

**Village of Commercial Point  
Planning & Zoning Commission Meeting  
October 24, 2019**

Chairman Dan Kopec called the meeting to order. Roll Call was taken with the following members present: Mr. Kopec, Mr. Goldhardt, Ms. Mowery, Ms. Plybon and Mr. England. Alternate Legg was also present.

Mr. Goldhardt motioned, seconded by Ms. Mowery to approve the September 26, 2019 M/I Public Hearing. All in favor, motion approved. Mr. Goldhardt motioned, seconded by Ms. Mowery to approve the September 26, 2019 Zoning Commission Minutes. All in favor. Motion approved.

Engineer John Grosse addressed the Commission. He discussed procedural issues for development. He said there are two types, 1. The property is already in the village. He said if a developer wanted to come in and discuss rezoning, that is one procedure. 2. The property wants to annex and be rezoned, that is another procedure. He said if it is inside the village and wants rezoned, the developer would first come in and talk with staff and issues such as sewer and water line location and connection to the road. He would then meet with the Zoning Inspector who would give them an outline on what they need to have. He said once he has the items required there will be a formal application which would come to the Zoning Inspector, who in return would distribute to staff and also the Zoning Commission to review. He said the things in a zoning text for the Planned Development are any special items that might deviate from our code or special items staff and the zoning commission may recommend, which council ultimately approves. He said the zoning text then comes before this board with staff comments and it is a time for them to weigh in with comments. He said at the end of the day, this is what they will be approving as part of the zoning. He said when it is approved to a Planned Development, that text is an important part of it. He said once the recommendation is made, it goes to council for approval.

Engineer Grosse said on the property outside of the village, the village has completed a pre-annexation agreement. He said in this agreement, a lot of the items are discussed and placed in the pre-annexation agreement. He said the draft zoning text is put in the agreement. He said the agreement is then reviewed by this board and ultimately approved by council. He said it sets the stage so each party knows what they will get. He said approvals cannot be granted until it's in the village but those items are already worked out, and there are escape clauses in the contract. He said other things included would be if the developer doesn't perform certain things then there are things the village can do. Also, they can discuss utilities and how they will prepay for utilities. He said these are worked out ahead of time before it is even annexed into the community. He said this is the advantage of having a pre-annexation. He said once it is in the village these processes can be done at the same time. He said it allows the Zoning Commission, if they chose to complete their due diligence, and all review of submittals but realizing they cannot formally approve. He said they can approve it contingent upon annexation, if they choose. He said when it becomes annexed, the recommendation goes to council to approve the annexation, zoning and the development plan. He said the annexation takes 6 months, so there is plenty of time to work out the zoning. He said there are a lot of things going on in the village and this allows planning tools for the village. He said it allows us to plan timing and financing. He discussed that M/I will come before them and it fits this portion. Ms. Plybon asked for clarification on the financing, is it financing that the developer plans to add to the project or financial institution. Engineer Grosse said financial institution, the debt the village is taking on. He said in the pre-annexation agreement they are trying to get scheduled for

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utilities, the tap fees have been raised to generate the funds needed. He said tap fees do not effect current residents. He said one thing the village has always taken pride in, development should not cost the current residents. He said the new water plant has a bid opening December 11<sup>th</sup>. He said it is estimated at 6.5 million dollars. He said about 40% is for the current residents and the rest will be for new development and expansion. He said the village is in a unique position, the plant capacity is basically taken up. He said we are now starting the second phase and we need to work with developers to get this covered. He said if we would have stayed the same as we were 5 years ago, we still would pay a lot for the upgrades. He discussed State Route 104, which will be a huge development. He said it has a CRA and a TIF which the village could benefit from. He said we are working with the developers to put together a TIF on the subdivisions. He said we currently have one on Chestnut Commons, Pettit's Market and a proposed one for M/I. He said the developers pay the front end cost of installing the sewer lines on top of the tap fees. He said the TIF re-directs dollars. He said it can be spent on anything related to the project. Ms. Plybon asked if they are privy to the pre-annexation agreements. Engineer Grosse said yes because it deals with items the Zoning Commission should be looking at. He said in the previous one's presented they did not have the Zoning Commission. He said going forward it will come to them in draft form. Mr. Goldhardt confirmed with the pre-annexation agreements, from this point forward they will see them before it goes to council. Engineer Grosse confirmed yes. Mr. Goldhardt asked if once they come to them, it would contain zoning text, if they approve the pre-annexation agreement then they have basically done their job. He said if they approve it and the developer comes back with a plan, is it a done deal because council has approved it? Engineer Grosse said there is a key word in the document, is it listed as a draft. He said the final document still has to come back to them for their approval. He said the idea is the draft is pretty much what they would approve with a few tweaks. Mr. Goldhardt asked about street widths, frontage, property widths etc. because he sees that as a huge issue. Engineer Grosse said those conversations need to happen before the pre-annexation is approved. Mr. England said they do not have the pre-annexation agreement so how did they get to this point without a pre-annexation agreement? Engineer Grosse said the pre-annexation is not approved, he said he just received their revised zoning text today. Ms. Plybon said she is confused because Jay Wipple told her today they approved 2 days ago the annexation of that land into the village. She asked if there a different term of annexation. Engineer Grosse said there are two pieces, he said the County Commissioner approved the annexation to go ahead, then council has 60 days to accept it. He said until council accepts it, it is not inside the village. Ms. Plybon asked if the pre-annexation language a part of what the commissioners see? Engineer Grosse said no. Mr. England asked if council fails to approve it within the 60 days what happens? Engineer Grosse said it goes away. Mr. Goldhardt asked if the pre-annexation agreement for Foxfire comes to them, and the county has given them their blessing and we are on a 60 day clock. He asked if they disapprove it, does the procedure stop? Engineer Grosse said they need to have a specific reason. He said they make the recommendation to council to disapprove it based on their reasons. He said if the developer says they cannot match it, the developer can let it die. He said it can go to council with their negative recommendation and they could override it and approve it. Mr. Goldhardt asked if council approves it, then the process is they get the book and the developers present. If they still do not like it and do not recommend it to go forward, does the process continue? Engineers Grosse said at this point is the escape clause for the developer. He said the developer has given all options and still has not

