

Zoning Commission

52 applicable. Also the comment that said responses in bold text indicated deviation. Through our text we
53 said we confirm, we agree, so if you want us to add that, we will, but I think that needs to be reworded.
54 Item 5, under revised development text and Illustration 2, state the responses to the zoning resolution
55 template as declarative in the provision; I think we've done that throughout. Item 6, where we start with
56 the requests. Model homes in 6a), provide that the currently existing model homes will be permitted as
57 approved; we've done that in Section 10.04 b). Item b), provide that the currently existing model homes
58 shall comply with the provisions of Sections 10.04 b) 1, 2, 4 and 5; we've done that but just said 1
59 through 5 because I think it was in Item 3 we asked for the variance. Item c), future model home use will
60 be a Conditional Use; we state that in 10.04 b)5). As for Item d), I'm not sure how to respond other than
61 to do everything before that. As to currently existing model homes, indicate steps will be taken to avoid a
62 negative impact on residences as a result of their operation. This may include erection of signs on
63 privately owned lots with the permission of the owners, indicate private residences. We issue "Private
64 Resident" signs to every resident in the community and part of that was from the Parade of Homes and
65 part also because of all the events we have. Before we issued them we had people putting their noses up
66 to the windows of residences. We took note from Westhaven in Nashville and Norton Commons in
67 Louisville, and ordered residence signs and our residents truly appreciate them. Item 7, as regards Item 2
68 of the request regarding ball field lighting, maintain the current limitation that such lighting shall be
69 permitted only on Open Space A together with the current limitation on the hours. In Section 10.06 b)4)
70 and 21.12 for the amended development text, we state that. We have not changed or varied from the
71 hours, and we have limited the pole lights and everything associated with our request to Open Space A.
72 Item b), modify the maximum height of the ball field lighting to 80'. Provide the dimming feature. 10.06
73 b)4) we do that and in Section 21.12 as well. In the Musko attachment it shows the lighting plan; it also
74 indicates which poles are which height. The 80' poles are associated only with the baseball diamonds, and
75 the baseball diamonds are tucked in between the railroad track on the west and wooded stream on the
76 east, so there's plenty of buffer between the ball diamonds and the lighting fixtures associated with them
77 and the residences on the east side of Piatt Road. Item c), provide minimum setbacks for the ball field
78 lighting from all property lines and public or private right-of-ways. The closest pole we have to the right-
79 of-way is 10'. As developer of the single family residences on the east side of the road, I was more
80 focused on the foot candles, and Musko was able to design the photometrics with lenses and directions to
81 make the foot candles very acceptable as far as we're concerned from a development standpoint and from
82 a potential single family resident standpoint. I'd be happy to confirm that the light pole setback in one
83 instance is 10' then it goes substantially beyond that one location but our primary focus was the foot
84 candles knowing that Musko is able to control that. Item d), incorporate the description of all field
85 lighting in the development text together with a plan, specify the type and number of poles, maximum
86 color temperature, Kelvin, etc. 10.06, 21.12 and the Musko text pretty much addresses all those. They
87 have the matrix in there as well as the plan that shows the locations of which poles and what the heights
88 of which poles are. Indicate the steps that will be taken to mitigate the impact of the lighting on the
89 residences. The foot candle study which was submitted as part of the Musko package does not address the
90 landscape plan that's on the park plans as well. I think the highest foot candle was 4/10 or 6/10 the foot
91 candle measured at the right-of-way. Once you factor in the mounding and the landscaping, it's only
92 going to reduce that even further. #8, as regards to Item 3 of the request regarding permanent buildings
93 and structures in the park, separate Open Space A from all other areas in addressing this request and
94 provide that such structures are permissible in Open Space A together with specific details as to why this
95 is requested and plan depicting the same. The park plan shows all the ball field and ball diamond
96 structures, the concession stand, picnic shelter, restrooms, dugouts, scoring towers for the ball diamonds.
97 It identifies those locations. Between that and Section 10.07 b) where we try to describe all the structures,
98 I think we've accomplished what you're looking for.

99
100 Mr. Duell: Are the dugouts going to be actual dugout or are they going to be structures?
101

Zoning Commission

102 Mr. Eyerman: I think they're going to be structures. They were looking at dugouts originally but in a
103 storm, it's so shallow they can't get the water out so they become holding basins and we don't need any
104 more detention areas.

105

106 Mr. Duell: What ends up being the height on those?

107

108 Mr. Eyerman: Probably about 9', but I don't know exactly. If you want to know the height of all the
109 structures, I can get them because the plans are probably close to construction document phase.

110

111 Mr. Duell: You also have the restrooms. Did you provide what they're going to look like?

112

113 Mr. Eyerman: No. I would be happy to if you want.

114

115 Mr. Duell: It might not be a bad idea just so some successory interest doesn't come in and put in
116 something garish in there. Same with the concession stand.

117

118 Mr. Eyerman: I'll just put elevations and heights for all buildings.

119

120 Mr. Duell: How big were you planning on the concession stand being? Was it going to be one big one or
121 multiple small ones?

