

Zoning Commission

Zoning Application #ZON-20-02

October 27, 2020

LEGAL NOTICE

Notice is hereby given that the Orange Township Zoning Commission will hold a public hearing on Tuesday, October 27, 2020 at 7:00 p.m. to consider the following application:

Zoning Application #ZON-20-02, BZ Evans The application is an amendment to the currently effective zoning development plan for +/- 125.1 acres within the Evans Farms Planned Commercial (PCD) District, approved under applications #15-0104, #ZON-16-02 and #ZON-18-05. The area being amended is located along the north side of Lewis Center Road, east of the railroad tracks and west of the Meadows at Lewis Center subdivision. The area being amended includes the following parcels: 318-210-32-001-000, 318-210-32-002-000, 318-210-32-003-000, 318-210-32-004-000, 318-213-01-002-002, 318-210-33-002-000, 318-210-33-001-000, 318-213-01-003-000, 318-213-01-004-000, 318-213-01-005-000, 318-213-02-006-000, 318-210-01-015-004, 318-210-01-015-001, 318-210-29-001-000, 318-210-01-007-000, 318-210-01-008-000, 318-210-01-004-000

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

The hearing will be held virtually using electronic means and can be accessed by the public on the internet on the Orange Township Youtube Channel here: <https://www.youtube.com/channel/UCIBwuLlPzVT0PPx3xF1M7iQ> . During the hearing the public may submit questions and comments to the Board by sending messages via the Youtube chat room.

The text and maps of the proposed amendments will be available for examination for a period of at least 10 days prior to the hearing at the Orange Township Zoning Office, 1680 East Orange Road, Lewis Center, Ohio 43035. Zoning Office hours are Monday through Friday, 8 a.m. to 4:30 p.m., except legal holidays.

Michele Boni, Development and Zoning Director is the person responsible for giving notice of the hearing by publication.

Adam Pychewicz, Chairperson
Michele Boni, Orange Township Zoning

Publish one time on or before Saturday, October 17, 2020 in the Delaware Gazette

Roll Call: Adam Pychewicz, Dennis McNulty, Christine Trebellas, Todd Dove, Barrett Ault

Township Officials Present: Michele Boni, Development and Zoning Director

Mr. Pychewicz administered the oath to those wishing to speak this evening. Anyone who intends to testify, please raise your right hand and swear that the testimony that you shall give is the truth, the whole truth and nothing but the truth and when it is your turn to testify, please state your full name, address and affirm that you have been sworn in. Anyone who intends to offer comments or testimony through the online chat room also needs to be sworn in remotely. Before your initial comment, please type your name,

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address and “I affirm” to indicate that you’ve been sworn in.

Before moving forward with the application, Ms. Boni introduced the newest Zoning Commission members, Leslie Pierce, regular member, and Rick Beer, alternate, so all appointments of the Zoning Commission have been filled. New Code Books will be provided to everyone soon, especially with the overlay district coming into play, and Ms. Boni will be filling in Leslie and Rick over the next few weeks as far as the materials we review prior to you participating in one of our regular meetings.

Mr. Dove: I know Rick a little from years past, but can I ask what their background is so I know if we’re coming from attorneys or civil engineers or what your profession is?

Mr. Pierce: My current background is in family housing contract administration work, and I have a couple of businesses in Texas and Indiana.

Was unable to get response from Mr. Beer.

Ms. Boni read the Legal Notice. We published the Legal Notice at least 10 days in advance of the meeting and we notified all the adjacent property owners. I prepared a Staff Report for the Commission addressing all the amendments the applicant is proposing. We consider them minor amendments and although we tried to address everything at once, over the years as development is occurring, we have come across a few things that I’ve worked on with Tony Eyerma to address them now to help with better interpretation of the Code and with their future plans in place, it will also help their future development move forward. Since providing the Staff Report and other materials, update d some of the exhibits, and those have been provided to the Commission. We drafted a recommendation for the Board’s consideration, but, Adam, I’d like the applicant to give a brief overview.

APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS

Tony Eyerma, Evans Farm Development Company, 1550 Lewis Center Road, Suite B, Lewis Center, Ohio 43035, and I affirm that I have been sworn in. We submitted a package in September for tonight’s hearing with one sheet that’s two paragraphs that are bullet pointed with sub-paragraphs. In 2018 we were approved for moving a number of the multi-family units in the Planned Commercial area and were originally identified in the location where the YMCA was to be sited; move them to the west and further to the east. The YMCA is still very interested in locating in Evans Farm, but their current hold up is this coronavirus that has caused them probably a two year setback according to Tony Collins who is the head of the Central Ohio YMCA. Our intentions are identified in the first five bullets of Sub-paragraph 2 of the development text, relocating some of the multi-family units to other portions. As we plan out one area, we don’t need the remaining identified, so we’re asking to move them back. The original Evans Farm PCD approval for 496 multi-family dwelling units in Orange Township were to be split along Lewis Center Road that’s shown on Exhibit D as well as around the oval which is not included in this but is still a part of our plan. Without changing the total amount of approved dwelling units, we’d like to move those to the best location we have identified at this point and that’s what the first sub-paragraph bullet point is. Exhibit D is the updated development plan. It illustrates on the far west side at the corner of North Road and Lewis Center Road 109 multi-family units that will be empty nester units, one story flats, two bedroom. We’re going through final engineering and approvals on that right now. Moving to the east, approved originally in the 2016 development plan were townhomes along the south side of Red Oak Street on both sides of Evans Farm Drive, Townhomes 1-11 included 63 townhomes and 4 live/work units, and we’re proposing Townhomes 12-15 and just this week we found that Townhome 15 is sitting on top of a major electric and sanitary easement, so we’ll consolidate Units 12-15 into three buildings instead of four, and leave the east end open for an open plaza area but there will be 20 townhomes there along with two live/work units and have Buildings 12 and 14 instead of 15. On Commercial Buildings 1

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and 2 on the east side of Evans Farm Drive, we have 52 flats, apartments above the first floor retail. I'm going through all these numbers because of the 496 approved multi-family units, approximately 250 are already assigned to these three areas between west of the tracks, the townhomes and Buildings 1 and 2 in the commercial. In the oval, which is a neighborhood type commercial area, we originally planned for between 100 and 110 multi-family units and then we always planned for about 100 senior and assisted living multi-family units on the west side of Piatt Road just south of the west lake, so that allows for approximately 50 additional multi-family units. We're asking, to Sub-paragraph Bullet Point #2 on the development text, to delete Exhibit A which identifies where these units are going to be and allows us a little flexibility for the last 50 or so units because we'd like to line the west side of Evans Farm Drive and build Commercial Buildings 3 and 4 with an additional 50 or so multi-family units to mirror image Commercial Buildings 1 and 2.

Mr. Dove: We aren't changing the total number of units though, are we?

Mr. Eyerman: No, we haven't changed at all since the approval back in 2016.

Mr. Dove: We're just moving locations?

Mr. Eyerman: Exactly.

Mr. Dove: If we get rid of Exhibit A, do we have something in there of what those total numbers are?

Ms. Boni: It's outlined in the development text. And to support Tony's proposal, I think this will avoid Tony having to come again even if a building shifts and it's somehow in a different sub-area; Staff's thought was as long as the unit count remains the same in the overall development.

Ms. Trebellas: I initially had concerns about you moving multi-family around because we had talked about the multi-family would be sort of a buffer between the commercial and single family but it seems like you're really not moving them drastically, you're just sort of nudging them over slightly from here and there, tweaking it slightly. The only thing I noticed that is different is where Area A was between North Road, Lewis Center Road and the railroad tracks, and we were talking about commercial along the railroad tracks, but is the area Short Street and above where the new North Farms has been approved?

Ms. Boni: The decision has not yet been made at the Trustee level.

Ms. Trebellas: It's under consideration?

Ms. Boni: Yes.

Ms. Trebellas: If North Farms is under consideration to be approved and that is also residential, I have no objections to having neighboring residential if people want to live by the railroad tracks, but overall, I'm not that worried about it and I actually like the idea of you mirroring Commercial Buildings 1 and 2 on the west side of Evans Farm Drive, so I don't have a problem with that either.

Mr. Dove: And we're still okay with parking counts since we have A and J as parking lots now?

Mr. Eyerman: Our parking counts are still in good shape. One of the permitted uses in the Planned Commercial area are parking decks and if needed, we are ready to move forward with a parking deck.

