

# RECORD OF PROCEEDINGS

## CONCORD TOWNSHIP BOARD OF TRUSTEES

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

May 4, 2022

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Held

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### Call to Order, Roll Call

The Concord Township Board of Trustees met in special session on Wednesday, May 4, 2022 at 6:30 p.m. at the Concord Township Administrative Building, 6385 Home Road, Delaware, Ohio. Chairman Bart Johnson called the meeting to order and the roll was called; attending were Trustees Bart Johnson, Joe Garrett, and Jason Haney. Guests were provided a sign-in sheet.

### Swearing In

The swearing in was performed by the court reporter.

### Purpose

The purpose of the special meeting was to consider application #ZC042021, recommended for denial by the Concord Township Zoning Commission Board, that was filed by Metro Development, 470 Olde Worthington Road, Westerville, Ohio 43082. The Applicant is requesting approval for rezoning from Farm Residential (FR-1) to Planned Residential District (PRD), and a preliminary development plan referred to as Clarkshaw Village for a Planned Residential District at Clark Shaw Road parcel #419-330-01-016-000, Bean Oller Road parcel #419-330-01-009-000, and Bean Oller Road parcel #419-330-01-008-000.

The Board of Trustees will vote by majority on the application to either approve, deny, or approve with modification. Mr. Johnson made a matter of record that the following requirements had been satisfied: the application, the legal notice, the sign-in sheet, the notice of conditional approval from Delaware County Regional Planning Commission with four conditions, and the unanimous recommendation of denial from the Zoning Commission.

### Testimony

Joe Thomas of Metro Development, 470 Olde Worthington Road, Westerville, Ohio 43082, provided background on the application.

- The application was filed last year with the township, and meetings were held with property neighbors. Modifications resulted from the back and forth with neighbors, and a development plan was produced based on those recommendations.
- The plan proceeded to the Zoning Commission in December 2021 and resulted in an unfavorable vote by the Commission due to exceeding 1.5 units per acre density.
- Handouts were provided, detailing the original plan of 118 units, at 1.85 units per acre.
- Many amenities were included in the plan, such as ponds, playground, field area, etc., that the developer thought would gain them higher density consideration.
- The development could someday connect to adjacent development.

Mr. Thomas also referenced an alternative plan (exhibit C-2) that was produced since the filing of the original application. The alternative plan includes 95 units, but has complications for the developer, including secondary access to Bean Oller Road, and causing the need for \$300,000 improvement costs for a turn lane. The developer wants to achieve a \$400,000-\$450,000 home cost for buyers, but the cost of improvements makes that nearly impossible.

### Public Comments

Neighbor Marty Palmer noted she lives 120 feet from the development site and was never invited to talk with the developer. Mr. Thomas said the original plan includes mounding and screening to mitigate headlights to neighbors.

### Comments from the Board

Both Trustee Garrett and legal counsel Mr. Chris Rinehart clarified the Board would only be voting and discussing the original application and modified plan that went through the re-zoning process, not the new alternative plan that was just presented tonight.

The Trustees discussed the secondary access to Bean Oller Road at the previous regular meeting. The secondary access is required due to the county's development code, as well as for fire/safety access reasons. Mr. Thomas shared the County has designated Bean Oller Road as a major thoroughfare, and the development puts that road over the limit due to future east/west travel.

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CONCORD TOWNSHIP BOARD OF TRUSTEES**

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Trustee Garrett was inclined to vote on the application as presented. He feels there was ample time to change the development plan after causing the Zoning Commission to assemble and continue four times. Mr. Garrett also has concerns with speeding at the primary access point.

Much discussion was held on the role of the Concord-Scioto Community Authority (CA) providing infrastructure for developments. Mr. Thomas said even if the CA put in the turn lane, that cost would still get passed on to the homeowners. Mr. Johnson argued that homeowners are already paying into the CA for infrastructure needs. The CA's sewer plant financing issues with the County were also referenced. Mr. Thomas mentioned the County may want to eventually give the CA back the Scioto Reserve sewer plant.

Mr. Thomas said Metro is willing to lower the density to 1.5 units per acre but the trade-off would be the amenities package. Mr. Garrett said Metro knew the density was too high and were told multiple times to lower it but did not. The zoning code is different now, updated a year ago, and amenities do not gain higher density. Mr. Thomas thought they exceeded the code requirements and could offer a better development, but understands more clearly the 1.5 density is a hard limit now.

