

**Concord Township Zoning Commission  
Administrative Building  
6385 Home Road  
Delaware, Ohio 43015**

**Meeting Minutes  
March 14, 2017**

**Call To Order**

Chair, Resanovich called the Public Meeting to order

**Roll Call**

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

Alternates, Mike Hamilton and Darin Hilt, sat on the Board as voting members for Members, Gary Davis and Virginia Farneman who missed the first meeting and also have adjacent properties with the proposed developments, per Assistant Prosecuting Attorney, Eric Penkal.

**Officials Present**

Delaware County Assistant Prosecuting Attorney, Eric Penkal  
Higgins & Associates Court Reporting, Angie Moore

**Public Present**

See attached Sign-In Sheet

**Swearing In**

Court Reporter swore in all present

**Purpose**

The purpose of the Public Meeting is to continue the Public Meeting held on February 07, 2017 to consider two separate actions: 1) Application, designated as ZC012017, Riverside Highlands and 2) Application, designated as ZC022017, Concord Highlands.

**ZC012017 Exhibits**

Exhibit E – Regional Planning Commission Recommendations, Exhibit F – Updates/Revisions 03/01/17 by Metro Development, Exhibit G – Delaware County Engineer Letter, Exhibit H – Sign In Sheet 03/14/17, Exhibit I – E.11.1 Handout by Metro Development, F – Updates/Revisions provided during the meeting by Metro Development

**ZC022017 Exhibits**

Exhibit E – Regional Planning Commission Recommendations, Exhibit F – Updates/Revisions 03/01/17 by Metro Development, Exhibit G – Delaware County Engineer Letter, Exhibit H – Sign In Sheet 03/14/17, Exhibit I – E.11.1 Handout by Metro Development, F – Updates/Revisions provided during the meeting by Metro Development

**Begin Meeting**

Chair, Resanovich stated as a reminder that the Application had been received by the Township Zoning Inspector and reviewed by Delaware County Regional Planning Commission (DCRPC). Chair, Resanovich stated that the purpose of the Board of Zoning Commission (BZC) is to make a recommendation to the Trustees. The BZC can make a recommendation for approval based on the Comprehensive Plan and if the Application met the requirements of the Township Zoning Code for the district that they are applying for. The BZC could recommend Approval with Conditions or they could Deny the Application if the Application does not comply with the Comprehensive Plan and the Zoning Code.

Chair, Resanovich said for Riverside Highlands, DCRPC recommended Approval with Conditions. The Conditions are:

1. Continued discussions with the County Engineer's office and RPC regarding the location and design of collector streets, including shifting the north/south no-load street to the west;
2. Ensure pedestrian paths along major roads are designed at 10 feet and sidewalks are 5 feet.

The DCRPC recommended Approval with Conditions for Concord Highlands. The Conditions are:

1. Continued discussions with the County Engineer's office and RPC regarding the location and design of collector streets;
2. Ensure pedestrian paths along major roads are designed at 10 feet and sidewalks are 5 feet;
3. Consideration of an open space buffer along the rear of parcels that back up to undeveloped land and/or tree preservation areas where appropriate.

Chair, Resanovich stated as a reminder that the order of the meeting began with the Testimony of the Applicant, Questions by the ZC, Public Comments, and Zoning Inspector Comments. Chair, Resanovich said that Inspector, Irvine did not have further comments other than those stated during the previous meeting.

**Application ZC012017**

- 1) Application, designated as ZC012017, filed by Metro Development LLC of 470 Olde Worthington Road, Westerville, OH, 43082. The Applicant is requesting approval for rezoning and a preliminary development plan referred to as Riverside Highlands for Planned Residential District on 63.72+/- acres on Dublin Road, Delaware, OH, 43015, Parcel #50034001008000, owned by Concord Land LLC.

