

Zoning Commission

1 **Rezoning Application #ZON-18-02**

May 22, 2018

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3
4 **Rezoning Application #ZON-18-02, Home High LLC c/o Brad Block & 216 Home Road**

5 **LLC.** Requesting to rezone 26.2 +/- acres from a Panned Commercial and Office (PC)
6 District known as Clear Creek approved under Application #17033 of MTB Corporation, 14.3
7 +/- acres from a Multi Family Planned Residential (MFPRD) District known as Clear Creek
8 approved under Application #17034 of MTB Corporation and 1.47 +/- acre site currently
9 zoned Farm Residential District, to a single Family Planned Residential (SFPRD) District.
10 The subject properties are currently owned by Home High LLC and 216 Home Road LLC.
11 The area being rezoned from the PC, MFPRD, and FR-1 Districts to the Single Family
12 Planned Residential District consists of permanent parcel number 318-230-02-001-000 and
13 318-220-03- 001-000.

14
15 Chairman Duell called the meeting for Rezoning Application #ZON-18-02 to order at 7:00 p.m.

16
17 Roll Call: Mark Duell, Christine Trebellas, Katie Stenman. Dennis McNulty, Barrett Ault

18
19 Township Officials Also Present

20 Michael McCarthy Township Counsel
21 Michele Boni Planning and Zoning Inspector

22
23 **MOTION TO RETURN FROM RECESS FOR APPLICATION #ZON-18-02**

24
25 Ms. Trebellas made a motion to return from recess for Application #18-02, Home High LLC c/o Brad
26 Block & 216 Home Road LLC; seconded by Ms. Stenman.

27
28 Vote on Motion: Mr. Duell-yes, Ms. Trebellas- yes, Ms. Stenman-yes, Mr. McNulty-yes, Ms. Ault-yes

29
30 Motion carried

31
32 Mr. Duell: We have a new submission from the applicant. Mr. McCarthy has gone thru it and has some
33 issues we need to discuss and decide. Either way we're getting pretty close to being done with this one.

34
35 **.APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS**

36
37 Joel Rhoades, Epcon Communities, 5000 Stonehenge Parkway, Dublin, Ohio, at the last meeting you
38 gave us many helpful comments and we received Mr. McCarthy's summary that led to our re-submission
39 on May 15. I believe we've addressed every one of Mr. McCarthy's 24 points, perhaps not to your
40 satisfaction, and we probably need to spend time on density, building separation and lot coverage.
41 Density, we removed 4 homes from the plan you saw last month. The street layout is largely the same but
42 we've provided more space throughout the site. The density is now 2.61units per acre, by far the lowest
43 density Epcon has ever built in Orange Township. It's about 20% less than Hidden Ravines and The
44 Village at North Falls. (Shared handouts that shows communities Epcon has built in the past with
45 homes/densities, reflective of what's been done.) It is also lower than what is currently approved for this
46 site which is 3.14 units per acre. Building separation is specified in the Code and of great interest to all of
47 you, and I wanted to give some perspective of what we have done at other locations. I have a list of 7
48 recent Epcon neighborhoods in Central Ohio in a number of jurisdictions, all of which have 10' building
49 separation with one exception and that was 11' in Genoa Township. Those are all measured from
50 foundation to foundation, so there's a roof overhang encroachment into that 10' separation. We requested

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51 a divergence to allow lot coverage up to 51%. One request we heard was try to limit that to certain lots.
52 We looked at that but weren't able to do it because of the flexibility we feel is important to provide any
53 buyer the opportunity to build any home on any lot. We're not a spec builder in the sense of pre-
54 programming designs but try to build what the customers want. We did learn as a result of that that if we
55 look at the largest home with all the structural options, we could reduce that request from 51% to 42%, so
56 asking for a divergence from 25% to 42%. That's using the largest home which historically is about 25%
57 of our sales, so many lots would be smaller but it would be bad business for us to try and pre-program
58 which home went where. It has everything to do with the style of home we're building and preference of
59 our buyers. The impact on schools and the density we have, out of the 893 homes we have built in the
60 Olentangy School District, there are 58 school children. That's based on data from Olentangy Schools,
61 that's not our count. We didn't include Hidden Ravines because the tax assessments haven't caught up
62 with construction yet, but we know, again from Olentangy, that out of 91 homes, there's only 1 school
63 age child. We have unanimous approval from Regional Planning Commission; we're here to ask for your
64 approval. This development will provide 130 new courtyards homes, extend Gooding Boulevard, extend
65 waterlines that are important to Del-Co and a sanitary sewer line the County feels is necessary to service
66 additional property on the east side of 23 that is missing a link this will provide. Gooding alone is a \$1.3
67 million project privately funded with the construction of this development. There are over 5600 people in
68 Orange Township over age 55 and within the next 5 years that number will exceed 7100. Many of those
69 folks want to stay here but not in a 2 story home on a large lot. This will fill that need and allow those
70 people to stay in this community. In addition, we have neighborhood support. At the last meeting a
71 number of folks both on Home Road and from North Falls were here in support. That is something that
72 doesn't always occur, and we were very proud to see that support. I think because of those reasons, your
73 recommendation of approval for this site would not set an unwelcomed precedent. This site is unique,
74 currently approved for higher density, will not have an adverse impact on the community, and will allow
75 for completion of Gooding Boulevard which is a needed addition to the Thoroughfare Plan. We're
76 providing an attractive and needed style of housing for the benefit of the Township.

