

Zoning Commission

Rezoning Application #ZON-19-01

August 6, 2019

Rezoning Application #ZON-19-01, Porshi Development LLC. Requesting to rezone one parcel totaling 11.24 +/- acres from a Farm Residential (FR-1) District to a Single Family Planned Residential (SFPRD) District to be known as Porshi. The subject property is currently owned by Porshi Development LLC. The area being rezoned from FR-1 to SFPRD is located at 7338 South Old State Road, Lewis Center OH 43035 having parcel number 318- 240-01-030-000.

Mr. Duell called the meeting to order at 7:00 p.m.

Roll: Mark Duell, Christine Trebellas, Dennis McNulty, Adam Pychewicz, Barrett Ault

Township Officials Present: Michael McCarthy Legal Counsel
Michele Boni Planning & Zoning Director

MOTION TO RETURN FROM RECESS FOR REZONING APPLICATION #ZON-19-01

Ms. Trebellas made a motion to return from recess for Rezoning Application #ZON-19-01, Porshi Development, LLC; seconded by Mr. McNulty.

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

Mr. Duell: We have a new submittal if the applicant or the applicant's representative would like to make a brief statement or presentation about what we have here.

APPLICANT PRESENTATION & COMMISSION QUESTIONS/COMMENTS

Sara Radcliffe with the firm Kephart Fisher, 207 N. Fourth Street, Columbus, Ohio 43215, representing developer. We've taken the Commission's comments from the last meeting and incorporated them into this new development plan, getting rid of three lots, rearranging everything to fit; increasing the size of the detention pond by 50%; went through your comments one by one and did our best to accommodate.

Mr. Duell: There's still a divergence request on density?

Ms. Radcliffe: Yes, we did have to go up. As we mentioned last meeting, after the property owner acquired property, it was brought to their attention that the County needed to take a bit of the property for right-of-way, so that decreased the size of the property. We had to make adjustments accordingly, so we're asking for a divergence to gross density to 2.07. We also got rid of three lots, so to make everything fit and with that dedication taken, we think that would be an appropriate request.

Mr. Duell: While I wasn't at the last subsistent meeting, I did have comments and I believe my comments were pretty clear; no divergences, period, so that one's a deal breaker for me.

Ms. Trebellas: You said you asked for a divergence for density but it appeared to me you're taking more divergences than you were requesting. For example, generally the width of the drawing of a lot where the building line is is supposed to be 75'. It's allowed to be 60' at the street frontage and that would accommodate your pie shaped lot, but it appeared that some of your rectangular lots are 60' wide but that would be a divergence; you've lost 15'.

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50 Ms. Radcliffe: Which lot are you talking about?

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52 Ms. Trebellas: It looks like Lots 3 and 4, you even say 60' between property lines on your site plan.

53

54 Mr. McCarthy: I noted the same note, and I think your comment was that that would be a divergence if
55 that was permitted.

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57 Ms. Radcliffe: It is my understanding that we did not need divergences between the lots.

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59 Ms. Trebellas: Then the proposed 60' between property lines....

60

61 Mr. McCarthy: Probably needs to go.

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63 Ms. Trebellas: And I found it sort of difficult to figure out the dimensions of these lots because that was
64 misleading at 60.

65

66 Ms. Radcliffe: There should be a listing on another page. We have a table for the measurements and then
67 there shouldn't be any divergences requested for lot sizes.

68

69 Mr. McCarthy: And the text indicates the table and lot sizes are subject to engineering.

70

71 Ms. Trebellas: Because I too have concerns about divergences. We were discussing a property down the
72 street that is highly contentious. The first time it went thru zoning it was approved and then rejected
73 because of all the divergences, and the neighbors had issues with the divergences.

74

75 Mr. Duell: It was a similar property with a commune arrangement...

76

77 Ms. Trebellas: Which later became a single family, a simple arrangement with no divergences and that
78 one was approved. They had to reduce the number of units and deal with some storm water retention pond
79 issues as well, so in that way, it was similar. And not quite as bad as this, but also along Old State access
80 issues.

81

82 Ms. Radcliffe: It is my understanding that there are no divergences requested for these lots except for
83 density.

84

85 Mr. Duell: I still think this is a case where this is too many units crammed into a small space.

86

87 Ms. Radcliffe: After we got rid of three?

88

89 Mr. Duell: Yes, given the location of this. As I mentioned previously, that's the northwest corner of Old
90 State and Orange, the northeast corner is a fire station and an empty lot, the southeast corner is a lot and
91 basin, the southwest corner is a storm water basin. There is not a lot of development on that corner.
92 There's potential for widening Orange Road, there's the traffic on S. Old State, I don't think this is a good
93 spot for a development with this number of units which has its access so close to that intersection.

