

## Zoning Commission

1 **Route 23 Overlay District**

August 25, 2020

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

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

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14 Roll: Adam Pychewicz, Todd Dove, Christine Trebellas, Dennis McNulty, Dennis Doherty

15  
16 Township Officials Present: Michele Boni, Planning & Zoning Director

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18 **MOTION TO RETURN FROM RECESS FOR THE ROUTE 23 CORRIDOR OVERLAY**  
19 **DISTRICT**

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21 Mr. Doherty made a motion to return from recess for the Route 23 Corridor Overlay District; seconded by  
22 Ms. Trebellas.

23  
24 Vote on Motion: Mr. Pychewicz-yes, Mr. Dove-yes, Ms. Trebellas-yes, Mr. McNulty-yes, Mr. Doherty-  
25 yes  
26 Motion carried

27  
28 Mr. Pychewicz administered the oath to those wishing to speak. When you testify, state your name,  
29 address and affirm that you have been sworn in. Anyone who intends to offer testimony through the  
30 online chat room also needs to be sworn in remotely. Before your initial comment, please type in your  
31 name, address and the words "I affirm" to indicate you have been sworn in.

32  
33 Holly Mattei, Crossroads Community Planning, 49 Stoney Bluff Way, Lithopolis, Ohio, and I affirm that  
34 I have been sworn in. We believe we addressed most of the concerns the Commission has raised over the  
35 last few meetings, and our goal tonight is to close out this public hearing with a positive recommendation  
36 from the Zoning Commission to the Trustees. A couple major changes made since last meeting, the most  
37 substantial being on Page 11 which refers to Section 20.04 where we added a work session by the Zoning  
38 Commission. This is a reflection of one major concern raised by the Commission. The addition of this  
39 work session provides the Zoning Commission to review and provide informal input on the RCOD  
40 application but it does state that if the Commission fails to act on this opportunity or fails to obtain a  
41 quorum to openly conduct a meeting in the required time frame, the application moves forward to the  
42 Trustees with no input from the Commission. To ensure this process moves smoothly and to ensure we  
43 get feedback from the Zoning Commission, the new text requires a schedule to be established each year  
44 that would include monthly RCOD submittal dates, a Zoning Commission work session within 14 days of  
45 each submittal date and a Trustees' public hearing date within 30 days of each submittal date. We believe  
46 this language provides a balance between the need for the technical expertise of the Zoning Commission  
47 and the expedited review process desired by the business community. This schedule will also help provide  
48 predictability of meeting dates, not only to the applicants to ensure their application is going through in  
49 the 30 days but also to the Zoning Commission because we want to make sure there's opportunity to

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50 provide a quorum and that they know about these meetings ahead of time, so creating that schedule up  
51 front each year, you should be able to schedule your other meetings around that work session for each  
52 month. Secondly, also within Section 20.04, we made changes to the modification process. I'm not going  
53 to go into detail on that because we talked in detail on that last meeting, but I wanted to let you know we  
54 did reflect those changes in this current text. We also took the modification section and work session  
55 language to legal counsel to review, and they are now on board with both of those sections. Three other  
56 high level things we did, self-storage has been moved to the advanced manufacturing section instead of  
57 being a prohibited use, and also addressed boat and RV outdoor storage as a prohibited use. We addressed  
58 screening of storage and trash containers and we also had a lot of conversation about architectural  
59 requirements, so I'm not going to go into detail about those but I feel we made applicable changes to the  
60 text.

61  
62 Ms. Boni: We did draft a recommendation for approval for this evening for the Board to consider. As of  
63 now there are four stipulations added onto the recommendation, the first being the most crucial one for  
64 the Commission to amend the area boundary map except for the area along Lewis Center Road that is  
65 outside and just south of Old Lewis Center Village to get rid of that entirely off the plan. We marked up  
66 the map and that is Attachment 1 to the recommendation for the Board's consideration. These are the two  
67 areas the Commission identified to be removed from the overlay district. The second stipulation is some-  
68 thing staff noticed. We've been getting a lot of proposals for commercial and residential on this site just  
69 north of the Wal-Mart Plaza, so instead of having multi-family only, we'd do it as a mixed use district.  
70 The last two stipulations are to modify the parking space size to 9' x 18' in length, just reducing the  
71 impervious area and to review the example images for the landscape standards. Based on our standards,  
72 the images don't necessarily match perfectly what we're expecting, so we'll be updating those. If the  
73 Board has any other stipulations to be added, we can address those tonight.

74  
75 Mr. Doherty: I appreciate that we now have an informal meeting for the Zoning Commission but I'm  
76 curious as to why, if it is an informal meeting, we're required to have a quorum.

77  
78 Ms. Mattei: I actually raised the question to legal but it is because you're actually conducting a meeting.  
79 Whenever there are more than two members of the Zoning Commission together, it is a public meeting  
80 per the Sunshine Law, so you have to have a quorum.

81  
82 Mr. Dove: We typically have two members of the Commission meet with the applicant before the  
83 application is submitted, so we don't have a quorum and we call those our informal meetings. It seems  
84 we're calling this one an informal meeting as well.

85  
86 Ms. Mattei: We're calling it an official meeting to provide informal feedback but you're required to have  
87 a quorum per the Sunshine Law.

88  
89 Ms. Boni: We can still have pre-application meetings if the applicant wants to. I plan on still encouraging  
90 rather than them submitting and paying all the fees, but this is a work session. It is not a formal  
91 recommendation that goes to the Trustees, but we would ask for feedback and maybe an informal  
92 recommendation to the Board on the application.

93  
94 Mr. Dove: It sounds like the Trustees are going to set a once a month when the applications have to be  
95 submitted assuming the Zoning Commission will set their once a month meeting a week after the  
96 application is submitted.

97  
98 Ms. Mattei: It can be up to two weeks.

99  
100 Mr. Dove: I'm thinking we'll have to have notes typed up to submit to the Trustees.

## Zoning Commission

101 Ms. Boni: Can staff put that all together, Holly?  
102

103 Ms. Mattei: Yes, but the intent is meetings have to be held within the 14 days, not that the notes have to  
104 be typed up and presented to the Trustees within the 14 days, so the Zoning Inspector would be  
105 responsible for typing up notes and relaying the information to the Trustees at their public hearing.  
106

107 Ms. Boni: And going back to the calendar, every year when we do our regular Zoning Commission  
108 calendar, I would incorporate that 23 work session.  
109

110 Mr. Dove: If we set a date and we can't have a quorum, are we just saying we don't have a quorum or are  
111 we going to make a date work so that we have at least three people and can review it?  
112

113 Ms. Mattei: If you want to make your calendar so the work session is really close to the submittal date so  
114 if you don't have a quorum you have time to get another meeting scheduled, I think that's something that  
115 internally you guys have to decide. This provides flexibility to you as long as you get something done  
116 within the 14 days.  
117

118 Mr. Dove: Item 6 talks about the removal of the language allowing the Township to charge the applicant  
119 for professional consulting services associated with the application. I'm not sure what professional  
120 consulting services there would be.  
121

122 Ms. Mattei: A lot of overlay districts throughout the State of Ohio allows the Township to identify if they  
123 want to bring in a planning consulting firm, an engineering firm or architectural firm to review more  
124 complex applications, and it allows them to come up with an estimate to utilize this firm and charge that  
125 to the applicant but it requires a lot of work from staff. Staff has to identify who the consultants are, how  
126 much it would be, take that deposit in, and the fiscal office has to keep track and charge against that for  
127 the hours of review. At the end there's the question of whether or not that was a deposit and that any  
128 remaining money goes back to the applicant. Michele decided that was too complex and asked me to  
129 remove that language. We're going to create a flat fee that builds in some time for review but not  
130 necessarily cover an architectural or planning firm to come in and totally review an entire application.  
131

132 Ms. Boni: And that language was in there when there was no Zoning Commission involvement, so now  
133 that there is, I feel more comfortable doing a flat fee because I would rely on the Commission for their  
134 architectural expertise.  
135

136 Mr. Dove: It just seems weird that we're taking the Zoning Commission out of it where you have three  
137 people who work at architectural firms, you have a civil engineer, so now you're paying for that review.  
138

139 Ms. Mattei: We got rid of that because we're adding the Zoning Commission back in.  
140

141 Ms. Boni: I agree because I'd rather utilize our Board members' skills.  
142

143 Mr. Pychewicz: The way I read this, this work session would take place on every overlay district  
144 application, not just if we have an extremely complicated one.  
145

146 Ms. Mattei: Correct. The only thing is if the Zoning Inspector saw something come through that is minor,  
147 the Zoning Inspector could approach the Commission and say I don't necessarily know that you want to  
148 review this, you may waive your rights or cancel your meeting if there's nothing else on the agenda. You  
149 would have that opportunity to do that but it's set up that everything would go through it.  
150

## Zoning Commission

151 Mr. Pychewicz: If they have a very minor change to what's in the overlay district and there's no reason  
152 for us to look at it or talk about it, is there any opportunity to move the process or expedite it since those  
153 14 days aren't needed?

154  
155 Ms. Mattei: It probably would be very difficult because of the way the Trustees' meetings are set up. I  
156 don't know if she would be able to get the notice out for the Trustees' meeting in time for the earlier  
157 Trustee meeting, so I think we're always going to hit that 30 day period.

158  
159 Ms. Boni: I don't think adding this work session would change the timeframe of this. We always had it  
160 within 30 days for the Trustee hearing and now we're adding within 14 days doing the work session.

161  
162 Mr. Dove: If an applicant comes in and their application meets all the requirements of this overlay  
163 district, do they even have to come in front of the Trustees?

164  
165 Ms. Mattei: Yes.

166  
167 Mr. Dove: So it's not like our zoning process now where if they meet the use, setbacks, height require-  
168 ments, materials, they don't have to come before the Zoning Commission but they still have to go before  
169 the Trustees?

170  
171 Ms. Boni: If they want to use the overlay, yes.

172  
173 Ms. Trebellas: What happens if they want to use the overlay but request some variances because I noticed  
174 you added some language about variances.

175  
176 Ms. Mattei: They're referred to as divergences to keep consistent with your other PUD language in your  
177 text, and any time they deviate from any of the development standards, they would be required to put that  
178 in written form saying we are deviating from (Standard). Instead of meeting a minimum of "this", we're  
179 going for a minimum of "x", so they would outline by number of all the deviations and then it would be  
180 required as part of the approval process that the Trustees are approving the deviations. If they approve all  
181 the deviations and development plan, they could do that all in one motion but if they do not want to  
182 approve one of the divergences, they could make a motion to not approve a specific divergence and  
183 approve everything else.

184  
185 Ms. Trebellas: Then I guess during our work session the Zoning Commission could make recommend-  
186 ations on those divergences, whether to approve them or not.

187  
188 Ms. Mattei: Absolutely.

189  
190 Ms. Trebellas: That was one of my concerns; I thought with this overlay you had to go with everything in  
191 the overlay.

192  
193 Ms. Boni: We thought about that at one point but the reality of it didn't seem right, but I think at the work  
194 sessions and staff review, we'll list the divergences requested. We're also asking the applicant to list them  
195 too. We want to verify all that but we can respond to those divergences and I can put the Zoning Com-  
196 mission does not support the divergence because of (something). We can craft it in a way to share the  
197 proper feedback with the Trustees.

198  
199 Ms. Trebellas: We've had concerns in the past where the Trustees have approved divergences with  
200 increasing density that the Commission thought it shouldn't.

201

## Zoning Commission

202 Ms. Boni: Hopefully I can address some of that before coming to any Board. If it's an extreme divergence  
203 or they're trying to get over 10 things, I'll try to get them to comply more. As you said it's a review as  
204 we'd do for any Planned District, identifying any divergences and see if we're willing to move forward  
205 with it or not.

206

207 Ms. Trebellas: I have concerns but feel better now that the Zoning Commission gets a work session  
208 where we can review those and make recommendations.

209

210 Ms. Boni: From staff's perspective, we're definitely in support of the Zoning Commission's involvement.

211

212 Ms. Trebellas: In terms of the mixed use recommendation for the area by the Wal-Mart Plaza, I was  
213 wondering what that was going to be. I didn't think it was a good idea to have multi-family right off 23;  
214 that might be better for commercial. The text for signage, on Pages 3, 6 and 47, your draft is different than  
215 my version. It has to do with the base of the sign and then there's a sign area example. At first we said the  
216 solid base must be the same width as the sign and on the example, the solid base is bigger than the sign.

217

218 Ms. Boni: Do you want it to be the same or do you want the minimum base to be the same as the sign?

219

220 Ms. Mattei: It was the minimum that I was thinking when I wrote that.

221

222 Ms. Boni: Is the Board okay with the minimum? Can the base go out more?

223

224 Ms. Trebellas: It was inconsistent and I think inconsistent with our current Code where the base and the  
225 sign are the same size. I don't feel strongly one way or the other; I just want it to make sense and be  
226 consistent.

227

228 Ms. Mattei: I don't care either way; I can change either the text or the sign graphic.

229

230 Ms. Boni: The language is it has to be at least the width or equal to the sign, so it can go out longer. We  
231 can have that language in here if you want to stay consistent. I think we should.

232

233 Ms. Mattei: So we're changing the text to match the current Sign Code and we're leaving the graphic as  
234 is.

235

236 Ms. Boni: Yes; I want to add that as a stipulation though.

237

238 Ms. Trebellas: I just want to stay consistent.

239

240 Mr. McNulty: I think consistent is exactly the right approach. And I think adding the Zoning Commission  
241 to this was huge, to make us a part of this before the Trustees see it, to allow our input and use the  
242 expertise of some of the Board members.

243

244 Ms. Boni: I sent a message on YouTube to see if anyone had any questions but it doesn't look like there  
245 are any.

246

247 **MOTION OF THE ORANGE TOWNSHIP ZONING COMMISSION TO THE BOARD OF**  
248 **TOWNSHIP TRUSTEES REGARDING PROPOSED AMENDMENTS TO THE ORANGE**  
249 **TOWNSHIP ZONING RESOLUTION, AS REFLECTED IN RESOLUTION #20-180 OF THE**  
250 **BOARD.**

251

252 Mr. Doherty moved adoption of the following Motion:

## Zoning Commission

253 WHEREAS, pursuant to R.C. Section 519.12, the Board of Township Trustees of Orange  
254 Township, Delaware County, Ohio, on April 6, 2020, executed an intergovernmental agreement between  
255 DELAWARE COUNTY FINANCE AUTHORITY and ORANGE TOWNSHIP (DELAWARE  
256 COUNTY), OHIO for initiating the modification of Article 20 of the Orange Township Zoning  
257 Resolution to create a new district, known as “Route 23 Corridor Overlay District (RCOD)”.

258 WHEREAS, the Orange Township Zoning Commission has conducted public hearings regarding  
259 the Resolution on June 16, 2020, July 7, 2020 and August 4, 2020; and

260 WHEREAS, the Delaware County Regional Planning Commission has presented its  
261 recommendation regarding such amendments, adopted at its meeting on May 20, 2020, which  
262 recommendation has been considered during the public hearing:

263 NOW THEREFORE, Mr. Doherty moves that the modification or supplements stated reflected in  
264 Resolution #20-180 are recommended for approval to the Board of Township Trustees, with the following  
265 exception/s:

- 266 1. Section 20.02, modify Route 23 Commercial Overlay District Map to remove the multi-family  
267 area south of Lewis Center Road and to remove a portion of MU-2 (mixed use area) immediately  
268 south of Lewis Center Village as shown on Attachment “1”.
- 269 2. Section 20.02, modify Route 23 Commercial Overlay District Map to replace parcel number 318-  
270 321-01-010-000 to a Mixed Use Area and renumber accordingly as shown on Attachment “1”.
- 271 3. Section 20.10(d(vii)), modify to allow the minimum parking space to be nine (9) feet in width and  
272 eighteen (18) feet in length.
- 273 4. Section 20.10(g(ii)(3)(d)), modify the text of last sentence in paragraph to state the following:  
274 *Sign shall be affixed directly to a base having a width at least equal to that of the sign.*
- 275 5. Consider updating example images to better reflect landscaping standards.

276 Further moved that a copy of this Motion, together with the recommendation of the Delaware County  
277 Regional Planning Commission, be submitted by the Planning & Zoning Director to the Board of  
278 Township Trustees as soon as possible, so that it may proceed with its action in this matter according to  
279 law.

280  
281 Seconded by Mr. McNulty

282 Vote on Motion: Mr. Pychewicz –yes, Ms. Trebellas-yes, Mr. Dove- no, Mr. McNulty–yes, Mr. Doherty-  
283 yes

284 Motion carried

285

286 Mr. Dove: I know this process or overlay was going to be approved by the Trustees, at least I felt that  
287 way, because we probably wouldn’t have gone through the process if that wasn’t the case. I think we’ve  
288 added some things in here that are very important and made some revisions that I think will be great as  
289 well, but I still have four major concerns. 1), is the change in process, 2) I know we’ve done some map  
290 stipulations but there’s still some land uses that I have concern about; 3) building heights we discussed  
291 and were never really changed for various reasons; and 4) density is the same way. Those things were  
292 brought up at the very beginning bur for various reasons were not really changed and it was quite  
293 apparent that they weren’t going to be changed. Those are the reasons I voted no on this.

294

295 Ms. Boni: We will be presenting the recommendation to the Trustees at their next meeting on September  
296 8, asking them to schedule the hearing date. My guess is it will be shortly after that, so we’re aiming  
297 toward the second hearing in September. We will do another big outreach and get the notice out, and the  
298 Trustees will hopefully make the consideration of adopting the overlay district.

299

300 Meeting adjourned at 7:45 p.m.

301 Minutes prepared by Cindy Davis, Zoning Secretary

## Zoning Commission

302 At their October 27, 2020 meeting, Mr. Pychewicz made a motion to approve the minutes of the Orange  
303 Township Zoning Commission dated August 25, 2020 for the Route 23 Corridor District (RCOD) as  
304 written; seconded by Mr. McNulty.  
305  
306 Vote on Motion: Mr. Pychewicz-yes, Mr. McNulty-yes, Ms. Trebellas-yes, Mr. Dove-yes, Ms. Ault-yes  
307 Motion carried