

**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 March 06, 2018 at the Concord Township Administrative Building, located at 6385 Home Road, Delaware, Ohio, 43015 for the following purpose:

- 1) Concord Township Zoning Commission initiated ZC012018, text amendments to the current Comprehensive Plan and Zoning Resolution; and*
- 2) Application, designated as 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*
- 3) Application, designated as 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 and proposed Zoning Resolution/Comprehensive Plan revisions 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
March 06, 2018**

Call To Order

Chair, Resanovich called the Public Meeting to order

Roll Call

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

Alternate, Darin Hilt sat in as an active and voting Board Member in place of absent Board Member, Mr. Davis.

Also Present

Ric Irvine, Zoning Inspector

Chris Rinehart, Rinehart Legal Service, LTD

Angie Moore, Higgins & Associates Court Reporting

Swearing In

Angie Moore swore in all present

Public Present

See attached Sign In Sheet

Begin Meeting

Chair, Resanovich began the meeting by explaining the Agenda and Purpose of the meeting for Applications ZC022018 and ZC032018.

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

- A-Application
- B-Legal Notice
- C-Meeting Notice Letters to Applicant & Adjacent Property Owners
- D-Delaware County Regional Planning Commission's (DCRPC) Recommendations
- E-Engineer's Letter dated January 19, 2018
- F-Engineer's Letter dated February 9, 2018
- G-Sign In Sheet

Application ZC022018

Todd Faris, Faris Planning and Design, represented the applicant CV Real Properties who could not attend. Mr. Faris began with Application ZC022018, Home Road North and mentioned the name would change. The proposed development includes; 8 acres on the north side of Home Road, detached condominiums, 2.5 units per acre, turn around and emergency only access on Home Road, access on County View Place, private streets, on site detention, all utilities are available, sidewalks on one side of the street, walk path along Home Road and would connect with Concord park and Golf Village, interior green space, 1,700-3,000 sq. ft. condos, all natural/hardy plank exterior materials, development to be completed in one phase, no spec home as these are custom built for buyer, sign would be stone columns with lights on top on County View Place, a temporary marketing sign on Home road which would be taken down after 90% of the development is sold. Mr. Faris mentioned the Trustee's request for extensive buffering around the entire development which would include; evergreens and deciduous trees, mounding with trees on top to provide elevations and screening for existing residents. He added that DCRPC mentioned the exterior material on the sides and it would be hardy plank/stone.

Open Floor to Board

Chair, Resanovich said DCRPC mentions the width of the emergency exit needs to be 12 ft. Mr. Faris said that Mr. Vince spoke with Chief, Cooper and they would change the width to 12 ft. using grass pavers as an alternative. Mr. Faris said they would comply with what was approved. Chair, Resanovich asked their intentions regarding the DCRPC recommendation for additional buffering between the northwestern T-turnaround or within the Scioto Reserve open space. Mr. Faris said they intend to extend the buffer to the open space however, the change is not included in the Application. The open space is maintained by the golf course, so it should not be an issue to add additional buffering.

Mr. Pierce asked the price of the homes and Mr. Faris said \$400,000 - \$700,000. Mr. Smith asked if the turnaround would be used for parking and Mr. Faris said no, the turn-around is for emergency vehicles only. Mr. Smith asked about the garages and parking in the development. Mr. Faris said the condos would have two car garages with parking in front of the garage and additional off-street parking throughout the development. Mr. Faris provided additional information concerning the development; no street lights in the development, private streets/landscape/buffering/ building exterior would all be maintained by the condominium association, they would maintain the current tree line, condominium association dues would be approximately \$250-\$300, AEP and Frontier letters not included in the Application but available. Chair, Resanovich asked if the plans were changed according to the letters received from the Delaware County Engineer's office. Mr. Faris answered that the acreage was corrected and the final engineering plan is not done until after the approvals are completed. Inspector, Irvine asked if there was a traffic study and Mr. Faris said not yet, they would require one with the final engineering plan. Inspector, Irvine stated that the road design was not included in the plan and Mr. Faris said rolled compacted concrete. Inspector, Irvine said it needs to be included in the plan. Inspector, Irvine asked when they would have a name for the development and Mr. Faris did not know. Inspector, Irvine said the

township has had issues with the names of developments changing and added, they should have a name on the final development plan before the Board makes a decision.