**Applicant Testimony**

Applicants present were Todd Faris of Faris Planning and Design, and Joe Thomas of Metro Development. Mr. Faris said he would begin with Riverside Highlands by explaining the updates/changes. The architecture and quality of the homes in the development were a huge concern during the last meeting. Mr. Faris said that they are making sure that they meet the quality that is being requested by the Public and BZC. Mr. Faris stated the following as updates and/or changes to the original Application. Below is an abbreviated list of the updates/changes to the text as given by Mr. Faris:

Page:

- 4.b.3 No Group Homes
- 7.3 Architectural design criteria... – front exterior must be natural material, vinyl siding is not permitted unless used for as an accent for gable ends and no more than 250 sq. ft. in size. ....Also included exhibit G-1 for typical home elevations.
- 9.5 Secondary emergency access is provided through a fire line that will be designed to the satisfaction of the Concord Fire Department. Will be installed in phase 2, maintenance shall be by the HOA, can be vacated if no longer deemed necessary.
10. Divergence with the changed lot numbers listed
14. No building shall be taller than 35 ft.

- 15.c. For 60 ft. lots, min. sq. ft. ranch shall be 1,600 sq. ft. and 2,000 sq. ft. for 2 story homes. For 75 ft. lots, min. sq. ft. ranch shall be 1,800 sq. ft. and 2,000 sq. ft. for 2 story.

Mr. Faris said the architectural standards and character that were requested are shown in the provided material. Mr. Faris explained the overlay that he has provided, shows the proposed roadway connections that the County and DCRPC want to see when the area is developed. Intersection north/south intersecting with SR42 connecting to a commercial area on SR42 that the county sees in the future. The county is making the developer install the access roads for future growth and development. The development plan changes include the main access being moved to the south and follows the southern side of the development. The open spaces are better connected and the roadways run along the green space rather than the homes. The county wanted a better connection to the undeveloped land so it was moved accordingly. Due to the changes, there is approximately ½ acre less of open space and a buffer was added around the rear of the homes and the property line. The density was not changed. Mr. Faris said that Exhibit C.1 is a colored plan and updated to show the roadways and connection changes, and Exhibit C.2 the Phasing Plan was also updated. The Illustrative Plan, Exhibits D.1 Overall Landscape-East and D.2 Overall Landscape-West, were updated to show the changes to the plan. Exhibit D.4 Open Space was updated and Illustrative Entry Elevations was added. Exhibits E.1 Utility Plan and E.8 Engineer letter were updated and they added E.10 with the Fire Separation Code. Exhibit E.11 Fire Access Plan was added and E.11.1 is a section that was added, which Mr. Faris handed out during the meeting. Section G, Exhibit G.1 Architectural Elevations was added. These changes are based on the discussions with DCRPC and BZC.

#### **Open Floor to Board**

Chair, Resanovich asked if there was a time line on the phases. Mr. Faris said the phases take approximately 12-18 months to complete.

Mr. Smith asked if the builders are decided. Mr. Thomas said the builders are not locked down yet. However, they are committed to the elevations as presented and the all-natural materials and minimum square footage. Mr. Hilt said the quality of the homes is going to be the biggest concern. The residents in the area and the BZC want to make sure the quality of the homes that they are proposing will raise the value of the area and not lower the value. Mr. Hilt added that the numbers \$300-350,000 is a starter home in the area and many times those homes do not receive improvements or updates by the homeowners before they sell and buy a larger home. Mr. Hilt said the BZC will pay close attention and may add a condition that productions homes that end up in one big mass without a unique quality be addressed. Mr. Smith asked what the additional cost was for the all-natural materials to the homes. Mr. Thomas said the added cost per house began at \$20,000. Mr. Thomas added that the cost rises with the sq. ft. of the house. Chair, Resanovich added that the quality of the homes is very important and the BZC does not want a production type of home.

Chair, Resanovich asked if the Board had any other questions and there were none.

Chair, Resanovich opened the floor to the public. Chair, Resanovich asked that they speak one at a time and say their name and address for the record. She asked that residents be respectful to each other and the court reporter. She added that they should try not to repeat what has already been stated nor speak just to agree with what another resident has said.

#### **Open Floor to Public**

A resident said that during the last meeting they discussed the density being higher on the other side of the river and lower on this side of the river. The proposed development has stayed the same and is two units per acre. Mr. Thomas said the density will not change but the quality of the homes will improve and the application shows the changes and the natural materials that were not offered on the other side of the river. He added that the density ensures the HOA can maintain the quality of the development, such as the open space, paths, parks, etc.

