

Zoning Commission

Comprehensive Land Use Update Meeting

May 15, 2018

LEGAL NOTICE

Notice is hereby given that the Orange Township Zoning Commission will hold their 5th special meeting on May 15th, 2018 beginning at 6:30 p.m. to discuss the Comprehensive Land Use Plan Update.

Comprehensive Land Use Update

The Township was awarded the opportunity to partner with students from the Ohio State University's Master of City & Regional Planning (MCRP) program to help update our current 2010 Comprehensive Land Use Plan. The students have completed the first draft and will now be presented to Orange Township Zoning Commission.

Therefore, the purpose of this meeting is to review and discuss possible revisions to the Orange Township Comprehensive Plan 2010, with the assistance of the Zoning Commission's contractual land use planning consultant, the Delaware County Regional Planning Commission.

We encourage all residents and community members to attend.

The 2018 Orange Township Comprehensive Plan Draft is available for examination at the Zoning Office, 1680 East Orange Road, Lewis Center, Ohio or our website at www.orangetwp.org. Zoning Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.

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

The person responsible for the publication of this notice is Michele Boni, Orange Township Zoning Department.

Mark Duell, Chairman

Michele Boni, Orange Township Zoning Department

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Ms. Trebellas called the meeting to order at 6:30 p.m.

Roll: Mark Duell-absent, Todd Dove-absent, Christine Trebellas, Katie Stenman, Dennis McNulty, Barrett Ault-absent

Ms. Boni: Mr. Duell will not be able to attend; his father passed away today, so our thoughts and prayers are with his family, and Ms. Ault just recently informed me that she would not be able to make it due to traffic. I believe Mr. Dove may be coming; he may just be a few minutes late.

Township Officials Present: Michael McCarthy
Michele Boni

Township Counsel
Planning and Zoning Director

Zoning Commission

46 Mr. Boni: I invited Laney Ellzey, our Planning and Zoning Intern, who was a huge part in putting this
47 plan together. This will probably be her last Zoning Commission meeting as she will be leaving us the
48 end of this month. Scott Sanders and I revised sub-area chapters as discussed at the last meeting. We
49 also revised some of the implementation strategies that were discussed at a couple meetings. I was
50 hesitant to move forward with completely revamping the whole plan because I want to make sure
51 everyone was ok with the sub-areas and strategies. I don't know if we want to go over everything tonight
52 or if there are any big topic items that we need to address. I will be asking Mr. McCarthy for all of his
53 comments, and I'd like to address those in the plan prior to submitting a new, full revised submittal to
54 you. We based the language on this point 10 plan for the sub-area chapters and modified a few of those.
55 One request was to have each sub-area as its own map in the plan, so they're not as clear yet, but when we
56 do the final printing and final version, those will be a much clearer image. I just wanted to display those
57 for tonight's meeting.

58
59 Ms. Trebellas: I appreciate having the maps; I think that will help us to easily identify which area of the
60 Township we are discussing.

61
62 Ms. Boni: And we combined; we have 15 sub-areas instead of 16. Also updated the land area and current
63 population on all the sub-areas; Scott provided that data from his updated list.

64
65 Mr. McCarthy: I checked that and we've got a lot of districts that seem to have 3 people. I don't know if
66 it was a cut and paste thing or what.

67
68 Ms. Trebellas: I might believe it for Highbanks, that we only have 3 people there.

69
70 Ms. Stenman: How do you know if those houses are occupied?

71
72 Ms. Boni: I would assume that the population is based on residential and if there's no residential, then
73 that's...

74
75 Ms. Trebellas: Does this unit mean a residential unit when you have the current population because you
76 have that under all the sub-areas of the population and how many units.

77
78 Ms. Boni: I'm not sure; I'll ask for clarification.

79
80 Ms. Trebellas: And as we go thru the sub-areas, we might want to double check because there are some
81 that I think have more than 3 people, looking at the map.

82
83 Ms. Boni: I will cross-check the population and then declare the additional units we have.

84
85 Ms. Trebellas: And if you could, what kind of units they're talking about might also be helpful so we
86 know where our multi-family is versus our single family.

87
88 Ms. Boni: I'll have to ask Scott if all this is possible but would you like it broken down as to how many
89 single family and how many multi-family units are in the districts?

90
91 Ms. Stenman: I would. If we're talking empty nester condos, I'm more comfortable with those abutting a
92 multi-family, so I think it would be helpful to know what the predominant character of the sub-area is.

93
94 Ms. Boni: I agree. I think knowing how much, especially if we get a higher density application, we can
95 look at this and say there is a lot of multi-family or...

96

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97 Ms. Trebellas: And I would feel more comfortable when people ask for denser single family if we know
98 it's an already dense area and they're not 2 unit per acre people abutting 4 units per acre with possible
99 issues resulting from that.

100

101 Ms. Stenman: Because the land and number of acres isn't in and of itself instructive to the density. One
102 farm blows it all away.

103

104 Mr. McNulty: Or a big park.

105

106 Ms. Trebellas: Or even developments seem to play with the numbers.

107

108 Ms. Boni: To recap what we've discussed, Sub-area 1, we didn't change the title, so we'll make sure to
109 change that. For Section 1.1, we prefer commercial on the outlots and then consider residential behind
110 those outlots.

111

112 Mr. McCarthy: It was basically that they would use the outlots to mask the parking on the bigger uses
113 and have that recommended for Planned Office with commercial outlots rather than potential for.

114

115 Mr. McNulty: What do you think is preventing Columbus from annexing Highbanks?

116

117 Mr. McCarthy: Where the sewer plant is on 315 and where what I assume are condos where the pool
118 used to be, a guy wanted to get into Columbus because that area is under septic. He needed to annex to an
119 adjacent point in Columbus and apparently it was too much work to go due south but on the other side he
120 filed to annex the entirety of Highbanks and the Trustees didn't take that real well at the time. First they
121 talked to the park, the park was neutral, so we reached out to the other side and indicated they're, after a
122 really expensive and nasty fight, if they were going to keep that up. So everything north of the Delaware
123 County line is still in the Township and everything south of the line was annexed even though it's no
124 longer in Sharon Township; it got annexed and moved out.

125

126 Mr. McNulty: That's a pretty desirable piece of property which seems to me at some point Columbus is
127 going to want it.

128

129 Mr. McCarthy: It's going to be a park; Metro Parks are serious people. I am not an employee of Orange
130 Township, I am a contractor, but it's also a good reason not to vote against fire levies because about the
131 time one of those fails and we end up volunteer, I think you're going to see the whole 23 corridor go
132 boom. They aren't going to want to die and they aren't going to want to pay the insurance rates that they
133 would have for that kind of coverage on that kind of facility.

134

135 Mr. McNulty: I think Orange Township is well beyond volunteer fire departments.

136

137 Mr. McCarthy: I literally drafted the resolution laying off the other half of the fire fighters. If there's no
138 money, people aren't going to work, even fire fighters. On 1.4, we still have the planning window as
139 2010-2020? Do you want to adjust that because last time was the 2010 plan.

140

141 Ms. Boni: I guess 2018 hopefully to 2028.

142

143 Ms. Stenman: It would be helpful if you would put the legend back on the first page for all of the colors.

144

145 Mr. McCarthy: And maybe the symbols.

146

147 Ms. Stenman: So that I know exactly what I'm looking at.

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148 Ms. Boni: For what type of zoning it is?

149

150 Ms. Stenman: Yes, if it's green, red, yellow; for the most part I remember them, but I'm not 100%.

151

152 Ms. Trebella: I think we already mentioned double check the land area and population, etc., because I
153 think that was taken directly from the 2010 plan.

154

155 Mr. McCarthy: No, it wasn't. Pretty much everything changed but one. 2 and 3 changed; 4, the
156 population shifted, that's fine; the southern gateway which is from Powell Road to Orange Road
157 somehow went from 910 acres to 140; I would double check them both. Going all the way thru here, for
158 example, runs from Old Powell to somewhere says it has 66 acres, so they're all a little adjustable.

