

**Concord Township**  
**Board of Zoning Commission (BZC)**  
Administrative Building • 6385 Home Road • Delaware • Ohio • 43015

*Concord Township Board of Zoning Commission*

*Will meet at 7:00 p.m. Tuesday April 17, 2018 at the Concord Township Administrative Building, located at 6385 Home Road, Delaware, Ohio, 43015 for the following purpose:*

- 1) Continue meeting from March 06, 2018, Application ZC022018, filed by CV Real Properties of 110 Polaris Parkway, Suite 301, Westerville, OH, 43082. The Applicant is requesting approval for rezoning and a preliminary development plan referred to as Home Road North for Planned Residential District on 8+/- acres on Home Road, Powell, OH, 43065, Parcel #31923001015000, owned by Clarence L Dulin; and*
- 2) Continue meeting from March 06, 2018, Application ZC032018, filed by CV Real Properties of 110 Polaris Parkway, Suite 301, Westerville, OH, 43082. The Applicant is requesting approval for rezoning and a preliminary development plan referred to as Home Road South for Planned Residential District on 10.157+/- acres on Home Road, Powell, OH, 43065, Parcel #31923002008000, owned by Clarence L Dulin.*

*At the conclusion of the Public Meeting(s) and the BZC vote, the matters will be submitted to the Board of Trustees for review and action. The Applications are available for public review on the township website and during normal business hours at the Ostrander Branch of the Delaware County District Library, 75 North Fourth Street, Ostrander, Ohio 43061. The Zoning Commission will also conduct other business as needed. Area residents are encouraged to attend.*

*Concord Township Board of Zoning Commission*  
*Connie Resanovich, Chairperson*  
*Ric Irvine, Zoning Inspector*

**Meeting Minutes**  
**April 17, 2018**

**Call To Order**

Chair, Resanovich called the Public Meeting to order

**Roll Call**

Connie Resanovich	Present
Virginia Farneman	Present
Gary Davis	Present
Steve Pierce	Absent
Steve Smith	Present
Mike Hamilton, Alternate	Present
Darin Hilt, Alternate	Present

Chair, Resanovich asked if the Applicant approved Mr. Hilt on the Board in place of absent Board Member, Mr. Pierce and the Applicant approved.

Chair, Resanovich asked if the Applicant approved Mr. Davis on the Board, who was absent for the first meeting on March 06, 2018 and the Applicant approved.

**Also Present**

Ric Irvine, Zoning Inspector  
Chris Rinehart, Rinehart Legal Service, LTD  
Angie Moore, Higgins & Associates Court Reporting

**Swearing In**

Court Reporter swore in all present

**Public Present**

See attached Sign In Sheet

**Begin Meeting**

Chair, Resanovich began the meeting by explaining the Purpose of the meeting was to continue the meeting from March 06, 2018 regarding Applications ZC022018 and ZC032018.

**Exhibits for each Application ZC022018 and ZC023018 (listed vertically for clarity)**

- H-Updates dated April 10, 2018 for each Application
- I-Legal Notice
- J-Sign In Sheet

**Application ZC032018**

Mr. Faris, Faris Planning and Design introduced Chris Vince, CV Real Properties and John Wicks, Civil Engineer. Mr. Faris began with the updates requested during the previous meeting: the boundary survey was delayed by the weather and should be completed within the next week; added text stating the 20 ft. set back from the roadway along units 11, 12, 13; mounding locations were added to the plan; Scioto Meadows South is the new name for the development and was updated in the Application; Exhibit D.1. Landscape Plan updated to show mounding updates and mailbox cluster information; *new* Exhibit D.3. locations and styles for both, individual and cluster mailboxes; Exhibit E.1. Utility Plan shows updates for the drainage issues; Exhibit E.2. utility letters, were added; Traffic Analysis information was provided based on the comments from the Engineer's letter; Exhibit E.3. Traffic Impact Analysis, Mr. Faris clarified that the Traffic Analysis is required for the final engineering plan; Exhibit E.4. Letter of Agreement from Scioto Reserve HOA President; Exhibit E.5. Letter from US Savings Bank stating that CV Real Properties has the ability to finance and complete the project; Mr. Faris clarified that if development would impact wetlands, streams and ponds on the property, the county engineer would make the final determination and the developer would be responsible. The engineer makes the determination before the final development plan; roadway information was provided per the Zoning Inspector's request; updated condominium documents; Mr. Faris distributed updates to the development text which were dated April 16, 2018; Group Home text is part of BZA and not BZC so the text was deleted; Fire Department requested that the emergency access road be plowed by the condominium association and that was added to the development text on page 6; updated cover page with new name and master development summary with new name.

Chair, Resanovich stated that Chief, Cooper approved the updates.

**Open Floor to Board**

No further questions/comments.

