

**Village of Commercial Point  
Planning & Zoning Commission Meeting  
November 7, 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.

**Old Business:**

ZI Kuzelka advised M/I Homes to discuss the concerns provided by the P & Z Board. He said the staff has already blessed the Planned Residential Agreement. He said there are a few issues, but those are for the administration and not zoning. He said the main item to look at is the issues with parking by the pool, mailboxes and trees. He advised there is a lot of information about the TIF and CRA, but that does not involve the P & Z.

Mr. Aaron Underhill, Attorney for M/I Homes introduced himself as well as Mr. Josh Barkin from M/I. He advised they have completed the county process with the annexation and it was delivered to the VOCP Clerk last Friday. He advised that has started the clock of 60 waiting period before council can act to accept that annexation. He said part of the property is in the corp. limits and part is being annexed. He said he is aware there were concerns if it is legal, he advised that have completed many like this and as long as the annexation is acted upon before the zoning is by council, it is legal. He advised since they met the last time there is not a lot of updates to the plan, however they have updated their text to address some of the concerns. He said they continue to meet with administration on the pre-annexation agreement. Mr. Josh Barkin addressed the board. He said they are here tonight to ask for their recommendation and approval of the PRD and sending it onto council. Mr. England asked if the concerns were forwarded onto them. ZI Kuzelka said yes. Mr. England said to be fair, he wanted to share concerns before this meeting. He said he has seen some of the changes to the PRD compared to the zoning text, specifically exhibit A in the PRD Zoning Text page 8. He said he is not comfortable with the 5 foot side yards and would like to see that it meets the 10 foot minimum. He said he hears or sees complaints about houses being so close and thinks it could also be a safety issue. He said he has an issue with the street widths, 28 feet vs our minimum 30 feet. He said he knows there is a recommendation for parking on one side of the street with the fire hydrants, but he thinks the roads are too narrow. He said he would like to see the street widths minimum per code which is 36 feet for a main road and 30 feet for a side street. He said a big one for him is he is not in favor of their flex option and will not make a recommendation to council for this because personally he feels those will become rental properties very quickly. He said there is nothing wrong with rental properties, however, in the development they want to put together, it will be very nice and not appropriate for this. He said if the flex option remains, he will not make a recommendation to council. Ms. Plybon asked if there are condos and doubles in the flex? Mr. England advised twin singles. He said from his experience in Grove City, almost all of them are rentals. He said some people take care of their properties, some don't. He said last time he touched on this in the previous meeting and asked, why not offer a different series. He said this is large development and perhaps a section should offer a higher end series, with a larger lot. He said there are 444 sites, the lot size would be addressed with removing the flex option, if that would go away. He stated in his opinion their lot sizes are too small. He said 54 foot frontage, he thinks as a minimum 63 feet, maybe 60 foot. He said he would like to see those staggered per the code. He said he would not press that so much as he would the lot sizes. He said they are too

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small and the houses will be too close as well as they will not have a lot of yard. Mr. Legg said his biggest pet peeve is the street widths. He said every developer wants 28 foot streets. Mr. England said we have streets where cars are parked on both sides and his concern is the public safety and fire equipment being able to maneuver through the streets. Ms. Plybon said in the pre-annexation agreement they list wood siding as an option and she is not sure about that option. She has the same concerns as Mr. England with the lot size and street widths. He said Mr. Kuzelka is concerned and she agrees on the cluster mailboxes, the limited spacing and what her thoughts are, the fire hydrants are on one side. She said possibly the mailboxes could be clustered throughout on the same side. She has a concern about congestion by the mailboxes. She said she has a soft spot for 55 years and older and thinks the flex area may be common ground at 55 yrs. and older. She said she believes this brings a different type of clientele and different circumstances. She said HOA rules could be different, no rentals, no one under 55 can reside. She said she is not 100% where the flex option is located but thinks it is appropriate for 55 and older and possible higher end series. Mr. Barkin said they have a couple of series lines. Ms. Mowery said she agrees with Ms. Plybon and thinks a lot of people would be interested. Mr. Legg asked if a traffic survey has been completed on State Route 104 recently. Mr. Barkin said yes. Mr. Legg asked if there will be a turn lane. Mr. Barkin said there will be a turn lane on State Route 104 and State Route 762 and they are currently working with ODOT. Mr. Legg asked if they have the results. Mr. Barkin said yes, but it is not finalized yet. He said they are looking at a southbound right turn lane, northbound left turn lane and east bound right turn lane. Mr. Barkin said flex option was not meant to cause this much confusion. He said if the twin singles is the issue, they will drop that language from the text and not permit twin singles. He said it could be a 55 and over project. He said it was really a way to have flexibility in the zoning. He said he would be happy to drop the twin singles language if that would make everyone comfortable. He said he would like to keep some flexibility on the zoning because he thinks that could end up being condos and not just 55 ft lots. Mr., England asked if there is an option for the muse or greens. He referred to their product in Pinnacle. Mr. Barkin said they are not currently building any product that was built in Pinnacle. He said they do have a condo product that is empty nester targeted they have been selling. He said he agrees there is a strong 55 and over market. He said in the smart series there are 3 ranches, which they sell a lot to the empty nesters. He said they are confident they will hit this market as well as the young single families. He addressed the wood siding, he said there will not be any wood siding. He also addressed the CBU's. Mr. Barkin said they are happy to spread them around. He said the thought process was they will have a nice amenity with the pool by the club house, which would be a center place, but he is happy to move them. Mr. Underhill said they will come before them with a more detailed plan. He said maybe tonight they can have a condition of approval to have multiple cluster mailboxes will be provided throughout the community subject to their approval for final development plan. Ms. Plybon said she would assume they will remain on the side of hydrants. Mr. Barkin said if this where it ends up yes. Mr. Barkin said if they are at 28 feet and have parking on one side, you actually have more pavement to drive then when you have standard code and parking on both sides. He said there are some places they have agreed to have no parking on either side. Mr. England said the additional problem he sees is with 28 feet and parking on one side, the lot widths you do not have that much space to park. He said you have larger homes and could have additional vehicles, where do they park? He said he would almost argue make the width 30 ft or more and allow parking on both sides.

