

Zoning Commission

1 Zoning Application #'s ZON-19-05 & ZON-19-06 January 7, 2020

LEGAL NOTICE

Notice is hereby given that the Orange Township Zoning Commission will hold a public hearing on Tuesday, January 7, 2020 at 7:00 p.m. to consider the following application:

Zoning Application #ZON-19-05, Epcon Lewis Center, LLC. The application is an amendment to the currently effective zoning development plan for +/- 23.3 acres within the Lewis Center Ravines Single Family Planned Residential (SFPRD) District, approved under applications #ZON-17-09 of CCBI Lewis Center, LLC. The area being amended is located at 374, 390, 426 and 544 Lewis Center Road, Lewis Center OH 43035 having parcel numbers 318-220-04-011-000, 318-220-04-010-000, 18-220-04-009-000 and 318-220-04-008-000.

Zoning Application #ZON-19-06, Epcon Clear Creek, LLC. The application is an amendment to the currently effective zoning development plan for +/- 49.8 acres within the Courtyards at Clear Creek Single Family Planned Residential (SFPRD) District, approved under applications #ZON-18-02 of Epcon Communities.

After the conclusion of the hearing, the matter will be submitted to the Orange Township Board of Township Trustees for its action.

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

The text and maps of the proposed amendments will be available for examination for a period of at least 10 days prior to the hearing at the Orange Township Zoning Office, 1680 East Orange Road, Lewis Center, Ohio 43035. Zoning Office hours are Monday through Friday, 8 a.m. to 4:30 p.m., except legal holidays.

Michele Boni, Planning and Zoning Director is the person responsible for giving notice of the hearing by publication.

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

Publish one time on or before Saturday, December 28, 2019 in the Delaware Gazette.

Roll: Mark Duell, Christine Trebellas, Dennis McNulty, Adam Pychewicz, Dustin Doherty

Mr. Duell: This is our first meeting of the year, so we have to have our election for Chair and Vice-Chair.

**MOTION TO ELECT CHAIR OF THE ORANGE TOWNSHIP ZONING COMMISSION FOR
2020**

Zoning Commission

48 Ms. Trebellas made a motion to elect Mark Duell Chair of the Orange Township Zoning Commission for
49 2020; seconded by Mr. McNulty.

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51 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Pychewicz-yes, Mr. Doherty-
52 yes
53 Motion carried

MOTION TO ELECT VICE-CHAIR OF THE ORANGE TOWNSHIP ZONING COMMISSION FOR 2020

54
55 Ms. Trebellas made a motion to elect Adam Pychewicz Vice-Chair of the Orange Township Zoning
56 Commission for 2020; seconded by Mr. Pychewicz.

57
58 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Pychewicz-yes, Mr. Doherty-
59 yes
60 Motion carried

61 **Zoning Application #ZON-19-05, Epcon Lewis Center, LLC.** The application is an
62 amendment to the currently effective zoning development plan for +/- 23.3 acres within the
63 Lewis Center Ravines Single Family Planned Residential (SFPRD) District, approved under
64 applications #ZON-17-09 of CCBI Lewis Center, LLC. The area being amended is located at
65 374, 390, 426 and 544 Lewis Center Road, Lewis Center OH 43035 having parcel numbers 318-
66 220-04-011-000, 318-220-04-010-000, 18-220-04-009-000 and 318-220-04-008-000.

67
68 Ms. Boni read the Legal Notice for Zoning Application #ZON-19-05. We received an email from
69 Delaware County Regional Planning that they are not going to review these applications.

70 Mr. Duell: The text that was proposed to be amended that was submitted was the incorrect text and there
71 were changes made by the Trustees in their approval that I had not seen, and still have not seen, don't
72 know what they are and am hard pressed to even review this tonight. I can give you comments on the
73 encroachments into the setbacks, but I don't think we can approve it tonight because I don't know what
74 the Trustees said previously, if they even brought up the issue; I have no idea.

APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS

75 Tom Hart, 2 Miranova Place, Columbus, Ohio, representing applicant. Also with me from Epcon is Joel
76 Rhoades. I appreciate Mr. Duell's comment, and I want everybody to know it was my responsibility to
77 get the right text and I didn't; I apologize for that and I understand your point. I have since gotten the
78 correct text from Staff, and we would like to walk through our reasoning to get a sense of the
79 Commission. Epcon's in a bit of a tough spot with the launch of two communities without a sales
80 presence on the site for this one and the next case, so we ask your indulgence to briefly walk through our
81 reasoning and then possibly get on the next scheduled Commission meeting. To have a sales presence on
82 site will help the community sell out as quickly as possible and limit construction occurring, and that's
83 what we're trying to do. We're asking for two changes to the SFPRD zoning that's in place at The
84 Ravines of Lewis Center. One is to allow concrete patios to encroach into the space between units. It is
85 interpreted for the Code to allow paver patios to so encroach, but not concrete patios, and the company
86 would like to offer to its buyers pavers as well as concrete slab patios. The second change is to allow a
87 sales office to be a part of the community clubhouse that is already approved on this site. Epcon operates
88 six other communities in Orange Township, most approved as multi-family PRD's. This site was zoned
89 by another developer, and it is an SFPRD. The SFPRD Code does not explicitly allow a sales office to be
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Zoning Commission

98 in a clubhouse in that zoning district whereas a multi-family PRD Code chapter specifically does. Since
99 the company bought this from another applicant, it wasn't immediately on the radar that that applicant
100 who took it through didn't ask for that sales function in the clubhouse. Since Epcon had previously done
101 four other MFPRD's where the sales function was allowed in the clubhouse, it was an oversight that when
102 they bought the property from the other developer, having not gone through the zoning process with them,
103 it was missed. The next case we'll talk about is Clear Creek, and that's an SFPRD and that's an example
104 where we specifically asked to have the sales office in the clubhouse, and it was granted, both here and at
105 the Trustee level. Those are the two issues. We can talk a lot about why it makes sense in terms of traffic,
106 having consistent uses. To us, the sales office is consistent with a clubhouse use because they're both
107 somewhat commercial type uses, they're both gathering places. The company has operated since the early
108 2000's in the Township by having this function all in one place rather than sending people to a model in a
109 different part of a community. So those are the two requests for the amendment to this SFPRD.
110

111 Mr. Duell: Is there currently a restriction that the pavers are only on the side facing another building that
112 has no windows?

113
114 Joel Rhoades, Epcon Communities, 500 Stonehenge Parkway, Dublin, Ohio, there is a courtyard on one
115 side of every home and that courtyard can be finished in a number of ways, with different landscaping
116 and different park scapes as well. We were not aware of the difference in the Orange Township Code as
117 far as allowing a paver courtyard to encroach beyond the building but not allowing a concrete courtyard
118 to encroach beyond the building. That courtyard is on one side of the home adjacent to the next home.
119 The next home would not have windows or doors in that wall with one exception. One of the models has
120 some transom windows and a den, but there's no view or access to the adjacent courtyard.
121

122 Mr. Duell: Because the request doesn't specifically state that at that location, I wouldn't want to see an
123 encroachment on the other side where they were basically shaking hands.

124
125 Mr. McCarthy: Mr. Rhoades, would it be possible to draft it that the exception you're applying for applies
126 only in the case where there is a single encroachment with a blank wall on the other side, and that would
127 be the only exception?

128
129 Mr. Rhoades: I was perplexed why a paver patio could be there but a concrete patio could not be.
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131 Mr. Duell: I think it's just the permanency. It's been the interpretation of the Zoning Office.
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133 Ms. Trebellas: I think it's the structure that's involved with a concrete patio, potential rebar, etc. that it's
134 permanent versus a paver. You put the bed down, put pavers down, put in polymeric sand grout; not
135 really removable, but not as permanent as the concrete. My concern was the same as Mr. Duell's, and if
136 you could put it in the text, I don't want someone sitting in their breakfast room looking out their window
137 and hearing their neighbor on their patio.
138

139 Mr. Rhoades: But you're okay if they're on a paver patio?
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141 Ms. Trebellas: I'm worried about the encroachment in general because in one case you have 13', in
142 another you have 10', you're encroaching 4', that leaves 6' between potentially your neighbors having
143 coffee on their patio and you in your living room. If you have a window, you will definitely hear them. So
144 as long as you make sure there's no doors, no windows except a high transom so that you're not watching
145 your neighbors on their patio while you're in your house.
146

Zoning Commission

147 Mr. Duell: This was not a product that was contemplated there, and this is a site with a very checkered
148 history before this body. As far as the sales office goes, I noted it was there, there was no sunset provision
149 for it.

