

## Zoning Commission

1 **Zoning Application #ZON-20-01**

September 1, 2020

2  
3 **Zoning Application #ZON-20-01, North Farms Development LLC.** Requesting to rezone one (1)  
4 parcel totaling 24.019 +/- acres from a Single Family Planned Residential (SFPRD) District to a  
5 Multi-Family Planned Residential (MFPRD) District. The area being amended is located at 5351  
6 North Road having parcel number 318-210-01-003-000.

7  
8 Roll Call: Adam Pychewicz, Todd Dove-absent, Dennis McNulty, Dustin Doherty

9  
10 Township Officials Present: Michele Boni, Planning and Zoning Director

11  
12 Ms. Boni: We received an email that Mr. Dove was not able to attend this evening.

13  
14 Mr. Pychewicz administered the oath to those wishing to speak this evening. When it is your turn to  
15 testify, please state your full name, address and affirm that you have been sworn in. Anyone who intends  
16 to offer comments or testimony through the online chat room also needs to be sworn in remotely. Before  
17 your initial comment, please type your name, address and "I affirm" to indicate that you've been sworn  
18 in. For those commenting tonight on line, for the sake of timing, if it's a redundant comment, we  
19 understand the opposition and people's opinions, so I ask that we keep to new comments and not be  
20 repetitive.

### 21 22 **MOTION TO RETURN FROM RECESS FOR ZONING APPLICATION #ZON-20-01**

23  
24 Motion made by Mr. McNulty to return from recess for Zoning Application #ZON-20-01, North Farms  
25 Development, LLC; seconded by Mr. Doherty.

26  
27 Vote on Motion: Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Doherty-yes

28 Motion carried

### 29 30 **APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS**

31  
32 Joe Thomas, Metro Development, 470 Olde Worthington Road, Westerville, Ohio 43082, and I have been  
33 sworn in. Last meeting with the Township we came away with some instructions on how to proceed and I  
34 just want to give the Board an overview of where we stand and where we were before. We have had  
35 additional conversations with the Delaware County Engineer's Office about additional access points for  
36 this development. We tried to get an access point on North Road. The additional access point was  
37 Shanahan Road but the County Engineer determined that turn lanes affected by an additional lane coming  
38 into this development would not have enough room in between North Road and the railroad tracks, so  
39 they declined to have an entrance at that location. However, we did propose a secondary entrance further  
40 on North Road which is indicated on the site plan where previously we were showing just one adjacent  
41 entrance that was opposing the existing North Farms entry, and now we're proposing two entry points to  
42 add to circulation through the development, and that's replacing a roadway connection onto North Road  
43 that was approved as an additional access point onto North Road. We also spoke with the engineer about  
44 Shanahan Road improvements. If this particular proposal is approved by the Township, we'll go into  
45 further negotiations with the County Engineer on engineering plans as well as construction timelines for  
46 improvements to Shanahan Road which is a widening from the railroad tracks to the existing improve-  
47 ments at 23, so this project will kick off those improvements. We also held a meeting in our development.  
48 We had a tent with tables and chairs, and put out a broadcast for the meeting. We had seven attendees,  
49 and we went over questions and comments that the neighbors had. Most questions circulated around the  
50 school and traffic impact. The site plan shown tonight shows what we previously proposed as far as the

