



## Zoning Commission

48 Ms. Trebellas made a motion to elect Mark Duell Chair of the Orange Township Zoning Commission for  
49 2020; seconded by Mr. McNulty.

50

51 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Pychewicz-yes, Mr. Doherty-  
52 yes

53 Motion carried

54

55 **MOTION TO ELECT VICE-CHAIR OF THE ORANGE TOWNSHIP ZONING COMMISSION**  
56 **FOR 2020**

57

58 Ms. Trebellas made a motion to elect Adam Pychewicz Vice-Chair of the Orange Township Zoning  
59 Commission for 2020; seconded by Mr. Pychewicz.

60

61 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Pychewicz-yes, Mr. Doherty-  
62 yes

63 Motion carried

64

65 **Zoning Application #ZON-19-05, Epcon Lewis Center, LLC.** The application is an  
66 amendment to the currently effective zoning development plan for +/- 23.3 acres within the  
67 Lewis Center Ravines Single Family Planned Residential (SFPRD) District, approved under  
68 applications #ZON-17-09 of CCBI Lewis Center, LLC. The area being amended is located at  
69 374, 390, 426 and 544 Lewis Center Road, Lewis Center OH 43035 having parcel numbers 318-  
70 220-04-011-000, 318-220-04-010-000, 18-220-04-009-000 and 318-220-04-008-000.

71

72 Ms. Boni read the Legal Notice for Zoning Application #ZON-19-05. We received an email from  
73 Delaware County Regional Planning that they are not going to review these applications.

74

75 Mr. Duell: The text that was proposed to be amended that was submitted was the incorrect text and there  
76 were changes made by the Trustees in their approval that I had not seen, and still have not seen, don't  
77 know what they are and am hard pressed to even review this tonight. I can give you comments on the  
78 encroachments into the setbacks, but I don't think we can approve it tonight because I don't know what  
79 the Trustees said previously, if they even brought up the issue; I have no idea.

80

81 **APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS**

82

83 Tom Hart, 2 Miranova Place, Columbus, Ohio, representing applicant. Also with me from Epcon is Joel  
84 Rhoades. I appreciate Mr. Duell's comment, and I want everybody to know it was my responsibility to  
85 get the right text and I didn't; I apologize for that and I understand your point. I have since gotten the  
86 correct text from Staff, and we would like to walk through our reasoning to get a sense of the  
87 Commission. Epcon's in a bit of a tough spot with the launch of two communities without a sales  
88 presence on the site for this one and the next case, so we ask your indulgence to briefly walk through our  
89 reasoning and then possibly get on the next scheduled Commission meeting. To have a sales presence on  
90 site will help the community sell out as quickly as possible and limit construction occurring, and that's  
91 what we're trying to do. We're asking for two changes to the SFPRD zoning that's in place at The  
92 Ravines of Lewis Center. One is to allow concrete patios to encroach into the space between units. It is  
93 interpreted for the Code to allow paver patios to so encroach, but not concrete patios, and the company  
94 would like to offer to its buyers pavers as well as concrete slab patios. The second change is to allow a  
95 sales office to be a part of the community clubhouse that is already approved on this site. Epcon operates  
96 six other communities in Orange Township, most approved as multi-family PRD's. This site was zoned  
97 by another developer, and it is an SFPRD. The SFPRD Code does not explicitly allow a sales office to be

## Zoning Commission

98 in a clubhouse in that zoning district whereas a multi-family PRD Code chapter specifically does. Since  
99 the company bought this from another applicant, it wasn't immediately on the radar that that applicant  
100 who took it through didn't ask for that sales function in the clubhouse. Since Epcon had previously done  
101 four other MFPRD's where the sales function was allowed in the clubhouse, it was an oversight that when  
102 they bought the property from the other developer, having not gone through the zoning process with them,  
103 it was missed. The next case we'll talk about is Clear Creek, and that's an SFPRD and that's an example  
104 where we specifically asked to have the sales office in the clubhouse, and it was granted, both here and at  
105 the Trustee level. Those are the two issues. We can talk a lot about why it makes sense in terms of traffic,  
106 having consistent uses. To us, the sales office is consistent with a clubhouse use because they're both  
107 somewhat commercial type uses, they're both gathering places. The company has operated since the early  
108 2000's in the Township by having this function all in one place rather than sending people to a model in a  
109 different part of a community. So those are the two requests for the amendment to this SFPRD.