Floor Open to Public

Resident, Brian Fraser, asked for clarification as to why there was not an entrance on Home Road. Mr. Faris said the county would not allow an entrance on Home Road because it was too close to the intersection. Mr. Faris added that a light would be installed in the near future. Mr. Fraser asked about the tree line to block headlights and Mr. Faris said they were providing screening and they would work with residents to provide additional buffering if they requested it.

Resident, Jason Yochheim, said that headlights were a major concern and he wants to make sure they have enough buffering. He also stated that traffic is a concern and mentioned the students waiting at the bus stop across from his house and the congested intersection. He is afraid they will experience more accidents as residents try to move through the intersection. Mr. Faris said they would make changes and increase the buffering for the residents who were concerned and added that a light was being added to the intersection.

Resident, Susan Christoff, asked how many homes could be built without rezoning and was told that FR-1 is 1.5 units per acre without sewer. New developments must be rezoned, usually as PRD, and require sewer availability. Ms. Christoff said that traffic is getting worse in the area. Mr. Faris said the demographic is lower for this type of development and they would probably move during off peak times.

Resident, Andrea Yagoda, said the area is too congested and the new development is targeting older residents and she does not want the community to become a retirement community. Ms. Yagoda added that the older residents would not vote for the school levies. Ms. Yagoda said the density is too high, traffic on Home road is bad and asked who would maintain the area if the homes did not sell. Inspector, Irvine asked what school district the development would be in and Mr. Faris said Olentangy.

Resident, Glen Miller, owns property abutting the proposed development with a chain link fence between the properties. Mr. Miller has permission from Mr. Dulin to maintain the property around his fence and would like to maintain the agreement with the new development. Mr. Faris said the developer would need to include the agreement in the condominium association agreement, stating that Mr. Miller has permission to maintain the area as long as he resides on the property and the fence is in place. Mr. Miller added that he has contacted Delaware County concerning the drainage and backup on the property, the area turns into a swamp during a hard rain. Mr. Miller stated that adding houses in the ditch line would hinder the draining water even more. Mr. Faris said the off-site water must be received and handled through the development. Mr. Miller lives up stream which is helpful. Mr. Faris said they would pick up the water in a pipe, have it drain down in storm drains, distribute it into the two proposed ponds and the water would be held while it slowly distributes out of the area as cleaner water. Mr. Smith asked if the water floods near the shed and Mr. Miller said, behind his shed. Mr. Smith said they have storm water drainage behind the shed and feeds down into the new development and flows down into the pond. Mr. Miller said that when they widened Home Road they took out the culvert and some of the drainage and rerouted it. Mr. Smith suggested Mr. Miller and Mr. Faris speak after the meeting to make sure the drainage issue would be resolved. Mrs. Farneman said the county would not allow the developer to add water to Mr. Miller's property, adding that the developer must distribute current water and additional water from the development.

Mr. Miller asked for clarification regarding the fire lane. Mr. Faris said the access off Home Road is for emergency vehicles only with parking prohibited. A hammerhead provides a turnaround for vehicles and

parking would also be prohibited. Mr. Faris added that additional buffering may be added to address headlight issues around the hammerhead facing Mr. Miller's house.

Chair, Resanovich opened the floor for the Zoning Inspector's questions and comments. Zoning inspector, Irvine said his questions had been covered and did not have anything to add.

Chair, Resanovich opened the floor for Attorney, Chris Rinehart. Attorney, Rinehart said he had been retained to assist with zoning related matters. Attorney, Rinehart stated that the Application page requires a vicinity map and aerial photo of the lot. The area plot plan is not as helpful in locating the area of the proposed development. The aerial exhibit that Mr. Faris showed during the meeting provides the Board and residents with a better view of the location and surrounding developments. Attorney, Rinehart requested the aerial photo be included in the Application. Attorney, Rinehart confirmed that the Plot plan and Boundary plan are the same and the legal description provided in the Application was from 1984. Attorney, Rinehart confirmed that the legal description was from the transfer from Mr. Dulin, and Attorney, Rinehart added that the legal description needs to be updated. Attorney, Rinehart said the PRD is legislation that the Zoning Inspector would use to enforce the regulations. Attorney, Rinehart confirmed that the 11.04 Conditional Use, section was added for informational purposes because only the Zoning Appeals Board may approve Conditional Use. The Application states, under Group Homes, the Use would not be permitted in this zoning district and Attorney, Rinehart said it needs to be stated in the declaration for the condominium association. Attorney, Rinehart mentioned that samples of declarations were included in the Development plan and said that actual declarations need to be in the Development plan. The Development plan is the legislation and needs to have the declarations included for the Board to approve as a proposed declaration for the proposed project.