Ms. Trebellas: I thought we had provisions for shared parking at one time,

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Mr. Eyerman: That too. One thing that was approved originally in 2016 and amended in 2018, we have Exhibit B which is a land use matrix and on the second page of the matrix submitted under the residential, we've identified that the multi-family can be located in other areas that were originally considered prohibited uses and our intention back then and remains the same is that we're not taking the commercial area and making it first floor apartments. We're retaining the streetscape as a retail office type of marketplace, and the flats and multi-family units in the core of the retail area are still proposed for permitted on upper floors only. That's what the use is in Areas B and C identify. Certain areas where the P is there are a permitted use, but those are townhomes and those have to be in Areas C3 and C4 which are the newly introduced townhomes on the south side of the original approved townhomes. I forwarded to Michele this morning the architect's elevations of the townhomes that front onto Red Oak. The townhomes are a mix of brick and painted facades. We intended them to be a variety. Along Evans Farm Drive it's the same façade but it's all brick on both sides of Evans Farm and as it turns on to Red Oak. They tend to relate more toward the residential single family units on the north side of Red Oak, so some are painted, some are brick. The one with the cupola, which is the bottom elevation, the cupola sits at the terminus of Hickory Drive, so as you drive south on Hickory, that's your vision as you come south. It was intended to be a focal point, and we're reinforcing that with the cupola. It's an attractive white sided house that takes on a very single family residential look to it. The Townhomes 12, 13 and 14 are going to have a little bit more of a retail look even though they'll still be townhomes. We've pirated a concept that we enjoyed at Norton Commons, and they have two story retail townhome kind of looks, and we're using those with the brick and painted materials as well. It's the same floorplans, we're just changing the facades. Michele just put up Commercial Building #1, brick and siding again. We have 2 or 3 different brick materials that kind of give the Westerville, Delaware or Worthington look of individual units as they were developed over time. The fourth floor looks like a solid piece but is actually cut out as the fourth floor that has fewer number of apartments with outdoor garden spaces, so it breaks up that roof line a little bit and that's attractive space for the residents as well as keeps the architectural elevation moving and very attractive too. The top elevation is the southern elevation facing out to Lewis Center Road of Building 1. We're in the process now of working on streetscapes, colors, signs, awnings, site furnishings, pavements, very much to a pedestrian scale even though you're walking alongside a 4 story building. The window shopping and all the things I mentioned will bring this to a pedestrian scale. And I think this building has 2 restaurants in it, 1 office and a couple service areas. They're looking for a barber shop or something that ties into old retail found in a street such as this in an old community, and above what are apartments. We have a couple decks or balconies if you will and are really an attractive building with 4-sided architecture, and this building and the building to the north have 26 units in it if I'm not mistaken. But this is our intention throughout the entire commercial area; retail first floor, apartments second except where the townhomes and live/work areas are located. Bullet Point #5, we're proposing to relocate the one permitted land use in Sub-Area A, which was fueling and service, from Sub-Area A to Sub-Area B1 because the Home Road extension is coming through. Once it crosses the bridge at the railroad tracks it will come up and tie into the roundabout on the development plan which is Exhibit D. On the northwest corner of that area, we're proposing some sort of convenience store. I told someone I'd propose it as an ice cream store with gas pumps out front and it's not hard to guess who has ice cream with gas pumps, but they're interested in locating here and it's a pretty logical place to put it. It's not exactly on the main track; Lewis Center Road will tie into Big Walnut which is the Big Walnut Interchange at 71 which will come across to the roundabout then swing south to Home Road and tie into 23, so whether it's that corner or the parcel next to it, it's a pretty important corner with high visibility. Eventually it will become a very high traffic area. The roundabout is located at the corner of B1 and C2 and Street C South is actually Piatt Road.

Mr. Dove: So you're wanting a fuel station in the B section?

Mr. Eyerman: B1, right along that frontage along Lewis Center Road and what we're looking at is probably not the corner but to the left of that off that access off of Lewis Center Road.

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201 Mr. Dove: The roundabout, that's not the existing roundabout?
202 Mr. Eyerman: No, there's a new roundabout that the County will bring in when they bring the Home
203 Road extension to Lewis Center Road, and I think that's scheduled for 2023. The roundabout east/west to
204 service Lewis Center Road, south will be Home Road and north will be Piatt.
205
206 Mr. Dove: The break between A and B is the railroad tracks?
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208 Mr. Eyerman: Yes.
209
210 Mr. Dove: We're across from the existing Lewis Center uptown?
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212 Mr. Eyerman: That's B2.
213
214 Mr. Dove: So just past that.
215
216 Mr. Eyerman: Yes.
217
218 Mr. Dove: In front of some residential?
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220 Mr. Eyerman: Yes.
221
222 Mr. Dove: My only concern on this whole thing so far, and I don't know what was agreed upon for square
223 footage, 15,000 square feet for a convenience store is awfully large.
224
225 Mr. Eyerman: It was a typographical error and the error moved the comma one spot over, but in working
226 with one convenience store in particular, they think they would be able to fit in in 8,500 square feet.
227
228 Mr. Dove: A Turkey Hill is about 3,500, the Friendship Food Store on 23 is about 5,000; those are big.
229 We did a small concept Kroger at 12,000 and that's a grocery store.
230
231 Ms. Trebellas: I also have concerns with the 15,000. When I first read that I thought were you including
232 the fuel canopy and the outdoor space. That 15,000, especially across from Old Lewis Center which is
233 very small houses and shops, is going to overpower them.
234
235 Mr. Eyerman: Could we take that down to 7,000 or 7,500 square feet; those were the numbers they were
236 giving us that they could live with. Also, I was intentionally pulling it back off Lewis Center Road, just to
237 bring the ice cream part of it more to the walkability of the community.
238
239 Ms. Boni: Todd, you mentioned 8,500 before.
240
241 Mr. Eyerman: They threw a couple numbers out and I always start high. If we can come to something
242 that's agreeable in that range, that would be more than acceptable to us.
243
244 Mr. Dove: I don't know what the magic number is; I just know that 15,000 is awfully large.
245
246 Ms. Trebellas: Todd or Michele, do you remember what was the last convenience store that we approved
247 off of Powell Road, and that was in the middle of a commercial area.
248
249 Ms. Boni: Turkey Hill.
250
251 Mr. Dove: They're usually around 3,500.

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252 Mr. Pychewicz: But that also had a couple restaurant aspects to it but I think that was closer to that 5,000-
253 6,000 square foot range.

254

255 Ms. Trebellas: Yes, it had a Popeye's but that was still less than the 15,000, drastically less.

256

257 Ms. Boni: I think its Tony's point that the original text said it was 15,000, but that was a typo; the comma
258 was shifted so that's how we came to 15,000, but if the applicant and Commission agree to lowering it.

259

260 Mr. Eyerman: A 40 x 40 gas station/convenience store is not very large, so it was my mistake but it
261 wasn't intended as a bait and switch either, so if something of the size of the Friendship Food Store on 23.

262

263 Mr. Dove: I know they average around 5,000 square feet as kind of their largest; I don't know what the
264 one is on 23. That looks pretty big to me for 23; I don't know what it's going to look like along Lewis
265 Center.

266

267 Mr. Pychewicz: Were there discussions that 15,000 was mentioned in previous meetings and then it just
268 in the text it was incorrectly input or was this just in the text

269

270 Mr. Eyerman: There were a lot of discussions on everything but when it came to convenience store square
271 footage, I don't recall any conversations at all. It was just my mistake.

272

273 Mr. Pychewicz: If the Board disagrees, let me know, but what I would recommend, if we were to do half
274 of that or 7,500 square feet, I think everybody would be a lot more comfortable with that number. That
275 still allows for a typical convenience store and a rather large ice cream portion or restaurant aspect to it.

276

277 Mr. Pierce: What is the average size of a convenience store, about 5,000, and a Turkey Hill is what size?

278

279 Mr. Dove: About 3,500.

280

281 Mr. Pychewicz: We do convenience stores and they're generally around 5,000 square feet but they
282 usually have something additional to them, whether it's a Dunkin' Donuts or something, and they go up
283 to 6-7,000 square feet; that's the largest we've done. That puts that in the same ballpark if we were at
284 7,500, just a little bit over. I don't think 5,000 is anything outrageous; that's pretty common for a lot of
285 convenience stores.