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151 Mr. Hart: We didn't write a sunset provision because the Code generally has a provision that terminates
152 sales at 90%.

153
154 Mr. McCarthy: That would be if this fell into the model home category. In this case, and Mr. Hart and I
155 spoke about this earlier, I think it was his feeling that it would probably be good for everybody if the use
156 could extend until the last unit was sold at which point the sales office would go away.

157
158 Mr. Hart: Yes.

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160 Mr. Duell: And those are the only two items I think you tried to change.

161
162 Mr. Rhoades: That's right.

163
164 Mr. Duell: Again, I don't know if there's any impact to what the Trustees changed in the last zoning; I
165 have not seen it.

166
167 Ms. Trebellas: The sales office generally in single family, you have a model home, you have hours of
168 operation, there didn't seem to be any hours of operation. Usually people don't like to have them Sunday
169 mornings or late at night.

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171 Mr. Rhoades: We would agree to that.

172
173 Ms. Trebellas: If you could do something so it's not 8:00 a.m. on Sunday morning where people might
174 not like the traffic. There didn't seem to be a lot of parking by the clubhouse; I think there's four spots.
175 Usually there's more required for model homes, and if you're going to have not only potential buyers but
176 also staff, I was concerned about what you were going to do with parking. I'm concerned there won't be
177 enough parking for staff, potential buyers and residents who want to use the clubhouse. Residents could
178 walk; however, I don't know how big your sales operations are, but usually we require six parking spots
179 for a model home.

180
181 Mr. Rhoades: And there are six spots.

182
183 Ms. Trebellas: That's not in the text, so you might want to mention that there are enough spots. I thought
184 there were only four at the clubhouse; maybe it changed.

185
186 Mr. Hart: We have a final approved development plan, and it is six.

187
188 Ms. Trebellas: Make sure that is in the Zoning Text. Right now there's a provision in the Zoning Text for
189 model homes as a Conditional Use to have a sales office, so are you going to keep that provision, remove
190 it, have sales in the model home and in your clubhouse, or just one or the other, which is what I would
191 prefer, but I don't feel strongly either way.

192
193 Mr. Rhoades: Our typical practice everywhere we build in Orange Township is a model home that serves
194 only as a model home and have a sales office in the clubhouse; we don't have two sales offices.

195
196 Ms. Trebellas: Maybe that could be clarified with the most current Zoning Text of just having the sales
197 office in the clubhouse and not in the model home.

Zoning Commission

- 198 Mr. Rhoades: That's fine.
- 199
- 200 Mr. Hart: Just to run back, clarify six spots at the clubhouse for parking; there's no sales function in the
201 model home, just in the clubhouse; the extension of the sales function in the clubhouse would go until the
202 last unit is sold; and hours of operation will be the model home operation in the Code which is 9:00 p.m.
203 during the spring, summer and fall; prior to 8:00 p.m. in the winter and not before noon on Sunday. I
204 believe that is what is mirrored in the MFPRD which is what we would be governed by in every other
205 case that we have.
- 206
- 207 Ms. Trebellas: I would prefer to have the provisions in the text just to be on the safe side.
- 208
- 209 Mr. McNulty: Are there any additional signs or anything else?
- 210
- 211 Mr. Hart: This eliminates the need for a sign to drag people to a separate office through the community,
212 eliminates that traffic because the sales function is in the same place where everything else is going.
- 213
- 214 Mr. McNulty: How much of the clubhouse would your sales office occupy?
- 215
- 216 Mr. Rhoades: We have a couple different clubhouses based on the size of the neighborhood, so the
217 clubhouse at the Ravines is smaller than the clubhouse at Clear Creek, but each sales office is built to
218 have an office that varies in size and configuration. That's where the sales person is and where they meet
219 with potential customers. The rest of the clubhouse would be a large lounge, kitchen area, exercise room,
220 restrooms and an exterior pool. The office is used by the sales people during the course of initial build
221 out, and then when we turn over the clubhouse to the residents, what it's used for depends on the
222 Association. Sometimes it's used as a library, sometimes a craft room, sometimes a card room. But
223 there's just one room in the clubhouse where they're permitted to work in.
- 224
- 225 Mr. Hart: Epcon has operated this way in Riverbend, Maple Creek, North Falls, Hidden Ravines, and we
226 were approved this way at Clear Creek within the SFPRD.
- 227
- 228 Mr. McNulty: I know you've done lots of building in Orange Township, so you've used this before with
229 success for everybody with your current residents and sales function?
- 230
- 231 Mr. Hart: Yes.
- 232
- 233 Mr. Duell: How long would it take for you to come up with a new submission?
- 234
- 235 Mr. Hart: Based on Michele's efficiency, she's already gotten us what we need.
- 236
- 237 Mr. Duell: How much time would you need to review that?
- 238
- 239 Mr. McCarthy: Probably about one or two hours. The bigger thing is what we've discussed in terms of
240 stipulations here. I gave Michele the resolution; incorporate the resolution into that text.
- 241
- 242 Mr. Hart: The Trustee book?
- 243
- 244 Mr. McCarthy: The Trustee stipulations into the book never made the trip and that's basically what the
245 problem is. Just make sure that gets incorporated in there, and the other is simply a matter of updating to
246 the version that was in the end brought forward, and I think that will be what takes half the time. The rest
247 will just be looking at your notes and going from there. If we're going to throw in a motion on both, that's
248 three to four hours because the resolution takes little time to put together.