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51 North Farms entryway and also the additional entryway. We have set our buildings back that were  
52 previously proposed closer to North Road and the North Farms residents to the west of us. We adjusted  
53 the site plan in some areas to gain a couple hundred feet additional that were opposed to before. Had slide  
54 of where we are as a regional plan with existing North Farms, our proposed development and Jennings  
55 Park which is still proposed to go forward, and is accepted in the development next to this site at the  
56 intersection of Shanahan and the railroad tracks. We've discussed the impact this development as  
57 proposed would have on the school district, and we did some research as it compares to the existing North  
58 Farms development as it stands right now to give an overview of how North Farms single family impacts  
59 the school district which we currently have from the schools. There's currently 183 students that they  
60 currently collect from the County \$1,439,313 in taxes. Tuition for those 183 students is approximately \$2  
61 million. The portion of property taxes allocated to the school revenue is roughly 69% of the actual tuition  
62 costs and in that portion of the \$2 million, the school would be allocated \$1,388,000 from property taxes,  
63 roughly 71% of those taxes go to the schools, so there is a negative standpoint of actual monies collected  
64 for taxes as opposed to actual cost of tuition to what the costs to the schools are, so there is -\$359,860 in  
65 just existing North Farms as it stands today. If the proposed development of 144 multi-family homes goes  
66 forward, the property taxes collected in this development is \$482,000 annually, there will be approxi-  
67 mately 22 students with a tuition of \$11,000 per student which is \$242,000, and a portion of that revenue  
68 for the actual tuition is again 69% of the property taxes, so that's \$166,980, and 71-1/2% of the property  
69 taxes go to the school district, so that's \$345,000, a net gain by the school district for multi-family  
70 development in this area of \$178,244. To go forward with single family homes on this site being at an  
71 average of 1 student per household would roughly make up a cost to the school district of \$473,000 with a  
72 collected tax of \$199,000, so they would need \$326,000. The distribution of this site if single family  
73 would have a distribution of \$142,000 to the school district and that would be a deficit of roughly  
74 \$182,651. I just wanted to give an overlay of where this net positive benefit from a single family versus  
75 multi-family goes forward on the North Farms development as proposed. That's essentially what we have  
76 this evening as far as our updates as far as the development goes. We've been trying to work consistently  
77 with the neighbors. We haven't really come to any kind of consensus on what we can move forward with  
78 with a multi-family development, but we have consistently adjusted our property as it is opposed to the  
79 neighbors across the street, adding additional distance between the buildings, additional mounding,  
80 additional screening. We believe the additional driveway, additional street connections to North Road will  
81 add additional circulation so there won't be a consistent tie up of the North Farms entry points, so there  
82 will be an adjacent driveway for our residents to enter and exit that won't compete directly with the  
83 existing North Farm development at that entry on North Road. We're willing to develop this site that adds  
84 a net benefit to the school district, to put our money into area improvements which includes Shanahan  
85 Road and to not only put in our money but we're willing to construct those improvements working with  
86 Berlin and Orange Townships and Delaware County. We believe this is a very low impact development  
87 as far as multi-family goes with the proposed densities, so I look forward to any questions or comments  
88 you have.

89  
90 Mr. McNulty: I love what you did with the roads and the Delaware County Engineer. I think the two  
91 entrances/exits on North Road are much better than anything on Shanahan because that was going to be a  
92 left hand turn nightmare, so I think this is a huge improvement. I also like the fact that you moved  
93 everything back. If all the trees and landscaping go in as on the drawing, I think it'll be beautiful and I  
94 think it will work very well. I also think it's one of the best uses of the property next to the railroad tracks  
95 and with all due respect to Jennings field, I think this would have been a very difficult sell for any kind of  
96 higher end or even medium quality single family homes. I appreciate all the work you've done and I think  
97 the improvements are absolutely excellent as you have adjusted this as you've gone along.

98  
99 Mr. Pychewicz: We can turn it to public comments if we're receiving any.

100

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101 Ms. Boni: We are receiving a few. Some residents were concerned on not being contacted for the in  
102 person meeting you had and there were some residents who chose not to go to the meeting. Were you able  
103 to contact all the North Farm residents?  
104

105 Mr. Thomas: We took your list, Michele, with contact names and emails, and emailed every individual on  
106 that list as well as contacted the area Association which is Associa and put on all the information for not  
107 only the North Farms residents but also the Weeping Rock residents on their information blast which is  
108 called Houseware, and that town square gives the ability for each resident to get updates of area concerns,  
109 so we thought the best use of resources was those two different venues. We sent it out a couple times,  
110 reminding people of the date and time, the tent was out there for a few days prior so it was pretty  
111 pronounced about the meeting location, and we did have residents attend but I'm not saying we can't hold  
112 additional meetings with area residents. We've been developing in Orange Township as well as Delaware  
113 County for some years and have a long standing history of developing well and developing in the area. I  
114 can be available to meet at someone's house to explain or they can come to our office for discussions.  
115

