

## Zoning Commission

1 **US 23 Overlay District**

July 7, 2020

2  
3 **Route 23 Corridor Overlay District (RCOD)**

4  
5 The Township was awarded the opportunity to partner with Delaware County Economic Development to  
6 develop a new Article (XX) in the Orange Township Zoning Resolution that will create an overlay along  
7 the US 23 highway corridor. The first draft of the overlay text is complete and will now be presented to  
8 Orange Township Zoning Commission.

9 Therefore, the purpose of this meeting is to review and discuss possible revisions to the Orange  
10 Township Zoning Resolution, with the assistance of Delaware County Economic Development and their  
11 contractual land use planning consultant, Crossroads Community Planning LLC.

12  
13 Roll: Mark Duell, Todd Dove, Adam Pychewicz, Dennis McNulty, Dustin Doherty

14  
15 Township Official Present: Michele Boni, Planning & Zoning Director  
16 Jeff Beard, Zoning Enforcement Officer

17  
18 Ms. Boni introduced new Township Administrator to the Board, Andrew King. The only other thing on  
19 this evening's agenda is the Route 23 Corridor Overlay District.

20  
21 **MOTION TO RETURN FROM RECESS FOR THE ROUTE 23 CORRIDOR OVERLAY**  
22 **DISTRICT**

23  
24 Mr. Doherty made a motion to return from recess for the Route 23 Corridor Overlay District; seconded by  
25 Mr. Pychewicz.

26  
27 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Mr. Dove-yes, Mr. McNulty-yes, Mr. Doherty-yes  
28 Motion carried

29  
30 Mr. Duell: In the packet I received it mentions a response letter; I did not receive one. Is this something  
31 we were sent?

32  
33 Ms. Boni: You should have had a physical copy in your packet. I apologize and we can go over that.  
34 Holly is here to briefly summarize and walk through the letter.

35  
36 Holly Mattei, owner of Crossroads Community Planning: since our last meeting, we held a series of  
37 internal meetings to go over the first draft. Our first meeting held was with the Chair, Mark, and the  
38 Regional Planning Commission to go over Regional Planning's comments. I was able to address most of  
39 their comments which I'll go over in more detail. We also met with One Delaware, the initiative of the  
40 plan that was prepared by Delaware Now. It was a recommendation coming out of that plan to create this  
41 overlay district. We wanted to make sure they had the draft and the opportunity to review, and we've  
42 heard back from them as well and that we'll be incorporating into the second draft. One major thing I  
43 wanted to outline is that through all the different comments received, albeit Regional Planning, the  
44 Zoning Commission, One Delaware, we saw across the board there really is not a need for single family  
45 uses even though the plan called for some. There wasn't much need for that density as well, so we have  
46 eliminated single family uses from the overlay district, and you'll see that in the second draft. You'll also  
47 note that when we look at the sub-area maps tonight there are no longer single family sub-areas. I think  
48 that addresses a lot of concerns the Zoning Commission provided to us with the densities. If we eliminate  
49 it, those density issues go away. I'll go over some comments we received from the Zoning Commission

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50 members and Regional Planning. Most I'm able to change and follow the advice or comments given to us  
51 from the different entities, so I'm not going to go through those comments that I addressed, but I want to  
52 point out a couple I felt we needed to have further discussion on or I have questions on. The first item is  
53 what is shown as Item #3 in the letter. Todd, you asked that we add a site line diagram into the  
54 development plan context and your comment specifically states for adjacent residential developments. At  
55 first I thought you wanted a sight distance exhibit for intersections, but then realized you spelled it site  
56 and it's for residential districts, so I'd like a little more clarification on what you're imagining this site  
57 diagram to look like and what it would entail.

58  
59 Mr. Dove: Actually I had the wrong site. A lot of times we run into an application where the adjacent  
60 neighbors want to know what they're going to see, so if they're on their first or second floor, are they  
61 going to see blue lights in the car wash that's across 23? A lot of developers will mound it, plant trees,  
62 this is what you'll see from your first and second floor of your house.

63  
64 Ms. Mattei: That helps me; I just wanted to make sure I was writing the correct information into it.

65  
66 Mr. Dove: Can we go back to Item #1? My concern was the phrase "unless the Orange Township  
67 Trustees approve an application". It seemed to me an application could come in and the Trustees could  
68 just approve it, and I know that's not the case.

