

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

**Meeting Minutes
August 19, 2014**

Call To Order

Chair, Connie Resanovich, called the meeting to order.

Roll Call

Connie Resanovich, Chair	Present
Virginia Farneman, Vice Chair	Present
Gary Davis	Present
Steve Pierce	Present
Fred Winther	Present

Also present were Alternates, Frank Niday and Steve Smith.

Officials Present

David Moser, Delaware County Assistant Prosecuting Attorney
Ric Irvine, Concord Township Zoning Inspector
Todd Cooper, Concord Township Fire Chief & Director of Operations
Sylvia McElwain, Court Reporter

Public Present

Please see attached Exhibit D - Sign-In Sheet

Swearing In

Chair, Resanovich introduced Sylvia McElwain, Court Reporter, who swore in all present.

Purpose of Meeting - Application #ZC022014

The purpose of the Public Meeting is to consider an application, designated as ZC022014, filed by Epcon Communities of 500 Stonehenge Parkway, Dublin, OH, 43017. The application is a proposed amendment to the Concord Township Zoning Resolution. The applicant is requesting approval of a preliminary development plan referred to as The Courtyards at South Section Line to rezone 26.616+/- acres on South Section Line Road, Parcel #31922001049000 and Parcel #31922001046000 owned by Price, Thomas E James A & William L, from Farm Residential (FR-1) to Planned Residential District (PRD).

Chair, Resanovich explained the procedure for the Public Meeting and read into the minutes the following Exhibits; Exhibit A - Application, Exhibit B - Property Owner's Statement, Exhibit C - Legal Notice, Exhibit D - Sign In Sheet, Exhibit E - Delaware

County Regional Planning Commission's (DCRPC) Recommendations, Exhibit F - Applicant and Surrounding Property Owners Meeting Notice Letters.

Chair, Resanovich then opened the floor for Testimony by the Applicant.

Applicant Testimony

Mr. Rhoads from Epcon Community stated that Epcon has been in business since 1987. He then introduced Christopher from Epcon and Todd Faris from Faris Planning & Design. Mr. Rhoads explained that Epcon has never built in Concord Township. Epcon does have communities in Powell, Westerville, Hilliard, and Grove City. He stated that they focus on senior living communities with single story or 1^{1/2} story homes, approximately 1,500 to 2,000 sq. ft., basements are optional, a second story is optional, and individual courtyards are optional. A 3,000 sq. ft. clubhouse will have a lounge, media room, kitchen, and restrooms. A 15 x 45 sq. ft. lap pool will also be available for the residents. The sales office for the condominiums will be located in the clubhouse until the units are sold. Mr. Rhoads mentioned that there is a demand for smaller lots and homes for seniors. He added that these communities have fewer residents since they usually do not have large families living with them, fewer cars and most of the travel is done during off peak hours.

Mr. Faris distributed additional information to the ZC, which was designated as Exhibit - G. The additional information covered an open space plan, traffic study, rear elevations, and pavement sections that were changed. The information will be added to the Application and available for the Public to view.

Mr. Faris stated that the main entry would be located on South Section Line Rd. He noted that the established farmhouse and barn would remain. The owner of the farmhouse will remain in the house and maintain the property. Mr. Faris added that this land is included in the density. He stated that the setback is standard and correct with the zoning code. Mr. Faris mentioned that the elevations for the clubhouse made it very visible. He added that they made the community so that the rear yard would back up to another rear yard. The front of the units would face South Section Line Rd. The northern section includes a ravine and stream that will be preserved and maintained. There will be units that have the option for a walk out basement to the stream and ravine. Each unit will have space to park four cars. Extra parking for the units will be available in pods around the development.

Mr. Faris listed the following issues that were discussed with Chief Cooper; fire hydrants that will be hammerheads and installed on dead end roads; a gravel base will be put down before construction begins; "No Parking" signs will be posted on the streets. Mr. Faris added that there will be buffering along South Section Line Rd. and they will replace the trees torn down for the left turn lane from north to south.

