

**CITY OF CIRCLEVILLE  
PLANNING AND ZONING COMMISSION  
104 EAST FRANKLIN STREET  
CIRCLEVILLE, OH 43113  
(740) 477-8224**

Wednesday February 5, 2020  
City Hall Council Chambers

MEETING MINUTES

Members Present

Al Sedlak  
Marsha Griebel Graham  
Terry Frazier  
Dorcas Morrow  
Mike Combs  
Brenda Short, Clerk

Visitors

Craig Stevenson – Harral & Stevenson

Al Sedlak called the meeting to order at 6:00 p.m.

Mr. Sedlak stated the first item on the agenda is to approve the January Meeting Minutes.

Dorcas Morrow made a motion to approve the January 2020 meeting minutes as submitted and Mike Combs seconded the motion. All in favor, motion carried.

Mr. Sedlak stated we are going to reverse the order on the agenda tonight. We will vote on the officers at the end of the meeting

**FINAL PLAT**, as requested by Harral and Stevenson, 2869 North Court Street, Circleville for Progress Park, Sections 1 and 2, in an area zoned GB, General Business District.

Craig Stevenson was sworn in.

Mr. Stevenson stated he was here in January on these items and this is an update on that. He stated in reference to the Replat on Section 1, they were here last month for a pre-application meeting. Coming out of that, they anticipated doing a preliminary plat and then a final plan the following month. In the meantime, he went back through records and determined that they had already proposed this with the right in and right out on a preliminary plat some months ago, so we jumped to the final plat. That is why you have a final plat here to be considered. Really nothing has changed from what you saw last month. We are moving along with the site

engineering and that will be forthcoming to the City in a week or so and found no reason to deviate from what is proposed here in conducting the site engineering.

Terry Frazier asked if we were still on Progress Park, Section 1 the Replat into A2 and A3?

Mr. Stevenson stated that is correct.

Mr. Frazier stated Progress Park, Section 1 already has filed a Preliminary Plan when that was platted. It was platted as Lots 1 and 2. The Lot A was subsequently platted into two parcels, with the remaining parent track Lot A2.

Mr. Stevenson stated the initial preliminary plan contemplated three lots. The final plat that came out of that was one of those lots and then it left the remainder that combined the other two.

Mr. Frazier stated that a Preliminary Plan has already approved, a Plat has been platted and approved by City Council. What we are doing now is a Re-Plat, we are subdividing the Lot A2 and leaving A3. The proposal conformed with our subdivision regulations, zoning and everything and the one thing that was a matter at hand was the request for a right in and a right out curb cut on the connector (on Circle), which he stated he would not approve the Zoning Application. He wanted to make sure that it went back to the sub-division process that was pending. He stated he sees on the Plat that he has the center line and the right in and right out. It is more than 150' from either intersection. He stated his question is, you have on the Plat, center line right in and right out. The so called "pork chop" or barrier to keep left turns, is that something you could put on the Plat? What is your engineering opinion on that?

Mr. Stevenson stated he is sure there is some way he could, but since a Final Plat is more of a survey record type document, dealing with property lines and easements. It is not impossible, but he is not sure exactly how he would go about doing this.

Mr. Frazier stated they would need some legal mechanism so that if later they find that they are allowing left turns from connector from Circle onto that. A simple statement on the plat would work.

Mr. Stevenson stated that in Fairfield County they often have them add Plat notes around access. It ends up being more like a note.

Mr. Frazier stated that the word "proposed" be removed.

Deed restrictions are sometimes part of the submittal. Do you have any deed restrictions?

Mr. Stevenson stated the developer in this case and the way they have pursued the previous two is that they do a separate document with conveyance and restrictions specific to the end user

and the project. What we have done on previous plats has left a reference notation and the recorder, then when recorded, will fill that in to make the connection.

Mr. Frazier asked if there will be a marginal entry on the original Progress Park, Section 1 Plat that shows that there has been a re-plat.

Mr. Stevenson stated the recorder also takes care of that.

Mr. Sedlak stated that once it is presented to the recorder, they will note on it that the original section was re-platted.

Mr. Frazier stated that as far as he is concerned, as Service Director, this meets the requirements for the Re-Plat.

Mr. Sedlak stated that referring to replat, this is basically just a modification of a previous plat.

Mr. Frazier stated that they have everything that was accomplished when the first subdivision was platted and approved. We are simply doing a lot split but since it is a recorded plat, it is his understanding that it goes through Council as an amended plat.