69  
70 Ms. Mattei: No, that is not the case. They would have to comply with every single development standard  
71 that's in there or apply for a modification as outlined in the document, and there would have to be  
72 justification for those modifications as well as meet the criteria for approval. There are several different  
73 items they have to comply with to get approval, and this document is very specific in the development  
74 standards. A lot of overlay districts are more broad and they're more negotiation, but this is very specific  
75 so we can create that one step process and they have to comply with it. And if they can't, they have to get  
76 a modification, they have to justify the application. The next item, #7, came up at our last meeting and has  
77 to do with the appeal of the Zoning Inspector's decision on whether something is a minor or major  
78 modification. In the text there are a lot of very specific examples of what minor and major are, so it's  
79 pretty tight in what they are. Of course something could come up that's not listed and that's why the  
80 Zoning Inspector is given the latitude to make a decision between minor and major, and the appeal says if  
81 the developer disagrees with the Zoning Inspector's interpretation, it would be appealed to the Township  
82 Trustees. We had conversations at the last meeting of that possibly being an appeal to the courts through a  
83 25.06 appeal, but I wanted to run that by legal counsel because I thought a 25.06 appeal had to go to some  
84 kind of board; it couldn't be appealed directly from a staff interpretation. Legal counsel said it does have  
85 to go through the Board of Trustees before it could be appealed through the courts, so we have left that  
86 language as is in the second draft. Next is #11. There was some concern with the broadness of the listed  
87 commercial and office uses in the overlay district. I took the Township's actual commercial zoning  
88 district uses and transplanted them over to this sub-area for commercial/office, so it's exactly as it's  
89 written in the existing zoning text for the Township. If we want to make changes to that, we need to have  
90 a broader discussion on that and you may want to consider changing your Zoning Code that exists today  
91 for the commercial district, so if anybody wants to make that more specific or if we want to leave that  
92 more open ended as it is right now.

93  
94 Mr. Dove: And it was copied directly from....

95  
96 Ms. Mattei: Yes.

97  
98 Ms. Boni: Our commercial district is pretty open ended in the Zoning Resolution.

99  
100 Mr. Dove: I don't want to sit here and rewrite it, so if that's what we've got, that's what we've got.

## Zoning Commission

101 Mr. Duell: When we do planned commercial districts, we usually cut out several of them.

102

103 Ms. Mattei: And that's because you're doing a development plan that's specific to that property. Since  
104 this is a whole corridor overlay, it would be more similar to your regular commercial district which is  
105 why we utilized that language. I'm hearing, if that's what your existing Code says, let's go with it.

106

107 Mr. Duell: Like I said, we usually chop out quite a bit for each specific; this is going to open 23 up and  
108 down to everything which is not necessarily how things are operating in practice, especially when the  
109 district is neighboring residential neighborhoods, so we tend to take a much more restrictive approach.

110

111 Ms. Mattei: Can you give me examples of commercial uses that you wouldn't want to be included?

112

113 Mr. Duell: We may show preferences for offices as opposed to retail outlets. At Olentangy Crossing they  
114 were highly sensitive about what was going in next to them.

115

116 Ms. Mattei: In the maps we have separated mixed use into Sub-areas 1, 2, 3, 4 and we'll talk about  
117 specific percentages of uses within those sub-areas. Are you thinking instead of having a straight  
118 commercial district over a sub-area along 23, that you would like to break that up more and have certain  
119 areas targeted for certain uses?

120

121 Mr. Duell: Yes. I think if you have a condo unit, people would not like us building a Target right next  
122 door but they might not be concerned with a veterinary office. Those would both be allowed in a  
123 commercial district but they would get very different responses from the neighbors, whether it's single  
124 family, which we have single family abutting commercial districts, or even certain multi-families like the  
125 condo units on Owenfield Drive.

126

127 Ms. Mattei: Michele, what, majority-wise, are these properties zoned right now?

128

129 Ms. Boni: Planned commercial.

130

131 Ms. Mattei: So they've already narrowed down the uses for the different planned commercial areas?

132

133 Ms. Boni: Yes. Everything we do is planned districts. We haven't done a Euclidean district in ages.

134

135 Ms. Mattei: Maybe you and I can look at what those uses are for the different planned districts for the  
136 front areas.

137

138 Ms. Boni: Yes, and maybe we can come up with something for Olentangy Crossing.

139

140 Mr. Duell: When we were talking about outlots, they wanted to know everything that was potentially  
141 going in down to the minutiae of the lights to the car wash, they complained about the doors to the oil  
142 change place; would they be able to see it, etc. Some of those residents are very sensitive about some of  
143 the commercial activity that's going on, even though it was planned to be commercial when they  
144 purchased their houses. It shouldn't have been a surprise but they still were very sensitive to it. That's  
145 been my concern about the whole process is that we have these areas where they're neighboring  
146 residential districts and just kind of opening up the book on what can go right next door. I can see the  
147 people complaining because I've seen them stand before us before.

148

149 Mr. McNulty: Wasn't that the group complaining about the McDonald's?

150 Ms. Boni: Yes.

151

## Zoning Commission

152 Mr. McNulty: How can you rule against having a McDonald's or some other fast food in one of those  
153 areas; you really couldn't and do this. This takes those local residential people out of the mix.

154  
155 Ms. Mattei: It still provides them an opportunity at the public hearing to talk about that. What I think  
156 makes no sense is for Michele and I to look at uses that have already been negotiated and find a way to  
157 incorporate those into this overlay district to narrow it down from what it is currently.

158  
159 Mr. Duell: That would make me feel more comfortable. Some of those protections that are already  
160 existing would remain. That way we don't have people feeling that a fast one has been pulled on them.  
161 Commercial next to commercial, okay, but we're talking residential district, where people live in houses  
162 and condos they own and have a vested interest in, so we want to do our best to protect that interest.

163  
164 Ms. Mattei: Let Michele and I work on getting some language to you in the next draft. Item #12, there  
165 was concern that we were bumping maximum lot coverage from the current 75% to 80%, and one thought  
166 process behind that is we are now requiring multi-use paths, sidewalks and other amenities that will add  
167 impervious surfaces, so we felt the 5% increase offset the amenities the Township would be receiving.

168  
169 Mr. Dove: For most commercial properties, I don't know we require it but we ask them to put in bike  
170 paths as well.

171  
172 Ms. Mattei: We have a lot more other things we're adding that would drive the cost up of the develop-  
173 ment that are created as amenities, so we're offsetting that by the 5% increase and a development that has  
174 75% versus 80%, it's probably going to be very difficult to see that incremental increase. Item #14, height  
175 requirements, the commercial district has 50' which the Township currently has. It's 60' for the advanced  
176 manufacturing that was the concern. Delaware County Economic Development did research on our behalf  
177 and found in the last several years the RFI's (request for information) from businesses are looking for  
178 40'-60' clear height ceilings which puts us in the range of 60' for the manufacturing we're proposing.  
179 We've also found that buildings that have been constructed around Central Ohio have ranged from the  
180 40'-60' area as well, so we felt we needed to remain competitive in the Central Ohio region and maintain  
181 that 60' height to meet the demands for the industries targeted for these areas, so it's one that we are  
182 leaving as is in the second draft.

183  
184 Mr. Dove: I've heard comments that we want the Zoning Commission's and residents' input, but a lot of  
185 these I see as we're going to do as the developers have asked us to incorporate or this is what we feel it  
186 should be to bring in certain growth. I think we're bending to a lot of things that someone is going to want  
187 to come in and do, and it's 60+10, so we're at 70', correct?

188  
189 Ms. Mattei: With the mechanics, it goes to 70'. Think where these uses are located, on the rail line,  
190 behind commercial uses that either exist today or are going to be constructed.

191  
192 Mr. Dove: They're along E. Orange Road.

193  
194 Mr. Duell: And along Powell Road.

195  
196 Ms. Mattei: There's a little along E. Orange Road and Powell Road.

197  
198 Mr. Dove: I just hear this is what development wants, this isn't necessarily what the Zoning Commission  
199 or residents have requested.

200

## Zoning Commission

201 Ms. Mattei: Some of the justification for the overlay district is Orange Township is relying solely on  
202 residential taxes and the need to shift that to the industrial base to help the school districts or help relieve  
203 that tax burden from the residents.

204  
205 Bob Lamb, Delaware County Economic Development Director, I wanted to weigh in on the comment that  
206 we have not heard from the residents. We've conducted several surveys over the last five years and pre-  
207 dominantly one of the requests we received is to encourage smart growth type development that is  
208 specifically focused at addressing the lack of commercial that exists within Delaware County and trying  
209 to address that tax differential issue regarding the burden that's placed on the single family homes.

210  
211 Ms. Mattei: I suggest we look at this as being a possible stipulation when you send it to the Trustees and  
212 move forward with it knowing there's concern with it at 60' and note that concern to the Trustees. Item  
213 #16, I have a question on that one. Todd, were you trying to say you wanted the newer materials or...

214  
215 Mr. Dove: I don't know what newer materials are.

216  
217 Ms. Mattei: It's very open ended because there's always new technologies that come aboard, so that's  
218 typical language that's in other Codes and subject to the Board of Trustees' approval, so they can't just  
219 come in with anything. If they have a newer material and they have to explain what the material is and the  
220 Trustees would have to approve it. If it makes you more comfortable, I can take that language on newer  
221 materials out, keep it at 80% natural materials and if they want to do something different, it can be a  
222 modification through that process.