Mr. Thomas asked if Metro could use the same re-zoning fee for the next application, to which the Trustees answered no. Mr. Rinehart explained the township has many costs for re-zoning, including legal counsel, court reporter, commission members, staff, legal notices, etc. The township was asked to reconvene four separate times for this application.

Discussion continued on the Bean Oller turn lane improvements. Trustee Johnson and Garrett agreed the township would follow the advice of the County Engineer's office for the developer to widen and install a turn lane on Bean Oller Road. Mr. Garrett suggested maybe the developer could try something different, like larger lots with larger homes, lower density, residential TIF, or other options.

Mr. Rinehart asked if traffic calculations included other developments between Concord and Liberty Townships, out to Sawmill Parkway. There is higher traffic on Clark Shaw Road from the adjacent township also. Mr. Thomas said the County has all the information on development traffic.

**Action, Vote**

Motion was made by Mr. Garrett and seconded by Mr. Haney to DENY the Metro Development application #ZC042021 for re-zoning for "Clarkshaw Village." Upon roll call Vote: Haney-yes, Garrett-yes, Johnson-yes. Motion passed.

**Adjournment**

With no further business, Mr. Garrett moved and Mr. Haney seconded to adjourn. Vote: Haney-yes, Garrett-yes, Johnson-yes. Meeting adjourned.

**ATTEST**



Fiscal Officer, Jill Davis

**BOARD OF TRUSTEES**

Bart Johnson



Joe Garrett



Jason Haney

Concord Township Trustee Special Meeting

May 4, 2022

Re-zoning Hearing – 6:30 p.m.

Call to Order

Roll Call

Swearing In

Purpose of Meeting

:to consider Application #ZC042021, recommended for denial by the Concord Township Zoning Commission Board, that was filed by Metro Development, 470 Olde Worthington Road, Westerville, Ohio 43082. The Applicant is requesting approval for rezoning from Farm Residential (FR-1) to Planned Residential District (PRD), and a preliminary development plan referred to as Clarkshaw Village for a Planned Residential District at Clark-Shaw Road Parcel #419-330-01-016-000, Bean-Oller Road Parcel #419-330-01-009-000, and Bean-Oller Road Parcel #419-330-01-008-000.

**The Board of Trustees will vote by majority on the application to either approve, deny, or approve with modification.**

**I would like to make a matter of record that the following requirements have been satisfied: the application, the legal notice, the sign-in sheet, the notice of conditional approval from Delaware County Regional Planning with four conditions, and the unanimous recommendation of denial from the Zoning Commission.**

Testimony

Public Comments

Comments from the Board

Vote by Board of Trustees

Motion to Adjourn



CONCORD TOWNSHIP  
ZONING DEPARTMENT

6385 Home Road · Delaware · Ohio · 43015  
Phone 740-881-5338 · www.concordtwp.org

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April 13, 2022

CONCORD TOWNSHIP  
BOARD OF TRUSTEES  
6385 HOME ROAD  
DELAWARE OH 43015

RE: Application ZC042021

Dear BOARD OF TRUSTEES,

On April 05, 2022, the Concord Township Board of Zoning Commission (BZC) held a Public Hearing to consider an Application, designated as ZC042021, the Application requested approval for rezoning, from Farm Residential (FR-1) to Planned Residential District (PRD), and a preliminary development plan referred to as Clarkshaw Village for a Planned Residential District at; Clark-Shaw Road Parcel #41933001016000, Bean-Oller Road Parcel #41933001009000, Bean-Oller Road Parcel #41933001008000.

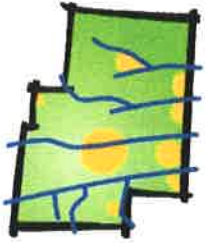
This is to certify that the motion was made and seconded and there was a unanimous vote to recommend Denial of the Application to the Trustees. Please note that per R.C. 519.12, the Trustees shall hold a final public hearing within thirty (30) days of receipt of this recommendation.