Attorney, Rinehart said on Page 7, Item 12) *Evidence of the applicant's ability to post a bond if the plan is approved ensuring completion of public service facilities to be constructed within the project by the developer.*

At the time of approval of the subdivision plat and engineering plans, a letter of credit from the Developer will be submitted to Delaware County.

Attorney, Rinehart said although this is common practice, it's not evidence of something that will be done in the future. Attorney, Rinehart said he recommends a sample letter of credit or another form of evidence rather than a blanket statement. Mr. Faris confirmed a letter from a lender and Attorney, Rinehart said yes.

Attorney, Rinehart said the letters from the utilities are needed. The letter from the Engineer's office states that the development plan shows the 20 ft. width so that must be updated for the Board before they make a motion. A traffic memo is required for the development. Attorney, Rinehart asked if there is a referendum of understanding regarding the traffic study and Mr. Faris said no. Attorney, Rinehart said the Board needs to see the results of the traffic memo before they make a decision on the development. Attorney, Rinehart asked for a final decision regarding the jurisdictional stream at County View Place which was included in the Engineer's letter. Mr. Faris said the existing ditch has not been discussed and they do not have a final decision. Attorney, Rinehart stated the Board needs the final decision before they make a Motion. Issues concerning the Columbia Gas letter and regional sewer district were discussed and Mr. Faris said the developer is financially responsible to bring those services to the development. Attorney, Rinehart, mentioned DCRPC's comment regarding additional buffering and that the golf course owns the property. Mr. Faris said an agreement would have to be made with the golf course. Attorney, Rinehart said the Board needs the agreement in order to implement what the agreement states. Discussion regarding the maintenance for the buffering ensued. Attorney, Rinehart stated the agreement is necessary to clarify maintenance, etc. concerning that area.

Chair, Resanovich and Mr. Faris confirmed the information needed for the continued meeting; changes on the landscaping/buffer as discussed during the meeting, letter from AEP and Frontier, name of the development, Mr. Glen Miller agreement with his fence and discuss water issues, plot plan, boundary survey update on legal,

Group Home Use documentation, declaration should be specific to application, evidence of applicant to post bond, traffic study, exhibit e2 additional information, declaration for regional gas and sewer for a letter of credit, agreement regarding the buffering with the golf course, road design information, document stating the base would be in prior to construction and would be RCC.

The Board and Mr. Faris agreed to continue the meeting for ZC022018 on April 17, 2018.

Motion to table ZC022018 by Mrs. Farneman and seconded by Mr. Smith.

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

Motion passed

Chair, Resanovich mentioned that the post office was requesting cluster mailboxes in new development. Chair, Resanovich added that the township filed an appeal and was waiting for a response. Mr. Faris said they cannot control the requirements for the mailboxes and they would provide information for cluster and individual mailboxes for the developments.

Application ZC032018

Mr. Faris said the development would be renamed. The proposed development includes; 10.157 acres, 25 free standing condominiums, 2.46 units per acre, same home product as North, same price range as North, same sq. ft. as North, main entry off of Home Road, secondary emergency vehicle access and the county engineer has the same width requirements as North. Mr. Faris believes the developer met with the homeowners association to inquire about an emergency access to serve both properties and the Fire Department and county would like the access between both developments. Mr. Faris said the front pond is too close to Home Road per the county.

The front of the pond would be filled in and they plan to reshape the pond as shown on the plan. Paths would be included in the development and along the road. Storm water would be handled in the detention pond, with water piped to the pond and they would improve the water quality, 10 ft. wide path, buffering along the site and screening from existing residents, open space is 40%.