94

95 Ms. Radcliffe: We'll make sure the traffic gets approved of course before we throw this in there; it's not
96 going to go in without it being approved.

97

98 Mr. Duell: We're not going to approve it without that.

99

100 Ms. Trebellas: I thought a traffic study had been requested.

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Ms. Radcliffe: It had been requested; has it come back in yet?

Shafi Alam, EDB International, 6375 Shier Rings Road, Dublin, Ohio 43016, it went thru the County Engineer, and their Traffic Engineer approved the access.

Ms. Trebellas: That's not a traffic study, that's approving the access.

Mr. Alam: We have a letter from John Piccin approving the access.

Ms. Ault: I appreciate how you re-laid it out and the clubhouse, it makes a little more sense, but I agree, there's still too much on there. I would like to see 17 units plus your clubhouse at the most.

Ms. Radcliffe: Is there a number you want to give us or is it that everyone has a different opinion on that?

Ms. Ault: I just based mine on math, two units per acre.

Mr. McCarthy: As we discussed, we had the warranty deed transfers and there are two segments of the 20' highway easement outside of those warranty deed takes that would be the base from which you would measure the 70' setback along Old State Road and when you do that, it's going to pretty much run right down the edge of the building envelope on Lot 1 and come down just about where the eastern side yard appears to be on Lot 20.

Ms. Radcliffe: It's our understanding that after the County Engineer reviewed this, that the 20' easement is already included within this line, so we already counted...

Mr. McCarthy: The line that was on the drawing; I worked off the easement attachment itself and I can show you where it falls and we can track it together.

Ms. Radcliffe: From what I've been told, we have already accounted for that easement in the right-of-way line, and the County Engineer has approved this plan with the setbacks.

Mr. McCarthy: Did you bring your surveyor with you?

Ms. Radcliffe: The surveyor surveyed the land and created this based on that and the County Engineer approved it, so I do just take their word....

Mr. McCarthy: I can show you the drawing, show you the dimensions, I can track that on here starting at the point of beginning, the date of applying and the description, the centerline of both Orange and Old State, you run north, you go over, you start, and then from there you're about 20' short on that highway easement which is outside of the warranty deed take. There would be no reason to take an easement inside a warranty deed take.

Ms. Radcliffe: I just had to take my surveyor's and engineer's word on it.

Mr. McCarthy: I'm just advising the Board, but I think if we're talking the number of units, that might be in the thinking as well.

Ms. Radcliffe: If that is the case, everything can be moved back accordingly.

Mr. McCarthy: I think you might have room to adjust.

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Ms. Radcliffe: We'll confirm that we can still make room for it.

Ms. Trebellas: I don't have a magic number when it comes to the number of units, but if you do have to push that line of development back as well as your retention pond, because that's supposed to be outside of that area, right now it's very close to that 25', and I know there are concerns about the size of the retention pond not only from neighbors but also the County Engineer's Office and I understand you don't have final engineering yet but, I'm afraid that when you do do final engineering, you will discover that that pond might be larger than you previously thought which would also reduce the number of units you can provide on that side.

Mr. Alam : This one is 50% larger than the one we had...

Ms. Trebellas: From the old one.

Ms. Radcliffe: From the July 15th letter.

Mr. Duell: The July 15th letter still indicates that while it appears feasible with minor modifications, we're not going to approve anything without knowing what those modifications are, and it's not known at this time if the pond shown is large enough to provide all this storm water management. We can't approve this with questions about storm water management, especially how tight the pond is against the easements and you're already over density.

Mr. McCarthy: The other issue is if that easement is where I believe it is, that's going to relocate your pond a few feet too.

Mr. McNulty: I think it's a very difficult corner, but you knew that when you came in with these streets and everything that had to be taken care of. I would love to see a few less houses but I don't know what the numbers are for your economics; I know there's that to be dealt with. I think the retention pond was always a big issue and I thought it was great that someone wanted to come in on this corner and fix the water problem that already exists. I don't particularly have any issues the way my colleagues have with this if the water is taken care of. I agree I would love to see less homes but I also understand the economics, so whatever that's going to allow. I'm not optimistic that another developer's going to come in on this very difficult corner and do something with it at 5 or 6 less houses, so I don't have a problem with the 2.07 divergence, especially for what this property is and the difficult nature of it already.

