

**Concord Township
Board of Zoning Commission
Administrative Building
6385 Home Road
Delaware, Ohio 43015**

**Meeting Minutes
April 18, 2017**

Call To Order

Chair, Resanovich called the Public Meeting to order

Roll Call

Connie Resanovich, Chair	Present
Virginia Farneman, Vice Chair	Present
Gary Davis	Present
Steve Pierce	Present
Steve Smith	Absent
Mike Hamilton, Alternate	Present
Darin Hilt, Alternate	Absent

Alternate, Mike Hamilton, sat on the Board as a voting member for the absent Board Member, Steve Smith.

Officials Present

Shaina Wallace, Higgins & Associates Court Reporting

Public Present

See attached Sign-In Sheet

Swearing In

Court Reporter swore in all present

Old/New Business

Chair, Resanovich said that the Board of Zoning Commission (BZC) would meet the following Tuesday as a continued meeting for discussion on possible updates/changes to the Zoning Resolution.

Purpose

The purpose of the Public Meeting is to consider an Application, designated as ZC032017, filed by Epcon Communities of 500 Stonehenge Parkway, Dublin, OH, 43017. The Applicant is requesting approval for rezoning and a preliminary development plan referred to as The Courtyards at Manley Road on 20.331 +/- acres on Manley road, owned by Jacamo I, LLC and Muirfield Village Golf Club. Parcel #60033404035000, Planned Residential District (PRD). Parcel #60033404032000 and Parcel #60033404033000 and Parcel #60033404034000 from Farm Residential District (FR-1) to Planned Residential District (PRD).

ZC032016 Exhibits

Exhibit A – Application, Exhibit B – Legal Notice, Exhibit C – Meeting Notice Letters to Applicant & Surrounding Property Owners, Exhibit D – Delaware County Regional Planning Commission (DCRPC) Recommendations, Exhibit E – Sign-In Sheet

Begin Meeting

Chair, Resanovich stated that the order of the meeting would follow the Agenda; Testimony by Applicant, Questions from BZC, Public Comments, Zoning Inspector Comments, DCRPC Recommendations, Discussion/Motion by BZC. Chair, Resanovich explained that the BZC's responsibility was to decide if the Application was in compliance with the Zoning Resolution and the Comprehensive Plan. The BZC has four options for the Application; not give a recommendation due to lack of requirements met, recess the meeting to give the Applicant time for necessary updates/changes to the Application, give a recommendation to the Trustees including specific conditions to be met by the Applicant, give a recommendation to the Trustees without conditions.

Applicant Testimony

Joel Rhoades, Epcon Communities, told the residents and BZC, thank you for attending the meeting. Mr. Rhoades introduced Jason Coffee, Epcon Communities and Todd Faris, Faris Planning & Design. Mr. Rhoades said that the site was introduced a year earlier and withdrawn. The southernmost 9.5 acres were included in the previous application. The current application contains 20+ acres including; 61 proposed condominium dwelling units, clubhouse and pool. The property neighbors to the east and across the street are single family homes in the city of Dublin, to the north is the waste water treatment plant and water tower. There would be a few (delete "a few") single family dwelling units however, the community would be considered a condominium community. The streets would be private streets. The 61 units would be ranch with an optional basement and optional second story however, the height of the building would not be changed. A courtyard would be located between each unit, providing private outdoor space. The homeowner would be allowed to do as they chose with the space. The remaining area is common area, it would be used and controlled by the Condominium Association. The common area would separate the existing homes from the new units. The space would remain open and swing sets, gardens, accessory buildings etc. would not be allowed. The units would range from 1,500-3,000 sq. ft. depending on the floor plans and options. The price range would be from \$300,000-\$500,000. The clubhouse would be located in the center as a private amenity, approximately 3,000 sq. ft., including a pool, and sales office for the development. Epcon Communities has been in business for over 3 years, their target market is active adults or 'baby boomers'. They build attached and detached units, and the current development would be detached. The active adult housing that they are proposing, with the size of the units and amenities, generally appeal to the retired or semi-retired buyer. The population is usually lower in this type of development and include few if any school aged children, based on previous developments. Fewer people per acre, fewer cars, fewer trips, off peak hours for trips, few children for Dublin school district. No divergences needed, the zoning code begins at 1.5 and additional ½ acre for incentives, ex.; accessible to major thoroughfare, paths/trails through site and hopefully connect to the underpass under Manley road and preserve open space in the plan. The DCRPC has recommended approval with conditions, the conditions include work with the township Fire Department and County Engineer.

