

Zoning Commission

Rezoning Application #ZON-17-10

January 9, 2018

LEGAL NOTICE

Notice is hereby given that the Orange Township Zoning Commission will hold a public hearing on Tuesday, January 9, 2018 at 7:00 p.m. to consider the following application:

Rezoning Application #ZON-17-10, North Orange Development LLC, Requesting an amendment of the currently effective development plan for three (3) parcels, totaling 20.59 +/- acres, within the North Orange Single Family Planned Residential (SFPRD) District and North Orange Planned Commercial & Office (PCD) District, approved under application #10747 and #15634 of Planned Communities to a Single Family Planned Residential (SFPRD) District. The subject properties are currently owned by North Orange Development LLC. The area being amended consists of permanent parcel number 318-230-02-007-007, 318-230-02-007-000 and 318-230-02-011-000.

The hearing will be held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio 43035.

The application and plans are available for inspection from today’s date through the date of the hearing at the Orange Township Zoning Office, 1680 East Orange Road, Lewis Center, Ohio 43035. Zoning Office hours are Monday through Friday, 8 a.m. to 4:30 p.m., except legal holidays.

*Mark Duell, Chairperson
Michele Boni, Orange Township Zoning*

Publish one time on or before Saturday, December 30, 2017 in the Delaware Gazette.

Mr. Duell called the meeting for Rezoning Application #ZON-17-10 to order at 7:00 p.m.

Mark Duell, Christine Trebellas, Todd Dove, Roy Wilson, Dennis McNulty

Township Officials present:

Michael McCarthy Township Counsel
Michele Boni Planning and Zoning Director

Mr. Duell: We are here to consider a new case, #ZON-17-10, North Orange Development, LLC.

Ms. Boni read the Legal Notice

Mr. McCarthy: A copy of this application is sent to the Delaware County Regional Planning Commission (DCRPC), they have a meeting on it and then send their non-binding recommendation to this body and the Township Trustees.

39-17 ZON – Grand Communities Ltd. – Orange Township – 20.59 acres from PC to SFPRD

I. Request

The applicant, Grand Communities Ltd., is requesting a 20.59-acre rezoning from PC to SFPRD for the development of Grand Pointe at North Orange, a 35-lot single-family development.

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II. Conditions

Location: west of Gooding Blvd., eastern extension of Harness Way
Present Zoning: Planned Commercial and Office (PC)
Proposed Zoning: Single Family Planned Residential (SFPRD)
Present Use(s): Vacant
Proposed Use(s): 35 single-family house lots
Existing Density: N/A
Proposed Density: 1.64 du / acre
School District: Olentangy Local School District
Utilities Available: Del-Co Water and central sanitary sewer

III. Introduction

This site was originally zoned to Planned Commercial as part of the North Orange development in 2000. The proposal shows two accesses; the main entrance being off Gooding Boulevard from the east, and the second being the continuation of Harness Way from the south. The two form a T-intersection and Harness Way ends in a cul-de-sac. Lot sizes are typically 61' wide by 135' deep. The smallest is 7,302 s.f. and the largest is 24,550 s.f. An 8' wide asphalt path is provided on one side of streets, connecting both this subdivision and the one to the south to the North Orange Trail Corridor, and a 5' sidewalk is provided for the cul-de-sac. Street trees are provided throughout. Open space totals 8.14 acres (47%) distributed around the lots, which includes a walking path, detention basin, and a stream.

IV. Comprehensive Plan

Orange Township's 2010 Comprehensive Plan indicates this area is currently zoned to Planned Commercial and Office District (PC), as are the adjacent parcels with frontage on Gooding Boulevard. This project would not significantly affect the potential commercial development on Gooding Boulevard, so this is a reasonable deviation from the Comprehensive Plan. The Comprehensive Plan also proposes a road connection between Gooding and the SFPRD to the southwest, which the proposal fulfills.

V. Issues

Signage: An exhibit is included showing potential designs for sales and information signage to be presented with the Final Development Plan. However no entry feature sign detail was shown as part of the signage exhibit.
Sanitary Treatment: A letter from the Regional Sewer District is included, stating "Capacity is currently available to serve the proposed project. Existing 21" and 15" sanitary sewers are located on the properties."

VI. Divergences

Five divergences are requested:

1. To allow on-street parking to count towards the six required parking spaces for the model home.

Staff Comment: *No argument was presented. This is usually provided on an adjacent lot.*

2. To reduce the minimum lot width at the front line of the dwellings from 75 feet to 60 feet.

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101 **Staff Comment:** *The application states that this divergence will allow for the density to offset the cost of*
102 *road extension and associated environmental challenges, as well as allow the home builder to build a*
103 *product that requires minimal yard maintenance. This is reasonable. However, the site plan shows lots*
104 *that abut on the public street for distances as little as 33 feet. This appears to be an incomplete*
105 *divergence request.*

106
107 3. To reduce the minimum side yard setback from 12.5 feet to 6 feet.

108
109 **Staff Comment:** *The application gives the same arguments as for the lot width.*

110
111 4. To waive the maximum lot coverage limitation of 25%.