Ms. Radcliffe: We're not here to make this difficult, we're not trying to cram stuff in that doesn't fit; we want it to all work together, so we're going to do whatever it takes, whatever you guys need. We tried to address all the comments and we're just trying to get the feedback to make this work and not have to keep going thru this.

Mr. Alam: We prematurely gave the land; it was 11.249 and we gave it away free. Our actual land is 11.249; that is the total.

Mr. Duell: The land is not that much because it's dedicated....

Mr. Alam: Yes, it's dedicated and I understand where you're coming from but it was prematurely done and that would be a legal issue.

Mr. McCarthy: That would be a legal issue but not one that would come before the Board.

Ms. Trebellas: That's between you and the previous property owner.

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Muhmudur Rahman, 7166 Gooding Boulevard, Lewis Center, Ohio, we moved from New York and started a business here in Lewis Center, and we have added 33 tax paying jobs in Orange Township. When we bought this land it was 11.24 acres and we gave to the County for road dedication 1-1/2 acres and we received nothing; we didn't think it would affect density. It was road dedication and we didn't know how that works. Eventually we found out it's not going to happen that way, that we reduced the number of units and it's just 7 points of hundredths that we're asking because we already lost money giving for free 1.5 acres of land to the County. If you take out more lots, then it will be a financial hardship for us.

Mr. McCarthy: It seems that I saw an email indicating that there had been monies transferred for the consideration of...

Ms. Radcliffe: Yes, to the previous property owner after we owned the property.

Mr. McCarthy: I know you're looking into it but have you determined what the train of events is?

Mr. Rahman: My attorney asked me if I wanted to go to litigation but I don't want to. We gave it to the County and that's it, and we want to find something that will work for us.

Mr. McCarthy: I think the email indicated it was about \$150,000.

Ms. Radcliffe: Yes.

Ms. Ault: It is unfortunate of the chain of events that have happened; you should have come to the Board before purchasing to see what options were available to make sure that it was something that was feasible for us but even at the 2.07, we're still looking at 18 houses plus your community center, so the gap can be filled in a little bit but it's still not going to get you at your 20 plus the community center.

Ms. Radcliffe: I know some townships are varying and they take away the gross versus the net, and I didn't see anything in the Code that separated those out, but the under for the gross would include everything but it is just a little bit over when you do the net.

Ms. Ault: Were you counting your wellness center as green space?

Mr. Alam: No.

Ms. Radcliffe: We are not including all the land around it; it's just the actual 1400 square feet of the box of the wellness center that is outside, the rest of it all surrounding it.

Ms. Boni: On Page 10-17 it does have the gross density indicated, but it says 2.065.

Ms. Radcliffe: I saw the Code says you call out gross and net density. We are still around 2 for both the gross and net.

Ms. Ault: Are you considering the wellness center a unit?

Ms. Radcliffe: No.

Mr. Duell: We're discussing that side bar.

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253 Ms. Ault: Because I'm doing math and its 20 units but then you have your wellness center, so actually
254 that's 21 units.

255
256 Ms. Radcliffe: I believe we were approved with that in it last meeting.

257
258 Ms. Trebellas: There was a discussion in the last meeting as to whether or not the clubhouse is included in
259 density calculations, and whether or not the clubhouse and its parking lot is included in the green space
260 calculations, and I don't think the Board was unanimous in its decision.

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262 Mr. Duell: The Code says dwelling unit; it's probably not a dwelling unit but Mike and I are discussing
263 how to handle it.

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265 Ms. Ault: It has a bathroom but it doesn't have a kitchen, does it?

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267 Ms. Radcliffe: No, just a bathroom and an office.

268
269 Ms. Boni: What is the office for?

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271 Mr. Alam: For meetings.

272
273 Mr. Rahman: We're asking for a fitness center and we'll have grandchildren that will be visiting us and
274 we'll have something in that clubhouse for the grandchildren so they have a good time spending with
275 their grandparents. That's my goal.

276
277 Ms. Ault: We get what you're trying to achieve as far as community and a neighborhood, and we
278 appreciate that, but it's just making the space on that corner. It's a tough piece of land, a tough spot.

279
280 Ms. Trebellas: And access is very difficult on that corner. Our concerns are, at least mine, that you have a
281 very difficult site, a very busy corner where it's going to be difficult for cars getting in and out of your
282 subdivision and potentially impacting the corner which I believe is why a traffic study by a traffic
283 engineer was requested, especially since the Fire Department is also across the street and has to get its
284 emergency vehicles in and out safely. I understand why you have the clubhouse but one of the flags for
285 me was for offices because I was concerned they might be sales offices for this complex which has a
286 whole other issue involved. But I thought it unusual that you have offices as opposed to a larger meeting
287 room where the HOA could meet.

