

Ordinance 2020-16

AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT PLAN AND TO STATE THAT THE VILLAGE OF COMMERCIAL POINT MAY PROCEED WITH APPROVAL OF A TAX INCREMENT FINANCING INCENTIVE DISTRICT FOR WALKER POINTE, AND DECLARING AN EMERGENCY.

WHEREAS, Section 5709.40(C) of the Ohio Revised Code authorizes the legislative authority of a municipal corporation to create, by ordinance, an incentive district and declare the improvement to each parcel of real property within that district to be a public purpose; and

WHEREAS, Section 5709.40(A) of the Ohio Revised Code requires an incentive district to have one or more distress characteristics, which may be defined as inadequate public infrastructure serving the district as evidenced by a written economic development plan for the district; and

WHEREAS, the Village has determined to create an incentive district in the Village, as depicted and described on Exhibit A attached hereto (the "Incentive District"); and

WHEREAS, the area within the Walker Pointe Incentive District has been studied and an economic development plan has been prepared for that area (the "Economic Development Plan"), as described in Exhibit B and Exhibit B-1 attached hereto, which Economic Development Plan has been submitted to this Council and contains recommendations addressing land use, housing, and public infrastructure and related issues;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF COMMERCIAL POINT COUNCIL, COUNTY OF PICKAWAY, STATE OF OHIO:

Section 1. Council adopts and approves the Economic Development Plan and directs Village Staff to consult and use the Economic Development Plan as guidance in establishing the Walker Pointe Incentive District and providing financing for public infrastructure improvements. Copies of the Economic Development Plan will be kept on file at the Village Municipal Building.

Section 2. Council may hereafter proceed to establish the Incentive District under Section 5709.40(C) of the Ohio Revised Code.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that this ordinance is required to be immediately effective in order to enable the Village to timely pass additional legislation necessary for the timely development of the Walker Point Incentive District (I) and related public infrastructure improvements; wherefore, this ordinance shall be in full force and effect immediately upon its passage.

Vote on Suspension of Readings:

Motion by: Tracy Joiner 2nd: Jason Thompson

Roll Call:

<u>N/A</u> Bruce Moore	<u>Yes</u> Tracy Joiner	<u>Yes</u> Jason Thompson
<u>Yes</u> Aaron Grassel	<u>Yes</u> Ryan Mitchem	<u>Yes</u> Laura Wolfe

Vote on Passage of the Ordinance:

Motion by: Jason Thompson 2nd: Laura Wolfe

Roll Call:

<u>N/A</u> Bruce Moore	<u>Yes</u> Tracy Joiner	<u>Yes</u> Jason Thompson
<u>Yes</u> Aaron Grassel	<u>Yes</u> Ryan Mitchem	<u>Yes</u> Laura Wolfe

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Adopted this 17th day of August, 2020.



Allan D. Goldhardt, Mayor



Wendy Hastings, Fiscal Officer

Approved as to Form:



Josh Cartee, Law Director

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Exhibit A

IDENTIFICATION AND MAP OF THE INCENTIVE DISTRICT

The outlined area on the following map specifically identifies and depicts the Parcel and the boundary of the proposed Incentive District, approximately 18.262 acres in size and labeled as "Parcel A", and constitutes part of this Exhibit A. The Pickaway County tax parcel numbers for the Incentive District are L40-0-001-00-009-02 and L28-0-006-00-039-02 as of August 13, 2020, and are included for ease of reference only.