Another resident said that density is an issue regarding the schools, roads etc. The resident wants the number to go down. The resident added that they lives across from the development. Mr. Thomas said the roads will be improved with turn lanes and the additional homes will add property tax for the school system. The resident asked if the school was notified about the development. Mr. Thomas said they look at the Comprehensive Plan and the plan shows 2 units per acre and the developer is following the rules and going along with the plan that has been set for the area. They have added the all-natural materials and increased square footage which is beyond what they are required to do. The zoning code is a 1,000 sq. ft. per home. The resident said the character will still be changed in the area.

A resident wanted to clarify the amount of space between the homes. The side yard setback is 5 ft., the front yard setback is 25 ft. and the rear yard setback is 20 ft. Mr. Faris mentioned that those setbacks are the smallest possible and that the houses would be very large to have those setbacks.

A resident asked if the general road improvements would only be within the development. Mr. Thomas said no, they would widened 745, add turn lanes, and also add a connector roadway, per the county.

A resident asked about the traffic study and if it is current. Mr. Thomas said the study is recent within the last 30+ days. They just commissioned for the study to be done before the meeting. The Riverside Highlands travel information is as follows:

AM peak leaving 98 trips

PM peak leaving 129 trips

AM Enter 25 trips

AM Exit 73 trips

PM Enter 81 trips

PM Exit 48 trips

Total Trips in 24 hrs. 1,299

650 entering, leaving 649 for the day

Calculate 10 trips per day, per car....grocery, pick up/drop off at school, work, sports, practice, etc.

A resident asked if ODOT updated their traffic evaluation study. Mr. Thomas explained that they are responsible for the traffic study that they previously discussed. The developer is responsible to pay for the study and provide to ODOT for approval. They hire an engineer that is licensed, PE and traffic degree and the engineer makes the report with the township, county and ODOT. Mr. Thomas said that 745 is an ODOT road so ODOT gives them their information regarding growth rates, and site trips and the data for the area. They average 129 studies for different communities each year. They create manuals that give the trip information based on the area, type of home, type of product, type of attractions, and that boils down to exactly what contributes to the traffic. They show what road improvements need to be made. A resident asked if the cross sections were studied. Mr. Thomas said that due to the amount of homes being proposed in the area, they did not warrant changes to those intersections. Moore road was studied but did not warrant any changes however, the county is requiring a north bound, left turn lane into the development. The county says exactly what is needed and the developer must do what is required. Mr. Thomas added that District 6 is who they work with.

A resident asked if the school bus would pull into the subdivision and Mr. Thomas said yes. The resident asked if there would be parking on both sides of the road because traffic cannot get past the school bus. Mr. Thomas said the county decides the road requirements, and said it would be similar to Scioto Reserve. The resident asked how the site would be left between phases. Mr. Thomas said the phasing will begin with the area closest to the utilities. The residents will not be able to see division between phases because they blend together. A resident asked what the contracted working hours would be for the development. Mr. Hilt said that working hours would be under the township regulations. Discussion ensued regarding working hours/days and the hardship for the existing residents during the 5 year construction time frame of the development. Mr. Thomas

said that he has not received complaints regarding working hours from existing residents. He added that his cell phone number is handed out and posted for residents to contact him. Chair, Resanovich said they could include working hours as a condition for the application.

A resident asked about the sewer plant. Mr. Thomas said they would develop the sewer plant, there are currently no lines so they will put the lines in for these developments. The resident asked what the pattern would be for the sewer lines. Mr. Thomas said that Riverside Highlands would follow along the utility lines, cross Moore road and go into the plant. The Concord Highlands sewer lines would go across the development, through the land that is owned by the county and into the sewer plant.

Mr. Davis asked about the two sink holes which appear to be located in the open space. Mr. Faris said yes, their plan locates the holes in the open space. Mr. Davis asked if the sink holes are the HOA's responsibility. Mr. Davis added that if over time, the sink holes get larger, what the responsibility will be for the HOA. Mr. Davis asked if they plan to fill the holes and then the HOA will be responsible. Mr. Thomas said the HOA is responsible, he added that they believe they are very strict with their rules for the HOA and how they maintain the area. Mr. Davis asked about the draining water ways and if the retention ponds are in the location necessary for draining the water. Mr. Davis asked if the conservation engineer was involved, he added that the water way goes across his property. Mr. Thomas said the engineer has looked over the pond location and size of the ponds with the number of acres involved to make sure drainage is accurate. The final engineering plans will review the plan for downstream service to make sure the water way is improved for storm water standards and the release rate. Mr. Thomas stated that Central Ohio does a great job, they have an 8 month process to review and develop the plans.