Zoning Commission

249 Ms. Trebellas: In your narrative explanation, you used the term paver patios and concrete pavers; I
250 assume you mean paver patios and concrete pads?

251
252 Mr. Hart: That's correct.

253
254 Ms. Trebellas: Please change that because a paver could be of any material, stone, concrete, whatever, so
255 in your explanation, clarify a paver patio and a concrete pad. Make sure your narrative reflects that to
256 eliminate confusion.

257
258 Mr. McCarthy: The only issues I could perceive have been addressed and make sure the Trustees'
259 changes make it into the draft preferably before you make your edits and in both cases, the use of the
260 different text will give you certain choices to make that were not present in what we've got now.

261
262 Mr. Hart: My understanding was that the Commission has the authority to approve these amendments to
263 the PRD or does it have to go to the Trustees?

264
265 Mr. McCarthy: There will be a recommendation made here that will go to the Trustees, 10 day notice,
266 Trustees take their action, 30 day referendum period.

267
268 Mr. Rhoades: Obviously a week or two doesn't matter unless that kicks us out greater than a month and
269 we miss a deadline with the Trustees.

270
271 Mr. McCarthy: The 21st is the next scheduled session of the Trustees, so you'd miss that.

272
273 Ms. Boni: If we don't get it before the 21st.

274
275 Mr. McCarthy: The next one after that is February 3rd, next one after that is the 18th of February, so those
276 are those benchmarks.

277
278 Mr. Rhoades: After the Commission acts on this, there would be a minimum of 10 days before it could go
279 before the Trustees.

280
281 Ms. Boni: I would have to ask the Trustees to schedule the hearing at their next meeting, so if we're
282 missing the 21st, I would probably ask the Trustees on February 3rd to schedule that meeting, so the 18th
283 would be your hearing date.

284
285 Mr. Hart: Mr. Chairman, we're happy to be here very late, following Evans Farm or any other case.

286
287 Mr. Duell: I'm not sure we want to do that because the last time we had Evans Farm, I thought it was
288 going to be quick and easy, and it ended up being 2-1/2 hours. I just never know what to expect on that
289 one, and the other one is new, so it's a first time hearing.

290
291 Mr. McCarthy: On the 16th, if that would be acceptable to folks, the only thing scheduled is a variance
292 request by Epcon. If we tabled that, we could move forward with this that evening and accelerate the
293 calendar in that manner and hopefully pick up some time.

294
295 Mr. Hart: That's the BZA hearing; these guys have two other hearings that week, correct?

296
297 Ms. Boni: We have to have the BZA hearing but we could have it in the other room if that's available.
298

Zoning Commission

299 Mr. McCarthy: I'll leave that to the Commission. At this point I think it would be verify the text, verify
300 the stipulations.

301
302 Mr. Duell: It should be short; can you do the 16th?

303
304 Mr. McCarthy: Would you be willing to table that?

305
306 Mr. Hart: Yes.