**Open Floor to Legal Council**

Attorney, Rinehart advised the Applicant to: delete all information regarding Conditional Uses 11.04; submit the Boundary Survey as part of a Condition for Approval. Attorney, Rinehart asked the Applicant to explain why they said the Traffic Impact Study was not currently needed. Mr. Wicks explained that the county engineer required traffic studies for project of 100 lots are more, if less than 100 a traffic study *may* be required. Mr. Wicks said for the early stages of zoning, the developer created a traffic analysis based on county requirements stating that no changes would be made and improvements/changes may be required as the development moved further into development and the final development plan. Attorney, Rinehart stated that changes to the development plan could be necessary, based on the traffic study. Attorney, Rinehart added that the Trustees state, that if changes are made to the approved plan due to county requirements, the developer must obtain approval for the changes from the township. The changes would be considered a modification to the plan, and this also applies to the environmental requirements from the county; Attorney, Rinehart noted that on Attachment 3 condominium information, it shows units on the 'sample', and Attorney, Rinehart stated the units need deleted as they have not begun construction.

Chair, Resanovich asked Mr. Faris to explain how the development qualified for additional density under Section 11.07 Intensity of Use. Mr. Faris said: adjacent to thoroughfare; pedestrian bike/paths along the edge, retention of natural areas.

**Open Floor to Public**

Chair, Resanovich stated that the Public was still sworn in and to state their name and address before speaking.

Resident, Andrea Yagoda, asked how much green space would be in the development if the ponds were removed and Mr. Faris said he did not know. Ms. Yagoda asked if the ponds were stocked and if the ponds were used for fishing. Mr. Vince answered that they did not have current information on the ponds as it is private property and that the owner would be able to answer those questions.

Susan Christoff lives adjacent to the development, and asked for clarification on the Intensity of Use. Mr. Faris said the development is adjacent to Home Road, pedestrian paths would run along the front of the community and retention and protection of natural resources is being done as much as possible. The property is zoned FR-1 and the developer is requesting a zoning change to PRD, the density begins at 1.5 units per acre and they are asking for 2.5 units per acre. Ms. Christoff asked if the water drainage issue was reviewed by an outside source other than the developer. Mr. Faris said the county engineer had reviewed the plans and the details would be worked out during the final development plan. Mr. Smith said the developer had moved one buffering mound and added drainage to the property border. Ms. Christoff asked if the increased density was reviewed by the county. Mr. Faris said the county reviews growth and routinely make updates. Inspector, Irvine mentioned that two new lights were being placed in Scioto Reserve due to increased traffic. Ms. Christoff asked what the date was on the email from Homestead Scioto Reserve and Inspector, Irvine said April 11.

#### **Open Floor to Zoning Inspector**

Inspector, Irvine asked if the developer had met with owners from Homestead on the east side to confirm their approval of the landscape and mounding. Mr. Faris said they met with them after the meeting and also contacted their board president and had not heard anything back. Inspector, Irvine asked to include in the text that the 10 ft. separation between buildings remains clear, i.e. bump outs, egress windows, generators. Nothing should encroach the 10 ft. separation between buildings. Inspector, Irvine and Mr. Vince agreed this would be enforced on both developments.

#### **Motion**

Chair, Resanovich asked if the BZC would like to make a Motion. Motion for Approval to Recommend Application ZC032018 to the Trustees with Conditions by Mrs. Farneman and seconded by Mr. Smith with the following Conditions:

#### **TERMS AND CONDITIONS OF CONDITIONAL APPROVAL FOR ZC032018**

1. Provide current Boundary Survey and Legal Description
2. Remove from the Application, Section 11.04 – CONDITIONAL USES
3. Criteria met for 11.07.a. Intensity of Use
  - a.1) If the property is adjacent and easily accessible to major thoroughfares.
  - a.4) If pedestrian or bike trails are provided as part of the design of the development.
4. Nothing shall encroach the 10 ft. area between units

Vote: Resanovich, yes; Smith, yes; Farneman, yes; Davis, yes; Hilt, yes

Motion passed

#### **Application ZC022018**

Mr. Faris distributed updates, dated April 16, 2018 to the BZC. Mr. Faris said they had several questions from the Public regarding this development. The updates/changes include: Boundary Survey should be updated very soon; met with residents to the west; roadway headlights were a concern, the developer would approach Scioto Reserve to develop a plan to shield both developments from headlight issues, install a 5 ft. mound with evergreen, shade and ornamental trees, and remove underbrush and maintain as grass, this is located in the common area on the Scioto Reserve property. Inspector Irvine asked if they had an easement with Scioto Reserve and Mr. Faris said they have a letter stating they would provide an easement. Attorney, Rinehart stated that the township needs clarification that the proposed encroachment does not violate the terms of the approved Scioto Reserve development plan. Attorney, Rinehart also said that maintenance needs to be clarified, the easement needs established, and the enforcement needs to be established. Mr. Hilt asked if the area was a drainage easement established by the county. Mr. Faris did not know; mailbox information was added to the application as Exhibit D.3.; Exhibit E. 1. preliminary engineering plan updated; Exhibit E.2. utility letters from AEP and Frontier were added; Traffic Impact letter was added; Exhibit E.4. letter from Mr.

