

## CONCORD TOWNSHIP BOARD OF TRUSTEES

March 7, 2018

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### Call to Order

The Concord Township Board of Trustees met in special session on March 7, 2018 at 6:30pm at the Concord Township Administrative Building, 6385 Home Road, Delaware, Ohio. Chairman Johnson called the meeting to order. The roll was called and attending were Trustees Haney, Garrett, and Johnson.

### Purpose and Swearing In

Mr. Johnson shared the purpose of the special meeting was to hear the requested application for modification #ZC042017 to the previously approved development plan for the Scioto Reserve Expansion, recommended by the Delaware County Regional Planning Commission and Zoning Commission Board, and filed by Metro Development. The original rezoning and development plan of this 238.7 acres was approved by the Concord Township Trustees on September 30, 2004. The requested change pertains to parcel number 419-330-03-001-000 (corrected), currently owned by Buckeye Valley Local School District, consisting of 24.25 acres more or less, located on the north side of Hyatts Road, across from the current northern entrance to Scioto Reserve. The parcel is currently dedicated for school use, and the modification will result in development of detached condominiums. The Board of Trustees will hear testimony from the developer and their representatives, and will also hear public input. At the conclusion of the hearing, the trustees will vote to approve, deny, or approve with modifications, the changes to the development plan.

An attendance sheet was provided for guests, and the court reporter performed the swearing in.

Also attending with the Board of Trustees was Chris Rinehart, legal representative for the township.

### Testimony

Todd Faris of Faris Planning and Design, 243 North Fifth Street, Columbus, OH 43215, presented an updated Plan Amendment Executive Summary with changes per the request of Delaware County Regional Planning Commission. This project is an amendment to the original plan of the Scioto Reserve Expansion in 2004. Originally there were 300 units for the expansion, 172 single family homes and 128 condos, plus the school site, based on the limited availability of 300 sewer taps. There was no density cap. Since then the site was zoned and platted and 24.4 acres was donated to BV School district, but then sat vacant. With a new elementary school being built at a different location, the district does not want to use the Scioto Reserve site. Instead the school wants to use the site for funding, so is now planned for condos.

The development plan consists of 23.18 acres of 57 detached condos, with a density of 2.46 units per acre, and 15% open space. If the site is included with the entire Scioto Reserve Expansion, the resulting density is 1.49 units per acre, still below the township zoning code maximum of 1.5. Total open space increases from 112 to 125 acres.

Basic elements of the condo development include:

1. Main entry across on Hyatts Road from Scioto Chase Blvd.
2. Turn lane already in place.
3. Secondary emergency access only on Hyatts Road (needed per Fire Chief since over 30 units)
4. Existing stream and wooded lot retained along with existing tree lines.
5. Brought the plan inward for less impact to existing/neighborhood homeowners.
6. Internal walkways/sidewalks with 10' path along front of property.
7. Gazebo overlook area at entrance with ponds on each side for bridge-like feel.
8. Units about 1700 square feet, with additional parking along a 26.5' wide street.
9. Buffering enhanced per Trustees past requests, along with additional buffering after meeting with adjoining homeowners.

Other development guests included: Mr. Joe Thomas Jr. of Metro Development, Mr. Andy Miller of Buckeye Valley Local School District, Mr. Steve Schottenstein of Schottenstein Homes.

Positives of the modification:

1. Increased open space of 13.5 acres
2. Additional funds for school district (short term benefit)
3. Decreased amount of children than if a school site (targeted demographic without children)
4. Less intense use than school site/less activity
5. Resulting condos would increase tax base for school district (long term benefit)
6. As aggregate, below 1.5 units per acre, with a new condo product
7. Preservation of trees and creek
8. Were not detached condos in the 2004 plan, so setback change required