122

123 Mr. Eyerman: There's one large picnic pavilion area that's in between the soccer and ball diamonds, but
124 there are smaller ones, kind of like satellite ones. If it's just a Sunday gathering of four games, they don't
125 need to open up the big concession picnic area, but they have the smaller ones in each area. Item b), as to
126 the other open space areas, prepare a specific list of the amenities provided in each respectively; this
127 listing to be consistent with Exhibits B1 through B4 including details as to location and height, etc. What
128 we did was separate Open Space J because the postal space which is in Open Space J, we identified that
129 one, and that building, the plan is in here, it's out there right now under a temporary permit, it's designed
130 to actually be picked up and moved, bolted to the posts, but it is bolted and can be a permanent structure,
131 which is our request. The other areas, B1 through B4, the open space areas may contain structures. Those
132 areas will not include ball diamonds, soccer fields, so the dugouts and support structures for that will not
133 be necessary. In those areas we saw more of structures for community gatherings and entertainment,
134 which would include shade shelters, screening for growing and supporting vines, and I don't remember
135 for which number that is but it's in the southeast corner of Evans Farm. On the north end it's going to
136 have a patio area with shade shelter and maybe some back drop area but it's also going to have a
137 community garden, so we'll have a small building in there to hold shovels and other tools. So that's what
138 B1 through B4 are for but we haven't gotten into the level of design to know exactly the size of buildings.
139 The concrete pavements and other what would be interpreted as structures will be included in those areas
140 per the plans that were in the original zoning because we don't have the design for everything else. Item
141 c), if commercial activity is to result from the installation of permanent buildings and structures in Open
142 Space A, describe the nature. In 10.07 b) we did the best we could to describe that. We are not
143 considering this a commercial activity; it is simply a concession stand and rental of fields and is nothing
144 different in changing the land use than what was approved in the original zoning. We're not proposing
145 that the concession stands are open hours earlier than ball fields are used and rental of picnic shelter or
146 ball fields is similar to what the Township would do on their parks. It's simply a park and it's what's
147 common through the entire recreation industry, not just in Orange Township but around.

148

149 Mr. Duell: Is the concession stand going to be operated by a company?

150

151 Mr. Eyerman: They're going to be operated by the owner of the ball fields; I don't think they're going to
152 bring a company in. I would probably guess if there's an opportunity for OIA to raise volunteer funds or

Zoning Commission

153 something like that, they may open it up for volunteers to come in and raise money for their charities but
154 there have been no discussions at all with the owner as far as hiring it out to a separate company. Item #9,
155 the discussion we had on the lot width classification, ??? classification has been deleted. Item #10, as
156 regards to Item 5 of the request regarding rear yard setbacks, I believe we captured everything that was
157 asked and discussed last meeting. In 10.07 e), no revisions were made except to add the text that we came
158 up with at the last meeting. Item 10 b), modify the development text to provide that all necessary
159 structures and pavements, including patios, plazas, locks, pools, and arbors and everything else in that line
160 shall be set back a minimum of 5' from the rear yard line, and I think that's what we did. The one thing
161 that we did add, I thought about there are lots that back into an alley and putting them 5' off the back line
162 would put them in the middle of the alley because the property line goes to the middle of the alley with an
163 easement across it, so we brought that back to the setback that controls the garage. Item c), the clarified
164 items listed in b) above are to continue to meet all limitations of exterior materials, delete the portions of
165 the other requests concerning walks, fences, walls and plantings in Item 10.07 g) and Illustration 2. I think
166 we did exactly that. Item 11, as regards Item 6 of the request regarding lot coverage percentages. I made a
167 mistake. In the last meeting we were talking about from 70' lots to 100' lots. It never occurred to me that
168 we had a 65' lot that has less square footage than the 60' lot and it's probably about the same as the 55'.
169 65' lots really are the same as the 70' lots, so I'm requesting that it go back to 65' and larger for the
170 requested variance, the 40% coverage for one story primary structures. 11 b), further provide that in no
171 event shall maximum lot coverage exceed 50%; we kept that in, we made sure to keep that in 10.07 h) and
172 Illustration 2. Item 12, as regards Item 7 of the request regarding signs; a) provide that such signs shall be
173 of yard arm design and include a component sign indicating "Models Open Today". We took the detail
174 we had last meeting and tried to capture exactly what you guys asked from that meeting. See the attached
175 open house and wayfinding sign detail and signage site plan for the sign design and locations. Only
176 builders who have existing models may use these signs. I think I got this from you guys at the last
177 meeting, new models, still Conditional Use, cannot use this specific to the houses in the Parade that were
178 considered models. Item b), provide that such signage shall be permitted only at Evans Farm entrances
179 along S. Old State Road and Lewis Center Road outside the right-of-way of all public and private roads.
180 We don't see the existing models being advertised from Old State Road. Our expectation is that by the
181 time we get over there and bring the road west from Old State, the models will pretty much be sold.
182 That's just based on our timing of our phases, and we're comfortable with that. We do say that open
183 house and wayfinding signs shall have three locations, and this is more the wayfinding sign to our model
184 because Evans Farm Drive turns into a one way street, we have to have three locations. One is at the
185 intersection of Lewis Center Road and Evans Farm Drive, Location 2 is at the northwest corner of Evans
186 Farm Drive which is the northbound side and Linden Street. And you turn left and go across in front of
187 the postal shed, and Location 3 is the northeast corner of Evans Farm Drive and Linden pointing to the
188 south to get any visitors to the Bob Webb, Alta,3-Pillar,Kendrick andStonecliff homes. All signage shall
189 be located outside the right-of-way. All signage shall be temporary and shall be removed when all
190 existing models have been sold. Locations may include two open house and wayfinding signs as each sign
191 can only accommodate five builder identification plaques per sign. One way or another, I think when we
192 get back to Linden, we can probably get along with one sign in each of those locations. I don't think we
193 need two open houses there up front on Lewis Center Road. We have 10 homes that are considered
194 models with open house signs. Item c), provide that no other sales or open house signage shall permitted
195 in the entrance areas to the Evans Farm development and that such prohibition will be enforced by the
196 developer, and I think we said that. Item d), submit a drawing of the overall sign showing all of its
197 dimensions and those of its component signs together with the site plan indicating that, which is on the
198 site plan. Provide that no component sign, including Models Open Today, shall exceed the height of 8'
199 above grade. The post itself is 9'6". The cross beam, if I have to lower it to get to that 8', I can. I kept it
200 where it was in the last detail that you saw last time, and I did that because we have five signs that dangle
201 from that, so we wanted to keep it up so it's readable. Item f), provide that the component signs shall be 2
202 sided, and we said that, and it shall not exceed a size of 10" x 4', which is in the detail, and no more than
203 five component builders' signs may be included in the overall sign; we say that as well. Item g), provide