223  
224 Mr. Dove: I'd prefer that.

225  
226 Ms. Boni: Holly, do we have any prohibited materials in the text?

227  
228 Ms. Mattei: It says that all materials have to be 80% natural materials with brick or stone as the  
229 predominant material, and then they can use stucco, dryvit and other like materials as accents to the stone  
230 or brick, so basically we're limiting them to natural materials. We don't specifically say we're prohibiting  
231 siding but the way this is written, we're prohibiting siding. This language is based off the area in Violet  
232 Township along Diley Road near Canal Point, and this is almost the exact language they utilize and have  
233 been very successful. They have some nice advanced manufacturing and commercial buildings with  
234 quality design.

235  
236 Ms. Boni: What about vinyl siding? Is that something that would be permitted if it were a newer version  
237 of it? That's come up a lot with the Board.

238  
239 Ms. Mattei: I would say no because it's not a natural material and if we take out the newer material  
240 language and make it go through modification, they'd have to go through a modification to get that.

241  
242 Ms. Boni: So 80% has to be of natural material but then it mentions the 45%.

243  
244 Ms. Mattei: That's accents because you can have downspouts and different things. Some of your design  
245 features could be the secondary accent materials that are not natural, and there might be some of those  
246 areas that mix with the natural areas to get to your 45%.

247  
248 Ms. Boni: I'm just trying to figure out how you enforce the 45% because I would be looking at it as a  
249 whole for the building.

250  
251 Ms. Mattei: Would you rather it be just 80% and 20% and not worry about overlapping type things?

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252 Ms. Boni: I think that would be easier.

253

254 Ms. Mattei: So I'm going to take out the newer materials so anything outside of the natural materials  
255 would be a modification and change the 45% accent to 20% so there's no overlap in accent materials.

256

257 Ms. Boni: Would wood be considered a natural material? I'm wondering if we should define what that  
258 means.

259

260 Ms. Mattei: It just says brick or stone but wood certainly would be, so let's better define that. I have other  
261 language that I can add in with wood and stuff that has been implemented at other places as well. Dustin  
262 gave us some comments and a lot of them deal with the traffic and how do we address that. A traffic study  
263 will be required; we have the frontage roads, backage roads and connectivity between developments to  
264 help with those concerns. On comment #8, I wanted to make sure it was clear that the State of Ohio does  
265 not have any legislation for Townships to assess impact fees. That comment alluded to whether we  
266 wanted to look at something along those lines, so we just don't have that ability with the way the Ohio  
267 Revised Code is written. Moving on to Regional Planning Commission, we were able to address 90% of  
268 their comments. #2 is one we bounced around internally and reached the decision to leave it how we have  
269 it currently. Basically the Regional Planning Commission was saying should we add language to the  
270 overlay district so that if something is almost built out under a current PUD or district under certain  
271 design standards that they be required to build the rest of that out according to those design standards.  
272 We talked about adding some kind of language of 75%, 80% and then said that is going to limit  
273 redevelopment opportunities. Say we have a Giant Eagle going out of business and the businesses next to  
274 it in the strip center they're going out of want to redevelop. It's going to meet that criteria and we're all of  
275 a sudden creating a standard that we don't necessarily want right now, so we want to be able to redevelop  
276 these properties under the new standards and create the quality and consistency along the 23 corridor, so  
277 we decided to leave the language how we have it. If there is a particular area where something is almost  
278 built out and it's a newer development and there's just a little bit here and there that needs to be filled in,  
279 then the Township Trustees through the development plan process would encourage them to change their  
280 design that still meets these requirements but blend with the overall area and complies through that  
281 process. We went back and forth on this, but that's where we landed and we hope you guys understand  
282 that as well. A lot of the comments from Regional Planning also dealt with signs. We were pretty able to  
283 address what they had suggested. Jeff, Michele and I made revisions and you should have both a red line  
284 version and clean version of just the sign section of the overlay. I don't want to go line by line through  
285 this; I hope you guys had an opportunity to review it. We added some better black and white graphics to  
286 show how to develop or how to measure the area of the signs and the heights of the different types of  
287 signs and what we mean by projecting signs and those sorts of things. I feel we've addressed most of the  
288 comments, and I'll open it up to the Commission or Jeff or Michele if you have any comments.

