

Zoning Commission

1 **Rezoning Application #ZON-21-01**

April 13, 2021

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3 **Zoning Application #ZON-20-01, North Farms Condominiums LLC,** Requesting to rezone one (1)
4 parcel totaling 24.019 +/- acres from a Single Family Planned Residential (SFPRD) District to a Multi-
5 Family Planned Residential (MFPRD) District. The area being amended is located at 5351 North Road
6 having parcel number 318-210-01-003-000.

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8 Roll Call: Adam Pychewicz, Dennis McNulty, Christine Trebellas, Leslie Pierce, Ciara Harris

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10 Township Officials Present: Michele Boni, Development & Zoning Director

11 **MOTION TO RETURN FROM RECESS FOR APPLICATION #ZON-21-01**

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13
14 Ms. Trebellas made a motion to return from recess for Rezoning Application #ZON-21-01, North Farms
15 Condominiums, LLC; seconded by Mr. Pierce

16
17 Vote on Motion: Mr. Pychewicz-yes, Mr. McNulty-yes, Ms. Trebellas-yes, Mr. Pierce-yes, Ms. Harris-
18 yes

19
20 Motion carried

21
22 Mr. Pychewicz: Before we hear from the applicant, Michele I know there are some letters we've all
23 probably taken a look at by now, but is there anything in addition that you want to go over first?

24
25 Ms. Boni: I sent out the list of comments based on the Staff's and Zoning Commission's review from the
26 first hearing to the applicant; they provided a revised submittal April 6 and they did address the majority
27 of those comments if not all of them. As far as any public comment, we received one email that I
28 forwarded to you yesterday from a resident named Steve Cohen.

29
30 Mr. Pychewicz: And that was in regard to the Rockford Homes development?

31
32 Ms. Boni: Correct.

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

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35
36 Joe Thomas with Metro Development, 100 Olde Worthington Road, Westerville, Ohio 43081. With me
37 tonight is Todd Faris with Faris Planning & Design, Jill Tangeman with Vorys, and Steve Cuckler with
38 Taft. I was just going to briefly go over our changes and have Todd Faris address those as he is the land
39 planner who worked on changing the site plan, setbacks and design of the open space.

40
41 Todd Faris, Faris Planning & Design, 243 N. Fifth Street, in front of you is the revised site plan. In the
42 last meeting we heard several comments about a secondary entry was deemed as something that would be
43 beneficial; we added that to the south. Another comment was primarily by the public was if the units all
44 face toward the west, that would be the residents' rear yards, so we modified the site plan in such a way
45 that have ends of buildings toward North Road which gives it more of a residential face and really
46 oriented the buildings themselves so they're parallel to North Road so those views aren't directly to
47 people's rear yards. Created large greens interior wise for usable space. We also added a pathway system
48 along the east portion of the site behind the units that kind of goes around the pond and clubhouse and
49 connects to the bottom closer to the proposed dog park. I think those changes help address the concerns of

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50 the residents as far as looking directly into the rear yards. We were also asked to look at setbacks and if
51 we could increase those. We decreased some but increased most of them. Like I said, we have the end of
52 units toward North Road and located them similar to what the single family is on the west side of the
53 roadway so it's a continuation of the street, so it really looks like the neighborhood continues across the
54 street. We wanted to have that tie in between the two separate projects. We received some comments
55 regarding the architecture. We had one elevation type and what we did was provide two different
56 elevation types. The rear of the buildings were flat before so we took some of the porch areas and pulled
57 those out to introduce some different roof lines, roof pitches so that rear elevation of the units is more
58 interesting because that's the primary elevation that you see along North Road. On the front we've
59 introduced a mixture of gable and hipped roofs so inside as well there will be some variety. I don't know
60 if we're going to alternate every other one, that may look a little silly, but we're going to program exactly
61 where those things go through and work through that with the site plan. We've also added an element on
62 the end of the buildings if you look at them from an architectural perspective. It's a meter room for the
63 water service and we heightened that so instead of just being a traditional element, it adds some architectural
64 interest to the ends of those buildings, and where those ends are prominent toward public view, that's
65 where we're going to locate those. Again, we have a tremendous amount of open space; I think we're at
66 58% throughout the site. We've increased the usable open space by decreasing the widths of the mounds;
67 we still have the same height of mounding throughout the site. They're a little steeper, 3:1, but that's the
68 steepest you'd want to get and stay maintainable, but we were able to increase that flat land so people will
69 have more ability to have recreational activity outside of the units. There was a question as far as
70 divergences. Before we asked for a divergence on parking to come down from 3 spaces per unit to about
71 2-1/2. I think we added a few parking spaces to this layout, so we're over what we've asked for this time
72 but we're still asking for a divergence on that. We need a divergence for the units per any individual acre.
73 We dropped down on that a little bit as well as how many units per acre. We're also asking for a couple
74 additional divergences, one is for the lighting. The lighting plan for the multi-family planned residential
75 district really takes your commercial lighting standards and applies it to this and it is very bright, it is
76 incredibly intense, so what we proposed is a lower level lighting plan, residential in nature so that won't
77 be an issue with neighbors more internal to the site as well. We provided a photometric plan that showed
78 what the light levels were at the property line but this one shows we're at 0 at the property line and that
79 we still illuminate the site. We also added a divergence to allow model homes and sales office as a
80 permitted use versus conditional use, that way we don't have to go back to the BZA to get that done.
81 There aren't any major highlights other than that that we've done to the plan. Again, it's a different site
82 plan based on the comments. The architecture I think we've really brought up and added those amenities
83 that Regional Planning and your Planning Commission asked for last time we met.