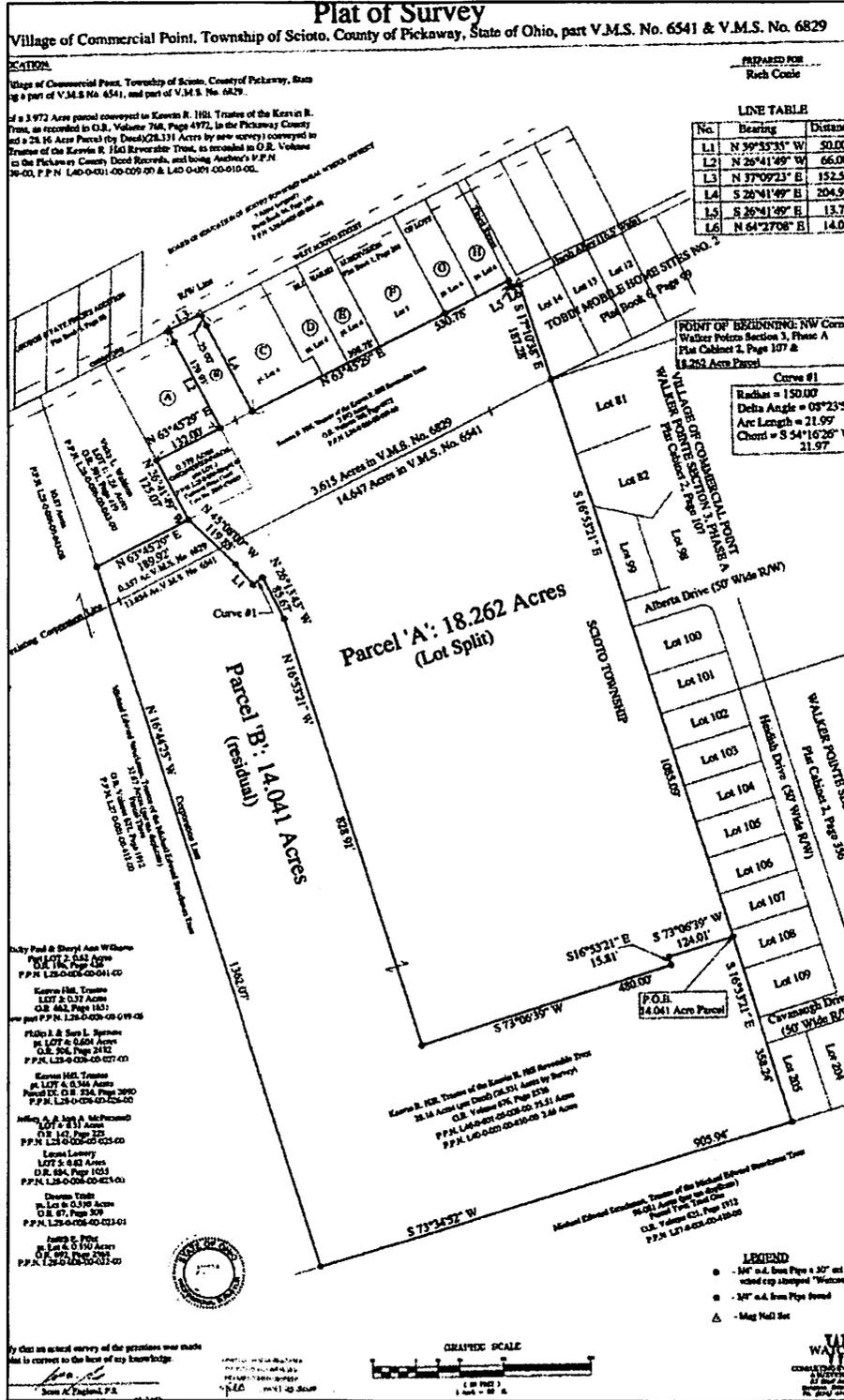


Exhibit B

**WALKER POINTE INCENTIVE DISTRICT (I)
ECONOMIC DEVELOPMENT PLAN**

Background

The creation of the Walker Pointe Incentive District (I) ("Incentive District") is being proposed for an area south of West Scioto Street, east of Commercial Point Road, north of Thompson Road, and west of Walker Road, current Pickaway County Auditor Tax Parcel ID Nos. L40-0-001-00-009-02 and L28-0-006-00-039-02. The Incentive District consists of approximately 18.262 acres of land and is zoned Planned Residential Development. The Incentive District will support infrastructure improvements and other public improvements in areas adjacent to the district, including a planned wastewater treatment plant, sewer plant, and necessary road repairs adjacent to and within the district. These improvements will directly benefit the properties within the incentive district and thereby provide the necessary encouragement for further development of such properties.

Proposed Development

The Incentive District is created with the intention of achieving development of a planned residential neighborhood in the area south of West Scioto Street, east of Commercial Point Road, north of Thompson Road, and west of Walker Road while also providing funding for infrastructure improvements to the Village of Commercial Point that will subsequently benefit the planned residential neighborhood. The residential development will promote the economic revitalization of the area of the Incentive District, and ultimately the general health, safety and welfare of the residents of the Village.