Kenney, and they would elaborate on the information for the easement, as a future submission; letter from the bank; E.8. letter was added and included in the condominium association, regarding the neighbor's fence and the maintenance agreement; letter regarding drainage issues would also be resolved; and the rear of Mr. Miller's property would include a storm drain to aid in the drainage off his property; the developer agreed to take out the 'units' in the condominium documents; new name is Scioto Meadows North; they would delete items a. and c. from the development text; updated page 6 and cover page.

### **Open Floor to BZC**

Chair, Resanovich opened the floor to the BZC. Mr. Smith wanted to clarify that a traffic light would be added to Scioto Reserve at Scioto Chase. Inspector, Irvine said the bid was in process and would be completed this year.

### **Open Floor to Legal Council**

Attorney, Rinehart clarified for the record that the Applicant would: provide agreement for easement, maintenance for the Scioto Reserve property and that the encroachment would not violate the Scioto Reserve approved development plan; Boundary Survey would be updated; confirm the developer's understanding that the traffic impact study and/or environmental studies may alter the development plans and the developer would need to get township approval for a modification to the plan; take out the units on attachment 3; Mr. Miller, the neighbor with the existing fence, requested maintenance clarification and Attorney, Rinehart said it would be the responsibility of the property owner to derive an agreement with the developer and would not be decided by the township. Mr. Smith asked if the resident was satisfied and Mr. Miller said yes.

### **Floor Opened to Public**

Resident, Andrea Yagoda, asked what the open space percentage would be without the ponds and Mr. Faris said he did not know, however it was more than what was required.

Resident, Glen Miller, approved the letter with the developer to maintain the fence and area surrounding the fence and asked if the county had different requirements if that would change the agreement he has with the developer. Mr. Faris said the wording is loose enough that they should be able to agree on what needs done for the drainage. Mr. Miller and Mr. Faris agreed to communicate any changes as the development process moves forward.

Inspector, Irvine asked if the roads would be completed prior to application of zoning. Mr. Vince said yes, the roads would be completed before construction began on the development. Zoning Inspector asked about the start date, 6 months for start date and one phase begin both simultaneously.

Mr. Smith asked the developer in the future, to provide a large map showing the adjacent developments and crossroads and the developer agreed. Chair, Resanovich asked Mr. Faris to provide the Intensity of Use that they would qualify for higher density. Mr. Faris said the proximity to a major thoroughfare and provide walk paths.

### **Motion**

Chair, Resanovich asked if the BZC would like to make a Motion. Motion for Approval to Recommend Application ZC022018 to the Trustees with Conditions by Mr. Davis and seconded by Mr. Smith with the following Conditions:

#### **TERMS AND CONDITIONS OF CONDITIONAL APPROVAL FOR ZC022018**

1. Provide current Boundary Survey and Legal Description
2. Remove from the Application, Section 11.04 – CONDITIONAL USES
3. Provide an agreement between Scioto Reserve and Scioto Meadows North which includes: the agreement for access to the property, agreement for maintenance of the property, the proposed landscape for the Scioto Reserve portion of the property, and that the terms do not violate the Scioto Reserve Development Plan.
4. Criteria met for 11.07.a. Intensity of Use
  - a.1) If the property is adjacent and easily accessible to major thoroughfares.
  - a.4) If pedestrian or bike trails are provided as part of the design of the development.
  - a.5) The retention and protection of natural or historic areas.

5. Nothing shall encroach the 10 ft. area between units

Note: Resanovich, yes; Smith, yes; Farneman, yes; Davis, yes; Hilt, yes  
Motion Passed

**New/Old Business**

Review and Approve March 06, 2018 meeting minutes. Motion to Approve Meeting Minutes as presented by Chair, Resanovich and seconded by Mr. Smith

Vote: Resanovich, yes; Smith, yes; Farneman, yes; Davis, abstain; Hilt, abstain  
Motion Passed

*Note: Mr. Davis did not attend the Mar. 06 meeting.  
Mr. Hilt was seated as Mr. Davis on Mar. 06.  
Currently Mr. Hilt is seated as Mr. Pierce and cannot vote per Attorney, Rinehart.*

Chair, Resanovich said the next BZC meeting is May 15, 2018 to continue the Dublin Farm's application.

Chair, Resanovich mentioned that she attended the Trustee's meeting the previous week and the Trustees approved the changes and updates to the Comprehensive Plan and Zoning Resolution with changes to the landscaping and density.

**Adjourn**

Motion to Adjourn by Mrs. Farneman and seconded by Chair, Resanovich

Vote: Resanovich, yes; Smith, yes; Farneman, yes; Davis, yes; Hilt, yes  
Motion Passed

**ATTEST**

**DATE APPROVED**

Angie Ellerbrock  
Angie Ellerbrock  
Administrative Assistant

05/15/2018

cc: ZC Members, Fiscal Officer, Zoning Inspector, File

