

Village of Shawnee Hills
Planning and Zoning Commission Meeting
December 7, 2015

Chair Kathy Isern called the meeting to order at 6:00 p.m.

Members in attendance: Mary Gates, Dave Hatcher, Kathy Isern, Pat Monahan and Dan Mathews

Also Present: Solicitor Brian Zets and Engineer Chris Tebbe

Kathy said the first item on the agenda is the approval of the minutes from the October 19th meeting. It was moved by Pat, seconded by Dan to approve the minutes. Following vote on the motion is recorded: yea, 5; Mary, Dave, Kathy, Pat and Dan. Nay, none Chair declared the motion passed by a 5-0 vote.

She said next we were going to have Scott Sanders talk to us about PUD's and how other communities in Delaware County use them however he got called away to an emergency meeting of some kind so he is not able to be here tonight. We would like to ask Chris Tebbe, Village Engineer from Pomeroy and Associates to talk about what engineering requirements the village does have whether there is a PUD in place or not.

Chris said he will be talking about the hypothetical development off of Westview Drive. Chris said a Planned Unit Development where you basically stipulate exactly what parameters and what requirements you will meet beyond the normal zoning requirements versus normal straight zoning. Right now the property in question is zoned R-2. If they meet the standards for R-2, the 14,700 square feet, they can divvy it up house by house extending the road as they go. They are looking at it as part of a larger development so based on the existing zoning they have two requirements there. They need sanitary service. In order to do that they need to put a pump station in and then they are required to provide perpetual maintenance for it, with or without a PUD. Because of the size of it they are going to have to meet Village and EPA storm water requirements. They are going to have to have a detention pond. They are going to have to have water quality built into that pond to meet the EPA requirements so whether they start doing one house or two houses or ten houses at once or do the whole thing as one development because it is part of a greater development, regardless of zoning, they will have to put a detention basin back there. With that respect PUD and the existing zoning are exactly the same.

Chris said where the differences come in, with the traditional zoning, they can extend the roads as far as they need to per the village standards, which are Delaware County standards modified slightly. Delaware County requires twenty two foot roads; the village uses sixteen foot roads. The developer has all that information. I have walked him through the entire process, what is required for everything. There are approximately twenty four to twenty six lots with the traditional zoning and extending all three roads. Houses can look like whatever they want, whatever style they want.

Chris said with a PUD it gives you a little more control over it. With a PUD you can do it a hundred different ways. You could have cluster homes where you have the same density, less road, more green space, but more compact lots or you can do just traditional but not do all three roads, maybe do a loop. Put a little park in the middle or whatever. They can have a little more say about what it looks like, the material, the builders, what the general look of the development would be. Any development back there is going to be part of a homeowners association. They have to be because they are going to be responsible forever for the pump station and the detention basin. So any development that goes in there, whether it's a PUD or standard development they will need a homeowners association.

There was discussion about detention/retention ponds that did not get recorded due to the memory card being full.

Someone asked where would the pump station be located relative to the existing residents that are back there. Chris said at the lowest spot that you can and closest to the existing sanitary system.

Kathy said planning and zoning will review the plans if it is a PUD. If it is not it will be approved through the regular channels and will not come to planning and zoning. Chris said he will be reviewing the engineering plans that come through and either approve or disapprove them.

Someone asked what happens if one person comes in and wants to build one house back there. Chris said for example, if two houses were planned to be built off of Ridge. Those two houses could come in and pay for the road extension, go through the normal process and they could go gravity wise and tie into the sanitary system. Once gravity stops working for them then it becomes an overall development. There's a certain point where you can go no further with the gravity system. It has to go to a pump station.

Someone asked who is responsible for the HOA. Chris said the people that live there. They will always have an extra fee that they are paying to an entity, a homeowners association to maintain it. They will have an escrow account and that account will pay for whatever maintenance thing that they have to do whether it is a detention pond or the pump station. Chris said there is a President of a Homeowners Association and a Board or they turn it over to a property management company. The Village will not be liable for these things.

Someone asked Chris if he could expand on the EPA requirements. For EPA there are several different things: sanitary – the EPA will review the plans along with us. There is an EPA permit for the water and Del Co Water will handle that for the developer. There are also EPA requirements for stormwater.

JoAnna Kralian asked if the developer could do any kind of road they want. She said there are two homes that are very close to what is now a shared driveway but originally platted to be a road apparently.

Chris said the road is platted. They have to meet our standards for the road build up. If there is a case where they want to do a PUD, instead of doing this box, they want to do something where they stop short and made it a little more meandering then the can adjust the layout Any modification to where they get out of the right of way will require a right of way vacation and then a rededication based on where they want to move it to. Right off of Westview where the houses are they need to keep the road in the right of way but once they get past those if it makes more sense to curve out and go around then they can.

JoAnna said she was just thinking about the impact because there are two houses right there. Chris said the existing houses are outside the right of way. The one house with the garage is about twelve feet from the right of way and the other house meets the current setbacks.

Chris said if I moved back there I would not want the three roads. Does that middle road make sense, no. For an overall development I don't know if I would put roads on both sides, it was just plotted that way.

One person said our main concern is trying to keep the character of the village and I think if you were going to do that then I think that may be something that needs to be included in the code to require this developer to keep the character of the village when they are developing back there.

Chris said that is what is nice about the PUD. You can stipulate what the houses look like, what size they are, whatever features you want.

Dan said even if he doesn't go PUD can we suggest that he not do twenty two foot roads. Wouldn't that benefit him also? Chris said he has to follow your standards of sixteen feet. The only way he can go twenty two is if he kept the road private. We wouldn't maintain it; we wouldn't be responsible for fixing it.