Analysis and Assessment

In connection with the development of the Incentive District, there is a realization that development within the district, in Commercial Point, and in surrounding areas will put an additional strain on the existing public infrastructure, and certain public improvements are necessary to provide the infrastructure and appropriate public amenities for the residents and employees of the district to enjoy a quality of life commensurate with that enjoyed by current Village residents. Utility upgrades Village-wide to the water and sanitary sewer system will materially benefit the abilities of those systems to serve the properties within the Incentive District. In addition, the maintenance and upgrade of the Village's road system, which provides a network of roads for access to the District from West Scioto Street, will provide well managed and superior access to properties within the Incentive District.

A Maronda Homes development will be on the property of the proposed Incentive District as a residential development. The development standards text for the residential development is attached hereto as "**Exhibit B-1**" and incorporated herein by reference, with the express understanding that said development standards text shall be incorporated only inasmuch to apply to "Parcel A" depicted in **Exhibit A**, consisting of current Pickaway County Auditor Tax Parcel ID Nos. L40-0-001-00-009-02 and L28-0-006-00-039-02 and approximating 18.262 acres.

Conclusion

The proposed Incentive District will permit taxes from the real property within the district to support future infrastructure improvements and other public improvements to promote high-quality residential development. Upon passage of the Ordinance finally establishing the proposed Incentive District, a portion of the real property taxes can be diverted to make payments in lieu of real property taxes to the Teays Valley School District and Eastland-Fairfield Career & Technical Schools in order that the school districts are "made whole," that said payments will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable to the school districts as if no tax exemption were granted to the Incentive District property.

Exhibit B-1

PLANNED RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS TEXT (PRD)

PROPOSED ZONING:	PRD
OWNER:	Keavin R. Hill, Trustee of the Keavin R. Hill Revocable Trust Dated July 2, 2004 (the "Owner")
APPLICANT:	Maronda Homes, Inc. of Ohio c/o Donald T. Plank, Plank Law Firm LPA (the "Developer")
DATE OF TEXT:	October 31, 2019
APPLICATION:	<hr/>

I. INTRODUCTION:

The subject property of this development consists of a combined 32.303 +/- acres of land located south of West Scioto Street, east of Commercial Point Road, north of Thompson Road, and west of Walker Road, Pickaway County Auditor Tax Parcel Id. No.'s: L27-0-001-00-458-00, L27-0-001-00-457-00, L28-0-006-00-024-00, L28-0-006-00-024-01, L28-0-006-00-039-00, and L28-0-006-041-01 (collectively, the "Property"), as more particularly described in the legal description attached hereto as Exhibit "A". Developer is seeking to rezone the Property to the PRD, Planned Residential District ("PRD") to accommodate the proposed re-development of the Property as a single-family residential subdivision.

Pickaway County Auditor Tax Parcel Id. No.'s: L28-0-006-00-024-00, L28-0-006-00-024-01, L28-0-006-00-039-00, and L28-0-006-041-01 are located in the Village of Commercial Point (the "Village"), and are currently zoned R-3, Low Density Residential District, and EU, Exceptional Use District, and improved with one single-family residence. Pickaway County Auditor Tax Parcel Id. No.'s: L27-0-001-00-458-00 and L27-0-001-00-457-00 were annexed into the Village on July 15th 2019 and have not been rezoned. The real property located at 21 West Scioto Street, Commercial Point, Ohio 43116, Pickaway County Auditor Tax Parcel Id. No. L28-0-006-00-027-00 (the "Spencer Property") is part of this development and zoned R-3, Low Density Residential District, but will not be rezoned and is only addressed in Section 5 and Section 8 in this Zoning Text. The single-family residence located on the Spencer Property will remain occupied and unaltered until Lot 43, as depicted on the Preliminary Plan, is developed with a single-family residence.

On June 17th, 2019, the Village, Owner, and Developer executed a Pre-Annexation Agreement involving the Property (the "Pre-Annexation Agreement"). This Zoning Text and attached Preliminary Plan succeeds and supersedes the draft zoning text and preliminary plan attached to the Pre-Annexation Agreement as Exhibit "C" and Exhibit "D", respectively.

II. PROPERTY: 32.303 +/- Acres

1. Permitted uses shall include the following:

- A. maximum of ninety-nine (99) single-family detached residential homes, on slabs or with basements.**
- B. Accessory structures consistent with this Text.**
- C. Open space (both active and passive) consistent with this Zoning Text and the preliminary plan dated October 29, 2019, attached hereto as Exhibit "B" (the "Preliminary Plan").**
- D. Stormwater management facilities.**
- E. Model home**

Exhibit B-1 (continued)

2. Development Standards:

Unless otherwise indicated in this Zoning Text or the Preliminary Plan, the applicable development standards of Commercial Point Zoning Code Section 1173.03 shall apply.

