more intimate discuss could take place. After several suggestions, it was determined that Mr. Fischer, Mr. Clase, Mr. Sanders and Mrs. Jenkins would meet with the necessary City officials to discuss future participation in the Regional Planning Commission. Mr. Miller encouraged the younger generation to work together to bring the two entities back to the table.

Chairwoman Foust explained that the Commission would like Mr. Sanders to contact each jurisdiction to see if they are in need of assistance. She said that may involve attending Township Trustee or Zoning Commission meetings. Several Commission members stated some names of who he should contact. The Commission would like a detailed report at next months meeting of potential contract work for next year and the estimated revenue for each project. She added that they would like a monthly summary to be presented at the RPC meetings.

At 8:50 p.m. Mr. Clase made a motion to go into Executive Session for the consideration of appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or public official and for pending or imminent litigation per Ohio Revised Code 121.22 (G). Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

At 9:15 p.m. Mr. Sedlacek made a motion to return to regular session. Mr. Andrian seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mr. Andrian informed the Commission that Ms. Janice Hitzeman was no longer the contact person at the Prosecutor's office for Township assistance. He praised Mrs. Hitzeman's work as it was always given in a timely manner. He expressed concern that without a designated person for Township assistance, they may be waiting for answers. He stated that Harlem Township is drafting a letter of concern and asked if the Commission or other jurisdictions were interested in expressing concern also.

Mr. Fischer made a motion to have Mr. Blayney speak with Mr. Owen of the Prosecutor's office about Townships' concerns that the Prosecutor's office is not going to rehire an attorney for Township issues. Mr. Clase seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mr. Sanders explained that he is putting together a series of seminars regarding basic to advanced zoning topics for BZAs and Zoning Commissions. There would be a nominal fee. He will provide more

information as details are worked out.

VIII. POLICY / EDUCATION DISCUSSION (none)

IX. RPC STAFF AND MEMBER NEWS (none)

Having no further business, Mr. Sedlacek made a motion to adjourn the meeting at 9:30 p.m. Mr. Andrian seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, October 30, 2008, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant