

Orange Township Trustees
March 20, 2018
Special Trustee Meeting

The audio recording, resolutions passed, and any attachments constitutes an accurate record of the Orange Township Trustee Minutes at the above dated meeting as determined by the Fiscal Officer. The following summary is provided as an overview of the meeting and a “road map” to the audio recording. Copies of this record are available by request at the Orange Township Fiscal Office, 1680 East Orange Road, Lewis Center, Ohio 43035.

Ms. Knapp called the meeting to order at 7:02 p.m.

This meeting was held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio 43035.

Motion by Ms. Knapp to appoint Mr. Bodnar as Acting Fiscal Officer.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

ROLL CALL: Lisa Knapp – yes, Ryan Rivers – yes, Deborah Taranto – absent.

Mr. Bodnar commented Trustee Taranto was out of town attending a conference.

TOWNSHIP OFFICIALS ALSO PRESENT

Michele Boni	Planning and Zoning Director
Lee Bodnar	Township Administrator
Michael McCarthy	Township General Counsel

The minutes were prepared by Administrative Assistant for Maintenance and Parks Mary Ann Ross.

The purpose of this meeting is:

☉ Regular Session:

**BOARD OF TOWNSHIP TRUSTEES OF ORANGE TOWNSHIP,
DELAWARE COUNTY OHIO**

AMENDED NOTICE OF CONTINUED TOWNSHIP TRUSTEE ZONING HEARING

Notice is hereby given that the Board of Township Trustees of Orange Township, Delaware County, Ohio, will continue its public hearing (previously recessed on February 1, 2018) on Tuesday, March 20, 2018 at 7:00 p.m. to hear, consider and possibly take action upon the following applications:

Rezoning Application #ZON-17-05, Home High LLC c/o Brad Block, Requesting an amendment to the Zoning Resolution and Map, specifically the rezoning of 29.6 +/- acres from a Planned Commercial and Office (PC) District known as Clear Creek (approved under Application #17033 of MTB Corporation) and 14.3 +/- acres from a Multi Family Planned Residential (MFPRD) District known as Clear Creek (approved under Application #17034 of MTB Corporation), to a Single Family Planned Residential (SFPRD) District. The subject property is currently owned by Home High LLC. The area being considered for rezoning consists of a portion of permanent parcel number 318-230-02-001-000.

Rezoning Application #ZON-17-04, 216 Home Road LLC & Home High LLC c/o Brad Block, Requesting an amendment to the Zoning Resolution and Map, specifically the rezoning of two (2) parcels, totaling 32.03 +/- acres, currently within the Clear Creek Planned Commercial and Office (PC) District (approved under application #17033 of MTB Corporation), and one (1) parcel, totaling 1.47 +/- acres currently zoned as Farm Residential (FR-1) district, to a Planned Commercial and Office (PC) District. The subject properties are currently owned by 216 Home Road LLC and Home High LLC c/o Brad Brock. The area being considered for rezoning is comprised of permanent parcel number 318-230-02-001-002, a portion of permanent parcel number 318-230-02-001-000, and permanent parcel number 318-220-03-001-000.

The hearing will be held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio 43035.

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The application and plans are available for inspection through the date of the continued hearing at the Orange Township Zoning Office, 1680 East Orange Road, Lewis Center, Ohio 43035. Zoning Office hours are Monday through Friday, 8 a.m. to 4:30 p.m., except legal holidays.

*Lisa Knapp, Chairperson
Michele Boni, Orange Township Zoning*

REGULAR SESSION

REZONING APPLICATION #ZON-17-05, HOME HIGH LLC C/O BRAD BLOCK

Ms. Knapp called the hearing for Rezoning Application #Zon-17-05 to order. She asked if Planning and Zoning Director, Michele Boni would like to speak.

Ms. Boni commented a withdrawal of application of the single family residential known as Clear Creek Application #ZON-17-05 had been received. They have received a letter from the attorney as well as the property owner itself.