77
78 Mr. Duell: Having reviewed the plan, the data submitted, the prior application on this property had a
79 density up near 3 and this Commission indicated that's too high. This is a significant reduction from that,
80 it gets Gooding, the infrastructure to 23 so they can get across Slate Ridge. While not ideal as far as
81 fitting with the current Zoning Resolution, the Zoning Resolution has a hole in it and until that gets fixed,
82 we're going to have a lot of square pegs in round holes but this is a project I can generally support. It will
83 have minimum impact; the density is less than the approved density for the multi-family that could be
84 today. There are a few things to discuss that may have to get fixed but it's generally minor. That's my
85 opinion; I'm 1 of 5.

86
87 Mr. McNulty: What's the average price of these homes starting at and where do these go?

88
89 Mr. Rhoades: The average price if sold around Central Ohio right now is between \$350-400,000. We
90 start out in the low 3's and with all the options on the largest homes, we exceed \$500,000.

91
92 Mr. Duell: I think we need to take a straw vote to see where we stand; is this a project that can go
93 forward or do we have to have other considerations?

94
95 Mr. McNulty: This is, as already indicated, a big departure from what's been built in Orange Township.
96 That's why I wanted to know where these houses stood as far as value because I've seen other neighbor-
97 hoods with them this close together where the value wasn't that, and I'm not impressed with them. They
98 seem to be full, so the neighborhoods do well as far as selling the property, but I don't think we want it
99 for that reason. We want it for reasons you've indicated, the population over 55 wanting to move into
100 something without maintenance but also more on the upper scale; I can get behind that.

101

Zoning Commission

102 Ms. Stenman: I can as well. I think there are still some issues, but I think this is certainly an application
103 that can go forward.

104
105 Ms. Trebellas: I missed the last hearing so I don't know what was said, so if I repeat any of that debate, I
106 apologize. I looked thru Mr. McCarthy's notes of what was discussed. I have concerns, mainly I don't
107 see a large difference between this application and the previous application which was rejected by this
108 Commission. Density has been reduced by 8 units. In the bigger scheme of things, I'm not sure how
109 much 8 units is going to reduce it. I've looked at the maps and you can look at what the previous one
110 looks like and what today's looks like, and try to figure out which is which. We've gone down in density,
111 but that's also because we've added 3 acres to this project that used to be commercial. What happens to
112 the commercial application if we take those 3 acres out and now put them here? The minimum lot width
113 and front setbacks were the same for both applications; the side setbacks were similar, yours is 6-1/2',
114 previous one was 7-1/2'. They have the same rear yard and perimeter setbacks, same lot depths. Lot
115 coverage is slightly different but if you look at the housing sizes, they're about the same. Both limit the
116 second floor not to exceed 50% of the first floor; one had a living area of 1500 square feet (sf) with a max
117 of 3300 sf, the other 1600 sf with a max of 2900 sf, very similar. One was an age restricted community;
118 this one is not. Those were the major differences I could see between the 2 applications, so we need to
119 figure out why we can approve this one, what makes it substantially different than the earlier one that this
120 Commission did not vote to approve.

121
122 Mr. Duell: My answer to that is .4 dwelling units per acre.

123
124 Ms. Stenman: Because we were north of 3 on the last application, weren't we?

125
126 Ms. Trebellas: It's 2.95

127
128 Mr. Duell: The additional 3 acres was strongly requested by the neighbors to the....

129
130 Ms. Trebellas: I understand and think that's an improvement in this application because that was an issue
131 with the commercial right next to residential and the restrictions.

132
133 Mr. Duell: The neighbors that were here last meeting were in support.