A. Density, Height, Lot and/or Setback Requirements

Maximum Number of Lots	Gross Density	Minimum Lot Width (at building line)	Minimum Lot Area	Minimum Front Setback	Minimum Side Setback
99	3.0 Lot/acre	70'	8,400 square feet	30'	6'

Minimum Floor Area for Ranch Homes	Minimum Floor Area for Two-Story Dwelling Homes	Maximum Building Height	Maximum Lot Coverage of Principal Building	Minimum Rear Yard Setback
1,400 sq. ft.	1,800 sq. ft.	35 feet	35%	25'

- a. Corner lots shall increase the side setback along the adjoining right-of-way (i.e. the right-of-way not along the front of the lot) to the minimum front setback.
- b. Minimum floor areas shall not include basements and/or walk-out floor areas.
- c. No more than twenty-five percent (25%) of platted lots shall be improved with ranch homes.

3. ARCHITECTURAL STANDARDS: The following architectural standards shall apply to the proposed community:

A. Four-Sided Architecture:

- a. Each front elevation must contain at least three (3), and each side or rear elevation must contain at least two (2), design elements, including, but not limited to, the following:
 - i. A door of at least seventeen (17) square feet.
 - ii. A window of at least six (6) square feet in area. Windows closer than ten feet (10') shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered as one (1) element.
 - iii. A chimney.
 - iv. An articulated gable vent of at least four (4) square feet in area.
 - v. Porches, decks, or similar structure.
 - vi. A similar significant permanent architectural feature consistent with the style of the house only upon prior approval by the Planning and Zoning Commission.

Exhibit B-1 (continued)

- b. The homes on ten percent (10%) of all platted lots shall have partial natural finishes of stone, stucco, or brick covering at least fifty percent (50%) of the net front elevation. For the purpose of Sections 3(A)(b) and 3(A)(c) of this Text, the net front elevation shall consist of the gross square footage of the front elevation minus the square footage of the door, windows and garage door.
 - c. The homes on twenty percent (20%) of all platted lots shall have partial natural finishes of stone, stucco, or brick covering at least twenty percent (20%) of the net front elevation.
- B. Exterior Materials:** Permitted exterior materials include the following:
- a. Hardiplank.
 - b. Vinyl siding of a grade of 0.44 or greater.
 - c. Wood.
 - d. Brick.
 - e. Stone.
 - f. Stucco.
- C. Home Mix:**
- a. To prevent monotony there shall be no duplication of front building elevation within one (1) home site on the same side of the street or directly across the street.
- D. Roofs:**
- a. The composition on all pitched roofs shall be dimension asphalt shingles.
- E. Garages, Driveways, and Parking:**
- a. A minimum two-car attached garage is required for all dwelling units.
 - b. Garages shall not project more than six feet (6') from the front line of the livable area of the home; however, a home with a covered porch measuring no less than 4 feet by 6 feet in size may have a garage that projects no more than ten feet (10') from the front line of the livable area of the home.
 - c. Garage doors may not exceed fifty percent (50%) of the width of the front of the house.
 - d. Driveways shall be a maximum of eighteen feet (18') at the right-of- way, and shall be setback a minimum of three feet (3') from all side property/lot lines.
 - e. Driveways shall be paved with concrete or asphalt.
 - f. All homes shall have a sidewalk connecting the driveway or street to the front door of the home.
- 4. STREETS AND CIRCULATION:** Interior street patterns and exterior road connections/intersections shall be consistent with depictions on the Preliminary Plan. In addition, the following standards shall apply:
- A. Traffic: Access to the Property shall be via a proposed street and right-of-way from West Scioto Street and through existing public streets in the Walker Pointe subdivision.
 - a. Required traffic improvements outside the Property will be identified and summarized in a traffic impact study to be conducted by a certified traffic engineer. The scope of the traffic impact study shall be agreed to between the Village and Developer.

