



Municipal Planning Commission Minutes
City Hall/Council Chambers
December 8, 1999/4:00 p.m.

CALL TO ORDER Richard K. Mavis, Chair presiding.

ATTENDING Members: Inge Krajenski, Dan Pealer, Burt Hanson; Mayor Mavis, Safety-Service Director Joel Daniels, Engineering Clerk Judy Beckholt, Director of Engineering Jim Petrak, Developer Jerry Baker.

Final Plat Review for the Landing Phase V, Jerry Baker

A map of Phase V was presented. The PND area and line was discussed, as well as the R-1. O-I property lines were explained. The description has a quirk and something needs to be rezoned or addressed. Mr. Baker wants to keep Woodlake Trail R-1, each street will have its own integrity. Should this go to rezoning or should the lines be defined? Ms. Beckholt said you should check with the Law Director, you may be able to do it through the Board of Appeals as a map interpretation if it is a small movement, but a big shift of several hundred feet you will need to go back to Council. Mr. Baker pointed out areas and changes. Some area is going from PND to R-1. The assisted living was pointed out. The new road was pointed out. Can Planning Commission define the map? Ms. Beckholt said the Board of Appeals can make an interpretation on where a boundary is, but the actual definition of a line goes back to Council. R-1 is a permitted use in PND, so he is still within the proper zoning. The lot configuration has not been changed. Mr. Baker said they had areas for cluster homes, patio homes, assisted living, and condos, but pointed out the single family, and said he does not know where this line was drawn, perhaps it was arbitrary. Phase V was pointed out. It is up to the Planning Commission if they want to realign it to R-1. Mr. Baker explained the cluster homes. He said these are single family lines and will be deeded as single family. When he came in he asked for a zero clearance lot line building plan. They knew they were going with small lots as a concept and the concept is that they build homes and keep them fairly tight. Everybody that is in this cluster home subdivision has to belong to a homeowners association for the purpose of snow removal and mowing, otherwise you have a single-family home (R-1 home). Under the zero clearance lot line, that concept is you can build a house, if that lot is 65 feet wide you can build a house 65 feet wide. You can go to the zero lot line on each side, but the house on each side must be a minimum of 10 feet away from that home. It just tightens up the lots for good land usage and for the 55 and older group, it works well. The white homes with the green roofs are patio homes. These are single family lots, you own a lot just like you own a lot now. At Waters Edge you own only the land under the pad and all the other land belongs to the association, there is no extra land in the association. The patio homes are 12.5 acres. They all own one twenty second of that piece of land including the lake. Here you only own your lot, the only difference between this is they can be built tighter and you have to belong to an association. It is the first step of retirement, he pointed out the other steps. All the properties that touch the lake will be responsible for the maintenance of that. Mr. Daniels said right now Mr. Baker can put a single family home in the PND, but Mr. Daniels sees a problem that if Mr. Baker is not here and this all sells someone could come in and put a duplex on one of the lots under PND. Mr. Baker said he can restrict that. Mr. Daniels said Mr. Baker can but what about if someone owns this tomorrow. Mr. Baker said his

restriction restrict it by lot number on recorded deed. Mr. Daniels said, still this should be rezoned, you can start with single family homes. Mr. Baker said he has no problem if he can move forward. Mr. Baker said if you say okay and allow him to change the lines, he will change them. Mr. Daniels said that you are the sole owner now. Mr. Baker's restrictions are the minimum for a single story home is 1800 feet, it is 2150 feet for a story and half and 2300 or 2400 feet for a two story. Only certain types of materials and colors can be used. Other restrictions are you cannot park a truck for more than 24 hours, no camper or boats in the drive for over 24 hours is to protect the neighbors. There is no common area to park these items, they have to rent something somewhere. A truck has to be parked somewhere else. The city allows on street overnight parking. The city will restrict one side of the parking. Mr. Baker said if someone has a party there will be parking up and down the street. Mr. Baker said this covers unsightly vehicles and not cars. **Mr. Daniels said the Law Director should review the map interpretation in case the lines could be redrawn without going through a formal zoning change. As a development progresses roads sometimes change location from the original plat and that sometimes defines where the zoning lines are drawn. Mr. Baker said it will be this drawing. Mr. Daniels would like to see this R-1. Chapter 1157, Provisions for Official Zoning Map. Some lots have a zoning line in the middle.**