A resident asked if there would be a HOA for both developments and Mr. Thomas answered, yes. The resident asked if the homeowners would be told about the restrictions and the cost for the HOA. Mr. Thomas answered yes, it would be about 10.25 mills assessment and the tap fees would be part of the builder fees. Mr. Thomas explained that when the builders are ready to build, they go to the county and pay the tap fees and then go to the building department to get a building permit. It is the builder's responsibility to pay the tap fees.

A resident asked about the pump station. Mr. Thomas said the site now drains toward Riverside Drive, so the gravity sewer will drain to the pump station and then back to the site and over to the plant. They have an easement that goes across the property that will go over to the plant. Mr. Thomas said that most of Delaware county sewer uses pump stations due to the amount of geography in the county. Delaware County can fluctuate anywhere from 50-60 ft. so you have to pump to any of the existing sewer plants.

A resident asked when the first house would be ready. Mr. Thomas said after the process is concluded with the Trustees, it would take 8 months to get the plans approved through the county and then begin construction. Mr. Thomas said it depends on the size of the construction for the time frame; build the sewer, complete the streets, receive plat approval, and then the builders can get building permits to begin construction on the homes.

A resident commented on building 125 houses around two sink holes. Mr. Thomas said that they work with GEO technical engineers and Mr. Faris planned the development accordingly to avoid the sink holes. They have a soil contractor that goes out with drill rigs and they drill holes in a pattern to test the ground to the lowest point. So they will check the soil quality down the lowest point to make sure the ground is buildable and Mr. Faris will take that information and develop the area according to that information. The sink holes exist in all areas and they deal with each one as necessary. They will fill them with different materials or packed material and sometimes you build a bridge over them.

One resident asked if they would be blasting. Mr. Thomas said, yes it was possible and they follow the strict guidelines for blasting. Mr. Thomas said they work with a company that will go out and do surveys on the existing homes in the area and film and measure everything and monitor the blasting to make sure it doesn't exceed the levels. If there is a crack in a foundation or other damage, they are responsible for and they must pay for it to be fixed.

A resident asked about public safety and if the development would restrict the use of firearms in the township. Chair, Resanovich said you cannot shooting over their property.

A resident said that this was just the beginning of development. The resident said there are more lots to be sold which show this is just the beginning and their property value will go down. Mr. Thomas said that he has yet to see that property value goes down due to their developments. He said the value goes up, they are committing to natural materials, open space and trails, and additional added value to the community. Mr. Thomas said if the resident can show evidence that shows the value goes down he would be willing to listen to him. The resident said that the traffic and development ruin the area for the property owner. The resident said it is common sense that the value will go down.

A resident said that the type of builders used makes a difference as well as the quality on the inside. The resident stated that dressing up the outside did not necessarily make a difference. Mr. Thomas said the builders they typically use are Rockford, M/I Homes, Epcon, and Polte. He added that the proposed homes are priced from \$400,000+. Mr. Thomas said Delaware County does not have many \$250,000 homes, the price is consistently \$400,000+ and that is the type of home they are proposing to build. Mr. Thomas added the quality was not the issue because they are committing to natural materials, larger homes, and they are not allowing an all stucco home.

A resident said that the quality of homes is not the issue, he believes the Zoning Code and Comprehensive Plan state that the future development should try to maintain the 'rural character of the area'. The resident said that means the proposed small lot sizes and small yards rather than the quality of the homes. The resident said the small lot size does not provide a rural feeling development. The density is too high for the objective and people move to this area for the rural feel and this is not rural and the small lots are not rural.

Chair, Resanovich asked if there were further comments or questions and there were none.

### **Motion**

Chair, Resanovich asked if there were further comments or a motion from the BZC. Mr. Smith made a motion to approve Application ZC012017 Riverside Highlands with Conditions. The Conditions are as follows:

1. Recommendations from Regional Planning be met
2. Compliance with any existing known regulations regarding working hours on the construction site
3. Completion of the Traffic Study and the results made available to the Trustees

Mr. Pierce seconded the Motion.