Mr. Pierce asked if they were keeping the existing tree line and Mr. Faris said yes. Inspector, Irvine confirmed the development would be completed in one phase and Mr. Faris said yes. Inspector, Irvine asked if the start date would be the same as North and Mr. Faris said yes unless the lift station delayed the project. Inspector, Irvine asked if the system would flow to the Scioto Reserve system and Mr. Faris said, yes and the system needs some changes. Mr. Smith asked if the water would be handled through the location of unit 25. The existing neighbor abutting unit 25 said there was a storm sewer that runs in the swale, so the drainage from that whole area comes down and flows right through units 23, 24, 25. The development proposes a single storm sewer line and the flow would be an issue. Mr. Smith said the area presented a problem that the developer would need to address.

Attorney, Rinehart said the same issues as with the North Application, with the declaration on the Group Home Use, declaration directed more toward this development, Exhibit A from 2016 needs updated, boundary survey update on legal, evidence of applicant to post bond, applicants ability, lots 11, 12, 13, 10 no setbacks mentioned and Mr. Faris said they are all 20 ft., Engineer's letter specifies traffic study is needed rather than traffic memo, jurisdictional stream issue, sewer and gas etc. additional letters, need evidence on the agreement with the other homeowners association for the emergency access. Chair, Resanovich and Attorney, Rinehart said DCRPC mentions the secondary access off Home road is 530 ft. from Scioto Chase Blvd., which is too close for another full access so it would be for emergency use only.

Floor Opened to Public

Resident, Andrea Yagoda, asked if the target age was 55+ and Mr. Faris, yes. Ms. Yagoda asked if they would install a turn lane for the development. Mr. Faris said the traffic study would determine what was required and currently it is three lanes with a center turn lane. Ms. Yagoda asked what the building separation was and Mr. Faris said 10 ft. Mr. Smith asked if the exterior was all natural materials and Mr. Faris answered, yes.

Resident, Mike Nissenbaum, asked what prevented vehicles from using the emergency access. Mr. Faris said the fire department requested break-away bollards, which the fire equipment can push over and drive through.

Resident, Susan Christoff, confirmed the developer is adding additional trees on the south end next to the existing development's buffering. Mr. Faris said they are adding additional buffering however, not as dense near the pond so existing residents can see the water. Ms. Christoff asked what the setback distance would be from the proposed development and Mr. Faris said maybe 60-70 ft. from her house. Ms. Christoff also asked if the North and South developments would be part of Scioto Reserve and Mr. Faris does not think so.

A Resident asked what would happen if the lots do not sell. Mr. Smith said the market is very good, and most homes sell within 35 days. Inspector, Irvine asked when the homeowners association took over, and Mr. Faris did not know exactly, but more than 50%. Mr. Vince would be able to answer during the next meeting.

Resident, Sandy Messer, asked if the three developments, Meadows, North and South, would all be the same community, and Mr. Faris did not know. Chair, Resanovich, asked if they would have separate names and Mr. Faris said, yes.

Mr. Pierce asked if the developer spoke with the existing property owners and Mr. Faris said Mr. Vince met with a representative from the homeowners association however, he did not know if they notified the property owners individually. The developer would make sure the expectations were met for the existing property owners.

Chair, Resanovich asked if the continued date of April 17, 2018 would be acceptable for both developments and Mr. Faris answered, yes. Chair, Resanovich confirmed the information the Board was requesting for the continued meeting: drainage plan for the east side of the property, declaration specific to this plan, update legal description, evidence of the applicant's ability to pay, traffic study, verify the setback is 20 ft. on the plan, engineer's letter, gas/sewer letters, letters of credit, emergency exit agreement, road design, mailbox location/type.

Motion to continue ZC032018 on April 17, 2018 by Mrs. Farneman and seconded by Mr. Pierce
Vote: Resanovich, yes; Smith, yes; Farneman, yes; Pierce, yes; Hilt, yes
Motion Passed

Chair, Resanovich stated there would be a 5 minute recess.