Exhibit B-1 (continued)

- b. Streets throughout the Property shall meet the following standards:
 - i. Minimum Right-of-Way Width: Fifty feet (50')
 - ii. Minimum Pavement Width: Twenty-eight feet (28') face to face
 - iii. Maximum Cul-de-Sac Length: Eight hundred feet (800')
 - iv. Minimum Cul-de-Sac Radius: Fifty feet (50')
 - v. Minimum Cul-de-Sac Pavement: Thirty-eight feet (38')
 - vi. Minimum pavement composition shall be in accordance with the design and construction criteria for local streets as defined in the Commercial Point Zoning Code.
- 5 OPEN SPACE AND LANDSCAPING: Open space shall be generally consistent with depictions on the Preliminary Plan. However, open space calculations on final engineering/plats may vary from calculations provided herein without approval from the Planning Commission and/or Village Council, provided that it meets the requirements of this Text. In addition, the following standards shall apply:
- A. The Code requires that a minimum of twenty percent (20%) of the gross site minus publicly dedicated streets and alleys, approximately 5.334 acres, be reserved for common open space. Developer proposes to meet this requirement by providing:
 - a. 4.9 acres of open space. All landscape buffers and storm water detention/retention ponds shall count towards open space.
 - b. 1,008 +/- linear feet of paved bike paths, eight feet (8') wide as depicted on the Preliminary Plan.
 - B. All open spaces, including storm water detention/retention ponds, shall be owned and maintained by the homeowners association. The Developer shall grant an easement providing the Village and the general public access to Reserve "C" and the paved bike paths to be constructed in Reserve "C", as depicted on the Preliminary Plan. The easement shall also grant the Village certain maintenance rights over Reserve "C". The easement shall be included in the first plat of Walker Pointe Section 4 and recorded at the Pickaway County Recorder's Office.
 - C. Entry features, fencing, walls, signage, columns/piers, fountains, and related landscaping and lighting are permitted within open spaces.
 - D. Reasonable and good faith efforts shall be taken to preserve existing healthy trees
 - E. Landscape Materials: The minimum size requirements for plant material installed with the PRD are as follows:
 - a. Deciduous trees: one-and-three-quarter inch (1-3/4") caliper.
 - b. Evergreen trees: five feet (5') height.
 - c. Ornamental trees: one-and-one-half inch (1-1/2") caliper if single-stem or six feet (6') height if multi-stem.
 - d. Evergreen and deciduous shrubs used for screening purposes: twenty-four inch (24") height and spread.
 - e. All other evergreen and deciduous shrubs: two (2) gallon container.

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Exhibit B-1 (continued)

- f. Exhibit "C" attached hereto depicts the minimum landscape requirement for each residential home constructed on a developed residential lot on the Property.
- F. Fencing:
 - a. All fencing must meet all Village Codes unless otherwise noted herein.
 - b. Chainlink fences are not permitted.
 - c. The fencing for Reserve "C", as depicted on the Preliminary Plan, shall have a minimum height of four and one-half feet (4.5').
6. GRAPHICS AND SIGNAGE: All graphics and signage shall conform to the Commercial Point Zoning Code unless approved otherwise by Village Council as part of this rezoning. Project signage including temporary signage, model home signage, and marketing signage shall be permitted. A final signage package is required for review and approval by the Village Planning Commission at the time of Final Development Plan approval for each phase. All marketing signage will be removed from the site within sixty (60) days of the final home site being sold to a third-party buyer. The design and materials for street signs and roadway regulatory signs shall be per Village standards and/or otherwise subject to approval by the Village Engineer.
7. MAIL DELIVERY: Mail delivery is intended to occur in two (2) manners: to individual mailboxes/residences or to cluster box units (CBUs). However, the ultimate decision for how mail delivery occurs resides with the United States Postal Service (USPS). Current USPS trends require mail delivery to CBUs rather than individual lots, regardless of residential uses (i.e. attached vs. detached).
8. HOMEOWNERS ASSOCIATION (HOA): A Property homeowners association, separate and distinct from the other Walker Pointe homeowners associations, shall be established. Deed restrictions regarding the establishment of a homeowners association shall be recorded for the Property. The deed restrictions shall include a provision regarding the maintenance of the open space on the Property and Spencer Property.
9. MODEL HOMES: With regards to model homes, the following standards shall apply:
 - a. Individual homes may be used as model homes for the purpose of marketing and sales.
 - b. Manufactured and/or modular buildings are permitted for use as a sales or construction office during the development of the homes and Property.
 - c. As part of the construction process, two (2) model home permits prior to completion of the first phase of development may be submitted to the Village for approval. As long as the models comply with the approved development standards, the Village shall approve the permits and allow construction of the model homes. Occupancy of and/or sales from the model home(s) shall not be permitted until the final plat for the first phase is recorded.
10. UTILITIES: All utility lines internal to the development shall be placed underground, whenever feasible, including water service, electricity, telephone, gas, and their connections or feeder lines. Meters, transformers, etc. may be placed above ground, but shall be reasonably attempted to be discreetly located at the rear of lots when possible. All above ground utilities shall be reasonably screened from the street view.