RES.18-119 TO ACCEPT THE WITHDRAWAL

Motion by Ms. Knapp to accept the withdrawal of application #ZON-17-05.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

REZONING APPLICATION #ZON-17-04, 216 HOME ROAD LLC & HOME HIGH LLC C/O BRAD BLOCK

Ms. Knapp called the hearing for Rezoning Application #Zon-17-04 to order. Ms. Knapp asked Ms. Boni to explain what was going on with this application.

Ms. Boni commented they had received a letter from the attorney for Clear Creek Planned Commercial Application and they have asked to table the application. She noted the attorney was present if there were any questions.

Donald Plank the attorney for the property owner and the applicant for the commercial. He commented:

- Regarding the withdrawal of the residential that the Board just accepted
- They went back into contract on that piece of ground that they got another residential developer that has filed their application with the Township for residential on the what's called the residential portion of that property
- They would like that zoning process to catch up to where they are
- They think that whether it is voted on the same night or very close that it makes sense for those two applications to catch up with each other
- They were asking that it be tabled until that process gets to that point

Ms. Knapp asked how much time would that take.

Ms. Boni commented it would be difficult to narrow it down to a specific date that they would have to pick a date.

Ms. Knapp commented:

- There was an option, she was discussing with Mr. McCarthy that it is possible to table it indefinitely
- Which Mr. McCarthy is not a big fan of
- But she knew it was done before in the past
- It is to avoid this thing where we come back every three months
- She felt it has also been trying for the residents
- Some of which she tried to warn
- (Talking in the audience)
- Ms. Knapp continued she tried to warn them
- The other ones were maybe warned or made aware

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- But even then people would want to show up anyway
- It has become kinda of a.....
- She understands there is an issue, she understood that

Mr. Plank commented:

- He thought she would see with the a slight amendment to their application for the commercial that they will have resolved all the issues on the commercial portion with the neighbors
- There was a 3 acre parcel of ground that they were concerned about how close that was getting; the commercial to the residential
- That is now going to be part of the residential application
- They anticipate or request or they have already had a request about the possibility of a underpass or overpass or a bike path that location and this will accommodate that
- He thought that he had no problem with it being indefinite
- Because it would cause us to come in and he thought what was good about it, Mr. McCarthy is that they have to update the list of owners

Mr. McCarthy commented; that was going to be his.....; what he was going to ask him about

Mr. Plank continued:

- He would update the list of owners
- They would bring that in and do a re-notification
- He had no problem with that
- That would make sense after the number of continuances we have had
- He didn't want to miss any new property owners that might be in the mix

Mr. McCarthy commented:

- He would indicate in the past, to his recollection, there was only one time they have tabled it indefinitely
- It was not a good experience; Mr. Gladman there after refused to do it
- He advised it is the discretion of the Board
- As Mr. Plank commented the down side of it is you will have to republish the notice in the paper and you will have to reissue the letters
- But as Mr. Plank pointed out that may be a good thing in all events

Ms. Knapp asked Mr. Plank if he would be willing to pay have it done.

Mr. Plank responded yes.

Ms. Knapp commented it is an expense.

Mr. Plank responded they could do that or they could actually send out the notices and show the township they paid for the

Mr. McCarthy commented the township better do it.

Ms. Knapp asked if Mr. Plank would be willing to pay for that.

Mr. Plank commented yes.

Ms. Knapp asked what is the cost? Usually a few hundred dollars at the most to run the ad and to post the letters?

(talk over)

Mr. Plank commented whatever it is.....

Ms. Knapp commented:

- It isn't going to be thousands

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- It would be great if they could help with that

Ms. Knapp started asking Mr. McCarthy obviously would we want to.....

Mr. McCarthy commented:

- If you are tabling indefinitely, then you table it indefinitely
- If you get to the point that you feel it is time to, you know
- The first time when it happened is basically they tabled it indefinitely
- They never heard for the applicant again

Ms. Knapp commented we don't want to do that.