Begin ZC012018/Concord Township Zoning Commission initiated ZC012018, text amendments to the current Comprehensive Plan and Zoning Resolution

Exhibits for ZC012018

- A- Concord Township Zoning Commission initiated ZC012018, text amendments to the current Comprehensive Plan and Zoning Resolution, B-Legal Notice, C-Delaware County Regional Planning Commission's (DCRPC) recommendations, D- Sign In Sheet

Chair, Resanovich began with DCRPC's recommendations for the Comprehensive Plan; due to the youth correctional facility becoming Columbus City property, DCRPC recommends the township designate other potential future Planned Commercial and Office Uses in the township to be designated on the Comprehensive Plan. Chair, Resanovich said the Trustees have mentioned having a workshop to discuss potential areas.

Chair, Resanovich read the proposed text amendments to the current Comprehensive Plan, see attached. Motion to recommend to the Trustees, the text amendments to the current Comprehensive Plan by Mrs. Farneman and seconded by Mr. Smith.

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

Chair, Resanovich read the proposed text amendments to the current Zoning Resolution, see attached. DCRPC's recommendations include requiring at least 20% Open Space as part of a rezoning to PRD with no more than 50% being ponds, wetlands, or major easements and detention/retention areas. Chair, Resanovich said this recommendation would also be addressed during the Trustee's workshop.

Motion to recommend to the Trustees, the text amendments to the current Zoning Resolution by Mr. Pierce and seconded by Mrs. Farneman.

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

Review/Approve Minutes

Motion to approve February 13, 2018 meeting minutes as presented by Mr. Smith and seconded by Mrs. Farneman

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

Motion to Recess

Motion to Recess until April 17, 2018 at 7:00pm by Mr. Pierce and seconded by Mrs. Farneman

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

ATTEST

DATE APPROVED

Angie Ellerbrock
Angie Ellerbrock
Administrative Assistant

04/17/2018

Proposed Changes to the Concord Township 2014 Comprehensive Plan

Page 62; Fire Protection, Amend the Fire Station address to; "7990 Dublin Road".

Page 64; Former State of Ohio Correctional Institutions, Amend the language on township opportunity for development due to Columbus City purchasing the correctional facility.

Delete the language; "*while the township and county want to see at least part of the site be available for development.*"

Page 103; Concord Township's Planned Residential District requires the following design characteristics:

Delete the second bullet;

" . Additional density allowed of one-half unit per acre for each of the following features:

Adjacency to major thoroughfares;

Adjacency to publically controlled and maintained recreational facilities;

Provision of usable parks or public open or recreational space;

Provision of pedestrian or bike trails as part of the design;

Retention and protection of natural or historic areas."

Page 126; Subarea 2 change the density to 1.5 units per acre to remain consistent.

Page 126; Subarea 3 change the density to "1.5"

Action Steps; Delete the verbiage regarding the Scioto Juvenile Corrections and Freedom Center.

Change the Action Steps density to "1.5 per gross acre"

Page 129; Subarea IV; PRD density changes to 1.5 units per gross acre

Page 130; Subarea V; same as IV

Page 132; Subarea VI; same as V

Section 11.07 – DEVELOPMENT STANDARDS. In addition to any other provisions of this Resolution, the following standards for arrangement and development of lands and buildings are required in the Planned Residential District:

a. **Intensity of Use** – The maximum density shall be one and one-half (1 ½) dwelling units per gross acre within the area to be developed, unless a divergence is approved in accordance with Section 11.06 of this Article.

b. **Arrangement of Structures**

1. **Setback Line** – The physical relationship of buildings and uses and their minimum yard spaces shall be developed in compliance with the approved plan and the provisions of Article XXI unless a variance is approved.

2. **Building Height Limits** – No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain bins, grain handling conveyors, church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmill, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said lot.

3. **Structure Separation** – No structure shall be located closer than twenty (20) feet to another structure and shall be measured from the greater of roof overhangs, cantilevers of the structure, generators, egress window wells and all other structures attached to a primary residence.

c. **Building Dimension (Floor space requirements)** – Each single family dwelling hereafter erected in this district shall have the following living area based upon the design of the structure:

Ranch / Single Story Dwelling with No Loft	1,500 square feet
Single-Story Dwelling with Loft	1,500 square feet
Two-Story Dwelling	2,000 square feet

Any other design of dwelling not referenced herein shall have a living area not less than one thousand five hundred square feet (1,500) square feet. All such living areas shall be exclusive of basements, porches or garages.