Someone said what about the roads that already exist and then those people are going to be using them. Chris said that is where the traffic study comes in with the PUD. It dictates that if you do this development but you are going to have to improve this road or you are going to have to make changes as part of it. This study will be based on now and twenty five to thirty years in the future.

Someone asked what do you think is going to happen with Westview if they can't find another access to Dublin Road. Pat said with a traffic study, I don't know what will come out of a traffic study, but I would think things that could come out of there is do certain roads become one way in and one way out. Kathy Isern said we just don't know. Pat said with a PUD we would have a traffic study. Kathy said without a PUD there would be no traffic study. Chris said it could be as simple as they might need a left turn lane at the end of one of the roads. We just don't know at this time.

Kathy said there is no full plan in front of any part of the village government, nothing. Based after the October meeting they said they were going to make revisions, there have been no revisions made. No one has seen any changes of any kind.

Mary Gates asked with regards to the construction entrance, since you are an Engineer, can you talk a little bit about that. I happen to live on Mohawk and our life would be a living hell if we saw people with huge earth moving pieces of equipment coming up our road.

Chris said that is one of the things that we would have to look at. What is going to be the impact on the adjacent roads with construction traffic? When you have development come in, is it going to destroy it, does it make sense for them to try to negotiate with one of the properties next to it to try and come in the back way. I don't know. That is one of the things we would have to look at. Part of that traffic study is construction. You have delicate roads. If the traffic study says it needs to be built up or there is some issue where they need to find a secondary entrance and stuff, that's something that is easy to calculate. That's all part of the traffic study. He said he has seen the impact on the roads when these individual houses are being built. I just had the first one that did not damage the existing pavement. Just about every other one has damaged the pavement in one way or another.

Pat said my fear is that I hope that the ship hasn't sailed on the PUD. I think they came away with the concern that their land could be locked up for a couple of years and they are not going to do that. Developers have that happen to them. They have it going on over in Powell right now where effectively if we went through the whole thing and we approved it and somebody decided they wanted to do a referendum. What they would do is lock up the land and I am hoping that we can get back to a good negotiation. Maybe this meeting should have preceded the other meeting. We know it is going to happen. How can we best make it to suit the village?

Kathy asked Brian Zets what is the village's ability to insist on things that are of concern to residents when there is no PUD. What is the legal standing of the Village, for example, to require a traffic study, require various construction entrances, things like that? Brian said if they are individual residential homes, you are not going to have a traffic study. The engineering is going to be whatever it is. If it is the first few homes then they will do a gravity sewer, like Chris said. If not those things will have to be worked out because people will need water and sewer at their home. With respect to anything else, applications will be filed. Mark will review them and if they meet all the requirements they will be approved. If they don't, if there are certain variances needed then they will go to the BZA. Those variances will be handled as with all variances that go to BZA. It is a fairly straightforward process. The PUD legislation is just a new way of zoning. It is nothing different than what you would do normally. It just allows you to develop one larger piece of land. It doesn't even have to be large; you can develop two lots on a PUD. I had a client in New Albany who bought two lots and built their building on one and developed it as a PUD. Brian said a PUD is a better way of doing things than what they used to call straight zoning which is what they did a long time ago which didn't make a lot of sense because you didn't have everybody at the table trying to get something done. The code is set up so an application can be filed and everything submitted and then it can get to planning and zoning and then it can finally get to council.

Brian said PUD's are used everywhere and they are pretty effective. It doesn't have to be strictly residential subdivisions, it doesn't have to be commercial, and you see a lot of mixed use. It is the newest and best and most efficient way to rezone. This has been around for a while. Shawnee Hills is kind of on the tail end of this.

Dan asked Brian, say they put a proposal together for the PUD and we have our priority list and one of those is a construction entrance. Economically say they approach the neighbor and the neighbor wants five hundred thousand dollars to put the road out there, can they just say you know what, it doesn't work. Can they abandon the PUD. Brian said they can abandon anywhere along the way. It is all how it is developed. Our legislation requires a preliminary plan and a final plan. Sometimes those are both done at the same time so they are both passed at once or they are approved separately. Revising plans happens all the time.

JoAnna said you are saying no matter what they would still have to put in the pond and the pump station. Brian said whatever they decide they want to build that's when Chris and their engineers will work together to figure out what it really needs.

Pat said things that come out of the previous meeting. WE know that traffic is the biggest concern and we want a traffic study. Density is also a big concern and to have a construction entrance would be a wonderful thing.

Chris said if they can't get the adjoining property for a construction entrance than we can require money up front to repair whatever road is damaged during the construction phase.

Pat said the other one I thought was interesting and learned today was about the pump station. I did not think of that as part of the HOA.

Carol Kender asked if there was a way to keep the look of the village instead of having these monstrous home and garages built.

Todd Zimmerman said the PUD would give you the control over that. If you look at your current code, everything has been built a house at a time. To be able to go in and say okay you can have the HOA it is a win, win for the village. The village will not have to pave, plow or do anything to the roads or the land. He said you can also put in the PUD that the roads need to be swept clean each night during the construction phase.

Pat said to Carol's question in the PUD we would have the ability to negotiate how the houses would look.

Todd said you can say we want to keep the traditional house, you can do a design, a color palette, we want the village feel but it is not going to look like Frank Lloyd Wright. With a PUD you have so much control. Once it's written and it's accepted you can't keep playing with it.

Chris said it is normal to have developers come to planning and zoning with a preliminary plan so that they can gauge what might be acceptable or not.

There being no further business, it was moved by Dan, seconded by Pat to adjourn. Following vote on the motion is recorded: yea, 5, Mary, Dave, Kathy, Pat and Dan. Nay, none. Chair declared the meeting adjourned at 7:45 p.m.