286

287 Ms. Trebellas: My issue is with the larger size. The larger size may be fine on 23 or Polaris Parkway, and
288 I know Lewis Center Road is going to be widened and going to be a major thoroughfare, but when you
289 look at it now and you look at what's across the street, which is Old Lewis Center, I'm afraid that that
290 size of a convenience store is going to overpower that small retail area across the street. One of our
291 concerns when we were zoning this in the first place is that we have a historic Lewis Center and there are
292 still some buildings there that I really don't want to harm and overpower, so, I would prefer to err on the
293 small side and then if they come back and say they can't do it, we can discuss it again if you actually have
294 an applicant.

295

296 Ms. Ault: I would agree to err on the smaller size just for the sake of it being residential and the historical
297 part of Lewis Center as well.

298

299 Mr. Eyerman: I was just looking up the zoning text, and the eating and drinking places in Exhibit B of the
300 approved text allows for a 5,000 square foot structure.

301

302 Mr. Dove: I'd be happy with that.

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303 Ms. Trebellas: I'd be happy with 5,000 as the cap.

304

305 Ms. Ault: I concur.

306

307 Mr. Eyerman: The last three bullet points, 6, 7 and 8, were intended more as an update and we've talked
308 about Exhibit D and the updated development plan. Other than the utility and the impact on Townhome
309 15 and just shifting that around, this is about as accurate as we can be at this point. Market Street and the
310 open space in the center, it's a tip of the hat to Hyde Park in Cincinnati which has a park in the center of
311 their Market Street. It's large enough to be used as a park and it has monuments, seating and a fountain in
312 it, and our intention is to landscape it and treat it similarly. The commercial area is as good a design as
313 early on. The market area east of the tracks has pretty much held to form as what was approved by the
314 Township. We're still having conversations with a number of users, and this is just a preliminary
315 estimating and scheduling, but as soon as Buildings 1 and 2 are completed, our intentions are to roll
316 across to Buildings 3 and 4. So if it's 2022 that Commercial Buildings 1 and 2 will be finished, there's a
317 reasonable projection that Buildings 3 and 4 will be finished in 2023. The extension of Market Street to
318 the west is simply market driven at that point. Bullet point 7, you don't have anything on that, but it's in
319 direct relation to Section 14.07 n) which is the tract coverage for the overall site. The way it was approved
320 and we still agree that we would comply with the 45% coverage and the 75% overall coverage of
321 hardscape and buildings and the 125 acre commercial area, and we are working with Michele and her
322 staff on a spreadsheet so we can keep tabs on staying within that 45% and 75% standard agreed to
323 through the entire Planned Commercial District in Orange Township. We just want to make sure we live
324 up to our agreement and the Township has a way of keeping track of that with us. Bullet point 8 basically
325 goes right back to particularly Sub-paragraph 1. We're not asking for any change in density, we're not
326 asking for any change in area. What we agreed to in the overall PCD in density and maximum dwelling
327 units we remain committed to, and we're not asking any other changes to that.

328

329 Mr. Pychewicz: Going back to the first bullet point for the 496 dwelling units, I want to make sure I heard
330 these numbers right. On the commercial buildings where you have units above retail, I think you said they
331 were the Commercial 1 and 2 and those townhomes off the area off Evans Farm Drive plus all the units
332 over by the railroad made up about 150 of those units of the 496?

333

334 Mr. Eyerman: Actually it's about 250.

335

336 Mr. Pychewicz: And you're asking for flexibility on about 50 units?

337

338 Mr. Eyerman: Yes. What we're looking at is mirroring Commercial Buildings 1 and 2 with flats above
339 along both sides of Evans Farm Drive, and that's about 50 units and that's what we're proposing to move
340 over to Commercial Buildings 3 and 4.

341

342 Mr. Pychewicz: So the remaining 196 units were planned elsewhere and were to remain still?

343

344 Mr. Eyerman: The original plan approved in 2016 showed an area just south of the west lake which on
345 Exhibit D is labeled the basin. Just south of that we had initially planned on senior and assisted living
346 housing and that was approximately 100 units. Then the oval was originally approved for about 100 or
347 110 units as well, so the balance of what's not on the plan right now is what we have to total 496.

348

349 Mr. Pychewicz: On the application you mentioned you wanted to do a RIRO (right in/right out) and do a
350 full access.

