

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

**Workshop Minutes
May 30, 2017**

Call To Order

Chair, Resanovich called the Workshop to order

Roll Call

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

Public Present

See attached sign in sheet

Purpose of Workshop

Chair, Resanovich began by stating the purpose of the workshop was for periodic review of the current Comprehensive Plan and Zoning Resolution for any changes/updates needed. Chair, Resanovich added that there would not be a vote tonight. In 2015, there was an update to the Comprehensive Plan and at that time they agreed that every couple of years they would evaluate the code for updates/changes that may be necessary. The zoning code has not been updated in several years. The purpose of the meeting tonight is for discussion on what is working and not working in the Zoning Resolution and possibly minor changes to the Comprehensive Plan. The Comprehensive Plan contains information regarding the prison across the street that needs updated, as well as planning for commercial that is not viable any longer and needs updated.

Chair, Resanovich thanked the residents for their attendance and feedback during the process. The resident's input is critical for the changes to be made. Any resident who wants to speak will be encouraged to participate and Chair, Resanovich asked that each person be respectful to each other and the BZC during the process. Chair, Resanovich stated that it is a long process of discussion, with proposed changes that go to the Delaware County Regional Planning Commission (DCRPC), Prosecuting Attorney and to the Concord Township Trustees. The detailed process is in the Ohio Revised Code (ORC) if the residents would like to read it. The Trustees will make the final decision. The BZC will not and cannot make quick or spot changes to the zoning code. The BZC will not review the entire zoning code for changes, they will look at specific areas for updates/changes as needed. Topics for consideration include, the township's growth, sewer availability, changes/growth to the west and east and how it effects the township.

Chair, Resanovich said that since the residents came to participate in the process, she would begin with Public Input and write down proposed issues/changes for everyone to see.

Begin Workshop/Public Input

Density needs to be addressed, increase the side yard setback and rather than a request all natural materials, make it a requirement. The incentives could be included as requirements for PRD rather than an option for higher density and concessions could be added at the discretion of the Trustees or BZC to approve. Chair, Resanovich mentioned that those topics had been discussed by the BZC during their last meeting. Chair, Resanovich read into the minutes the discussion points for public knowledge (see attached).

Incentives are good for the developer and not good for the existing residents. The existing residents feel left out and do not want the higher density. Chair, Resanovich understands that realtors sometimes tell buyers that the undeveloped land won't be developed and people move to the country and expect it to stay undeveloped. Unfortunately, it is up to the buyers to do their homework regarding such guarantees. Chair, Resanovich said that truthfully, property owners have the right to sell their land when they want/need to sell.

An update on previous meetings and the process was requested and there was a question regarding the BZC, its members and the process. Chair, Resanovich said the BZC receives a small sum for the meetings that they attend, however most of their time is volunteered. Mr. Smith is a realtor and has been on the BZC for a couple of years. Mrs. Farneman and Mr. Davis have been on the BZC for many years. Mrs. Ellerbrock is the Administrative Assistant. Mr. Pierce lives on Clark Shaw road and has been on the BZC for several years. Mr. Hilt of P&D Builders and Mr. Hamilton who lives in Lucy Depp are Alternates. All of the BZC members are Concord Township residents. In order to be considered for a Board position, a letter of interest submitted to the Trustees is required. When a position is available, the Trustees will appoint a new member. When a conflict of interest arises for a Board Member they must excuse themselves from the Board during that issue.

For public information, the current zoning is 1.5 with incentives to increase the density. Mr. Smith read into the minutes parts of pages 66-67 in the Concord Township Zoning Resolution;

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.*

The Zoning Commission may recommend and Township Trustees may approve zoning incentives of up to one-half (1/2) unit per gross acre for each of the above standards of quality found to exist; however, the total density for the entire area of the development shall not exceed three (3) per gross acre.

The density begins at 1.5 and will increase with the incentives. For public information, the Zoning Resolution is on the Township website and the Ohio Revised Code (ORC) can be looked up on the internet for the rules/guidelines of the township, boards and the necessary processes involved.

The zoning code review is due to the growth and sewer availability that has changed in the township. The Comprehensive Plan was recently updated and the Zoning Resolution now needs updated as well. The current sewer requirement in the code is 1.5 acres which has now changed and needs updated. The sewer plant was built several years ago and is now becoming operational with the installation of pipes for the new developments. Land owners have a right to sell their land however, the existing residents have a right to say what their surroundings look like. Chair, Resanovich agreed and Mr. Hilt added that currently the BZC is discussing updates because they do not agree with the density verbiage in the code. The BZC works for the residents, they need input to assure they are making the correct updates/changes to the code. The BZC are Concord residents who share the same feelings and common goal to better the area.

Open space could be a percentage of the gross acre development and set a standard for the density and remove the incentives. Chair, Resanovich agreed and mentioned that other improvements for the area could be at the discretion of the Trustees. The density for the Concord Highlands development was confirmed as 1.9, which was approved by the Trustees. The master plan was discussed and concern that the process seemed disjointed. Chair, Resanovich, said the Comprehensive Plan was based on the conditions in 2015 when it was approved. The master plan cannot be challenged in court because it's a planning document not a legal document. The master plan shows by subarea, the vision for the township. The master plan is a vision and a history of the township including maps of the area. The master plan does address growth. The BZC is bringing the zoning code to align with the most recent master plan. The zoning code takes legal precedence over the master plan.

Residents complained about the type of growth and starter home communities in the township. The township is moving in a new direction with the sewer availability and the current issues have not needed to be addressed until now. The township is growing and a review of other areas and growth is necessary to determine what direction the township should go. The character of the area needs to be maintained. Chair, Resanovich said the BZC has reviewed different townships and zoning codes. They have researched different areas and growth and what they want to prevent is having starter home communities built all over the township. The BZC wants to attract the right kind of growth with a quality home for the area. The sewer has changed the development for this side of the river. The 50+ community is a nice option, the houses are nice, the traffic pattern is different and they are a self-contained community. The BZC is in the beginning stages to recommend changes. The residents agree that they do not want starter home communities.

Chair, Resanovich said the BZC have previously discussed the same issues mentioned during this workshop; changing the density, increasing the side yard setback etc. Mrs. Farneman added that the 1.5 density, side setback, size of the houses, are all part of the discussion, no decisions have been made. Chair, Resanovich added that Public Input is important to make sure that they are in agreement. A decision will not be made until final discussions are clear on what changes/updates are needed. Chair, Resanovich added that Tartan Fields and Jerome have 5 ft. side setbacks and that doesn't inhibit the type of houses that they build. If there are ten houses in a cul-de-a-sac with plenty of open space, will the concern still be with the number of houses and the side setback or the quality of the houses that are built?

The quality of the houses being built is a huge concern. The character and value of the area need to be maintained. Negotiations with the developer should be possible to maintain the character in the township. The green space is not as important. The new houses need to be the same or higher quality and value as the existing homes. Mr. Hilt said using Tartan Fields or Jerome as examples, they have houses on top of each other, however the quality of the home is very expensive. The quality of the home needs to hold its value for the future of the area. The new starter home is made with less expensive materials and will not hold its value as well. Mr. Hilt said he does not know what the house median is in the township. The cost to build a new house today is expensive, the newer first time house is probably worth more than some existing houses in the township.

The rural character in the township is why most people originally moved to this area. In order to maintain the rural character, trees, more trees and natural landscaping are necessary. The new developments should be surrounded so that it cannot be seen from the road or existing residents. The development should attract people who appreciate the rural character rather than town people who move to the rural areas. Chair, Resanovich said there are options that have been discussed to help buffer the developments.

Property owners must be able to sell their land however, the existing residents need to have a say in how the area looks. Residents asked why the Trustees said they were firm on 1.5 for the new development, however they approved 1.9 during the following Trustees' meeting. Mr. Smith said the incentives allow the density to go up from 1.5 to 3.0. Mr. Hilt added that the density of 1.5 with the addition of incentives to go up to 3.0 is the verbiage that is currently in the zoning code. Mr. Hilt added that the current discussion is to make changes to that part of the code. Chair, Resanovich said that the Trustees began at 1.5 and the incentives were included so the density went up to 1.9. The developer included major screening on all four sides of the development, they increased the front setback and other additional incentives that took the density to 1.9. The developer was threatening to sue the township. The Trustees did not want to spend tax payer dollars on lawyer fees to fight the developer. So, the Trustees settled for different benefits for the area and approved the developments. Changes to the zoning code will not impact the two new developments that have been approved by the Trustees.

Mr. Smith said that in Shawnee Hills, the lowest priced house that has been built was \$315,000 which was on 4 extremely small lots. Mr. Smith added that 6 lots together is under ½ acre and these new homes average between \$470,000-\$517,000. In today's market, a large lot with a decent house will be over \$400,000. The new developments will use all natural materials on the front of the houses. The developer did not have any issues with the request. Mr. Faris lives in the township and is the designer for the new development. Mr. Faris said that in areas zoned FR-1, you are able to park a trailer or build a 500 sq. ft. vinyl house and not maintain the home and/or property. PRD zoned areas bring in a quality homes, the area is controlled by the HOA and the landscaping etc. are all maintained. Discussion ensued regarding different areas and types of development and what different homeowners want for their home and property. They type of growth is vastly different from chickens in the backyard, to residents who want small lots with low maintenance, to residents who want large properties and privacy.

Density is an issue because of the congestion and traffic, due to developers purchasing 20-50 acres in different areas all over the township. There are no guarantees when property owners sell their land that they will receive top dollar. Farmers who have worked their land for years will sell their land for a profit. Township zoning deals with the community as a whole and what's best for the community. Less

density will keep the traffic and congestion down. Jerome road and the surround areas are going to bring congestion to this area. Negotiations with the builders should not be expected, the code should designate the requirements. The Trustees should not be threatened that they will get sued for trying to do what is best for the township.

After several comments regarding roads and traffic, Chair, Resanovich clarified that road and traffic decisions are made by Delaware County. A traffic study of the area is required for development, they consider current and future growth. The County decides what road improvements are necessary.

The incentives in the zoning code only benefit the developer, not the current resident. The green space that makes higher density possible, only benefits the development. Chair, Resanovich mentioned that part of the discussion is creating green space or parks for the area and not just for the developments. Connecting paths/trails would benefit more people and they are being added to the surrounding areas. Mr. Smith said that connectivity is now part of the new developments so that eventually the entire area will connected with paths and trails. Making paths, trails, green space etc. a requirement rather than an incentive is a change that is being considered in the code. The green space, paths/trails etc. are added to the development to increase the open feel of the area. Mr. Faris stated that the Trustees have said that the green space, buffering and extensive landscaping should be near the front of the development to increase the front setback and help buffer the view from the road and existing residents. Mr. Faris added that this has been a request by the Trustees and is not in the zoning code.

Chair, Resanovich told the residents that the BZC appreciates their attendance and participation during the process of making changes to the code. The residents seem to be in agreement with the changes they want made to the code. The next step will be to schedule the next meeting. Chair, Resanovich said the meeting will be posted on the website, the Gazette and in the foyer of the township building. After further discussion, the next meeting was scheduled for June 20, 2017 at 7:00pm.

Motion

Motion to Adjourn by Mrs. Farneman and seconded by Mr. Smith.
Vote: Resanovich, yes; Farneman, yes; Davis, yes; Pierce, yes; Smith, yes
Motion passed

ATTEST

Angie Ellerbrock
Angie Ellerbrock
Administrative Assistant

DATE APPROVED

6/20/2017

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