110

111 Mr. Duell: Is there currently a restriction that the pavers are only on the side facing another building that  
112 has no windows?

113

114 Joel Rhoades, Epcon Communities, 500 Stonehenge Parkway, Dublin, Ohio, there is a courtyard on one  
115 side of every home and that courtyard can be finished in a number of ways, with different landscaping  
116 and different park scapes as well. We were not aware of the difference in the Orange Township Code as  
117 far as allowing a paver courtyard to encroach beyond the building but not allowing a concrete courtyard  
118 to encroach beyond the building. That courtyard is on one side of the home adjacent to the next home.  
119 The next home would not have windows or doors in that wall with one exception. One of the models has  
120 some transom windows and a den, but there's no view or access to the adjacent courtyard.

121

122 Mr. Duell: Because the request doesn't specifically state that at that location, I wouldn't want to see an  
123 encroachment on the other side where they were basically shaking hands.

124

125 Mr. McCarthy: Mr. Rhoades, would it be possible to draft it that the exception you're applying for applies  
126 only in the case where there is a single encroachment with a blank wall on the other side, and that would  
127 be the only exception?

128

129 Mr. Rhoades: I was perplexed why a paver patio could be there but a concrete patio could not be.

130

131 Mr. Duell: I think it's just the permanency. It's been the interpretation of the Zoning Office.

132

133 Ms. Trebellas: I think it's the structure that's involved with a concrete patio, potential rebar, etc. that it's  
134 permanent versus a paver. You put the bed down, put pavers down, put in polymeric sand grout; not  
135 really removable, but not as permanent as the concrete. My concern was the same as Mr. Duell's, and if  
136 you could put it in the text, I don't want someone sitting in their breakfast room looking out their window  
137 and hearing their neighbor on their patio.

138

139 Mr. Rhoades: But you're okay if they're on a paver patio?

140

141 Ms. Trebellas: I'm worried about the encroachment in general because in one case you have 13', in  
142 another you have 10', you're encroaching 4', that leaves 6' between potentially your neighbors having  
143 coffee on their patio and you in your living room. If you have a window, you will definitely hear them. So  
144 as long as you make sure there's no doors, no windows except a high transom so that you're not watching  
145 your neighbors on their patio while you're in your house.

146

## Zoning Commission

147 Mr. Duell: This was not a product that was contemplated there, and this is a site with a very checkered  
148 history before this body. As far as the sales office goes, I noted it was there, there was no sunset provision  
149 for it.

150  
151 Mr. Hart: We didn't write a sunset provision because the Code generally has a provision that terminates  
152 sales at 90%.

153  
154 Mr. McCarthy: That would be if this fell into the model home category. In this case, and Mr. Hart and I  
155 spoke about this earlier, I think it was his feeling that it would probably be good for everybody if the use  
156 could extend until the last unit was sold at which point the sales office would go away.

157  
158 Mr. Hart: Yes.

159  
160 Mr. Duell: And those are the only two items I think you tried to change.

161  
162 Mr. Rhoades: That's right.

163  
164 Mr. Duell: Again, I don't know if there's any impact to what the Trustees changed in the last zoning; I  
165 have not seen it.

166  
167 Ms. Trebellas: The sales office generally in single family, you have a model home, you have hours of  
168 operation, there didn't seem to be any hours of operation. Usually people don't like to have them Sunday  
169 mornings or late at night.

170  
171 Mr. Rhoades: We would agree to that.