112
113 **Staff Comment:** *The application states this will allow the home builder to build a product for the*
114 *customer who prefers less yard coverage. Based on the open space provided, this is reasonable.*

115
116 5. To reduce the minimum structure separation from 25 feet to 10 feet. **Staff Comment:** *No argument*
117 *was presented. This divergence is related to the lot width and side yard setback divergences. The*
118 *difference between the structure separation and side yard setback divergences should be clarified.*

119 120 **VII. Staff Recommendations**

121
122 Staff recommends **Conditional Approval** of the rezoning request by Grand Communities Ltd. from PC
123 to SFPRD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to:*

- 124
125 1.) *Requesting a letter from the Engineer's office regarding feasibility;*
126 2.) *Denial of the parking divergence;*
127 3.) *Clarification of the structure separation and side yard setback divergences; and*
128 4.) *Clarification of the lot width divergence.*

129 130 **Commission / Public Comments**

131
132 Mr. Jason Wisniewski, Vice President of Planning & Zoning, Grand Communities (Fischer Development
133 Company) was present. He stated that there would be a minimum 10' building separation per the fire code
134 and the lot width would be 60' at the building line. He explained that they met with the residents of North
135 Orange development in September and they were in agreement of this development as it connects the
136 neighborhoods.

137
138 Ms. Noble questioned the three lots on Corduroy Rd. set away from the other lots. Mr. Wisniewski stated
139 that there is an existing wetlands they needed to plan around.

140
141 Mr. Piccin asked if they considered a commercial use in the area of the three lots. The access to those lots,
142 especially lot one, may need to be looked at Mr. Wisniewski said that they have been working with Casto,
143 the broker on the property, and they are retaining the other portions of the property that are not being
144 rezoned. They have been marketing this piece for some time. This will create an entrance feature to this
145 community and they would like to control it coming in off of Gooding Blvd. and Corduroy Rd. Mr. Piccin
146 asked if they would consider a shared access. Mr. Wisniewski agreed to consider a shared access.

147
148 Mr. Heid questioned the lot coverage. Mr. Wisniewski stated he did not have that figure but the concept
149 of this development is single family homes but condo style maintenance so the landscaping taken care of
150 for them.

151

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152 **Mr. George made a motion to recommend Conditional Approval of the rezoning by Grand**
153 **Communities from PC to SFPRD, subject to staff recommendations. Mr. Piccin seconded the**
154 **motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.**

155

APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS

157

158 Kirk Ridder with Grand Communities, affiliated developer for Fischer Homes, 3940 Olympic Boulevard,
159 Erlington, KY. Fischer Homes, started by Harry Fischer in 1980, is one of the top 50 home builders as
160 published by Professional Builder magazine. Mission is not just to build homes but also about as
161 extension of communities. Looking at entrances as discussed earlier and how to set out the community,
162 theme, landscaping. Site is located between Gooding Boulevard and Harness Way with 35 lots, roughly
163 20 acres, and we're trying to preserve existing streams and wetlands. Have storm detention area under
164 the power line easement and have gotten approval from the power company that that's acceptable.
165 Showed example of product being proposed to be built from a community in northern Kentucky called
166 Villa Grande, the masterpiece collection with front entry on narrower lots. This product is geared toward
167 those that don't want the maintenance of a typical single family home; the front yards are maintained by
168 the HOA. Showed streetscape and elevations of the existing community and examples of the model home
169 signage that would be proposed. The model home would be in one of the first three lots. Agreed to
170 accept DCRPC's recommendations on the parking, putting it on the adjacent lot.

171

172 Ms. Boni: We received a letter from the Maintenance and Parks Director (Park), which was provided to
173 the Board. Also received letters from the Orange Township Fire Department (FD) and adjacent resident
174 that lives on Harness Way.

175

176 Mr. Ridder: We just received the Parks letter yesterday, there was some confusion about the existing path
177 near the storm detention area. That was in original plan and I don't think it was taken off. We're open to
178 building it but didn't know if Parks prefers that or if we just tie into the existing paths in the open space
179 between the subdivision to the south and the power lines. The internal path instead of sidewalks on both
180 streets, we are fine with committing to doing sidewalks on both sides if that is their preference.

181

182 Mr. Duell: You talk about the construction of the entire length of Harness Way. Will the road
183 construction precede the construction of the development?

184

185 Mr. Ridder: We met with Township and County, and our intention is to build the road in two phases
186 because of the associated costs. We're crossing two streams, that's two culverts and just a lot at one time.
187 By breaking it down into two phases, we've agreed to the T-turnaround that was recommended. Just need
188 to get into first phase, sell some homes and then move onto the second phase.

189

190 Mr. Duell: You said the power company was OK with the retention pond and the easement; do you have
191 documentation on that?

192

193 Mr. Ridder: I believe we have with our engineer; we can confirm that and send it.

194

195 Mr. McNulty: What's the price range of these homes?

196

197 Mr. Ridder: In the \$400's is average.

198

199 Mr. McNulty: The subdivision to the south is standard Orange Township setbacks; I have a problem with
200 something smaller than what's already there right next to it. And I can see potential problems with the
201 HOA taking care of the front yards as time goes on. I understand you want smaller lots so you can get

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202 more in, but I'm not sure that works with respect to what's just south and in the general neighborhood of
203 where you want to place this.

204
205 Jason Wisniewski, Vice President of Planning for Grand Communities, 3940 Olympic Boulevard,
206 Erlington, KY. To Mr. McNulty's point, Grand Communities had nothing to do with the development of
207 the existing North Orange sections. Our home building operations were active in that section and home
208 sites are different sizes in this section than there, we are building the exact same product here as was built
209 in the North Orange sections; it's a different packaging, same product, so we are not switching that. We
210 met with residents and HOA as to what we're attempting to do and generally there was support. Shrinking
211 them is not necessarily a function of anything other than you have to somehow pay for all the
212 infrastructure to make this thing go. Regarding HOA's maintenance, Villa Grande is very successful. At
213 this price point I understand concern about what happens over time, but there is a certain level of
214 expectation that the buyer has.

215
216 Mr. Wilson: There are only 6' side yards; I can't buy it. I realize not everybody wants an acre, but 12-
217 1/2' on each side is not asking too much. If you can't do that, I think you need to let someone else buy
218 the property. Those are my thoughts.

