

**ZONING COMMISSION JOURNAL OF ACTIONS
FROM MEETING HELD JUNE 13, 2023
ORANGE TOWNSHIP - DELAWARE COUNTY**

The electronic recordings of this meeting serve as the official meeting minutes.
A full and accurate account of this meeting's audio and video can be found at www.orangetwp.org

Dennis McNulty called the meeting to order.

ROLL CALL: Dennis McNulty, Chair – Present
Christine Trebellas, Vice-Chair – Present
Les Pierce – Present
Pamela Foster - Present
Rick Beer – Present

ALSO PRESENT: Robin Duffee, Development and Zoning Director
Andrew Koenig, Zoning Inspector

NEW BUSINESS

Zoning Amendment Application #ZON-23-02, DoG Distilling Company, Requesting to rezone from Planned Commercial and Office (PC) District to a new Planned Commercial and Office (PC) District to allow for the operation of a distillery for spirituous liquor, tasting room, and bar on a 3.282 +/- acres parcel. The subject property is currently owned by School House Property LLC and is located at 3773 E. Powell Rd., Lewis Center, Ohio 43035 with parcel number 318-441-02-005-000.

Mr. Duffee presents the Staff Report:

- Requesting a total of five (5) divergences:
 - Section 14.06 (e) – Requesting a divergence from the plat requirements since the applicant is not proposing to split the current parcel or record any major easements for access/utilities;
 - Section 21.01 (e) – Requesting a divergence for parking as the business does not fit into the listed categories under the minimum parking space requirements;
 - Section 21.10 – Requesting a divergence for setbacks as the width of the property is less than the combined setbacks from each side;
 - Section 21.12 (e) – Requesting a divergence to allow for a lighting fixture at the peak of the production building (approximately 25'-0" to 28'-0" in height) and for lighting the sign proposed on the production building; and
 - Section 22.03 (c) – Requesting a divergence to allow for the wall sign to be located on the production building to exceed the maximum allow height of 15'-0".
- Zoning Staff Comments:
 - Provide colored dumpster enclosure elevations and details.
 - Provide a Lighting Plan.
 - Divergences for sign height and lighting height should reference specific numbers, and not approximations.

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- The Orange Township Fire Department:
 - At time of writing, the Orange Township Fire Department has not reviewed or commented on this application.
- The Delaware County Regional Planning Commission had the following comments:
 - The Regional Planning Commission heard this application at their May 25th, 2022 hearing date. They issued their recommendation of conditional approval subject to the following conditions:
 - Lights must be cut-off type and no light trespasses onto neighboring properties is permitted;
 - An Open Space plan clearly delineating open space areas must be submitted and update this acreage and percentage under the Site Data table on the Development Plan if necessary;
 - Ensure site acreage is accurate and consistent on all plan sheets and in the Development Text. Update Site Data table numbers if acreage changes; and
 - A lighting plan must be submitted.

The applicants, Lauri Webb and Wesley Stark provide a brief presentation about the project. Ms. Webb says she wants to benefit the community with this project. They want to bring tourists in and neighbors together. She says it will bring jobs. She acknowledges that there are lot limitations. Ms. Webb said the location was chose for proximity to the Galaxy development. Mr. Stark says they wish to preserve the history while adding a little bit to make the business workable. He says he is willing to hear the neighbors' concerns.

Board Comments:

Mr. McNulty:

- Asks what the business is
 - Ms. Webb says they will make whiskey, vodka, and more. They will sell merchandise. All of the production will happen in the new building. Phase one will be minimal food. Phase two will be a larger seating area, more food accommodation, and more seating.
- Questions how many parking spaces can be put in
 - Ms. Webb says 31 at this point, and maybe more if they get more funding and work with builders.
- Asks how many staff will work there
 - Ms. Webb says only the four owners will work there at first. They will only be open and work on weekends, Thursday to Sunday. If the business does well, they will expand jobs and hours.