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Exhibit B-1 (continued)

11. **FUTURE AGREEMENTS:** Concurrent with zoning and prior to the issuance of a building permit, the Developer shall enter into a Developer's Agreement with the Village regarding the construction of the project, as approved by the Village's Law Director.
12. **DEVIATIONS FROM ZONING CODE:** Attached hereto as Exhibit "D" is a spreadsheet detailing all deviations from the Commercial Point Zoning Code in this Text.

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Exhibit B-1 (continued)

<p>Deviations Spreadsheet</p> <p>Maronda Homes-West Scioto Street Development</p>		
<p>Commercial Point Zoning Code Section</p>	<p>Code Requirement</p>	<p>Maronda Homes PRO Zoning Text</p>
<p>1173.03(b)</p>	<p>Minimum lot width- 350 feet at building line</p>	<p>70 feet</p>
<p>1173.03(b)</p>	<p>Minimum frontage- 250 feet</p>	<p>190 feet based on preliminary plan</p>
<p>1173.03(b)(2)</p>	<p>Parking areas shall be no closer to the main structures than ten (10) feet.</p>	<p>Garages shall not project more than six feet (6') from the front line of the livable area of the home; however, a home with a covered porch measuring no less than 4 feet by 6 feet in size may have a garage that projects no more than ten feet (10') from the front line of the livable area of the home.</p>
<p>1173.03(c)(6)</p>	<p>Minimum of twenty (20) percent of the gross site minus publicly dedicated streets and alleys shall be set aside as public open space.</p>	<p>Applicant will provide 18.4% open space. Applicant has agreed to install a shared use path through Reserve "C". Additionally, applicant will improve the road leading to the school for better access.</p>
<p>1130.01</p>	<p>All single-family residential developments shall incorporate architectural diversity whereby (a) the same house model and elevation shall not be directly across the street and (b) a minimum 2-lot separation shall be required between the same house model on the same side of the street or diagonal from each other.</p>	<p>Variance from (b) since diagonal houses can be the same house model under current home mix guidelines.</p>
<p>1130.0S(b)</p>	<p>(8) Twenty percent (20%) of all platted lots shall have partial natural finishes of stone, stucco, or brick on the front elevation. (9) Additionally, ten percent (10%) of all platted lots shall have natural finishes of stone, stucco, or brick.</p>	<p>The homes on ten percent (10%) of all platted lots shall have partial natural finishes of stone, stucco, or brick covering at least fifty percent (50%) of the net front elevation. The homes on twenty percent (20%) of all platted lots shall have partial natural finishes of stone, stucco, or brick covering at least twenty percent (20%) of the net front elevation.</p>

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Exhibit B-1 (continued)

1130.07(a)	Front loaded garages may not project or be set back more than four feet from the front line of the livable area of the home. A covered or uncovered porch shall not be considered a livable area of a home.	Garages shall not project more than six feet (6') from the front line of the livable area of the home; however, a home with a covered porch measuring no less than 4 feet by 6 feet in size may have a garage that projects no more than ten feet {10'} from the front line of the livable area of the home.
1153.IG(b)	The minimum setback on the corner lot side facing the side street shall be thirty-five feet.	30 feet (matching front setback).
1157.04(a)(l)	The minimum lot area is 12,200 square feet.	Minimum lot area of 8,400 square feet.
1157.04(a)(2)	Maximum lot coverage is 30%	Maximum lot coverage is 35%
1157.04(a)(6)	Side yard setback is ten (10) feet on each side as measured from the side property line.	Minimum side yard setback is six (6) feet.
1157.04(a)(7)	Rear yard setback is Thirty (30} feet as measured from the rear property line.	25 feet
1157.04	Ground floor and finished floor area requirements	1,400 sq. ft. for ranch. 1,800 sq. ft. for two story house.
1115.03(a)(l)	Local streets shall have a minimum right-of-way of 60 feet. The minimum pavement width shall be 30 feet measured face of curb to face of curb.	The minimum right-of-way width shall be 50 feet. The minimum pavement width shall be 28 feet face of curb to face of curb.