On the south side of Woodlake Trail are flag lots. Mr. Baker said this was changed a while back. He has approximately 5 acres, he pointed out the 50 foot owned right of way to New Gambier Road. The first drawings had a cull de sac. The creek and water factor made this not the thing to do. So now they want to use the land, the lots are .75 acre, 1.38 acre, 1.8 acre that they are trying to use. Another drainage system was pointed out. The right of way is 50 feet, not wide enough for a road. The driveways could be joint or separate. Mr. Hanson said the original cull de sac is the solution. There are gullies from Eastern Star and several big springs. This year it ran continuous even in the dryness of this year. The lake at the Doctor's Office never went dry. Mr. Baker relocated the ditch and culvert under Woodlake Trail and on to the retention pond. A cull de sac would have to cross that is in two places, Mr. Baker said it would be a real problem. Mr. Baker would rather leave it one lot than do that. Mr. Baker said he could come in and build 25 condos, but he doesn't want to do that. Frontage is the problem. Under the zoning code R-1 minimum lot width is 70 feet, 80 feet is for a corner lot on a public dedicated street. The width is to avoid long narrow lots and flag lots. Mr. Baker said to create an acre and quarter lot or an acre and half lot is different than doing a 60 x 200 or 300. Mayor Mavis said the attitude of this Commission of prior submittals of similar suggestions it was not approved. We realize Mr. Baker has a wonderful subdivision. Mr. Baker said these are wonderful lots which can be seen if you walk them. Mr. Baker offered to soften it by eliminating lines. He would have four lots left that are not as nice as before with any privacy and have a road that interferes more than a driveway. The people on New Gambier do not want to see a through road there. Mr. Baker can make it one lot but he doesn't like that. He would be willing to make two instead of four lots. Then it would be 2.5-acre lot and a 2-acre lot. Mr. Baker talked about an existing lot. Mayor Mavis said this was not a parcel Mr. Baker created the parcel, so it is not a pre-existing lot. Mayor Mavis said this has been asked of Planning Commission before of driveway extension to a large area and the answer was a negative one. Mr. Petrak said a variance is supposed to allow usage of a property because of some physical or some size regulations. Mr. Daniels said in the Borchers situation that had been a platted street, there was a 60 foot right of way, and he wanted to put in a driveway and the commission said no it would have to be a developed street. Mr. Baker said you can't force someone to build a street that will cost \$150,000 and get \$25,000 for four lots. There has to be

some common sense. The cull de sac would cost \$150,000 to \$200,000 and the lots will not sell for that in Mount Vernon, Ohio. Mr. Baker brought this in a long time ago in the master plan for approval. Mr. Baker can get the drawings. Mr. Daniels asked if it was approved? Mr. Baker said he would need to see dates and drawings to answer. The cull de sac was lined up at another place. A 1993 plan was presented. The master plan was after 1993 and it was modified. Mr. Baker will verify. That plan had 7 lots in the waterway. 1997 Phase III drawing shows the cull de sac as Phase III was approved, but this was not approved. The land topography is too severe for more lots. Mr. Baker said he does not want to impose on the New Gambier Road residents. Mr. Baker had an offer to sell the five acres for \$3,000 which was not viable. The right of way is 60 foot with 30-foot streets. Private roads are not allowed unless it is a PND. Mr. Daniels does not remember ever seeing this plan. Mr. Baker will soften to 2 or 1 if necessary. Mr. Baker said he ended up with this piece of ground that Donny had sold off pieces and parts. Mr. Baker had offers of people wanting to sell, but he wanted to keep the integrity of this tight. Mr. Baker could have this as one residence off New Gambier. Mr. Daniels said the code will not allow that. Mr. Baker said he has a piece of property that is not useable now. Mr. Baker has seen some of the wildest configurations in this town while working through Real Estate Showcase. Mayor Mavis said we have a new development here, and we are not going to allow that to happen. Mr. Baker said there has to be common ground somewhere. If you own 4.5 acres obviously you want to use it. Mayor Mavis suggested to make 4 lots larger. Mr. Baker said it probably could not be done there. The city does not have the 3 to 1 restriction. The most the lots have sold for are \$29,500, this market is low and this in Wooster would be \$40,000. Mr. Baker pointed out the \$400,000 piece of improvements that he will deed over to the city. Mr. Baker restricts the alignment of the homes to keep the neighborhood nice. Mr. Baker said he has already made the improvements, is ready to roll, and now he is held up. Mr. Baker wants to build a house and can't until everything is approved and recorded. Mr. Baker would not have built this, if he had known this. Mayor Mavis said this Planning Commission does not remember seeing this, this brings up a flag immediately. Mr. Baker is going back to the Engineer and ask for his first drawing. Mr. Baker said he is willing to do anything to cut revenue. Mr. Baker could access the 5 acres through one lot and ask for PND. Mr. Baker cannot redraw the lots because the utilities are already in. Mr. Baker wants to cut it off to one access. Mr. Petrak said that would create a substandard lot but it is 4 acres without 70 foot frontage. Mr. Yauger was selling off frontage and creating this problem. Mr. Baker purchased the land and stopped it. Mr. Daniels read the code for variances. Mr. Baker has a buyer for a house in June and he has to get started. Mr. Baker has 60 lots, buyers, and a large investment. Mr. Baker could cut this off the plat for the landing. This would help Mr. Baker get started and he does not want to do anything detrimental to the city. Mr. Daniels said we need a legal opinion. Possibly Mr. Baker could get a variance. Mr. Petrak said they probably have to grant the variance because this lot is unusable, and they have taken away the value of this property. Mr. Daniels said your engineer drew this plat and created the land lock. Mayor Mavis said if this is approved the Commission is tying the hands of the Board of Zoning Appeals and not giving them much consideration. Would it solve the problem to exclude from this plat lots 560, 561, 562, 563, 564, 565, 566 and 567? Then there is no land lock. Mr. Baker said you can do that with one lot. Mr. Daniels thinks PC can grant a variance by the code. Mayor Mavis said he does not think this applies because Mr. Baker owns all of this and has created the property. Mr. Petrak would say you can modify Phase V by separating those lots until they can figure out what they are going to do. Approve Phase V with the exception of lots 560, 561, 562, 563, 564, 565, 566 and 567. Ms. Beckholt said she thinks