Vote: Hamilton, yes; Hilt, yes; Pierce, yes; Smith, yes; Resanovich, yes

Motion passed

**Application ZC022017**

- 2) Application, designated as ZC022017, filed by Metro Development LLC of 470 Olde Worthington Road, Westerville, OH, 43082. The Applicant is requesting approval for rezoning and a preliminary development plan referred to as Concord Highlands for Planned Residential District on 50.0+/- acres on Concord Road, Delaware, OH, 43015, Parcel #60022001016000, owned by Riverside Highlands LLC.

**Applicant Testimony**

Mr. Faris said they made several changes to Concord Highlands and he distributed an additional addendum regarding landscaping for existing homeowners. Mr. Faris said there were many concerns during the last meeting and they have addressed those concerns from Regional Planning, as well as the County Engineer. The quality and size of the homes were issues because it was not addressed in the first meeting.

The following are an abbreviated version of the changes/updates:

Page 4.b. no Group Homes will be allowed

Page 7.3 Architecture Design Criteria

Page 8 reference to G.1 Typical Home Elevations

Page 9 emergency access for Concord road. Fire Chief wanted two access points per the Fire Department requirements

Page 10 divergences for setbacks for driveways.

Page 11 divergence Sections 22.06.b.4 requires signs to be downlighted, the developer is requesting signs be illuminated behind the letters and a secondary sign to identify the subdivision

Page 14 encroachment of overhangs

Page 14 no building shall be taller than 35 ft.

Page 15 building dimensions

Page 16 G-entry sign, secondary sign on main road with illuminated light source

Page 16 J-uplight at entry, columns shall be concealed

Mr. Faris added that the following exhibits were updated.

c.1 Development Plan updated, roadway reconfigurations and rear yard setback changes are shown

c.2 updated Plan, shows site changes

d.1 Overall Landscape Plan was updated

d.2 Overall Landscape Plan South updated, they met with the neighbor and discussed her concerns and drainage issues. Mr. Faris said they will work with her and fix her drainage issues and they are going to add a mound by the basin and more evergreen trees to block the view and the trees will be 8 ft. high when planted. They also added buffering and mounding on the north side for the existing homes.

d.3 landscape enlargement

d.5 update to show Site Plan changes

e.1 utility updated

e.8 County Engineer's letter

15. e. 10. Fire Separation Code was added

e.11 Fire Access Plan was added

g.1 Architecture Elevations was added

Mr. Faris said originally the entry drive came into the site and split the development. The county wanted the road to go across the south end of the homes and not through the middle of the development and they want the roadway to connect to the undeveloped land in the rear of the development. The county is planning the new roadway system through the area. The roadway change, pushed the homes to the north and that made a decrease in the open space by ½ acre. DCRPC wanted a green space buffer to surround the new homes and separate them from the undeveloped property. The buffer was added and it will be a 15 ft. minimum buffer around the development, they also added shade trees to replicate tree growth in the area. Mr. Faris said they will have two entry column signs and additional landscape screening for current resident. They previously had

several stub roads and now only have one according to the County Engineer. Chair, Resanovich asked if the decreased open space and additional surrounding buffer had an effect on the density and Mr. Faris said no the density pertains to the entire property.

### **Open Floor to Public**

A resident asked about the direction of the drainage from the development and located his property on the development plan. Mr. Thomas said that he has never seen the drainage system overflow from their developments. The resident also asked about the roadway system. Mr. Thomas said the road will go to the south of the development.

A resident said the developments in the area are all the same but smaller. Mr. Faris said the sites are very different, the roads will be similar, and the homes would not necessarily be the same. Another resident asked about previous developments that they have developed. Several developments were listed including Scioto Reserve, Clark Shaw Reserve, Clark Shaw Moors, Scioto Ridge, Woodcrest Crossing, and Heather Ridge.