84

85 Ms. Boni: Just for the Board's reassurance, they did submit to the Fire Department and the Fire
86 Department reviewed and approved the site plan. In addition, I met with Joe Thomas and Todd Faris after
87 the comments were sent out to go over the architectural elements of the building, and we did discuss the
88 lighting and remaining comments on there.

89

90 Mr. Pierce: This remains condominiums for sale, correct?

91

92 Mr. Thomas: Correct.

93

94 Mr. McNulty: I like all the changes that were made. I think the lighting was important, especially seeing
95 where this is. I was one of those people that wanted that other entrance; I think that was a great add. I saw
96 the comments from the neighborhood; they really still want the single family homes but I think having
97 these as condos and ownership involved is the next best thing. I still think it's difficult to have a piece of
98 property with the railroad tracks and the sports facility right across the way. I think you've done a good
99 job. I'm in favor of all the modifications you've made.

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100 Ms. Harris: It's very clear that you made an effort to adhere to the many comments and feedback, and it
101 looks great. I know there was one comment in relation to the permanent rental/marketing office. Are there
102 any changes to that?

103
104 Mr. Faris: We asked for a permanent management office because there will be permanent management on
105 site with maintenance and everything else. So we've asked for that but not a rental office.

106
107 Ms. Boni: And you put a time limit on the rental office once all the units are occupied.

108
109 Mr. Faris: The sales office, yes.

110
111 Ms. Trebellas: The management office will be in the clubhouse?

112
113 Mr. Thomas: Correct. Typically the sales office where the sales agents are located turns into a manage-
114 ment office for the property management company for the condo association. They're not in there full
115 time but on an as needed basis. A lot of times they have meetings with the condominium board members
116 but also for meetings with contractors such as landscape and snow plow individuals. Sometimes there's
117 maintenance individuals they have to meet with on site, so they carry the files at that location in a small
118 management office inside the clubhouse.

119
120 Mr. Pychewicz: Going back to the model units, I didn't really see a time limit; I just saw where it was
121 asking for a divergence to remain open until all units are sold. Is there an additional until all units are
122 sold or within 1 or 2 years?

123
124 Ms. Boni: I shouldn't have used the word permanent. There is not a specific time but there is an ending to
125 it.

126
127 Ms. Trebellas: Michele, I know our legal counsel was supposed to look into whether or not we could
128 restrict the number of rental units that would be allowed as part of the condo documents. Was any reply
129 ever given by our legal counsel or Joe Thomas by your legal counsel regarding that?

130
131 Ms. Boni: We have Jennifer Huber here who is a partner with Pete Griggs' firm.

132
133 Ms. Huber: Pete and I talked about it and I'm familiar with it in some of the areas of my practice, so our
134 advice on that, because the secondary mortgage market places such stringent and ever changing require-
135 ments on owner occupancy, investor ownership, those kinds of hard numbers, it would be hard to put a
136 number at the zoning level and have that be a practical regulation going forward. It might be just one
137 more thing the zoning office would have to do and I don't know how they would keep track of that, that
138 might be pretty difficult, and never mind the condo association is going to remain bound by all, and HUD,
139 FHA, Fanny Mae, Freddie Mac and all those entities direct how many units could be owned or should be
140 owned then for a future buyer of a unit to get their mortgage financed through one of those secondary
141 programs. Because those types of regulations are so closely monitored and if HUD and FHA change those
142 regulations, sometimes on a semi-annual basis or whenever the mood strikes them, it would be a very
143 difficult and unwieldy thing to put in at a zoning level, and it remains something all of the parties and
144 association will have to keep track of going forward anyway.