the commission can do this and require that a revised copy be submitted for the Chairs approval that it meets those requirements.

Additional pins are required. Mr. Baker pointed out the pins from when he purchased the property. The code requires monuments. Mr. Baker said an engineer cannot remove another person's pins and this creates a technical situation. Mr. Petrak said he talked to Virgil. Pins were placed by Tracey and Barnes and Mr. Baker has verified them to be correct. Easement needs to be shown. Mr. Baker said that will be corrected in the new one in the modifications. Protective covenants will be attached. Mr. Baker said his restrictions are over and above the City and the City cannot enforce them, so there is no need for the city to have them. Only the property owners can enforce them. Mr. Petrak said it is just a requirement so the commission can look at the subdivision better. The 60 foot needs to be declared on the drawing. Asphalt will have last coat next year. Sidewalks will be installed by the builder. Mayor Mavis is asking for a letter of credit for finish street surfacing. Sidewalks need letter of credit for \$70,000. Mr. Baker contract states a sidewalk is required in a certain period of time. Mr. Baker said this will crunch his cash flow. Mr. Baker said the sidewalk should be a part of the building permit process. Code requires an occupancy permit. Mr. Baker said if an occupancy permit not up to standard it can make the city liable. Mr. Baker's covenants requires the builder to put in sidewalks. Mr. Baker has the nicest walking area in Mount Vernon. Mayor Mavis who will enforce the covenants for sidewalk installation. Mr. Baker is bringing a modification of the plat, a set of the covenants, letter of credit for asphalt and street signs of \$20,000, monuments will be an issue after this is resolved, sidewalks is covered by the recorded covenants which allows the city to install and access. **Mr. Hanson moves to approve Phase V of the Landing except for lots 560, 561, 562, 563, 564, 565, 566 and 567, with the understanding that the Mayor will make a final check on the covenants, the asphalt bond, and other issues of Mr. Petrak's memo of December 7, 1999. Mr. Baker said the bond will be in the form of a letter and will renew by August 1, 2000 of credit from the bank. Mr. Pealer seconded, all voted in the affirmative, no nay votes, and the motion passes.**

Country Club Estates would like to be R-1 per Ken Dennis and the city will start the process.

The next meeting is January 12, 2000, plus there will be a Historical Review Commission at that time also.

Mr. Hanson moved to adjourn, Mr. Pealer seconded, all voted in the affirmative and the meeting adjourned at 5:50 p.m.


Richard K. Mavis, Chair


Janet Brown, Secretary

Minutes taken from tape/jrb