A resident asked if any change, large or small, to the development would have to be approved. Chair, Resanovich said that because Concord Township has a one-step zoning process, the development plan that they present can be changed however, the developer must bring any changes before the BZC for approval. The developer is asking for the zoning change and development plan to be approved in one process. Chair, Resanovich answered that any change minor or major would need brought before the BZC. So, if the developer came back and wanted to change the entrance or decrease/increase houses they would have to get approval for those changes from the BZC. The resident asked if the developer implemented Phase 1 and then wanted to move a detention pond, do they stop construction and come back to the BZC. Mr. Thomas answered, yes, they would have to start over. Mr. Thomas said that they do not like changes, so they work closely with the Engineers and Delaware County. They remain in contact to make sure there are no necessary changes.

Mr. Smith asked if the roadway is taking out the rear property tree line and Mr. Faris said, yes. Mr. Smith asked if the tree line could be saved and Mr. Faris said they are trying to ease the burden from the undeveloped property owner. Mr. Faris said that if they change anything the road would be on the south property line. Mr. Smith concluded that the developer was trying to split the cost. Mr. Thomas added that if they took the roadway off the property it would not be fair. There are different property owners on the north and south of the development however, the south and east are the same owner. The tree line cannot be saved. Mr. Faris said they hope that they will only build what is shown however, they want the money up front to build. The tree line could remain if the roadway doesn't go through. The county will make that decision. Mr. Faris agreed they would like it to stay.

A resident asked what trees would be planted on the southern border and the buffer space which looks like it includes a 5-6 ft. high mound. Mr. Faris said shade trees are deciduous and he could show the resident the Planting Plan which includes details on the plants/trees. The buffer will be evergreen and shade trees so it will be a mixture of Spruce, Norway, Hawthorns, and Redbuds to soften the look.

A resident asked if they had a scheduled start date for the plan. Mr. Faris said that both developments would begin at a similar time. The houses would not begin construction until next year. The sewer work and underground work could begin toward the end of this year.

A resident asked if the homes would be natural materials. Mr. Thomas said the front would be natural materials such as wood, brick, stone, and a portion could be stucco. The sides and rear of the houses could be hardy plank which is a material that looks like wood siding.



A resident asked if the two retention ponds are connected. Mr. Faris looked at the Engineering Plan and confirmed they are not connected. The resident also asked how the detention ponds collect water and over time drain the water away more slowly. The resident asked where the waters drains from the ponds. Mr. Thomas said they drain to the natural drainage location. Mr. Thomas explained that if a ditch or pipe currently exist, the water will follow the same flow. The water on this site runs along the existing ditch along the property line and to the south. Mr. Thomas said they have to look down stream at least 500 ft. to make sure they are using the correct size detention ponds, pipe size etc. The law says they must maintain the same water flow or make it better. A resident asked if they received authority over the ditch and water flow. Mr. Thomas said they do not have authority over the ditch, the county manages the water flow.

A resident said the rural character is lost in this development and does not meet the Comprehensive Plan statements.

Chair, Resanovich asked if there were further questions and there were none.

**Motion**

Chair, Resanovich stated that because they are in compliance with the requirements of the zoning district that they are applying for and aligned with the Comprehensive Plan she recommends approval of Application ZC022017 Concord Highlands with the Conditions. The Conditions are as follows;

- 1. Recommendations from Regional Planning will be met
- 2. Compliance with any existing known regulations regarding working hours on the construction site
- 3. Completion of the Traffic Study and the results made available to the Trustees

Mr. Smith seconded the motion

Vote: Hamilton, yes; Hilt, yes; Pierce, yes; Smith, yes; Resanovich, yes

Motion passed

Chair, Resanovich explained the next step will be for the Applications to be recommended to the Trustees. The Trustee's meeting will be posted and the signs up before the meeting.

**Approve Previous Public Meeting Minutes**

Review and Approve Public Meeting Minutes from February 07, 2017

Motion to Approve by Mr. Smith and seconded by Chair, Resanovich

Vote: Hamilton, yes; Hilt, yes; Pierce, yes; Smith, yes; Resanovich, yes

Motion passed

**Old/New Business**

None

**Motion**

Motion to Adjourn by Mr. Pierce and seconded by Mr. Hilt

Vote: Hamilton, yes; Hilt, yes; Pierce, yes; Smith, yes; Resanovich, yes

Motion passed

**ATTEST**

Angie Ellerbrock  
Angie Ellerbrock  
Administrative Assistant

**DATE APPROVED**

7/11/2017