145
146 Ms. Trebellas: So basically it sounds like the gist of it is no restrictions.

147
148 Ms. Huber: I wouldn't say that it would be a good idea.

149

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150 Ms. Trebellas: Even though it's being proposed as a condo, there are no limits on how many of those
151 units will be owned and how many will be rented out?

152
153 Ms. Huber: I would say there are practical limits that likely will be governed by those secondary entities.
154 They might not be part of the zoning but they will be bound by other ways, just more practically through
155 the operation of the market.

156
157 Ms. Trebellas: I don't have a problem with the parking variance; they're asking for less and I'm not too
158 worried about that. I'm not concerned about the variance for the units per acre; we always have trouble
159 calculating anyway how many units per acre because some have more, some have less. I'm not concerned
160 about the lighting variance in terms of reducing the lighting so it's more residential. I know you're still
161 asking for a divergence for the model home and sales office. I understand there's kind of a sunset clause
162 that after a certain number of units are sold that you will no longer need those model homes. Is that
163 correct?

164
165 Mr. Thomas: Yes. That's a typical process through the condominium sales. People go into contract then
166 there's a closing, so once we have everything in contract, we'll shut down the models and move on and
167 the closing will happen at a later date typically within 30, 45, 60 days of that contract, so there will be that
168 lag where all units will be in contract but they won't be closed upon or occupied so there is some lag time
169 where the models stay in place.

170
171 Ms. Trebellas: I don't have a problem with that as long as they're not perpetual.

172
173 Mr. Thomas: The sales office is usually the last portion to close.

174
175 Ms. Trebellas: I don't have a problem with a condo association office in the clubhouse. I noticed you
176 added the second entrance and the Fire Department said you need that, so that is good because I was very
177 concerned. My biggest issue still is that you're asking for a divergence for the number of units permitted
178 in multi-family. This site was originally zoned as single family with 43 units and now you're asking for it
179 to be zoned multi-family which allows for 4 units per acre and you're asking for almost 6 units per acre.
180 So you're going above the density allowed in our multi-family and because you were originally zoned
181 residential, I have an issue with that. Also, I feel bad for the neighbors. I remember when you came
182 before the Zoning Commission and asked to re-phase this project with M/I Homes, Rockford Homes and
183 yourselves. It looks like M/I has pretty much completed their phases, Rockford has done most of their
184 phases on the west side of North Road and they're moving to the east side along the railroad tracks and
185 putting in single family homes, and you were supposed to put in single family homes. I know it's a
186 difficult site so I understand the need to perhaps have greater density. I'm just very concerned that you're
187 going from 4 units to almost 6 units. You're going from what was originally zoned as 43 units to 144
188 units. That's 100 more units than what your neighbors have bought into and what M/I and Rockford
189 agreed to 5 or 6 years ago and has me very concerned.

190
191 Mr. Pychewicz: Going off Christine's comments, the density is a bit of a concern obviously with
192 opposition across the street. One thing I liked about one of the previous submittals was the buffer and the
193 amount of spacing there was up front, and in this plan I see why, as you brought in the second drive, you
194 shifted these units around and re-developed the site this way, but for me, on this plan it's Units 1, 18 then
195 13 and 14 which are the 4 units closest to the road. To me it would make more sense if those were gone
196 and we're getting a much better relationship and buffer between single family and this multi-family site. I
197 get so many units financially makes sense, if you go down to so many units you're probably not going to
198 get a good return on it. If there was a second building type or something smaller to get to where we still
199 have that big green space between these units and the single family across the street I think would go a

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200 long way. Our Code doesn't get into the specifics on this but as a suggestion if this does move forward,
201 we talk about 4-sided architecture which isn't in our Code but I really appreciate these 3D renderings
202 because it helps everyone kind of visualize things, but one thing I'd like to see is whether it's continuing
203 that water table across the sides and maybe in the back or some of these larger spans between windows
204 and things where it's just siding, if maybe there were a way to break that up, maybe introduce something
205 on those elevations, I think that would go a long way too. Elevation 2 and 4, you have those 2 windows
206 and then that long span of siding. If it would be possible to continue the water table maybe, and I'm not
207 going to design it, but something that would make the 4-sided architecture more present.
208