Open Floor to Board

Chair, Resanovich said that the previous application contained one parcel that was approved for PRD based on the availability of sewer. However, there were not enough taps available. Mr. Rhoades stated that previously there was not sanitary sewer available for all of the units proposed in the previous application. The sewer for this property will be provided by the Tartan Fields facility to the north. The

facility was a privately built facility and is now maintained by the county. Epcor has worked with the county and original developer to understand the capacity and improvements to the facility. They are still making improvements and it currently has the capacity to provide taps for the development.

Chair, Resanovich asked if they would build the development in phases. Mr. Rhoades said the plans show two phases, they would move seamlessly from one to the other. The start date would depend on approval from township and county. The start date could be winter 2017-18 for construction and houses could begin the first or second quarter of 2018.

Mr. Pierce asked what type of exterior materials would be used on the units. Mr. Rhoades explained that all natural materials would be used with possibly a combination of wood siding and stone. Mr. Pierce asked what the percentage of open space was for the development and Mr. Rhoades said 41.86%. Mr. Pierce asked what the distance would be between the existing homes and the new development. Mr. Rhoades said that it would vary, however they generally provide a 60 ft. setback on their side. The existing tree line and a buffering mound will be included in that setback. Mr. Davis asked if the open space includes the retention ponds and Mr. Rhoades answered, yes.

Chair, Resanovich asked who owned the property for the fire lane. The Township needs confirmation that they would not lose the fire lane if anything changed with the property. Mr. Rhoades confirmed that the property is in an easement owned by Tartan Fields. Mr. Rhoades said they have proposed two possible locations for the fire lane. The first location runs straight from the development to Manley road. The second location, which the Fire Department prefers, is located in the northern section of the site and connects to Tartan Fields. The developer would need an agreement with Tartan Fields for that location. Chair, Resanovich said their preference would be through the easement with Tartan Fields. Chair, Resanovich asked how they planned to close off the fire lane. Mr. Rhoades said they would defer to the fire department to make that decision.

Chair, Resanovich asked if the road composition issue had been settled. Mr. Rhoades explained that as the development goes into final engineering the information will be on the plans. They proposed rolled, compacted concrete which has been approved in other developments in Concord Township. Chair, Resanovich mentioned that there are two other Epcor developments under construction off Section Line road. Chair, Resanovich asked if they had a traffic study. Mr. Rhoades explained that they would have a traffic study when they get into engineering design, they have had preliminary conversations with the County Engineer.

Chair, Resanovich asked if the Board had any further questions at that time and there were none.

Open Floor to Public

Chair, Resanovich said the floor would be open for public input. The residents were asked to raise their hand before speaking, be respectful to each other, state their name and address for the Court Reporter.

Discussion began regarding the location of the development in proximity to an elementary and middle school. Residents said the location would encourage more families to move into the proposed development. Mr. Rhoades said that their experience shows that few families with small children would move into the development. The type of house that they build and the amenities provided do not attract that type of home buyer.

Residents would like assurance that the paths would be connected with the under pass and connect both developments. Mr. Rhoades stated that they would like to connect the paths however, they do not own the property to extend the path. The developer needs an easement to extend the path from their property to the adjoining property. Mr. Rhoades said they are currently working on gaining the agreements necessary to connect the paths.

The landscaping, mounding and buffering are a concern for existing residents. The residents are concerned that the existing tree line would not be saved and the top area of the development is very tight with the least amount of buffering offered. Suggestions were made to move the houses farther away from the existing homes and guarantee the existing tree line would remain. Mr. Faris said that the open space contains a retention area and they plan to preserve the natural wetlands and existing vegetation along the property line. Along units 61 - 17 they are planning a 4-5 ft. mound with 5-6 ft. Norway/Spruce evergreens. The mounding and evergreens would block the view from existing residents. Mr. Rhoades explained the process for the developer and why certain decisions cannot be made during the planning process. The process begins with zoning and the plans are discussed for zoning approval. The process continues to the County Engineer who makes the final decisions. The developer may need to meet with the township for changes according to the final engineering. Mr. Rhoades said that from previous experience regarding the existing fence row, they are able to walk the fence with concerned residents. They would be able to determine based on the conditions of the tree line and surrounding area, possible options. The developer may also build a temporary fence at the start of construction to maintain the area discussed between the developer and the existing homeowner.