288
289 Ms. Radcliffe: If you need us to change the wording of office to meeting room, we certainly can, but that
290 wasn't the intention. We expressly said sales offices are not permitted.

291
292 Mr. McCarthy: I can only think of one single family development that has any kind of amenity that would
293 be vaguely like this and that is Summerfield, except for the condos, but that's fee simple, and that was
294 regarded at the time as kind of a development amenity. That's the only precedent I have.

295
296 Ms. Trebellas: How is that included in the density of the development?

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298 Mr. McCarthy: I don't believe it was but if we pull the plan we could find out.

299
300 Ms. Radcliffe: This is kind of ambiguous, a definite yes or no from the Commission whether or not it's
301 included would be appreciated, especially using surrounding neighborhoods and what they've considered.

302

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Mr. Pychewicz: I know we have some research to do and I personally don't feel like the wellness center is considered a dwelling unit, so I wouldn't consider it that if that's something we would have to agree on today, but as far as the density goes, I'm more on Dennis' side. You guys are close enough that I feel it's not a complete disregard of what you are trying to achieve given the constraints and just the site itself and the difficulties with it. But with the things Mark and Christine have brought up today, I think we need a little more information on storm water calculations or something the County has approved that says this does work. We just have a letter from them that they're kind of concerned, but it's an open action item right now. I think that needs addressed being one of the bigger concerns. I think we need a traffic study just being a busy corner, and just a letter from the County stating that they don't see it being an issue given it's 18, 20 houses but I don't, from my experience, see that as being an issue. I think it's just good to close the loop on these items and then we all come together and put a vote together on it.

Mr. Alam: I asked Mr. Piccin for access to be in the traffic study but he said he didn't necessarily need a traffic study but he would talk to his Traffic Engineer, and they gave the letter you have now. Initially the road was designed straight down here but he said we cannot have access here but we have a simple design and come straight here and I can show you that in his email, and a traffic study would show this would work and it would be much simpler than if you twist and turned through that distance.

Mr. Pychewicz: I would certainly agree with that....

Mr. Alam: We're not saying we're going to do that; I don't want to be misleading, but the Traffic Engineer and County Engineer approved the access and that should override needing a traffic study. But that was my misunderstanding that you wanted more than just the access point

Ms. Trebellas: That obviously is a very important point.

Mr. Alam: Initially it was a right-in/right-out and then when I submitted the drawing, they said I could make it right in but they said I didn't need a traffic study to do that. I talked to John Piccin with the Traffic Engineer, and we went over the traffic counts. They have a very recent traffic study from Enclave at Abbey Knoll, the 20 houses going in there.

Ms. Radcliffe: I've never done anything in Orange Township; is that typical that you need to submit traffic studies at this stage?

Mr. McCarthy: It depends; usually it's the County.

Mr. Alam: Maybe it's my misunderstanding but I thought he didn't need it.

Ms. Radcliffe: So it's on a case by case basis?

Mr. McCarthy: My understanding is that the County Engineer would indicate the need for a traffic study; I don't know if that happened here but I remember there was talk of a traffic study, it was a stipulation, make it available when it's finished and it hasn't arrived yet.

Mr. Alam: Traffic study just for access?

Mr. Pychewicz: That's essentially what I was referring to is mainly just for that access to make sure. I live over here and know Orange Road backs up, and I know you don't have much more opportunity to move that access any further to the true north. I wanted to make sure there weren't any concerns that you're going to have constant parked cars basically out there because traffic backs up pretty far, so it sounds like you've already done that. Is that letter included in here?

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354 Ms. Radcliffe: The July 15 letter is the most current letter that we have in here from the Engineer.

355

356 Mr. Alam: The drawing has been adjusted.

357

358 Mr. Pychewicz: And it's been revised since?

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360 Mr. Alam: Yes, and that is from that design. When I got that letter, I didn't have time to revise the
361 drawing, so we based it on 50% from that design. We resubmitted the calculations, and the County has
362 seen it once and once we get the zoning approval, we can finalize it.

363

364 Mr. Pychewicz: It needs done either way.

365

366 Mr. Alam: Yes, I will do the calculations.

367

368 Mr. Pychewicz: So have there been calculations done?

369

370 Mr. Alam: Yes, but the design is not based on that; they are only a projection. If you look at the last page
371 of the topo, there is really very little water coming into that, everything going out. We are not seeing a lot
372 of water; this subdivision is already taking care of their own water. We don't have a huge watershed here,
373 but we can submit the calculations to you.

374

375 Ms. Ault: I have a concern on the inconsistency on the lots, like the acreage; these go from really high to
376 really low.

377

378 Mr. Alam: The size of the lots?

379

380 Ms. Ault: Yes, like .234 acres then jumping up to .392. I was thinking more like consistency within the
381 neighborhood, a more consistent lot size. Lot 1 at .234 seems really small right against Old State and I'm
382 just thinking of re-sale wise. Same with Lot 20 backing up to Orange Road being smaller than 19. We've
383 already suggested if you can take out another unit or 2, you might be able to gain some larger lots and it
384 might be more appealing.

385

386 Ms. Radcliffe: I don't know if that's the consensus of everyone but you can go either way; you don't want
387 everything to look the same, you want the option of what size you want.

388

389 Ms. Ault: I'm not saying every lot has to be the same size, but if we're talking about the number of units
390 and trying to adjust that....

391

392 Ms. Radcliffe: That is probably the first thing we could get rid of.

393

394 Ms. Ault: And that would help to gain a little bit of acreage on all of those. But I also know it's in the
395 early stages but I think the lot on the corner of Orange and Old State is the worst; that's my concern.

396

397 Ms. Boni: Speaking of the lots on Orange Road, there is a 70' setback and the building footprint is pretty
398 much up to that setback, so if somebody wanted a deck or something, they couldn't do that; that's
399 something you need to think about.

400

401 Ms. Ault: Or a fireplace.

402

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403 Ms. Boni: Nothing can go past that line. We've had this problem with a lot of the newer developments;
404 they like to build the home right up to the setback and then someone calls us because they want to build a
405 deck and we have to say no.

406
407 Ms. Ault: In the past, in the heart of the Township it has definitely been intended that way for a long time
408 and not that we can't change and do something different but within the heart of the Township at the
409 biggest intersection in the Township, I just can't get behind it.

410
411 Mr. Rahman: And everyone wants to be in Orange Township too.

412
413 Ms. Ault: And that means more development and more traffic and at the busiest intersection, you're just
414 going to have a house right in the middle of it.

415
416 Ms. Boni: Based on your plan, it doesn't seem like you have any landscape buffer with those lots; on the
417 northern side too.

418
419 Mr. Alam: Those are going to all be condos and everything outside of that will be maintained. Eventually
420 it all will be maintained by the HOA.

421
422 Ms. Trebellas: The issue is basically for Lots 18 thru 20 and even part of 17; that means the homeowner
423 has to do the landscape screening. There is no screening between the backyard and Orange Road
424 according to this plan.

425
426 Ms. Radcliffe: That's something we can consider because you can easily put that on the plan....

427
428 Ms. Trebellas: You don't have to put that in but I'm thinking as a sales point and appearance. She thinks
429 people are going to have problem buying lot 20; I see the same thing for 18 and 19 unless there's a
430 mound, screen or something.

431
432 Mr. Alam: This is going to be a condo, everything will be landscaped.

433
434 Ms. Trebellas: So what's on 15 and 16 and all along the western property line, that is HOA land, green
435 space that the HOA maintains?

436
437 Ms. Radcliffe: Correct.

438
439 Ms. Trebellas: To get the lot size you need for 18, 19 and 20, you have no buffer there basically.

440
441 Ms. Ault: So it's the owner's responsibility to put something in and the HOA is not going to take care of
442 the buffer at all up against Orange Road; that's the issue we're having.

443
444 Ms. Boni: I personally would be more concerned about the northern lots abutting the homes that are
445 current. Is there a plan to insure a buffer line on the north corner and side?

446
447 Mr. Alam: Everything but the house is going to be done by the HOA.

448
449 Ms. Radcliffe: If you go there, it's tight to make something work. The landscape plan shows it better.

450
451 Ms. Ault: The sliver of green?

452
453 Ms. Radcliffe: I don't know what's there now.

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454 Ms. Ault: It's a sliver; I don't know what could be put in there.

455

456 Ms. Radcliffe: Within 8, within the lot, you can still put in stuff.

457

458 Ms. Boni: People have done that but if I'm looking for compliance for landscaping and plans show that
459 there's a tree line on the northern side, then that's what's going to be enforced. I don't see that on these
460 lots, and we have residents that have those concerns that are here tonight.

461

462 Ms. Trebellas: And the same thing if you look at this plan, that tree line along the west side, that's not
463 part of your HOA according to your plan; those are in the lots as well as it appears on this plan.

464

465 Mr. Alam: Everything out to the house will be HOA.

466

467 Mr. Duell: You're saying that you're going to use that in the future, but if it doesn't say it in the text, it's
468 not.