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He said if the approval is 28 feet with parking on one side, their lot widths need to be bigger. He said he would recommend larger lot widths, which he would like to see anyways. Mr. Barkin said it is harder to move on because side yards and lot sizes is what they are building all over the city. He said M/I is doubling down on the market and what the consumer wants. He said consumers do not want the extra space or side yards. He said there could be a little flexibility to spread them out a little, but the consumer does not mind it. He said every additional linear foot of side yard is additional pipe and street that they do not value. He said they have to pay for it and the village has to take care of it. He said it is a valid concern but the consumer market does not place value on it. He asked them to stay open to the lot sizes because this is what the market is asking for. Mr. Underhill said they have this conversation wherever they build. He distributed a sheet to all members. This sheet list additional cost for larger side yards. Mr. Goldhardt confirmed the street would go from State Route 104 to the back of the lot. He said they may properties per the street, but how does that change the additional cost of the street change per lot but it doesn't change for maintenance for the village. He said the sewage pipes will be the same length from 104 to the back. He said the pipes and street is the same length which is no additional cost to the village. He said it is an additional expense to the house because you would have fewer houses lining the street. Mr. Barkin said the other side is there are less taxpayers to spread the cost out and he has less homes to spread his cost out. He agreed it was a fair point. Mr. Goldhardt said he understands their point but does not agree the village has extra cost in the street. ZI Kuzelka advised the Fire Depart does attend their staff meetings and is ok with the streets. Mr. Goldhardt said that was one of his concerns if they were ok with the 10 feet apart. ZI Kuzelka said the Chief is fine with that. He said the only thing they changed were radius for some of the turns. Mr. Barkin said on the 10 feet, if there is an overhang it has to be fire rated. Mr. Underhill said the consumer today likes the common open spaces and if you add 10 feet to each lot, that will provide almost 12 acres less on common open space. Ms. Plybon asked how the open space compares to the higher selling developments. Mr. Barkin said Minerva has a good one but this has two things, the natural features with the streams and the elevation change from those lots are very nice. He said this also have the golf course as a built in amenity which is unique to anything they have build in a handful of years. Ms. Plybon asked how we compare to the common/open space. Mr. Barkin said it is inline with other projects. ZI Kuzelka said if you look at the projects here now and what has happened with the trend in building such as the widths, they are sold out. There no available homes. He said it tells us the trend of today. He said the back yards are plenty of space and a there is a good mixture of elderly and younger families. He said he is not the one buying a house, but if his daughter were to purchase a house, they would but, they don't want the responsibility of spending 3 hours mowing and trimming. Mr. England said these yards are not large enough for pools, so he disagrees with ZI Kuzelka. He said he would like to see something offered to someone who does want a larger lot. He said why not offer something for someone like him who wants a larger lot. He said this is a unique community and does make for a higher end environment. He suggested perhaps the back section on the northside could offer a higher end homes. Mr. Barkin said they have considered it. He said the pace they sell out is often more important then the price they sell at. He said there is a lot of ground to be in the books of a public company and just sit there. He said 2-3 products is the best way to chew thru ground quicker. He said in another development they have discussed this and at some point they will build that product there. He said right now it is their opinion of the