289

290 Ms. Boni: I'll just reiterate why we're only sharing the sign standards this evening is because with prior  
291 meetings and even our stakeholder meetings, it became a very big discussion of how to proceed with  
292 these because some of the community thinks our sign standards are really strict and others think it's too  
293 lax, so we're trying to find some middle ground and we've made some quite significant changes as what  
294 is stated in Article XXII of our Orange Township Zoning Resolution. I did have Jeff review it much more  
295 thoroughly than I did because he handles our signage and the enforcement of them, so we were trying to  
296 work out what would be best for along 23.

297

298 Ms. Mattei: In the first draft we had a larger sign area, we had it for all the different signs, for  
299 commercial, office, multi-family, it was all the same, and we've changed that so now, and we're talking  
300 about monument signs at this point, the monument signs for commercial and office are at a total  
301 maximum sign area of 36 square feet and that reduces to 32 square feet total maximum area for multi-  
302 family buildings; we stepped it down for that.

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303 Ms. Boni: I don't think any of the signs proposed are bigger than what our Code allows. The only thing  
304 we're giving more opportunity for is the wall sign height because that's been a very common variance  
305 request so that was something we'd like to change anyway in our Code but the monument sign square  
306 area hasn't really changed; it might even be smaller, right?

307  
308 Mr. Beard: It is actually half the size they're allowed under our current Code at that 20' setback.  
309 I don't know if that's going to cause an issue with the signs we currently have on 23 and now you're  
310 telling people coming in that they can only have half of what the signs along 23 are already.

311  
312 Ms. Mattei: Those signs are grandfathered in. The Township has the right to amend its Zoning  
313 Regulations and just because somebody had something previously doesn't entitle the new person coming  
314 in under new regulations to....

315  
316 Ms. Boni: They could just comply with the existing zoning there too.

317  
318 Mr. Beard: I think the signage might be an issue for some of these people coming in; that might deter  
319 them from using the overlay district.

320  
321 Ms. Mattei: Do we want to go larger in the overlay?

322  
323 Mr. Beard: Right now the overlay for the commercial monument signs is listed as 36 square feet. Our  
324 Code allows 36 square feet per side at the 20' setback, so it's half the size of the sign they're allowed  
325 right now.

326  
327 Ms. Mattei: I'm comfortable with upping it. I don't care if you want to say maximum sign area is 72 or 36  
328 for one side; I don't care which way we say it.

329  
330 Mr. Dove: I'd say 36 per side, whatever our Code says now but if we're going to do that, I don't know  
331 that I want to see bigger monument signs in terms of height, bases and everything else.

332  
333 Mr. Beard: The sign height is still the same.

334  
335 Mr. Dove: If our box is the same and signs are the same, fine; if we're making it a bigger box, then we  
336 should make it a smaller sign.

337  
338 Ms. Boni: It is the same.

339  
340 Ms. Mattei: I will change it to 36 square feet per side.

341  
342 Mr. Dove: We don't want to overwhelm the BZA.

343  
344 Ms. Boni: They are pretty overwhelmed with signs.

345  
346 Ms. Mattei: And I don't want the signs to be an issue that deters business from taking opportunity of the  
347 overlay district, so I want to make sure we're being consistent.

348  
349 Mr. McNulty: Are the colors still the same as the Code and the allowance of logos?

350  
351 Ms. Mattei: No, that is all content based and you're opening yourself up to First Amendment lawsuits  
352 with that requirement in there, so we have removed that information and requirement.

353

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354 Mr. Dove: So they can have as much square footage on the building as they want?  
355

356 Ms. Mattei: No, the square footage for the sign is limited, but we've eliminated the color requirement  
357 because a lot of places will have certain colors for their logos and if you're limiting their colors for their  
358 logos, then you're limiting their content and it's then considered content based.  
359

360 Mr. Dove: We've gotten around that. Children's Hospital with their butterfly we allowed.  
361

362 Mr. McNulty: I just don't want to ever get with what Dublin did with that mall next to their hospital,  
363 limiting it to one color everywhere.  
364

365 Ms. Boni: With the Nationwide butterfly, that had to go through the Zoning Commission for their signage  
366 package, not just because of the colors but that was something that was a divergence from that text. I'm  
367 not worried about the colors but I was more worried about the lighting of the signs. In our current Sign  
368 Code, we don't have lighting levels, we just add it when we have a planned district. But if you have an  
369 older planned district that refers to Article XXII, it can be as bright as it possibly can be, so we do limit  
370 the lighting part; it's stricter in this code.  
371

372 Mr. Duell: I'm a little concerned about changeable copy signs and electronic message displays; some of  
373 those can be pretty tacky. I understand them at gas stations.  
374