469

470 Ms. Radcliffe: We do mention that we're going to have a declaration of the HOA that we're going to take
471 care of the lawns, everyone's shrubs, landscaping.

472

473 Ms. Trebellas: So if I'm one of those property owners and I decide that those trees are too big and I want
474 to chop them down, they're on my property. Or is there going to be stipulations in the HOA agreement
475 telling me I can't landscape my own property? There's a catch 22 there. I'm trying to make sure the
476 Zoning Department doesn't get calls in the future when there's a misunderstanding about what's going on
477 with that tree buffer.

478

479 Ms. Radcliffe: The empty nester homes that you see...

480

481 Ms. Trebellas: Most of those are condos.

482

483 Ms. Radcliffe: There's an Ohio statute just for condos.

484

485 Mr. Duell: But this is not set up as a condo.

486

487 Ms. Radcliffe: Correct.

488

489 Mr. McCarthy: But there was reference in the text to a Condo Association...

490

491 Ms. Trebellas: As opposed to an HOA, so that's what I think the confusion is. With a condo, you
492 generally own your unit and then you have limited common areas, which could be your patio or driveway,
493 to make sure no one else uses that. Everything else is owned by the Condo Association that you have part
494 ownership in. With an HOA, I have a deed to my property and I pay dues that then maintains the green
495 space or whatever else. I think the confusion is that with a condo, those property owners might not own
496 those trees if that's a fee simple lot. Right now those trees are on someone's property and then the HOA
497 would have to restrict how people are allowed to landscape their property.

498

499 Ms. Radcliffe: I believe that's the intention.

500

501 Mr. Duell: Again, intention is worthless to us.

502

503 Ms. Trebellas: And the other issue is that the HOA can amend its by-laws and make those changes.

504

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505 Mr. McCarthy: It's really not the function of zoning to control ownership, so as far as the physical
506 characteristics of the development, yes, you can control that.
507
508 Ms. Trebellas: If we are requesting that there be a buffer between this development and the neighbors...
509
510 Mr. McCarthy: It needs to be on the plan.
511
512 Ms. Trebellas: And then there better be a way to figure out who has the responsibility of that buffer. So it
513 doesn't matter to us whether you go HOA or condo, but if you have a buffer, we need to know what that
514 buffer is and who is responsible for it so when the Zoning Department gets phone calls from an angry
515 neighbor that a tree has been chopped down...
516
517 Mr. Alam: Everything outside of the lot will be part of the condos, and owned and maintained by the
518 Association and that should be part of the text.
519
520 Ms. Radcliffe: The maintenance of the open space, I can revise that to be even more specific.
521
522 Ms. Trebellas: So technically that's not open space.
523
524 Ms. Radcliffe: Right, that would be outside the open space, so I can go back and mention that all the land
525 surrounding the house to be included into the HOA declarations.
526
527 Mr. Alam: We are not utilizing any lots but internally, everything else on the lot outside the house would
528 be part of the green space maintained.
529
530 Ms. Radcliffe: I would think what you guys would want would be not to leave it up to each individual of
531 what they can do but the best scenario would be to have all this within the condo...
532
533 Mr. Duell: But you're mixing things. You're alternating between HOA's and COA's, and it gets very
534 confusing. And then if you start out with fee simple property and try to convert it to condos, you're in a
535 zoning violation because condos aren't covered by Single Family Planned Residential. There's a problem
536 in the Township Zoning Code; single family detached condos are not allowed without a divergence. Now
537 you're before us with fee simple lots; to convert it, would throw you into a zoning violation.
538
539 Ms. Radcliffe: So we'd have to ask for a divergence here.
540
541 Mr. Duell: But it's a mess because you haven't decided. You have one foot in the condo world and one
542 foot in the fee simple world, and for us, the two don't mix; you have to pick one. And to talk about
543 converting it later gives you all kinds of problems for the reasons I stated. Our Code doesn't allow for it.
544
545 Mr. Alam: They need to buy the lot fee simple for loan purposes and then built the houses; and that's up
546 front, not in the back end.
547
548 Mr. Duell: We have had cases where there was an arrangement where the HOA was responsible for the
549 maintenance of at least the front lawns, right?
550
551 Ms. Radcliffe: There was an example you sent that talked about how you keep putting them into the
552 declarations as they get sold off so in the end it's all owned by the Condo Association.
553
554 Ms. Boni: That's what Epcon did at Courtyards at Clear Creek.
555

Zoning Commission

556 Ms. Radcliffe: When we first start they'll all be fee simple and as they get sold off, you add them to the
557 condo.