Water pressure is a concern for the residents. Mr. Rhoades said that Delco provided a letter stating that the area meets the minimum standard water pressure requirements. Mr. Rhoades added that he does not have personal experience of the issue. The township Fire Department assured them that there is not an issue with the water pressure. Mr. Rhoades said that they are adjacent to a tower, however the county has stated that there is not a problem.

The name for the development was changed from The Courtyards at Manley Road to The Courtyards at Muirfield Ridge. Mr. Rhoades explained that during the development planning, the property is typically identified by the owner's name or the street name. This site was originally called Manley and now has changed to Muirfield Ridge.

Delaware County sewer for the area has issues and the addition of 61 houses will make a difference. The terrible smell in the area is a problem that needs addressed before adding additional homes. Chair, Resanovich mentioned that the BZC does not have jurisdiction over the sewer, which is handled by the county. Delaware County Sanitary Engineer is the contact for the issue. The smell will make selling the area a problem. The smell is an on-going problem.

The residents thanked the developer for meeting with them before the meeting. The possibility of changes being made once the actual construction begins is a concern. The 60 ft. buffer doesn't seem enough. Many residents purchased their property because of the open area and privacy. Chair, Resanovich said many residents have purchased property in the area because of the farmland and rural area. The township cannot control the open spaces. The BZC and Trustees are attempting to plan for the future development. The developer has a good reputation. Mr. Rhoades said the proposed homes do not have living space in the backyard. There will not be activity in the backyards and there are few windows in the back of the homes. The courtyards between the homes is where any activity will be

located. The developer will comply with the required setbacks and will work with residents to fence and preserve the existing tree line.

There was a concern regarding construction hours and days of the weeks. Although there is an ordinance regarding working hours the residents and developer were encouraged to further discuss this issue at the Trustee hearing for verification.

Safety concerns regarding the retention ponds and the young children in the area were discussed. Mr. Rhoades said they will comply with the zoning code and consider the slope and other issues to create a safe environment. The ponds would contain fountains to maintain the water quality. The developer considers the setback and location for the ponds according to the property's availability. The property dictates the area for the ponds in most developments. The 60 ft. setback is greater than code requirements and also greater than other developments in the area. The BZC must approve a development if it is compliance with the zoning code. A resident may voice their requests to the Trustee's for options outside of the zoning code.

Discussion ensued regarding the 1.5 units per acre with incentives in the zoning code. Chair, Resanovich said there are five incentives in the zoning code that may increase the density to 3 units per acre. Chair, Resanovich said that Concord is buffered by Jerome and Liberty townships and need to be competitive with the surrounding area. The township was also being threatened for annexation. The township targeted specific types of communities and offered the incentives in order to encourage those types of communities. Mr. Rhoades said the code allows 1.5 with additional incentives that may increase the density. Mr. Rhoades read the description of incentives;

Section 11.07 – DEVELOPMENT STANDARDS:

a. Intensity of Use – The maximum density shall be one and one-half (1 ½) dwelling units per gross acre within the area to be developed, unless the physical boundaries of land or existing developments adjacent thereto one adjoining lands establish an atmosphere inconsistent with the above maximum density of one and one half (1 ½) dwelling units per gross acre. Increased densities of one-half dwelling unit per quality item may be approved by the Concord Zoning Commission and Township Trustees if it is determined that any of the following quality items are included in the development plan:

- 1) If the property is directly adjacent and easily accessible to major thoroughfares.*
- 2) If the property is directly adjacent and easily accessible to publicly controlled and maintained community recreational facilities or service.*
- 3) If the developer provides usable parks or public open or recreational space as part of the design of the development.*
- 4) If pedestrian or bike trails are provided as part of the design of the development.*
- 5) The retention and protection of natural or historic areas.*

Mr. Rhoades explained that the development met 4 of the incentives and they were able to increase the density to 3 units. The focus of density is a large discussion point for townships and residents here, as well as other areas. If the developer is providing a well-designed house, then the quality of the house is also important. Mr. Rhoades said that other considerations for this development should be the proposed lower ranch style house which will prevent residents looking down into existing homes and the backyards being passive areas. The density for Concord Township is still lower than neighboring areas. In Jerome Township, Jerome Village is 4.26 units per acre and Liberty Township is 3.58 units per

acre. Mr. Rhoades added that both of the developments are very attractive, well received in the area, and the value is the same as the proposed.