134
135 Ms. Trebellas: And they were also in support of the previous one and I agree that moving that lot from
136 commercial to residential is an improvement, but what's going to be done with that lot because right now
137 it looks like unmaintained open space except for a small corner where you're going to have a feature of
138 deer which I'd like to have defined as well because it can be done very nicely and it can be done not so
139 nicely. I don't want pink flamingoes or target practice but something a little more appropriate.

140
141 Mr. Rhoades: While there are similarities to the prior application, there are also a number of differences.
142 I think the biggest difference is a proven product with a builder who focuses exclusively on that product.
143 Pulte is a great builder, but I see them primarily as a traditional single family builder. My understanding
144 of their application was that it was a product they haven't done much of in Central Ohio. You can go
145 back to the late 90's to see our product and what we've done, it's evolved, and we talked about those
146 differences. We are very proud of what we have done and the residents who live in those communities
147 are proud of the homes they have and the communities that have been created for them, and I believe the
148 Township is pleased with those as well. The addition of the 3 acres of open space is significant. Our
149 intention for that is it would be very passive with the limited exception to the extent that the Township
150 would want us to create something there, and we're committed to working with the Township and Parks
151 Department on whatever it may be.

152

Zoning Commission

153 Ms. Trebellas: Is that space going to be maintained by the HOA?

154

155 Mr. Rhoades: That's correct.

156

157 Ms. Trebellas: Right now it's unmaintained open space, more like a field. I'm worried about it becoming
158 an eyesore; I want to make sure it doesn't get left as something someone thinks is a potential to develop in
159 the future. I want to make sure it stays green space and something that contributes to the community.

160

161 Mr. Rhoades: That would be our intent as well, and I'm confident the Township Zoning Officer would
162 not allow it to be anything less than that either as far as the standard of maintenance. We look at that as a
163 benefit for the Township as well as the Home Road neighbors who are concerned about more commercial
164 development along Home Road. The impact of this product is established. We know what it is reliably,
165 whether its age restricted or not, and most of the communities that we submitted are not age restricted.
166 We've found that that doesn't affect who buys our homes or who lives in them; that's the kind of impact
167 an Epcon community would have. Another important difference is the addition of the clubhouse and pool
168 that weren't there. We have less homes, more amenities. I think that's a positive for everybody. While
169 there are some similarities, I think the differences are significant, more positive, and I don't think we can
170 emphasize enough the construction of in excess of \$1.3 million of the extension of Gooding Boulevard.

171

172 Ms. Trebellas: I agree the extension of Gooding Boulevard is very important for the Township and the
173 community in general. Your handout said public school pupils. Do you mean school aged children or
174 public school because public school pupils means that you might not include the private school students?

175

176 Mr. Rhoades: These 893 homes generate over \$4.1 million in real estate tax revenue annually. Of that,
177 in excess of \$3 million goes to Olentangy Schools. We did not look at any other public or private schools
178 but simply went to Olentangy for their data; there could be some non-Olentangy children.

179

180 Ms. Trebellas: I understand you are proven, have been doing this type of home for years versus someone
181 trying to break into the market that's only done it for the past couple years. I think that was the main
182 reason why they agreed to age restrict, to assure that the product would be focused on empty nesters.

183

184 Mr. Rhoades: Our insight, experience and track record, and also quality of the home, community and
185 neighborhood, and not to belittle any other builders, but drive thru a past Epcon community, and the older
186 communities where we have no more legal connection to them, they're independent, governed by their
187 owners, but we're proud of them and how they're maintained and present themselves.

188

189 Ms. Ault: I definitely think the way they're set up, built, draws a certain crowd, so I agree with the
190 numbers as far as kids going to school, and I think in that space, a community like this will definitely suit
191 it better than somewhere that might attract more families.

192

193 Ms. Trebellas: I agree that for this area of Orange Township, a product like this is better than traditional
194 single family homes, especially considering that it was originally zoned multi-family. There's multi-
195 family nearby, some single family but that's mostly on the Home Road area, that it's sort of a buffer
196 between commercial and residential, so I'm not opposed to this development. I just have concerns
197 because the last one before this Commission was again very similar and was rejected, so if the Commis-
198 sion feels ok to proceed, I will defer.

199

200 Mr. McCarthy: I'll only mention comments I thought deserved attention. One exhibit still had proposed
201 in it. Item #2, the Zoning Resolution template for 10.06 b)1) was bolded and added to the Zoning Reso-
202 lution text as requested but for some reason it was duplicated, just take it out. Item #4 concerned the area
203 lighting. It was requested that it be deleted, it was not deleted.

Zoning Commission

204 Mr. Rhoades: Our sole goal with lighting is to do what we hear our customers want. I respect the Town-
205 ship's position, but find it somewhat ironic that other jurisdictions think we don't have enough lights, so I
206 try to comply to the requirements as far as brightness, location and as shown on Sheet C5 where we've
207 specified fixture, height and location, the goal is to provide a minimal level of lighting within the interior
208 of the site without shining onto adjacent properties or affecting anybody else. I think with the commit-
209 ment of the downlight, we're not interfering with any environmental concerns and just provide an
210 adequate level of security lighting for the neighborhood. There aren't any street lights but there are lights
211 as specified on C5. To the extent the Commission feels differently, I'm open to that, but offer that as to
212 why it was not deleted.

213
214 Mr. Duell: The Township has had the policy of no street lights but then a couple of things happened.
215 They started building roundabouts which necessitated large pole street lights and then Evans Farm
216 happened which is a very large walkable community that had the same concern you identified, and they
217 talked this Commission into street lights, pretty much along the same as what you've got here. That one
218 makes it harder to say no here.

219
220 Ms. Trebellas: What do your current communities in Orange Township have because I didn't believe
221 they just had porch lights, stoop lights or sconces by the garage?

222
223 Mr. Rhoades: They have all those things and also have lights similar to this. They would not have this
224 particular LED fixture, but they would have an earlier version of an incandescent downlight.

225
226 Ms. Stenman: You have 11 lights here?

227
228 Mr. Rhoades: Correct.

229
230 Ms. Stenman: And you're committed to doing only the 11 lights?

231
232 Mr. Rhoades: Correct.

233
234 Ms. Trebellas: I have no problem with lights by the clubhouse or park benches as a safety issue, but I'm
235 concerned about the can of worms allowing lights is going to open for other communities.

236
237 Mr. Duell: I think we opened that when we did it for Evans.

238
239 Ms. Trebellas: And I could see this as being a walkable community, people walking to the library or
240 some of the other amenities. Because of the pool, because of the park benches, I think lights are needed
241 in those locales and if you're walking to that area, you want to see. If we allow it, can we make it
242 justified because there are amenities that people will be using at night and therefore they need lights?

243
244 Mr. Duell: We're saying it here and now, so it will go in the minutes.

245
246 Ms. Trebellas: As opposed to just every community all of a sudden asking for street lights because we
247 did have the policy of dark skies, we had the observatory

248
249 Ms. Stenman: I also struggle a little with these classified as street lights; they're only 10' tall compared
250 to a true street light. These are not significantly taller than what most of us have in our yard.

251
252 Ms. Boni: And the circles around them indicates how far out they will illuminate; you'll see they're not
253 going to be affecting any of the properties outside this development.

254

Zoning Commission

255 Ms. Ault: Are you putting the cluster mailboxes in multiple locations; how many cluster mailboxes do
256 you need?
257

258 Mr. Rhoades: That is something we have looked at and talked about with the Post Master and it's on the
259 sheet marked as Post CBU Locations.
260

261 Mr. Duell: Will those be lit?
262

263 Mr. McNulty: I prefer them on single homes and not have the CBU's. Michele ran that thru the Post
264 Office and it doesn't seem they're requiring it.
265

266 Mr. Rhoades: Our experience has been in the past, 9-12 lots, they have changed their position and are
267 requiring it. This would be served by the Delaware Post Office. After our last meeting we went to them
268 and they said it would be required, and we conceptually discussed with them, shared the site plan with
269 them and located the boxes as shown.
270

271 Ms. Ault: I suggest the street lights be where the mailboxes are. If people are getting their mail at night,
272 they need to be able to see. So instead of having them all over, just put them at the mailboxes, and then
273 you can say we have lights because we have mailboxes.
274

275 Ms. Trebellas: That's a very good idea.
276

277 Ms. Boni: As far as mailboxes, the only thing we can enforce is keeping them outside the right-of-way.
278 Whether or not cluster mailboxes are going to exist is not really up to us, but we can at least get that
279 support from the Post Master.
280

281 Mr. Rhoades: I would be fine with limiting the number of lights to the CBU locations.
282

283 Ms. Stenman: How many mailbox locations are you expecting to have?
284

285 Linda Menerey, EMH&T, 5500 New Albany Road, Columbus, Ohio, we have a cluster mailbox detail
286 and what we try to do is look at walking distances and then set those CBU's in open space locations so
287 that you don't necessarily have one of those boxes sitting on your lot.
288

289 Ms. Ault: If it's an open space, I think that's where the lights should be.
290

291 Mr. Rhoades: The goal was to provide them at the intersections where people would be crossing the
292 street but if the preference is to limit those to post office box locations, I'm fine with that.
293

294 Ms. Boni: Would you eliminate them at the clubhouse as well then?
295

296 Mr. Rhoades: Yes, but we have a CBU at the clubhouse, also to the west.
297

298 Ms. Boni: I was just wondering if there wouldn't be a light for that parking area.
299

300 Ms. Ault: I can see having one in the parking area too but that's it and that would be 10 lights total.
301

302 Ms. Menerey: So 10 lights total and try to shift those lights so they're closer to the CBU locations.
303

304 Mr. Duell: Yes.
305

Zoning Commission

306 Ms. Trebellas: Then the justification is we need the lights for the mailboxes, for the public amenities for
307 safety purposes.

308

309 Mr. McCarthy: Item 6, the request was to insert language specifying 25' setback for storm water basins
310 from all property lines (perimeter and internal) of the development. They were included as to the peri-
311 meter; they are not included as far as internal.

312

313 Mr. Duell: I'm more concerned about the perimeter ones; internal, the buyer is aware that it's there. I
314 wouldn't want to drop a big pond right next to somebody's property line but internally to the develop-
315 ment, if somebody's buying knowing it's there, that's their issue.

316

317 Ms. Trebellas: I know we've had this discussion before with concerns of them too close to the road and
318 accidents occurring and vehicles ending up...

319

320 Mr. Duell: That's a different issue.

321

322 Ms. Trebellas: I don't think so; I don't think anyone's driveway is too close; that would be my only
323 caveat.

324

325 Ms. Menerey: We did adjust them where they were closer than that initially to the right-of-way so it
326 would pull them from the right-of-way per your Code. Some of them are a little tighter on the lots but
327 that's not really a space where folks are doing a whole lot back there.

328

329 Mr. McCarthy: So it is fine with the internals?

330

331 Mr. Duell: Yes.

332

333 Mr. McCarthy: Item 8, the side yard setbacks are at 6-1/2' per side and language has been added to allow
334 1' encroachment for roof eaves.

335

336 Ms. Trebellas: So we're basically really 11?

337

338 Mr. McCarthy: Pretty much.

339

340 Ms. Trebellas: I'll bow to the rest of the Commission because you know how I have separation issues.

341

342 Ms. Ault: I looked at them and they way they're set up, and it doesn't feel next to each other like it looks.

343

344 Ms. Trebellas: I guess it helps that you have your patio and there's no neighbor's dining room over-
345 looking you while you're on your patio, so that helps but it is awful close.

346

347 Ms. Ault: It is a clear separation and it's the nature of the product.

348

349 Ms. Trebellas: That is just the eave overhanging, it is not fireplaces, bay windows, egress windows if you
350 have a basement?

351

352 Mr. Rhoades: The only building encroachment would be the roof overhangs.

353

354 Mr. McCarthy: As to deleting #8 for any further consideration, is there any objection? None. Item 11,
355 42%, any discussion? It's down from 51, they did take out 4 lots.

356

Zoning Commission

357 Ms. Ault: It looks like you've added some landscaping to buffer from Gooding which is nicer than
358 eliminating the lot.

359

360 Mr. Rhoades: We did add some landscaping. When you look at Gooding Boulevard, the closest home,
361 the courtyard and then both street plantings and courtyard plantings, then you'll see in cross section with
362 the home and courtyard and then the landscaping in between it and Gooding Boulevard.

363

364 Ms. Ault: So the house isn't sitting right on Gooding Boulevard?

365

366 Mr. Rhoades: Right.

367

368 Ms. Menerey: When you look at how these are situated, there's many ins and outs on that side that you
369 end up gaining more space in there as well. We took that largest unit, took the 2 corner lots you were
370 concerned about, and then showed the mid-priced landscape package, the fencing that's shown in there,
371 and added taller shrubs to provide additional screening, beyond that is more space than that cross buck
372 fence, then more distance before you get to the Gooding path and then the actual road. So even though
373 it's kind of tight in this particular area, this isn't really where all the outdoor space is; this is where you
374 come in on that larger unit and it's kind of an angled entrance in, it's got a roof cover on it. This is really
375 where your more active outdoor space is. We probably should have even showedg you what was
376 happening in the next unit because then you'd have a better idea but basically you're replicating this
377 landscape, pick up the blank side of this wall and the setback is now extended all the way. The lot line is
378 there but the use space comes all the way over to that next wall and might have those transit windows
379 above it.

380

381 Mr. McCarthy: Is this different from what's in the book; is this additional?

382

383 Mr. Rhoades: It is additional. It's more detail than we had just because of the sensitivity of those 2
384 locations.

385

386 Mr. McCarthy: Could that be added to the final submission?

387

388 Mr. Rhoades: Yes.

389

390 Ms. Menerey: These are the landscape detail sheets from the shared file that somehow didn't get printed.
391 They were in the first book and shows the 3 different landscape options. When you get reprints, they'll
392 be in there.

393

394 Mr. McCarthy: Looking at taking 11 out, any objections? None. There's a typo on Page 26, 10.07 b).
395 Number 16, the 25% member of the board, add into that language on Page 12 that they will assume office
396 immediately upon election. Number 17 regarding Gooding Boulevard extension, language was incor-
397 porated however rather than providing for no zoning permit being issued for any improvement prior to the
398 construction or bonding of the road, it says substantial construction similarly as to the certificate of
399 compliance; rather than completed, it says substantially completed. There is no definition of substantially.

400

401 Mr. Rhoades: We added the word substantially because of a concern on what completion on a public
402 street means to different people. My concern was, if I reached a point where the road was open for use as
403 dictated by the County but there were still some things that weren't done, I didn't want to be caught in a
404 situation where we had achieved what I understand the goal to be, the opening and use of Gooding
405 Boulevard, but someone says you don't have "x" done.

406

Zoning Commission

407 Mr. McCarthy: In terms of completion maybe we could just add something along the lines “construction
408 is completed as evidenced by the County’s approval of the road for public use”.

409
410 Ms. Trebellas: I agree; substantial is something you have trouble defining, so if you could say that it’s
411 been approved by the County for public use; that would be the defining moment then we don’t have to
412 bicker about whether or not it’s substantially complete.

413
414 Mr. Rhoades: We’re fine with that, that if the County Engineer....

415
416 Mr. McCarthy: I’ll put it in and if you have any questions, contact me. Maintenance and Parks, there’s
417 evidence they did reach out, nobody has reached back yet.

418
419 Mr. Rhoades: Our commitment would be whether the comment came last week or it comes after your
420 approval, we’re committed to work with the Parks Department.

421
422 Ms. Boni: I spoke with the Parks Director today, and her comments were the same as from the previous
423 application, but I asked her to have a letter specifically for this application. Hopefully that comes prior to
424 the Trustees’ meeting.

425
426 Mr. Duell: The Commission typically does not hold up its applications for the Parks Department. If it’s
427 here, great, but we’re not going to hold you up for it.

428
429 Ms. Menerey: Can I ask for a little more clarification on that specifically? Right now on the plan the
430 fence gets extended north, the cross buck to the corner, the street trees get extended, the assumption was
431 that everything in front of the fence and the right-of-way to the path would get mowed regularly and then
432 as it turns the corner and then there’s some right-of-way there. The rest of it is now shown as
433 unmaintained passive open space, which would probably be seeded and done professionally once
434 annually, There are some trees, a little drainage thing and some wetlands, so what else are you thinking?
435 Is that good enough because I thought I heard you don’t want it to look like...

436
437 Ms. Trebellas: I just don’t want it to look like an unmaintained lot ready to be developed.

438
439 Ms. Ault: I think a regular mowing schedule would be more sufficient preferably.

440
441 Mr. Rhoades: Is it your vision to be maintained like a lawn?

442
443 Ms. Trebellas: That’s why I wanted to know what your plans were for it because right now it looks like
444 an abandoned lot waiting to be developed; I don’t want it to continue to look like that.

445
446 Mr. Rhoades: My thinking was the Township has a category called unmaintained open space for a
447 reason.

448
449 Ms. Trebellas: A lot of times that might be like a ravine; we’re not going to expect you to go down a
450 ravine and maintain it or wooded areas, we don’t expect you to maintain.

451
452 Ms. Ault: I envision the path, you have your fence and if we were to have the opportunity to go under
453 Home Road at some point to extend the trail north to Preservation Parks, I would want it to look a little
454 more well kept so it was more welcoming as far as extending our trail north. If there is water and
455 wetlands, obviously keep away from that.

456
457 Mr. Rhoades: Our position is tell us what you want and we’ll do it.

Zoning Commission

458 Ms. Ault: I would like to see that grass cut from Home Road driving down, plus I think it would look
459 nice for your community, it would add a nice extension piece to the community, so personally, I'd like to
460 see it more mowed.

461
462 Ms. Stenman: I don't know that I want to see it all mowed down per se, but at least regularly mowed
463 along Home Road and then perhaps maintained in some less aggressive way internally.

464
465 Mr. McCarthy: So basically redenominate the area in terms of maintained and unmaintained.

466
467 Ms. Trebellas: For me it's where it's grass, mow, don't mess with the trees because it's going to be
468 difficult to mow there and don't mess with the wetlands, let it be natural, you shouldn't mow that anyway.

469
470 Ms. Menerey: We'll make the plan sort of replicate what's happened here and give some timing on it.

471
472 Ms. Ault: And I think we would agree on that from a Parks perspective.

473
474 Mr. McCarthy: It's a matter of record that Epcon is the applicant but put a sentence in there also the
475 developer. On Page 22, 10.06 b)14g), you probably want a comma between clubhouse and pool. There
476 were some utility letters that you're probably aware of.

477
478 Ms. Trebellas: I think we were already aware of in terms of sewer, water.

479
480 Ms. Menerey: We had 2 that did not respond back, telecommunications and gas.

481
482 Ms. Trebellas: I mentioned those deer sculptures; I would like an idea of what they're going to look like.

483
484 Mr. McCarthy: Are they going to look like stone or painted?

485
486 Ms. Trebellas: They're up to your artist's rendering, but I just don't want them to look like target practice
487 deer.

488
489 Ms. Stenman: Clarify materials.

490
491 Ms. Menerey: We have a couple of pictures that we were working with when we initially came up with
492 the concept.

493
494 Ms. Ault: And maybe not too life-like either...

495
496 Ms. Trebellas: Or people will shoot at them.

497
498 Mr. Duell: My thought is leave art to the artists.

499
500 Ms. Boni: Are they going to have the development name or Epcon on it, because I don't want it to be
501 considered a sign.

502
503 Ms. Menerey: That wasn't the consideration for the deer. I think the only name that we have is on the
504 sign itself.

505
506 Ms. Trebellas: I like the idea, I'm just concerned that we're going to get phone calls as to why we
507 allowed whatever to happen.

508

Zoning Commission

509 Ms. Boni: I think, based on the discussion this evening, we clean up the motion and have that ready for
510 the next meeting.

511

512 Mr. Duell: I think there's enough to revise the submission and that should be the one we expect to go to
513 the Trustees, so we would like you to address everything. There were some materials missing from this
514 one, so make sure everything gets on the print job this time.

515

516 Ms. Boni: And if we address all of this, we shouldn't have to ask you for another submission prior to the
517 Trustees' meeting.

518

519 Mr. Rhoades: What schedule are you proposing?

520

521 Ms. Boni: Our next hearing is on June 12th.

522

523 Mr. Duell: We already have 2 things on that night anyway. Can we look at the 14th; it shouldn't take
524 long and I don't want to triple book.

525

526 Ms. Stenman: Can we meet at 6:45 on the 12th? I'd rather just do it all in one night rather than drive over
527 here just for this.

528

529 Mr. Rhoades: I won't be here that night, but if we do what we talked about and the rest of the team is
530 here...

531

532 Mr. McCarthy: The only concern I have, as things stand right now, the only person by Mr. Block's
533 affidavit who can approve any modifications is yourself.

534

535 Mr. Rhoades: We can get another authorization by then.

536

537 Ms. Trebellas: So 6:30 on the 12th?

538

539 Ms. Boni: And I will need your new submittal by the 5th.

540

PUBLIC COMMENT

541

542

543 None

544

MOTION TO RECESS APPLICATION #ZON-18-02

545

546
547 Ms. Trebellas made a motion to recess Rezoning Application #ZON-18-02, Home High LLC c/o Brad
548 Block & 216 Home Road LLC, until Tuesday, June 12, 2018 at 6:30 p.m. at the Orange Township Hall;
549 seconded by Ms. Stenman.

550

551 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Ms. Stenman-yes, Mr. McNulty-yes, Ms. Ault-yes
552 Motion carried

553

554 Ms. Boni: We have received a request from the Trustees to make some amendments to the Zoning
555 Resolution, so Mr. McCarthy and I will be working on that over the next few weeks. It's not going to be
556 a full revamp of the Code but we are going to make several changes to some things. I don't want to go
557 into this in any detail until we've got a plan.

558

559 Mr. Duell: Are we going to finish the Comp Plan first?

Zoning Commission

560
561 Ms. Boni: I want to.
562
563 Mr. McCarthy: There are issues and my understanding is that we're not going with a full revamp right
564 now, we're cleaning up...
565
566 Ms. Trebellas: So is this going to require to do it twice; the issues for today and then the issues after the
567 Comp Plan?
568
569 Mr. McCarthy: The Trustees have their reasons. I don't anticipate that it's going to be a months long
570 effort; I think about 2 weeks.
571
572 Mr. Duell: When are you planning to do the first one?
573
574 Mr. McCarthy: I don't know yet.
575
576 Ms. Boni: We just wanted to let you know that it's coming up which may push back the Comp Plan a
577 couple of weeks.
578
579 Mr. McCarthy: It is not the intent at this point to force the discussion on a possible new district training;
580 there are enough issues in what we have now that really should be addressed, first and foremost among
581 these is we have dealt with the Code probably for decades where you would say we're doing our planned
582 districts one way; there are other areas you would say is this other kind of Code. The idea is to make it
583 consistent with what the Township has said it is doing and that is there is only a one stop shop. You're
584 probably going to have an experience on the one stop but you're not going to be back unless you want
585 changes to the plan when you're done. A good share of the changes concern that and in terms of public
586 utilities, railroads and trucking companies, we'll probably throw those in, it would not be my thought to
587 go anywhere beyond that in terms of solar or windmills although we have some....
588
589 Ms. Trebellas: Trucking companies are considered public utilities?
590
591 Mr. McCarthy: They've always been considered public utilities; they have PUCO certifications but just
592 like cell towers, if we say we're doing it, we can have regulations concerning them. So the thought would
593 probably be to throw that on and let the rest of you catch up with the rest of it later. There was one town-
594 ship that started regulating them without going thru that step and it didn't work, and they were chased out
595 of court. One thing to think about, we probably need the Farm Residential District just because that's our
596 holding district, always has been, but we've never used the R2 or R3.
597
598 Ms. Trebellas: Are any of those grandfathered in?
599
600 Mr. McCarthy: I'm not aware of any R2's or R3's.
601
602 Ms. Boni: No, there are none. We have lots of FR-1.
603
604 Mr. McCarthy: And we still have some neighborhood commercial, so those I wouldn't mess with just
605 yet. The question gets to be the Industrial District. The only thing we've ever had industrial was the old
606 grainery site on Lewis Center which went down. The agricultural preservation, we don't have any, to my
607 knowledge we've never had any, I don't see why we would want to leave that in.
608
609 Ms. Trebellas: Do we want any or is that another question for the Comp Plan?
610

Zoning Commission

611 Mr. McCarthy: There are about 3 places in the Code that say except in VA1; we've never had it, it's farm
612 land without the possibility of large subdivisions.

613

614 Ms. Boni: I would think that it would just convert.

615

616 Ms. Trebellas: So it's not even like a conservation district.

617

618 Mr. McCarthy: It was a farm preservation effort notwithstanding the exemption that is in the Revised
619 Code for agricultural uses. We'll talk about that one in the future. Signs and billboards, the 15' sign
620 height, you can half do it, so this will be your moment to do that.

621

622 Ms. Boni: There's a lot more discussion on this. Back to the General Standards, I think there are a few
623 things we want to clean up in terms of being able to enforce; that we'll also be discussing. Again, this
624 isn't anything substantial, we're not changing densities or anything, we're not changing districts, we're
625 just cleaning this up making it a little easier, removing some of the districts that we don't really use.
626 Again, this is requested by the Trustees.

627

628 Mr. McCarthy: In the amendment process, not only are we going to make the whole thing consistent with
629 what we say we're doing, but that whole administrative amendment thing is going. I always thought it
630 was legally questionable; that's going to be taken out, so too is the 3 year revert. I'm only aware of one
631 time it went to an appeal in the Fifth District, that was the case the County had. The County didn't even
632 brief the issue. It's regarded as being unconstitutional basically because the applicant is experiencing a
633 change in the zoning of their property from whatever planned district back to FR-1 without the
634 opportunity of a hearing.

635

636 Meeting adjourned 8:20 p.m.

637 Minutes prepared by Cindy Davis, Zoning Secretary

638

639 On July 17, 2018, Ms. Trebellas moved to approve the meeting minutes of the Orange Township Zoning
640 Commission dated May 22, 2018, for Rezoning Application #ZON-18-02, Home High LLC c/o Brad
641 Block & 216 Home Road LLC with the following correction:

642

- 643 • Line 611: change "VA1" to "A-1"

644

645 Seconded by Mr. McNulty.

646

647 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Ms. Stenman-yes, Mr. McNulty-yes, Ms. Ault-yes s
648 Motion carried

649