



Delaware County Regional Planning Commission

109 North Sandusky Street Delaware, Ohio 43015
740-833-2260 fax 740-833-2259
www.dcrpc.org

Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, November 19, 2009 at 7:00 PM

Delaware Hayes Services Building,

140 N. Sandusky Street, Room 313, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of October 29, 2009 RPC Minutes
- Executive Committee Minutes of November 12, 2009
- Statement of Policy

II. VARIANCES *(none)*

III. ZONING MAP/TEXT AMENDMENTS

19-09 ZON Harlem Twp. Zoning Commission – text amendments to the Keller Pines PRD

20-09 ZON Genoa Twp. Trustees – Comprehensive Plan amendment

IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary *(none)*

Preliminary/Final

10-09	Olentangy Crossings, Sec. 2, Lot# 7523, Div.#1	Orange	01 lot / 01.505 acres
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Final *(none)*

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

09-07	Fiddler's Creek	Concord	29 lots / 42.50 acres
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VI. OTHER BUSINESS

- Consideration for approval: 2010 Budget
- Consideration for approval: 2010 Membership Fees
- Consideration for Approval: 2010 Meeting Schedule
- Consideration for Approval: Transfer of fees collected

VII. POLICY / EDUCATION DISCUSSION

- Regional Assisted Evacuation Plan
- Regional Plan for Central Ohio

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, Dale Johnson, Fred Fowler. Ken O’Brien, Steve Burke, Joe Clase, Dave Stites, Holly Foust, Dick Gladman, Marvin Miller, Lloyd Shoaf, Mike Dattilo, and Doug Price. Alternates: Tiffany Jenkins, Pat Blayney and James Hatten. Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the October 29, 2009 RPC Minutes**

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

▪ **November 12, 2009 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes from October 21, 2009**

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

3. **New Business**

a. Financial / Activity Reports for October 2009

REGIONAL PLANNING RECEIPTS		SEPTEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$410.00	\$3,280.00
Fees A (Site Review)	(4202)	\$300.00	\$1,000.00
Insp. Fees (Lot Line Transfer)	(4203)	\$200.00	\$1,500.00
Membership Fees	(4204)		\$231,851.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$2,958.49	\$16,833.71
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)		\$624.05
Charges for Serv. A (Prel. Appl.)	(4230)	\$550.50	\$15,992.30
Charges for Serv. B (Final. Appl.)	(4231)	\$2,950.50	\$16,730.80
Charges for Serv. C (Ext. Fee)	(4232)		\$600.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$900.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$1,500.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$100.00	\$2,600.00
Soil & Water Fees	(4243)	\$250.00	\$1,575.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$2,404.00
Other Reimbursements A			\$1,309.00
Other Misc. Revenue (GIS maps)	(4730)		\$392.40

Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		\$1,421.00
TOTAL RECEIPTS		\$8,019.49	\$301,313.26

Balance after receipts		\$ 82,808.26
Expenditures	-	\$ 18,977.56
End of October balance		\$ 63,830.70

Mr. Shoaf made a motion to approve the financial reports as presented. Mr. Gladman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. O'Brien). Motion carried.

- b. November RPC Preliminary Agenda – includes 1 Preliminary/Final application and 1 extension request.
- c. Director’s Report
 - 1.) Contract billing to date

Twp.	Contract amount	Free hours remaining	Billed to date	Remaining on contract
Berlin	\$10,000.00	0	\$6,064.50	\$3,935.50
Genoa	\$10,000.00	55	\$1,509.83	\$8,490.17
Kingston	\$8,000.00	0	\$3,332.78	\$4,667.22
Orange	\$18,000.00	0	\$5,650.17	\$12,349.83

- 2.) 36/37 Corridor study – Mr. Sanders informed the Committee of an agreement between the Regional Planning Commission and the County Engineer for \$25,000.00. The RPC staff will provide consulting and mapping assistance on an as needed basis.
- d. Consideration for recommendation of approval: Transfer of Fees collected
 - 1.) SWCD - \$1,575.00
 - 2.) Health Dept. - \$2,600.00