Privacy, landscaping and street frontage is very important to the existing residents. Epcon builds a very nice community. The view from the road and other neighborhoods is important. Traffic is a concern because everything north is growing. The traffic is unpassable during school hours. Parents are dropping their students off in the Muirfield neighborhood and the students walk around the corner to get to the school. The traffic is challenging at best, it needs to be addressed. The traffic is all going south due to the shopping, churches, and school locations. The round-a-bout is dangerous with the current traffic, without adding more cars. Mr. Rhoades explained that the traffic study would be part of the engineering design, based on the standards set by the County Engineer. The developer's experience and a group named, The Institute of Traffic Engineers, which is a national governing body of traffic engineers, shows that the traffic generated by these homes is 50% less than the traditional single family home. A traffic study will be used by the County Engineer, to determine what road improvements are necessary. The growth is addressed by the Mid-Ohio Regional Planning Commission who projects the population of central Ohio to grow between 500,000-100,000 people over the next 35 years. The impact of this condominium development would be less than the retail development that was originally proposed and less than traditional single family homes. Chair, Resanovich confirmed that the county determines the road and traffic needs and those decisions are not part of the zoning process.

The profit made by the developer and township was questioned as motivation for growth in the area. Chair, Resanovich mentioned that landowners have a right to sell their property when they want or need to sell. A resident's right to sell, a buyer who wants to purchase and developer's right to construct a development are all rights that need to be protected and honored. Currently, a minimum of \$350,000-\$375,000 is approximately the minimum for new construction in the area. The options are large lots that have a less expensive home, or a smaller lot that has a higher density with a more expensive home. These type of developments are comparable because they can't legislate the 55+ yr. old market however, there is proven traffic information and they also travel during the winter to warmer climates and the HOA provides maintenance for the area so it is always well groomed. Also, the township does not maintain the roads, they are private roads maintained by the HOA which saves the township money. Most of the township is in the BV school district which have lower taxes and attract buyers with grown children. The profit earned by the developer or township can change according to many variables. There are fewer people who want to live on 5 acre lots, build an estate home and maintain the property. The township used to attract those buyers however, the times have changed and sewer is now available. Zoning Inspector, Ric Irvine mentioned that the market drives the type of buyer. The different options for the type of development were discussed and the profit possible. The possible decrease in property value was also discussed. Mr. Rhoades said from his previous experience, the additional development with home values of \$300,000-\$500,000 would not decrease the value of existing homes. The proposed homes are a non-competing product with similar value.

The process for the development was discussed. Chair, Resanovich explained that the township has a one-step zoning process. The BZC may approve the proposed development as presented, however any changes to the development must be brought back to the township for approval. Chair, Resanovich explained the four options that the BZC has for the application. The BZC must determine if the application meets the requirements in the zoning code, and does it meet the criteria of the comprehensive plan.

Motion

Motion by Chair, Resanovich to recommend Application ZC032017, The Courtyards at Manley Road with the following conditions;

1. Recommendations from Delaware County Regional Planning Commission be met
2. Compliance with existing known regulations regarding working days and hours on the construction site
3. Completion of the Traffic Study and the results made available to the Trustees
4. Determine the ownership of the easement with Tartan Fields for the preferred fire access requested by the fire department
5. Work with the adjacent property owners and meet their needs with an agreeable buffer
6. Clarify easement for path access for underpass

Seconded by Mrs. Farneman.

Vote: Farneman, yes; Resanovich, yes; Smith, yes; Pierce, yes; Hamilton, yes

Motion passed

Motion to Adjourn

Motion to Adjourn by Mrs. Farneman and seconded by Mr. Davis

Vote: Hamilton, yes; Davis, yes; Pierce, yes; Farneman, yes; Resanovich, yes

Motion passed

ATTEST

Angie Ellerbrock

Angie Ellerbrock
Administrative Assistant

DATE APPROVED

6/20/2017

cc: ZC Members, Fiscal Officer, Zoning Inspector, File