159

160 Ms. Boni: There were no significant changes on Sub-area 2. We had language in a lot of the sub-areas
161 that said the Orange Township sign and landscape detail could be involved but we agreed to get rid of that
162 because that's something we would always consider no matter which section it's in. That was the only
163 change we made for Sub-area 2, that's the southern commercial corridor.

164

165 Mr. McCarthy: That's down to 55 acres? I had no comments on 2.

166

167 Ms. Boni: I will verify. Sub-area 3, we took out the language that said annexation is likely an option; we
168 didn't think that was good in the plan.

169

170 Mr. McCarthy: You've got a little bit of an issue with 3.5, the next to the last sentence.

171

172 Ms. Trebellas: The sentences don't quite flow; there's some missing verbiage.

173

174 Mr. McCarthy: If you skip over all this, it picks right back up again. Nothing else on that one.

175

176 Ms. Boni: Sub-area 4, I have a comment that if we chose to do a new residential type zoning, it could fit
177 here. I also have a comment that maybe provide a density bonus if preserving more natural resources.

178

179 Ms. Trebellas: I have no problems with that but like with the empty nester housing or the mixed use, we
180 have to define it, what those bonuses would be.

181

182 Mr. McCarthy: That area is going to run about 2.6, 2.7 for most of it; maybe we went out a little bit, the
183 lots are bigger on the north, but that area was developed beyond 2 when it was platted. On the descrip-
184 tion, if we could add Powell Road on the south. It's in the 2010; it's the same one. One question, and it
185 goes not just for this section, 4.8 is talking about lots to mask the parking. I'm not advocating for this one
186 way or another but it is something that has come up in some recent applications. I believe I raised it last
187 time but did not make a note of what the reaction was.

188

189 Ms. Trebellas: I thought it was Clear Creek we only wanted one aisle; it could be double loaded.

190

191 Mr. McCarthy: Yes, it was Clear Creek, loaded single aisle. Do you want to consider that or not?

192

193 Ms. Trebellas: At Clear Creek they have 23 on one side and Gooding on the other, I would like to limit
194 the parking on the roads and keep it in the center between the buildings because I don't like when you
195 have a sea of parking and we've tried to change that by having outlots in the front sort of masking the
196 parking behind which helps. I prefer to see just one row if needed, building, and then having the parking
197 there and say from Gooding Boulevard side or from the access boulevard side because if people are

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198 supposed to be walking along Gooding, they don't want to walk along a sea of parking because it's going
199 to be really hot and unpleasant.

200

201 Ms. Boni: I'll see how we can word that.

202

203 Ms. Stenman: I don't disagree with that; I'm still stuck on 4.5 personally. You have to find some way to
204 buffer the roads from the parking.

205

206 Mr. McNulty: I'm not sure in some cases how that can be avoided. I think about Owenfield, nice service
207 road, works well with all the outlots, with Meijer and Home Depot sitting behind it, but is it a walking
208 spot? No and it's never going to be, too much traffic....

209

210 Ms. Stenman: I run on Owenfield all the time and it's lovely and that's kind of why I'm stuck on 4.5
211 because the multi-family designation, I don't necessarily have an issue with condos going in where
212 they're already zoned for condos, like zoned for that Owens property, but I don't want to see
213 apartments....

214

215 Mr. McCarthy: It's not zoned. It was originally included in Riverbend's plan but it was withdrawn prior
216 to the approval.

217

218 Ms. Stenman: And seeing more of those condos there to me seems fine because those condos have such
219 minimal impact; it's delightful to run up Owenfield with those there and woods there, but to put in
220 apartments or take away that green space makes it unusable because it really is nice.

221

222 Ms. Trebellas: The Township has spent a lot to have a trail or sidewalk along there with signage and
223 ADA ramps.

224

225 Mr. McNulty: That area works very well.

226

227 Ms. Trebellas: The one thing I don't like about Meijer is it's a sea of parking but that was more of the
228 mindset back when it was built. I would rather see Meijer closer up front with all the parking in back so
229 it's a little more pleasant when you drive down there and not see a bunch of parking and trash blowing.

230

231 Mr. McCarthy: I'm surprised they never developed off those outlots.

232

233 Ms. Boni: We've had inquiries on that site.

234

235 Mr. McCarthy: There have been a couple of meetings where they're proposing probably single family
236 though a designation of detached condos, standalone units....

237

238 Ms. Stenman: I'm fine with that.

239

240 Ms. Boni: We can change this....

241

242 Mr. McCarthy: I would leave these condos, just single family and let them fight for it.

243

244 Ms. Stenman: With a single family condo there, you're still not going to have parking lots per se, and
245 that's my biggest concern, taking what is a scenic part, and turning it into a place you don't want to be. It
246 also increases traffic.

247

248 Ms. Trebellas: They also don't obey the stop signs.

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249 Ms. Stenman: That scares me less than the kids who utilize the bike trails, that are skate boarding up the
250 center of the road. To put a lot of apartment units back there and increase the traffic is really not what we
251 all signed up for in Green Meadows; I'm sure not the gated community or Riverbend.
252

253 Mr. McNulty: I'd like to see that area stay the same but it's not going to. Somebody is going to buy it for
254 something. I'd love to see it essentially green space, which is what it feels like now.
255

256 Ms. Stenman: But you could do some really nice high end attached condos there, so I don't think what
257 we determine would necessarily change the character.
258

259 Mr. McNulty: I think those will work well with the other units on the other side of the street.
260

261 Mr. McCarthy: We can define this. Sounds like we should just remove multi-family; its probably relic to
262 the fact that that was zoned to be multi-family. How fond are you of the pond?
263

264 Ms. Stenman: I'm almost unaware that it exists. You can sort of peer thru when all of the foliage has
265 dropped but you really can't see that anymore.
266

267 Mr. McNulty: That's pretty much non-existent to the neighborhood.
268

269 Mr. McCarthy: I think it was Bob Webb who was going to fill in half the pond and use it for paths.
270

271 Ms. Stenman: Knowing he would do a density bonus for the other half of this property and allow him to
272 put a few more detached condos in to retain the pond, I could live with that as long as it's not too crazy.
273

274 Mr. McNulty: I think multi-family does work best in that area.
275

276 Ms. Trebellas: If you'd call it detached condos, I don't want to use the term empty nester housing.
277

278 Ms. Stenman: I would like to see either single family or empty nester housing there.
279

280 Ms. Trebellas: Maybe this is an instance where we could give a possible density bonus for preserving
281 natural landscape features such as the pond.
282

283 Ms. Boni: For 4 and 5 what I made note on is the Owen property should remain as residential, possibly
284 single family with the potential of a density bonus if retaining existing natural features on site.
285

286 Mr. McCarthy: That way they can't clear cut your trees.
287

288 Ms. Boni: Back to the parking, how do we reword that?
289

290 Mr. McCarthy: We've got the wording in one of our zonings; I'll be happy to look at that. It was in the
291 Clear Creek comments if I'm not mistaken.
292

293 Ms. Trebellas: I think we also requested that within the parking lot they put in landscape features so it
294 wasn't a heat.....
295

296 Ms. Stenman: A sea of asphalt.
297

298 Mr. McCarthy: They only had so many units and they could make it into a soccer field if they want to.
299

Zoning Commission

300 Ms. Trebellas: I know we were working on language but we couldn't figure out how to clarify...
301
302 Ms. Boni: I'll play with it. Does anyone have any comments for Sub-Area 4? None. Sub-area 5, we
303 changed the language on 5.3 and removed language regarding access. It said maintain access road
304 concept by setting Orange Centre Drive to the south, turning a limited use access toward 23. Some of
305 that's already happening and is kind of out of our hands.
306
307 Mr. McCarthy: Where are you talking about putting additional multi-family in that's east of the Chiller?
308
309 Ms. Trebellas: I don't think its east of the Chiller; its south, that empty lot north of Wal-Mart.
310
311 Mr. McCarthy: Schottenstein?
312
313 Ms. Trebellas: Yes.
314
315 Mr. McNulty: There's commercial frontage along 23, a church on the corner of Orange Road and 23.
316
317 Mr. McCarthy: I think they have commercial designs on that turf.
318
319 Ms. Stenman: I don't think I'd want multi-family on that.
320
321 Ms. Trebellas: I think commercial in the front and if they wanted to do more multi-family in the back.
322
323 Ms. Boni: I did comment for mixed use having commercial in the front and residential in the back.
324
325 Ms. Trebellas: And that could be dense because that's also where there already is kind of a multi-family
326 back there, but I assume along Orange Road there is that church...
327
328 Mr. McNulty: And across the street there's the Post Office and all the other industrial property.
329
330 Ms. Trebellas: It still looks like there's some old farm residential lots there that could be commercial or
331 commercial in the front and multi-family in the back to go with the multi-family.
332
333 Mr. McNulty: I think that's the next multi-family/commercial use area.
334
335 Ms. Trebellas: I have no problem with that.
336
337 Ms. Stenman: Either one works.
338
339 (conversation between MJM and MB that couldn't be understood)
340
341 Ms. Trebellas: The 3 of us are in agreement that a combination of commercial along the main roads and
342 if they want multi-family to the rear where there are already existing multi-family is the way we see the
343 area developing, whatever the market forces are but it seems like obviously along 23 it would be
344 commercial via access road like the way they want now.
345
346 Mr. McCarthy: And that's the plan. Whoever develops Orange Centre Drive is going to have to extend it
347 across that ravine, so that's why nothing has ever happened there and supposedly the Engineer still has it
348 bonded, so we'll see what happens in the future. And again with outlots, the one about parking as well?
349

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350 Ms. Trebellas: Or, if possible, have the one out parking along the public streets or thoroughfares, and
351 then have the bulk of the parking in the center.

352

353 Ms. Stenman: I care less in the sub-areas; I don't think there's any trails or anything running thru it, and
354 given the fact that it's already chaos...

355

356 Ms. Trebellas: That's what bothers me because there are a lot of people who walk from these apartment
357 complexes or condos to the Wal-Mart Center and there's no place for them to safely walk sometimes.

358

359 Ms. Stenman: Then I would get on board with you.

360

361 Ms. Trebellas: It would be nice if there were sidewalks there. I'd love it if you could get somebody to put
362 in sidewalks for these people who walk from that multi-family area to that Center on a regular basis.

363

364 Mr. McCarthy: Especially in the rain.

365

366 Ms. Trebellas: That's when it's more dangerous. When you drive down there, they often have those 25
367 mph signs posted to try and get people to slow down in the residential area because people like to go 45
368 and use it as a shortcut. Also, for Sub-area 5, I would double check the unit counts.

369

370 Ms. Boni: I think I'm going to have to double check all of these.

371

372 Ms. Trebellas: Because it doesn't even match what was there before, and I'm pretty sure that now Epcon
373 has....

374

375 Ms. Boni: Now there's Hidden Springs in there.

376

377 Ms. Trebellas: And it looks pretty well developed at this point.

378

379 Ms. Boni: Sub-area 6, we dropped the multi-family language in this. From our last discussion we
380 thought single family should be the only type of development in here with the 2 dwelling units per acre.
381 We didn't include this in this section, but I have a note that we talked about doing an age restricted
382 community south of Inn at Bear Trail or single family.

383

384 Ms. Trebellas: I remember discussing that in case the Inn wanted to expand or if there was other....

385

386 Ms. Stenman: I don't ever want to do an age restricted community; how are we going to enforce that?

387

388 Ms. Trebellas: That's not ours to enforce.

389

390 Mr. McCarthy: Enforcement is problematic and I caution everybody to be sure you get the architectural
391 standards; they're going to lead to the conclusion you want because that stuff behind Kroger was for
392 empty nesters and young professionals, neither of whom would have children.

393

394 Ms. Stenman: And those buses empty out in that area; I've pulled up behind one of those buses, and they
395 are full.

396

397 Ms. Trebellas: Those weren't age restricted; we were told they were empty nesters but they were
398 basically single family.

399

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400 Mr. McCarthy: I think if someone is hard headed and committed enough, it's going to be very expensive
401 if possible at all to enforce age restriction. First thing I would do is not do the tabulations for the year and
402 if the Township told me I had to do something, you have to have proof within one year, a count of who is
403 there and classified, and if you don't, you're illegally discriminating, so you have to have your ducks all
404 lined up before you call the first unit to tell them they are in violation.

405
406 Ms. Trebellas: I didn't think the Township could enforce age restrictions in the first place. I thought it
407 was more like the HOA or a HUD thing.

408
409 Mr. McCarthy: I think the Township would run the same risk as the landowner if they were to
410 discriminate by mandating an age restriction they couldn't defeat.

411
412 Ms. Trebellas: Then how did other age restricted communities make it thru the courts?

413
414 Mr. McCarthy: If you're a landowner in there, you'd really have a good leg up on trying to enforce it.

415
416 Ms. Trebellas: So it's more of an HOA thing that would be enforcing it or HUD thing.

417
418 Mr. McCarthy: Just like a Homeowner's Association.

419
420 Ms. Trebellas: And we don't enforce HOA's and we make sure we're not responsible for enforcing the
421 HOA's or Condo Associations.

422
423 Mr. McCarthy: Green Meadows and Highmeadows don't have an association.

424
425 Mr. McNulty: I think Orange Township has done a great job over the years of staying out of those things,
426 of limiting being responsible for that. We haven't violated anything the Township has.

427
428 Ms. Trebellas: You didn't have to age restrict it but it's not for us to enforce for the Condo Association
429 or HOA.

430
431 Ms. Stenman: And that's why I stumble with putting it in the plan because if you're putting it in the plan,
432 you're encouraging it, and then you're encouraging something we're going to delegate to people to
433 enforce that they may or may not care to do.

434
435 Mr. McCarthy: And the Township may not want to enforce it.

436
437 Ms. Trebellas: Then all this "empty nester housing", how are we going to enforce it? It's beyond
438 architectural.

439
440 Mr. McCarthy: There are no words "empty nester" in zoning.

441
442 Ms. Stenman: There is no way to enforce it; it's purely the architectural standards, so to say in here to
443 encourage detached condos or for example the Riverbend kind of quad-condos, and just to say it's age
444 restricted, I just don't like the age restriction because it's unenforceable.

445
446 Mr. McCarthy: I don't think it means anymore than saying empty nester. We could make it uncomfort-
447 able for them if they don't put that restriction in place, we can go after the association if they don't
448 enforce it, we could go after the association on a zoning violation but as far as suing the resident, no.

449

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450 Ms. Trebellas: I don't think it's our job as a Township to enforce age restriction; I think it belongs with
451 the Condo or HOA.
452
453 Mr. McCarthy: And that's why your design needs to anticipate all likely uses and reflect....
454
455 Ms. Trebellas: For me the age restriction is just so you make sure your Epcon unit doesn't have a bunch
456 of families in it.
457
458 Mr. McNulty: How much from zoning could we influence or require that an HOA have a certain
459 requirement?
460
461 Mr. McCarthy: I think we would find out the first case that Michele filed.
462
463 Mr. McNulty: So who decides what age, what the HOA...
464
465 Mr. McCarthy: I think that would be a discussion, but I've never seen a case on it.
466
467 Mr. McNulty: But who decides that originally? The developer decides what the community is going to be
468 and the restrictions? When the community and HOA are set up, who decides those restrictions?
469
470 Ms. Trebellas: That's the developer with the zoning.
471
472 Mr. McCarthy: And there's an interplay there. For example, the developer and his restrictions, he could
473 put a lesser setback than you guys permit; it wouldn't be effective against zoning. So it's going to be a
474 mix of zoning and what they want.
475
476 Mr. McNulty: I'm not an advocate for the age restriction but as an example, you could put the age
477 restriction in there and the HOA has to enforce it.
478
479 Mr. McCarthy: That's what the Zoning Resolution says right now.
480
481 Ms. Boni: And we do have a PERD District; is that something you would consider investigating for age
482 restriction potentially?
483
484 Ms. Stenman: I would say that is fine; I just don't like throwing the idea out there that we're encouraging
485 them to age restrict but I think if we make it a PERD....
486
487 Mr. McCarthy: The PERD requires age restriction.
488
489 Ms. Stenman: It does but one assumes when you're in a PERD that you're also by definition building
490 things that elderly folks want...
491
492 Mr. McCarthy: That would still be your guys' responsibility.
493
494 Ms. Trebellas: I have issues with that because let's say I'm under the age restriction and I've been in an
495 accident and I'm a quadriplegic and I need to go to a nursing home....
496
497 Mr. McCarthy: The consent can be something else.
498
499 Ms. Trebellas: Because nursing homes aren't just for the elderly; they are for the incapacitated.
500

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501 Ms. Boni: I think to enforce age restriction, we do have the PERD in place is something we can say and
502 then it's obviously up to the developer if they want to file that way.

503

504 Ms. Trebellas: I think in general, from developers I know, they don't want to have an age restricted
505 community because they want to have the most market available.

506

507 Ms. Boni: With a PERD you can get a little more density.

508

509 Mr. McNulty: Historically, how restrictive has the commission been with setting up HOA's? Have there
510 really been any restrictive things that have been set up?

511

512 Mr. McCarthy: There's a long history there. Obviously at Green Meadows/Highmeadows, at one point
513 they didn't worry about it. The early ones were you can't commercially raise animals or something like
514 that. The first section of Green Meadows deed restrictions are very common sense, practical provisions
515 as opposed to some of the later ones I've seen.

516

517 Mr. McNulty: Are those typically the same ones that...

518

519 Mr. McCarthy: Those are the early ones that eventually the idea of common area that was going to be
520 maintained came up. A lot of places, the common area was just going to stay wild, so there was no need
521 for anything. I think that's kind of what led there. Even some of the developers you would find out years
522 later set it up wrong, used a different name every time they filed something.

523

524 Mr. McNulty: Most these things have just been common sense things and...

525

526 Mr. McCarthy: The original ones were common sense and there was necessity for the HOA but beyond
527 that I think they may have blossomed a little bit, too much possibly.

528

529 Ms. Boni: I'll just add PERD language and if they don't want to file for a PERD, then they're stuck with
530 the 2 units per acre.

531

532 Ms. Trebellas: The 2 units per acre unless we let them have greater density. I feel like we're running into
533 the same problems over and over again on how to plan for the denser residential areas.

534

535 Mr. McCarthy: And if you do want them, where do you want them?

536

537 Ms. Trebellas: Where and what limitations do you want on them and how do we define those limitations
538 in a way we can enforce?

539

540 Ms. Boni: Sub-area 7, I made a star on 7-3; this is up to the Commission but I wanted to let you know I
541 have received several inquiries about potential commercial use of that new interchange. Is that something
542 the Commission would want to consider?

543

544 Mr. McCarthy: You're opening a Gordian knot there because that would affect not only the Township
545 but the County, the County Engineer's Office, design engineer change, a lot of stuff.

546

547 Ms. Trebellas: I would want to see the interchange there first, see what impact it has and then discuss
548 what is happening because I can understand if there's a big interchange there, I'm not going to want to
549 live next to it with all that traffic. So maybe the office or commercial would be appropriate but right now,
550 office or commercial is not appropriate for the most part.

551

Zoning Commission

552 Ms. Stenman: I agree.

553

554 Ms. Boni: My intent ideally is once we have this plan in place, we'll be more diligent in at least updating
555 every 5 years, so by the time this interchange is in, it could be 5 years.

556

557 Mr. McNulty: How serious is that interchange, Mike; have you heard anything about it?

558

559 Mr. McCarthy: More serious than it was; that's about all I've heard

560

561 Ms. Boni: They're supposed to be completing their preliminary drawings.

562

563 Ms. Stenman: Could you do some version of a "consider" for 5.3, should the interchange be constructed,
564 consider these things or is that just putting too much out there?

565

566 Ms. Boni: Yes, and again I hope we continue to make updates to this plan. I think once that interchange
567 does go into effect, it almost forces us to do that.

568

569 Ms. Trebellas: It will I think, but I just don't think right now is the time to allow that sort of development
570 in this area.

571

572 Mr. McNulty: I agree.

573

574 Ms. Boni: That was the only thing I wanted to point out. Sub-area 8, this is where Clear Creek is. Does
575 the Commission want to change it?

576

577 Mr. McCarthy: To accommodate these last couple requests.

578

579 Ms. Boni: I'm just thinking because Amazon attempted to go in, that failed.

580

581 Ms. Trebellas: Pulte attempted to go there; that failed. Now Epcon is attempting to go there and quite
582 frankly I don't know the difference between the Epcon and Pulte proposals.

583

584 Mr. McCarthy: About 1.3....

585

586 Ms. Stenman: It's not tremendous. I'm not opposed to condos going in there on principle because it is...

587

588 Ms. Trebellas: Part of it is already zoned multi-family if I'm not mistaken.

589

590 Ms. Boni: Yes, the south portion by the school.

591

592 Ms. Stenman: And it's surrounded by commercial.

593

594 Mr. McCarthy: We've got a standing PC that I haven't heard anyone complain about along 23 up to
595 Gooding. Right now it is saying land on the west side of Gooding 1500' south of Home Road is
596 recommended for single family or condos at 2 units, so that kind of covers that brown area. And then
597 land on the west side of Gooding within 15 is recommended to be residential? That was office; how did
598 we do that?

599

600 Ms. Boni: We can change that.

601

602 Mr. McCarthy: It doesn't make sense that it would have been that way.

Zoning Commission

603 Ms. Trebellas: I thought east of Gooding, or the Gooding Road extension, is supposed to be either
604 commercial or office.

605
606 Ms. Boni: Yes.

607
608 Ms. Trebellas: And the west side of Gooding we have some commercial but we also talked about doing
609 single family, multi-family, something like that along there because we just voted on North Orange; it's a
610 single family.

611
612 Ms. Boni: You're talking about the Harness Way extension?

613
614 Ms. Trebellas: Yes. We just voted on Grand Point and that's single family, and we had some concerns
615 about single family residential abutting the commercial but we're trying to....

616
617 Mr. McCarthy: We could put a mound there, I think it would work very well.

618
619 Ms. Trebellas: I think there's some landscaping if I remember correctly and a very big sign.

620
621 Ms. Stenman: I love my mound.

622
623 Mr. McCarthy: On 8.5, it says within 1500 is recommended to be residential on the west side. Originally
624 it was residential at 2 units per acre, so you might want to think about density there. And then it also says
625 or for office use which is what it was originally zoned for under the prior Clear Creek.

626
627 Ms. Boni: Since the zoning has already been established, do we need to say residential? I just wanted to
628 know if we should amend that zoning or change it.

629
630 Mr. McCarthy: It's still PC but the question is what does the Township want to see there not with-
631 standing any pending applications?

632
633 Ms. Boni: Wasn't the first, when did it go thru?

634
635 Mr. McCarthy: 2004, 2005, no later than 2006 I don't think, but if you want to include the possibility of
636 office as well as residential uses, other places we've inserted a density that's anticipated or going to be
637 required.

638
639 Ms. Boni: I have "land on the west side of Gooding Boulevard within 1500' of Home Road", do we even
640 need to mention 1500' to Home Road?

641
642 Mr. McCarthy: Scott did that; we didn't. I think he must have gone on his website and just measured
643 form north to south to the edge of that area.

644
645 Ms. Trebellas: Right now, the land on the west side of Gooding Boulevard within 1500' of Home Road is
646 not zoned residential; I thought it was zoned commercial.

647
648 Ms. Boni: So we can put land on the west side of Gooding Boulevard is recommended to be residential 2
649 units per acre or office use.

650
651 Ms. Trebellas: Do we want 2 units per acre because I know that's not what they're asking.

652

Zoning Commission

653 Mr. McCarthy: That's the question but I would put an answer in there. Your Code limits it to 2 in an SF
654 so it would be kind of awkward just to have a statement unless we're going to change the 2 in the Code
655 which I'm not saying do or don't do.

656

657 Ms. Boni: Or we edit the zoning.

658

659 Ms. Trebellas: Or we could give them a density bonus for services of whatever, green space, jogging
660 trails.

661

662 Ms. Boni: We can say a higher density may be permitted if preserving or something....

663

664 Ms. Trebellas: There's also a lot of area there that drains into the Olentangy that if they preserve those
665 natural features or something.

666

667 Mr. McCarthy: How about a preservation and natural features or provision of something, substantial
668 amenities for the residents or something like that?

669

670 Ms. Boni: I like that.

671

672 Ms. Trebellas: But amenities, are we talking green space because they may think a tennis court or
673 clubhouse with a pool is an amenity.

674

675 Ms. Stenman: Public access amenities, things that are truly Township assets also.

676

677 Mr. McCarthy: Because they'll be building a building and really that's kind of appropriate.

678

679 Ms. Trebellas: And I'm assuming they're going to have sidewalks and stuff along Gooding that people
680 will be using. People already use them now from where the park is by the pool, going down to the
681 library, so I could see that continuing and people on the north side taking Gooding to the library.

682

683 Ms. Boni: Do we need 8.4 then; it says the same thing?

684

685 Mr. McCarthy: Maybe just throw that into 8.5 and get rid of 8.4.

686

687 Ms. Trebellas: And I don't care if it's single family, condos or...

688

689 Mr. McCarthy: And we know sewers are there.

690

691 Ms. Trebellas: Because I assume Epcon is doing single family condos.

692

693 Mr. McCarthy: Epcon says the market doesn't like detached condos; they're getting pushed back.

694

695 Ms. Trebellas: I know the market doesn't like attached condos, they're difficult to get loans for.

696

697 Ms. Boni: For 8.6, I'd rather than identify choices, that it say preferred.

698

699 Mr. McCarthy: Preferred would be acceptable.

700

701 Ms. Trebellas: I don't have any problem with "commercial" uses in that area as well because I could see
702 like a Starbucks or something like that going in, so I have no issue with office versus commercial. Are
703 we allowed to say no single use big box retail?

Zoning Commission

704 Mr. McCarthy: You did, and Menard's didn't build. The only thing you might want to do is define what
705 that really means.

706
707 Ms. Trebellas: I just don't want one big single user and a sea of parking.

708
709 Mr. McCarthy: Menard's was kind of dicey but we got thru it and they moved across the street where I
710 think they fit in really well and they've got all those outlots that some day may sell. And the one aisle
711 parking in there?

712
713 Ms. Trebellas: Yes, and I think that's actually from Clear Creek in the first place that was going to go
714 there is that they would have the one aisle along....

715
716 Mr. McCarthy: We were requiring them to put it at the building up front and they said give us one aisle.

717
718 Ms. Trebellas: And then also limit it along Gooding so it's not a sea of parking for the people walking
719 along Gooding.

720
721 Mr. McCarthy: Do we want to think about what we mean by big box?

722
723 Ms. Boni: What would be your suggestion?

724
725 Ms. Trebellas: It would be one large single user and one large store.

726
727 Mr. McCarthy: What's large?

728
729 Ms. Trebellas: You'd have to put square footage.

730
731 Mr. McCarthy: I would think about going back to the original Clear Creek; there was a square footage
732 included in that application.

733
734 Ms. Trebellas: And then the parking is the associated parking you would get with one large commercial
735 retail store. Basically we don't want like a Costco there, as much as people might love a Costco there.

736
737 Ms. Boni: For Sub-Area 8, I will look at Clear Creek and see about the language from that if they ask for
738 a big box.

739
740 Mr. McCarthy: In Sub-area 9, 9.2, the one aisle parking again. 9.3, encourage the extension of Green
741 Meadows Drive to new Boundary Road E to be developed by developer. It's hard to build around the
742 AEP station; we got AEP to actually do that.

743
744 Ms. Boni: So is this necessary?

745
746 Mr. McCarthy: No, you've still got those pikers in Clear Creek that have to hook up further north. I
747 think we're paying for it. Around AEP, that's been built; got no credit for that. That was probably a
748 decades' old promise that they actually came back on, so I'd just say to be built by developers.

749
750 Ms. Boni: Christine, did you sit in on that informal meeting with Schottenstein?

751
752 Ms. Trellas: Yes; not sure what to make of it. We pretty much told them that the Township wasn't
753 receptive to multi-family, apartments in particular. It will be interesting to see what they come up with.
754 How are we on need versus numbers in our Township?

Zoning Commission

755 Mr. McCarthy: We could stand a re-tabulation of the Orange Centre, Dooley's Orchard multi-family and
756 those rentals along Powell Road/Polaris Parkway that are still in the Township just to get a count.

757

758 Ms. Boni: But those aren't affordable.

759

760 Ms. Trebellas: Dooley's Orchard is affordable.

761

762 Mr. McCarthy: You're telling me Kenney has the rentals up or does he still own that?

763

764 Ms. Boni: Dooley's Orchard is cheaper, but I talked to the Economic Development Department and the
765 amount of retail we have in the Township, these people don't live in the Township, that's obvious.

766

767 Mr. McCarthy: Columbus has affordable housing for them.

768

769 Ms. Boni: It's not that I'm saying we have to be able to have everyone live and work here but there is a
770 lack of that housing; I would agree with that.

771

772 Ms. Trebellas: That's what I'm trying to figure out because I don't know what those numbers are and
773 what the analysis is.

774

775 Ms. Boni: I don't think that would ever be here because if Schottenstein were to build this, Home Road is
776 going to cost them a ton of money, so they're going to have to have high end apartments if that goes thru.

777

778 Mr. McCarthy: That would be the key there. Either you're going to get a commitment to a plan that
779 shows that or you're not; if not, you're probably going to get taken to the cleaners.

780

781 Ms. Trebellas: But if we don't have enough affordable housing, where....

782

783 Mr. McCarthy: That's going to be the problem; it ends up in a field and sells for \$150,000.

784

785 Ms. Trebellas: Where would you put that? Most people that I know searching for affordable housing end
786 up in old ranch farm houses because they can afford the rent for their family there.

787

788 Mr. McCarthy: They've pretty much torn all those down.

789

790 Ms. Trebellas: There's a few left, but developers now want to take the property and convert it over to
791 luxury residential units, not 1950's farm houses.

792

793 Ms. Boni: I don't disagree with you. The cost of land in the Township is immense and you can't build
794 affordable housing, the land is just too expensive to do that. I just wanted to make a point that if I think
795 of a lack of housing, it would be that but that doesn't need resolved here.

796

797 Mr. McNulty: That's strictly an economic issue; that doesn't get decided in a Board.

798

799 Mr. McCarthy: It's a thing you can't control.

800

801 Ms. Trebellas: And I don't think demographically speaking based on our population and its educational
802 levels and employment; we seem to have a glut of professionals.

803

804 Mr. McCarthy: In 9.7, is that second sentence referring to Evans Farm? The new Lewis Center district,
805 mixed uses, curbed streets, parks and recreation.

Zoning Commission

806 Ms. Boni: I think so.

807

808 Mr. McCarthy: I will concede multi-family can be on the list too but if we could not say single family
809 attached or detached. Attached single family is multi-family. We could just say single family or multi-
810 family at 2 units per acre.

811

812 Ms. Boni: Even multi-family at 2 units per acre?

813

814 Mr. McCarthy: What's the difference between attached single family or multi-family if they're both 2
815 units per acre?

816

817 Ms. Trebellas: That's the point. And then I question, if this is supposed to continue the Lewis Center
818 District of grid streets and mixed units, they don't have 2 units per acre in Historic Lewis Center, so are
819 we trying to do a continuation of Historic Lewis Center or are we considering Evans Farm, that continua-
820 tion with the density that we provided them for the...

821

822 Ms. Stenman: Why don't we just say create a new Lewis Center District with mixed uses, grid streets,
823 parks and recreation and just put a period at the end of that?

824

825 Ms. Boni: Yes, because you don't have to define housing.

826

827 Ms. Stenman: Just leave it open for interpretation. To me, it depends if its flowing from Evans Farm,
828 Old Lewis Center , but you're right, it's not 2 units per acre.

829

830 Ms. Trebellas: I have no problem with traditional neighborhood development utilizing traditional
831 neighborhood development elements, but do we want to identify exactly what we're talking about?

832

833 Ms. Boni: No, I think after recreation, just put a period.

834

835 Ms. Trebellas: Because if you're going to put that in there, you have to define what those are.

836

837 Ms. Stenman: And that's really not what they're doing when you consider traditional neighborhood here.

838

839 Ms. Boni: Sub-area 10, we added an additional statement on 10.5 to have that intersection remain
840 residential.

841

842 Mr. McCarthy: And also 10.2. On 10.2, we had a request, if you're going down Lewis Center Road
843 eastbound at 23 as you come into Lewis Center, there's a jog and a drop and there's a brown stained
844 wood sided house that someone applied for a divergence to an office and the Lewis Center militia showed
845 up and that was the end of that. They may not be welcoming the conversion or at least not now. If prices
846 get high enough and the area changes enough, maybe then but not every community wants that. You see
847 that in Delaware where a lot of County offices are in converted homes or other structures.

848

849 Ms. Trebellas: There already is along Lewis Center Road. There is the utilities there...

850

851 Mr. McCarthy: Utilities are exempt from zoning.

852

853 Ms. Trebellas: They have a guy who has some kind of welding shop.

854

855 Mr. McCarthy: He lives there too.

856

Zoning Commission

857 Ms. Stenman: And I don't have a problem with that. Lewis Center is a busy road....
858
859 Mr. McCarthy: But what we've got are basically home occupations.
860
861 Ms. Stenman: But there are a couple of little shops or whatever there.
862
863 Mr. McCarthy: In Old Lewis Center, just east of the railroad there are 3 maybe.
864
865 Ms. Trebellas: There's that home store, a couple in the old Post Office, that general store, and a small
866 little annex.
867
868 Mr. McCarthy: That would be the BZA's problem anyway.
869
870 Ms. Stenman: If you're rehabilitating and reusing existing structures, I don't have a problem with that as
871 long as you're not turning it into a 3 story office building or building something very modern there....
872
873 Mr. McCarthy: I just wanted to let you know the residents might not be that welcoming.
874
875 Ms. Stenman: When Evans Farm comes, they're not going to be that welcoming anyway.
876
877 Mr. McNulty: They could fill this place up.
878
879 Mr. McCarthy: I was surprised that they showed up for the first couple of meetings....
880
881 Ms. Trebellas: And then they disappeared for Evans Farm.
882
883 Ms. Stenman: Particularly given these folks with the Clear Creek property; they just keep coming.
884
885 Mr. McNulty: They did the same thing since Amazon; they were there all the time.
886
887 Mr. McCarthy: And they were scarred by Amazon; they don't trust us.
888
889 Ms. Trebellas: So basically you're saying commercial may not be well received yet.
890
891 Mr. McCarthy: I'm not saying don't do it; it's a choice. Some communities do it, some don't.
892
893 Ms. Trebellas: Right now all that stuff is pretty much farm residential. It's not realistic to think that it's
894 not going to be developed within the next 10 years.
895
896 Mr. McCarthy: 20 at the outside.
897
898 Ms. Trebellas: So what are we thinking if that's not going to be farm residential? What is it going to be
899 because generally developers seem to want to take a bunch of those lots and cram as many single family
900 houses on them as possible and then tell us it's for the elderly and empty nesters. I don't necessarily buy
901 that so if we don't define it, developers will tell me I'm building empty nester housing here and then have
902 to fight them off.
903
904 Mr. McCarthy: Remember, Dooley's was sold as luxury apartments.
905
906 Ms. Boni: We have the words low impact. We had Ravines at Lewis Center come in, and I wouldn't
907 consider that low impact residential product.

Zoning Commission

908 Ms. Trebellas: But that's how they marketed it.

909

910 Ms. Boni: Scott worded this in a way that I think his intent was to have low density, low....

911

912 Mr. McCarthy: Decrease the intensity.

913

914 Ms. Boni: Yes.

915

916 Mr. McCarthy: I have no problem with the language but I think it needs better defined.

917

918 Ms. Stenman: A better definition would be good but I like the language as it is. I think having a small
919 commercial use is preferable to 800 empty nester condos, particularly if the commercial use is
920 rehabilitating an old structure.

921

922 Ms. Trebellas: And has a low impact because I think that office was going to have a low impact.

923

924 Ms. Stenman: Like the application from the other night where they were going to have 3 employees in an
925 old house.

926

927 Ms. Boni: I'll revisit it.

928

929 Ms. Trebellas: The Lewis Center/S. Old State intersection should remain residential or FR-1 uses.

930

931 Mr. McCarthy: I'm conflicted; I can't really discuss that one, that's my turf.

932

933 Ms. Stenman: I think the question is do you want to put commercial there that could potentially clutter up
934 the debacle that is traffic there.

935

936 Ms. Trebellas: I'm not saying I want commercial there, I'm just saying that I don't think....

937

938 Ms. Stenman: That's part of my I don't go back there syndrome. Every time I end up on Old State,
939 particularly if I'm going south, it all goes to hell in a hand bag.

940

941 Ms. Boni: If this isn't in the plan, we'll see commercial there.

942

943 Ms. Stenman: Was Suburban at some point going to put a sub-station or something....

944

945 Ms. Trebellas: I think it was an office there.

946

947 Mr. McCarthy: Even back then they were announcing it was going to be commercial and at that time I
948 indicated and every time they've come back, and this was before I moved, that pole, the east side, is going
949 to stay residential which it's done. You might look at an aerial before you go opening it up for much else.
950 It says residential; it doesn't necessarily say single family.

951

952 Ms. Stenman: I think we leave it under the 5 year stipulation that we're going to be back here working on
953 this again.

954

955 Mr. McNulty: Because that is going to change in the next 5 years, it's going to be much larger.

956

Zoning Commission

957 Ms. Trebellas: Lewis Center is growing, expanding, Evans Farm is coming and it's going to get widened,
958 Old State's going to get widened; I don't know how far north you have to go to accommodate all the
959 traffic.

960
961 Ms. Boni: I just think of it as current conditions; would you want commercial there?
962

963 Ms. Trebellas: I really wouldn't want commercial there but I can't imagine someone going in at that
964 intersection, buying a property for what it's worth, and building luxury single family houses.
965

966 Ms. Stenman: I think we leave it under the 5 year and we'll try again later.
967

968 Ms. Boni: I really think that's the way to go.
969

970 Mr. McCarthy: You've also got the issue of the White property, the Hedges property further south on the
971 bend on Old State. People are going to come in and demand commercial on those lots and you're going
972 to be tested as to the commitment that thus far has stood. So that's coming but not here yet.
973

974 Ms. Boni: Sub-area 11, I don't have any comments on 11. We did add 11.6 but I don't think that
975 corridor was touched at that point in this section. Sub-area 12, we got rid of some things that already
976 happened. For 12.3, we'll probably go thru that define the mailbox thing again.
977

978 Ms. Trebellas: Also, we have 12.6, masking outlot parking if we want to put in that generic language. I
979 know we can't limit commercial uses, but I do question some of them that are there.
980

981 Mr. McCarthy: What do you mean you can't limit commercial uses?
982

983 Ms. Trebellas: Paul's Marine; that's been there forever. I think eventually the community is going to
984 outgrow that. I'm more concerned about the miniature golf that's right next to it that has a porta-potty out
985 front.
986

987 Mr. McCarthy: When sewer gets there, those uses will disappear.
988

989 Ms. Trebellas: So sewer's not there yet and that's why they have a porta-potty?
990

991 Ms. Stenman: I drive past there every day and I've never noticed a porta-potty.
992

993 Mr. McCarthy: The Health Department would not let them get by with a porta-potty; that was temporary.
994

995 Ms. Trebellas: They may have gotten rid of it by now but I found that questionable.
996

997 Ms. Boni: 13, Scott put in the language that was discussed in the review for that southern area; Lewis
998 Center is along there as well. Is that something you're ok with for the south side?
999

1000 Mr. McCarthy: I'm not opposed to re-use, I just think it's going to be an interesting evening the first
1001 time. Actually I think it's better than tearing down.
1002

1003 Ms. Trebellas: This is basically where the Kroger is, the multi-family behind it? Triple T, Evans Farm?
1004

1005 Ms. Boni: Evans Farm is on the other side of the road.
1006

1007 Ms. Trebellas: It's only on the small little portion and the big one is the school.

Zoning Commission

1008 Ms. Boni: And Lewis Center Ravines is just across from that.
1009
1010 Ms. Stenman: And you're going to do the standard language for 13.4?
1011
1012 Ms. Boni: Yes.
1013
1014 Ms. Stenman: I think I'm good.
1015
1016 Ms. Boni: 14, again, nothing was changed, just adding 14.6.
1017
1018 Mr. McCarthy: Did put in most of the road names; that was very helpful.
1019
1020 Ms. Trebellas: So this is basically Evans and....
1021
1022 Ms. Boni: North Farms, Meadows at Lewis Center. I don't think we have a lot of comments there.
1023
1024 Ms. Trebellas: No, we spent a lot of time working on this.
1025
1026 Ms. Stenman: I'm good.
1027
1028 Ms. Boni: Sub-area 15, this is Old Lewis Center; I don't think we changed anything.
1029
1030 Mr. McCarthy: The office conversion, the rehabilitation of stuff.
1031
1032 Ms. Trebellas: I thought we talked about that. The issue I have, in fill structures should maintain the same
1033 characteristics of existing buildings including setbacks and massing. Our current Zoning Code does not
1034 allow that.
1035
1036 Ms. Boni: It would be legally non-conforming. If they were going to add a structure, they would have to
1037 comply with our Zoning Standards.
1038
1039 Ms. Trebellas: Which would not allow in fill at the same setbacks and massing.
1040
1041 Ms. Stenman: That would actually feel like a reasonable variance to me.
1042
1043 Ms. Trebellas: I agree it would be a variance, but we have no control over the BZA.
1044
1045 Ms. Boni: I think in fill is moving into an existing structure.
1046
1047 Ms. Trebellas: An existing structure would be rehab. I think in fill is if there was something there,
1048 there's a lot and we want to take that empty lot and we want to put something in there.
1049
1050 Mr. McCarthy: We've never had a request for that but if sewer comes...
1051
1052 Ms. Trebellas: I'm thinking I had issues with it in the past, like if somebody's house burns down, a
1053 tornado wipes it out, they cannot rebuild it based on our current zoning, even though those lots are
1054 grandfathered in before zoning ever existed in the Township.
1055
1056 Mr. McCarthy: If you have 50% there.
1057
1058 Ms. Boni: But you're saying if it's completely gone?

Zoning Commission

1059 Ms. Trebellas: Yes, like a fire or something.

1060

1061 Mr. McNulty: Why couldn't you just write the variance for that because of what it is?

1062

1063 Mr. McCarthy: They would.

1064

1065 Ms. Trebellas: You could write a variance for it but like I said, we have no control over the BZA.

1066

1067 Ms. Stenman: I didn't read any of this the way you do. When you say new in fill development, I
1068 understand that to mean that they're coming in for an actual rezoning application because a new
1069 development would probably require a rezoning.

1070

1071 Mr. McCarthy: It's going to be a difficult area unless all the lot owners ban together because of the cost
1072 of rezoning individually, no single family residents could do it.

1073

1074 Ms. Trebellas: I've worked with Habitat for Humanity where, because they want to preserve com-
1075 munities, help develop communities, they go for in fill lots because the taps and infrastructure's already
1076 there but they sometimes have to apply for variances to be able to build there and they purposely want to
1077 avoid that because they don't want to have to get a lot and then apply for a variance.

1078

1079 Ms. Stenman: Why don't we just take out the end of that sentence and suggest that they maintain the
1080 same character of existing buildings and depending on what the circumstances are, it's considered on a
1081 case by case basis, then if they're coming before the BZA they have an argument; if they're filing a new
1082 application, they've got an argument but they just can't pop up something that is....

1083

1084 Ms. Trebellas: And it's like we're saying develop traditional downtown with 0' setback, shops and stores
1085 and sidewalks, etc.; our current zoning doesn't allow that.

1086

1087 Mr. McNulty: Historically I believe the BZA has understood Lewis Center the way the Zoning
1088 Commission has and it's grandfathered in.

1089

1090 Ms. Stenman: We're writing this thing but none of us could be doing this in 5 years.

1091

1092 Ms. Trebellas: And that's why I'm doing this because I don't know who is going to be on the BZA 5
1093 years from now.

1094

1095 Ms. Boni: We could just say the structures should maintain the same character of existing buildings.

1096

1097 Ms. Stenman: Period, and just move on.

1098

1099 Ms. Trebellas: I have no problem with that language.....

1100

1101 Mr. McCarthy: I don't believe I've ever personally witnessed a variance application if it was a street and
1102 there are houses on the street and one of them burns down, the BZA turn down a variance to put it back
1103 where it was.

1104

1105 Ms. Trebellas: The experience I have, not in this Township but in a different community, was with
1106 Habitat. I'm helped them write the variance, they did get it approved, but they were uncomfortable in
1107 having to go thru zoning and getting a variance.

1108

1109 Mr. McCarthy: It could have been worse; they could have had to rezone it.

Zoning Commission

1110 Ms. Trebellas: It was residential to residential, and there was a building on the lot, it burned down, it was
1111 an older house in an older community and the current zoning wouldn't allow them to rebuild that old
1112 footprint.

1113
1114 Mr. McCarthy: You'd destroy the character of the neighborhood.

1115
1116 Ms. Trebellas: They would but it's not like Habitat is the developer and came in and had an odd shaped
1117 lot at the end and couldn't do anything with it due to lack of planning. It was, we've got this lot, we can't
1118 build anything on it based upon your current zoning in this older neighborhood. Enough said, so we'll
1119 depend upon the BZA.

1120
1121 Ms. Boni: It's just hard to address everything in this neighborhood. Unfortunately this neighborhood is
1122 really a challenge. When I get permits there are some people that just want to build a huge deck and you
1123 say no. But here, if they even want to add...

1124
1125 Mr. McCarthy: You have to think of what's the front yard setback, the rear yard requirement, minimum
1126 separation of the structure to the side yard and the structure next door.

1127
1128 Mr. McNulty: You probably have to turn all that over to the BZA and ask for the fee because it's tough
1129 for you to make that decision.

1130
1131 Mr. McCarthy: So far the BZA's been able to handle those. There was a guy whose hobby garage grew
1132 and he didn't get it.

1133
1134 Ms. Trebellas: I think we asked him to bring back more information because we were uncomfortable, and
1135 he never did.

1136
1137 Mr. McNulty: I think the neighbors convinced him otherwise because they were here and were against it.

1138
1139 Ms. Trebellas: They were supportive but they had concerns that his side hobby business was outgrowing
1140 his current location and the potential impact it would have on the community.

1141
1142 Mr. McNulty: The traffic and cars, etc. I think they talked him out of it because he disappeared.

1143
1144 Ms. Boni: I think we need to look at Orange Township as a whole; Old Lewis Center is such a small part
1145 of it, an important part, very historical, but from my experience with the BZA, I've never seen it denied.

1146
1147 Ms. Trebellas: Because that's like this Township's core.

1148
1149 Ms. Boni: The only solution to that would be you have to rezone that entire area and that would be very
1150 complicated and then...

1151
1152 Mr. McCarthy: But it was built when there were no rules.

1153
1154 Ms. Trebellas: I think the area would have its own zoning designation of Historic Lewis Center with its
1155 own guidelines like we have single family, multi-family, etc., we would have Historic Lewis Center.

1156
1157 Ms. Boni: If the zoning did change and someone bought 5 lots and they could essentially put a big
1158 building on top of that property because it's a.....

1159
1160 Mr. McCarthy: Evans is working on it from what I hear.

Zoning Commission

1161 Mr. McNulty: Is there any way to write any standards for Lewis Center or is everything just all over the
1162 place....

1163
1164 Mr. McCarthy: I would let nature take its course because if you spend a lot of time on it....
1165

1166 Ms. Boni: The BZA has a copy of this, so if there's an argument....if we say structures shall maintain the
1167 same characteristics in buildings.

1168
1169 Mr. McNulty: I think that's perfect, and then the other overriding term is grandfathered in. That is a
1170 huge override to everything that happens in Lewis Center.