Respectfully,

Board of Zoning Commission  
Chair Connie Resanovich  
CR/ae

FILED  
APR 13 2022  
TWP. CLERK





## Delaware County Regional Planning Commission

109 North Sandusky Street  
P.O. Box 8006, Delaware, Ohio 43015  
740-833-2260 [www.dcrpc.org](http://www.dcrpc.org)  
Scott B. Sanders, AICP Executive Director



November 22, 2021

Jill Davis, Fiscal Officer  
Concord Township  
6385 Home Rd.  
Delaware, Ohio 43015

Dear Mrs. Davis,

The Regional Planning Commission, at its November 18, 2021 regular meeting, recommended **Conditional Approval** of the following rezoning request:

### RPC File number 46-21 ZON

**Request by:** Metro Development  
**To rezone:** 63.63 acres  
**Located:** South side of Bean Oller, north side of Clark Shaw Rd., west of Sawmill Parkway  
**From:** FR-1  
**To:** PRD  
**To allow:** Clarkshaw Village

Please remind your trustees and zoning commission that our office needs written notification of the results of the vote by each body, following each of their respective rezoning hearings. *If the application is a planned residential zoning, please include the total number of units approved.*

If you have any questions, please contact our office.

Respectfully,

*Stephanie Matlack*

Stephanie Matlack  
Executive Administrative Assistant

encl.: 11/18/21 RPC minutes excerpt  
copy: applicant  
Zoning Clerk  
Zoning Inspector  
file

**46-21 ZON Metro Development – Concord Twp. – 63.63 acres from FR-1 to PRD**

**Request**

The applicant, Metro Development, is requesting a 63.63-acre rezoning from FR-1 to PRD for the development of a 118-unit subdivision, under the working title “Clarkshaw Village.”

**Conditions**

**Location:** South side of Bean Oller, north side of Clark Shaw Rd., west of Sawmill Parkway

**Present Zoning:** Farm Residential (FR-1) / **Proposed Zoning:** Planned Residential (PRD)

**Present Use(s):** house, barn / **Proposed Use(s):** 118 single family homes

**Existing Density:** 1 du / 1.5 acres **Proposed Density:** 1.85 du/ac

**School District:** Buckeye Valley

**Utilities Available:** Del-Co Water and central sanitary sewer

**Critical Resources:** none / **Soils:** BoA, GwB, PwA



**Introduction**

This rezoning application is to facilitate a PRD development 63.63 acres between Bean-Oller Road and Clark-Shaw Road west of Sawmill Parkway and north of Clarkshaw Moors. The current Farm Residential zoning classification requires a 1.5 acre minimum lot size and either 200 or 300 feet of frontage, depending on whether

the lot is under or over 5 acres. The site is generally flat, agricultural land with a diagonal 100-foot powerline easement crossing the northeast portion of the site.

The proposed zoning would permit a planned residential development. The proposal includes 118 units at a housing density of 1.85 units per acre. There are two lot types proposed. One lot design includes 60 feet of frontage while the other is larger at 70 feet. Both lot types are 120 feet deep. The development has two main entrances, one on Clark-Shaw Road and one on Bean-Oller Road. The internal road network also includes stubs which can continue into the undeveloped properties to the east and west.

Open space of 31 acres is included, located primarily under a high voltage powerline easement that runs in a northwest/southeast direction on the north end of the development, around the periphery of the development to act as a buffer, and to manage storm water. However, the proposal makes the most of the high voltage powerline easement by including multi-use paths and an oval green space underneath the powerlines. The easement area totals roughly 4-7 acres. The applicant has also included mounding in the buffers to visually screen the development from the existing residential properties that surround the area.

### Comprehensive Plan

Concord Township's 2018 Comprehensive Plan indicates this area is located within Subarea V – Upper Scioto. Recommendations in this subarea include permitting a maximum density of 1.5 units per acre, after road right-of-way and road easements are removed from the gross acreage. The comprehensive plan also recommends connectivity to a major collector or arterial, and fair share payment of mitigation to traffic impacts.

### Issues

**Comprehensive Plan Compliance:** The proposal currently exceeds the 1.5 maximum housing density recommended under the Township's Comprehensive Plan. At 63.63 acres, the maximum reduction would result in a net acreage of 57.27 acres. At a maximum density of 1.5 units per acre, the resulting number of permitted units would be 86 units. The development could potentially gain extra units, but only if the acreage dedicated to road right-of-way and road easements is reduced.

**Useable Open Space:** The development overall does an excellent job creating active open space areas. A trail (paved or gravel) around the basin in the eastern part of the development, and a shelter space near the proposed playground would maximize these benefits.