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market, on this side of Commercial Point off of 104, not knowing what is going to happen across the street, given all of the factors that ranch 55 and over and their smart line is what is going to sell. He said there will be a time and a project, there will be more. ZI Kuzelka said on the plans there are quite a few with larger lot size. Ms. Plybon said she is trying to understand and she knows they have made concession on the club house, at the end of the day they are investing in more than just your typical utility fees. She asked if the need for the 444 homes to recoup some of the money they are putting into the other things. Mr. Barkin said when it lined up the number is closer to 425 homes so the houses as he modeled is 410-420 homes and they will have large purchase price and then 2 road widening and a water/sewer project that all go in upfront. He said the lot count does help spread the cost. Ms. Plybon asked if there was a possibility of changing some of those lots in sub area A at 60 feet. She asked Mr. England if he was comfortable with the 60 foot lots. Mr. England said no the code is passed 90 foot and there are some modifications allowed but he is concerned about the density and the houses are too close together. He said he would like to see an option or a section for larger lots but still leave the option for first time home buyers. Mr. Barkin asked why he thinks is bigger. He said if they are asking for the lots to be 57 and 62 feet then he can go back and see what it looks like. He said he truly does not believe that it is the right thing for the development or for them to have 70 foot lots. Mr. England said he was comparing it to a higher end series of their homes like his friend in Grove City. He said he does not think 70 feet is right for these homes, but he thinks 54 feet is too small. He said maybe a 60 feet minimum. Mr. Barkin said these homes need to be at least \$300,000 so it's not necessarily first time home buyers. He said while it may entry level in some places it is a home that range from 1600-3000 sq. ft. He said his next step up is still a 40 foot wide box that he builds on a 55 ft lot. Mr. England stated he mentioned a \$300,000 starting, he said it could be homes for people moving up too. He said for that price, Westport is doing a 63 foot frontage and they are not having a problem selling them. ZI Kuzelka advised they are looking for a blessing/recommendation, not a voting to go ahead with this plan and it is up to them to give the recommendation to council. Mr. Goldhardt said it is his understanding per the meeting last week with Engineer Grosse this is not a recommendation, they either vote to approve or deny the plan. ZI Kuzelka said he thought it was a recommendation. Mr. Goldhardt said that is not what Engineer Grosse advised them. He said he made it clear if they vote no, it stops and the project does not move forward until it passes this board. Mr. Underhill said typically this would be a recommending body at the zoning stage but they will look at the zoning code. Mr. Goldhardt said they were told it starts at this stage. Mr. Underhill reviewed the zoning code book. Mr. Goldhardt said his concern is if they do not pass it what happens. He said Engineer Grosse said they would not look at it at that time. Mr. Underhill said code 1173 is the Planned code and 1173.06 A3, he read the definition. ZI Kuzelka had Engineer Grosse on the phone line. Engineer Grosse spoke to the team via the phone, but audio was not clear for minutes. Mr. Goldhardt verified we are in the 60 day window. Engineer Grosse said we do not have to do anything tonight. Mr. Goldhardt said his concern is last meeting they were told they are not doing the recommendation and if they do not reach an agreement the process stops until they reach an agreement. Engineer Grosse said yes. Mr. Barkin said the goal is to not roll this thru and go to council. He said they are here to get everyone's buy in. He asked about the next zoning meeting. The P & Z advised one is not scheduled. Mr. Barkin asked if they could schedule another meeting in November. He said they will drop the twin singles language, will work on a plan mixing around the CBU's, delete the wood siding

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and on the side yards he will make a commitment to see what they can do. Ms. Plybon was also thinking if they can do a section, maybe in the cul-de-sac to put the larger lot, higher end homes. Mr. Barkin said he will see what he can do with the feedback received tonight. He asked for the next meeting date. The P & Z Board agreed to November 21, 2019 at 6:00pm. Mr. Goldhardt asked about walk paths. He asked about a walk path to the green space. Mr. Barkin said he can but there is enough open space people don't like having a path in the backyard, but if they prefer it, he can figure it out. Mr. Goldhart said he feels like it would be an excellent place to tie it in with the existing and why doesn't it go out to 104. He asked how wide they are. Mr. Barkin said the sidewalks are 4 ft and the paths are 8ft asphalt. Mr. Goldhardt said if they have 8 ft paths tying up both ends and out behind the houses on 104, it its perfect for golf carts. ZI Kuzelka asked about street lights. Mr. Barkin asked what our code specifies. He said Delaware County does not require street lights so he figured they would do whatever our code states. ZI Kuzelka said they can discuss it at the staff meeting.

Term Limit Discussion: The P & Z Board discussed who would be leaving at the end of the year. Mr. Goldhardt and Mr. Kopec both volunteered to leave this year. Mr. Kopec said he would not be opposed to coming back at a later time. Next year Mr. England and Ms. Mowery volunteered to leave and Ms. Plybon and Mr. Legg agreed to leave year 3. Mr. Kopec asked the team for ideas on soliciting volunteers. Mr. Goldhardt said he believes that would be Council's position to solicit. Mr. Goldhardt said they can put the information out to the public. Ms. Plybon confirmed they need to look for 2 volunteers, 1 board member and 1 alternate as Mr. Legg would move to the board. ZI Kuzelka said he would announce it at the next Council meeting.

**Adjournment:**

Mr. Goldhardt motioned, seconded by Ms. Mowery to adjourn.. All in favor. Meeting adjourned.

 12/10/19

Dan Kopec, Chair

11-21-2019