116 Ms. Boni: We just wanted to clarify that for the record. I'm trying not to state any of the repetitive  
117 comments, but the continuous one is the number counts with the school district. There are individuals that  
118 are still having concerns with that.  
119

120 Steve Cuckler: Mark Raif, the Superintendent, is on a Zoom call and he might be able to address at least  
121 some of those questions folks have.  
122

123 Mark Raif, 8576 Bluestone Way, Lewis Center, Ohio 43035, and I affirm that I did swear in. I get brought  
124 into a lot of these zoning conversations; obviously the impact on the schools is something we are always  
125 mindful of, the impact of any type of development and whether it has a negative or positive impact on our  
126 school district. The discussion usually centers around when there are multi-family developments because  
127 the perception is that the multi-family developments have significantly larger portions of school age  
128 children than single family developments, and the reality is it is just not true. Our yield from all multi-  
129 family developments is significantly lower than the single family developments. Through a public records  
130 request I provided information to Joe and Steve about what our typical yields are. We publish that  
131 information frequently as we work with our development committee on planning our future school needs.  
132 During the last school levy operating cycle I did an analysis of every single multi-family housing  
133 development in our district, what comes from that multi-family development and the tax yield, and the  
134 multi-family development, especially the newer ones coming on line are significantly higher in value and  
135 yield more tax dollars per student than the single family developments. Just because it's an easy example,  
136 801 Polaris at Old State and Polaris, and it's a different development than what Joe is proposing, is a  
137 development that yields 8 students and we get about \$500,000 in property taxes from that development,  
138 so that's \$40,000 per student. The average single family residence priced at an average of \$360,000 yields  
139 about \$6,500 per student, so it takes the average resident about 23 years to live in their home to pay for  
140 the education of one child for us at \$11,000 per pupil which is still significantly lower than any district  
141 that's like us in Central Ohio, so unless the ground stays barren with no development on it, the financial  
142 impact to the district of the development proposed by Metro is better for us than if it were 43 single  
143 family homes; we'd get more tax revenue per pupil coming out of that. Typical apartment multi-family  
144 complexes in our district are starter residences for our residents. They may have young children, maybe  
145 not school age, but by the time they get into school, they're moving into single family homes, so the  
146 people are moving into these developments for our school district just like people moving into single  
147 family homes. We've worked with Metro and just recently they donated the land for our 16<sup>th</sup> elementary  
148 school, so we are appreciative of the work they do. My experience with Metro is if they say they're going  
149 to do something, they do it, and they do it right. I live in Olentangy Crossing which is a Metro develop-  
150 ment and I'm very happy with the product. I concur with the financial information they put on the table  
151 for you regarding the impact on the schools.

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152 Mr. Pychewicz: Was there anything else, Michele, that wasn't repetitive on the public side of things?  
153

154 Ms. Boni: Not really. Most of the residents' concerns are for the development; they wish it was single  
155 family, they're concerned about students and the school district and traffic, nothing new. I want to  
156 reiterate that if we're not able to address some concerns you had, they were addressed in prior hearings  
157 and those are still on our YouTube channel that you can watch. Also, the comments sent in on YouTube  
158 chat, if we're not addressing them fully this evening, I will pass these on to the Board of Trustees as that's  
159 the next step for this application.  
160

161 Mr. Doherty: I like the layout and the way they positioned it with the two access drives and tie-in to the  
162 south, the multi-purpose trail being proposed and I agree with the previous comments.  
163

164 Mr. Pychewicz: I get the reasoning for the second entrance and access and think that will help for overall  
165 circulation onto the property but, and I'm not sure if it's even a possibility, you have the parking garage  
166 where you had to break the landscape, mounding and buffering so you now have visibility straight to  
167 garage doors. It would be appreciated, it's not a Code issue, if you shift those out of that sight line so you  
168 have visualization to the patio gathering space and green space area because there's a sight line that goes  
169 through there that seems to be disrupted by two garages.  
170