1171
1172 Ms. Boni: I don't want to put that in there.
1173

1174 Mr. McNulty: No, Mike can tell them when he's sitting next to them.
1175

1176 Ms. Trebellas: Because it's basically a historic neighborhood with its own; I don't want to call them
1177 design standards.

1178
1179 Ms. Stenman: Its own unique characteristics.
1180

1181 Mr. McCarthy: Its own unique development.
1182

1183 Ms. Boni: I don't think 15.2 should apply at this time.
1184

1185 Ms. Stenman: I don't know why we'd want to say any of that; that feels like a 5 years down the road
1186 issue.

1187
1188 Mr. McCarthy: And you might want to see what happens to the north.
1189

1190 Ms. Trebellas: Because to the north they are trying to build a traditional downtown. I would just leave it
1191 as rehab existing structures and keep its historic character.

1192
1193 Mr. McCarthy: And get rid of 15.2.
1194

1195 Ms. Stenman: I agree.
1196

1197 Ms. Boni: Do you have any questions on 16?
1198

1199 Mr. McCarthy: No. One thing I noticed, and it may just be the approach that's being taken, going thru
1200 the first time we got thru the zoning issues then housing, natural resources, it might just be useful to keep
1201 zoning in zoning rather than have, if we're going to rewrite the Zoning Code, in housing or have it
1202 scattered anywhere else. Keep Zoning in Zoning and we don't have the mess with Parks, the Trustees and
1203 their aspirations to control development or engage in economic development. Keep Zoning in Zoning so
1204 we don't have a developer finding something in the back that we overlooked when we modified the front.
1205

1206 Ms. Boni: I have it and I haven't modified the chapters yet because I wanted to figure out how we want
1207 to approach the strategies.
1208

1209 Mr. McCarthy: So if it has a "Z", it's Zoning; if it doesn't have a "Z", it doesn't talk about Zoning.
1210

1211 Ms. Boni: For any implementation strategy?

Zoning Commission

1212 Mr. McCarthy: For anything other than the Zoning Implementation Strategies.
1213
1214 Ms. Trebellas: Do you want to break the Implementation Strategies into the categories?
1215
1216 Mr. McCarthy: At least in regards to Zoning; let the rest of them fend for themselves. I just don't know
1217 that we want any player in Natural Resources or Parks telling us what to do in Zoning because it's in the
1218 Code and they're entitled to enforce it.
1219
1220 Ms. Trebellas: I'm more worried about conflicts between Zoning and like you said Trustee development
1221 aspirations or Park development aspirations.
1222
1223 Mr. McCarthy: For example, in the beginning of housing, H1.4 on Page 122, consider amending Zoning
1224 Code to include mixed use PUD's. Put it in Zoning if you want but do you want to have to remember that
1225 it's in Housing. You don't ever want to hear from housing during a zoning hearing outside of the
1226 political process.
1227
1228 Ms. Trebellas: I consider housing zoning. Who else in this Township deals with housing?
1229
1230 Mr. McCarthy: We do not get housing authority unless we were to go rule and then adopt a Code and
1231 seek petitions on that.
1232
1233 Ms. Trebellas: The only time for housing is thru zoning.
1234
1235 Mr. McCarthy: We do land use, we don't do housing.
1236
1237 Ms. Boni: I don't have the whole 2010 plan on me, but I can't remember if there was a housing chapter
1238 or not.
1239
1240 Mr. McCarthy: I remember getting beaten to death in hearings on portions of the Comprehensive Plan
1241 that I think everyone read past but actually did affect Zoning. That's another reason I'm bringing it up.
1242
1243 Ms. Boni: I agree that I think housing is how we interpret or create housing is thru zoning.
1244
1245 Mr. McCarthy: If you want housing to be for 20 units per acre, say it in the Housing Section but don't
1246 throw zoning in it. If they want to advocate for it, let them advocate, but when we have a plat, you may
1247 find it uncomfortable at some point.
1248
1249 Mr. McNulty: I think you're right, Mike; land use. The rest of that stuff can enter into land use but....
1250
1251 Mr. McCarthy: And it's part of a political discussion you guys engage in on really good applications.
1252
1253 Ms. Boni: I believe zoning should be in the Zoning Section but we should still have Implementation
1254 Strategies.
1255
1256 Mr. McCarthy: I have no objections, just don't drag us into it.
1257
1258 Ms. Stenman: I'm struggling with how with the Implementation Strategies, we've gone thru 15 sub-
1259 areas, we've looked at what's best for those sub-areas, but we're still supposed to consider amending the
1260 Zoning Code to include mixed use PUD's. That just feels very contrived in that we've considered what's
1261 best for those sub-areas with our comments...
1262

Zoning Commission

1263 Ms. Boni: And the Implementation Strategies are stated in every chapter, so if it's repetitive, I won't be
1264 offended if we get rid of this section.

1265
1266 Ms. Stenman: Maybe we all take time and review it.

1267
1268 Ms. Boni: Let me talk to Scott and get his opinion, and we'll come back some day.

1269
1270 Ms. Stenman: It just feels nonsensical to me and I haven't been at all these meetings, but just to consider
1271 something when we've already either decided or not decided it's not appropriate in an area just seems
1272 contrived.

1273
1274 Ms. Boni: I think we can work with that. I'm assuming that the intent of the Implementation Strategies is
1275 once we put this together is have listed everything that was recommended.

1276
1277 Ms. Stenman: Yes, and hopefully we have done these things in doing these things.

1278
1279 Ms. Boni: Yes, the sub-areas.....

1280
1281 Ms. Stenman: Inasmuch as we're willing to do them at all.

1282
1283 Ms. Boni: It's not like overall things that we mention in the strategies but that can be discussed in the
1284 zoning chapter.

1285
1286 Ms. Trebellas: For me it seemed very aspirational. They're goals, but I don't know if some of them are
1287 grounded in reality and so I agree maybe we should read them....

1288
1289 Ms. Stenman: And maybe think about where they might fit into the sub-areas, maybe if they're not just
1290 aspirational for us and come back and have that conversation, but not necessarily to hit each one of them
1291 given that I do feel they are aspirational.

1292
1293 Ms. Boni: I guess the next step is I will update the sub-area chapter based on our feedback from tonight. I
1294 did ask Mr. McCarthy for his comments but again I don't want to submit a full new document until I get
1295 as much feedback as possible. I will talk to Scott about how we can incorporate the strategies in the sub-
1296 area chapters as well as the other chapters. I'll make sure that anything that calls out something zoning
1297 related is in the Zoning Chapter. Once I do that, I probably will send everyone the next version. I don't
1298 know if we have to have another meeting until I receive Mike's comments, so I think it will be pushed
1299 back a while since we have a pretty big case load right now. I also need to get more comments from the
1300 Outreach Committee and Parks Board. So once I get comments and revisions together, and depending on
1301 how many comments I'll be working with, it may take me a while to edit it, what do you think a good
1302 timeframe would be?

1303
1304 Mr. McCarthy: We have regular meetings scheduled, so when we're ready, we'll just drop it in.

1305
1306 Ms. Boni: I think understanding what we want in the sub-areas is a huge part of this plan; it will really
1307 help me in revising this plan.

1308
1309 Meeting adjourned at 8:30 p.m.

1310
1311 Minutes prepared by Cindy Davis, Zoning Secretary

1312

Zoning Commission

1313 On December 11, 2018, Mr. Dove moved to approve the meeting minutes of the Orange Township
1314 Zoning Commission dated May 15, 2018 for the Comprehensive Land Use Plan Update with the
1315 following corrections:

1316

- 1317 • Line 121: the word “there” should be changed to “they’re”
- 1318 • Line 231: the word “outlets” should be changed to “outlots”
- 1319 • Line 348: the word “out” should be changed to “about”
- 1320 • Line 544: the word “accordion” should be changed to “Gordian”

1321

1322 seconded by Mr. McNulty

1323

1324 Vote on Motion: Ms. Trebellas-yes, Mr. Dove-yes, Mr. McNulty-yes, Mr. Pychewicz-yes

1325 Motion carried

1326