172  
173 Ms. Trebellas: If you could do something so it's not 8:00 a.m. on Sunday morning where people might  
174 not like the traffic. There didn't seem to be a lot of parking by the clubhouse; I think there's four spots.  
175 Usually there's more required for model homes, and if you're going to have not only potential buyers but  
176 also staff, I was concerned about what you were going to do with parking. I'm concerned there won't be  
177 enough parking for staff, potential buyers and residents who want to use the clubhouse. Residents could  
178 walk; however, I don't know how big your sales operations are, but usually we require six parking spots  
179 for a model home.

180  
181 Mr. Rhoades: And there are six spots.

182  
183 Ms. Trebellas: That's not in the text, so you might want to mention that there are enough spots. I thought  
184 there were only four at the clubhouse; maybe it changed.

185  
186 Mr. Hart: We have a final approved development plan, and it is six.

187  
188 Ms. Trebellas: Make sure that is in the Zoning Text. Right now there's a provision in the Zoning Text for  
189 model homes as a Conditional Use to have a sales office, so are you going to keep that provision, remove  
190 it, have sales in the model home and in your clubhouse, or just one or the other, which is what I would  
191 prefer, but I don't feel strongly either way.

192  
193 Mr. Rhoades: Our typical practice everywhere we build in Orange Township is a model home that serves  
194 only as a model home and have a sales office in the clubhouse; we don't have two sales offices.

195  
196 Ms. Trebellas: Maybe that could be clarified with the most current Zoning Text of just having the sales  
197 office in the clubhouse and not in the model home.

## Zoning Commission

198 Mr. Rhoades: That's fine.

199

200 Mr. Hart: Just to run back, clarify six spots at the clubhouse for parking; there's no sales function in the  
201 model home, just in the clubhouse; the extension of the sales function in the clubhouse would go until the  
202 last unit is sold; and hours of operation will be the model home operation in the Code which is 9:00 p.m.  
203 during the spring, summer and fall; prior to 8:00 p.m. in the winter and not before noon on Sunday. I  
204 believe that is what is mirrored in the MFPRD which is what we would be governed by in every other  
205 case that we have.

206

207 Ms. Trebellas: I would prefer to have the provisions in the text just to be on the safe side.

208

209 Mr. McNulty: Aare there any additional signs or anything else?

210

211 Mr. Hart: This eliminates the need for a sign to drag people to a separate office through the community,  
212 eliminates that traffic because the sales function is in the same place where everything else is going.

213

214 Mr. McNulty: How much of the clubhouse would your sales office occupy?

215

216 Mr. Rhoades: We have a couple different clubhouses based on the size of the neighborhood, so the  
217 clubhouse at the Ravines is smaller than the clubhouse at Clear Creek, but each sales office is built to  
218 have an office that varies in size and configuration. That's where the sales person is and where they meet  
219 with potential customers. The rest of the clubhouse would be a large lounge, kitchen area, exercise room,  
220 restrooms and an exterior pool. The office is used by the sales people during the course of initial build  
221 out, and then when we turn over the clubhouse to the residents, what it's used for depends on the  
222 Association. Sometimes it's used as a library, sometimes a craft room, sometimes a card room. But  
223 there's just one room in the clubhouse where they're permitted to work in.

224

225 Mr. Hart: Epcon has operated this way in Riverbend, Maple Creek, North Falls, Hidden Ravines, and we  
226 were approved this way at Clear Creek within the SFPRD.

227

228 Mr. McNulty: I know you've done lots of building in Orange Township, so you've used this before with  
229 success for everybody with your current residents and sales function?

230

231 Mr. Hart: Yes.

232

233 Mr. Duell: How long would it take for you to come up with a new submission?

234

235 Mr. Hart: Based on Michele's efficiency, she's already gotten us what we need.

236

237 Mr. Duell: How much time would you need to review that?

238

239 Mr. McCarthy: Probably about one or two hours. The bigger thing is what we've discussed in terms of  
240 stipulations here. I gave Michele the resolution; incorporate the resolution into that text.

241

242 Mr. Hart: The Trustee book?

243

244 Mr. McCarthy: The Trustee stipulations into the book never made the trip and that's basically what the  
245 problem is. Just make sure that gets incorporated in there, and the other is simply a matter of updating to  
246 the version that was in the end brought forward, and I think that will be what takes half the time. The rest  
247 will just be looking at your notes and going from there. If we're going to throw in a motion on both, that's  
248 three to four hours because the resolution takes little time to put together.