Chair, Resanovich opened the floor for questions from the BZC.

Questions From The BZC

Mr. Pierce asked for the base price of the units. Mr. Rhoads replied that the average base price would be \$240,000 with options that would increase the price. Mrs. Farneman inquired if they currently owned the property. Mr. Rhoads answered that they would not own the property until they received the necessary approvals. The question was asked again regarding the plan for the current farmhouse. Mr. Rhoads reiterated that the farmhouse, barn and silo would remain on the property and be maintained by the residing homeowner.

Mr. Winther asked if they planned to build on the property to the north. Mr. Rhoads replied that they did not ever plan to build on the north side due to existing land features and they do not want to alter the view on the North side. Mr. Winther asked if they planned to include handicap accessibility from one sidewalk across to the other sidewalk. Mr. Rhoads answered yes. Mr. Winther stated that the entry and exit sites were good. He asked if Epcon planned to replace the existing farmhouse with one or up to four units in the future. Mr. Rhoads stated that the owner would retain the home, however if he sold the property it would be replaced with one unit. He added that there would only be a total of 80 units on the property.

Mr. Pierce asked what considerations were made on the buffering for the existing homeowners. Mr. Rhoads explained that they have common open spaces, the units are 170-200 ft. away from the homes on the east side, they have included landscaping on the rear of the units which include evergreens, shrubbery, and a variety of contiguous trees. Mr. Pierce asked what the height of the buffering would be. Mr. Rhoads replied 6-7 ft. height. Chair, Resanovich confirmed that the primary outdoor living space would be small and directly to the side of each unit. Mr. Rhoads replied that each individual outdoor space would have additional buffering and more detailed buffering which could include thicker shutters.

Chair, Resanovich asked how they would begin the construction and sales for the units. Mr. Rhoads explained that there would be two major phases. The first phase would be on the north end and the second phase would be on the south end. He predicted that within 2-3 years the units would be sold and constructed. Chair, Resanovich asked when the turn lane would be installed and the answer was early in the project.

Chair, Resanovich asked the following questions; will paths be included, what school district will the development be in, how active are the clubhouses, will there be a Home Owner's Association, and what is the plan for lighting. Mr. Rhoads replied; paths would not be included around the development, only internal sidewalks for the residents, the school district would be Buckeye Valley Local Schools, the clubhouse will be a single story, 3,000 sq. ft. building which the residents can reserve for their own use, the pool is typically used sparingly, the Home Owner's Association will be established after a specific number of units have been sold, the development will not have perimeter lighting on the property, there will be 10 ft. posts with 55 watt light bulbs for security on each unit, and the clubhouse will have exterior profile lighting and porch lights.

Mr. Winther inquired if they could provide mounding along South Section Line Rd. to help with noise. Mr. Rhoads explained that they want to keep the existing trees and would use other types of buffering. Mr. Winther's other questions included; if they could provide buffering for the existing house on the south side, if they could make the paths continuance, why are there no trails in the plan, and would they go from 3 units to 2^{1/2} units per acre.

Mr. Smith asked about having a south bound, left turn lane now that there is a new traffic pattern going north with the new round-about. No right turn lane into the subdivision will be a problem. He also asked when the traffic study was done. Chair, Resanovich clarified that the question was regarding adding a turn lane going north as well as coming from the north. Mr. Rhoads replied that the traffic study was done in the past couple of weeks and has not been finalized. He added that he understand the concern regarding the north bound, left turn lane. The County Engineer will make that determination. No matter how anyone feels about the situation, as far as the location of the entry way and the road improvements, it is ultimately up to the County Engineer to decide.

Chair, Resanovich opened the floor for Public Comment. She requested that the Public state their name and address for the record and listen to each other and not repeat what others have said.

Public Comment

The following is a list of concerns, questions and answers that were stated during the Public Comment.

Traffic/Roads

If the traffic study was done within the last two weeks, the intersection was closed and under construction; large trucks go too fast; the road is narrow; the hills on South Section Line make the road dangerous; the new round-about has increased the traffic speed; the development will add traffic that is slowing down to turn and/or pulling out onto the road which will create an even more dangerous situation.

Can the traffic study be redone? Mr. Rhoads answered that the current meeting was the first step in the process. He said the traffic study is an important part in the process and is handled by the County Engineer. He added that they are open to any changes.

Mr. Rhoads stated, for the record, that St. Laurent Dr. will only be used for EMS services. The Delaware County Engineer is solely responsible for determining the changes and/or upgrades to the roads. South Section Line is a county road and is maintained by Delaware County. Concord Township has a say in what happens along South Section Line Rd. and many people hope that this development will not happen.

Levies

Residents expressed concerns that levies will not get passed for schools and EMS services from the new elderly residents. We need to consider the interests of the community, public schools and EMS services.

Landscape

The suggestion was made to flip the green space so that there would be green space next to green space between the new development and the existing homes. Other suggestions included adding mounding with trees. A request was made to see a detailed interior and exterior landscaping plan with specific plants listed, different types of trees used with their heights listed, and the density of the perimeter landscaping.

Density

Scioto Reserve is 1.85 units per acre and this development proposes 3 units per acre. The suggestion was made to put off the decision for the development because the Comprehensive Planning Committee is considering changing the density on the east side of the river to 2 units per acre. The density does not fit this area. This is too large of a development for this little space.

Construction

How will dust be contained during construction and can the construction time frame be shortened? The Applicant responded that the dust would be handled/maintained per the Delaware County requirements.

Courtyard Buffering

The 15 ft. buffer zone between the proposed units and existing homes is not enough. The noise, lighting, cooking in the courtyards and height of the units are a concern. Height of the metal fence in the front of the courtyard is 4 ft. height and the solid vinyl fence in the back is 6 ft. height. The Scioto Reserve residents pay an additional fee to live by the natural buffering when they build. Everyone in the community pays the Home Owner's Association fees. Mr. Rhoads said that all of the buffering issues would be addressed.

Clubhouse

The clubhouse has dumpsters, noise, cooking etc., it needs to be moved to the interior of the development or screened by something else on Section Line Rd. Twelve parking spaces does not seem like enough spaces for the Clubhouse.

Lighting

The lighting in the development has a direct illumination rating of 60 ft. with 55 watt light bulbs. The site lighting would be scattered around the development. There is a detailed sheet included in the Application, which shows the development lighting. The lights are part of the common element and are paid by the Home Owner's Association fee. Mr. Rhoads added that any lighting issues would be addressed.

Property Owner

A resident stated that Epcon does not currently own the property, however they applied for rezoning. David Moser, Assistant Prosecuting Attorney answered that Epcon is under contract to purchase the property. It is presumed that they will become the owner and may submit a rezoning application. This information is not stated in the law but is contemplated by the law.

Applicant Response

Mr. Rhoads explained that this is a process and tonight's meeting is the first part of the process, however it is a very small part. A lot of work has to be done and many questions still have to be answered. The traffic study is essential and is controlled by the County Engineer. The study did take under consideration the plans on the intersection with South Section Line Rd., Home Rd. and merging with 257. The plan on the intersection was not a surprise to us. The study is still under review and we will make any changes to reflect the conditions. We would like time to provide additional detail on the landscaping and lighting concerns.

Mr. Rhoads wanted to address the statement regarding transparency on the application process. He stated that they submitted the application on July 21, 2014. The application went to the Delaware County Regional Planning Commission in July and was part of a Public Hearing. He concluded by saying that if any member of the public has questions or comments they are welcome to call or email him.