Mr. Gladman made a motion to recommend approval of the transfer of fees in the amounts of \$1,575.00 to the SWCD and \$2,600.00 to the Health Department. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

4. Old Business

a. 2010 Proposed Budget – Chairwoman Foust asked whether any Executive Committee members had called with any comments or questions regarding the budget they will be asked to vote on at the November 19th meeting; it was answered that no one had done so. Also, Mr. O’Brien mentioned that due to the expected 14.9% increase in the cost of medical insurance in 2010, the County Commissioners would be voting on what portion of the cost of the medical insurance, if any, the County employees might be required to pay. It was questioned whether a similar change to the RPC budget should be considered, and a comment was made that the RPC had already made difficult reductions in number of staff, along with many cost cuts over the past few years, and finally after several years with no pay increases and careful spending, the Executive Committee proposed a 2% pay increase for the remaining 3 staff members for the 2010 budget. The 2010 budget also includes the anticipated 14.9% health insurance increase. No one suggested that the Executive Committee recommend any change to the proposed budget.

5. Other Business (none)

6. Personnel (none)

7. Adjourn – *Having no further business, Mr. Gladman made a motion to adjourn the meeting at 9:20 a.m.*

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

The next regular Executive Committee meeting will be Wednesday, December 9, 2009 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 (none)

III. ZONING MAP/TEXT AMENDMENTS

19-09 ZON Harlem Township Zoning Commission – Harlem Twp. – Text changes to the approved Development Plan for Keller Pines Subdivision

I. Location: south of 4732 Harlem Road, including Pine View Drive, Keller Pines Court and White Fir Lane.

II. Introduction

Keller Pines is a 22.4-acre 31-lot Planned Residential subdivision with approximately 2.7 acres of open space in Harlem Township. It was the township's first application of its PRD zoning designation.

The land was zoned by the township in September 2003, approved for platting in April 2006 and recorded in November 2006. The DALIS information shows that four houses were built in 2007 with at least two homes under construction and the remaining lots owned by a variety of builders.

III. Issues

The Zoning Commission has initiated a number of changes to the approved development plan for the Keller Pines subdivision based on past experience with the intention of the changes applying to future development of the subdivision. They include typographical as well as substantive changes and are summarized below:

Spelling and or grammatical changes to Section 11.01; Section 11.06(B) (3), (4), (5), and (11); and Section 11.06 (C) (2).

Staff comment: *These are all typographical and therefore, the change is appropriate. Also, check 11.06(B) (11) and replace "intricate" with "integral."*

Substantive changes include side-yard setback modifications. The current code requires a minimum side-yard setback of 15 feet with a minimum building separation of 40 feet. The minimum building separation of 40 feet is being removed. The existing lots have a minimum frontage of 100 feet.

Staff comment: *Requiring a larger building separation (40') than the aggregate separation of the 15' setbacks (30') can severely restrict a buildable lot situation between two built lots where each existing home is only 15' from the lot line. This is a reasonable request, as long as the Fire Department is satisfied with the separation.*

The Commission proposes the addition of a section regarding the “Modification of Development Plan” which includes the process for modifying an approved plan, including a list of departures that would qualify as “substantial” and require the same process as the original approval (essentially, a rezoning process). The “substantial” changes include

- 1.) A change in the use or character of the development;
- 2.) An increase in overall lot coverage of structures and off-street parking;
- 3.) An increase in density;
- 4.) An increase in the problems of traffic circulation and public utilities;
- 5.) A reduction in approved open space;
- 6.) A reduction of off-street parking and loading space;
- 7.) A reduction in required pavement widths;
- 8.) A reduction of the acreage in the planned development;
- 9.) Any other departure from the approved Development Plan which is deemed substantial to the Zoning Commission.

The proposed changes also include more detail in the Administrative Review process.

Staff comment: *This change essentially creates the two-step process for modification only and specifically defines what constitutes a rezoning and what can be allowed through administrative review only. This is a community choice that many townships have included in their resolution and helps avoid future conflict by more precisely defining the conditions of modification. Staff recommends approval of this change and also recommends that the township consider including it in its general Zoning Resolution as well.*

IV. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** to the DCRPC, the Harlem Township Zoning Commission and the Harlem Township Trustees, *subject to the following staff recommendations:*

- 1.) *Review word replacement in Section 11.06(B) (11) as referenced above;*
- 2.) *Consider making these same changes in the general PRD language in the Zoning Resolution.*

Commission / Public Comments

There were no comments from the public.

