

**RESOLUTION NO. 03-2020**

**A RESOLUTION APPROVING THE REZONING OF ±154.45 ACRES WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO.**

**WHEREAS**, MI Homes of Columbus Ohio LLC (the "Petitioner") filed a Zoning Certificate Application with the Village of Commercial Point on August 28, 2019; and

**WHEREAS**, The Planning and Zoning Commission of the Village of Commercial Point held a public hearing on September 26, 2019 to hear comments on this proposed zoning request; and

**WHEREAS**, On December 16, 2019 a recommendation to approve the new zoning for this project was received by the Council of the Village of Commercial Point; and

**WHEREAS**, The Council of the Village of Commercial Point held a public hearing February 17, 2020 to hear comments on this proposed zoning request; and

**WHEREAS**, the Council of the Village of Commercial Point has determined it to be in the best interest of the Village of Commercial Point that the zoning classification of the proposed property in the Village of Commercial Point be established;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO THAT:**

**SECTION 1.** The property containing 154.45+/- acres, which is more particularly described on the attached Exhibit A, incorporated herein by reference, is hereby designated as a Planned Residential District (PRD):

**SECTION 2.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that result 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 3.** This Resolution shall take effect and be in force from and after the earliest date allowed by law.

Vote on Passage of the Resolution:

Motion by: Mr. Mitchem \_\_\_\_\_

2<sup>nd</sup>: Mr. Thompson \_\_\_\_\_

Roll Call:

Yes Bruce Moore

Yes Tracy Joiner

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Laura Wolfe

Adopted this 6th day of April, 2020.

  
Allan D. Goldhardt, Mayor

  
Wendy Hastings, Fiscal Officer

Approved as to Form:

\_\_\_\_\_  
Frost Brown Todd, LLC

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**Exhibit A  
M/I HOMES - FOXFIRE**

**PLANNED RESIDENTIAL DISTRICT (PRD)**

**December 3, 2019**

**I. Introduction and Summary.**

The property that is the subject of this PRD zoning text consists of 154.45± acres that presently comprised of a portion of the Foxfire Golf Course. This application seeks to provide the framework for the development of a residential community consisting of traditional single-family homes. The development will have a maximum gross density of 2.69 units per acre (yielding a net developable density of 3.58 units/acre).

The development plan seeks to locate lots and homes within close proximity to open spaces and will link homesites to green spaces by providing sidewalks on each side of public streets within the subdivision as well as leisure paths within green spaces that will connect to the sidewalk system. The development plan also provides numerous lots which back up to off-site open spaces. While the golf course acreage does not figure into the open space calculations for this new subdivision, nonetheless it provides an attractive amenity for the community.

**II. Development Standards - Generally.** The development standards contained within this text and the plans that accompany it are intended to govern the proposed development. The R-3, Low Density Residential District is being used as the base zoning category under which development of this PRD is being undertaken. In the event of a conflict between the standards in this text and those found within the Village Code, the standards in this text shall govern. To the extent that a development standard is not contained herein, then the provisions of the Village Code shall govern with respect to that standard. Variances from Village Zoning Code and Subdivision Regulations which are being requested with this zoning are detailed in Exhibit A, which is attached to this text.

**III. Permitted Uses.** Permitted uses in this zoning district are as follows:

- A. Single-family detached homes.
- B. Open space, parks, playgrounds, and related recreational uses.
- C. Private community center/clubhouse with pool, patio, and other related amenities, which shall be located in Reserve "E". This use shall not be permitted to serve the golf course which is located adjacent to this zoning district.
- D. Home occupations associated with a principal use and in accordance with Chapter 1187 of the Village of Commercial Point Zoning Code (the "Village Code").
- E. Golf courses and related improvements, but only until such time as the entire existing golf course within this zoning district has ceased operations and all golf course-related improvements have been removed. Alterations to the golf course prior to development of the subdivision shall be permitted using procedures which would apply to this zoning district if it were designated with the EU, Exceptional Use zoning classification of the Village Code.
- F. A maximum of four (4) model homes shall be permitted to be operated until such time as homes have been constructed on all lots in this subdivision. The location of each model home shall be approved as part of a final development plan. Notwithstanding anything to the contrary in the Village Code, prior to the approval of a final plat the developer may commence construction of model homes. Model home construction may occur in advance of, or in conjunction with, installation of infrastructure for the subdivision. No occupancy of a model home shall be permitted until the home has been connected to operable public sanitary sewer lines and public water lines. Temporary paved parking may be provided on any lot which is adjacent to a lot containing a model home, provided that such parking shall be removed by the developer once the model home is no longer being used for marketing and sales purposes.
- G. Farming/agricultural uses, but only within phases of the subdivision which are not being developed. Once development within this zoning district is complete, these uses shall no longer be permitted.