### Divergences

Three divergences are requested:

1. A divergence is requested to increase the maximum density permitted in the PRD zoning from 1.5 units per acre to 1.85 units per acre.

**Staff Comment:** *Developments to the south of this proposal include Clarkshaw Moors, Scioto Ridge Crossing, and Woodcrest Crossing. The developments have a calculated density of 1.99 units per gross acre, 2.01 units per gross acre, and 1.41 units per gross acre, respectively. All of the acreage north of this proposal is in large-acreage lots, meaning that there are no proposed planned residential developments. Based on the densities to the south, and the lack of developments to the north, 1.5 units per acre is a reasonable transitional density. The*



Comprehensive Plan recommends 1.5 units as well, and staff recommends that this density be adhered to.

2. A divergence is requested to exempt roof overhangs and egress window wells from the structure separation requirement of 20 feet.

**Staff Comment:** Roof overhangs and window wells are typically exempt from setback requirements, so staff does not have a concern with permitting these exemptions from structure separation requirements as well. However, the reduction of units would allow wider lots, reducing or removing the need for this divergence.

3. A divergence is requested to permit driveways within 100 feet of a public road intersection.

**Staff Comment:** Divergences of this type are typically permitted as a function of the nature of developments. Staff would recommend that the applicant indicate which exact lots will require the divergence, and show that the driveways are placed in locations that reduce any potential conflicts as much as possible. Staff would also recommend that this divergence not apply to any lots that may be within 100 feet of Clark-Shaw Road or Bean-Oller Road.

#### Staff Recommendations

Staff recommends Conditional Approval of the rezoning request by Metro Development from FR-1 to PRD to the DCRPC, Concord Twp. Zoning Commission and Concord Twp. Trustees, subject to:

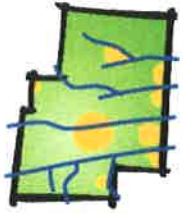
- 1.) Full compliance with the 1.5 housing units per acre density;
- 2.) Identification of which lots will require the driveway spacing divergence, and that these lots are not within 100 feet of either Bean-Oller Road or Clark-Shaw Road;
- 3.) The inclusion of a pedestrian trail around the basin on the east side of the development; and
- 4.) The prohibition of snub-nose home designs that project garages beyond the front entrance of the home.

#### Commission / Public Comments

Mr. Todd Faris with Faris Planning and Design was present to represent the applicant. He stated that they have met with neighbors regarding the pathway around the pond. They are generally in agreement as long as the active areas are away from their homes.

**Mr. Vidor made a motion to recommend Conditional Approval of the rezoning request by Metro Development, subject to staff recommendations. Mr. Boysel seconded the motion. VOTE: Majority For, 2 Opposed (Berk. Twp. and Village of Ashley), 2 Abstained (Brown and Concord Twp.). Motion carried.**

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## Decision on Rezoning Application Delaware County, Ohio

The Regional Planning Commission recently reviewed the rezoning application identified below. It is vital that the township complete the following information after the Trustee Hearing(s) so that the zoning maps maintained by the RPC are as accurate as possible.

<b>RPC Meeting Date:</b>	11/18/21	<b>RPC#</b>	46-21 ZON
<b>Township:</b>	Concord		
<b>Request by:</b>	Metro Development		
<b>To rezone:</b>	63.63 acres		
<b>Located:</b>	South side of Bean Oller, north side of Clark Shaw Rd., west of Sawmill Parkway		
<b>From:</b>	FR-1		
<b>To:</b>	PRD		
<b>To allow:</b>	Clarkshaw Village		

**Zoning Commission Decision Date:** April 15, 2022

**Board of Trustees Decision Date:** May 4, 2022

**Effective Date:** June 3, 2022

*After the period of referendum has passed*

**Decision:** *(circle one)* **APPROVED** **DISAPPROVED**

**Please Note:** If changes were made during the rezoning process to the Development Plan for a Planned District Zoning or if the rezoning application was changed during the township process, please submit an updated copy of the Development Plan to the RPC office for our files.

**Township Trustee Signatures:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR OFFICE USE ONLY**

Delaware County Regional Planning Commission, 109 N. Sandusky Street, Delaware, OH 43015  
Phone (740) 833-2260 or Fax (740) 833-2259

Effective 06/09/09