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Mr. Joe Thomas Jr., Metro Development, 470 Olde Worthington Road, Suite 100, Westerville, Ohio 43082, explained "why condos?". This ground was originally donated to the school due to a limited number of sewer taps. The School Board decided to use its funds to buy and build at a different site, so now will gain \$500,000 from the sale of this site. Both the Zoning Commission and Regional Planning have agreed this development is the best and highest use for this site. There will also be a property tax benefit, which would have been \$0 as a school site, or \$8,000 as open space. As condos, about \$439,000 tax per year would be generated from the development, with about \$202,000 going to the school district and \$46,000 to the township (with no expense for road maintenance since a private community). Traffic would be lower during peak hours, no weekend school activities, no noise from playgrounds, no outdoor lights, etc. The condos have large setbacks from neighbors, with intense landscaping and mounding. The east and north neighbor mounding and landscaping package was increased. Condos also provide landscaping care, and the management company maintains property at high standards.

As part of the expansion development, the developer committed to install a pathway along Home Road, for more connectivity of developments, and for the greater good of the township (south side of Home Road, from Scioto Chase to Scioto Glen). The Trustees asked if the developer would also extend the sidewalk and put a crosswalk where the new light was being planned at Home and Tree Lake. Mr. Thomas agreed to connect those pieces when and where they provide for crossing. Mr. Garrett also requested the developer secure a path easement for the north side of Home Road up to the Pointe. Mr. Thomas shared Scioto Chase is probably not a good place for a crosswalk due to traffic, but maybe in the future as part of a light. He committed to acquiring easement for a future 10' trail/path along the north side of Home Road.

Mr. Andy Miller, Superintendent of Buckeye Valley (BV) Local Schools, shared the School Board voted to a settlement agreement with the Developer, and they are in support of the condo development. He noted the school could not sell the property without a public auction and other requirements, and there was also a reverter clause to the developer. To get the fair market value, the best solution was to settle with the developer for short term (sale of property and less legal fees) and long term (additional school tax) benefits.

Mr. Miller shared enrollment projections were obtained in 2014 and 2017. The district has 2,284 students (100 below projections) and should increase to 2,475 students in year 2025. Class sizes are predicted to get smaller before they get larger. Current class enrollment figures are senior class-212, junior class-200, sophomore class-179, freshman class-194, compared to third grade-151, second grade-156, first grade-131, and kindergarten-167. The condo development is estimated at 65% without school aged children, and the condos will add tax support for the school district.

### Public Comments

The court reporter swore in additional guests to the meeting.

Rick Lesueur of 6321 Scioto Chase Blvd, is a new resident and asked how the school acquired the land. Mr. Miller answered the developer gave the land to BV, but BV exchanged the land back to the developer as part of a \$500,000 settlement agreement. With the reverter clause, it would have gone back to the developer anyway, and BV potentially would not have gotten anything for it. BV was not permitted to sell the land outright, and the site was not chosen for the new elementary school.

Mr. Johnson added the site remaining in green space was in the original meeting notes, but was not included in the original legislative approval.

Darrell Miller of 4840 Hyatts Road, heard the kindergarten class has the highest current enrollment, and wondered with the size and growth of the district, why not put another high school there (north and south schools). Mr. Miller said currently the high school is in the central area of the district, but BV will have to monitor the West Elementary since the growth here is more than other areas of the district.

Phil Bertke of 6373 South Section Line Road, asked the capacity of the two new elementary schools, and how to shorten bus routes. Mr. Miller stated the elementary capacities are 625 (west) and 475 (east). The West Elementary will have 2-3 empty classrooms per section (grade), and East Elementary will open up at capacity (but there is low growth in that area). It took ten years for the district to pass the current campaign, and only by two votes. The school district could also purchase more ground in the future, if needed, as development and enrollment are monitored.

Andrea Yagoda of 7598 Concord Road, inquired if the transfer was contingent on the passing of this hearing. Mr. Miller said the transfer terms were a Board discussion in executive session as a legal decision.

Mr. Lesueur said with extra income to the district, would the district discuss lowering the tax rate. Mr. Miller responded no.