209 Mr. Pierce: I'm curious on the consideration of the divergence for where you have more units, going from
210 4 to 6. What moved that and was there some market study that you did that indicated that a condominium
211 community needs to have "x" or something. Dennis commented about the difficult piece of property and I
212 like the layout, I like everything that you've done; you've certainly been responsive in that regard. Can
213 you give us some reason of what drove the huge divergence?
214

215 Mr. Thomas: Adam, I agree to the fact that there probably needs to be some additional elements of
216 architectural details on the side of the buildings; we don't have any problems with working on that
217 element. Mr. Pierce, as far as the density on this particular community, we fashioned this similar to what
218 we did at Olentangy Crossings, a similar size community as far as the elements of the community center,
219 pool area, open space and the economics and the numbers of where it comes down to a condominium
220 development is to make it an element of a community as far as all the amenities provided in these
221 communities to make them reasonable and affordable for the residents. You get into the numbers where
222 you try to have that community at that level of the clubhouse, the pool, the walking trails, open space and
223 the management thereof, the trees, the buffer, those are all elements that you have to spend quite a bit of
224 money annually maintaining, and targeting for that size clubhouse, pool and amenities is about 150 units.
225 I understand that this community has a little smaller acreage than what we had over at Olentangy
226 Crossing. We were reasonable in going down to the 144 unit total because what we're really sensitive of
227 not necessarily just the condominium fee but the price point of what we're trying to sell these
228 condominiums for, the sales price is the challenge of the location of the corner of Shanahan and the
229 railroad track. Rockford Homes did have a lot of success on the west side of North Road. However, they
230 own the ground on the east side, they don't necessarily build condominiums so they moved forward with
231 their final phase of single family homes, and they've been there for roughly 18 months and have sold 13
232 homes so far. In the market today, average sales for Rockford Homes is 1-1/2 units per day where in 18
233 months they sold 13 homes, so that's less than a home per month on this development. I just put on the
234 screen a letter from the President and CEO of Rockford Homes as far as the number of sales and how
235 long they've been at that location. The number of units is really circular around trying to get the price
236 point for those type of amenities necessary to get the affordability of a condo to reach approximately a
237 \$225,000 price for the first floor and \$250,000 for the second floor, and those things all tie together.
238

239 Mr. Pierce: So the price point starts at \$225,000; I thought it was \$250,000 in our last conversation.
240

241 Ms. Trebellas: I have in my notes between \$225,000 and \$250,000.
242

243 Mr. Thomas: Just to read it into the record, the letter is from Robert Yoakum, President and CEO of
244 Rockford Homes, and the letter is a follow up to any potential interests on behalf of Rockford Homes on
245 the 24 acre parcel directly north of our current North Farms Section 9. We released Section 9 for sale to
246 the public January 20, 2020 which over the last 15 months we have sold 13 contracts to date. With a sales
247 pace of less than 1 sale per month during this time when we have seen our company's volume increase to
248 close to 1-1/2 contracts per day, we do not feel there is a sustainable market at this location for single
249 family homes and do not have any interest in exploring the continuation of our North Farms development.

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250 There are many factors included in the decision but the largest deterrent for us is being up against the
251 railroad tracks and the desirability of our single family product at that specific location.

252

253 Ms. Trebellas: It doesn't help that they released them for sale 2 months before COVID impacted a lot of
254 people at this price point you're talking about in terms of buying a house.

255

256 Mr. McNulty: I think that letter is very powerful for making the truthful argument about the piece of
257 property.

258

259 Mr. Pierce: I agree.

260

261 Mr. Thomas: I also went back to M/I Homes and had them look at the development again as well, so just
262 kind of the whole history of the development, we initially wanted M/I Homes to buy the additional 43 lots
263 for their development, just as Rockford Homes developed both the east side and west side of North Road,
264 we were wanting M/I Homes to develop in the same vein. However, the hesitancy of M/I Homes from the
265 very start was the railroad. From a standpoint of the sales going back in 2015, we thought there would be
266 other buyers to buy that product. As I mentioned before, we marketed to not only Rockford and M/I
267 Homes but we've also discussed it with Pulte Homes, Schottenstein Homes, Epcon Communities; again,
268 the hesitancy was the tracks. Our thought back in 2015 was the price point for homes was such a matter
269 that you could possibly have a price point that would be helpful for residents that would not have as much
270 concern of the railroad if the price point of the homes was in the \$300's, but as the market has increased
271 so dramatically, the typical price point in this area is over \$500 and that's where the challenge is.