Public Information

Concord Township has made the application available for residents to view at the Ostrander Library during normal business hours. Information is given to the Zoning Commission ten days prior to the meeting. The meeting date, time, location and purpose is published in the Delaware Gazette at least ten days prior to the meeting date. Letters are mailed to the surrounding property owners, per the Ohio Revised Code. The letters mailed prior to this meeting did not include where the information could be viewed. David Moser, Assistant Prosecuting Attorney, replied that the information should be included in the letter and the problem would be corrected. The minutes will be posted on the Concord Township Website as requested by the Public.

David Moser, Assistant Prosecuting Attorney, added that the Zoning Commission has very specific requirements that it has to meet in terms of publishing and mailing notices. The mail notices are mailed to adjoining property owners and has to be published in a newspaper of general circulation which happens to be the Delaware County Gazette. The Board has specific timing requirements from the time they receive the application until the time they hold the meeting and when they distribute notice of the meeting, and so far those have all been satisfied per law. Moving forward, whatever decision the Board makes in terms of a recommendation for this application, it will go before the Trustees for a final decision. The Trustee's meeting notice will be published in the Delaware Gazette and on the Concord Township website. Mrs. Farneman added that the Zoning Commission meeting minutes are Public Records.

Township Comments

Chair, Resanovich stated that Concord Township did not have development for many years because a sewer system was not available. The sewer system was introduced to this township with the Tartan Fields and Scioto Reserve development. In 2006 Delaware County announced their intentions to bring the sewer system down into our area and developers began buying up land. The economy changed and the sewer system sat unused and Concord Township remained undeveloped for several more years. Now the economy has improved and the development is coming to our township. We, at Concord Township, have to have a very good reason to turn down a development, such as if it does not follow the zoning code. Our Board and the Trustees are doing everything we can legally to ensure that people have the rights to their land. We are trying to regulate this as much as possible, we want to hear what you have to say, however people have a right to the use of their land.

Inspector, Irvine said that it's a daily battle between development and the Delaware County Engineer. He added that you can never make everyone happy. Development cannot be stopped. When Scioto Reserve came, existing residents were not happy about the development, however it was developed. Mr. Faris did an excellent job on submitting the application. They are very concise on what they want to do, just as they did for the Scioto Reserve expansion. He's followed the code, as the zoning code is written. The setback issues, for example the setback in between of the buildings, are things that will be worked out during the final development phase. These issues will be worked out with the Delaware County Code Compliance, Delaware County Building Department and the Fire Chief for the fire code. The road issues have already been addressed by Mr. Faris. We have a few private roads that were not put in well and they are roads that Concord Township does not maintain nor plow. It's the responsibility of the resident to maintain the private roads, unlike the Scioto Reserve roads which Concord Township maintain.

In order for the Applicant to address concerns, a Zoning Commission Continuance Meeting for The Courtyards at South Section Line was set for September 23, 2014 at 7:00 p.m. at the Concord Township Administrative Building. The Continuance Meeting notice will be added to the Concord Township Website.

David Moser, Assistant Prosecuting Attorney, added that the Continuance Meeting will not be published in the Gazette and no letters will be mailed to surrounding property owners because the Continuance Meeting was set during the current meeting.

Recess and Continue Public Meeting

Chair, Resanovich made a Motion to Continue the Public Meeting on September 23, 2014 at 7:00 p.m. at the Concord Township Administrative Building and it was seconded by Mr. Davis.

Vote: Resanovich, yes; Pierce, yes; Davis, yes; Farneman, yes; Winther, yes
Motion carried.

Motion passed.

Business Meeting

Motion to begin the Business Meeting by Mr. Davis and seconded by Mr. Pierce.

All in favor. None opposed.

Motion carried.

Motion passed.

Old or New Business

There was no New or Old Business to come before the Board.

Motion to Adjourn the Business Meeting by Mrs. Farneman and seconded Mr. Winther.

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

Motion carried.

Motion passed.

ATTEST

DATE APPROVED

Angie Ellerbrock
Administrative Assistant

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