Mr. Bertke asked about the 55 and older market demographic, and what is best for the property. He feels a school is more for the community and better use than a private development. Mr. Garrett noted

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since our zoning code allows the site to be developed, single family homes would have more traffic than what condos would generate.

Molly Yankus of 6895 Duffy Road, said two developments were heard yesterday and this one today. How much development/traffic can our roads handle? Mr. Johnson replied the County Engineer monitors road usage and will not expand until the need is there. The Board of Trustees have no consideration over traffic, and cannot deny a project based on traffic concerns.

### Additional Testimony

Steve Schottenstein, 740 Mill Street, Gahanna, Ohio 43230, shared the condo product specifications:

1. Carpenter Gothic style, with white board and batten front, and vinyl sides and back
2. Units 40' wide x ~65' deep, with garages, 1.5 story, downstairs master.
3. Similar product at Ballantrae in Dublin
4. He would not be open to all natural materials.

Discussion was held on density requirements, which were met.

Further discussion held on using vinyl product on sides and back. Mr. Schottenstein stated there will be twelve feet between the condo units, and vinyl will not affect the product. When asked about mold, Mr. Thomas said the HOA maintains the property. The Trustees would rather see all natural materials used on the units, like was required of the other condo developers in the township.

In regards to parks, the closest one to the project is the 26.5 acre park in the middle of Scioto Reserve.

Mr. Garrett commented different people want different products. The Trustees' main request from subdivision residents is a bike path and connectivity. They also receive complaints on the private roads since they are sometimes not built to County specs. Mr. Thomas stated the roads would be 6" rolled compacted concrete and 2" topcoat asphalt.

Angie Ellerbrock of 7019 Concord Road, noted the Zoning Commission had requested the developer use an upgraded vinyl product for siding and provide samples for the Trustees. Mr. Thomas felt the vinyl would meet the building and fire codes.

Ms. Yagoda shared the following thoughts: 1-the last two developments approved for Concord and Riverside Highlands would use natural material sidings. If the township allows vinyl it is going backwards, 2-the township is turning into a big retirement community and will have no growth and become stagnant, 3-with all these condos being built, what happens if they don't sell because there are no amenities with them? Mr. Schottenstein said they have some inventory homes, but the majority are built on contract.

Mr. Lesueur bought a spec home three houses away from the project, and was promised the open space would stay open space. His vinyl siding gets no wind through it and is noisy. He thinks condos are not a "like" community to Scioto Reserve and the density is too high. Empty nesters want a community center, and residents want value here in the community. He also thanked the Board of Trustees for serving. Mr. Thomas noted there are already condos at the Ravines at Scioto Reserve which are attached condos. Trustee Johnson agreed there is clearly demand for the product, and he can see both sides of the density topic.

Trustee Garrett discussed the price point of \$400-425,000 for the units, and the demographic. He felt at this price point the one percent school tax would probably not be a concern, especially compared to neighboring Orlintangy's school tax. He feels the project is the best use for the property currently, the school, and everyone has different needs. He feels the township is in good financial shape, loves the BV schools, which this project would help. He acknowledged the density is high, and wants the community encompassed in landscaping.

Trustee Johnson again stressed his vote would be "no" if a vinyl product was used. Trustee Haney noted the other condo developers like Charlie Vince and Epcon were asked to use natural material exteriors. Mr. Thomas said the product is consistent with what is on the East side of the river, that the housing subdivisions included vinyl siding, and the natural materials agreed to on the West side of the river were part of a density consideration. Ms. Yagoda added the two condo developments approved last night (by zoning commission) were also all natural materials all the way around.

Trustee Johnson and Mr. Thomas debated the original intent of the land being either a school or open space. Trustee Johnson noted any modification to an approved development plan will come before the Board of Trustees, or through the Zoning Commission if a major modification.

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Mr. Chris Rinehart commented the following:

1. In the 2004 Scioto Reserve Expansion development plan, Section 7, 24.4 acres were deeded to Buckeye Valley Local School District. A reverter clause was not included in the plan.
2. Clarification was requested if the condo HOA would be separate. The model standard included in the plan is for Ballantrae, and needs a model set particular to this project. Mr. Thomas answered the development would be part of the master Scioto Reserve HOA, but have its own condo association.
3. Per the zoning requirements a bond needs posted for the new development, i.e. bond or bank letter.

Trustee Garrett asked why the pushback on all natural materials. Mr. Schottenstein said from a maintenance standpoint he wishes they were all vinyl. Vinyl with OSB backing is a good and acceptable norm. From a cost standpoint, the board and batten chosen for the front exterior is more expensive. They focused all their money on the front of the homes, with planter boxes, finials, cornices on front door, etc. Mr. Thomas added this condo product is significantly larger than Epcon's product, with double the amount of vertical space, and the lots are almost double the cost to develop. The price point of the condos will be about \$400,000+, compared to the ClarkShaw Moors homes which open in the \$200,000s. Mr. Schottenstein shared that market studies for this size condo show the owners do not want amenities.

Trustee Garrett discussed landscaping of the project and full screening. Mr. Faris explained the plant list and mounding for the project. Mr. Lesueur requested screening on the opposite side of the road, which was denied. Mr. Bertke asked the time for growth of plant material to reach the scale of the drawings. Mr. Thomas stated they have worked with the neighbors with the greatest implant, and have provided landscaping and screening exactly as was promised on past projects. Homeowners Steve Veach and Patrick Hawing confirmed the developers added extra mounding and screening. Mr. Hawing noted he is also not in favor of vinyl which would face his property.

Mr. Faris explained all the updates to the Plan Amendment Executive Summary highlighted text. Minor discussion was held on mailbox locations and project drainage.

The Fiscal Officer and Chairman contacted Chief Cooper via text since he was unable to attend the hearing. Chief Cooper stated no vinyl when he met with Mr. Faris and Mr. Thomas, and that all other condos being built were all natural exterior materials. He will not approve vinyl siding as part of fire code sign off.

To further discuss the vinyl issue, Mr. Thomas requested continuance of the hearing. Therefore, Mr. Garrett moved and Mr. Haney seconded to table/continue the hearing until Wednesday, March 21, 2018 at 6:30 pm. Vote: Haney-yes, Garrett-yes, Johnson-yes.

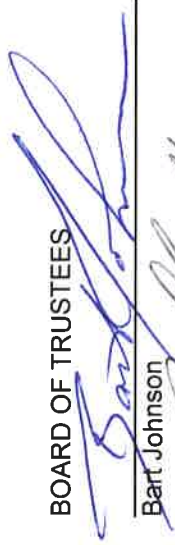
Mr. Johnson moved and Mr. Haney seconded to move off court reporter record for the hearing, to discuss project screening and landscaping with Mr. Faris. Vote: Haney-yes, Garrett-yes, Johnson-yes.

With no further business, Mr. Haney moved and Mr. Garrett seconded to adjourn. Vote: Haney-yes, Garrett-yes, Johnson-yes. Meeting adjourned.


ATTEST

  
Fiscal Officer, Jill Davis

BOARD OF TRUSTEES

  
Bart Johnson

  
Joe Garrett

  
Jason Haney

**CONCORD TOWNSHIP  
BOARD OF ZONING COMMISSION  
SIGN IN SHEET**

NAME (please print)	ADDRESS (please print)	TOWNSHIP
Darrell Miller	4840 Hyatts Rd	concord
Molly Vankos	6895 Duffly Rd	"
Tony Vankos	6895 Duffly Rd	"
Andrew Vankos	7598 Concord Rd	"
Kaitie Harring	4574 Hyatts Rd	"
Stouss Vorew	6099 Canoco Garro Dr.	"
Chris Vorew	6099 Canoco Garro Dr.	"
RICK LESUEUR	6321 Scioto Chase	"
Phil Berthe	6373 S. Section Line Rd.	concord