Mr. McCarthy continued:

- About six months or so they reached out to the applicant
- And the applicant moved on to other issues
- So they did in the end; republish and bring them in and shut it down

Ms. Knapp commented; can we say just that...

Mr. McCarthy commented:

- I would keep it indefinite
- If you put it (talk over)

Ms. Boni commented; they would come back to the trustees and ask for a date.

Ms. Knapp asked so we can still schedule a date?

Mr. McCarthy commented:

- If there is a personal outside limit you could state that separately to the applicant
- Ya know we are tabling it indefinitely
- He would personally not support no showing up "x" months from now

Ms. Knapp asked what other recourse did the Board have if in another year, god forbid, there is nothing going on, but she doubted it.

(much talk over)

Mr. McCarthy commented:

- What he was saying is, when the Board determines the next.....; you will determine the next hearing

Ms. Knapp commented so we have that recourse.

Mr. McCarthy commented:

- You have that control and when you either have the current application, which he hasn't seen to analyze.....
- But you know that table, you know, let's say, 3 months go by or maybe Epcon withdraws
- You decide it is time to do something
- Then you know, would suggest a public meeting motion, second, all of it
- You then hear from the applicant at the hearing as to what is going on, their desire or you take action

Ms. Knapp commented as long as it is under our control.

Mr. McCarthy commented; no, you would determine the next hearing date, and like he said if you would have an outside personal one you would not want to see violated he would state that afterward it being tabled. Or after the recess indefinitely.

Ms. Knapp asked Ms. Boni about Epcon.

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Ms Boni commented they had just got the application.

Ms. Knapp asked Ms. Boni how long she thought it could take. 3months?

Ms. Boni commented it is very hard to tell with the Zoning Commission.

Ms. Knapp commented could it take up to six months or ?

Mr. McCarthy commented:

- If he could, there may be a few quick ways to find out
- He asked what the proposed density was

Ms. Boni commented it was less.

Mr. McCarthy asked less than what?

Mr. Plank commented not less than 2; but less then it was before.

Mr. McCarthy commented:

- Okay, personally after what we saw at the Ravines he would anticipate there might be some discussion but their might not, you know, he could see that hanging it up
- Kind of commitment what the density is and all the divergences from the development standard
- Although he did think he has gone through the 1705; those discussions should move along a lot quicker

Ms. Boni commented: right, and we are used to a similar template than the last application.

Ms. Knapp asked so 6 months at the most? Mr. McCarthy and Ms. Boni agreed it would not take more than 6 months.

Mr. McCarthy commented he thought 2 months, 3 at the most.

Ms. Boni commented there are 2 Zoning Commissions a month and ideally it should take only three meetings.

Ms. Knapp commented her personal limit would be 6 months and it would fall within that.

Mr. McCarthy commented like I said, just do not make it part of the motion.

Ms. Knapp asked Mr. Rivers if he were okay with that. He commented it worked for him.

Mr. Plank commented:

- Either withdrawal the application
- Or bring it before council and vote on it
- It is always in their control

Ms. Knapp thought it would be best for all to table it indefinitely. She asked Mr. McCarthy if there were anything else they should do. Mr. McCarthy instructed her on the motion.

RES18-120 MOTION TO TABLE INDEFINITELY

Motion by Ms. Knapp to table application #ZON-17-04 indefinitely.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

Ms. Knapp commented; like she said, she would prefer it to be brought back within 6 months. (much chuckling). She thought it would be plenty of time. Ms. Knapp asked Ms. Boni to get with them when ever to review that and we will set...

Ms. Boni commented she would send the legal notice and send out an updated letters.

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Ms. Knapp commented you guys will let us know when you are ready; you'll let us know at a trustee meeting and we will set the date and you will let them know the costs and everything.

Ms. Knapp adjourned the meeting.

There was no further business, meeting adjourned at 7:16 p.m.

Lisa F. Knapp, Chairman

Ryan Rivers, Vice Chairman

Deborah Taranto, Trustee

Attest: _____
Joel M. Spitzer, Fiscal Officer