

## Zoning Commission

1 **Rezoning Application # ZON-18-05**

September 26, 2018

2  
3 **APPROVAL OF MEETING MINUTES**

4  
5 Mr. Duell: Before moving into the meeting, we have approval of minutes.

6  
7 Ms. Trebellas made a motion to approve the March 13, 2018 meeting minutes of the Orange Township  
8 Zoning Commission for the Comprehensive Land Use Plan with the following corrections:

- 9  
10
- Line 89: the word “seats” should be changed to “cedes”
  - Line 350: the word “content” should be changed to “neutral”.
  - Line 498: the word “conversation” should be changed to “conversion”
- 11  
12  
13

14 Seconded by Ms. Stenman.

15  
16 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Ms. Stenman-yes, Mr. Dove-yes, Mr. McNulty-yes  
17 Motion carried

18  
19 Ms. Trebellas made a motion to approve the July 24, 2018 meeting minutes of the Orange Township  
20 Zoning Commission for Rezoning Application #ZON-17-04, Home High LLC c/o Brad Block, as written;  
21 seconded by Ms. Stenman.

22 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Dove-abstain, Ms. Stenman-yes, Mr. McNulty-  
23 yes  
24 Motion carried

25  
26 Ms. Stenman made a motion to approve the July 24, 2018 minutes of the Orange Township Zoning  
27 Commission for Rezoning Application #ZON-18-03, Scioto Rookeries, LLC, with the following  
28 correction:

- 29
- Line 93, the line should read: “I suggest it probably be regarded as grandfathered”.
- 30  
31

32 Seconded by Mr. McNulty.

33  
34 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-abstain, Mr. Dove-abstain, Ms. Stenman-yes, Mr.  
35 McNulty-yes  
36 Motion carried

37  
38 Mr. McNulty made a motion to approve the July 24, 2018 minutes of the Orange Township Zoning  
39 Commission for Rezoning Application #ZON-18-04, Toy Box of Columbus, LLC, with the following  
40 corrections:

- 41
- Line 97: the word “fibrous” should be changed to “fiber”
  - Line 442: the sentence should read: “... but it would take a while for nature to re-grow itself.”
- 42  
43  
44

45 Seconded by Ms. Trebellas

46  
47 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Dove-abstain, Ms. Stenman-abstain, Mr.  
48 McNulty-yes  
49 Motion carried

50

## Zoning Commission

51 Ms. Trebellas made a motion to approve the September 4, 2018 minutes of the Orange Township Zoning  
52 Commission for Rezoning Application #ZON-18-04, Toy Box of Columbus, LLC, as written; seconded  
53 by Mr. McNulty.

54  
55 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Dove-abstain, Ms. Stenman-abstain, Mr.  
56 McNulty-yes  
57 Motion carried

58  
59 Meeting continued with Application #ZON-18-05  
60

61  
62 **Rezoning Application #ZON-18-05, Evans Farm Development Co. LLC.** Requesting an amendment  
63 of the currently effective development plan for +/- 125.1 acres, within the Evans Farm Planned  
64 Commercial & Office (PCD) District, approved under application #15-0104 of Evans Farm Land  
65 Development Co. LLC to a Planned Commercial & Office (PCD) District. The subject properties are  
66 currently owned by Evans Farm Land Development Company, LLC and Evans Farm Delaware LLC and  
67 is located or bounded on the south by Lewis Center Road, on the west by North Road and the CSX and  
68 Norfolk Southern rail track rights-of-way, on the north by the Orange and Berlin township boundary line  
69 and on the east by the Avonlea, Bryn Mawr, Hidden Cove, Willow Springs North and Meadows at  
70 Lewis Center subdivisions and South Old State Road in Range 18, Township 3, Section 2, Farm Lots 1,  
71 2, 12, 13, 14 and 15 with parcel numbers 318-210-01-019-002, 318-213-01-002-001, 318-  
72 213-01-004-000, 318-213-01-005-000, 318-210-01-015-000, 318-213-02-006-000, 318-210-01-015-000,  
73 318-210-01-007-000, 318-120-01-006-000, 318-210-01-004-000 and 318-210-01-008-000.  
74

75 Mr. Duell called the meeting for Rezoning Application # ZON-18-05, Evans Farm Land Development Co  
76 LLC to order at 7:10 p.m.

77  
78 Roll Call: Mark Duell, Christine Trebellas, Todd Dove, Katie Stenman, Dennis McNulty

79  
80 Township Officials Also Present

81  
82 Michael McCarthy Township Counsel  
83 Michele Boni Planning & Zoning Director

84  
85 **MOTION TO RETURN FROM RECESS FOR APPLICATION #ZON-18-05**

86  
87 Ms. Trebellas made a motion to return from recess for Rezoning Application #ZON-18-05, Evans Farm  
88 Land Development Co., LLC; seconded by Ms. Stenman.

89  
90 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Dove-yes, Ms. Stenman-yes, Mr. McNulty-yes  
91 Motion carried

92  
93 Mr. Duell: We have the matter of the technical correction and reallocation of some units, and we  
94 identified some math problems at the last meeting. Hopefully you've got that all corrected and somebody  
95 apparently identified a new little twist that we can discuss tonight.

96  
97 **APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS**

98  
99 Tony Eyerman with Evans Farm, Dan Griffin with Evans Farm, both at 1550 Lewis Center Road, Suite B.

100

## Zoning Commission

101 Mr. Eyerman: I have run the numbers and I think the 487 checks out.

102

103 Mr. McCarthy: As does the 496.

104

105 Mr. Eyerman: We have made the revisions on the development text that were in response to everybody's  
106 concerns. We also updated the matrix to identify that the multi-family units in the D District will all be  
107 on the upper floor. There was one issue that came up this morning that Dan is going to address.

108

109 Mr. Griffin: We tried to get thru the matrix as much as possible. We have A-1, A-2, A-3 and A-4 which  
110 in the Zoning Text was approved for 6 units/acre in each quadrant. However, the matrix itself says no  
111 residential units, no multi-family on "these" 2, so the matrix didn't comply with the Zoning Text; we  
112 changed the matrix to have the 6 units/acre like the Zoning Text. We immediately talked to Mike and  
113 Michele. Part of the reason we recognized it is because we sold that 21 acres to 3 Pillars who is doing a  
114 high end, top quality multi-family development. We have the new traffic circle that's going there, so we  
115 started on this with the County because we're bringing sewer "here" and we're doing it at the same time  
116 the County is doing their drainage "there" and doing "this" circle with their contractor, and they had to  
117 know what uses we have on this property in order to tell us the right-in/right out location and the main  
118 entrance over "here". We've corrected that on the matrix. I also have a contract from 3 Pillars if that's  
119 necessary.

120

121 Mr. Eyerman: And the units are referenced on Page 25 of the approved Zoning Text.

122

123 Mr. McCarthy: I have reviewed the materials received from the developer and they have addressed them.  
124 One thing I don't think was mentioned that you should be aware of, we talked about adding the McMillen  
125 tract formerly to this, and while that could be done, if we're going to do this, we'd have to extend this  
126 experience and re-advertise to show that the McMillen tract was now involved. I spoke with Mr. Griffin  
127 and Mr. Eyerman, and that was not something they were interested in pursuing. That, together with the  
128 fact of the development standard I mentioned that was broader than what was existing in the approved  
129 text, they've deleted that from the application. Mr. Eyerman indicated they felt that what they had in the  
130 approved plans was enough. That was one of the two reasons to bring the McMillen in to 16.02. You  
131 may have a question down the road; this will at least create a record that this Commission did not object  
132 when someone said they were entitled to 9 multi-family units in the McMillen area, so those changes  
133 were noted. There were shifts made to the areas that made up for the shortage from last evening. Area B-  
134 1, all has been taken out of that as they have with Area C-3. The remaining unit was thrown into C-4 and  
135 added to that sub-area's total. Looking at the extrapolations in the plan, we do come to 496 in total; 487  
136 in the 15-0104 Evans Farm area. On the use matrix, I verified all entries on it, noted the ones that have  
137 changed and of the ones that have changed in Areas C and D, those were changes I expected, same with  
138 Area B. However, in Area A, the changes that weren't expected, I looked into and as Dan indicated, the  
139 text indicates an allocation of units for those areas, but the reflection of what type of units is incorrect, so  
140 this would be the most significant decision you'll have this evening, notwithstanding the reallocation and  
141 resizing of the sub-areas. The only thing I recall on that was a discussion during the course of looking at  
142 the west side of the tracks, Area A. Mr. Duell said earlier it was viewed kind of as an orphan at the time  
143 by everybody. There was some discussion about the inconsistency of permitting a warehouse use or  
144 putting a park setting among warehouses and that's all I remember and I didn't have time today to go  
145 back and look thru a year and half of minutes to find out if that is what happened, but I do recall that  
146 discussion. Looking at the balance of that sub-area, Areas 2 and 3 were approved for all types of multi-  
147 family - upper, townhouse or just simple apartments. So that lies with you folks to determine what you're  
148 pleasure is going to be on it. Beyond that I think the applicant did in large part comply. The drawing  
149 came in this evening; we haven't had a chance to review it, so I've given you each a copy of the draft  
150 motion/recommendation of the Board for approval. There are 2 stated stipulations and both came in this  
151 evening and we haven't had a chance to see them. First is the owner letter; we've talked about this with

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152 other applicants; this is not unusual in that regard. Secondly, the scaled drawings of Exhibit C, the sub-  
153 area plan in both 11 x 17 and 24 x 36, the plans were brought in this evening; they can be reviewed and if  
154 anything needs to be discussed, that can be done with the Trustees. Below are the items that are included  
155 with your approval. There's the development text; the spreadsheet titled 14.06b)2); Exhibit C, the matrix;  
156 and the Sub-area C plan which is dated a little differently. We did not get a new one of those, at least I did  
157 not, so that has the August 17 date as the reference, not the September 26, the others are all identified as  
158 being those having the titles indicated and having been filed and stamped today.

159  
160 Ms. Trebellas: I have one question for clarification concerning Areas A along the railroad tracks and how  
161 you now have 3 Pillars coming in. Is there still a plan or land set aside for a warehouse?  
162

163 Mr. Griffin: No.

164  
165 Ms. Trebellas: So that's sort of gone by the wayside and there won't be a potential problem with having a  
166 warehouse type storage facility or anything like that built next to these?  
167

168 Mr. Griffin: No.

### PUBLIC COMMENT

169  
170  
171 None

### RECOMMENDATION OF APPROVAL OF ZONING APPLICATION #ZON-18-05 OF EVANS FARM LAND DEVELOPMENT COMPANY, LLC, WITH STIPULATIONS

172  
173  
174  
175  
176 Motion by Mr. Todd Dove to recommend to the Board of Township Trustees the approval of  
177 Zoning Application #ZON-18-05 of Evans Farm Land Development Company, LLC, requesting  
178 amendment of the currently effective development plan for the *Evans Farm Planned Commercial and*  
179 *Office District* (Zoning Application #15-0104), the version of the application to be approved consisting of  
180 those materials submitted by the applicant and listed in Attachment "1" of this Motion, all as modified by  
181 the following stipulations, each of which has been agreed to by the applicant, both for itself and on behalf  
182 of the property owner:

- 183  
184 1. Prior to consideration of this application by the Township Trustees, submit to the Zoning Office an  
185 authorization by the owner of the property granting authority to John Anthony Eyerman to file this  
186 zoning amendment application and agree, on behalf of the owner to changes made following the  
187 filing.  
188  
189 2. Prior to consideration of this application by the Township Trustees, submit to the Zoning Office a  
190 scaled copy of Exhibit 'C' Sub-Area Plan in both 11" X 17" and 24" X 36" sizes, such plan to be  
191 accurate and consistent with those materials listed in Attachment "1".  
192

193 Mr. Duell: And is the applicant ok with the stipulations?

194  
195 Messrs. Eyerman/Griffin: Yes.

196  
197 Seconded by Mr. McNulty

198 Vote on Motion: Mr. Duell–yes, Ms. Trebellas–yes, Mr. Dove–yes, Ms. Stenman–yes, Mr. McNulty–yes  
199 Motion carried

200  
201 Attachment "1"

## Zoning Commission

### Listing of Approved Materials

202  
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- (1) Development Text titled *Evans Farm Planned Commercial and Office District, Zoning Amendment to Zoning Application No. 15-0104*, consisting of 2 pages, (each being approximately 8.5” x 11” in size) and stamped RECEIVED with ORANGE TWP. ZONING above and SEP 26 2018 superimposed over RECEIVED by Orange Township Zoning.
- (2) A spreadsheet titled *Section 14.06 b) 2)*, consisting of 1 page stamped RECEIVED with ORANGE TWP. ZONING above and SEP 26 2018 superimposed over RECEIVED by Orange Township Zoning.
- (3) A spreadsheet titled *Exhibit C Evans Farm PCD Zoning Areas* consisting of 2 pages, each being stamped RECEIVED with ORANGE TWP. ZONING above and SEP 26 2018 superimposed over RECEIVED by Orange Township Zoning.
- (4) Subject to Stipulation 2 of the Motion, Subarea ‘C’ Sub-area plan consisting of 1 page stamped RECEIVED with ORANGE TWP, ZONING above and AUG 17 2018 superimposed over RECEIVED by Orange Township Zoning.

Meeting continued with Comprehensive Land Use Plan  
Minutes prepared by Cindy Davis, Zoning Secretary

On December 11, 2018, Mr. McNulty moved to approve the meeting minutes of the Orange Township Zoning Commission dated September 26, 2018, for Rezoning Application #ZON-18-05, Evans Farm Development Company, LLC, as written; seconded by Mr. Dove.

Vote on Motion: Ms. Trebellas-yes, Mr. Dove-yes, Mr. McNulty-yes, Mr. Pychiewicz-yes  
Motion carried

# Zoning Commission

1 **Comprehensive Land Use Update Meeting**

September 26, 2018

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3  
4 **LEGAL NOTICE**

5  
6 Notice is hereby given that the Orange Township Zoning Commission will hold their 6<sup>th</sup> special  
7 meeting on Wednesday, September 26, 2018 beginning at 7:00 p.m. to discuss the Comprehensive  
8 Land Use Plan Update.

9 **Comprehensive Land Use Update**

10  
11 The Township was awarded the opportunity to partner with students from the Ohio State University's  
12 Master of City & Regional Planning (MCRP) program to help update our current 2010 Comprehensive  
13 Land Use Plan. The students have completed the first draft and will now be presented to Orange  
14 Township Zoning Commission.

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

18 We encourage all residents and community members to attend.

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

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

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

26 *Mark Duell, Chairman*

27 *Michele Boni, Orange Township Zoning Department*

28  
29 *Please publish one time, on or before Monday, September 25,, 2018 in The Delaware Gazette*

30  
31 Roll: Mark Duell, Christine Trebellas, Todd Dove, Katie Stenman, Dennis McNulty, Adam Pychewicz

32  
33 Township Officials Present: Michael McCarthy Township Counsel  
34 Michele Boni Planning and Zoning Director

35  
36 Ms. Boni: Also present is one of our BZA members, Kelvin Trefz, Scott Sanders from Regional  
37 Planning, Trustee Rivers as well as some audience members.

38  
39 Mr. Duell: After a number of unexpected scheduling conflicts for a number of people for our last  
40 meeting, the full regular Commission is here tonight, so we're good to get back to reviewing this.

41  
42 Ms. Boni: At our last meeting we went over comments and discussed the sub-area chapters; we defined  
43 those and made changes from there. Based on everyone's feedback, I added a sub-area chapter and made  
44 those changes in each sub-area as well. Scott also updated the land use map, so we have that in place in  
45 this new plan and that reflects the changes we discussed in the sub-area chapters. We also discussed  
46 removing the implementation strategy chart which identified all the recommendations. Those were all  
47 incorporated in the chapters already, so we just deleted that from the plan. We modified some language

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48 errors throughout the plan, updated a lot of the maps, and with the edits that we've done since December,  
49 we'd like to move this forward to the Trustees. The framework of this plan has really remained the same;  
50 the sub-area chapters have been the key areas that have been revised.

51

52 Mr. Duell: I looked at this in great detail and have some comments. Something that kind of bothered me  
53 was there's a lot of government in this plan, and I would like to kind of minimize the amount of govern-  
54 ment that gets it's way entangled into things., particularly as it relates to trees. There's a lot of discussion  
55 on trees and I'm not sure I like all that discussion. The first thing, and it was something I identified  
56 previously, was this idea of complete streets. Complete streets is a term that was described to us, but it's  
57 not really well defined what it's supposed to be. We've got strategies that we're supposed to adopt a  
58 complete streets policy without knowing what it's going to entail, what it's going to cost, what burden it  
59 might put on developers.

60

61 Ms. Boni: That would have to be revisited.

62

63 Mr. Duell: The word retrofit is shown; is the plan to retrofit existing streets and what's the cost of that?  
64 So it's a very wide open discussion of complete streets with very little detail.