Zoning Commission

204 that, if found necessary by the developer due to a multiplicity of participating builders, a second sign,
205 identical in design to the original may be used if located in the same area as the original sign and outside
206 of the right-of-way of all public and private roads; we agree. Item h), provide that all such signage shall
207 be removed upon the closing of the last model home in the Evans Farm Single Family Planned
208 Residential District within Orange Township. We agree with that. Item 13, I didn't quite know how to
209 handle that. Because it's just beyond where we are at this point knowing what's going to be there, we can
210 add this. I didn't quite know where to put it though but we tried to incorporate the feeling of that in 10.07
211 b) for Open Space A, Jennings Park, which are the same place, and then for the other areas as well. And
212 then I added one other thing on there as far as divergences that we've tried to amend divergences to
213 reflect all the items that we've requested in Amendment 4.

214
215 Mr. McCarthy: It was requested that a draft motion be drawn, but there were a number of items and a
216 number of things in there that were brought up by the Commission and I just didn't feel they particularly
217 got support, so they were not included in this draft. I'll try not to get duplicative; I think maybe the thing
218 to do would be to start with the motion and then go through the listing and avoid duplications. As to Item
219 1, this is a conversation Mr. Eyerman and I had and he commented they did not own the land yet up along
220 Old State. I checked as to how far you did own and how far we were talking about zoning and I called Mr.
221 Eyerman and discussed the fact that under Planned Zoning, it could only apply if the owner is on board,
222 and he hasn't solved that.

223
224 Mr. Eyerman: We've reached out to the family and they're in the process of preparing it, they had no
225 problem, but we didn't get it before the meeting.

226
227 Mr. McCarthy: If this is going to count, it needs to be in there, I think you called it Section 2, the part that
228 sits on top of what you have now that is owned by you folks.

229
230 Mr. Eyerman: Yes. 2A1 is under construction. Obviously for the season we shut down, but we own to the
231 next tree line north, and that's all of Section 2. At the end of the year we purchased and sold the Open
232 Space A, which is Jennings Park, we purchased and intend to develop on the east side of Old State the
233 only small piece, that's 15 acres on Old State that Bob Webb came in without our consent and put in the
234 Estates at Evans Farm. We don't like too much the names of different sub-communities in the
235 neighborhood but for their marketing, that's what they've done. The other part that was purchased is 21
236 acres on the west side of the tracks, the northeast corner of North and Lewis Center Roads.

237
238 Ms. Boni: And you're including the Section 1 parcels, too, right?

239
240 Mr. Eyerman: Yes, and Mike asked for a list and we have a list. I was very surprised that for whatever
241 reason Bob Webb has not returned the signed agreement form, so we reached out to them this afternoon
242 as well to see if they were part of it. They have 20-some lots that are 65' or wider and it would make
243 sense,, so we're following up on that, but we have substantial response from the residents in Phase 1.

244
245 Mr. McCarthy: I suggest before this goes anywhere else, you make sure who is on board and who is not.
246 Item 2, provide a scaled plan depicting structures and improvements to be permitted in Open Space Area
247 A, and it was referenced in there it was not in the submittal, and Mr. Eyerman indicated he did not receive
248 it until right before the weekend. You're going to want to take a look at that and see what's there and
249 where it's at, and I would suggest that it be scaled so there's no question as to what's where and what
250 counts and what doesn't. B), the scaled plan as to field lighting. We have a submittal from Musko. There
251 was a request for the text for a plan there; I think you indicated you have something now.

252
253 Mr. Eyerman: It was part of the original submittal.

254

Zoning Commission

255 Mr. McCarthy: Then I guess this is a discussion point for the Commission.
256

257 Mr. Eyerman: I can't tell you without checking that it's actually scaled but if you need a scaled plan, we
258 can get one.
259

260 Mr. McCarthy: I saw the photometric that had the all the information, the number of poles, and what sizes
261 they were and that sort of thing.
262

263 Mr. Eyerman: We can get you a scaled set too.
264

265 Mr. McCarthy: So scaled plans of the ball field lighting, and I think we've got detail as to what it's going
266 to be but the location and this is an offer, not a request, if you want you can overlay that in some fashion
267 on the Open Space Area A plan. If you'd rather have a separate plan, I understand that.
268

269 Mr. Eyerman: We'll probably have them separate because we have different consultants doing them.
270

271 Ms. Boni: For lighting, as far as the parking area, Article XXI of our Zoning Resolution requires a
272 minimum foot candle of .5 in all vehicular use areas; is that going to be in compliance?
273

274 Mr. Eyerman: We can do that.
275

276 Ms. Boni: And then obviously we wouldn't want any light exceeding the property lines that you have.
277

278 John Coffman, Musko Lighting: Did you say average or minimum of .5?
279

280 Ms. Boni: It's a minimum of .5.
281

282 Mr. Coffman: Do you have a preferred grid size of those areas? 10'x10', 20'x30', 30'x30'? Basically
283 what we've done here is 30x30; every 30' we take a reading.
284

285 Ms. Boni: The way it is now is fine.
286

287 Mr. McCarthy: #3, as to other open space areas, prepare a specific listing of structures and amenities to be
288 provided in each, respectively. Listings to be consistent with Exhibits B1 to B4, including details as to
289 location, height, etc. Especially provide detail concerning kitchen facilities.
290

291 Mr. Eyerman: We don't have any kitchen facilities in anything but Open Space A.
292

293 Mr. McCarthy: From what's been indicated, the County Engineer is helping you improve the plan and
294 that's causing certain realignments of amenities in certain areas, and right now you've got it with the
295 original submittal and every area isn't overflowing with improvements, but every area is addressed, so is
296 that acceptable? Also, when we get to the standard, that will be part of the standard that the Zoning Office
297 will be looking at.
298

299 Mr. Eyerman: There are areas in Evans Farm in Orange Township, particularly in the northeast corner,
300 basically west of Old State, we haven't come in with the final engineering plans yet nor should we. We do
301 know they are changing the alignment of Street B which is the street coming off of Old State which cuts
302 through at least two open spaces and affects a bunch of the other ones, and until we get a final alignment,
303 I don't want to come in here, waste your time and have you approve one, and then have you turn around
304 and approve it again. We all know collectively that it's going to get changed.
305

Zoning Commission

306 Mr. McCarthy: The question is, where. And this will probably affect the follow on discussion a little bit.
307 Right now then the standard is simply B2 through B4. That's all we've got; it's either that or you
308 resubmit your best guess again. Would it be fair to say B2 through B4 probably represent the minimum
309 that would be likely to be approved?

310
311 Mr. Eyerman: It isn't our choice, let's just say that.

312
313 Mr. McCarthy: Do you want to maintain Item 3 or do you want to delete it? This would be the motion
314 that was drafted, not Mr. Eyerman's letter.

315
316 Mr. Duell: What's the exact wording?

317
318 Mr. McCarthy: As to other open space areas, prepare a specific listing of structures and amenities to be
319 provided in each respectively, This listing be consistent with Exhibits B1 and B4, including detail as to
320 location, height, etc. Especially provide detail concerning kitchen facilities which are apparently only in
321 Open Space Area A, although I don't remember that being clearly in the language.

322
323 Mr. Duell: I would take it out and leave it as in the existing plan. Maybe the County Engineer will go
324 back to the original plan.

325
326 Ms. Boni: And I look at each open space when it comes to the platting process too, so if something is
327 substantially changed, we can revisit it here.

328
329 Mr. McCarthy: You need to stamp it and we're going to get to that, but you need a standard because of
330 the fact that it may or may not appeal to us or you doesn't matter if there isn't something that can point it
331 to as a standard that is regulatory to the Commission.

332
333 Ms. Boni: There are certain percentages, there's a table in the original zoning of open space, so many
334 letters has certain acreage; does that suffice or do you want to look for the exact shape of the open space?

335
336 Mr. McCarthy: Why don't we look at Number 7; that's where it starts. It reads, Exhibits B1 through B4
337 serves as the approved zoning provisions for the parks and open spaces of Evans Farm. As these open
338 spaces and parks are planned and further refined and designed in Evans Farm, these plans will be
339 submitted to the Orange Township Zoning Office for review and shall be approved; if not, resulting in
340 diminution of overall open space found to be in accordance with the development plan, descriptions and
341 development standards and possess the amenities indicated as to each. So that's what's going to be
342 showing on B1 through B4 right now. There were two items there and Tony indicated he was kind of
343 confused about what to do with them at the end in Item 13 a) and b). You had some language similar to
344 that; I felt like it needed to be a little tighter, so that's where 7 came from but the idea is that that baseline
345 at least will exist if there's more desired. That's where 3 becomes an issue. If there's more desired, you
346 need the 3. If you're satisfied, they gave us a two page description on what's potentially possible up there
347 and it will hopefully also conform with B1 through B4.

348
349 Mr. Duell: I'm okay with what's described as far as anything about open space in the current plan. We
350 spent a lot of time on the current plan. If this will allow them to change the shape because the County
351 Engineer has moved the road, I'm okay with that.

352
353 Mr. McCarthy: How much control do you or do you not want? As Mr. Eyerman said, they know there's a
354 good chance things are going to change, and I think we know there's a really good chance because it's
355 happened before quite a bit.

356

Zoning Commission

357 Mr. Duell: As long as the acreage is maintained.

358

359 Mr. McCarthy: The acreage is maintained and it meets the development text; is that satisfactory?

360

361 Mr. Duell: Yes.

362

363 Mr. McCarthy: Is that a standard you think you can live with?

364

365 Ms. Boni: Yes.

366

367 Mr. Duell: I can't see making them go through all this again to come back...

368

369 Ms. Trebellas: Just to move a picnic shelter from one area to another. A picnic shelter is a picnic shelter; a swing set is a swing set. If you want to pick it up and move it someplace, I'm quite content.

370

371 Mr. McCarthy: Both of them are in there, so if you do want a 7, you don't need a 3, so 3 is gone.

372

373 Mr. Eyerman: I don't know the name of the street, but this will give you an idea of the type of abuses of the things that are changing. Street B is the main entrance coming in off Old State Road. They're moving this from this intersection here to down here to align with Willow Springs which, if I were a resident of Willow Springs, I'd be a little bit upset, but that's just me. But in doing that, they changed this street here; basically what we tried to do is emulate as close as we can what we got approved, so we flipped it. But in doing that, now this changes these lots here because they added more street in here, these lots back into here a little bit more, and it gets a little less smooth and a little more hard edged.

381

382 Ms. Trebellas: How does your development relate to Evans Farm East or whatever you want to call it now?

383

384 Mr. Eyerman: Apparently that's not my concern.

385

386 Ms. Trebellas: Even though that's part of your development, you're not allowed to have a cross street.

387

388 Mr. Eyerman: There is still open space that will link all the way through here. The plan is to still have some sort of a pedestrian crossing either underground, above or at grade but isn't there. There is a trail that comes along here already that we may use for pedestrians to get back who want to start exploring the trail through Alum Creek.

393

394 Ms. Boni: For the record, when you're saying here and there, that's the east side of the South Old State property?

395

396 Mr. Eyerman: Yes.

397

398 Ms. Trebellas: As long as it's still connected somehow; if not, it just seems like it's a part that was just sold off, given away to do whatever they want but we approved it as a part of this development.

401

402 Mr. McCarthy: You have a standing approved plan which develops in accordance with that; roads belong to the Engineer.

403

404 Ms. Trebellas: It sort of affects our connectivity plans. It's kind of hard to connect neighborhoods when the County Engineer....

405

406

407

Zoning Commission

408 Mr. Duell: Moves the road.

409

410 Mr. Eyerman: I just thought for clarity it might help to understand. It's kind of a nice little bomb to drop
411 because it's a main entrance but we do what we have to do.

412

413 Mr. McCarthy: Number 4 as regards to commercial activity, it was requested and it was addressed in the
414 text, however, it was suggested as stated in the stipulation that the description of the commercial activity
415 be included also in Section 10.03, permitted uses; just work it in there as a divergence language I suppose
416 under accessories but I think it should be addressed in 3 and also be added to B12 as a divergence.

417

418 Mr. Eyerman: What are we diverging from though because we've always said this is a regional park?

419

420 Mr. McCarthy: It was never defined to be privately operated I assume for profit which would raise a
421 commercial specter that I think needs to be addressed.

422

423 Mr. Eyerman: I don't want this to become taxed as a commercial use because at that point it just destroys
424 any kind of regional park. We said it was going to be a park, it's still a park in its simplest form. That's
425 our difficulty with it is we haven't changed the use at all. It's still ball fields, soccer fields and parking
426 lots with concessions.

427

428 Mr. McCarthy: I have made the recommendation; it lies with the Commission on how to resolve it as to a)
429 and b); we haven't gotten to c) yet.

430

431 Mr. Duell: It's still a park; it's just going to be owned by an entity other than the HOA or Township.

432

433 Mr. Eyerman: The Township, HOA or NCA; one of the three so it's privately owned but it's still a park
434 and it can't be changed.

435

436 Mr. Pychewicz: So the maintenance is then funded by...

437

438 Mr. Eyerman: One of the entities renting the field, just like the Township does it.

439

440 Mr. Pychewicz: So it will be dependent upon always having renters, right?

441

442 Mr. Eyerman: Yes.

443

444 Ms. Trebellas: My concern is if it becomes a for profit type facility because if it becomes a for profit,
445 you've sort of lost the community nature of the park and how do you prevent that?

446

447 Mr. Eyerman: It's part of the purchase agreement and the by-laws of the park. We've had slug fests just
448 on how much fence you can put around a ball diamond and because there'll be artificial turf, we'll have
449 fence around them, however, they will not be locked, so if their fields are not being used, people can still
450 use the ball diamonds which causes them concern because they're investing somewhere between $\frac{3}{4}$ of a
451 million and a million dollars for artificial turf and stuff but it was part of the understanding right from the
452 beginning that this is the way it's going to be.

453

454 Mr. McCarthy: So a) and b) are gone; let's talk c), in the development text, limit commercial activity in
455 parks, open space, Open Space Area A. I thought that was somewhat up in the air. It was not clear to me
456 that it was only limited to A. Is it or is it not? And if not, where else?

457

458 Mr. Eyerman: What commercial activity? Concessions?

Zoning Commission

459 Mr. McCarthy: Rentals, concessions, same kind of things you're talking about.

460

461 Ms. Trebellas: Basically the only regional park is the area set aside in Open Space A, correct?

462

463 Mr. Eyerman: Correct.

464

465 Ms. Trebellas: Then just make sure that Open Space A is the only area in the regional park that will have
466 concessions and bathrooms, etc. that may or may not produce a profit. I feel safer knowing that that is the
467 only area that's what I call the regional park where they will have a private entity running the concessions
468 and potentially making a profit.

469

470 Mr. McCarthy: So I guess we're retaining c).

471

472

PUBLIC COMMENT

473

474 Fred Lecrone, 1425 Church Street, Lewis Center: If you're applying to rent it out and Jennings is running
475 it, who is running it? Do you have to keep track of what they're doing, of their sales, of whatever rules
476 that have to be taken care of? Who is in charge of the whole thing?

477

478 Mr. Eyerman: They are in charge of it, they will make sure that it's policed, we will make sure it's
479 policed after...if we have a problem, we have this agreement that we can call them. A good example, if
480 they have someone park along Piatt Road, which is the eastern boundary of the park, and someone dumps
481 a bag of trash out there, they're expected to pick it up. If we have to, we will, and we'll make sure that if
482 it happens again, they're going to have to pay for it. We're kind of a back up. The HOA and developer are
483 the back up to make sure it's kept in very attractive order.

484

485 Mr. Lecrone: But they're the primary?

486

487 Mr. Eyerman: They're the primary; it's their problem. We have the same thing for our residents too. If
488 they have a house that's being built and trash blows out of a dumpster, if we have to pick it up, we'll pick
489 it up the first time but if it becomes a problem, we'll either back charge them for the pickup or regardless
490 of back charging them or not, we'll let them know we picked it up and the second time we'll back charge
491 them. It will be that way for the park too.

492

493 Mr. Lecrone: Where's the access into the park?

494

495 Mr. Eyerman: There's an access coming off Shanahan.

496

497 Mr. Lecrone: Nothing coming off Lewis Center?

498

499 Mr. Eyerman: No.

500

501 Mr. McCarthy: So we're retaining c)?

502

503 Ms. Trebellas: We're good as long as it's Area A.

504

505 Mr. McCarthy: So 4 c) will just become 4 now. Number 5, this brings us to a point Mr. Eyerman raised as
506 regards lot coverage percentages. The stipulation was that if the lots have a minimum of up to 70' or
507 greater, a primary structure having only one story may have a maximum lot coverage of 40% excluding
508 porches and garages. Maintain current limits as to all other primary structures on such lots. Question is, is
509 it acceptable to go to 65?

Zoning Commission

510 Mr. Eyerman: From 60' of width down is 30% or greater maximum lot coverage and then as we talked
511 last meeting, 70' and up was 25% of lot coverage. It was just a slip of my mind that 65' wide lots were in
512 there; I thought it went from 60 to 70, but 65 is also 25%, so that's why I included that; I just discovered
513 as I was typing this up.

514
515 Mr. Duell: 65' is okay with me.

516
517 Mr. Eyerman: The Parade lots are 65'; that kind of gives you an idea of the size of the home.

518
519 Ms. Trebellas: As long as it's restricted to one stories, I have no problem.

520
521 Mr. McCarthy: As to the 70, that's off the table; we're at 65'. The next one got covered in about three
522 places because it was in three different places. We were saying the maximum lot coverage when talking
523 about the house shall, in this case, be 40% and then we were also saying however in no event shall it
524 exceed 50% and we were still calling it maximum lot coverage; you're using two different definitions for
525 the same term. Only thing I did in a couple places was put the word "total" when we were talking the
526 50% just to differentiate the two because otherwise you said it was 40, now it's 50. Also I made a
527 suggestion in there about how you could address it. Right now the asterisk on the 40% is after the 50
528 language and it probably needs to be in front of it. Also that following paragraph on the 50%, the purpose
529 is maximum lot coverage, percentages listed above refer to the primary structure excluding porches and
530 garages; however, in no event shall total maximum lot coverage exceed 50%, etc., etc., so again that was
531 done. I also made the same suggestion for Attachment 2. As to the temporary open house signs, I don't
532 know that we have a scaled site plan, but apparently we do have some kind of site plan.

533
534 Ms. Trebellas: That's the additional material he provided for this evening.

535
536 Mr. McCarthy: I haven't seen anything; I have no comment about it.

537
538 Ms. Trebellas: It's at 1:20.

539
540 Mr. Eyerman: I don't know if the 8-1/2 x 11 is to scale.

541
542 Mr. McCarthy: The scale is holding on the 11 x 17.

543
544 Mr. Eyerman: We built it off of that plan.

545
546 Ms. Trebellas: The 8-1/2 x 11 has the location of both the postal shed and the potential model home
547 signage.

548
549 Mr. Eyerman: In respect to the actual location though, a 200 scale or whatever that is, plus, minus
550 anything is just intended to show it outside the right-of-way.

551
552 Mr. McCarthy: Those are the temporary signs, and the real question was make sure they're out of the
553 right-of-way. I'll hold off on a) until I have a chance to look at it all. I think Tony already talked about
554 this, provide that no component sign, including Models Open Today and builder's signs shall exceed a
555 height of 8' above grade and adjust the open house and wayfinding sign on Page 50A accordingly. Also if
556 you would, number Page 50A and we'll just stick it in the book.

557
558 Ms. Boni: One additional question on the site plan, is it possible to just have the condition that all
559 temporary open house signs have to be placed outside the right-of-way? Do I need to know the exact
560 setbacks on the site plan?

Zoning Commission

561 Mr. McCarthy: These are temporary as I understand it, so if there is concern about that, certainly it's fine,
562 but my big concern was get out of the right-of-way.

563
564 Ms. Boni: If we're asking for a scaled site plan with sign location, that would provide a specific setback.,
565 and if that changes, that's why I didn't know if we should just have a condition that it's just outside the
566 right-of-way.

567
568 Mr. Duell: I don't know that we need specific setbacks as long as they're just out of the right-of-way
569 because they're temporary. As long as it's out of the right-of-way; I'm not worried about setbacks.

570
571 Mr. McCarthy: Then forget about the scaled plan but it would be more like provide that the signs shall be
572 outside the right-of-way and that will be a stipulation. Back to the 8' height. I think you said you could
573 lower the cross arm.

574
575 Mr. Eyerman: I will. The top of the cross arm would be 8', the post I think....

576
577 Mr. McCarthy: It's more the Models Open Today sign is your problem.

578
579 Mr. Eyerman: That's on the cross arm now because at the last meeting it was asked to take that down and
580 put it on the cross arm but it's still 8'6"; it'll lower the builders sign another 6" or so. We can deal with
581 that.

582
583 Mr. McCarthy: We already talked about the standard for the shifting open spaces, so I think we're leaving
584 that. Item #8, you reference in the text an open space and ball field lighting plan, photometric plan; just
585 label that. Same as lighting plan and fixture data being added to Tab 4. The next one is one of the things
586 Tony talked about and it needs to be done but basically a lot of this...

587
588 Mr. Eyerman: I'll clean all of these up; there's one on 16 as well that I caught; exterior lighting shifted
589 way to the left, I'll probably move awnings up to the next page, but you identified a few of them here and
590 I think I caught most of them but we'll just that all up.

591
592 Mr. McCarthy: That Item #7, it was a good swing unfortunately. On Page 24, the fourth paragraph, the
593 community trails, the last sentence is actually what should be #7 and then the following two
594 paragraphs....

595
596 Mr. Eyerman: In our version there wasn't any Item #7.

597
598 Mr. McCarthy: That's why I listed the changes instead of incorporating your text. That fourth paragraph,
599 last sentence actually is 7, the following two paragraphs after that are the reply to 7, and I suggest you just
600 pull the 7 and the text you made up which is really kind of redundant. Item #12, lighting, two LED
601 fixtures to be used, illuminate the Evans Farm identification sign located at the S. Old State Road
602 entrance and in this, I just added for clarity all field lighting posts, and I added to be only located, just so
603 there is no confusion as to whether we were only going to put the 80' limit on the ones in A or if it was
604 the posts that were being limited. That change got made in a couple of places. Item #13 again is the pdf
605 writing again and you just need to re-letter after what it did there. Page 14, same thing, it messed up your
606 charts, just fix them and it identifies what. The same thing with 15.

607
608 Mr. Eyerman: I've never had a problem with pdf before. I went through it every page because I'd had
609 some problems, so on the screen I went through page by page to make sure it formatted right, printed it,
610 saved it and pdf'd it; I apologize.

611

Zoning Commission

612 Mr. McCarthy: Same thing on 16, it took the reply to 21.08 and merged it with Sub-section A. But that is
613 something that can be rectified. Don't forget to re-letter every time you have to deal with that. #17 is a
614 repeat and that is again the change is to be only located in Open Space A for the 80' poles. #18, changed
615 it a little bit for the ball field lighting only, the maximum LED color temperature shall be 5700 Kelvin and
616 then left your language the way it was. It's talking about a range of 5700; I just felt better that way. #19,
617 this is the illustration, it's Note 3 throughout, so right now it would be b) through f) are going to get the
618 first note because they agreed to g) which is the 65's can go forward, so cross that out. Same thing on the
619 20, the note just being modified again to put the 40% in front of the maximum and the total maximum not
620 exceeding 50%. Those are the stipulations I felt comfortable about. Something we've talked about and I
621 think we've had two applications come through, 519.021 of the Revised Code says that the approved plan
622 and text become the zoning for the property, period. I raised the idea and I certainly perceive the difficulty
623 with tasking people if they would upgrade to the 2019. The benefit would be there are a lot of relics, and
624 probably dangerous relics in some instances, that have been taken out of the Code that march forward
625 with these texts if they continue in their current state. I'm not saying do it or don't do it; it was an idea to
626 get rid of those and get that discussion off the table and some of them would be more your problem than
627 mine if it rears its head. It does require the applicant basically, depending on how they choose to do it, to
628 cut and paste their replies back in the day to the current Code and that is time consuming. Is that
629 something you're feeling comfortable and reasonable in requiring? I would just point out that as these are
630 ratified with these texts, that stuff's in there. I don't know what the answer is, but I can see a problem.