219
220 Mr. Dove: I'd like to hear from some of the residents since they indicated they've met with them and see
221 what some of their concerns are.

222
223 Ms. Trebellas: I'm concerned about the 3 lots up by the commercial area. I understand one is going to
224 be a model home, but the fact that is a commercial area that's going to be developed across the street and
225 surrounding it, I question the viability of those 3 houses as houses. Normally with model homes we have
226 a lot clearly specified and have landscaping on the 4 corners so potential buyers don't wander off into
227 someone's yard. Please consider that when you select a model home site and label it clearly. I had the
228 same comment as Parks about the mailboxes, where they're located, and I would like parking there too
229 because people stop the car, run and get the mail, get back in their car, and unless there's a place to park, I
230 have safety concerns. I'm also concerned about the number of divergences.

231
232 Mr. Ridder: The mailboxes are sort of being dictated by the post office, something we would prefer not
233 to do. We prefer mailboxes like the subdivision to the south, but I don't know if we have a choice, so
234 what we're proposing is clusters of 17 and 18, and there would be an easement off the sidewalk so people
235 can use the sidewalk to access them. We feel the mailman can use street parking and parking is not
236 necessarily the best thing because of the traffic congestion it may cause. We can space them out in the
237 subdivision so that it's an equal distance to get to them. We have some images I can send Michele that
238 we're planning on doing in other subdivisions.

239
240 Ms. Trebellas: That would be helpful for clarification. I'm surprised about the post office requiring you
241 to do it.

242
243 Mr. Ridder: We're seeing it in other subdivisions in other municipalities. A lot of HOA's are against this
244 as well and have contacted congressmen and that sort of thing, so it's ongoing.

245
246 Mr. Wisniewski: We have divisions in Atlanta, Louisville, here, and Indianapolis, and in every area,
247 cluster mailboxes are the big issue; what you have to have, how you accommodate it, park it, construct it,
248 and nobody's ahead of it, so no one has reacted to it.

249
250 Mr. Duell: Before we get into the details of the plan, we'll open up the floor to any residents who want to
251 speak or have any questions or comments. I would just ask that everybody not be duplicative.

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PUBLIC COMMENT

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Robert Steele, 7515 Overland Trail, I am both a resident of North Orange Development and North Orange developers and Fischer Homes have been great partners with the community. They have been very transparent with their intentions, meeting with us prior to submitting their application and engaging feedback to what they would like to do on this particular lot. I can't say that's been shared with North Falls, North Orange condos north of this property, North Orange Development to the south of this property and the condos adjacent to the park but I am not aware of any significant concern or opposition to what they are presenting. The product is consistent with what they have built in North Orange Development. There are divergences for setbacks and spacings, and I understand the intent behind that, but I also understand and recognize that the packaging of this is really intended for a different potential buyer than what North Orange was originally slated for. And, sir, with all due respect to your comment about if it doesn't work, just find another buyer, that is a very big concern to us that live in the community because we know what other potential buyers could come into this area and our concern that what is developed is amiable to what is already there and this we believe would meet that requirement.

Kirby Nielson, 7408 Falls View Circle, Delaware, I live right on the property line in North Falls. My only concern is that the builder preserves the creek and the trees, otherwise I support what Mr. Steele has brought up. This is certainly a great development for us to have as neighbors.

Mr. Wisniewski: That stream is identified as a waterway of the United States which falls under the jurisdiction of the US Army Corps of Engineers. We do dozens of permits like this. If the stream and trees are not already in an easement, we'd be willing to put an easement on it and not develop it because you have to protect that as part of your permit.

Ms. Trebellas: That was one of my comments, and I'd like to see that written in the development text, what your efforts will be to protect and preserve that stream corridor because it flows into the Olentangy and considered a waterway of the U.S. You'll have to get the appropriate permissions from not only the County, State but Federal level before you mess with it.

Mr. Wisniewski: We already have the permit on this site thru the Corps of Engineers. I know there are easements on the stream; I just don't know if they extend over to this site.

Ms. Trebellas: Document in the development text that that is an issue and that you will address it in an appropriate form or manner.

Jim Baumbuch, 7394 Falls View Circle, Delaware, my biggest concern is the trees that are there. I believe there are several ash trees and I just wonder if they will be cut down, if anything will be put in their place or what usually happens with those?

Mr. Duell: I'm not sure what the easements would allow you to do as far as those; obviously the ash trees are taking a hit from bugs.

Mr. Wisniewski: Typically our policy is what those easements allow but if it's a hazard, a threat, you're allowed to take them down, obviously selectively. But I'm not sure what the easement language would allow us to do. I have the easement, I've seen the language, I just can't remember the stipulations of what you can and can't do there.

Debbie Cluff, 7567 Overland Trail, Delaware, where is the construction traffic coming off of? Would it be Gooding or Harness?