Mr. Pierce:

- Asks if the applicants are involved in the industry
 - Ms. Webb says they are new to the industry
- Questions about production waste
 - Ms. Webb says she hopes to recycle it all by working out deals with local farmers and throw away as little as possible

Ms. Trebellas:

- Asks if they have a civil engineer.
 - Ms. Webb says they do
- States there are lots of civil considerations that could take awhile, possibly setting their build date back

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- Has concerns about the high lights on the building.
 - Ms. Webb says it is to help delivery trucks when dark
 - Mr. Stark says they are for aesthetics
- States the architect will need to work on the details of the lights and signs. They do not offer blanket divergences.
 - Ms. Webb says the details will be nailed down and Orange Township's wishes will be met
- Questions about dumpster location and issues with animals due to the location.
 - Ms. Webb says they will account for the issue as well as possible. They do not want it to negatively affect the neighbors or wildlife
- Has no issue with setback divergences. She does not feel comfortable with open ended divergences for lighting or signage without specific details.
 - Mr. Duffee clarifies the options for approval

Mr. Beer:

- Wants to know construction start date
 - Ms. Webb says they will contract it after they get funding. They cannot get bank funding until they own the land. The land sale is waiting on zoning approval. She says October is the earliest possible construction start
- Asks about signage
 - Ms. Webb says the sign will go on the garage as marked on the application

Public Comment:

Heidi Haupt 3750 E Powell Rd.

- Is concerned about lighting
- Questions what the grain/mash smells like when you cook it
 - Ms. Webb says they will have ventilation
 - Mr. Stark says it smells like porridge. He says it won't smell as bad as cooking beer.

Sarah Gibson 3734 Powell Rd.

- Has concerns about waste and smell
 - Ms. Webb says it is a very small scale operation and the impact should not be too bad
- Concerned about water use and waste
 - Ms. Webb says there is no water waste. It is all either turned into product or evaporated
- Asks about parking if the lot gets full
 - Mr. Stark says the Galaxy development could be overflow parking
- Concerned about a fungi
 - Ms. Webb says this only happens in large scale distilling like in large distilleries in Kentucky

Vincent Chu 3481 Foxcroft Dr.

- Has concerns about traffic
 - Mr. Stark says the traffic will pale in comparison to the Galaxy development
- States the entrance on the bend is dangerous with the speed
 - Ms. Webb says she wants to work with the Galaxy development to make the entrance and traffic safe
 - Mr. Beer says the site is limited
 - Ms. Trebellas says the county will dictate most traffic considerations
- Questions if there is beer or wine
 - Ms. Webb says only liquor.

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- Ms. Webb further states they do not expect there to be very much traffic. She says it is not a crazy bar, a place for tasting
 - Concerned about trash access
 - Ms. Webb says there is already a dumpster there and it will be feasible
 - Worried about the midnight closing
 - Ms. Webb says it will not be crazy. A place for people to gather and taste
- Dallas Cooper 3745 E. Powell Rd.
- Is not thrilled with the idea, asks the developers if they would want that next to their house
 - Ms. Webb says it will be done well on a small scale
 - Mr. Stark says the alternative is a gas station and it is not as bad. They will do anything to alleviate concerns
 - Asks how people on the premises will be regulated
 - Ms. Webb says it will be highly regulated.
 - Mr. Stark says they ideally want people to buy a bottle and leave.

RESOLUTION TO RECOMMEND APPROVAL OF ZONING APPLICATION #ZON-23-02 OF DoG DISTILLERY, WITH MODIFICATIONS

Motion by Mr. McNulty to recommend to the Board of Township Trustees (the “Board) the **APPROVAL WITH MODIFICATIONS** of Zoning Application #ZON-23-02, DoG Distillery, the pages of which are each stamped received with ORANGE TWP. ZONING on 6.07.23, requesting the rezoning of 3.282 +/- acres from Planned Commercial and Office District (“PCD”) to Planned Commercial & Office District (“PCD”), including the requested divergences, upon finding that it is in the interest of the public convenience, comfort, prosperity, or general welfare, or sufficiently in accordance with the comprehensive plan, and including additional modifications listed below:

1. Zoning Commission recommends that applicant remove their request for divergences from Sections 21.12 (c) and 22.03(c) for site lighting and signage.

Motion seconded by Mr. Beer.

VOTE: McNulty - Yes, Trebellas - Yes, Pierce - No, Foster - Yes, Beer – Yes

MOTION TO APPROVE THREE SETS OF MEETING MINUTES: DECEMBER 12, 2022 MINUTES (Special Meeting); FEBRUARY 21, 2023 MINUTES (RCOD-23-01 79 Parkway Dr) and MARCH 28, 2023 MINUTES (ZON-23-01 Beehive Assisted Living)

Motion by McNulty

Second by Foster

VOTE: McNulty - Yes, Trebellas - Yes, Pierce - Yes, Foster - Yes, Beer – Yes

Meeting adjourned.