Chairwoman Foust asked if it was legal for the Zoning Commission to initiate such a change. Mr. Sanders explained that he believes that the Zoning Commission or the landowner can ask for a rezoning as long as all procedures are followed as outlined in the rezoning process. Chairwoman Foust asked if Harlem Twp. has sought legal counsel’s opinion. Mr. Sanders explained that could be an addition to the staff recommendation. Mr. Clase stated that he understood that an applicant must initiate the rezoning but the Township can waive the fees.

Mr. Sedlacek made a motion to recommend Conditional Approval of the amendment to the Keller Pines PRD, subject to staff recommendation and seeking legal counsel. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

20-09 Genoa Twp. Board of Trustees – Comprehensive Plan Amendment

I. Introduction

On October 1, 2009, the Board of Township Trustees in Genoa Township initiated a change to the Townships Comprehensive Plan, which was adopted in 2008. Following is a full version of the Resolution:

Whereas, the Genoa Township Board of Trustees adopted the 2008 Genoa Township Comprehensive Plan on December 10, 2008 in accordance with the Ohio Revised Code Section 519 to serve as a guide for local development and zoning decisions; and

Whereas, Appendix G of the approved document outlined amendments that should be considered to the Planned Rural Residential Conservation District (PRRCD); and

Whereas, Appendix G of the approved document identified that the Board of Trustees did not endorse the 2004 Delaware County Sewer Master Plan or its findings as the desire of the Township; and

Whereas, Appendix G of the approved document discusses modified densities as a desirable tool for encouraging improved quality of life in the Township; and

Whereas, the Genoa Township Development and Zoning Office hosted community workshops on April 9, 2009 and May 7, 2009 where residents expressed dissatisfaction with the recommendations of the 2008 Genoa Township Comprehensive Plan; and

Whereas, the Genoa Township Development and Zoning Office published reports...to the Board of Trustees on May 13, 2009 outlining a summary of the workshop results and potential need to consider amendments to the adopted 2008 Comprehensive Plan.

Therefore, Be It Resolved, the Board hereby wishes to initiate amendments to the 2008 Genoa Township Comprehensive Plan, and

Be It Further Resolved, the Board directs the Genoa Township Zoning Commission to work with the Genoa Township Development and Zoning Office to draft amendments to the Plan and present a recommendation to the Board of Trustees no later than December 3, 2009.

II. Facts

Given that the above resolution does not give specific direction as to exactly what the Trustees are asking, the following facts are provided for reference:

1. The east side of the Hoover Reservoir is not currently served with sanitary sewer except in an extremely limited area along Hoover Woods Road.
2. The east side of the Hoover Reservoir is currently zoned Rural Residential, where the minimum lot size is 2 acres.
3. Many of the existing lots on the east side of the Hoover are larger than 2 acres in size, although many lots that predate the current amendment of the resolution are as small as 1 acre (Lake of the Woods, Hoover Woods, Cupstone, Galena Pointe).

4. On October 7, 2003, the Township amended its Zoning Map pursuant to Section 519.021(C) of the ORC and created a Conservation Subdivision throughout the township, including the east side of the Reservoir. The code allows a density of six-tenths (.6) dwelling units multiplied by the net developable acreage for areas without sanitary sewer service OR seventy-five hundredths (.75) dwelling units multiplied by the net developable acreage for areas with sanitary sewer OR the same density allowed by using a yield plan showing 2-acre lots. Minimum lot size allowed would be 12,000 square feet (.275-acre) with a 100-foot lot width. A minimum project size of 10 acres is required.
5. In May 2008 the current Comprehensive Plan was adopted and recommended for this area “single-family at 1 dwelling unit per 2 acres without sewer or .75 dwelling unit per net developable acre with sewer.
6. Appendix G, as referenced in the Resolution above, recommended 1.) increasing the minimum development size requirement for Conservation Subdivisions from 10 acres to 25 acres, 2.) increasing the minimum lot size from .275 acres to .75 acres, 3.) increasing the setback to 300 feet for Conservation Subdivisions and 4.) consider tailoring the PRRCDD to address the differing desires among different planning areas.