Mike Combs made a motion to approve the replat of Section 1 and Dorcas Morrow seconded the motion. 5 Yeas 0 Nays. Motion carried.

Mr. Stevenson stated he is also here on **Final Plat on Progress Part, Section 2.**

He stated this is a continuation from last month, when they presented the Preliminary Plan for this. There were discussions around the right of way width and easements. We are back now with the Final Plat. The piece that happens in the interim on one like this, because we are dedicating and someone is going to build a public street and utilities at some point, we have very recently submitted to the City for review the engineering construction drawings that would govern the road, sewer, waterline for their consideration. We understand that is a piece in between Preliminary and Final Plat. So, we are back with the Final Plat. He stated that he thought that Terry had some procedural thoughts.

Terry Frazier stated that there is a deadline for submittals to Planning and Zoning Commission so that we can properly advertise in the newspaper and give notice prior to the meeting. This is about two weeks. We received the application for Final Plat approval with a check for both of these developments. After the deadline has passed, our ordinance states that the Service Director has ten working days to examine the submittal and make a determination as to whether or not it is complete. He stated he did this. What was submitted along with the check and the one page application for the final plat was the title page to the cul-de-sac in the one lot from Progress Park Final Plat. Our subdivision regulations starting with Section 5.12, contents to the application for the final plat, the application sheet, the title page, the one that has the signatures, was complete. If you go on down through our code prior to action on a Final Plat by the Planning

& Zoning Commission, the applicant shall prepare construction and grading plans, specifications and cost estimates of the site improvements. Such cost estimates shall reflect current prevailing wage and be prepared and certified by a professional engineer. That was not included. He called and referred to the subdivision regulations and after the deadline, Craig did email a pdf file with the construction plans on it. However, because of the time frame and there was no engineers estimate, and further down in Section 5.10, the owner/developer may install, construct and have inspected and approved by the Director of Public Service all required site improvements prior to submitting the application for approval of the final plat. This means you would have to build the road and have it inspected and accepted. Of course, the road is not built.

Terry Frazier stated, or, and this is almost always the case now, the owner/developer can obtain approval for the construction and grading plans if there are the necessary bond and/or letters of credit, payment of all applicable inspection and other development fees, execution of any developers agreement, in recording of the plat. We do not have a bond or letter of credit or money in escrow to guarantee the construction of that cul-de-sac. These are all barriers to that final plat approval. That is why we cannot do final plat approval today. That and the fact that we are still reviewing the grading plans and construction and finding some omissions. He stated that he presumes that the client will issue a bond or a letter of credit or money in escrow for a performance bond.

Mr. Stevenson stated he will need to connect the client with Mr. Frazier in reference to the developer's agreement and the bond or guarantee of payment.

Mr. Frazier stated that once we file a Final Plat, the city owns the right of way dedicated by plat. If they start the road and don't finish it for whatever market reasons, then the City has a dedicated piece of land but no way to pick it up and construct it. That is what that money (bond) is set aside for or the developer can go ahead and construct it and when it is completely finished, then we can sign the final plat and then we own it. It is either or and that is why we cannot do the Final Plat today.

Mr. Frazier stated that because in the ten working day period, the Service Director inspects it and makes a determination whether it should be submitted to Planning and Zoning as a Final Plat and he hereby retracts or do not submit the final plat because of lack of the necessary elements. Once we have all the necessary elements, then it would go on the agenda for the following Planning & Zoning Meeting as a Final Plat. It seems that in the past, there has been some misinterpretation of the code and other processes.

Mr. Stevenson stated he wanted to be sure that he understands correctly. They have a "pending" application at this point that they will continue to submit additional elements.

Mr. Frazier stated that when it comes to the code, he is a fundamentalist and there it is, read it yourself. He will not interpret it. He stated he has made a checklist for the office to go over to be sure we have all necessary elements required.

Terry Frazier stated he is going to start outsourcing to a private firm for engineering review of construction plans to be sure they are correct. We do not have the staff or the time to do it ourselves.

**Election of Officers:**

There were no nominations for Chairperson or Vice Chairperson.

Marshal Griebel Graham nominated Terry Frazier for Secretary and Dorcas Morrow seconded the motion. 5 Yeas. 0 Nays. Motion carried.

Mike Combs made a motion to adjourn and Terry Frazier seconded the motion. Meeting was adjourned at 7:17 p.m.

Submitted by Brenda Short, Clerk