558
559 Mr. Duell: There was the one where people were calling and complaining about trees being cut down.
560

561 Ms. Ault: Weeping Rock.

562
563 Ms. Boni: Yes, I sent you Weeping Rock.
564

565 Mr. McNulty: I guess I'm curious where the condos came from; I thought the case was always for single
566 family homes.

567
568 Ms. Radcliffe: Yes, there is some discrepancy on the back end that I need to clarify.
569

570 Mr. Duell: I recommend we deny this and have them start over.

571
572 Mr. McNulty: If it's up in the air as to whether we're talking single family or condos, then yes.
573

574 Ms. Radcliffe: I don't want to change this whole thing; this is single family homes. I misunderstood on
575 the back end what's going to be in the Condo versus Homeowner's Association and what's going to be
576 maintained.

577
578 Ms. Trebellas: That's part of the problem. You say single family home but in the document you say we're
579 going to have a Condo Association, so it definitely needs a thorough edit to make sure this is either an
580 HOA with fee simple lots or it's a condo. If it is a condo, then you're asking for another variance. Like we
581 said, we don't care about land ownership; we just need to know.

582
583 Ms. Boni: I want to let the Board know that condos are not recommended in Single Family Districts. The
584 word condo is not in the SFPRD. I think we have multi-family and single family, it's just whether or not
585 it's attached. Single family condos are technically allowed in the SF District.

586
587 Mr. McCarthy: We have several SF Districts that have them now too.
588

589 Ms. Boni: So it wouldn't be a divergence; it's just a unique type of housing. I've talked to the County
590 Engineer's Office trying to find something similar to this concept because we really don't have one.

591
592 Mr. McNulty: So you're saying there really isn't any difference between calling it a single family or
593 calling it a condo if they're....

594
595 Ms. Boni: If we're going to a condo, it still has to follow our single family standards.
596

597 Mr. McNulty: Is there any real difference in any of this?

598
599 Ms. Trebellas: I have a question when it comes to public streets and private streets.
600

601 Mr. Duell: The difference to the streets and the way it's platted.

602
603 Mr. McNulty: If they've already got this platted, what difference does it make?
604

605 Mr. Duell: There's no plat in a condo.
606

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607 Mr. McNulty: But it mentions for a single family home, so if you're calling this a condo or single family
608 home, is there a difference in what you decide to call this structure on this same piece of land?

609
610 Ms. Trebellas: I'm assuming private roads versus public roads will have an impact on the road design
611 which might make the road wider and therefore you might have issues with the lot sizes.

612
613 Mr. Alam: It's all private.

614
615 Ms. Radcliffe: Private built to public standards.

616
617 Mr. Alam: These are 60' from back to back.

618
619 Ms. Trebellas: I didn't read it as 60' wide. I read the road was 27' wide.

620
621 Mr. Alam: And they have sidewalk and green space.

622
623 Ms. Trebellas: But the road itself, 27' road with parking only on one side. How are you going to have
624 parking on two sides of the street if it's only 27' wide?

625
626 Ms. Boni: Has the Fire Department approved that?

627
628 Ms. Trebellas: Because generally a car with give or take 10', two lane road 20', parking on either side,
629 40'.

630
631 Mr. Alam: I have seen 40' roads in subdivisions, but most of them are only 27'.

632
633 Ms. Trebellas: But that's because they only have parking on one side.

634
635 Ms. Boni: I haven't gotten the approval from the Fire Department for parking on both sides. Do you have
636 any verification that they're going to allow that?

637
638 Ms. Radcliffe: They approved the previous one and it hasn't changed.

639
640 Ms. Trebellas: My understanding is that the Fire Department wanted parking on one side, no parking on
641 the side with the fire hydrants, just to be on the safe side.

642
643 Ms. Radcliffe: I'm looking at the Fire Department's approval from March. Granted we have changed it
644 but not much.

645
646 Ms. Trebellas: According to the letter in your package dated March 28, their plan review comment #4,
647 "No Parking signs shall be posted on the hydrant side of the street" which implies to me there's no
648 parking on one side which is how you can get by with the 27' width of the actual road. I understand you
649 have 60', but that includes green space, sidewalk, etc. because what I don't want to happen is people
650 parking on both sides. People still do that in subdivisions here even though they're only supposed to park
651 on one side and then you have issues with garbage trucks, school buses, fire trucks, etc. trying to get by,
652 especially if there's somebody coming the other way.

653
654 Ms. Ault: How is a garbage truck going to turn around and get out of the neighborhood? Are they going
655 to pull into somebody's driveway?

656
657 Mr. McCarthy: I think there's a hammer head at the end of the emergency drive.