Following adoption of the Comprehensive Plan, the township hosted several workshops intended to gather input for future development in the township. A number of residents voiced concern over the Comprehensive Plan. To summarize, residents on the east side of the Reservoir wanted to retain 2-acre lots and disagreed with the idea of the PRRCDD, or clustered development that preserves open space. The only support for sewer service was as a deterrent to annexation from neighboring municipalities. The 2-acre lot size was voiced as a consistent desire throughout the area.

In the meeting summaries, there is a clear desire to retain 2-acre lot sizes, although there was also a desire for improved roads, buried utilities, improved emergency response times and bike facilities. It was suggested that the PRRCDD would actually encourage sewer service, which would increase the development of the area.

Through discussions with the township, it is understood that the Trustees are asking the Zoning Commission to consider a change to the Comprehensive Plan that would eliminate the PRRCDD designation from the east side of the Reservoir.

III. Staff comments

The Comprehensive Plan is a non-binding document that gives direction for land use decisions and the Zoning Resolution is the regulatory document. Therefore, the Zoning Resolution has precedence. Changing the proposed density on the Comprehensive Plan map does not change the fact that the PRRCDD currently exists throughout the township. If the township wishes to prevent the PRRCDD from being applied on the east side of the Reservoir, then either the Board of Trustees or the Zoning Commission needs to initiate a change to the Zoning Resolution.

The Regional Planning Commission has supported the idea of the Conservation Subdivision as a better alternative than a “checkerboard” of two-acre lots. In addition to preservation of open space and critical areas, such conservation development allows a more economical provision of infrastructure, lowering both the costs of the original development, as well as lowering the costs of ongoing maintenance. This includes a reduction in miles traveled for cars, school busses, road maintenance vehicles and other forms of delivery.

Staff disagrees with the idea that the existence of the Conservation Subdivision designation in the zoning code will, by itself, drive sewer service. When sewer becomes available, it could be either from the county or from another jurisdiction. Similar density arguments throughout the county have resulted in annexation by neighboring jurisdictions based on a landowner/developer desire for higher density or flexibility in design. Strict adherence to a

2-acre lot size will put the township at a disadvantage in that conflict. The township seems to run a greater risk of being forced into seeking sanitary sewer service by its location in the watershed of a drinking water reservoir for the City of Columbus and the current and potential regulations of the OEPA.

Township zoning staff notes that of the undeveloped land on the east side of the Hoover Reservoir, an additional 590 units could be built using the existing RR designation (2-acre lot size). This would represent more than a doubling of the current 536 units. If the .75 units/acre calculation was followed, the result would be 914 additional units. Removing the Conservation Subdivision language would not result in a significant reduction in the number of units, although there would be some difference (324 fewer units).

There are thirty parcels over 10 acres which would currently qualify for development in the PRRCD designation. However, as many as ten of those are impacted with topography or other parcel configuration issues that would make it challenging if not impossible to develop with the PRRCD standards. Therefore, a change in the requirement of 10 acres per PRRCD project is not necessary.

IV. DCRPC Staff Recommendation

Staff makes the following recommendation to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees:

- 1.) *The township should consider revising its current language regarding the Planned Rural Residential Conservation District (PRRCD) to specify that on the east side of the Hoover Reservoir, the density calculation be limited to the number of units derived from a Yield Plan, so that the end result would be no more units than would be allowed under the current RR designation. Staff also recommends that the minimum lot size in this part of the township be revised from a quarter acre to 32,670 square feet (¾ acre) to provide a better transition to the existing lots in that area.*

Commission / Public Comments

There were no comments from the public.