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304 Mr. Wisniewski: I can't imagine it wouldn't come off of Gooding; that's where our first phase is.
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306 Mr. Dove: All traffic needs to come in from the original. Thank you for meeting with the neighbors; that
307 makes these meetings a lot easier when you come with a plan they've seen and understand, and you work
308 with them. I saw some different numbers; I don't know if its 20.4 acres, 20.59 acres, so if we could nail
309 that down. Front yard maintenance by the HOA, so the homeowner is doing the side and rear yards?
310

311 Mr. Ridder: Correct.
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313 Mr. Dove: How are we doing Lots 4, 5, 3, 34, 35 and 23? Like Lot 34 on the corner, are they doing just
314 the front of it, the front and side? And Lot 23, what's the front of the lot?
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316 Mr. Ridder: That is something I don't know off the top of my head, but it's in our HOA declarations.
317

318 Mr. Dove: Need some clarification on that.
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320 Mr. Ridder: I can't imagine the HOA not taking care of those homes' front corner side yards because of
321 the length of them and because of their impact on the community itself, but we can clarify that.
322

323 Mr. Dove: I think Lots 1, 2 and 3 were discussed.
324

325 Mr. Duell: With regard to those, is the plan to have the shared access like what was suggested?
326

327 Mr. Ridder: I think so. There might be some permits that the County mentioned, so we may have to do a
328 Common Access Driveway that all 3 share.
329

330 Mr. Dove: Have you earmarked which one will be the model home, which one will be the parking?
331

332 Mr. Ridder: I can't commit, but it will be those 3 lots.
333

334 Mr. McCarthy: Model homes typically have been dealt with by an application to the BZA, so issues such
335 as your signage that's related to the model, all the model issues would be dealt with at that process and
336 not getting micro managed at this end, so that would be something to think about.
337

338 Mr. Ridder: Does that include entry signage or strictly model signage?
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340 Mr. McCarthy: Monument signage for this entry would be appropriate for this application but you don't
341 know what model you're putting where and part of what the BZA does is not only deals with the request
342 of the applicant but also looks at the surrounding properties and sees what if anything needs to be done to
343 take into consideration any issues, especially one of the issues Ms. Trebellas raised.
344

345 Ms. Trebellas: That potential home buyers stay on the model home and not wander onto a lot that already
346 has a homeowner, and with light and noise, etc.
347

348 Mr. Dove: I'm assuming there's only going to be 1 model; you're not going to open a model in Phase 2
349 when Phase 2 starts.
350

351 Mr. Ridder: Correct.
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352 Mr. Dove: Temporary signage for communities, what is our requirement for that, when do we allow that?
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354 Mr. McCarthy: Article XXII and there is a specific provision as to size and I have trouble with your
355 Exhibit K. It has an 8' high limitation area request on it and I believe that sign was at 10, so it's going to
356 have to come down a couple feet. There is a provision for construction signage that is subject to a permit
357 from Ms. Boni's office and subject to her discretion.

358

359 Mr. Dove: Do we have something on when it has to be removed?

360

361 Ms. Boni: The temporary permits are valid for 6 months and then it's to the Staff's discretion as to
362 whether they can file for renewal.

363

364 Mr. Dove: So generally if the lot is sold out and it's built out....

365

366 Ms. Boni: That's when we would review the sign permit.

367

368 Mr. Dove: I would like something in the text that restricts the construction access so it's not going thru
369 the adjacent neighborhoods. When you start Phase 2, you might have an asphalt truck or roller and
370 you've got to do the street, but I don't want to see a bunch of construction trucks running thru that; you
371 need to run thru Phase 1 of your development. When people are building in that neighborhood, they
372 know there's going to be construction traffic but the people to the south didn't know there was going to
373 be.

374

375 Mr. Wisniewski: There is a stream crossing at the Harness Way connection and there might be a reason
376 we would have to bring a truck the other direction in order to make that crossing, but just an exception for
377 something like that. But having something go totally back around makes sense.

378

379 Mr. Dove: One of the divergences talks about the associated environmental challenges and how this site
380 has area needs to be developed because of that. Is that because of the wetlands and the stream? .

381

382 Mr. Ridder: Correct.

383

384 Ms. Trebellas: I'm assuming that's including the easement for the electrical lines as well?

385

386 Mr. Wisniewski: No, we would not build that connection for 35 sites; we wouldn't need it. From a
387 homeowner's perspective, there is not necessarily a benefit to Fischer Homes to make that connection.
388 That is something the Township said we need, it's part of the zoning; the County said they need it for one
389 reason you have an unloaded street. What value does it have? The second you are forcing a second
390 stream crossing that you have to make that adds permanent cost. I understand the connection to these
391 residents and to the Township, it makes sense after talking to all the parties but somehow you have to pay
392 for it and that's what we're getting at with that comment.

393

394 Mr. McCarthy: The Township has always insisted on 2 accesses. There was a fire on 23 in a condo
395 community where there was a situation that arose in the back during the fire and no one could get there
396 because it was a single access. This will provide a second access. The existing access will also provide
397 your development that second access so if should something happen, there is something there.

398

399 Mr. Dove: I would think Fire would require the second access. Lot depths, are we meeting all our
400 requirements for lot dept0? All lots shall meet the requirement of 135'; is that 135' to the shortest
401 distance, is that an average, what's that requirement?

402

403 Mr. McCarthy: There are some lots that are irregular in shape and from what I'm aware, if there was a
404 single 135' run, the Zoning Staff viewed that as compliant.

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405 Mr. Dove: On 18, with 118 on one side and 67 on the other side, meets our requirement?
406

407 Mr. McCarthy: I think that lies at the discretion of the Commission. Cul-de-sac lots have proven to be
408 challenging in this regard and maybe if there is a leg that is at 135, it is regarded as compliant but that is
409 probably not outside of the cul-de-sac lots. That is my understanding and recollection.
410

411 Mr. Dove: There are different side yard setbacks; are we looking at 10' or 12' total?
412

413 Mr. Wisniewski: 12'.
414

415 Ms. Trebellas: Is 10' the building separation for the fire building code issue? I think that's the 10 which
416 would accommodate the overhangs of the buildings. You might want to clarify that 12 vs 10.
417

418 Ms. Boni: For the FD, the setbacks they saw on these plans didn't seem to be a problem but based on my
419 experience with some of the other subdivisions in the area, I recall one development that had these side
420 yard setbacks but it's one of the older ones.
421

422 Mr. Dove: Are we proposing 1 street tree per lot?
423

424 Mr. Ridder: At a minimum. We allow individual homeowners purchase landscaping packages and those
425 packages vary on price, so at minimum we're talking 1 yard tree; there are going to be more trees within
426 the landscaping packages.
427

428 Mr. Dove: The boxes you're showing on this plan, what are those representing?
429

430 Mr. Ridder: Building pads.
431

432 Mr. Dove: Is that the maximum building pad size or just kind of a graphic?
433

434 Mr. Ridder: Just a graphic.
435

436 Ms. Trebellas: I think we need to again clarify the side yard setbacks, the 12, the 10, whatever that is. I
437 have concerns about divergences you're requesting for that. I have no problem with the cul-de-sac lots
438 not being strictly to Code because they aren't pie shaped and it's difficult to determine lot width, depth,
439 but I would like to see the straight lots follow Code as much as possible. I have issues with the
440 divergence requesting the removal of the 25% lot coverage because you're asking that you have no
441 maximum lot coverage requirement and it's like handing you a blank check; I'm not willing to give that,
442 so comment on firm percentage. Clearly label the front, rear and side yard setbacks on each lot on the
443 various plans. I had to flip back and forth and then couldn't tell where some of the public right-of-way
444 was, where the street was, especially with where the sign was. The right-of-way is required because
445 signage size is based on it; label that clearly. Same with road width, and put the sidewalks on now that
446 we're getting rid of the 8' and putting the two sidewalks on the development plan. Lot #3 at the front, it
447 looks like part of it is being developed on wetlands, so get the appropriate clearances for that because I
448 don't want someone's foundation in the wetland.
449

450 Mr. Wisniewski: We don't want that either. There is protection around that wetland right now, so that
451 can't happen.
452

453 Ms. Trebellas: Right now it looks like your wetland is shown on some of your maps but not really
454 labeled, and Lot #3 is right on top of it, so verify that. I had trouble following Exhibit K because some
455 things that were supposed to be in there weren't and since there weren't dimensions, I had trouble

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456 figuring out what the sign size ought to be, so clarify your signage size, and make sure it works within the
457 right-of-way and setbacks for what the sizes need to be. We need to discuss how the commercial is going
458 to impact abutting the residential on Gooding Boulevard because that is a concern having residential right
459 next to commercial and not a nice buffer.

460

461 Mr. McCarthy: Probably the best way to do that is a separate zoning; that's not before us so we cannot
462 change the rules on it. We can make a clear record in this hearing as to the fact that that is recognized as
463 a problem that should be considered and is understood by the applicant that there likely will not be a
464 100' ...

465

466 Ms. Trebellas: Buffer and those are the commercial properties along Gooding Boulevard. Some of them
467 aren't developed yet, some are, but with your development, they can no longer expand if need be.

468

469 Mr. McCarthy: Those potential buyers should be advised of that. I'm not sure what the distance would
470 be if a request were brought in.

471

472 Mr. Wilson: Is there only going to be one access on Gooding into the development on Phase 1?

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474 Mr. Wisniewski: Yes. There will be a T-turnaround in order for the fire trucks or whoever to turn
475 around.

476

477 Mr. McCarthy: And the FD was good with that?

478

479 Ms. Trebellas: They seem to be.

480

481 Ms. Boni: This letter wasn't necessarily an approval; this was just acceptance of the plan and they will
482 need to provide more detail.

483

484 Mr. McCarthy: We'll keep an eye on that, specifically the FD response. It is my understanding they are
485 OK to a certain distance.

486

487 Mr. Duell: Can we thru zoning limit the ability of houses along the cul-de-sac that could be impacted by
488 the 100' rule from challenging any changes to the zoning for the commercial out front as conditional
489 approval of this because they were here first?

490

491 Mr. McCarthy: That is a question I would want to check out. There's also the possibility, maybe not
492 given the dimensions of these particular lots, of some rather large mounding utilized at times in the
493 Township that would possibly minimize that impact down the road in the event that there would be a
494 change on the commercial side.

495

496 Mr. Duell: On the cul-de-sac lots there might not be room to put the mound because while it's 135' on
497 one corner, it's not at the other; that's why I asked the question. Did you hear what I asked him.

498

499 Mr. Wisniewski: Yes, we understand your concerns.

500

501 Mr. McCarthy: In response to Mr. Nielsen, the Township has had included in the development plan the
502 bounds not only of the easement but also the bounds of the intended preservation area, and prior to any
503 construction, orange construction fence has to be erected and maintained during the entirety of the
504 construction. You've built here but this is your first development in the Township, and Orange Township
505 uses a one step process, so when there are references in your text and exhibits to we'll bring in the details
506 when we do the final development plan, this is the final development plan, there will be no more coming

Zoning Commission

507 back before the Zoning Commission to implement a further vision. That being the case, they do not view
508 it as a Euclidean shift from Planned Commercial to Single Family. We're kind of hammering at the
509 individual development standards of your development that are going to be unique that do not match the
510 balance of the North Orange or other subdivisions; they're all different. In 10.02 it talks regarding
511 rezoning from a Planned Commercial District to a Single Family District; it's not viewed as a global
512 classification. Ms. Boni, they gave us 8-1/2" x 11" sheets. Would your office prefer them in 11" x 17"
513 size or are you happy with 8-1/2" x 11"?"

514
515 Ms. Boni: Prefer 11" x 17".

516
517 Mr. McCarthy: Section 10.03 b), permitted, uses, the section starts out with uses that will be permitted in
518 this district, but then there is a continuation that storage sheds, car ports, etc. shall not be permitted. You
519 say at first this is the only thing that will be permitted; now we're kind of not going to permit these too.
520 There might be a third category; if there is, define it. If there's not, I don't know why have the second
521 sentence. This is a cluster effect on your site given the utility easements and other challenges you face
522 environmentally but as far as cluster housing, it just doesn't meet the standards. There are some words
523 that typically a Township doesn't like to see in an application; "proposed", "examples", "concept", things
524 like that. We have a list we'll share. Exhibit L, although I did not have a copy, Ms. Boni informed me
525 that it was on the DVD, so print it out and put it in there for the next copy, especially for the record set.
526 The exterior materials and man-made finishes; those words are in here again; engineered wood is also in
527 here again.

528
529 Mr. Dove: I think that's our list of finishes, just delete the word man-made.

530
531 Ms. Trebellas: That could mean plastic and we don't want to see that.

532
533 Mr. McCarthy: Does anyone have a concern with engineered wood as an exterior product?

534
535 Mr. Dove: No.

536
537 Mr. McCarthy: 15% natural materials on the front, define what materials are going to be natural
538 materials. Roofs, it said your pitch will be 6:12, colors will be limited to the Munsell chart. It could be
539 read that you're talking about roofs. Make it that all exterior materials will be governed by those Munsell
540 charts and if there are roof limits, define those as well. On Page 9, fencing was limited to the HOA
541 declarations. The Township has a policy that we do not look to HOA declarations or documents for any
542 of our zoning. Cut and paste the part you're trying to prohibit into the text as a standalone item and
543 remove the reference to the HOA declarations. Exterior lighting, more people are going to LED exterior
544 lighting and we ask that you add in 10.06 b)4) and on Page 30 in 21.12 that as to exterior LED lighting
545 color temperature will be between 2700 and 3000 Kelvin. New streets, I assume you're the ones
546 constructing them.

547
548 Mr. Ridder: Yes.

549
550 Mr. McCarthy: Plainly add that to the text. In Clear Creek there was some language that probably merits
551 some consideration if not acceptance, for a provision that no zoning permit, and this will come back to the
552 FD as to whether they're going to find the single access over that distance acceptable, issued to that
553 development until the roadway in its entirety is constructed or bonded and there would be no certificate of
554 compliance until the roadway was completed and approved by the County.

555
556 Mr. Duell: Do we need to do the entire road with the first phase?

557

Zoning Commission

558 Mr. Dove: The FD did a letter I'm guessing based on the entire plan; they're not doing a Phase 1 and
559 determine how they're going to terminate that road at Phase 1 for a fire access.

560

561 Mr. Duell: Confirm with the FD.

562

563 Mr. McCarthy: Ask them to specifically address that issue because there have been times, and one I was
564 referring to there, the Fire Lieutenant was quite definite, and I believe it was a 300' distance, that at that
565 point they weren't turning around in, but again, this is a different development.

566

567 Mr. Duell: There's a fairly long extension that doesn't have anything on it, so they may have a different
568 opinion on this one; this is a special case.

569

570 Mr. McCarthy: It was indicated that the roads would be built to the standards of the Orange Township
571 FD and Delaware County Engineer unless the County granted a variance. What would be the nature of
572 the variance that you have requested from the County's standard?

573

574 Mr. Ridder: There was discussion about the road entrance into the subdivision at Gooding being a little
575 wider and we would have to taper that down to what the local roadway width is.

576

577 Mr. Duell: I would just say building the road as the County directs; we don't have any authority over the
578 roads anyway.

579

580 Ms. Trebellas: Per County Engineer and FD.

581

582 Mr. McCarthy: If your utilities are underground, add that to the text. As far as the separation, originally
583 we were using 6' side yards. We have 35' rear yard, 25' front yard, and two 6' side yards, how are we
584 getting buildings 10' apart?

585

586 Mr. Wisniewski: Roof overhangs would be in the in the side yard; that's how you get 10'.

587

588 Ms. Trebellas: Which gives you your 10' separation. Please clarify all that.

589

590 Mr. McCarthy: Is that also going to include bump out fire places or just roof lines?

591

592 Ms. Boni: Or egress windows.

593

594 Mr. Wisniewski: We can define all of that.

595

596 Mr. McCarthy: There was language in 21.03 that indicated that it would be these distances or whatever
597 required by the Ohio Building Code. I called the Building Department and talked to one of their plan
598 reviewers and I think we need to get that out of there because he indicated you have a ½" rated drywall
599 you can get inside 5', not your separation.

600

601 Ms. Trebellas: It depends on the rating of your exterior wall.

602

603 Mr. McCarthy: The question is how close are you; if it's OK with the State of Ohio, it would be closer
604 than 10'...

605

606 Mr. Dove/Ms. Trebellas: No.

607

Zoning Commission

608 Mr. McCarthy: You had language in 3 places that there would be no parking permitted on cul-de-sacs.
609 The Township Trustees have a cul-de-sac policy, so that prohibition can remain except as otherwise
610 provided by the cul-de-sac policy of the Township Trustees so it doesn't look as though the Trustees, in
611 approving this amended that policy.

612
613 Ms. Trebellas: Part of the cul-de-sac is the turning radius for the fire truck and if you park, how does that
614 work?

615
616 Mr. McCarthy: We could pull up the cul-de-sac policy, see what the radius of that bulb is because there's
617 a minimum bulb radius that had to be met.

618
619 Ms. Trebellas: They want to see 5' according to their letter.

620
621 Mr. McCarthy: I'm pretty sure this wouldn't qualify so I'll check the policy.

622
623 Mr. McCarthy: Page 14, 10.06 14)g), some of the open space was identified as maintained passive/active
624 and you incorporated the Township's definitions of open space into the text, but none of them use that
625 term. The definitions are in there to let people know what they can or cannot do in that area. If the intent
626 is part is to be recreational and part maintained passive, in the text you could use those 2 phrases but
627 explain what the inter-mix is and what you're asking for approval of. 10.06 b)14) indicates there will be
628 no certificate of compliance until the storm basin has been completed. Given the language that we used
629 on the other application, the storm basin and related drainage improvements all were required. I went
630 thru your homeowners' documents and was going to ask you to take them out. Most developers want to
631 control until the last drop, but there have been times the Township has asked that when 20% of the lots in
632 the development, I don't know how you would want to do it with phasing, have been sold, a resident be
633 placed on the Board.

634
635 Mr. Wisniewski: So if we have a 3 person Board, 1 of those would have to be a resident?

636
637 Mr. Duell: Yes. You'd still have 2/3's control but just so there's somebody when there's an eventual
638 turnover who has some historical knowledge.

639
640 Mr. Wisniewski: This is a 35 site development.

641
642 Mr. Duell: It doesn't have to be 20%; pick a number, just so there's somebody around who knows what's
643 going on. You're asking a lot of your HOA after turnover to maintain all that.

644
645 Mr. McCarthy: We talked about 25' setbacks, so I'm not going to belabor that.

646
647 Mr. Dove: Can we go back to that? We have 25' setbacks and an 8' path?

648
649 Mr. McCarthy: The path will be in the right-of-way.

650
651 Ms. Trebellas: 5'; changed because of sidewalks.

652
653 Mr. McCarthy: I think there's been discussion about substituting 5' sidewalks with a path.

654
655 Mr. Dove: How long is your driveway?

656
657 Mr. Ridder: I'm not sure of the distance off the top of my head.

658

Zoning Commission

659 Ms. Trebellas: From the right-of-way to the house, you need at least 25'.

660

661 Mr. McCarthy: What right-of-way width is the County talking to you about?

662

663 Mr. Ridder: We're meeting their requirement, and I think it's 60'.

664

665 Mr. McCarthy: So 20' for asphalt, 22' if they want to park. You still have room for the sidewalk; it will
666 be in the right-of-way. In other developments you have street trees planted outside the right-of-way.
667 There have been requests for corner lots to have 1 tree on each road.

668

669 Mr. Wisniewski: That's fine.

670

671 Mr. McCarthy: Exhibit K, separate it, and if we could have a detail indicating the right-of-way, the
672 structure, I think the sign was 16' tall, 59-1/2' in area and made the box that we use for determining area.

673

674 Mr. Duell: A little big.

675

676 Ms. Trebellas: I found it confusing trying to figure out where the right-of-way was, what the setback was
677 from the right-of-way to determine what the size of the sign should be.

678

679 Mr. McCarthy: Height is typically 8' to the top of the sign. We have had posts where the post was above
680 the sign but the sign was at 8'.

681

682 Mr. Duell: 16' is a little high; need to bring it down.

683

684 Mr. McCarthy: Maybe the Commission has some idea in terms of this entry feature.

685

686 Mr. Duell: The sign should be in compliance with the Code.

687

688 Mr. Wisniewski: I'm not saying 16' is the answer, but one challenge we have setting up the community
689 these 3 sites are hanging out there and we're trying to set this out some way. We're retrofitting this as
690 opposed to setting a tone and then executing this plan. One thing that came up at the DCRPC meeting
691 was why don't you put the commercial down there, but Casto has been trying to sell this whole piece for
692 commercial for a long time and it hasn't gone. If you make this one piece commercial, it isn't very large,
693 what are you going to get, a coffee kiosk? That's not necessarily the best front door for us much less
694 when it makes its connection to the existing North Orange, it doesn't set the right tone for those
695 homeowners, so we're trying to play this down. We're trying to do something different because we're
696 required to because of what we're working with. When we first went into contract with Casto, we asked
697 about this site and they said they were giving up enough commercial already even though that would help
698 us strengthen that pull into the community, so a 16' monument is just one of those when somebody comes
699 off of 23 onto Corduroy, we can do something along here that pulls you in and then get you back into the
700 community. To say the standard is 8', this isn't the standard community.

701

702 Mr. Duell: Come back with a proposal but 16' is too big.

703

704 Mr. Dove: Don't you get that from your sales signage? How large can that be?

705

706 Mr. McCarthy: 4' x 8'.

707

708 Mr. Wisniewski: Temporary is one thing; long term we want to set up the community to feel right for the
709 people who are going to live there.

Zoning Commission

710 Mr. Dove: As you're building it out, maybe something bigger, but once it's built, maybe it doesn't need
711 to be 16'.

712
713 Mr. Wisniewski: We're trying to find something that helps when you come in from out of town and pull
714 back in there, there's more than just this. But we will go back to the drawing board.

715
716 Mr. Duell: We've gone up and down and around over signs for a while on commercial establishments
717 and we finally gave a little bit on one of the medical centers and that was even an extreme case.

718
719 Mr. Wisniewski: We were looking around and thought about 16' and what it would actually look like.

720
721 Ms. Trebellas: If I live in Site #1, how am I going to feel about a 16' sign?

722
723 Mr. Wisniewski: They're buying it knowing that sign is there.

724
725 Ms. Trebellas: I'm concerned enough that my side yard is on Gooding Boulevard, I know you put as
726 much buffer as you can between that side yard and Gooding Boulevard, but think about the person who is
727 going to live in that house, if they want a 16' sign hanging out their dining room or kitchen window.

728
729 Mr. McCarthy: As far as the signs, work on that. Separate the development signs and save the model
730 home signs until you go for a Conditional Use Permit, unless you come in with something massive from
731 the Code.

732
733 Mr. Duell: Was there any lighting proposed for this?

734
735 Mr. Wisniewski: I don't think we've gotten into that level of detail yet.

736
737 Mr. McCarthy: If there is lighting, then include that and it needs to be down lighting.

738
739 Mr. McCarthy: Is there any possibility that any of these homes are going to be walkouts?

740
741 Mr. Wisniewski: It is possible.

742
743 Mr. McCarthy: If that's the case, in 10.07 I) we talk about 35' building height, it's advisable to slide
744 language in there indicating that that 35' will be from the front of the structure and with the walkout rear
745 will most likely exceed it. Page 29, your chart of minimum setback distances wasn't completed or correct.
746 There is a noticeable typo. If there are divergences on any of the signs you're proposing, they need to be
747 added in 10.06 b)12). Just saying we're going to follow Exhibit K doesn't do it and need to be spelled out
748 as divergences in the divergence section so they can be addressed. In 22.01 you have a relic and I think
749 this text had something to do with Abbey Knoll.

750
751 Mr. Wisniewski: Yes.

752
753 Mr. McCarthy: If you look at 22.01 there's a very long paragraph, half of which was the response to the
754 Abbey Knoll application; that needs to be corrected. Utility feasibility, have you received anything from
755 any of the telecommunications companies, i.e. phone, internet? You've got gas, water, sewer, electric.

756
757 Mr. Wisniewski: What would you like the letter to say?

758
759 Mr. McCarthy: It's the same letter as everyone else, we have service here, maybe even some idea as to
760 how much. Exhibits G and J, reference them in the development text. They're included in the notebook

Zoning Commission

761 but not in the text. At least a couple of people brought up the varying acreages with the existing
762 conditions plan in 21.04, the legal description in 21.360; somebody's right and somebody's wrong. Lots
763 8 and 9 again, the rear setback, 35' is only met at one corner and the rear setback is treated in the same
764 manner?

765
766 Ms. Boni: Yes.

767
768 Mr. McCarthy: Exhibit D, Lots 12 and 13 are clearly marked as being less than 8100 square feet in area
769 which I understood to be the minimum. Look at Page 8, 10.06 b)2).

770
771 Mr. Duell: So there's a conflict.

772
773 Ms. Trebellas: Just clarify.

774
775 Mr. McCarthy: Lot 2 is scaled to be 55' at the building line, not 60; revisit that and adjust it. Do I
776 understand correctly that we're not relocating paths anymore?

777
778 Mr. Wisniewski: Yes, we're not.

779
780 Mr. McCarthy: This is your illustrated plan, correct?

781
782 Mr. Wisniewski: Right.

783
784 Mr. McCarthy: Your landscaping plan, your illustrated plan, I'm not asking that you reference that in the
785 text because with that you're just illustrating, but there are general provisions as to landscaping in the
786 landscape plan but it does not get into the level of detail we've seen in some of these others. It works,
787 there is a key and I have no position on it but it is a little different than what we usually have been
788 presented with.

789
790 Mr. Duell: I notice there is a chart of trees...

791
792 Ms. Trebellas: And the size of trees but it doesn't cross reference where these trees appear on this
793 specific plan.

794
795 Mr. Duell: And we're not dictating trees. We typically have another meeting to review the stipulations
796 before we give them to you as our official instructions. We do that after our first meeting just to confirm
797 that he has our understanding correct. Technically you don't have to be here, but it's a good opportunity
798 for discussion.

799
800 Mr. Wisniewski: Is that when you confirm the stipulations?

801
802 Mr. Duell: Yes.

803
804 Mr. Wisniewski: So we don't address those between now and then?

805
806 Mr. Duell: You can start, but they won't be formalized until then.

807
808 Mr. McCarthy: The process is better to wait for them.

809
810 Mr. Wisniewski: We won't be certain what we're addressing until that meeting?

811

Zoning Commission

812 Mr. Duell: Yes.

813

814 Mr. McCarthy: It would be at your risk.

815

816 Mr. Duell: It will probably be the time where we hash out the setback requests because you heard some
817 comments from some of the members of the Commission about those, so it might be a good time to
818 finalize those.

819

820 Mr. McCarthy: And the massive signage.

821

MOTION TO RECESS APPLICATION #ZON-17-10

822

824 Ms. Trebellas made a motion to recess Rezoning Application #ZON-17-10, Grand Point at North Orange,
825 until Thursday, January 25, 2018 at 7:00 p.m. at the Orange Township Hall; seconded by Mr. Wilson.

826

827 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes Mr. Dove-yes Mr. Wilson-yes, Mr. McNulty-yes
828 Motion carried

829

830 Ms. Boni: One additional thing I'd like to ask the Commission, we have to revisit September 19, 2017
831 Zoning Commission minutes; there were some unanswered questions.

832

833 Ms. Trebellas: If you could just send an email out with them.

834

835 Meeting adjourned at 9:00 p.m.

836

837 Minutes prepared by Cindy Davis, Zoning Secretary

838

839 On April 24, 2018, Ms. Stenman moved to approve the meeting minutes of the Orange Township Zoning
840 Commission dated January 9, 2018, for Rezoning Application #ZON-17-10, North Orange Development,
841 LLC, with the following correction:

842

- 843 • Line 404, change "FD" to "Zoning Staff"

844

845 Seconded by Mr. McNulty

846

847 Vote on Motion: Mr. Duell-yes, Ms. Stenman-yes, Ms. Ault-yes, Mr. McNulty-yes

848