Zoning Commission

658 Ms. Trebellas: That's what the mailman has to use as well and I don't know if the mailman is going to
659 like that.

660

661 Ms. Ault: So he's going to go into there; have you talked to Rumpke to see if that's allowed?

662

663 Mr. Ahman: This is 70'.

664

665 Ms. Ault: But have you talked to Rumpke to make sure that's allowed?

666

667 Ms. Trebellas: They're probably going to have to back up where the emergency access gate is.

668

669 Ms. Ault: Most neighborhoods end in a cul-de-sac so they can just wrap around.

670

671 Ms. Trebellas: And when you plow your street, all your snow's going to build up there so you have to
672 make sure the snow plow does not block your emergency access.

673

674 Ms. Ault: Or mailboxes.

675

676 Ms. Trebellas: On public streets we have that issue where we have to make sure there's a place where the
677 snow plow can put the snow and turn around and come back.

678

679 Ms. Boni: It's a private street so it would be maintained...

680

681 Ms. Trebellas: By you all.

682

683 Ms. Boni: So that's not...

684

685 Ms. Trebellas: Our issue.

686

687 Ms. Ault: But still you have to be able to put the snow somewhere.

688

689 Ms. Boni: And as for the mailboxes, is there any parking for this, any place for them to pull off and get
690 their mail?

691

692 Mr. Ahman: They can walk; there is a sidewalk.

693

694 Ms. Trebellas: I don't think that's going to happen, especially if it's raining.

695

696 Mr. Ahman: But it's private.

697

698 Ms. Ault: Yes, it's private, but for boxes 1 and 20, you're going to have people turning around in their
699 driveways; you don't have a locked gate, so you're going to have people coming in turning around in
700 their driveways; you're going to have FedEx and UPS trucks doing the same thing.

701

702 Mr. Duell: We're going to take a 5 minute recess.

703

704 Mr. Duell called the meeting back to order.

705

706 Ms. Radcliffe: We would like to request to table. Since we submitted last week, we have not received all
707 the comments back collectively in writing, so we ask that we can table so we can collect everybody's
708 comments and address them. We will pay the fee and we can hear this at the next available hearing date.

Zoning Commission

Mr. Duell: So any comments you have, please put them in a document or an email and send them to Michele and she will get them to Mr. McCarthy.

Ms. Ault: Are we going to open to public comments?

Mr. Duell: We heard public comments the first meeting; I think we're going to wait until the next meeting when we have a more definite proposal to discuss. There are a lot of open issues here.

Ms. Trebellas: I request that you make sure everything is tidied up nice and neat. There seems to be a lot of outstanding engineering issues with the traffic, right-of-way, setbacks and water. Get that all resolved. If you need new letters for a new plan, get that all resolved as well because we seem to keep going over the same issues.

Mr. Duell: How long do you think you would need once you get all the comments?

Ms. Radcliffe: It depends on what the comments are, but to even address the serviceability letters, the County, the Fire Department, I don't want to get to the end where we're just waiting on those things, so those are the kinds of things where we're trying to get responses and don't get responses, but if you give us comments, we can address all the internal comments.

Mr. Duell: I think I'm going to be generally okay with the Fire you have. It's the County Engineer and he's going to work to break the log jam on that.

Ms. Radcliffe: After we get the comments, a couple of weeks would be good. We'll start going thru the comments and get started tomorrow.

Mr. Duell: We're looking at September 17.

Ms. Boni: I will need everything submitted by September 10.

PUBLIC COMMENT

None

MOTION TO RECESS APPLICATION #ZON-19-01

Ms. Trebellas made a motion to recess Rezoning Application #ZON-19-01, Porshi Development LLC, until Tuesday, September 17, 2019 at 7:00 p.m. at the Orange Township Hall; seconded by Mr. McNulty.

Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Pychewicz-yes, Ms. Ault-yes

Motion carried

Meeting adjourned at 8:30 p.m.

Minutes prepared by Cindy Davis, Zoning Secretary

On November 19, 2019, Ms. Trebellas made a motion to approve the August 6, 2019 meeting minutes of the Orange Township Zoning Commission for Rezoning Application #ZON-19-01, Porshi Development, LLC with the following corrections:

Zoning Commission

- 760 • Line 219: “ft” should read “if”
- 761 • Line 293: place a comma after “Summerfield”
- 762 • Line 554 “Courtyards at Hidden Creek” should read “Courtyards at Clear Creek”

763

764 Seconded by Mr. McNulty

765

766 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Doherty-
767 abstain

768 Motion carried

769

770

771

772