## Zoning Commission

249 Ms. Trebellas: In your narrative explanation, you used the term paver patios and concrete pavers; I  
250 assume you mean paver patios and concrete pads?

251  
252 Mr. Hart: That's correct.

253  
254 Ms. Trebellas: Please change that because a paver could be of any material, stone, concrete, whatever, so  
255 in your explanation, clarify a paver patio and a concrete pad. Make sure your narrative reflects that to  
256 eliminate confusion.

257  
258 Mr. McCarthy: The only issues I could perceive have been addressed and make sure the Trustees'  
259 changes make it into the draft preferably before you make your edits and in both cases, the use of the  
260 different text will give you certain choices to make that were not present in what we've got now.

261  
262 Mr. Hart: My understanding was that the Commission has the authority to approve these amendments to  
263 the PRD or does it have to go to the Trustees?

264  
265 Mr. McCarthy: There will be a recommendation made here that will go to the Trustees, 10 day notice,  
266 Trustees take their action, 30 day referendum period.

267  
268 Mr. Rhoades: Obviously a week or two doesn't matter unless that kicks us out greater than a month and  
269 we miss a deadline with the Trustees.

270  
271 Mr. McCarthy: The 21<sup>st</sup> is the next scheduled session of the Trustees, so you'd miss that.

272  
273 Ms. Boni: If we don't get it before the 21<sup>st</sup>.

274  
275 Mr. McCarthy: The next one after that is February 3<sup>rd</sup>, next one after that is the 18<sup>th</sup> of February, so those  
276 are those benchmarks.

277  
278 Mr. Rhoades: After the Commission acts on this, there would be a minimum of 10 days before it could go  
279 before the Trustees.

280  
281 Ms. Boni: I would have to ask the Trustees to schedule the hearing at their next meeting, so if we're  
282 missing the 21<sup>st</sup>, I would probably ask the Trustees on February 3<sup>rd</sup> to schedule that meeting, so the 18<sup>th</sup>  
283 would be your hearing date.

284  
285 Mr. Hart: Mr. Chairman, we're happy to be here very late, following Evans Farm or any other case.

286  
287 Mr. Duell: I'm not sure we want to do that because the last time we had Evans Farm, I thought it was  
288 going to be quick and easy, and it ended up being 2-1/2 hours. I just never know what to expect on that  
289 one, and the other one is new, so it's a first time hearing.

290  
291 Mr. McCarthy: On the 16<sup>th</sup>, if that would be acceptable to folks, the only thing scheduled is a variance  
292 request by Epcon. If we tabled that, we could move forward with this that evening and accelerate the  
293 calendar in that manner and hopefully pick up some time.

294  
295 Mr. Hart: That's the BZA hearing; these guys have two other hearings that week, correct?

296  
297 Ms. Boni: We have to have the BZA hearing but we could have it in the other room if that's available.

298

## Zoning Commission

299 Mr. McCarthy: I'll leave that to the Commission. At this point I think it would be verify the text, verify  
300 the stipulations.

301

302 Mr. Duell: It should be short; can you do the 16<sup>th</sup>?

303

304 Mr. McCarthy: Would you be willing to table that?

305

306 Mr. Hart: Yes.

307

308

### PUBLIC COMMENT

309

310 None

311

312

### MOTION TO TABLE ZONING APPLICATION #ZON-19-05

313

314 Ms. Trebellas made a motion to table Zoning Application #ZON-19-05, Epcon Lewis Center, LLC, until  
315 Thursday, January 16, 2020, at 7:00 p.m. at Orange Township Hall; seconded by Mr. McNulty.