PUBLIC COMMENT

310 None

MOTION TO TABLE ZONING APPLICATION #ZON-19-05

314 Ms. Trebellas made a motion to table Zoning Application #ZON-19-05, Epcon Lewis Center, LLC, until
315 Thursday, January 16, 2020, at 7:00 p.m. at Orange Township Hall; seconded by Mr. McNulty.

317 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Doherty-
318 yes

319 Motion carried

320
321 Meeting continued with Zoning Application #ZON-19-06

322
323 Minutes prepared by Cindy Davis, Zoning Secretary

324
325 On January 28, 2020, Ms. Trebellas made a motion to approve the January 7, 2020 minutes of the Orange
326 Township Zoning Commission for Zoning Application #ZON-19-05, Epcon Lewis Center, LLC, with the
327 following corrections:

- 328
- 329 • Line 38: "Dennis Doherty" should read "Dustin Doherty"
 - 330 • Line 84: "knowsit" should read "know it"
 - 331 • Line 135: "put" should read "but"
 - 332 • Line 176: "oncerned" should read "concerned"

333
334 Seconded by Mr. McNulty

335
336 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Doherty-
337 yes

338
339 Motion carried

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Zoning Commission

1 **Zoning Application #ZON-19-06**

January 7, 2020

4 **LEGAL NOTICE**

5 Notice is hereby given that the Orange Township Zoning Commission will hold a public hearing
6 on Tuesday, January 7, 2020 at 7:00 p.m. to consider the following application:

7 **Zoning Application #ZON-19-06, Epcon Clear Creek, LLC.** The application is an
8 amendment to the currently effective zoning development plan for +/- 49.8 acres within the
9 Courtyards at Clear Creek Single Family Planned Residential (SFPRD) District, approved under
10 applications #ZON-18-02 of Epcon Communities.

12 Ms. Boni read the Legal Notice for Zoning Application #ZON-19-06.

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

17 Mr. Hart: This is a mirror; it doesn't have the clubhouse/sales office problem, but the patio issue.

19 Mr. Duell: And we also have the wrong text.

21 Mr. Hart: Yes, we do. I would stipulate that some of the items we just agreed to on the mirror case, to
22 make sure it's on one side, that there's a blank wall facing it, make sure we're clear that we're allowing a
23 concrete slab and not just pavers.

25 Mr. McCarthy: Yes, the idea of limiting it solely to the situation where there's a blank wall opposite.

27 Ms. Trebellas: And clarify in the language that it's a concrete pad and concrete slab versus a paver so
28 there's no confusion.

30 Mr. Duell: That was the only proposed change, right?

32 Mr. McCarthy: Yes; everything else was the sales office.

34 Mr. Hart: We wrote that in in the process, and we're comfortable with it now. I think the Code covers the
35 hours of operation and things like that; we'll make sure we have the same thing in that one.

37 Mr. Duell: I don't see a need to add anything here to what was already approved; stick with what you
38 need to change.

40 **PUBLIC COMMENT**

42 Russ Hill, 286 Home Road, I get the impression there is no opposition to these changes if all the changes
43 are made, so it seems to me it's kind of a done deal.

45 Mr. Duell: The only change is a concrete slab can go into the side yard where pavers already can. That's
46 the only change.

48 Ms. Boni: All the other standards will stay the same.

50 Mr. Hill: That's not going to set a precedent?

Zoning Commission

51 Mr. Duell: No, it's just that one little change to allow a concrete slab because the Zoning Office considers
52 a concrete slab a permanent structure whereas a paver patio is not.

53
54 Ms. Trebellas: I doubt you all will even notice a difference.

MOTION TO TABLE ZONING APPLICATION #ZON-19-06

55
56 Mr. Pychewicz made a motion to table Zoning Application #ZON-19-06, Epcon Clear Creek, LLC, until
57 Thursday, January 16, 2020, at 7:00 p.m. at Orange Township Hall; seconded by Ms. Trebellas.

58
59 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Doherty-
60 yes

61 Motion carried

62
63 Meeting adjourned at 7:40 p.m.

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65 Minutes prepared by Cindy Davis, Zoning Secretary

66
67 On January 28, 2020, Ms. Trebellas made a motion to approve the January 7, 2020 minutes of the Orange
68 Township Zoning Commission for Zoning Application #ZON-19-06, Epcon Clear Creek as written;
69 seconded by Mr. McNulty.

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71 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Doherty-
72 yes

73 Motion carried

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