All multi-family buildings constructed within this district shall contain the following minimum living area, to-wit:

One (1) bedroom	800 square feet
Two (2) bedroom	950 square feet
Three (3) or more bedroom units	1,000 square feet

d. Landscape – All yards, front, side and rear, shall be landscaped, and all organized open spaces or nonresidential use areas, including, but not limited to, road setbacks and subdivision entrances, shall be landscaped and, as it relates to nonresidential use areas, should reasonably incorporate screening features such as mounding, fencing, and low walls. Such landscape plans shall be submitted with the zoning application and shall meet the requirements of Article XXIII.

e. Building Materials – All residential structures proposed in this district shall incorporate natural finishes or synthetic materials as approved by the Zoning Commission and/or the Board of Trustees. Any approved materials must be incorporated on the final approved development plat.

f. Multi-Use Paths – All developments in this district must incorporate multi-use paths with a minimum width of eight (8) to ten (10) feet and shall, to the extent reasonably possible, connect with other multi-use paths and/or sidewalks on adjacent properties.

g. Site Development – To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.

h. Parking – Off-street parking shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, provisions of Article XXI shall be incorporated when appropriate.

i. Signs – Except as provided under the provisions of this article for home occupation or as controlled by Article XXII and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a “For Sale” or “For Rent” or “For Lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed four (4) square feet in area on either side.

The owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or lot for sale.

j. Construction and Maintenance of Improvements Within Right-of-Way – Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.

k. Special Additional Conditions – The Zoning Commission may recommend and the Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscape, development, improvement, and maintenance of common open space any other pertinent development characteristics.

- l. Exterior Lighting – All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.
- m. Performance Standards – All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.
- n. Accessory Building – No part of any accessory building shall be located in the front yard.

Add to 19.08PRD Article, XI, Section 11.08, Planned Commercial and Office Article XIX Section 19.08 and Planned Industrial Article XX Section 20.08

Extension of Time/ Modification of Final Development Plan

a.) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the **Zoning Commission** without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

b.) Proposed variations from the approved Development Plan that involve only one (1) lot shall be considered by the Board of Zoning Appeals under its hearing process pursuant to **(BZA process section)** of the Zoning Resolution. ~~All other modifications to the Development Plan shall be presented to the Zoning Commission for its consideration as defined in this section.~~

c.) ~~A request for minor changes to the final development plans may be approved by the Zoning Commission without being subject to the same procedures as the original application.~~ shall be submitted to the Zoning Inspector for recommendations to the Board of Trustees, who will have final approval of all minor changes to the final development plans.

d.) In the case of a request for a modification or amendment to the approved final development plan that represents a **substantial departure** from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of development plan approval as the original application. The following shall be considered substantial departures from the original application.

- 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 the density;
- 4.) A reduction in approved open space;
- 5.) A reduction of off street parking and loading space;
- 6.) A reduction in required pavement widths;
- 7.) A reduction of the acreage in the planned development;
- 8.) Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.

****The Township could consider this process staying completely at the Zoning Commission level, or require that the plan also go to the trustees.****

Per Scott Sanders
12/12/2017

Per Trustees
02/13/2018

Per BZC
02/13/2018

- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically.
 - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the most recent County Auditor's tax list.
 - 7) The proposed size, location, and use of nonresidential portions of the lot including usable open areas, parks, paths, school sites, and other areas with their suggested ownership.
 - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
 - 10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.
 - 11) Specific statements of divergence from the development standards in Article XXI, Section 11.07 of Article XI or existing county regulations or standards and the justification therefor. Unless a variation from these development standards is specifically approved, the same shall be complied with.
 - 12) Evidence of the applicant's ability to post a bond if the plan is approved ensuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval - In approving an application for a Planned Residential District, the reviewing authority shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent, and general standards of this Zoning Resolution.
 - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
 - 3) If the proposed development advances the general welfare of the township and the immediate vicinity.
- d) Effect of Approval - The Development Plan as recommended for approval by the Zoning Commission and approved by the Township Trustees shall constitute all amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio.

Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3)