272

273 Ms. Harris: I have a follow up question for Ms. Huber. To make sure I understand the tenant to owner
274 ratio comment you made, you were saying basically the market would regulate the owner occupied units.
275 Do you mean when a perspective owner applies for a mortgage and that mortgage provider says you
276 qualify for this mortgage as long as its owner occupied, is that what you were referring to as far as the
277 market regulating?

278

279 Ms. Huber: Yes, to some extent. The lender will reach out to condo associations or read the documents
280 recorded with the County's Recorders, see what if anything different documents say, sometimes they ask
281 the question, sometimes condo projects can also get kind of like pre-approved with the lending programs
282 and they have a rigorous application process, they have to give all this data around what the deed
283 restrictions provide, etc., and if they are approved either through the pre-approval or otherwise, then that
284 makes it easier for a perspective buyer to get their mortgage financed through the secondary market
285 approved, so it makes the unit easier to sell or at least it has a wider audience for potential purchasers, so
286 between FHA, HUD and all those entities setting those regulations, what threshold they want to see as
287 owner occupied regulates the buyers' market and sellers' market through those regulations.

288

289 Ms. Trebellas: I'm with Dennis; thank you for providing these letters for the public record because it is a
290 difficult site, I understand that, but I still have concerns about the fact that our multi-family is 4 units per
291 acre and you're asking for almost 2 additional units with a density of 5.99. So that would still be a
292 variance you are requesting that needs to be documented.

293

294 Mr. Pychewicz: Any other comments from the Board? (None)

295

296 Ms. Boni: Before we move forward with the recommendation if we are going to start with the approval, I
297 did add a modification to the approval recommendation to add additional architectural features to the side
298 elevations. Is that something the Commission would like included in the recommendation? I thought to
299 add that based on earlier discussion.

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300 Mr. Pychewicz: I support that. I don't know about the rest of the Board, I'm assuming.

301

302 Mr. Pierce: That's fine with me.

303

304 Ms. Huber: Is it also your practice to formally close the hearing at this point or do you make a decision
305 then take the position that that formally closes it? I could go either way.

306

307 Ms. Boni: We've gone with your last point.

308

309 Mr. Pychewicz: At this time we'll formally close the hearing for Re-zoning Application #ZON-21-01.

310

311 **RESOLUTION TO RECOMMEND APPROVAL OF ZONING APPLICATION #ZON-21-01 OF**
312 **NORTH FARMS CONDOMINIUMS LLC, WITH MODIFICATIONS.**

313

314 Motion by Mr. McNulty to recommend to the Board of Township Trustees (the "Board")

315 the conditional approval of Zoning Application #ZON-21-01 of North Farms Condominiums LLC, the

316 property owner, requesting the rezoning of 25.4 +/- acres from Single Family Planned Residential

317 District (SFPRD) to a Multi-Family Planned Residential District (MFPRD), upon finding that it is in the

318 interest of the public convenience, comfort, prosperity, or general welfare, and is sufficiently in

319 accordance with the comprehensive plan. The version of the application recommended to be approved

320 consists of those materials submitted by the applicant in a hard copy binder titled *The Reserve at North*

321 *Farms*, the pages of which are each stamped RECEIVED with ORANGE TWP. ZONING above and JAN

322 22 2021 superimposed by Orange Township Zoning, modified as reflected in the updated Development

323 Plan dated April 6, 2021 (collectively, the "Development Plan") and including modification listed below:

324 1. Add additional architectural features to side elevations

325 Further moved to recommend approval of the divergences requested by the applicant and

326 described in more detail in the Development Plan.

327 Further moved that the Zoning Secretary shall certify a copy of this resolution to the

328 Board.

329

330 Seconded by Mr. Pierce.

331

332 Vote on Motion: Mr. Pychewicz-no, Ms. Trebellas-no, Mr. McNulty-yes, Mr. Pierce-yes, Ms. Harris-yes

333

334 Motion carried

335

336 Ms. Boni: I'm seeing some comments on this application on the YouTube chat. Again, public comment

337 was closed for this hearing. This application will be sent to the Board of Trustees for their hearing, and

338 public comment will reopen then.

339

340 Meeting adjourned at 7:45 p.m.

341 Minutes prepared by Cindy Davis, Zoning Secretary

342

343