171 Mr. Thomas: I concur that it would be a much better use of property to keep that sight line into the green  
172 area rather than into the garage building, so we will address that prior to the next meeting.  
173

174 Ms. Boni: We can always add this as a stipulation for additional screening. Is the applicant okay to reduce  
175 the sight line distance of the garage doors?  
176

177 Mr. Pychewicz: Maybe we could say relocate proposed six car enclosed garages to outside the visibility  
178 line at the new access, and it sounds like Joe is willing to move those.  
179

180 Mr. Thomas: Correct. We will find a separate location and we will not have parking in that area as well so  
181 the sight line will be directly into the green area as opposed to the back side of a parking field.  
182

183 Mr. Pychewicz: With that second entrance, is the Fire Department still requiring that emergency access  
184 drive and turnaround on the south side of the property going into that single family?  
185

186 Mr. Thomas: We can leave that contingent upon the review of the final engineering plans by Orange  
187 Township Fire Department that it's absolutely necessary. We usually abide by their recommendations  
188 even after the zoning has been completed and there's additional recommendations by the Fire Depart-  
189 ment. We were concerned that we do not need two access points on North Road on this development but  
190 with the single family as it's currently being constructed, will they need an additional access point in the  
191 future for if there is an entryway problem at their current location? So that's why it's there.  
192

193 Mr. Pychewicz: If there's nothing else from either the public or the Board; we don't need to run through  
194 any of these letters, correct?  
195

196 Ms. Boni: I'll just reiterate that all the emails and letters we received from the residents were forwarded  
197 on to the Zoning Commission members and I'd like to revisit the stipulations. If they are relocating the  
198 garages, I'd like to have language in the recommendation so we know what to expect once it gets to the  
199 Trustees' hearing. If the Commission does decide to make a recommendation of approval, we have  
200 drafted a list of four stipulations, and we're working on the fifth one, and I believe these four stipulations  
201 were clarified and corrected between our counsel and the applicant's counsel, so I believe everyone is on  
202 the same page but, at least for the applicant's sake, let us know.

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203 Jill Tangeman, Vorys, Sater, Seymour & Pease, 52 E. Gay Street, Columbus, Ohio 43215, the last  
204 stipulations we reviewed that Joe sent to me at about 6:45, those were acceptable.

205

206 Ms. Boni: And that was that version shown?

207

208 Ms. Tangeman: Yes.

209

210 Mr. Pychewicz: For the stipulation on garages, we could say relocate the two garage structures directly  
211 visible from the second entry or the southernmost entry portion of the lot.

212

213 Ms. Boni: Is the language on the fifth stipulation acceptable to the applicant?

214

215 Mr. Thomas: That is acceptable to the applicant.

216

217 Ms. Boni: I was just going through the comments again and there is strong opposition against the  
218 application from most the residents, if not all of them, that they've been submitting on the chat room. I  
219 ask the Chair to close the public comment now to move forward with the recommendation.

220

221 Mr. Pychewicz: Yes, we can close the public comment.

222

223 **RESOLUTION TO RECOMMEND CONDITIONAL APPROVAL OF ZONING APPLICATION**  
224 **#ZON-20-01 OF NORTH FARMS DEVELOPMENT LLC, WITH STIPULATIONS.**

225

226 Motion by Mr. McNulty to recommend to the Board of Township Trustees (the "Board")  
227 the conditional approval of Zoning Application #ZON-20-01 of North Farms Development LLC, the  
228 property owner, requesting the rezoning of 25.4 +/- acres from Single Family Planned Residential  
229 District (SFPRD) to a Multi-Family Planned Residential District (MFPRD), upon finding that it is in the  
230 interest of the public convenience, comfort, prosperity, or general welfare, and is sufficiently in  
231 accordance with the comprehensive plan. The version of the application to be approved consists of those  
232 materials submitted by the applicant in a hard copy binder titled *The Reserve at North Farms*, the pages of  
233 which are each stamped RECEIVED with ORANGE TWP. ZONING above and AUG 17 2020  
234 superimposed by Orange Township Zoning (collectively, the "Development Plan"), as modified by the  
235 stipulations listed for correction/modification in the *Statement of Stipulations* attached hereto as  
236 Attachment "A" and incorporated herein by reference, all of which stipulations have been agreed to by  
237 the owner/applicant.