351

352 Mr. Eyerman: That was proposed. The access that's shown on the development plan and the sub-area plan
353 was originally shown as a right-in/right-out and while we understand we have to work with the County

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Engineer on that, we wanted to make sure that we weren't misrepresenting ourselves that originally it was a right-in/right-out. We wanted to make it clear that we're proposing a full service that will align with one of the public roads across the street in Old Lewis Center and if the County Engineer will allow it, we would have to put a left turn in on the eastbound side simply to keep the cars from stacking across the railroad tracks.

Mr. Pychewicz: Is that shown on Exhibit D?

Mr. Eyerman: It's called a pork chop, the island in the right-in/right-out, and the pork chop has been removed on that and it's also not shown on the sub-area plan that we submitted as well.

Mr. Pychewicz: But we're not talking about the access that's on the east on this plan, Future Building M, correct? That's not the RIRO you're talking about making full access.

Mr. Eyerman: The RIRO is west of the roundabout.

Mr. Pychewicz: I saw Regional Planning didn't see the need to review this but I think being so close to that roundabout, there may be some kind of safety concern but it's going to have to go through Delaware for that.

Mr. Eyerman: The County Engineer, if he allows it, will cause us to do a right lane in on the westbound side and a left turn lane, so we'll have to widen that portion of Lewis Center Road to the north, one lane to allow for that left and right in if we're permitted from the County Engineer to remove that right-in/right-out.

Ms. Trebellas: I have concerns about having a full access right by the traffic circle but I will trust that the County Engineers know what they're supposed to do and figure that out, so I will rely on them.

Ms. Boni: I did draft a recommendation for this evening and as everyone was discussing the square footage of the convenience store, I did add a stipulation that the convenience store shall be no more than 5,000 square feet of gross floor area. If the applicant can accept that stipulation, I think we're ready to move forward with the recommendation.

Mr. Pychewicz: Michele, did we have any comments from the online chat room?

Ms. Boni: We did not receive any comments on the YouTube chat.

MOTION TO RECOMMEND APPROVAL OF ZONING APPLICATION #ZON-20-02 REGARDING EVANS FARM PC, WITH STIPULATIONS.

MOVED by Todd Dove to recommend to the Board of Township Trustees the approval of Zoning Application #ZON-20-02 of BZ Evans, requesting the amendment of the currently effective development plan for Evans Farm Planned Commercial and Office District (applications #15-0104, ZON-16-02 and ZON-18-05),

FURTHER MOVED, that this recommendation is for amendment in accordance with the changes to the Development Text and Exhibits "A", "B", "C" and "D" reflected in the revised versions of that text and exhibits, all submitted by the applicant in a hard copy binder, the pages of which are stamped RECEIVED with ORANGE TWP. ZONING above and SEPT 25 2020 superimposed over RECEIVED by Orange Township Zoning, in addition to a revised Exhibit "B" stamped RECEIVED with ORANGE TWP. ZONING above and OCT 14 2020 superimposed over RECEIVED by Orange Township Zoning, as

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modified by those stipulations listed for correction/modification in the *Statement of Stipulations* attached hereto as *Attachment "A"* and incorporated herein by reference, all of which stipulations have been agreed to by the applicant.

FURTHER MOVED that all portions of the previously approved application and Development Plan of Application #15-0104, as modified by Applications #ZON-16-02 and ZON-18-05, that are not changed herein shall continue in full force and effect.

Ms. Boni: Just to modify the recommendation, I made an error. The date that we received the text is September 25, 2020. I just wanted to make note for the record that I had to change that in the recommendation.

Seconded by: Ms. Trebellas

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

Motion carried

Attachment "A"

Statement of Stipulations

Re: Zoning Application #ZON-20-02 of BZ Evans and requesting the amendment of Application #15-0104, as modified by Applications #ZON-16-02 and ZON-18-05

NOTE: All of the following items are to be addressed prior to the Trustees' consideration of this zoning application.

1. Modify Section 14.03(6)(d) to read as "*A convenience store is permitted and shall be limited to no more than 5,000 square feet of gross floor area.*"

APPROVAL OF MEETING MINUTES

Mr. Pychewicz made a motion to approve the minutes of the Orange Township Zoning Commission dated August 25, 2020 for the Route 23 Corridor District ((RCOD) as written; seconded by Mr. McNulty.

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

Mr. Pychewicz made a motion to approve the minutes of the Orange Township Zoning Commission dated September 1, 2020 for Zoning Application #ZON-20-01, North Farms Development, LLC, with the following corrections:

- Line 17: "t" should read "that"
- Lines 34 and 58: "overlay" should read "overview"
- Line 217: "ion" should read "on"

Seconded by Mr. McNulty

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

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Mr. Pychewicz made a motion to approve the minutes of the Orange Township Zoning Commission dated September 15, 2020, Organizational Meeting, as written; seconded by Mr. McNulty.

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

Motion carried

OTHER BUSINESS

Ms. Boni: The Trustees approved the US 23 Overlay District at their October 5th hearing and it will become effective on November 5th. We anticipate several applications in the beginning, so we wanted to line up our calendar as soon as possible for the first round of submittals. I talked to you at our organizational meeting on September 15th making sure Tuesday evenings were okay with the Board, so I have that outlined under the work session, so it would be once a month and depending on the amount of cases, we can add additional hearings if needed. They are proposed to be the first Tuesday of every month.

Mr. Dove: Are we changing the schedule then of our regularly scheduled meetings?

Ms. Boni: We do the first and third Tuesdays of the month, so we will have to adjust it for 2021.

Mr. Dove: What happens if we don't have a quorum for this meeting?

Ms. Boni: It would move forward to the Trustees.

Mr. Dove: But we now have 2 alternates as well?

Ms. Boni: Yes. The first meeting is December 8th and we have a regular Zoning Commission meeting on December 1. I should be getting a new application soon. So moving forward in 2021, it would be the first Tuesday of the month just to work with the timing of it, but I'll have to address that and I plan on providing a new regular calendar to you at our next meeting.

Mr. Dove: What is the meeting we have on the first?

Ms. Boni: I haven't announced it yet; I'm expecting a new application in the next few days.

Ms. Trebellas: So we'll have 2 calendars, the standard Zoning Commission meeting calendar which will be the third Tuesday and the first Tuesday will be the Route 23 overlay?

Ms. Boni: Typically on our regular Zoning Commission calendar we have 2 meetings a month. I don't know if we still want to do that because I thought it would be better if these work sessions were separate from our hearing dates. I anticipate the majority of our applications will be within this overlay but I did want to have 2 separate ones because it would be too much to work for; its 2 separate types of review.

Ms. Trebellas: I just wanted clarification because the more calendars I have, the more confusing things get.

Ms. Boni: For the Commission's sake, I can put one master calendar together. I just have to have 2 separate ones because of the applications, but it would probably be the first, second or third Tuesday of the month.

Mr. Dove: And we're still trying not to double up?

Zoning Commission

507 Ms. Boni: I think it's going to be impossible to not double up for the work session; I'm expecting 4 or 5
508 applications in the first submittal, so I'm thinking of giving them similar to the informal meeting, just
509 giving them 30 minute intervals for everybody's time sake.

510
511 Ms. Trebellas: I have concerns about doubling up if they're complex. If they're simple, I have no
512 problem, but you all will have reviewed them ahead of time. I'm afraid if we double up and they're
513 complex, it's going to make for a very long evening.

514
515 Ms. Boni: The way the 23 overlay text is written, it will be 1 work session 2 weeks from the submittal, so
516 if I get 5 on November 24th, then 5 will be discussed on December 8th, unless I can work with the
517 applicant. This is not going to be an issue after the first few months. The way the Trustees ended up
518 finalizing the text; it's a lot of first come, first served.

519
520 Ms. Trebellas: Then I would suggest like you said that we think about time limits to give us a brief
521 presentation just to make sure we're not there for 5 hours.

522
523 Mr. Dove: What we need to do is our homework and come with our questions or concerns, to get them in
524 a document that goes to the Trustees. That's why we fought for this work session meeting.

525
526 Mr. Pychewicz: Todd, I agree with you. The actual work session is just the Zoning Board, correct? The
527 applicant's not going to be present for that meeting.

528
529 Ms. Boni: They can be.

530
531 Mr. Pychewicz: But they don't have to be?

532
533 Ms. Boni: No, they don't have to be and it's going to be a public meeting no matter what, so if the
534 applicant chooses to show up, they can.