65

66 Ms. Boni: I would like to revisit that once we decide to adopt a complete streets policy because every-  
67 one's complete streets policies are different. We can define that the way we want. I didn't want to  
68 provide specific standards in the text; I just wanted to consider a complete streets policy.

69

70 Mr. Duell: The first strategy is adopt a complete streets policy, so before we commit to a strategy to  
71 adopt, I'd like to know what the policy is going to entail, what it's going to cost, what's the burden on  
72 developers, are we planning to retrofit and then what's the cost going to be for that?

73

74 Ms. Boni: How would you advise us to word that?

75

76 Mr. Duell: I'm concerned that it's not well defined, so I would like to see some definitions of what it's  
77 going to entail, not that we have to adopt all, but what areas are we talking about because all I know from  
78 reading this is that it requires spaces for all users of all abilities, ages and modes; what does that mean?  
79 We have a lot of developments, there's a lot of different ideas going on in the Township. Mr. Griffin/Mr.  
80 Eyerman have their walkable community, we've got a bunch of older developments that are traditional  
81 suburban housing that are more spread out, there's sidewalks. We've got discussions coming up of  
82 perhaps more multi-family in some areas, how's that going to be impacted? There's some commercial  
83 analogue. There are a lot of questions that could come up; this is a very open end statement.

84

85 Ms. Boni: Scott, have you seen anything on complete streets in any other plans?

86

87 Mr. Sanders: It's mentioned sometimes as a planning issue. Maybe you could say consider to soften the  
88 language or say you're discussing a complete streets policy. Either way I don't think it puts anybody on  
89 the hook to turn around tomorrow and get something done.

90

91 Mr. McCarthy: If you have something in the plan that softens it to consider, that means consider. If you  
92 put adopt, if you have assertive requiring statements and for whatever reason don't do it, you get beat to  
93 death with your own plan when you never really had any intention of getting into some of the items that  
94 are hitting you.

95

96 Ms. Trebellas: I agree it needs definition because in different communities it means different things in  
97 terms of sidewalks, bicycle paths, street trees, street furniture, etc. so it needs to be defined as a planning  
98 term in a particular locale. But if we have adopt instead of consider, does that mean we have to

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99 incorporate this into our Zoning Code? Do we have to change our guidelines to make sure that they then  
100 provide sidewalks, bicycle lanes, street trees?  
101

102 Mr. McCarthy: What will happen is they show up and say your plan says this, your plan says that, our  
103 plan does this, our plan does that, and you're not going to follow your plan if you don't give us what  
104 we're requesting. It kind of boxes you and makes you feel uncomfortable, and it's not intentional on  
105 occasion. They're there for their purposes and their purposes are good but your interests are different, so  
106 unless you're ready to be beat up and read about it in the briefs when you go to court, their plan says this  
107 but they refuse to do it for us, and hopefully your problems don't get any more serious than that in a  
108 litigation. But this plan will be taken seriously by people who are looking to approach you and determine  
109 how to best structure their request to achieve their goals, and if you leave it laying around loose, they'll  
110 probably find it.  
111

112 Ms. Trebellas: My understanding is this is sort of like a guidepost of how we see the Township  
113 developing in the next 10 years.  
114

115 Ms. Boni: It is a guide; it can be refined too in the future. I hope to update this more frequently than that.  
116

117 Ms. Trebellas: And as this is a guide, I assume the things we point out would at some point perhaps be  
118 adopted into our Zoning Code as well, that they're tied in.  
119

120 Ms. Boni: Once we adopt this, the next step would be to amend the Code based on some of the recom-  
121 mendations.  
122

123 Mr. McCarthy: To consider amending the Code on the basis of some of the recommendations.  
124

125 Dan Griffin, Evans Farm, I haven't read thru the final version of the Comp Plan that you guys have gotten  
126 to, but when I hear complete streets, my thinking is that that's from the Township having paths, land-  
127 scaping; it doesn't have anything to do with streets themselves, it's what's around them.  
128

129 Ms. Trebellas: It varies. I take the planning approach that a complete street could be a street with side-  
130 walks, but other jurisdictions have where it's a street, there's a buffer between various transportation  
131 modes for safety, so you would have the car path; bicycle path; pedestrian path; green areas; along the  
132 pedestrian path there might be street furniture, light fixtures, benches, trash cans. It could be the whole  
133 gamut all the way back to where your right-of-way (ROW) ends and the property begins.  
134

135 Mr. Griffin: What I've incurred in planning streets, street widths for a walkable community and things  
136 you guys supported, then the developer goes to the next step and what you support in this Comprehensive  
137 Plan may not be what the County would approve.  
138

139 Ms. Boni: We would have to cross-check with the County Engineer, our roads department.  
140

141 Ms. Trebellas: And this idea of complete streets might not adhere to all the streets in the Township.  
142 There might be a hierarchy of which streets ought to have sidewalks, bicycle paths or multi-purpose paths  
143 and which streets don't.  
144

145 Mr. McCarthy: Didn't the County have something, or maybe they still do in their subdivision regulations,  
146 based on the street type, street width or density? This was in the nature of when sidewalks go in and it  
147 said once density hits this, you put sidewalks in is what I remember.  
148



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149 Mr. Sanders: Currently it's all new streets, at least on one side and if they want a variance, they can ask  
150 for it.

151

152 Ms. Boni: So soften it, consider it?

153

154 Mr. Duell: At the most I would say consider. When it's sitting there in capital letters which makes it  
155 look like it's a standard, then our strategy is to adopt it; what are we adopting?

156

157 Ms. Trebellas: I like the idea, but I think it needs to be defined, what it means and in what location, so  
158 perhaps consider or have further conversation.

159

160 Mr. McCarthy: Along the same line, there's only one place I saw in there but I would make it very clear  
161 in the plan that this is a guide and I would get the word adhere out of there because there will be people  
162 show up and argue adhere and that's probably not going to go your way.

163

164 Mr. Duell: In T3.2 we talk about possible solutions for reducing accident risks at the Franklin Street RR  
165 crossing; that's kind of a hot button issue, railroads in general. I know Mr. Rivers probably gets a lot of  
166 comments about railroad crossings.

167

168 Mr. Rivers: It's a hot topic right now.

169

170 Mr. Duell: By and large, they're kind of a federal issue; how much can we really say and do about  
171 railroad crossings? I wouldn't want to get people's hopes up too high. I don't know what your thoughts  
172 are on that; you're the one who has to field those calls.

173

174 Mr. Rivers: We obviously have our challenges and it's very expensive to come up with some of these  
175 options, so we're doing our best, but with the railroad it's very difficult...

176

177 Mr. Eyerman: You said it's a federal issue, but I think it's above federal. Federal gave them all the rights  
178 and they pretty much...

179

180 Ms. Trebellas: But they gave them the rights in the 19<sup>th</sup> century and they've never revisited that.

181

182 Ms. Boni: This strategy was based on the feedback from the open houses.

183

184 Mr. Duell: I would just hate to get people's hopes up that there's a lot we can do about it.

185

186 Ms. Boni: It's worded as find possible solutions; I don't know that that guarantees anything.

187

188 Ms. Stenman: You've got to find someone to listen and pay for it, and that's not an easy thing to do.

189

190 Mr. Rivers: That's the challenge

191

192 Ms. Trebellas: The railroad isn't going to pay for it.

193

194 Ms. Stenman: No, I worked for the Utilities Commission for a lot of years, and the state's not going to  
195 pay for it either.

196

197 Mr. Rivers: I think we have solutions we're looking at now but the issue is funding and even when you  
198 do find someone to pay for it, it takes time.

199

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200 Mr. McCarthy: And then you can run into other issues.

201

202 Mr. Rivers: There are options on the table right now that I think will help but it's not going to be today or  
203 tomorrow, so you don't want to get too far ahead and people think this is going to get fixed in the next 6  
204 months because it's not.

205

206 Mr. Duell: I would either take it out so as not to get people's hopes up or really make it we're doing our  
207 best type thing.

208

209 Mr. Griffin: The residents think you have the ability to do it and I've explained to them as well. We're  
210 having a meeting, it's a comprehensive team that goes with a plan to the rail companies and you have to  
211 use pull with people you know from the government to even get it considered. And so the residents don't  
212 say why aren't you guys doing something, and you can't if you don't have any control over it, so it's a  
213 touchy situation. I'm talking with the Federal Rail Commission on a monthly basis and it's tough to get to  
214 the right people.

215

216 Mr. Duell: Section T-4 which is more enhanced street design in new developments; does that go back to  
217 the complete streets thing or is this something else?

218

219 Ms. Boni: I think that would go hand in hand with the complete streets policy.

220

221 Mr. Duell: This seems like a better description of what complete streets mean so maybe combine the two.  
222 There is a discussion to encourage on street parking. Is that something we're looking to do?

223

224 Ms. Boni: No.

225

226 Ms. Trebellas: I think it depends on the street. You have on street parking in your residential area; it's  
227 not like you're going to get rid of it.

228

229 Ms. Stenman: But we don't want to encourage it.

230

231 Mr. McNulty: It exists; we don't encourage it.

232

233 Ms. Trebellas: I think that depends upon your street width, definition of your street on whether or not  
234 you're going to have on street parking. If your road is too narrow, you're not going to have it.

235

236 Mr. Duell: It's just the idea of encouraging it. It seems like you're asking people to make smaller yards,  
237 and your whole issue of short driveways; I don't know that we want to do that.

238

239 Mr. McCarthy: The other thing I would be cautious about, where are you at with the Trustees on their  
240 road authority and for Zoning to intend to tell the Trustees might not be appropriate or appreciated.

241

242 Mr. Duell: I don't view this necessarily as Zoning but as the Township's document so it would apply to  
243 them equivocally as it would to us, but I'm not sure encouraging on street parking, which is kind of the  
244 way it reads now, is something we should do.

245

246 Mr. McCarthy: Prior Boards have spent a lot of time and effort in parking and what it should or should  
247 not be, and there are aspects of it that actually draw in the Fire Department and Fire Inspector, it's not an  
248 issue of we simply like this to look this way, there's a lot of factors that go into it that really don't fall  
249 within the authority of Zoning.

250

## Zoning Commission

251 Ms. Trebellas: For me, it makes sense if you're downtown Powell, Worthington or something where you  
252 have a historical forum with commercial or retail spaces and parallel parking out in front of that. People  
253 talk about how street parking sometimes can slow traffic on a street if that's what you want to do.

254  
255 Mr. Sanders: I can't think for the students but my assumption is that's what they had in mind, not let's  
256 take a road that already exists and encourage parking on it. What they know was encourage street design  
257 for commercial areas.

258  
259 Ms. Trebellas: The problem is Orange Township commercial areas are like US 23 which you're not  
260 going to encourage parking on.

261  
262 Mr. Sanders: Evans Farm Drive in the commercial area has on street parking.

263  
264 Ms. Trebellas: And that was something put in the development text that we negotiated.

265  
266 Mr. Eyerman: Jess Beck is a writer who has made his niche talking about street parking and it slows  
267 traffic down. It also provides what you're saying, in commercial areas it creates a sidewalk; it feels more  
268 comfortable that you can sit outside on the sidewalk and feel safe because the parked car is the buffer.

269  
270 Ms. Trebellas: Between you and the traffic.

271  
272 Mr. Eyerman: And street trees help that too. On a sidewalk or in a pedestrian area where there are  
273 houses, it provides a little buffer for kids on a sidewalk but the commercial area is really where the target  
274 is and obviously the 23 corridor commercial area is not what we're talking about, but in an application  
275 like Evans Farm, it really does work. One night when we were here the students were talking about that,  
276 and they were using the Short North as an example where High Street has a....

277  
278 Ms. Trebellas: Now there's so much construction in the Short North there is no parking on the street. So  
279 maybe rephrase so that it's referring to the on street parking to like an Evans Farm type commercial area.

280  
281 Mr. Duell: The T-4 section is talking about new developments and neighborhood design, so....

282  
283 Ms. Trebellas: You're not too worried about 23?

284  
285 Ms. Boni: Instead of saying complete streets, I think use that language so even in the future if we do  
286 decide to define something and call it complete streets policy, it will still reflect the recommendations, it  
287 just doesn't have the specific name.

288  
289 Mr. Duell: There's a whole section in here on Economic Development which I don't really think has too  
290 much to do with us.

291  
292 Mr. McCarthy: That has more to do with the County; they've got the tools.

293  
294 Mr. Duell: But in some of the areas it targets Planning and Zoning Staff and Boards.

295  
296 Ms. Trebellas: Are we as a Township thinking about enterprise zones and TIF's, things like that; I didn't  
297 think we are.

298  
299 Mr. Rivers: We're definitely involved in TIF's.

300

## Zoning Commission

301 Mr. Duell: Next is Zoning and Land Use, and there's quite a bit to talk about. The first goal is Z-1 which  
302 talks about creating a new Mixed Use Zoning District. That might be another one to say consider.

303  
304 Ms. Boni: When I go thru this whole thing, instead of adopt and require, just use the word consider.  
305

306 Mr. Duell: Because the next one says review and consider changing the density requirements, and I think  
307 that's the correct way to state it rather than saying we will do it or we will create it. The density require-  
308 ments is kind of the hot button topic.

309  
310 Ms. Boni: Should I still keep the Z-1 and just say consider?  
311

312 Mr. Duell: I think so because it is worth considering but we need to be very careful and define what we  
313 mean by that.

314  
315 Ms. Boni: That's all we really said in this plan, so when we go to update, we'll have to have all the  
316 standards and regulations.

317  
318 Ms. Trebellas: I think there is a need for it. For example, at Evans Farm we had to have 2 separate, a  
319 commercial and residential, and then we had to have all kinds of exceptions so we could put residential  
320 above commercial whereas if we had a mixed use, it would not have been 2 separate packages but  
321 perhaps just 1 package with both, but we need to define what a mixed use is.

322  
323 Mr. McCarthy: If you're going to do it, I suggest limit the scale because part of the reason I think you're  
324 where you're at in terms of the way your Code is set up, before annexing Polaris to Columbus, we did  
325 rezone that property. For years I brought up mixed use and pretty much got told to shut up and sit down,  
326 that they found ways to make what they had work and that they like having it discreet and what can  
327 happen, and I've seen it, not just here, they'll mix-master everything until you can't separate it. If you  
328 don't plainly separate the uses, you'll have a plaid and it's very difficult in a significant development to  
329 separate the strands. I think it's a worthwhile discussion to have but there is a reason you didn't just end  
330 up here out of ignorance; it was really out of experience. At one time you had just a Planned Residential  
331 District; that was too much, so now you've got an SFPRD, an MFPRD and some of the relatively recent  
332 applications....

333  
334 Ms. Trebellas: We have questioned what is multi-family versus single family.  
335

336 Mr. McCarthy: And I think you could end up there if you're not careful. Certainly the mix of uses, what  
337 uses are to be considered or permitted, but the real question becomes how do you deal with the fact. I  
338 don't know if you could write it, you will segregate by use the individual components, maybe that would  
339 work; that was not what I've seen done so maybe that would be a tool to look at.

340  
341 Mr. Duell: There was a time where the Township had a lot of land so it really didn't need to mix the uses,  
342 but as available land to develop gets more scarce, it may become....

343  
344 Mr. McCarthy: I understand that but the question is the framework within which you want to do the mix;  
345 that's kind of what you're talking about.

346  
347 Ms. Trebellas: It's a topic for discussion in the future.  
348

349 Mr. Duell: In Z-2, this may be the poster child of things that need to be reworded; adopt the updated  
350 proposed Land Use Map and adhere to as a guide.

351

## Zoning Commission

352 Ms. Boni: I'm just going to "control search" all these words.

353

354 Mr. McCarthy: Adhere, just kick out.

355

356 Mr. Duell: Z-3 there's all these task force and training; is that something we're going to do?

357

358 Ms. Boni: This is something I've thought of for a while for all our long range projects, including  
359 amending our Code, updating our Land Use Comp Plan, having a stakeholders group to help guide that to  
360 see where we are. It's something I'd like to consider in the future. If it seems like it's required, it's not.

361

362 Mr. Duell: Z-3.2, I would change create to consider. Z-4, amend parking requirements for commercial  
363 districts. We've had a lot of discussion about that; it's probably a good thing to revisit because many are  
364 asking for less and shared parking. We've been working thru that, so that part's good. Required parking  
365 be set to the sides and backs of the buildings; we've been talking about that a lot. I don't know about  
366 required but strongly request. Consider amending signage requirements; we've talked about that because  
367 everyone's coming in with different signs. I think we need to make a sign decision and stick with it at  
368 some point. Then review existing development standards in all zoning districts and amend. I think that's  
369 a big project and we should get a lot of comments from people.

370

371 Ms. Boni: Once we adopt this plan, I will appropriate money to hire a consultant to amend the entire  
372 Code. That's the goal.

373

374 Mr. Duell: One that really stuck out to me was about the government part requiring sustainable develop-  
375 ment practices.

376

377 Ms. Boni: Encourage? This is definitely in the planning phase; everyone puts it in their plans.

378

379 Ms. Stenman: I worked in utilities for years and years, and no one actually wants renewable energy in  
380 their development. It sounds lovely but...

381

382 Ms. Boni: I can take out all of this.

383

384 Mr. Dove: But storm water is required.

385

386 Mr. McCarthy: I caution against taking on someone else's job as far as the EPA, as far as setbacks; they  
387 have that job, they're going to win.

388

389 Mr. Duell: Renewable energy, was it an HOA that came to us about solar panels and what to do about  
390 them?

391

392 Ms. Boni: If the Commission's not comfortable even discussing it, I'll remove that strategy.

393

394 Mr. Duell: I don't know what anybody has thoughts on solar panels and....

395

396 Mr. Griffin: Individual houses have them. At Evans Farm one of the first one's going up is a 0 energy  
397 solar panel geothermal...

398

399 Ms. Trebellas: But that's also because you don't have an HOA that's going to prohibit them.

400

401 Mr. Griffin: We're not, but my question is what are the numbers and the return on sustainability because  
402 you see them all the time, you see fields of solar that municipalities use and we've talked about it.

## Zoning Commission

403 Mr. Eyerman: We've been approached about covering our parking lot with panels.  
404

405 Ms. Trebellas: In Atlanta in a bicentennial park, they have a ferris wheel that's run by solar panels in a  
406 parking lot.  
407

408 Mr. Griffin: We might not get them in our lifetime, but they're going to come more and more frequently  
409 to the Township.  
410

411 Mr. Eyerman: We're never going to get 100% buy-in on anything but it's something we're promoting  
412 and sustainability has a lot of different fingers. Solar energy is one, but we're about recycling, composting  
413 and it's all about how you're going to take your space and energy and how you're going to use it.  
414

415 Mr. Trefz: One of the renewable or sustainable is underground homes or earth banked homes, and that  
416 was a good thing for about a decade. You don't see many of them around here anymore but you are  
417 seeing commercial buildings with grass, trees and other things, that are used for filtration for their own  
418 water, so sustainable may have more latitude than we're thinking if you're just considering solar panels,  
419 wind energy, etc. I'm not saying leave it in or take it out; I'm just thinking there's a broader definition.  
420

421 Mr. Duell: I would rather let developers make the decisions on stuff like that based on a cost benefit  
422 analysis without us saying we're going to require it because if it makes sense, they'll do it, and if it  
423 doesn't, they won't.  
424

425 Mr. Trefz: But if we have something that would encourage them to think about it, that's one thing. I  
426 don't want to require that but I think we could have language that would encourage.  
427

428 Mr. Dove: I'd keep it as consider and take out including but not limited to, and I'd take all that out; just  
429 so there's something in there about sustainability.  
430

431 Ms. Boni: So I should say consider sustainability practices?  
432

433 Mr. Dove: In all new developments.  
434

435 Mr. Duell: Housing, we have a lot of discussion about senior retirement and that's obviously a hot button  
436 issue. There's the issue of detached condos, single family detached condos, their own type of district  
437 because that's the most popular thing that's coming to us that doesn't fit in any of our buckets. It says to  
438 create that type of district and again, we probably should just consider that. Then there's talk about  
439 reducing Code barriers to cluster housing. I've never seen anyone come in with a cluster housing. We've  
440 seen stuff that maybe is schematically close but not quite.  
441

442 Ms. Boni: If we did add a new district, it wouldn't have to try and do the cluster housing.  
443

444 Mr. Duell: Is cluster housing something that is still viable?  
445

446 Mr. Eyerman: What is your definition of cluster housing?  
447

448 Mr. McCarthy: It's basically the single family but instead of a 30' setback you've got 25'; really it does  
449 not address the true concept, the same setbacks, the same everything. With cluster, I've never known it to  
450 mean you get more density.  
451

452 Ms. Trebellas: That's the problem with the setbacks; you don't achieve what you're trying to achieve.  
453

Mr. Duell: But it says reduce the Code barriers to cluster housing; so what does that mean?

## Zoning Commission

454 Ms. Trebellas: That means redefining what cluster housing is in our zoning or getting rid of it.

455

456 Mr. Sanders: The barrier is the phrase that says no more than so many units per single acre and that's  
457 how it gets spread out.

458

459 Mr. Duell: Every developer who is paying attention comes in and says we have no good way to define  
460 that, so they always assume that's not an enforceable provision.

461

462 Mr. McCarthy: And the Commission's never been comfortable enough to do anything but say ok.

463

464 Mr. Sanders: You can look at Glen Oak and compare it to 2 acre lots in Harlem Township and say that's  
465 more clustered; it's just how you define it.

466

467 Mr. McCarthy: And as I remember, the further back you go, the more spread out you get but that was  
468 part of the discussion for Summerfield. To my knowledge, that's the only cluster development we've got  
469 and what it's preserving is that field across the street and it seems to make everybody happy. A lot of  
470 people in the Township have been way down on it as a "cluster" development but I've never spoken to  
471 anyone who lives there who didn't like it. As far as clustering and what do we mean, are we just looking  
472 at increased density or is it for a special circumstance?

473

474 Ms. Trebella: What I think it means is that you're clustering to preserve open space or green space. Is it  
475 an environmental feature, is that your ravine you can't build on it but you have it, it's a wetland or a  
476 floodplain? Build in the floodplain, not advisable, cluster the housing someplace else. Just because you  
477 have the land doesn't mean you really should build on it.

478

479 Mr. Duell: Rather than reduce Code barriers to cluster, we may need to reconsider cluster housing all  
480 together and start from scratch. I'm not sure in the existing Code what barriers would be proposed to be  
481 reduced to make it worth anybody's while.

482

483 Ms. Boni: I'll just say reconsider cluster housing.

484

485 Mr. McCarthy: The people who brought this up, did they mention what barriers they're talking about?

486

487 Ms. Boni: I think from the students' perspective, because they did ask me if there were several cluster  
488 developments and I said there was not, I think to them they thought there was a problem with it, so that  
489 was the intent of that section I believe.

490

491 Mr. Duell: There was a significant discussion about the PERD's in the next section, H-3, and they talk  
492 about barriers there too that must be removed.

493

494 Ms. Boni: I think that was the other thing too; there's only 3 PERD Districts.

495

496 Mr. Duell: They haven't existed very long. I'm curious as to the PERD discussion. It's been a while  
497 since we created it but it's new enough that I took part in that.

498

499 Mr. Dove: It's been tested once.

500

501 Mr. Duell: What's the one on Old State?

502

503 Mr. McCarthy: That was actually a PC.

504

## Zoning Commission

505 Mr. Duell: No, it's PERD. It was created for that because we weren't....

506

507 Ms. Trebellas: They didn't want a PC on Old State, so we created a PERD, right across from Little Bear.

508

509 Ms. Boni: Instead of a PERD, we replaced it with age targeted so the school districts aren't overwhelmed  
510 with the student population. That's the Clear Creek, the Epcon...

511

512 Ms. Trebellas: The empty nester question again.

513

514 Ms. Boni: Again, if that section's not needed, we can delete it. What do you want me to do with that  
515 section?

516

517 Mr. Duell: I'm curious as to Section H-3.3, PERD faces barriers; what barriers are we talking about?

518

519 Mr. Griffin: We know our community is forever; Evans Farm has a place so people don't have to leave if  
520 they go to a retirement area or an assisted living, memory care. We went to Norton Commons where a  
521 friend of mine developed a dependent, independent and memory care facility all in one area and it was  
522 high class, very well done. My concern is if we look at a facility like that where we are, is that considered  
523 multi-family and could you get enough people living in that facility for a developer to be able to build it  
524 for these guys? I just wonder how you treat the density for a facility like that. Is it treated under a PERD  
525 where you get some flexibility or as a multi-family under a density requirement?

526

527 Ms. Trebellas: Or commercial as in some of them.

528

529 Mr. Duell: We created the PERD to be flexible enough to put these facilities where we weren't going to  
530 put commercial or close to residential areas, and it was developed with the facility on Old State in mind.  
531 The developer of that was very active in the creation of the PERD, and so are you, and we took on a lot of  
532 comments. If it's worthwhile to revisit to make sure it's flexible enough for that type of facility, which  
533 we seem to want to encourage, and encourage to be in amongst the community and not necessarily stuck  
534 out on 23 somewhere, then I think that's worthwhile. That's what it was designed for and if it's not  
535 flexible enough to be useful, then I think it needs to be revisited, and that's fine. I was just curious as to  
536 what barriers they thought were so bad, because, again, it was developed with a certain type of facility in  
537 mind and it seems to fit that, so is there something else we need to do.

538

539 Mr. Eyerman: I don't remember why there was a separate PERD versus Planned Multi-family; what was  
540 the purpose of having the separate district?

541

542 Mr. McCarthy: They were looking at in-fill areas east of the tracks and they did not want per se multi-  
543 family; there was a specific use. If you're dealing with people, \$3-400,000 or whatever houses, do they  
544 really want apartments put there; no they don't, that's been our experience. So what would be low impact,  
545 quiet, non-controversial, so the senior idea came forward to the extent that we've had 4 facilities that I can  
546 think of but only 2 are technically PERD, but they were looking for this unobtrusive, fit it in here, give a  
547 reasonable opportunity for development to the property owner while at the same time protecting the  
548 investment of the surrounding area and property values.

549

550 Mr. Eyerman: We've been approached by his friend in Norton and Ohio Villages, and we've probably  
551 had 7 or 8 what I'll loosely call senior living units, offering from complete independence to full nursing  
552 care, and each one of them has asked how many single family lots can we have and we never really  
553 planned on that. We have 40' lots and always figured there would be empty nesters that will move into  
554 them and probably a third of our small lot buyers are empty nesters downsizing, but we never expected



## Zoning Commission

555 the senior living developers to want to build individual single family lots and then rent or sell them. We  
556 always figured it was a facility and having those independent units kind of blew our mind a little bit.

557

558 Mr. Griffin: At Twin Lakes they did cottages. It was abutting Indian Hills and all the older people in  
559 Indian Hills didn't want to leave their residents, so they built cottages around more dense and then the  
560 tower that went up for the total dependent living with a restaurant in it.

561

562 Mr. Eyerman: We probably could have taken all the small lots on the west side of Evans Farm Drive and  
563 sold those to senior living housing developers.

564

565 Mr. Griffin: But if you're going to do a campus, you've got to do a campus; it's tight and looking good.

566

567 Ms. Boni: I'll modify the language then.

568

569 Mr. Duell: H-1.2 has amend zoning; just put consider in there. The talk about protecting natural  
570 resources and farmland thru the use of conservation easements, I'm not sure.

571

572 Mr. McCarthy: I'm not sure the Trustees have a lot of money lying around loose to leave the property  
573 there and pay or limitations on its future use. If this would be an interest, there is now authority that was  
574 added a few years back that you can have a levy just for purchasing green space not for parks purposes. I  
575 haven't had to look at what the interplay on that might be but it would require a major shift on the part of  
576 the Board without putting something like that on the ballot.

577

578 Mr. Rivers: I think we've got a great partner in Preservation Parks, so it's not necessarily something the  
579 Township has to do because Preservation Parks can handle green space. I know that's big as far as the  
580 surveys and comments, preserving green space.

581

582 Ms. Trebellas: But other than Preservation Parks, there's also public land banks, all sorts of public trusts  
583 you could put a conservation easement on your property, they could purchase it. There's varying methods  
584 that don't involve the Township having to fund it.

585

586 Mr. Rivers: And what's interesting, the YMCA survey, the question was what would you like to see us  
587 add to our parks and 51% said nothing, we're good, which I thought said a lot. If you want to keep the  
588 green space, Preservation Parks is going to preserve our green, but I thought that was interesting that  
589 everyone is pretty happy with the parks we have, and I don't know how much we need to add.

590

591 Mr. Duell: At some point, too many parks kind of start running into knee capping your tax base.

592

593 Mr. Rivers: That gets back to my point; you want to preserve the green but we already have the green  
594 space in the parks now.

595

596 Mr. Sanders: Soil and Water is the engine the Commissioners have set up that reviews the applications.

597

598 Mr. Duell: There's a discussion about designating buffers around wooded areas and water bodies. The  
599 ravines and stuff we generally take care of anyway for multiple reasons. They're difficult to build in so  
600 developers normally don't want to build in them anyway, they're many times protected waterways so they  
601 generally get protected anyway. I don't think that's a big deal. There's a very specific strategy about the  
602 Mid-Ohio Regional Planning Commission's Sustainable 2050 Initiative; I don't know what that is.

603

604 Mr. Sanders: There's an Insight 2050 but...

605

## Zoning Commission

606 Ms. Boni: No, there's a new, it's a sustainable something.

607

608 Mr. Duell: I would be careful telling us to do something not knowing what it may entail, including cost.

609

610 Mr. McCarthy: You get into some other issues too. My understanding is just about the whole County is  
611 subject to EPA permit on setback and development and a number of other regulations.

612

613 Mr. Sanders: It depends on the waterway; definitely the Olentangy.

614

615 Mr. McCarthy: This kind of comes back to what Mark said earlier about expanding government. Do you  
616 now want a setback police to ride herd on something the EPA is doing? I've seen other areas, not in  
617 Orange Township, where certain proponents, and not necessarily residents, could not get anywhere  
618 motivating the EPA, they would turn to the local board and say you've got it in your book, you guys go  
619 do it, and this tends to be something that maybe is not a primary mission; if it is, fine. Just beware of  
620 expanding the size of your government unless that's what your intention is.

621

622 Mr. Eyerman: MORPC has values that may not be shared with Delaware County or Orange Township, so  
623 be careful. I'm not saying don't, but just evaluate what their intents are because I've seen MORPC studies  
624 that basically say Orange Township should not grow another square inch. In one presentation they gave,  
625 and it wasn't MORPC as a whole but their speaker, went thru how wonderful the Olentangy River is, and  
626 about the third slide in it showed Orange Township with a big red "X" across it and said shut down all  
627 growth.

628

629 Ms. Boni: I'll remove that section.

630

631 Mr. Duell: NR-3 talks about introducing zoning requirements that use design standards that take natural  
632 features into consideration, introduce zoning amendments that require developers to practice conservation  
633 development. Again, that's where I think we encourage it but I don't want to be absolutely requiring any-  
634 body to be doing anything specifically. They have to have some economic freedom to make a develop-  
635 ment that's going to work.

636

637 Mr. McCarthy: You're defining a market; you may not have that kind of fit.

638

639 Mr. Duell: NR-4 on the next page, I have no written by everything. Join Tree City USA, pass a tree care  
640 ordinance, introduce a levy for funds for community forestry.

641

642 Ms. Boni: If everyone's ok with it, I will just remove it.

643

644 Mr. Duell: Trees came up in the Toy Box case, and we were very clear that where they wanted to  
645 preserve a certain group of trees was fine with us, we set it up, and in another area where they were  
646 originally going to take trees down and the neighbors wanted the trees up, we had the developers and the  
647 neighbors come to a private agreement on how they were going to handle the trees because we didn't  
648 want to turn Zoning Staff into the tree police. Now all of a sudden we're coming back here with a whole  
649 section on trees, and we just don't want to get into the tree business.

650

651 Ms. Boni: Do I delete that in its entirety?

652

653 Mr. Duell: There's a section on street trees and that may be a worthy discussion because typically the  
654 Township has had no street trees. These guys wanted street trees so we gave them street trees.

655

656 Mr. McCarthy: And they stand as the exception.

## Zoning Commission

657 Mr. Duell: But other street trees have started to trickle in.

658

659 Mr. McCarthy: Yes, but outside the ROW. Your true street tree is in the ROW and it's a hornet's nest I  
660 would not go around kicking if you don't have to. You'll have passionate people on both sides. Right  
661 now street trees are prohibited in the ROW and street trees outside the ROW are typically only 4-5' out of  
662 the ROW. If you go down on Riverbend, you'll see that that does give you kind of the street tree  
663 appearance.

664

665 Ms. Boni: If you want to revisit street trees, it could also go hand in hand with the complete street policy.

666

667 Ms. Trebellas: I know we've had some developers come with parking lot trees in the landscape area.

668

669 Mr. McCarthy: That's a good point because are they still parking lot trees if they're all down at one end  
670 of the lot?

671

672 Ms. Trebellas: The purpose for them is to try and break up the pavement and heat index and not make it  
673 so unbearable when you're walking from your car to the store. And that's the same purpose for a walk-  
674 able community, you want some shade on at least one side of the street.

675

676 Mr. Griffin: I did a project in Cincinnati and we put some street trees in the ROW and they were the  
677 Township's responsibility to remove. We had 2 issues where the Township changed and wanted us to  
678 remove the street trees after they were already in because a school bus went by and it was hanging down.

679

680 Mr. McCarty: Mirrors, lights.

681

682 Mr. Griffin: Street trees are important but there has to be sensitivity of who is maintaining them and  
683 whose responsibility. It's expensive if something happens to the trees or somebody gets hurt riding in the  
684 ROW.

685

686 Mr. Duell: Or equipment gets damaged because the trees overgrow into the streets.

687

688 Ms. Trebellas: But parking lot trees I think we need to revisit.

689

690 Mr. Duell: It kind of goes with the whole section on revisiting parking. In the sub-area sections, I don't  
691 know how much change you made to the existing, but there were a couple of areas I noticed. In Section  
692 5, Page 99, Sub-area 5, we talk about the site north of the existing Wal-Mart being appropriate for multi-  
693 family. Do we want multi-family there, especially with a lot of the visibility and frontage to 23?

694

695 Ms. Boni: That was something that was discussed at the meetings, so that's why it was incorporated from  
696 what I remember, and then I had Scott update the map to have that incorporated.

697

698 Ms. Trebellas: For some reason I thought that was discussed as a potential mixed-use.

699

700 Mr. Sanders: That's what the language says.

701

702 Ms. Trebellas: Or commercial perhaps on 23 and residential abutting the other residential there.

703

704 Ms. Boni: We didn't do a hash mark for mixed use zones because we don't have that district in place, so  
705 that's why it was divided. But if we had a mixed use district and a developer wanted to do a mixed use on  
706 that site, I would say that was feasible based on commercial in front and multi-family in the rear.

707

## Zoning Commission

708 Mr. Duell: I didn't have many comments about the sub-areas but that's one that jumped out at me. There  
709 were a couple of other areas, 8-4 and 9-8, that talk about density bonuses. We had a discussion with one  
710 developer who brought up the idea why don't you consider density bonuses, but density bonuses aren't  
711 necessarily anywhere in our Code and depending on what you ask me, I might say yes, it's a good idea or  
712 maybe not so much, we should stick with whatever it is we decided on. 8-4 and 9-8 both mention it. I  
713 don't know if it's mentioned anywhere else but be careful talking about density bonuses, especially since  
714 we can't do it right now without doing a straight out variance or divergence.

715  
716 Ms. Boni: We've been allowing some developments with higher than 2, so that is a bonus.

717  
718 Ms. Trebellas: We ought to define what qualifies as a density bonus and not just because the developer is  
719 angry at us but because he's providing something back to the community. Is he setting aside green space,  
720 providing housing for the elderly that we don't have?

721  
722 Mr. McCarthy: Grand Pointe and Clear Creek both are building a road that is not totally called for by  
723 their development.

724  
725 Mr. Duell: In here it talks about natural feature preservation, open space, but I don't think we should  
726 discount infrastructure.

727  
728 Ms. Trebellas: I agree; infrastructure is an important issue too.

729  
730 Ms. Boni: What if it said having community benefits and we need to define....

731  
732 Mr. Duell: I still think we'd be better off rather than doing it ad hoc having some, if we're going to  
733 commit to doing it...

734  
735 Ms. Trebellas: I would like guidelines so it's clear to the developer.

736  
737 Ms. Boni: From what I recall in our meetings, the reason we incorporated some of these density bonus  
738 options is so when we get an application that is 2.2 and we reflect on the sub-area plan, is that something  
739 we are willing to consider in that area? That is a guide, at least for me from a staff perspective, I can  
740 show them this moving forward, the current plan is very specific on 2 and that's it but we've been  
741 allowing 2 point something.

742  
743 Mr. Sanders: That's a good comment for later but these 2, that's already zoned, that was written before  
744 Clear Creek, east side of Gooding, west side of Gooding, 1500'...

745  
746 Mr. Dove: I don't think we know on many of these until we see the plan. I like our 2 as a benchmark and  
747 then it's by the freeway, we'll give 2.4; it's by commercial, we'll give 2.5; it's whatever, we'll give 2.6.  
748 but as soon as we give a bonus or let's give 3, they're going to want 3.5, 4. I just like looking at it, that's  
749 their benchmark and if they come in with everything that we ask for and they're coming in for a little bit  
750 more in another area, then we'll usually grant it.

751  
752 Mr. Griffin: Your open space is defined 20%, right? Is that defined as 20% space that's usable?

753  
754 Mr. McCarthy: It depends on how you want to read the Code. If you read the Code it says all open space  
755 wherever it is or however it is has to be acceptable to the Zoning Commission, so in that sense....

756  
757 Mr. Griffin: There's flexibility there.

758

## Zoning Commission

759 Mr. McCarthy: But in terms of we're going to take 25% off the top of the acreage for infrastructure and  
760 etc., no, they have nothing like that. And there have been developments where the Township just  
761 wouldn't consider some open space.

762  
763 Mr. Griffin: I think you need to give yourself as much flexibility as possible, otherwise you're going to  
764 get a piece of land that's not usable at all and somebody says I'm giving you 40% green space and I want  
765 a cluster over here; I should get more cluster density if you get too specific in your Code. Leave yourself  
766 flexibility to deal with it appropriately.

767  
768 Mr. Duell: I would just worry about people thinking they're going to get a bonus when maybe the  
769 situation doesn't call for it.

770  
771 Mr. Sanders: There's a Township that has a calculation that if you have this, this and this, you get up to a  
772 half but they had to change it because everybody would say I'm giving you a path, I'm giving you a trail,  
773 here's some open space, so I get those 3 extra units.

774  
775 Mr. Duell: We had one developer who recommended something similar to that.

776  
777 Mr. McCarthy: Also look at what is the Township's current attitude. Originally the concept was the  
778 further north you went, the lower density you were going to get. Is the Township now embracing higher  
779 density as the new look for the Township for the next 20 years? I'm not sure I know. I've read thru the  
780 individual comments at the end, I moved here for the open space and separation and all that, but then  
781 you'll also see, we need more density; they don't go together. There's going to be a give somewhere, so  
782 that's maybe a bigger question but I think it still comes back to, do you just take a hard 2 and then look at  
783 the situation or run the risk at resetting 0 essentially. We don't have too many people, Grand Pointe was  
784 maybe an exception, they were less than 2 on their request.

785  
786 Ms. Boni: I think for Sub-area 8, there was the density bonus for Clear Creek that you can get rid of  
787 because it was approved by the Trustees.

788  
789 Mr. Duell: It also appeared in 9.8.

790  
791 Ms. Boni: Yes.

792  
793 Mr. Duell: Those are the comments I had. I know you were looking for a resolution this evening...

794  
795 Ms. Boni: I'm still trying to get this done as soon as possible. Does the resolution have to have every  
796 stipulation in it?

797  
798 Mr. McCarthy: I don't recommend anyone passing a pig in a poke.

799  
800 Ms. Boni: Even just for....

801  
802 Mr. McCarthy: For anything. This would be a plan, if passed, that's precedent. Last plan was passed in  
803 2010, this is 2018; we got 8 years out of it. The one before that was 2001; we got 9 years out of it, up to  
804 10, so it's going to be around a long time. In that whole period, neither plan was revisited nor do I think  
805 with all the other issues the Zoning Commission and Trustees had to deal with was there a big desire to  
806 constantly reflux this.

807  
808 Ms. Boni: I would be happy to restate all the comments that were discussed and if they accept them, I can  
809 move the motion forward based on what the recording says.

## Zoning Commission

810  
811 Mr. McCarthy: Any Board that has any credibility knows what it's voting on specifically, not in general  
812 terms. That's my advice.  
813 Mr. Dove: When we vote, are we voting on the entire package? There are some things in here that really  
814 don't involve this body. Are there comments from those groups that we're looking at?  
815  
816 Ms. Boni: You're making a recommendation to move this entire plan forward to the Trustees and then  
817 the Trustees ultimately have to approve every section.  
818  
819 Mr. Duell: I think it would be good to make all those changes, and I don't know if anyone has any other  
820 comments.  
821  
822 Mr. McNulty: I think you've done a great job.  
823  
824 Mr. Dove: My comments were more on the appendix before the proposed changes; I'm not sure where  
825 this list came from. In terms of Number 6, regulate air B&B in residential areas.  
826  
827 Mr. Rivers: Could we take all the recommendations, package that and send it to the Trustees? I think  
828 that's fair. I know there's been a lot of time invested in this and it is just a guide.  
829  
830 Mr. Duell: It is just a guide but it's one that we use quite a bit.  
831  
832 Ms. Trebellas: Unfortunately we have to refer to it a lot when developers says, why can't I put that there  
833 and we have to....  
834  
835 Mr. Rivers: But it's also going to be updated and revisited quite frequently so I think it's just getting thru  
836 the Board.  
837  
838 Mr. Duell: I would like to see the revisions before voting.  
839  
840 Mr. Dove: When an application comes in or someone comes in to talk to you, you give this the broad  
841 brush of what the Township is headed for, then we have the Zoning Code which they have to adhere to in  
842 their application.  
843  
844 Ms. Boni: That's correct.  
845  
846 Mr. Dove: And these 2 eventually are going to marry each other, so if we're talking street trees in our  
847 single family, we're going to have the street tree section and that will be what we're seeing in our Comp  
848 Plan.  
849  
850 Ms. Boni: That's a recommendation.  
851  
852 Mr. Dove: So it's not gospel; the Zoning Code is still the gospel.  
853  
854 Ms. Boni: Yes.  
855  
856 Mr. Dove: That's what we're going by. This is just kind of where the Township is headed.  
857  
858 Ms. Boni: Yes, and then when we do our complete Code update, we'll look at this to see what we've  
859 talked about considering putting in the Code.  
860

## Zoning Commission

861 Mr. Rivers: Correct me if I'm wrong, but we have established this work and will continue updating,  
862 revisiting and adjusting as we go; this is just like our road map.