631

632 Mr. Duell: Because it's largely an amendment, I would maintain the existing, especially if they can't get
633 100% of the property involved.

634

635 Mr. McCarthy: We'd need all the players in the room; that's a fact.

636

637 Ms. Trebellas: Because then you'd have half the property owners agreeing to the new amendment and
638 then the others who didn't sign off still under the old one. If it's a minor amendment, I think we should
639 stick with the original Code and the text. If it's a major amendment and everyone signed off on it, then
640 proceed to use the most current Zoning Code unless you go back and the zoning text is so old, you can't
641 find the original zoning code.

642

643 Mr. Duell: The potential for error in just making the changes outweighs it.

644

645 Ms. Trebellas: And especially since this is something relatively recent. If it was 20 years ago, I might be a
646 little more concerned.

647

648 Mr. McCarthy: The relics I would be mostly concerned about, and I think Michele is aware of it, don't try
649 to enforce the FR1 reverter on the three year provision following approval. You've got that mistake of
650 administrative modification that is going to march on here; it's those kind of things. There is that
651 problematic 13 code that was never proofed and there's some surprises laying around loose in there I'm
652 afraid which is why the '16 version was done and it's simply a compilation, no changes were made in '16.
653 It brought the '08 book forward to the '16. If it's not getting updated on the text, there's really no point in
654 updating the disclaimer. As far as the steps to avoid negative impact, the only note I had, it really wasn't a
655 stipulation, it was you're agreeing, you're going to regulate the hours, lighting, screening, trash
656 receptacles and termination of use. Those would all seem to be issues to benefit the residents but as far as
657 the signs, if they're going to do that voluntarily, kudos to them.

658

659 Mr. Eyerman: It's certainly up to the Board, but because there are the scaled plans and the changes
660 formatting the text and everything, I'd be happy to come back and resubmit or I'll submit to you and if
661 you want to check everything and make sure it's in the right order per your comments. I've made a lot of

Zoning Commission

662 notes as to things that need to be amended, so for clarity sake, I can give you a four page conditions for
663 approval for the Trustees or I can clean this up.

664
665 Mr. Duell: Why don't you go ahead and do that.

666
667 Ms. Trebellas: That means these new documents can be incorporated in there as well. That was one of my
668 concerns when I initially looked at this, that I had no idea where these bits and pieces of fields and lights
669 were and how they played in with the neighboring structures until I got this overall construction
670 document plan that shows where they are.

671
672 Mr. Eyerman: I can get everything in the right order and put it in the binder; we'll get it done.

673
674 Mr. Duell: How long do you think it will take you to get it done?

675
676 Mr. Eyerman: A couple of weeks would be plenty.

677
678 Mr. McCarthy: And within a week I'll give you a list of what's left.

679
680 Mr. Eyerman: Then give me two weeks after what he changes.

681
682 Ms. Boni: We don't have a meeting scheduled for the first one in February; that's February 4.

683
684 Mr. Duell: I can't do the 4th. I can do the 5th, 6th or 11th

685
686 11th was best for the majority of the Board

MOTION TO RECESS ZONING APPLICATION #ZON-19-03

687
688
689 Mr. Pychewicz made a motion to recess Zoning Application #ZON-19-03, Evans Farm Development Co.,
690 LLC until Tuesday, February 11, 2020 at 7:00 p.m. at the Orange Township Hall; seconded by Ms.
691 Trebellas.

692
693
694 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz, Ms. Trebellas-yes, Mr. McNulty-yes, Ms. Ault-yes
695 Motion carried

696
697 Meeting adjourned at 8:30 p.m.
698 Minutes prepared by Cindy Davis, Zoning Secretary

699
700 On January 28, 2020, Mr. McNulty made a motion to approve the January 14, 2020 minutes of the
701 Orange Township Zoning Commission for Zoning Application #ZON-19-03, Evans Farm Land
702 Development Co., LLC, with the following corrections:

- 703
- 704 • Line 26: "get" should read "got"
 - 705 • Line 55: "declared" should read "declarative"
 - 706 • Line 83: take out second "beyond that"
 - 707 • Line 152: "OIA" should read "OYAA"
 - 708 • Line 227 should read: "If this is going to count...."
 - 709 • Line 300: "or" should read "nor"
 - 710 • Line 307: "B2, B4" should read "B2 through B4"
 - 711 • Line 308: "B2, B4" should read "B2 through B4"

Zoning Commission

- 712 • Line 337 should read: "...serves as the approved..."
- 713 • Line 347: "B1, B4" should read "B1 through B4"

714

715 Seconded by Mr. Doherty

716

717 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Doherty-
718 yes

719

720 Motion carried

721

722

723

724

725

726

727