375 Ms. Boni: The way the language is written, it's more designed for gas station signs. Right now all the  
376 Townships have those gas station signs and they're technically not per Code.  
377

378 Mr. Duell: The way I read it, it's not necessarily limited to a gas station; somebody could put an  
379 electronic message on their monument.  
380

381 Ms. Boni: You can't limit it to a specific use.  
382

383 Ms. Mattei: We can't specifically call out that gas stations can have them but other uses can't; you're  
384 going to get shot down and a First Amendment lawsuit for that.  
385

386 Mr. Duell: But are we going to get any more gas stations that aren't already existing or on their way  
387 through the system?  
388

389 Mr. Dove: Potentially.  
390

391 Mr. Duell: If a gas station wants to come through, make them go through a divergence, go through the  
392 amendment process because I hate to open that up carte blanche.  
393

394 Ms. Mattei: But it has to be static and it can't move, scroll or flash.  
395

396 Mr. Duell: But they still look tacky and our monuments are down pretty low where they can be messed  
397 with, so I'd rather just not have that. Changeable copy signs can be messed with if down low and a 30%  
398 static sign could be a glowing message in the middle of the night above and beyond the lighting. I'm just  
399 not a fan.  
400

401 Ms. Mattei: We're going to have to think about how to do that. I'm a little concerned about not having  
402 some kind of mechanism for them as they are a type of medium for messaging. Sign codes are a very  
403 tricky thing with the First Amendment. I don't want to get into a situation where one person is getting it  
404 here and another person is not getting it down the road when they might be the exact same thing but

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405 they're two different uses, so by putting it on to the divergence, you're setting it up for a case by case, use  
406 by use thing, and I think that would be content based.

407

408 Ms. Boni: Maybe we can get some legal opinion on this just to validate that.

409

410 Mr. Beard: With the electronic message centers, the 30%, you're looking at a little over 10 square feet per  
411 side of a monument sign if we change it to the 72 square feet total, 36 per side.

412

413 Ms. Mattei: What I did was find the height of the letters or numbers and used the square footage of those  
414 because I found the height and width and decided if it was a gas station, they would need three because  
415 usually there's three types of gas, and then I calculated out that square footage against the square footage  
416 of the whole sign and came up with the 30%. We may be able to lower it since we're going higher with  
417 the square footage of the signs.

418

419 Mr. Duell: Gas stations don't always publicize the price of all grades of gas; they usually only publicize  
420 one of them on a big sign and you can guess what the other two are based on the price of the one.

421

422 Ms. Mattei: We'll look into those and get back to you guys.

423

424 Mr. Beard: Since you keep talking about content driven stuff, it mentions the murals being up to the  
425 Board's decision. There are case studies and court decisions that say murals are art and not considered  
426 signage and they can have it on a side of a building and it's not considered a sign. I don't know if that's  
427 something we need to look into more since stating that color restrictions are content but I haven't really  
428 seen the color restrictions as content, at least not with the Lee versus Gilbert. In the sign conference I  
429 went to, they talked about electronic message centers and the colors that were allowed to be displayed and  
430 the back ground either being a dark background with white letters or vice versa, so that was regulated  
431 with colors, and that was at the International Sign Association Conference.

432

433 Ms. Mattei: Originally we had no murals were allowed; Regional Planning also said to put it in, so we  
434 added it. I see the concern of how I wrote it with the Board of Trustees approval and that being  
435 considered art and content stuff. I definitely need to look into that.

436

437 Mr. Duell: I'm looking at the second page of the maps, and you have MU2 and then to the north and  
438 northeast of that, you have multi-family; all that multi-family has to go away. I don't want it to be multi-  
439 family. The area directly north is a brand new single family planned residential and I just don't want to be  
440 putting multi-family on top of it or in between that and Old Lewis Center. I think that would be a bad use,  
441 especially right across the street from the housing development just on the other side of Lewis Center  
442 Road, so I think that multi-family stuff has to go away. I would rather just take it out.

443

444 Ms. Mattei: I think it's part of the overlay area, so out of the different uses that are proposed here....

445

446 Mr. Duell: I'm asking why does it need to be part of the overlay area. Is it existing or single family just  
447 now starting, yet we still leave one and I think it's a brand new single family planned residential district  
448 that they're doing construction there now, I don't think we need to be overlaying multi-family on top of it.  
449 Then there's that area between that development and Old Lewis Center, and I think that would be a poor  
450 place to put multi-family right in between homes on one side, on the other and across the street.

451

452 Ms. Boni: My question to the Board, this area here, since it doesn't have frontage from a main road, what  
453 would be your vision here?