863

864 Mr. Duell: But if the road map is adjusted too much, then it ceases to function as a road map.

865

866 Mr. Rivers: Revisions, not major changes, your tweaks.

867

868 Ms. Boni: This isn't going to be a perfect document by any means. When applicants start coming in and  
869 we use this as our guide, we'll probably note some errors in it and then we'll have to update.

870

871 Mr. Duell: So when is our next regularly scheduled meeting?

872

873 Ms. Boni: October 9.

874

875 Mr. Duell: Is there any reason we can't just do the revisions and vote on it October 9?

876

877 Ms. Boni: I was hoping to provide whatever you guys wanted as stipulations to the Trustees so I could  
878 make the revisions at that time. I've just been frustrated because we've had this for so long and I'm  
879 trying to get this thru and we're just going over and over it.

880

881 Ms. Trebellas: I understand your frustration and think a lot of us want to get this over with, but I agree  
882 with Mark. There's a lot of times developers come by with a Farm Residential and say I want to rezone to  
883 Commercial, we go to the Comp Plan and say, sorry, we're looking at single family or we're looking at a  
884 various type of land use for that area; it's highly unlikely you're going to get this approved.

885

886 Mr. Duell: Yes, we refer to it quite a bit.

887

888 Mr. Rivers: Where does that put you time wise as far as the Trustees?

889

890 Mr. McCarthy: This is not a rezoning, so from the Trustees, this is not one where you are required by law  
891 to run a notice in advance. You're going to give a regular meeting notice so you've got more flexibility  
892 in terms of how you guys want to manage your process. One thing, what is a mixed income resident?

893

894 Ms. Trebellas: I've only seen that in areas like Atlanta or cities where they do a mixed income area  
895 where some units are at a price point and other units are market value, and that usually involves some  
896 kind of HUD funding or something like that. Atlantic Station in Atlanta was built that way. They tore  
897 down part of a housing project to put that in. It's a mixed income area; not like one resident of all. That  
898 would imply like an apartment complex with rent control.

899

900 Mr. McCarthy: Looking at all 3 of them, but definitely 2001 and 2010, the process, this is the difference  
901 that I think I should highlight, before the issue was considered by the Zoning Commission and Regional  
902 Planning, they in turn, just as done on rezonings, made a recommendation to the Board. That has not  
903 happened here.

904

905 Ms. Boni: It is going to them.

906

907 Mr. McCarthy: But we're changing the order; that's my point. The Zoning Commission did have a  
908 "public hearing" of their own; you've had a number of meetings. I suggest the Trustees think about  
909 inviting the Zoning Commission members to attend; I assume they'll have a public hearing of some sort  
910 before it's adopted.

911

## Zoning Commission

912 Mr. Rivers: The Trustees will have another public hearing?  
913

914 Mr. McCarthy: The last processes were very inclusive; I think Scott was involved and a consultant; this  
915 was done by the OSU program this time.  
916

917 Ms. Boni: You're suggesting having a public meeting without a decision with the Trustees and then have  
918 a decision?  
919

920 Mr. McCarthy: I don't care if they decide or not but I think they would announce it so the public knows  
921 rather than reading about the new plan they didn't know about.  
922

923 Ms. Boni: No, I'd publish it and I'd send it out to everyone that's involved.  
924

925 Mr. McCarthy: I'd say make a special effort just as we would for a rezoning so the public is aware.  
926

927 Mr. Dove: And that should be an evening meeting.  
928

929 Mr. McCarthy: And that should be available online so people would be able to see it. If they want to  
930 print out a copy, they can get one.  
931

932 Ms. Boni: And once it's done, I'll print off a fancy book for everyone. I just didn't want to keep making  
933 those; they're very costly.  
934

935 Mr. Dove: 22, "Require that all trees removed during construction be replanted or replaced with trees that  
936 are similar in size or larger". How do we do that?  
937

938 Mr. Duell: That was in the section on trees that she was going to take out all together because part of that  
939 was we weren't going to send her out with a tape measure and....  
940

941 Ms. Trebellas: No, you have to have a landscape architect or consultant do a tree survey so you know  
942 which trees you're tearing down.  
943

944 Mr. McCarthy: When I put together the review memo, Michele had shared a version with me on that  
945 Friday. Today's drama, refiling and some other issues that went along with it, I had not had the  
946 opportunity to go thru the latest latest one so if I have anything, I can take it to the Trustees.  
947

948 Ms. Boni: I can provide it to you beforehand....  
949

950 Mr. Duell: If she makes the revisions, you should be able to....  
951

952 Mr. McCarthy: I should be able to do that.  
953

954 Ms. Trebellas: Michele, after you make the comments and update it, if you could send all of us the link to  
955 it for us to review.  
956

957 Ms. Boni: I'd like to reiterate what we just discussed so I understand what I need to do. Anything that  
958 says adopt, create, adhere and require, I will replace with the words consider, review, encourage; so I'll  
959 just go thru everything on that. I'll tweak the street design guidelines language. I'll remove the language  
960 with the on street parking. That can be part of street design, it doesn't have to be specifically stated  
961 within there. There was another section in the Transportation I'll remove. For the Zoning Chapter, again  
962 use the words consider amending the standards. And then there was the text including but not limited to;



## Zoning Commission

963 get rid of that and make it general. For the Housing Chapter, reconsider the cluster housing standards as  
964 well as the PERD standards. For the Natural Resources Chapter, I have 4 items we were going to remove  
965 and then we were going to remove the tree strategy in its entirety. We'll remove the density bonus  
966 language in Sub-area 8 and review the others to see if it makes sense to keep those there. Exhibit B4, I  
967 will remove any tree language and I'll soften the language on this exhibit too. Every strategy we  
968 discussed to be removed I have noted in here.

969  
970 Mr. Duell: I'm not anti-trees, it's just....

971  
972 Ms. Boni: I understand, for the record.

973  
974 Mr. Rivers: If we meet October 9, will that be enough time to make the next Trustee meeting?

975  
976 Ms. Boni: I can still ask the Trustees to schedule the meeting this Monday in hopes to have the  
977 recommendation on the 9<sup>th</sup> and then ask the Trustees to do it probably in November just to be cautious  
978 and it will go on Regional Planning the end of October. We'll hopefully have the recommendations by  
979 then. Does that work?

980  
981 Mr. Rivers: Yes.

982  
983 Ms. Boni: My goal is to have this to you by October 2.

984  
985 Meeting adjourned until October 9.

986  
987  
988 Meeting adjourned at 8:40 p.m.

989  
990 Minutes prepared by Cindy Davis, Zoning Secretary

991  
992 On December 11, 2018, Mr. Dove moved to approve the meeting minutes of the Orange Township  
993 Zoning Commission dated September 26, 2018, for the Comprehensive Land Use Plan Update, with the  
994 following corrections:

- 995
- 996 • Lines 786 and 787 should read: "Ms. Boni: I think for Sub-area 8, there was the density bonus
  - 997 for Clear Creek that you can get rid of because it was approved by the Trustees.
  - 998 • Line 789: change "9" to "9.8"
  - 999 • Add a line under Line 789 that Ms. Boni commented "yes"

1000  
1001 Secoded by Mr. McNulty

1002  
1003 Vote on Motion: Ms. Trebellas-yes, Mr. Dove-yes, Mr. McNulty-yes, Mr. Pychiewicz-yes  
1004 Motion carried

1005