Mr. Miller made a motion to recommend the Staff Recommendation to Genoa Township for the Comprehensive Plan Amendment. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final

10-09 **Olentangy Crossings, Sec. 2, Lot# 7523, Div.#1 - Orange Twp. - 01 lot / 01.505 acres**

Applicant: Lewis Center Investments
Subdivision Type: Commercial
Location: East side of US 23, north of Lewis Center Rd., Orange Twp.
Current Land Use: Vacant
Zoned: Planned Commercial (PC)
Utilities: Del-Co Water and public sewer
School District: Olentangy Local School District
Engineer: Floyd Browne Group

I. Staff Comments

The proposed development is south of the existing Kroger gas station with frontage on U.S. 23. Access will be from the existing, private backage road (Pullman Drive) which is parallel to the highway. The intended use is a Dairy Queen. Parking and circulation will be provided around the building and cross access will be provided to future development to the south. Stormwater detention will be located toward the west of the site.

A technical review was held on November 10, 2009, after which the applicant has addressed all of the required changes.

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 Recommendations

Staff recommends *Approval* of the Preliminary and Final applications for **Olentangy Crossings, Section 2, Lot # 7523, Division #1** to the DCRPC.

Commission / Public Comments

Mr. Jack Brickner and Mr. Mark Smith was present to answer questions from the Commission.

Mr. Miller made a motion for Preliminary and Final Approval of Olentangy Crossings, Section 2, Lot # 7523, Division #1. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

CONSENT AGENDA

Final (none)

V. EXTENSIONS

09-07 **Fiddler's Creek – Concord Twp. - 29 lots / 42.50 acres**

Applicant: State Street Development
Engineer: Floyd Browne Group, Robert Priestas
Preliminary approval: 11/29/07

I. Staff Comments

The applicant has requested a 1-year extension of the Preliminary approval of Fiddler's Creek due to the current state of the housing industry.

II. Staff Recommendations

Staff recommends *Approval* of the 1-year extension for **Fiddler's Creek** to the DCRPC.

Commission / Public Comments

Mr. Bill Adams was present.

Mr. Gladman made a motion to approve the 1-year extension request for Fiddler's Creek. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

• **Consideration for approval: 2010 Budget and Membership Fees**

Proposed: Est. Carry forward to 2010	\$ 35,519
Revenues	\$321,027
Expenditures	\$279,486
Est. Carry forward to 2011	\$ 77,060

Chairwoman Foust asked if the Commission had any questions on the proposed budget. There was none.

Mr. Blayney made a motion to approve the 2010 Budget as presented including the membership fees. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

• **Consideration for approval: 2010 Meeting Schedule**

Mr. Miller made a motion to approve the 2010 Meeting Schedule as presented. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

• **Consideration for approval: Transfer of fees collected**

- 1.) SWCD - \$1,575.00
- 2.) Health Dept. - \$2,600.00

Mr. Miller made a motion to approve the transfer of fees for SWCD (\$1,575.00) and Health Dept. (\$2,600.00). Mr. Blayney seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. O'Brien). Motion carried.

VII. POLICY / EDUCATION DISCUSSION

- **Regional Assisted Evacuation Plan** - The Kettering Foundation is overseeing a project with Delaware County's Office of Homeland Security and Emergency Management to create a seven-county Regional Assisted Evacuation Plan for populations with special mobility needs. A separate description of the plan is provided. A fall forum for Delaware County is scheduled for December 9th at 5:30 p.m. at the Liberty Township Hall.
- **Regional Plan for Central Ohio** - The Mid-Ohio Regional Planning Commission is in the early stages of creating a Regional Plan for Central Ohio. The Regional Plan will focus on 12 counties, from Marion and Morrow to the north, down to Ross County in the south. The end result will likely be a set of broad policies and best use practices that can serve as tools communities can use in their development process. As an early step, MORPC is asking all the planning commissions and county and municipal agencies to answer two very simple questions:

What will help you provide a high quality of life in central Ohio and

What does our region need to do in order for you to feel proud to call it "Home"?

Members may write answers on the sheets provided.

VIII. RPC STAFF AND MEMBER NEWS *(none)*

The next meeting of the Delaware County Regional Planning Commission will be Thursday, December 17, 2009, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

Please note that all meetings for 2010 will be held at the Willis Building, 2079 US 23 North, Delaware.

Having no further business, Mr. Miller made a motion to adjourn the meeting at 7:30 p.m. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Stephanie Matlack

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant