

Zoning Commission

1 **Rezoning Application #ZON-20-03**

December 15, 2020

2 3 **LEGAL NOTICE**

4
5 Notice is hereby given that the Orange Township Zoning Commission will hold a public hearing on
6 Tuesday, December 15, 2020 at 7:00 p.m. to consider the following application:
7

8 **Rezoning Application #ZON-20-03, Kerbler Farms LLC/Kerbler Builders,** Requesting an
9 amendment of +/-105.76 acres of the currently effective development plan under application #13-0305
10 known as the Slate Ridge Single Family Planned Residential District (SFPRD). The subject properties are
11 currently owned by Kerbler Farms LLC and Kerbler Builders and is located at the northeast corner of
12 US23/Columbus Pike & Home Road with parcel numbers 318-230-01-001-000(part), 318-220-04-026-
13 000,318-210-03-023-000, 318-240-02-001-000(part), 318-213-15-013-000 & 318-213-15-013-001.
14

15 The hearing will be held virtually using electronic means and can be accessed by the public on the
16 internet on the Zoom application at
17 <https://us02web.zoom.us/j/88071095122?pwd=QXFZa0xCNEpncGtpUUh5RW10TWISUT09>
18

19 During the hearing the public may submit questions and comments to the Board by sending messages
20 to Development and Zoning Director, Michele Boni via the Zoom meeting chat room.
21

22 To help in limiting the spread of the Coronavirus (COVID-19), residents are urged to contact our office at
23 740-548-5430 or orangezoning@orangetwp.org to review the application and plans.
24

25 After the conclusion of the hearing, the matter will be submitted to the Orange Township Board of
26 Township Trustees for its action.
27

28 *Adam Pychewicz, Chairperson*
29 *Michele Boni, Orange Township Zoning*
30

31 *Publish one time on or before Saturday, December 5, 2020 in the Delaware Gazette*
32

33 Ms. Boni: Before we start, I want to make note that we will have all the community members and
34 applicant on mute at this time as we have brief statements to go over first, then we'll open it up for
35 discussion.
36

37 Roll Call: Adam Pychewicz, Todd Dove, Dennis McNulty, Leslie Pierce, Barrett Ault-absent
38

39 Township Officials Present: Michele Boni, Development and Zoning Director
40

41 Ms. Boni: I reached out to Ms. Ault and asked her to be an alternate for this application; Ms. Trebellas is
42 not feeling well so she was unable to attend this evening. If she does plan to tune in, I will let the Board
43 know. I want to acknowledge I do have the COD agenda but unfortunately Mr. Todd Dove will be
44 resigning within the next few months, and I want to thank him for his participation and service the last
45 few years. He has been a great asset to the Commission and we'll miss him.
46

47 Mr. Pychewicz administered the oath to those wishing to speak this evening. Anyone who intends to
48 testify, please raise your right hand and be sworn. Do you solemnly swear that the testimony that you
49 shall give shall be the truth, the whole truth, and nothing but the truth? State "I do" and when it's your

Zoning Commission

50 turn to offer testimony, please state your full name, address, and affirm that you've been sworn in.
51 Anyone who intends to offer comments or testimony through the online chat room function also needs to
52 be sworn in remotely. Before your initial comment, please type your name, address, and the words "I
53 affirm" to indicate that you solemnly swear that the testimony you are offering is the truth, the whole
54 truth, and nothing but the truth.

55 Ms. Boni: Just for the record, Barrett just joined us, so we have a full quorum. Read the Legal Notice.

APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS

56
57
58 Andrew Wecker, Manos, Martin & Pergram, 15 N. Sandusky Street, Delaware, Ohio 43015.

59
60 Skip Weiler, Robert Weiler Company, 10 N. High Street, Suite 401, Columbus, Ohio, I affirm. I am
61 working with Jim Kerbler, one of the of the property owners; Todd Ferris, our planner; Mr. Wecker is our
62 legal representation; Tom Warner, our engineer. Jim and his team obtained zoning on the tract a number
63 of years ago. We have a variety of different zonings and already have a few uses there, the latest being the
64 Schottenstein development, but the first was Mt. Carmel Hospital and the assisted living, and we've got
65 more to come. What we're proposing is for the two residential portions on the north side of Home Road.
66 We have existing zoning for single family lots, and we're looking to amend that to meet the market to get
67 a variance for a more patio home style development. They'll still be single family detached style houses.
68 we don't have any adjoining walls, it won't be multi-family or it will not be rentals. Similar to what
69 you've seen in other places in your Township, they will be single family looking houses but will be on
70 private streets. That's more where the market is and we're just trying to meet the market. We've kept
71 pretty similar street layouts and access points, we have not amended the plan very much other than
72 change it to the condominium style development that would include single family detached style houses.

73
74 Jim Kerbler, 6871 Columbus Pike, Lewis Center, Ohio what we want to do on the western portion of this
75 is an upscale development because it has multi ravines and wooded areas, and we're looking for a
76 developer or builder that is a high end type person. The lots we had zoned before for 80'-90' we're
77 requesting them to be reduced because that's what the market is right now. The builders really do not
78 want those 80' lots, so that's what we're proposing.

79
80 Ms. Boni: Are there going to be lots or are these just location areas?

81
82 Mr. Wecker: There won't be a subdivision plat per se; there will be a condominium plat, and some of this
83 will be subject to what the developer, the ultimate builder, would choose to do, but you could have a
84 situation where the limited common element would be what we would understand to be a platted lot in a
85 subdivision and within that limited common element, the four corners of the property, that's where the
86 house would be and the house itself would probably be the responsibility of the owner but the farther
87 away you get to the perimeter, that would probably be something the association could take care of, but
88 each unit owner would have exclusive possession of that area.

89
90 Mr. Dove: So they're responsible for the upkeep of basically their property?

91
92 Mr. Wecker: Yes. It could be done in a range of ways, depending on what developers are hearing from
93 their perspective buyers, and I think a lot would depend on who they sell to, how much maintenance do
94 they want to have around their place. They may want to take care of things at the foundation and close to
95 the house or maybe they want the association to take care of everything else.

96

Zoning Commission

97 Mr. Dove: Is that an individual lot or is the east one and west is the other because typically when we do a
98 condo, we say this is a true condo and there's an association that's taking care of the property.
99

100 Mr. Wecker: The association will be taking care of the property in this case but some it depends on how
101 common areas are defined, how common limited elements are defined which you have exclusive
102 possession of, but there's also the unit itself where within that unit you have not only possession but
103 you've got maintenance obligations as well. I think for our discussions, the Zoning Code uses the phrase
104 dwelling unit, and we can use that in terms of thinking of a detached single family structure sitting on a
105 lot even if under the land, and the way it would be platted under the County records, technically it's a
106 condo with a condo plat.
107

108 Ms. Boni: The concern I raise is how the text is written so the divergence requested is that you get rid of
109 the lot with the lot size requirements, so there is some kind of envelope created. I think we would have to
110 know what type of divergence you are seeking. Are you seeking to get rid of it entirely or to reduce the lot
111 size?
112

113 Mr. Wecker: We would not reduce the lot size, so the condo map would look like the drawings in Exhibit
114 A1. The condo plat would be created by Advance Civil Design based on what you see right here, but for
115 zoning purposes, they are going to be lots.
116

117 Mr. Weiler: It would appear, and I'm not the technical guy, that there are lots that are going to go with
118 this layout but they're private streets so I think technically it's a condo development.
119

120 Todd Ferris, Ferris Planning and Design, 243 N. Fifth Street, Columbus, Ohio, yes, this will be a condo
121 development. Andy is talking about the limited common area and things like that, but this will be condo
122 development similar to the Ravines at Lewis Center. We will have the similar private streets where each
123 one of these is a building envelope area. I think Andy is trying to explain there are a couple of different
124 ways that that can be managed. We've seen some people have maintenance for the entire property and
125 some that you can do it yourself, but I think that ultimately is the end person, but each one of these would
126 be a condo development with a single family home, not a lot defined or platted that's on the outside of the
127 entire property.
128

129 Mr. McNulty: So you don't have any builders yet, so what are we here to do, just approve your
130 divergences about the lot size?
131

132 Ms. Boni: They are applying for an amendment to the existing Single Family Planned Residential
133 District. Slate Ridge Single Family District was approved in 2014, and they are requesting a handful of
134 divergences, primarily, as they say, due to market conditions. There are some development standards they
135 have to change and the increase in density, but for the Commission's sake, the density has increased
136 significantly but this area is allowed to have up to two dwelling units per acre as it currently stands in our
137 current Land Use Plan.
138

139 Mr. Dove: And we're at 2., what was it?
140

141 Ms. Boni: I had a question because I found a couple of inconsistencies. What is the density for this?
142

143 Mr. Ferris: I think the 2.45 was a clerical error. 2.08 is what we have overall.
144

145 Mr. Pychewicz: On Page 21 it was called out at 2.21; there was another number there, 2.45. Doing the
146 acreage of 105 with the 220, I'm getting to 2.08. That's where there's some confusion because there are
147 three different numbers at least that I found on the document.

Zoning Commission

148 Mr. Ferris: Those were a couple of comments Michele had in her Staff Report that we obviously need to
149 address in our text, but 2.08 is the density.

150

151 Ms. Boni: And it's proposed at 220 units?

152

153 Mr. Ferris: Yes. A lot of benefit with this type of product versus the 80', 90' lots, once we get into single
154 family homes, we have to have a public roadway system and that means ultimately we have a 60' right-
155 of-way with a certain geometry that's dictated by the County Engineer, and there is very little flexibility
156 when it comes to radiuses, intersections, grades up and down, etc., and that last plan probably would have
157 destroyed most of this natural environment in here, so we looked at this product because we could work
158 with the topography, the ravines, preserve them and create a better living environment for those that are
159 going to be here, so there are a lot of benefits to go in this direction.

160

161 Ms. Boni: Just to confirm for the record, the units are increasing, however the open space is increasing.

162

163 Mr. Ferris: Yes, the open space is going up slightly which preserves those ravines and everything else.

164

165 Mr. Pychewicz: The net density that was originally approved, was that higher than what was proposed
166 here?

167

168 Ms. Boni: The density originally approved I believe was 1.17. I see I put 2.28 but I'm trying to see if that
169 was a specific area for this.

170

171 Mr. Wecker: What you did Michele was break it down, net density versus gross density on the memo to
172 the Commission.

173

174 Mr. Pychewicz: I saw the gross went up but it was the net; maybe I was looking at that wrong.

175

176 Mr. McNulty: You don't believe density will change when this gets platted to any common areas, or
177 common buildings and resources or mail areas, things that would have to take place for this kind of
178 development before it would be close to being finished because we've seen those change as it gets platted
179 and worked out for those areas.

180

181 Mr. Ferris: Again, this is private streets, condo development, so it isn't platted, and we're committing to
182 this layout, roadway configuration and these preservation areas with this change to the development plan.

183

184 Mr. Dove: For those that weren't involved in the original application, we're basically taking what we
185 approved as a single family traditional development with our traditional lot sizes, setbacks, density to
186 basically to patio homes that are very close to each other which is obviously what was approved on the
187 other side of the ravines by the Trustees.

188

189 Ms. Boni: I'm going to pull the development plan that was approved in 2014 for the reference of
190 everybody here.

191

192 Mr. Dove: And we had how many units then?

193

194 Mr. Pychewicz: 126, wasn't it?

195

196 Ms. Boni: Yes.

197

Zoning Commission

198 Mr. Pychewicz: It was mentioned that the desire was to market these to higher end families, being nicer
199 units, but in the text there was a request for a reduction from the overall square footage which was
200 originally at 2,000 and the most recent text says to 1,000 square foot. I get the difference between a single
201 family home and a condo, but is there any other reason that that was reduced that much? You're talking
202 about high end but then the square footage is being lowered.

203
204 Mr. Ferris: We basically pulled the square footage from your base Zoning Code, so that's what we put in
205 here, not realizing there was that great of anomaly, so I think we need to discuss that. Also, these homes
206 may be smaller but these buyers are typically what they consider their last home and they put a lot of
207 money into these. They upgrade everything from counter tops to cabinets to fixtures, so the smaller square
208 footage doesn't necessarily equate to a cheaper home. And I think the comment made about marketing
209 toward higher end was more toward a higher end developer, not necessarily higher end buyer.

210
211 Ms. Boni: Could there be units that could be close to the minimum of 1,000 that you're proposing?

212
213 Mr. Ferris: I'll let Skip answer that, but from our research, probably not that low; that's on the small size.

214
215 Mr. Weiler: We don't anticipate any houses that small. The kind of builders we have in mind we've had
216 preliminary talks but we haven't gotten far enough along to get a commitment from anybody, but the style
217 of condos we've looked at are the Epcon style, the Romanelli & Hughes style, neither of those builders
218 have units that small. And as Todd said, we just basically took it from your Code and put it in there but
219 we don't anticipate any that small and would be comfortable with larger square footages.

220
221 Mr. Pierce: What is the smallest amount you think you might have?

222
223 Mr. Weiler: Since we don't have anyone lined up and committed, our thought when we saw the Code was
224 minimum 1,000 square feet, it's going to be more than that. I know they're more than 1,200 feet, so I
225 don't know if there's a magic size your Committee is looking for but realistically both Romanelli and
226 Epcon are larger than 1,200 feet. I believe Romanelli has them in 1,400 feet.

227
228 Ms. Ault: What's the price point on these units?

229
230 Mr. Ferris: They start at about \$350,000 and go up, and that's their base model without the bells and
231 whistles, and they add to that.

232
233 Ms. Ault: And these are on slabs, correct?

234
235 Mr. Ferris: Generally speaking yes because they haven't seen a lot of requests for basements because
236 when you get into this target audience, they don't want that but they offered them because the Midwest
237 traditionally likes to have basements. We see 10-20% that might request a basement, so they can have
238 them and this piece of ground lends itself to that because the availability for walk out units. They won't
239 necessarily be basements at that point but they will have that lower level walk out, so we think that mini-
240 mum number is going to be exceeded. With most of these units there will be a few people that will want
241 to have the smallest, but that's very rare in any of the communities we've seen done.

242
243 Mr. Pierce: This layout may not necessarily be the way it's ultimately going to be, correct? Is this
244 depending upon the developer or is this the way you anticipate it?

245
246 Mr. Ferris: This is the way we anticipate it. If they were to modify it, I believe they would have to come
247 back for a modification of this plan. This is a planned district; that's why we're showing you this.

248

Zoning Commission

249 Ms. Boni: If it's very non-substantial changes like a lot has to be adjusted as far as realignment, we
250 wouldn't be looking at that, but if they are changing the density, the development standards or the overall
251 layout, they would have to come back before the Board.

252
253 Mr. Ferris: And we've looked at the topography, the crossings for utilities, etc. in enough detail to know
254 that this makes sense.

255
256 Ms. Boni: Can you talk about parking? Are they going to be 2 car garages or what is the proposal?

257
258 Mr. Ferris: I think the language is 2 car maximum but it's going to be 2 car garages, that's what we've
259 been seeing in this market, with 2 parking spaces in front of that in the driveway and additional
260 designated visitor spaces throughout with head in parking where we have allotted where we have the mail
261 is located, so we'll have slightly over 4 parking spaces per unit.

262
263 Ms. Boni: I thought I saw in the text where it said 3 parking spaces per unit, so I just wanted to make
264 sure.

265
266 Mr. Ferris: That's one of those clarifications we need to get done in the next text.

267
268 Mr. Dove: My biggest frustration is, and I don't know if it's a frustration with our Zoning Code or what,
269 but we get these applications in where we say it's a Single Family District but then we get every
270 divergence in the world, side yard and rear yard setback, lot depth, because we're trying to put these patio
271 homes in. We say it's not cluster homes because in our cluster development standards you can't increase
272 the density, so it almost turns into a pick and choose, what color do we want to use, what language do we
273 want to use, and that was my biggest frustration with the Ravines at Lewis Center; it was kind of a pick
274 and choose.

275
276 Mr. Ferris: I agree. Your cluster code says you can't have detached units, so that is the biggest thing right
277 there, and I think we've run into that several times in the Township. This product doesn't fit neatly into
278 either one of your codes but I think it fits more neatly in your Single Family Code.

279
280 Ms. Boni: I don't want to bash my own department, but it is mainly a code issue because as the Board is
281 aware, this is the product coming to us the last few years. We almost need something in between multi-
282 family and single family, and we don't have that, so that's been a recommendation to add a new district
283 for this type of housing development but we just don't have that yet.

284
285 Mr. Dove: And this is not falling under our 23 corridor plan, right?

286
287 Ms. Boni: No, because these are detached and we are considering these single family condos.

288
289 Mr. Pychewicz: I see the changes to the front, side and rear setback. The front and side isn't as much of a
290 concern but on the rear yard I saw you had several lots indicated at 10' and I see why it's shown that way
291 given the topography and layout there, but I think it was originally approved that they would be 35'
292 across the board. I would want that to be closer to the lots on the other property; I think it was at a 20'
293 minimum. I think that would be less heartburn on my end. I don't know if there is a way on those lots the
294 way they're positioned.

295
296 Mr. Ferris: It's a function of the unit itself because the rear yards don't function as a rear yard as you
297 would think in a single family home; there are no activities back there. This envelope we're showing is
298 for a biggest footprint with a courtyard type of thing in the center. If it was a rear yard type of product, the
299 buildings wouldn't be this long and they would by default have a bigger rear yard because they don't have

Zoning Commission

300 the courtyard in the center, but we have to build in enough flexibility that we can get all these guys to
301 potentially be participants.

302

303 Ms. Boni: Do you recall what area does have that 10' rear?

304

305 Mr. Ferris: Wherever you have lots backing up to each other, and we probably called it on the ones on the
306 open space because we calculated our open space to 10' off the rear of a unit, so is that technically a rear
307 yard? No because there's no property line there but that's kind of a default number that we put in there.

308

309 Ms. Boni: So it's more like a 10' structure separation?

310

311 Mr. Ferris: Yes, and back to back it would be 20'.

312

313 Ms. Boni: In between these residences there would be 20'?

314

315 Mr. Ferris: Correct.

316

317 Ms. Boni: And the perimeter lots would have a 20' setback?

318

319 Mr. Ferris: They'd be 10' to wherever we're calling the open space. We do call out a perimeter yard of
320 20' in some locations and that's where we get up next to a property line, so we won't be any closer than
321 20' to a boundary or property line, and that would be like those to the north. This is pretty much identical
322 to the Ravines at Lewis Center. Same side yard setbacks, front yard and we're calling them yards,
323 building separations, the backs that we have on them that were approved. I know those went around and
324 around a few times to get to those numbers as well.

325

326 Mr. Dove: So the lot, we talked about this in your original application, that's separating east and west,
327 how are we getting Road I and Road F connected because right now I think we have one entrance and exit
328 from these developments, and I'm surprised Fire would allow that.

329

330 Mr. Ferris: I think one of the biggest things that is going to happen is that Green Meadows is going to get
331 extended along the side of that property on the east side so that completes the circuit for the development
332 on the east side of that property.

333

334 Mr. Dove: That connects North Road then?

335

336 Mr. Ferris: Yes. That is a County project; they're driving that. Our obligation is to bring it and stub it into
337 that central property so they have access to a roadway system.

338

339 Ms. Boni: We have some concerns about the Green Meadows extension, and obviously you've had
340 conversations with the County, but as far as extending this fully, is this going to be all on behalf of this
341 property, do you know if the County is putting in anything?

342

343 Mr. Ferris: My understanding is that's County; they won't be putting on that property owner because that
344 property's not big enough to support that road. I think they relied on Mr. Kerbler to do the heavy lifting
345 with donation of right-of-way for Home Road, so they might give him a little break on this one. Back to
346 connectivity, the western portion we have some different options we've looked at for emergency access
347 that we've been running by the Fire Department that still need to be explored. I know that they've taken a
348 look at this as well, but that ultimate access on the northern portion needs to have a connection but that's
349 no different than the single family that was approved; it was the same situation, it was a dead end road
350 that was put up there.

Zoning Commission

351 Ms. Boni: I spoke with the Fire Department today and they will be reaching out to the applicant, but I
352 think they want to have some type of insurance that there will be some type of connectivity once this
353 property gets developed and some type of shared access.

354
355 Mr. Ferris: Mr. Kerbler and I met with the Fire Department. We're stubbing Road I and F, so we
356 anticipated those being connected once the Chakeroff property in the middle gets developed, having that
357 connection going through, so beyond Green Meadows you'd have that connection which would link the 2
358 subdivisions.

359
360 Mr. Dove: I don't know what the Fire's going to want in the meantime.

361
362 Mr. Ferris: Sometimes they might limit how many units can be placed in there before the emergency
363 access is put in, things of that nature, and that comes in with our phasing plans and how that's done.

364
365 Mr. Dove: Is there any divergence that is not being requested on this application?

366
367 Mr. Wecker: We still plan single family detached homes. All the permitted, conditional and prohibited
368 uses are going to remain the same. In terms of the streetscape, there's going to be greater density but what
369 people are going to see are detached houses and garages are going to be limited to 2 car garages, so that
370 will change. The density is going to change, but that's our divergences for right now.

371
372 Mr. Dove: For the Ravines at Lewis, we didn't have blanket divergences. They moved some properties
373 around so we didn't just have blanket 10' rear yards and 10' side yards; we had some of those properties
374 that were at least spaced out somewhat.

375
376 Ms. Boni: I'd have to go back through my notes; I'm not exactly sure.

377
378 Mr. Ferris: We established the parameters for the building separations identical; that's what we used to set
379 this up, so they are the same.

380
381 Ms. Boni: The Ravines at Lewis Center, a good chunk of those lots had a significant rear yard just
382 because of the ravines.

383
384 Mr. Ferris: Which we do too.

385
386 Mr. Pychewicz: The setbacks you discussed are restrictions to the building but the likelihood of the
387 footprint of that building being that entire associated lot is going to be unlikely. So whether that building
388 is sitting forward or back on that part of the white in this map we're looking at now is really where the
389 building could potentially go but it's not necessarily an exact footprint of that. If you guys are saying
390 we're calling out a 10' or 20' building separation, it more than likely would be more than that, correct?

391
392 Mr. Ferris: That's a fair statement.

393
394 Mr. Dove: If Epcon could put the same model home throughout the development, then they're all going to
395 be the same. I'm guessing that triangle house on the west side isn't going to be triangular in shape.

396
397 Mr. Ferris: No.

398 Mr. Pychewicz: I know these all kind of vary, but what is the general size here because you mention a
399 minimum of around 1,200 or 1,400 square foot. I imagine a lot of these lots are well over that.

400
401 Mr. Ferris: The basic building pad is 42' x 90', so that would accommodate the largest ever footprint.

Zoning Commission

402
403 Mr. Pychewicz: That's just under 3,800, so if you're seeing a lot of these structures around 1,400 to over
404 2,600, it's not going to take up that whole footprint.

405
406 Mr. Ferris: No.

407
408 Mr. Pychewicz: Maybe it would be helpful if the size shown isn't necessarily what most of the condo
409 building footprint sizes are going to be. The buildings can sit on those locations, but if there was a way to
410 shift that building, not so it's reducing the footprint but if you're not going to use that entire thing maybe
411 it's allowing for a little bit larger rear setback in those areas where it's being requested as 10'.

412
413 Mr. Ferris: To do that we could have a build to line in the front where the fronts are what are held
414 consistent so the rear yard varies.

415
416 Ms. Boni: I also was thinking for interior lots to have a structure separation requirement, a minimum of
417 that too. Is that something the Board and applicant would be willing to work with?

418
419 Mr. Ferris: It's according to how big it is. What are you thinking?

420
421 Ms. Boni: Adam, do you have a magic number in mind?

422
423 Mr. Pychewicz: I don't. To me, when we get into this density, these structures are so up on top of each
424 other. I get that's what the market is driving, people that are buying these don't necessarily mind being
425 able to almost reach the structure right next to them but for me, when I'm looking at them, I like a little
426 more separation but I don't know if that's the consensus of the entire Board.

427
428 Mr. Dove: I feel the same way. I was dead set against the Ravines at Lewis Center and I think they were
429 using a lot of the adjacent properties catty-corner to get their density up is what they pushed. And like I
430 said, part of it I blame on our Code because we do have these developments obviously; it is a product that
431 is very hot right now, but the density is just amazing.

432
433 Ms. Boni: For my comments to the applicant after this meeting, I will ask them to consider staying closer
434 to the Code far as development standards go and the rear yard setback. It seems like the rear yard is a
435 concern out of all development standards?

436
437 Mr. Pychewicz: For me, and in your text you called out I believe less than 10 lots that you are requesting.
438 I think it said specifically for the east lots we are requesting to be under 10'. It wasn't a large portion of
439 this, but if those can be met with the other rear yard at 20', I think that would go a long way. As far as the
440 side yard, what was previously approved was 12-1/2, and these are 12. That's not to me ideal but I
441 wouldn't say that's something that's going to hold up me saying that this is a no go for sure. It's mainly
442 the rear yard is the only concern I have.

443
444 Mr. Dove: Are they only 12, Todd?

445
446 Mr. Ferris: Yes, there's a 12' separation.

447
448 Mr. Dove: Separation, not side yard setback. So our Code is 25' separation, and they're proposing 12'.

449
450 Mr. Pychewicz: But wasn't 12-1/2' previously approved?

451
452 Ms. Boni: We have 12' setbacks in many of our condo communities.

Zoning Commission

453
454 Mr. Pychewicz: I was just saying from what was previously approved for this area was 12-1/2', so to go
455 to 12' isn't that big of a deal.

456
457 Ms. Boni: The original proposal was 12-1/2' setback from the property line, so when you put the 2
458 homes together side by side, it would equal the 25' minimum.

459
460 Mr. Dove: It was our traditional single family home development.

461
462 Mr. Pychewicz: But this would be 24' is what's being requested.

463
464 Ms. Boni: No, 12'.

465
466 Mr. Dove: 12' building to building.

467
468 Ms. Boni: It's significantly less than they originally had but again, that's a common separation for these
469 types of developments. I provided a Staff Report and shared it with both the applicant and Zoning
470 Commission. I think we've addressed most of my concerns already, so I will put together a formal memo
471 after tonight's meeting to make sure we have hit everyone's comments including what was added tonight.
472 If the Commission has any more questions or concerns on this, I'd like to continue that; otherwise, there
473 are several residents on the meeting virtually that may have some comments to share.

474
475 Mr. Pychewicz: Do we have any more comments from the Zoning Board?

476
477 No further comments for now from the Commission.

478
479 Ms. Boni: We don't have any comments on our YouTube channel, but we did receive a comment via our
480 Zoom chat from a resident, Bev Cardwell. She mentions: "I live in Courtyards at the Ravines and my
481 concern is the ravine property owned by Epcon. What are the plans to shield the ravine from public access
482 as we are restricted on our own side"?

483
484 Mr. Ferris: We don't actually touch that ravine. That belongs to the Epcon residents and for us to have
485 access to it unless they come out closer to Home Road to get into that. I don't know if Epcon restricts
486 your access to that by your condo documents but that could be done the same with us. I don't see this as
487 an active ravine area for trails, etc.; it's fairly significant. Beautiful to look at but I think difficult for
488 someone to get down and utilize it.

489
490 Ms. Boni: Speaking of buffering to the northern properties, I made a comment in my Staff Report, but is
491 there a reason why there is not any type of landscaping or screening along these properties?

492
493 Mr. Ferris: No. There's that field next to us that has existing trees but I know we can't count on that
494 forever, so I think that's a comment we need to look at, to put something in there to protect those
495 residents from what could happen to the north.

496
497 Mr. Dove: Doesn't it show on the east in the rear yard?

498
499 Ms. Boni: Yes, so I would just recommend a consistent landscape screening.

500
501 Mr. Ferris: There are trees there but taking into account that that could develop. That property has access
502 off Lewis Center, so I have a feeling someday that's going to have something in there.

Zoning Commission

503 Ms. Boni: For those on the Zoom application, if you would like to speak on this application, please state
504 your name and address prior to your comments.

505
506 Don Wenzel, 620 Lewis Center Road, could you explain again why the roads are public roads?
507

508 Mr. Ferris: They're actually private roads.

509
510 Mr. Wenzel: But you said the association wouldn't own them.

511
512 Mr. Ferris: There was a little confusion at the beginning. The association would own and maintain the
513 roadways, so they would be private.

514
515 Mr. Wenzel: And you say the County drives that?

516
517 Mr. Ferris: No, the County does not drive that. I think my comments in relation to the County were is if
518 we were to put in public streets, their requirements for the geometry for radiuses, vertical alignment, don't
519 work well with ravined areas because you can't get it to work. The plan that was originally proposed kind
520 of destroyed what's there.

521
522 Mr. Wenzel: Are their radiuses different than the requirement from the Fire Department?

523
524 Mr. Ferris: Yes. A minimum radius on County of Delaware public roads is 250' centerline radius; that is
525 huge. The fire department can turn a fire truck on a 50' radius. We don't have anything like that.

526
527 Mr. Wenzel: Even a big fire truck can?

528
529 Mr. Ferris: Yes. They turn in a cul-de-sac which is 96' side to side; that's the requirement from the
530 County.

531
532 Mr. Wenzel: And I'm in agreement with Michele; there doesn't appear to be screening on the north end of
533 the west side.

534
535 Mr. Ferris: And we will address that.

536
537 Ms. Boni: And since these are private roads, they will be maintained by the condo association, so the
538 Township or County would not have any responsibility with these.

539
540 Mr. Wenzel: And the imaginary lot sizes are considerably bigger than the square footage that you noted,
541 but as it stands, there's no setback requirement from the front from the street?

542
543 Mr. Ferris: We have a minimum 20' setback from either a street or a sidewalk which allows for you to
544 park your cars behind, in front of your garages, so that's what we have as a minimum right now for a
545 building setback.

546
547 Mr. Wenzel: Wasn't there language in there that talked about 2,000 square foot units on the east side?

548
549 Mr. Ferris: There was previously when this was zoned with the large 80' lots as a minimum size, and
550 we're asking to reduce that. I think we'll come back with a number that's greater than 1,000; that's too
551 small, so we'll put it closer to what the market has right now.

552

Zoning Commission

553 Ms. Boni: Since I know this is unique matters during this pandemic, if any of the residents or community
554 members have any comments or questions to share, please email me, call our office; we're happy to pass
555 them along to the applicant and the Board members.

556

557 Mr. Ferris: And my phone number is on the bottom of these plans. You can call me directly as well. I'm
558 more than willing to talk with you or meet with you.

559

560 Ms. Boni: I did write a Staff Report that the applicant has seen. I had several comments and I believe
561 most of them are some inconsistencies that were found throughout the text and development plan. I felt
562 more comfortable in getting those addressed and hearing the Board member's comments and concerns
563 before we make any formal recommendation, so a recommendation was not prepared for this evening. I
564 did make the applicant aware of that, so I think we can work out these technicalities prior to the next
565 meeting and then I believe the Staff would be comfortable with the Commission making a recommenda-
566 tion at the next hearing. The biggest challenge now is that we're facing the holidays.

567

568 Mr. Ferris: What's the schedule for making it in January, I'm assuming.

569

570 Ms. Boni: That would be preferred. I can't speak on behalf of all the Board but I plan on sending you my
571 final set of comments. After tonight's meeting there are a few extras that I need to add on my Staff
572 Report, so that will take me a few days to provide to you and depending on your timeframe, when do you
573 think you can provide a revised submittal?

574

575 Mr. Ferris: If you gave us at least a couple weeks after we get your comments; that's probably enough
576 time. I don't know if that means we could be looking at some time in January. Obviously you'll need to
577 review this. We'll work with your schedule on that one.

578

579 Ms. Boni: For the Zoning Commission members, to give you a timeframe, we will have another work
580 session for the 23 applications on Tuesday, January 5, so we could look at the 12th if the Board members
581 are available and I would ask for a revised submittal by the 5th so Staff and Commission members have
582 time to review that.

583

584 Mr. Ferris: When's your next hearing because I think the 5th is too soon.

585

586 Ms. Boni: On the 26th because the 19th is a Trustee meeting due to the holiday.

587

588 Mr. Ferris: Is that okay with you, Skip? I know my people would like to have the holidays.

589

590 Mr. Weiler: Obviously the sooner the better, but I understand Christmas and New Year's, so if we're
591 looking at the 26th, to me, I think that would give everyone plenty of time to get the product done, make
592 sure there aren't any questions, and make sure everybody comfortable with it.

593

594 Mr. Kerbler: I agree.

595

596 Mr. Ferris: Then when would we have to have the revisions back to you?

597

598 Ms. Boni: The 18th is a holiday for our office, so I would want them by the 19th.

599

600 Mr. Ferris: That we can definitely do.

601

602 Ms. Boni: Are the Board members available for the 26th?

603

Zoning Commission

604 Works for the Commission.

605

606 Mr. Wenzel: Are there sidewalks involved here?

607

608 Mr. Ferris: Yes.

609

610 Ms. Boni: Sidewalks will be on at least one side on every street, correct?

611

612 Mr. Ferris: Yes.

613

614 Mr. Wenzel: The setback then is from the street or from the inside of the sidewalk?

615

616 Mr. Ferris: It's either or. We want to make sure we have 20' from the curb or if it's on the side of the sidewalk, we want 20' from the sidewalk.

618

619 Ms. Boni: So if it's on the side of the sidewalk, it would have a larger front setback from the road?

620

621 Mr. Ferris: Yes.

622

MOTION TO RECESS REZONING APPLICATION #ZON-20-03

623

624
625 Mr. Dove made a motion to recess Rezoning Application #ZON-20-03, Kerbler Farms LLC/Kerbler
626 Builders, until Tuesday, January 26, 2021 at 7:00 p.m. via virtual matter; seconded by Mr. McNulty.

627

628 Vote on Motion: Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Dove-yes, Mr. Pierce-yes, Ms. Ault-yes
629 Motion carried

630

Other Business

631

632
633 Ms. Boni: Since it is the last meeting of the year, we typically approve a regularly scheduled calendar for
634 the year. Obviously meetings are subject to change but this is a good guideline for applicants to see what
635 the deadlines are and when they would be planning on being heard, so this is what I've proposed. It's
636 similar to what we've done the past few years; however, I've taken a couple out. I figure given the Route
637 23 applications, we don't need too many more regular Zoning Commission meetings because these are
638 additional dates aside from the Route 23. Instead of all of us booking every Tuesday night for 2021, I
639 figure we could limit it a little more. I would be more than willing to trim out some of these too if spring
640 break time is an issue, the summer. Right now I've limited it to one during the holiday season, so one in
641 November, one in December, and there is only one scheduled in August because I will not be here for an
642 extended period of time if the world gets better. These are all still on Tuesdays at 7:00 p.m.

643

644 Mr. Dove: I think everyone is flexible enough that if we need to add some, we can and if we have them on
645 our calendar and there's nothing to hear, we're good.

646

647 Ms. Boni: And if we don't have an application, the meeting is automatically cancelled.

648

MOTION TO APPROVE THE 2021 CALENDAR FOR THE ORANGE TOWNSHIP ZONING COMMISSION

649

650
651
652 Mr. Dove made a motion to approve the 2021 Calendar for the Orange Township Zoning Commission;
653 seconded by Mr. McNulty.

654

Zoning Commission

655 Vote on Motion: Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Dove-yes, Mr. Pierce-yes, Ms. Ault-yes
656 Motion carried

657

658 Meeting adjourned at 8:15 p.m.

659 Minutes prepared by y Cindy Davis, Zoning Secretary

660

661 On January 26, 2021, Mr. McNulty made a motion to approve the December 15, 2020 meeting minutes of
662 the Orange Township Zoning Commission for Rezoning Application #ZON-20-03, Kerbler Farms
663 LLC/Kerbler Builders, with the following corrections:

- 664 • Line 400: “12” should read “1,200”
- 665 • Line 430: “deadest” should read “dead set”
- 666 • Line 436 should read: “...as far as development standards go....”

667 Seconded by Ms. Ault

668 Vote on Motion: Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Dove-yes, Mr. Pierce-yes, Ms. Ault-yes

669 Motion carried

670