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### **IV. Specific Development Standards.**

#### **A. Density, Lot and Setback Commitments.**

1. **Number of Units.** The maximum number of single-family units shall be 416.
2. **Minimum Floor Areas:** The minimum floor area for the ground floor of a dwelling shall be 700 square feet. Each two-story home shall have a minimum total gross floor area of 1,600 square feet, each one and one-half story home shall have a total gross floor area of 1,500 square feet, and each one-story home shall have a minimum total gross floor area of 1,400 square feet.
3. **Phasing.** Lots will be developed and homes will be constructed in phases as detailed in the Phasing Plan that accompanies this text in Exhibit C-5. Revisions may be made to the phasing plan as part of any final development plan application if necessary or desirable for engineering reasons or based on market conditions.
4. **Minimum Lot Dimensions.** A minimum of 115 lots shall have a minimum width of 62 feet as measured at the minimum building setback line. The remaining lots shall have a minimum width of 56 feet as measured at the minimum building setback line. There shall be a minimum lot depth of 120 feet for all lots, provided, however, that lot depth may be less than this minimum in limited circumstances where lots are located on a curved portion of public street if the minimum total lot area requirements of this text are met. The minimum required lot area for lots with a minimum of 56 feet in width shall be 6,720 square feet, and 7,440 square feet for lots with a minimum of 62 feet in width.
5. **Setbacks.** The following setback requirements shall apply in this zoning district:
  - a. **Front Yard.** There shall be minimum front yard setback of 25 feet from the edge of right-of-way for all lots. Stoops, steps, and porches shall be permitted to encroach a maximum of six (6) feet within the minimum front yard setback line.
  - b. **Rear Yard.** There shall be a minimum rear yard setback of 25 feet for all lots, provided that decks, screened porches, pools, and patios shall be permitted to encroach a maximum of 10 feet into the required minimum rear yard setback.
  - c. **Side Yard.** The minimum side yard setback shall be 6 feet. Eaves, overhangs, and window wells shall be permitted to encroach a maximum of 12 inches into the minimum side yard setbacks for each home type.
6. **Street Frontage.** All lots shall have frontage on and vehicular access to a public street.
7. **Lot Coverage:** The maximum lot coverage for each lot shall be 45%.

#### **B. Access, Loading, Parking and Other Traffic-Related Commitments.**

1. **Off-Street Parking Spaces.**
  - a. **Homes.** Each home shall have either a two-car or three-car garage. Three car garages shall be permitted only on lots with a minimum width of 62 feet as measured at the minimum building setback line. All homes shall be required to have a minimum of two (2) off-street parking spaces on the driveway but located outside of street rights-of-way.

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- b. **Reserve E.** A minimum of 25 parking spaces shall be provided within a paved parking lot in Reserve "E" shall be provided to serve the private community center/clubhouse and related amenities to be constructed and operated therein.

2. **On-Street Parking.** Parking shall be prohibited on the same side of the street where fire hydrants are located. On-street parking shall be permitted on all other portions of public streets, except as otherwise prohibited by applicable subdivision regulations.
3. **Public Streets.** All streets within this zoning district shall be public, with the exception that a temporary private drive may be maintained or otherwise provided through the zoning district to continue vehicular access between State Route 104 and the portion of the Foxfire golf course that is to remain operational outside of and adjacent to this zoning district. This temporary private drive shall be removed once relevant portions of the internal public street system within the zoning district are constructed so as to provide a route of vehicular access to and from the golf course via an access point extending from Canterbury Road, as shown in Exhibit C-4. All new streets in this zoning district shall be deemed to be "local streets" under the Village Code and shall comply with associated requirements in the Village Code except as modified in this text or shown in accompanying plans. The minimum centerline radius for a public street shall be 200 feet. A public street stub shall be provided in the northwestern portion of the zoning district to provide a future connection to property to the north.
4. **Street Widths.** All public streets within this development shall be of curb and gutter construction and shall be constructed to required public specifications unless otherwise described in this text or approved as part of the plans that accompany this text. The required right-of-way width for all public streets shall be 60 feet in width, except that the portion of Bethpage Boulevard between its intersection with Oakland Hills Loop and the right-of-way for State Route 104 may be up to 96 feet in width in order to accommodate a landscaped median. Pavement shall be no less than 28 feet in width measured face of curb to face of curb, except that Bethpage Boulevard and Colonial Club Road shall have pavement that is no less than 32 feet in width measured face of curb to face of curb. The minimum radius for streets shall be as provided in the chart at the end of this text.
5. **Erin Hills Road.** Erin Hills Road shall be constructed during or prior to the development of Phase 2, Part 1 of the project as shown in the Phasing Plan (Exhibit E-5). Should the Phasing Plan be modified as part of a final development plan, the Planning Commission shall be permitted to modify this timing requirement.

### **C. Architecture.**

1. **Architectural Character.** The architectural characteristics of the homes to be constructed in this zoning district are to be reflective of the architectural exhibits that accompany this text. These exhibits are intended to be used as a guide in terms of defining the styles and designs of homes. A number of home designs will be used to meet market demand and to provide diversity in terms of home sizes and exterior appearances and finishes, subject to the requirements of this text. The same home design shall not be constructed on lots that are adjacent to or directly across the street from one another. A lot shall be deemed to be directly across the street from any other lot that is located in whole or in part between two

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imaginary straight-line extensions of the side lot lines for the first lot which extend to the opposite site of the public right-of-way on which the first lot has frontage.

2. **Exterior Finish Materials.** Cementitious siding, vinyl, brick, brick veneer, stone, stone veneer, EIFS, stucco shall be permitted as primary exterior façade materials. Permitted trim materials include wood, PVC, vinyl, EIFS, and aluminum.
3. **Maximum building height:** Homes may be one, one and one-half, or two stories and shall not exceed 35 feet in height, as measured by Village Code.
4. **Reserve E - Private Community Center.** The design of the private community center/clubhouse to be provided in Reserve "E" shall be reviewed and approved as part of a final development plan. The building shall be one story in height and shall have a design that is complimentary to the architecture of homes in this community.

### **D. Buffering, Landscaping, Open Space and Screening Commitments.**

1. **Homeowners' Association.** The developer shall create a forced and funded homeowners' association (an "HOA") which shall charge assessments no less frequently than annually and shall maintain open spaces and other features of common interest to homeowners in this zoning district. A declaration of covenants, conditions, and restrictions shall be recorded before any lots within the community are transferred to third parties which shall require the payment of these assessments and adherence to other requirements as are customarily applied to residential communities, as determined by the developer in its reasonable discretion and provided that such requirements are consistent with the requirements of this text.
2. **Open Space and Parkland.** All reserve areas in this community shall be maintained by the developer and/or the HOA. Reserve areas may be regularly mowed or may be permitted to be maintained in a more natural meadow-like state and may include green space, playgrounds, leisure paths, other recreational elements, and storm water management facilities. Reserve "E" shall contain a private community center/clubhouse and associated improvements and amenities as contemplated elsewhere in this text. Plans for improvements to and maintenance of each reserve area shall be provided for review and approval of each final development plan for the various phases of development of this community.
3. **Street Trees.** Deciduous street trees shall not be located within tree lawns between the backs of street curbs and sidewalks. Instead, required street trees shall be installed within the front yard of a lot behind the public sidewalk on both sides of internal streets. Trees are to be a minimum of 2 inches in caliper at installation and shall be spaced at a maximum distance of 40 feet on center. The median within Bethpage Boulevard near State Route 104 shall be grassed and/or landscaped.
4. **Individual Lots.** Each lot shall have a grassed lawn and shall include at least one deciduous tree in the front yard. These trees shall be a minimum of 2 inches in caliper at installation. Other plant materials may be provided on each lot, and their respective species and sizes will vary based on the preferences of the initial buyer of each lot.

### **E. Signage.**

1. **Entry Signs.** An entry sign shall be permitted to be located on both sides of the street at each of the entry points into the subdivision at State Route 104 and State Route 762, provided that each sign is located outside of the right-of-way. Entry signs shall be incorporated into landscaping features at such entry points.

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2. **Model Homes.** Signs shall be permitted on each lot where a model home is operated as detailed in Exhibit C-6, which accompanies this text.
3. **Marketing.** Temporary marketing signs shall be permitted within this zoning district until such time as the last lot/home is sold. The specifications for this signage shall be submitted along with the first final development plan application filed with respect to this community and reviewed and approved as part of the review of the same.

### **F. Lighting; Garbage Cans:**

1. **Front Exterior Door Lights.** Each home shall have a light fixture(s) or light fixtures on its front façade near the front door adjacent to each exterior door on front, side, and rear facades.
2. **Garbage Cans:** Other than on collection days, all garbage cans and other waste containers shall be kept in the garage, permitted storage buildings, or within approved screened areas and not visible from the street.

### **G. Miscellaneous Standards.** The following additional restrictions shall apply to improvements in this zoning district:

1. **Pools/Spas.** Above-ground swimming pools shall be prohibited. All swimming pools/spas shall be located in the rear yard, within the building setback lines of single-family lots, and shall be completely screened from adjoining properties.
2. **Equipment Storage:** Storage of all maintenance equipment shall be within garages or permitted storage structures. Such items should not be visible from public streets, common open spaces, or adjacent lots. This provision shall remain effective only until such time as the Village Council approves legislation on this subject that becomes legally effective and which applies to all properties within the Village, at which time that legislation shall apply instead.
3. **Utilities:** All new utilities shall be installed underground.
4. **Mailboxes:** Due to recently enacted federal postal rules and regulations, individual mailboxes are no longer permitted to be located to the front of each lot. Instead, a minimum of three cluster mailbox units shall be utilized. One of these cluster mailbox units shall be located in Reserve "E" in the location shown in Exhibit F-1. The other two locations for cluster mailbox units are shown in Exhibit F-1, but may be relocated to other locations if approved by the Planning Commission as part of a final development plan.

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**EXHIBIT A TO FOXFIRE PRD DEVELOPMENT STANDARDS TEXT**

<b><u>Commercial Point Zoning Code or Subdivision Regulations Section</u></b>	<b><u>Code Requirement</u></b>	<b><u>Proposed PRD Development Standards Text</u></b>
Section 1157.04(a)(1)	Minimum lot area of 12,200 square feet	Minimum lot areas as follows:  A minimum of 115 lots shall have a minimum lot area of 7,440 square feet.  All other lots shall have a minimum lot area of 6,720 square feet.
Section 1157.04(a)(2)	Maximum lot coverage of 30%	Maximum lot coverage of 45%
Section 1157.04(a)(3)	70 feet of frontage required on improved public right-of-way	A minimum of 115 lots shall have a minimum lot width at the building line of 62 feet.  All other lots shall have a minimum lot width at the building line of 56 feet.
Section 1157.04(a)(5)	Minimum front yard setback of 30 feet as measured between the street right-of-way line and the building setback line.	There shall be minimum front yard setback of 25 feet from the edge of right-of-way for all lots. Stoops, steps, and porches shall be permitted to encroach a maximum of six (6) feet within the minimum front yard setback line.
Section 1157.04(a)(6)	Minimum side yard setback of 10 feet on each side of the home as measured from the side property line.	Minimum side yard setback of 6 feet on each side of a home as measured from the side property line.

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<b>Commercial Point Zoning Code or Subdivision Regulations Section</b>	<b><u>Code Requirement</u></b>	<b><u>Proposed PRD Development Standards Text</u></b>
Section 1157.04(a)(7)	Minimum of thirty (30) feet as measured from the rear property line. Accessory building may be located in the rear yard no less than eight (8) feet from the rear property line.	Minimum of 25 feet for all lots, provided that decks, screened porches, pools, and patios shall be permitted to encroach a maximum of 10 feet into the required minimum rear yard setback.
Section 1157.04(a)(8)	<p>2-story dwellings shall have a minimum ground floor area of 950 square feet and a minimum finished floor area of 1,900 square feet</p> <p>1 and 1/2-story dwellings shall have a minimum ground floor area of 1,250 square feet and a minimum finished floor area of 1,700 square feet</p> <p>1-story dwellings shall have a minimum finished floor area of 1,500 square feet</p>	<p>2-story dwellings shall have a minimum ground floor area of 700 square feet and shall have a minimum finished floor area of 1,600 square feet</p> <p>1 and 1/2-story dwellings shall have a minimum ground floor area of 700 square feet and shall have a minimum finished floor area of 1,500 square feet</p> <p>1-story dwellings shall have a minimum finished floor area of 1,400 square feet</p>
Section 1115.03(F)(1)	Minimum pavement width of a local street shall be 30 feet as measured face-of-curb to face-of-curb	Minimum pavement width of a local street shall be 28 feet as measured face-of-curb to face-of-curb with no parking to be permitted on the side of the street with fire hydrants
Section 1115.03(F)(1)	Minimum right-of-way width of 70 feet and pavement width of 36 feet as measured face-of-curb to face-of-curb for a collector street (Bethpage Boulevard, Colonial Club Road, Chambers Bay Road and Erin Hills Road)	Minimum right-of-way width of 60 feet and pavement width of 32 feet as measured face-of-curb to face-of-curb for a collector street (Bethpage Boulevard, Colonial Club Road, Chambers Bay Road and Erin Hills Road) with no parking on the side of the street with fire hydrants

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<b><u>Commercial Point Zoning Code or Subdivision Regulations Section</u></b>	<b><u>Code Requirement</u></b>	<b><u>Proposed PRD Development Standards Text</u></b>
Section 1115.03(F)(5)	Minimum centerline radius for a local street shall be 250 feet	Minimum centerline radius for a local street shall be 200 feet, provided that parking shall be prohibited on both sides of the street within the curved portion. Parking restrictions
Section 1115.03(F)(5)	Minimum centerline radius for a collector street shall be 400 feet	Minimum centerline radius for a collector street is 300 feet for Chambers Bay Road and Erin Hills Road