316

317 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Doherty-  
318 yes

319 Motion carried

320

321 Meeting continued with Zoning Application #ZON-19-06

322

323 Minutes prepared by Cindy Davis, Zoning Secretary

324

325 On January 28, 2020, Ms. Trebellas made a motion to approve the January 7, 2020 minutes of the Orange  
326 Township Zoning Commission for Zoning Application #ZON-19-05, Epcon Lewis Center, LLC, with the  
327 following corrections:

328

329 • Line 38: "Dennis Doherty" should read "Dustin Doherty"

330 • Line 84: "knowsit" should read "know it"

331 • Line 135: "put" should read "but"

332 • Line 176: "oncerned" should read "concerned"

333

334 Seconded by Mr. McNulty

335

336 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Doherty-  
337 yes

338

339 Motion carried

340

341

342

343

## Zoning Commission

1 **Zoning Application #ZON-19-06**

January 7, 2020

### LEGAL NOTICE

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3  
4  
5 Notice is hereby given that the Orange Township Zoning Commission will hold a public hearing  
6 on Tuesday, January 7, 2020 at 7:00 p.m. to consider the following application:

7  
8 **Zoning Application #ZON-19-06, Epcon Clear Creek, LLC.** The application is an  
9 amendment to the currently effective zoning development plan for +/- 49.8 acres within the  
10 Courtyards at Clear Creek Single Family Planned Residential (SFPRD) District, approved under  
11 applications #ZON-18-02 of Epcon Communities.

12  
13 Ms. Boni read the Legal Notice for Zoning Application #ZON-19-06.

### **APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS**

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16  
17 Mr. Hart: This is a mirror; it doesn't have the clubhouse/sales office problem, but the patio issue.

18  
19 Mr. Duell: And we also have the wrong text.

20  
21 Mr. Hart: Yes, we do. I would stipulate that some of the items we just agreed to on the mirror case, to  
22 make sure it's on one side, that there's a blank wall facing it, make sure we're clear that we're allowing a  
23 concrete slab and not just pavers.

24  
25 Mr. McCarthy: Yes, the idea of limiting it solely to the situation where there's a blank wall opposite.

26  
27 Ms. Trebellas: And clarify in the language that it's a concrete pad and concrete slab versus a paver so  
28 there's no confusion.

29  
30 Mr. Duell: That was the only proposed change, right?

31  
32 Mr. McCarthy: Yes; everything else was the sales office.

33  
34 Mr. Hart: We wrote that in in the process, and we're comfortable with it now. I think the Code covers the  
35 hours of operation and things like that; we'll make sure we have the same thing in that one.

36  
37 Mr. Duell: I don't see a need to add anything here to what was already approved; stick with what you  
38 need to change.

### **PUBLIC COMMENT**

39  
40  
41  
42 Russ Hill, 286 Home Road, I get the impression there is no opposition to these changes if all the changes  
43 are made, so it seems to me it's kind of a done deal.

44  
45 Mr. Duell: The only change is a concrete slab can go into the side yard where pavers already can. That's  
46 the only change.

47  
48 Ms. Boni: All the other standards will stay the same.

49  
50 Mr. Hill: That's not going to set a precedent?



## Zoning Commission

51 Mr. Duell: No, it's just that one little change to allow a concrete slab because the Zoning Office considers  
52 a concrete slab a permanent structure whereas a paver patio is not.

53

54 Ms. Trebellas: I doubt you all will even notice a difference.

55

56

### **MOTION TO TABLE ZONING APPLICATION #ZON-19-06**

57

58 Mr. Pychewicz made a motion to table Zoning Application #ZON-19-06, Epcon Clear Creek, LLC, until  
59 Thursday, January 16, 2020, at 7:00 p.m. at Orange Township Hall; seconded by Ms. Trebellas.

60

61 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Doherty-  
62 yes

63 Motion carried

64

65 Meeting adjourned at 7:40 p.m.

66

67 Minutes prepared by Cindy Davis, Zoning Secretary

68

69 On January 28, 2020, Ms. Trebellas made a motion to approve the January 7, 2020 minutes of the Orange  
70 Township Zoning Commission for Zoning Application #ZON-19-06, Epcon Clear Creek as written;  
71 seconded by Mr. McNulty.

72

73 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Doherty-  
74 yes

75

76 Motion carried

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81