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convinced them, he de-annexes and moves on to somewhere else. Mr. Goldhart asked if they get annexed and they don't like it and they come back and they cannot reach an agreement and they say no, does the process continue or do they have the authority to stop the process. Engineer Grosse said council will make the decision. Mr. Goldhardt said according to the flow chart it comes to them and they make a decision, but long before it gets to council, it is going to engineering. He asked if the village engineering is going to do all the work with a zoning board disapproval. ZI Kuzelka said it goes to the staff, they look over everything, they then send their recommendations. Mr. Goldhardt asked if it comes to that point of the preliminary plan and they say no, does it continue onto the engineering and they do their stuff or does the process stop. Engineer Grosse said it will never get to engineering without their approval. Mr. Goldhardt confirmed the preliminary plan dies without their approval. Engineer Grosse said yes it stops and they need to get it worked out. He said there is a provision in there for appeals. Mr. Goldhardt asked who is the appeal board. Engineer Grosse said he does not know where that stands in the process, he said it could be council but he does not think that is the thought process. He said there would be another body of residents. Mr. Goldhardt asked if it is body put together at the last min? Engineer Grosse said he hopes they can work it out, but from administration side if they see that next step could happen they need to make sure the next step is in place. Mr. Goldhardt expressed his concern with picking 6 people who have never had any involvement in it. Mr. England said they are already looking at special meetings to have this finished in time. He said he already knows he is making a few change request. ZI Kuzelka said M/I asked if they can re-schedule for November 7<sup>th</sup>. Mr. Goldhardt said one the preliminary plan is presented, if they say no, does the whole project stop. Engineer Grosse confirmed yes. Ms. Mowery asked if they ask for changes does it start the entire process over. Engineer Grosse said the 60 days is a separate clock for the annexation piece. Mr. Goldhardt said once they are annexed, they are dealing with the preliminary plat stage, if they review it and they say no, the procedure stops, if they say yes, goes to engineering. He said when it comes to them with zoning text and they make minor changes, should they make them re-draw that plat? Engineer Grosse said that is correct. Engineer Grosse said in addition to the minutes, if they feel it is substantial, have them resubmit. If it is something minor, then no need to resubmit. Mr. Goldhardt said if they come in with a plat and rezoning, is that two separate votes for them or all in one? Engineer Grosse said the text and rezoning is one piece. Mr. Goldhardt asked the difference between the PRD text and the development text. Engineer Grosse said pretty much the development plan will have more detail and sets the stage. Mr. Goldhardt confirmed the vote on the rezoning comes with PRD text and the development plan is approving the way the streets are laid out. He said the most important vote they take is the PRD. Engineer said yes. Mr. Goldhardt moved along the flow chart to Construction of the approved improvements, he asked for clarification on this. Engineer Grosse said at that point he has plans for phase 1 and staff will review it to make sure everything is correct. Once that is approved and signed off, they will have a preconstruction meeting. Mr. Goldhardt asked if they can start pre-construction without the final plat being approved. Engineer Grosse said yes. Mr. Goldhardt said in looking at the pre-annexation agreement, they are looking strictly at zoning, anything that does not agree with the zoning code book. Engineer Grosse confirmed. He said he noticed in the min with Walker Point they approved it with a couple pieces. He said he has received the proposed layout for the new drive and how it effects the school. He said he has comments he will send back to them. He said the developer is going to the school and

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discuss the drive. He said another thing was asphalt and concrete. He said he knows the board wants asphalt. Ms. Plybon said to a certain point. Engineer Grosse said it was noted they wanted to delete the requirement for a concrete sidewalk on the west side of the new street. He said the village standard is to have sidewalks on both sides of the street. Ms. Plybon said she does not remember deleting anything they just want it to match the other sidewalks. Mr. Goldhardt said he does not remember deleting it but the plan they saw only had a sidewalk on the east side of the street. Ms. Plybon said there is no sidewalk on the south side of Scioto Street, West of the school now, so there is nothing to attach to. The board all discussed the new sidewalks, cross walks and current sidewalks. ZI Kuzelka distributed a Preliminary Plan Duties list to all members.

**New Business:**

The upcoming meeting dates will be November 7<sup>th</sup> at 6:00pm, meeting with M/I Homes and they will have the pre-annexation agreement draft for that meeting. The next meeting is December 19<sup>th</sup> at 6:00pm. Mr. Goldhardt motioned to approve, seconded by Ms. Mowery. All in favor, motion approved.

**Additional Items:**

They reviewed the letter for change in terms that will go to council. Mr. Goldhardt made a motion, seconded by Ms. Mowery. Roll Call: Ms. Mowery-Yes, Ms. Plybon-Yes, Mr. Goldhardt-Yes, Mr. England-Yes, Mr. Legg-Yes. All in favor motion passed.

**Adjournment:**

Ms. Mowery made a motion, seconded by Mr. Legg to adjourn. All in favor. Meeting adjourned.

 11/21/19

Dan Kopec, Chair

11-21-2019