535
536 Mr. Pychewicz: Obviously they have to be there for the Trustee meeting but for our sake, we'll just have
537 to see how this goes. I agree that if we're getting that many applicants up front, we don't want to let this
538 turn into a 3 hour meeting and maybe not even get to everybody.

539
540 Mr. Dove: The bigger question is what are we going to do when the public shows up when the multi-
541 family is going next to their Epcon house? How are we going to deal with them?

542
543 Ms. Boni: The public notifications would only be for the Trustee hearings.

544
545 Mr. McNulty: It seems to me that Todd is right; we have to do our homework because the most we can do
546 with these is add comments, so we've got to understand all these before the meeting because there won't
547 be a presentation.

548
549 Ms. Trebellas: I agree homework is imperative, so do we have a week before the meeting to review the
550 information?

551
552 Ms. Boni: I will get it 2 weeks in advance, and I will do my absolute best to get it to you by the end of
553 the day on the 24th or 25th.

554
555 Mr. Pychewicz: Michele, you're always going to try and give us as close to 2 weeks as possible for our
556 Zoning work session so we can do our homework and get everything squared away so we're prepared for
557 the work session meeting?

Zoning Commission

Ms. Boni: Yes, and at least for the first 3 months of these I did sign a contract with the Planning Consultant to help us get through these, so she was the one who put the text together and hopefully she'll be attending these work sessions and helping us review these applications.

Ms. Tebellas: After our work session, who is typing up the comments so that is something we can forward any concerns that we have.

Ms. Boni: I will be working with Holly Mattei on typing up the comments and after reading the minutes, Adam suggested doing a similar format as what Regional Planning does. I think I'll go that approach and see how you all like it and then we'll go from there.

Ms. Trebellas: When we do our homework, we can just do bullet points and forward them on to you?

Ms. Boni: Yes. The Trustees will be approving this at their next meeting on Monday but I wanted to show the Commission this because I wanted the Board to be aware of the dates and as long as we have 3 members, we can move forward with the work session. We will be doing all the legal notices up front for this calendar, so this will go into the newspaper as soon as it's approved. As long as there are applications, we don't need to do any new notifications except if a meeting gets cancelled but we will notify the residents when it gets to the Trustee meeting. The only date I changed on the calendar is November 3rd because of the elections.

Mr. Dove: And you'll have your staff report as well?

Ms. Boni: Yes.

Mr. Dove: And that will be part of the package that goes to the Trustees?

Ms. Boni: Yes. I'm not going to be able to give you the Staff Report the day of the application but you will have it. If we want to take action on this, that's fine, it's not necessary, but I wanted to make sure I had a consensus to move forward with this to the Trustees on Monday.

Mr. Dove: If we don't have a quorum, can we still send you comments and they still get sent to the Trustees?

Ms. Boni: I don't oppose that; I'm fine with that.

Mr. Dove: We made that comment when we went through this, why do we have to have a quorum if it's an informal meeting and now we're calling it a work session.

Ms. Boni: If you have more than 3 members show up, it has to be in a public forum when you're discussing an application. If there wasn't a quorum, I think we can still talk amongst each other and then it would just turn into an informal meeting. I would have to notify on the record that we did not reach a quorum, so I would essentially turn off the public forum part but we can still have a discussion. I ask for everyone's patience; this is very new, we're the first ones in the County doing this, so it's going to be a learning experience.

Mr. McNulty After the public realizes we don't have any power in this, they're not going to be showing up at our meetings; they're going to be going to the Trustee meetings.

Mr. Pychewicz: Let's hope the Trustees take our comments into consideration.

Zoning Commission

609 Meeting adjourned at 8:30 p.m.

610 Minutes prepared by Cindy Davis, Zoning Secretary

611

612 On January 26, 2021, Mr. McNulty made a motion to approve the October 27, 2020 meeting minutes of
613 the Orange Township Zoning Commission for Zoning Application #ZON-20-02, BZ Evans, with the
614 following corrections:

615

- 616 • Change Ms. Boni's title to Development and Zoning Director
- 617 • Line 143 should read: "...since we have A and J as parking lots...."
- 618 • Line 541: "ae" should read "are"
- 619 • Line 545: "Matteis" should read "Mattei"

620

621 Seconded by Ms. Ault

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

623 Motion carried

624