238 Further moved that this recommendation is conditioned upon the applicant's submittal of  
239 a final revision of the Development Plan reflecting compliance with all items set forth in the *Statement of*  
240 *Stipulations* prior to the consideration of this application by the Board, and if that submittal does not fully  
241 comply with the same, the recommendation of this Zoning Commission is denial of Zoning Application  
242 #ZON-20-01 of North Farms Development LLC.

243 Further moved that the Zoning Secretary shall certify a copy of this resolution to the Board.

244

245 Motion seconded by Mr. Doherty

246

247 Mr. Pychewicz: I appreciate your thoroughness and determination. In this entire process you have been  
248 very flexible in addressing anything from the Board and some of the residents, addressing their concerns  
249 and making those changes. I'm familiar with your types of properties and you do a great job, and I have  
250 no concerns about quality of your properties, but with all the opposition that we're facing from the single  
251 family as well as our Comprehensive Plan of this being single family for this particular property, I'm  
252 going to have to vote no.

253

## Zoning Commission

254 Vote on Motion: Mr. Pychewicz-No, Mr. McNulty–Yes, Mr. Doherty–Yes  
255 Motion carried

256  
257  
258

Attachment A

259

### STATEMENT OF STIPULATIONS

260 **Re: #ZON-20-01 of North Farms Development LLC, requesting the rezoning of 25.4 +/- acres from**  
261 **Farm Residential District (FR-1) to a Multi-Family Planned Residential District (MFPRD).**

262

263 1) Included in the submittal to the Trustees shall be an updated affidavit certifying the truth and  
264 accuracy of the revised August 17, 2020 application submittal that has been executed by the applicant  
265 and property owner.

266

267 2) In the submittal to the Trustees, the applicant shall include language to the text of the  
268 pending application to reflect an additional zoning change requesting that the subject  
269 property be removed from the existing SFPRD.

270

271 3) Included in the submittal to the Trustees shall be a final form of the condominium declaration that the  
272 Township has reviewed and approved.

273

274 4) In the submittal to the Trustees, the exhibit references throughout the document shall be corrected to  
275 accurately correspond with the actual exhibit labels and only one exhibit table shall be included.

276

277 5) In the submittal to the Trustees, amend all necessary exhibits to relocate garage structures directly  
278 visible to southern entry.

279

280 Ms. Boni: For the residents concerned, just for procedural, we do always do a draft of a recommendation  
281 of approval and a recommendation of denial; the Commission just decided to move forward with the  
282 recommendation of approval. We encourage the applicant to continue having conversations with the  
283 residents as next it will go to the Trustees for a hearing.

284

285 Meeting adjourned at 7:45 p.m.

286 Minutes prepared by Cindy Davis, Zoning Secretary

287

288 At their October 27, 2020 meeting, Mr. Pychewicz made a motion to approve the minutes of the Orange  
289 Township Zoning Commission dated September 1, 2020 for Zoning Application #ZON-20-01, North  
290 Farms Development, LLC, with the following corrections:

291

- 292 • Line 17: “t” should read “that”
- 293 • Lines 34 and 58: “overlay” should read “overview”
- 294 • Line 217: “ion” should read “on”

295

296 Seconded by Mr. McNulty

297

298 Vote on Motion: Mr. Pychewicz-yes, Mr. McNulty-yes, Ms. Trebellas-yes, Mr. Dove-yes, Ms. Ault-yes  
299 Motion carried

300