454

## Zoning Commission

455 Mr. Duell: The one area is single family right now from when Kerbler zoned it but the saw tooth is owned  
456 by someone else that he could never get to do anything else, so it is what it is. Then there's, and this is a  
457 different discussion, in MU2, there is a PERD that's been done twice and that was part of the agreement  
458 to allow the multi-family that is the area right above where it says Corduroy Road.

459  
460 Ms. Boni: That would still apply.

461  
462 Mr. Duell: But then they could easily blow through the PERD that they agreed to do in exchange for the  
463 healthy density requirements on multi-family and multi-use which could be more apartments and other  
464 stuff in that PERD which would annoy me; I'm annoyed with that high density apartment to begin with.  
465 On the north side of that, I think that needs not to be part of the overlay because it's a single family  
466 planned residential development.

467  
468 Mr. Lamb: I think we looked at including it because of the investments we were seeing occur within the  
469 Kerbler property and then also the fact on the south side is light industrial closer to the railroad tracks. I  
470 understand the concern of the Zoning Commission of not wanting to look at multi-family or a commercial  
471 type zoning abutting on every side of the historic Lewis Center downtown area, especially with the  
472 commercial zoning approved on the north side of Lewis Center in support of Evans Farm. Multi-family is  
473 something we are seeing a lot of interest in. From a market standpoint, we believe a continued drive will  
474 be there to help diversify the housing base within the County, which is predominantly single family, but  
475 we want to be respectful of the areas and locations it does occur and make sure it is done in a high quality  
476 type format. That's something definitely from an economic development perspective that we want to be  
477 aware of. My staff is happy to continue the conversation with Michele and her team as well as Holly on  
478 what could best be accommodated in that area.

479  
480 Ms. Mattei: I think it's also important to note, with the survey results from people wanting more quality  
481 of life upgrades with more walkability of shopping and dining, a big thing we heard from our stakeholder  
482 meeting from the business side was the concern of tapping into workforce and it's also important to  
483 consider where these folks could live, especially if we make this a pretty walkable area. I think the multi-  
484 family perspective is pretty important to include in this as long as we do it to the Board's standards.

485  
486 Mr. Duell: It all sounds good until you put it next door to your house. At that point, you'll scream bloody  
487 murder.

488  
489 Ms. Mattei: But when you're developing next to such a high traffic corridor, I imagine there would be  
490 some level of consideration that this would eventually happen.

491  
492 Mr. Duell: I don't think so because the Comprehensive Plan doesn't call for it.

493  
494 Mr. Lamb: You can see through many areas of the country where multi-family has come in next to  
495 existing single family in key locations, even here in Central Ohio. In fact, you see property values  
496 increase in those communities because of the desire to create those walkable type of amenities.

497  
498 Mr. Duell: Ask people along North Road if they want apartments across the street.

499  
500 Mr. Lamb: This isn't North Road and....

501  
502 Mr. Duell: It's close and it's exactly what we're hearing.

503  
504 Mr. Lamb: As I said, we're happy to take your comments under consideration. We'll make sure that  
505 anything that we provide back to the Trustees has all comments listed in it.

## Zoning Commission

506 Ms. Boni: Holly, we did make a pretty significant setback, right?

507

508 Ms. Mattei: It's about 200' in width to provide a buffer between the existing Lewis Center area and the  
509 proposed multi-family, and 200' is consistent with what we've seen in other communities as providing  
510 buffers between some of these types of uses.

511

512 Ms. Boni: There's definitely some concerns for this specific area and I'm happy to speak with Holly and  
513 the rest of the team on this and see what our next steps are.

514

515 Mr. Duell: Multi-use, we have these different areas but we don't have the density; do we have all the  
516 density?

517

518 Ms. Mattei: We have separated these multi-uses into different sub-areas so you have MU 1, 2, 3, 4 and 5,  
519 and we have calculated the area of each of these mixed use sub-areas and then you take the percentages  
520 that are in the Code and what could be multi-family, what could be mixed use and what has to be  
521 commercial, and apply forward the floor area ratios and density requirements of the multi-family to come  
522 up with the overall what that mixture of use would be.

523

524 Mr. Duell: I still think it's probably going to be too much multi-family. I'm going to say this over and  
525 over again, a lot of people move to Orange Township to get away from Columbus, not bring Columbus  
526 here and don't want lots and lots of apartments coming north. It's going to have a radical shift in the  
527 demographics and I don't want any part of the problems Columbus has; we just don't want to be  
528 Columbus. I think we need to be very careful about what those densities become and how much of it there  
529 is.

530

531 Ms. Mattei: I don't want to go back and forth all night, but just to reiterate the survey results and what we  
532 saw with what the Township residents and business owners would like to see in the area and creating  
533 those walkable communities which require residential uses and denser residential areas to create that foot  
534 traffic to support those businesses. I think we need at this point to note the concerns and we need to  
535 present those concerns to the Trustees. We added some more commercial areas at the Orange Road  
536 intersection; there were some missing teeth there, so we filled those gaps in and were able to better define  
537 the mixed use areas and eliminate the single family.

538

539 Ms. Boni: We had a couple of comments from the public. Christine Trebellas, who is acting as a resident  
540 this evening, she also serves on our Zoning Commission, for the height specifically, we perhaps just  
541 change the height along Orange and Powell Roads or remove these areas from the industrial zoned areas.  
542 Her next comment is Trustees should not approve materials, that is something Zoning should do. Newer  
543 is not necessarily better and Zoning has the expertise to understand what these materials are. And  
544 hopefully we can better define that and share with the Commission. Another comment by Peter Group, he  
545 also agrees to not bring Columbus here. Again, this is a rough draft, this is what we're visioning, so this  
546 evening we had our second hearing on the review. Our goal is to have the revised overall text to you July  
547 14. We're also asking Regional Planning to have a second review on the text, staff will prepare a Staff  
548 Report at that time, and then we will get a written memo from our legal counsel. We are proposing to  
549 have the next Zoning Commission hearing on the 21<sup>st</sup> of July. Adam, you made the comment you're not  
550 able to attend but if you could write comments in advance. I'm just trying to think date-wise since we are  
551 booked the last week of July. Our comments would be due a week later after the 21<sup>st</sup> hearing, so we  
552 would again ask for comments from the Zoning Commission members, staff, legal and Regional  
553 Planning. Then we propose to have the 4<sup>th</sup> Zoning Commission hearing in early August and then  
554 hopefully revise the text according to everybody's comments for the last time, map revisions, my staff  
555 report, and then we would ask the Commission to make a recommendation. We anticipate for it to get to  
556 the Trustees hopefully the first week of September.

## Zoning Commission

557 Mr. Pychewicz: The 21<sup>st</sup> is the only date I can't make, but if that's the only date we can use, I can provide  
558 comments.

559  
560 Mr. Doherty: I can't make the 21<sup>st</sup> either; I'm out the entire week.  
561

562 Mr. Pychewicz: For me, it's just the 21<sup>st</sup>.  
563

564 Ms. Boni: Can everyone go on the 23<sup>rd</sup> except Dustin?  
565

566 Ms. Mattei: There's a potential that I may be at Berkshire Township that night.  
567

568 Mr. Duell: Is the 4<sup>th</sup> our next regularly scheduled time?  
569

570 Ms. Boni: Yes.  
571

572 Mr. Duell: Can we set it for the 4<sup>th</sup> and you readjust your schedule? Maybe move some of the tasks  
573 around a little bit?  
574

575 Ms. Boni: I would like to ask Bob Lamb if that's okay.  
576

577 Mr. Lamb: Whatever works for the Zoning Commission and staff; we want to make sure everyone has a  
578 chance to weigh in on the items.  
579

580 Mr. Duell: Do you know when we would expect Regional Planning's decision on their second review?  
581

582 Ms. Boni: We would ask them to have it by the 28<sup>th</sup>.  
583

584 Mr. Duell: Then that would give us an opportunity to consider whatever they have to say.  
585

### **MOTION TO RECESS ROUTE 23 OVERLAY CORRIDOR DISTRICT TEXT**

586  
587  
588 Motion made by Mr. Pychewicz to recess the Route 23 Overlay Corridor Text until Tuesday, August 4,  
589 2020 at 7:00 p.m. via in virtual matters Zoom; seconded by Mr. Dove.  
590

591 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Mr. Dove-yes, Mr. McNulty-yes, Mr. Doherty-yes  
592 Motion carried  
593

594 Meeting adjourned at 8:20 p.m.

595 Minutes prepared by Cindy Davis, Zoning Secretary  
596

597 On September 15, 2020, Mr. Pychewicz made a motion to approve the July 7, 2020 meeting minutes of  
598 the Orange Township Zoning Commission for the Route 23 Corridor Overlay District with the following  
599 corrections:  
600

- 601 • Line 84: "2506" should read "25.06"
  - 602 • Line 244 should read: "...80% has to be...."
- 603

604 Seconded by Ms. Trebellas  
605

606 Vote on Motion: Mr. Pychewicz-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Doherty-yes  
607 Motion carried

