

**ZONING COMMISSION JOURNAL OF ACTIONS
FROM MEETING HELD SEPTEMBER 12, 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 – Absent
Les Pierce – Present
Pamela Foster - Present
Mark Freeman – Present

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

NEW BUSINESS

Zoning Amendment Application #ZON-23-03, Orange Cove, Requesting to rezone approximately 11.684 acres of land zoned Farm Residential (FR-1) to a Single Family Planned Residential District (SFPRD) for twenty-three (23) single family residential homes. The subject property is currently owned by John C. Wicks and is located at 2955 E. Orange Rd., Lewis Center, Ohio 43035 with parcel number(s) 318-134-02-028-000; 318-134-02-026-002; and 318-134-02-027-000.

Mr. Duffee presents the Staff Report:

- Requesting a total of four (4) divergences:
 - Section 10.07 (a) Maximum Units on any Single Acre
 - A divergence is requested to allow more than three (3) dwellings per acre so “cluster housing,” as defined in Section 10.03 (c), can be built
 - The development still complies with the two (2) dwelling units/acre standard
 - Section 10.07 (e) Side Yard Setback
 - A divergence of five (5) feet is requested, reducing the minimum side yard setback to 7½ feet from 12½ feet
 - The development is still compliant with Section 21.03 Structure Separation, requiring a 15-foot separation
 - Section 10.07 (g) Rear Yard Setback
 - A divergence of ten & thirteen (10 & 13) feet is requested, reducing the setback from 35 feet to 25 feet for structures and 12 feet for accessory structures
 - Section 10.07 (h) Maximum Lot Coverage
 - A divergence of seven percent (7%) is requested to increase the maximum allowed lot coverage from 25% to 32%
- Zoning Staff Comments:
 - The architectural design guidelines included in the application make a reference to front

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porches being able to encroach on the front build line by no more than six (6) feet. Staff finds this acceptable, but recommends adding a provision to the development text itself to remove any ambiguity as to the front setbacks.

- The Delaware County Regional Planning Commission had the following comments:
 - The Delaware County Regional Planning Commission recommended **conditional approval** at their August 31, 2023 meeting, subject to the following recommendations from Regional Planning staff:
 - A new drive location should be worked out with the neighboring property owner prior to the township approving the rezoning request.
 - The minimum side yard setback should not be less than 10 feet.
 - The minimum rear yard setback should not be less than 30 feet.
 - The required minimum lot size, width, and depth should be met.
- Delaware County Engineer Comments:
 - A traffic access study (TAS) will be required.
 - Verify Street width, street radii, cul-de-sac radii, R/W, etc. meet current engineering standards
 - The R/W for Road “A” is required to extend to the eastern property line. A R/W “devil strip” will not be permitted on the east side of Road “A”.
 - Verify that there are adequate drainage outlets that exist for the site.
 - Drainage maintenance and drainage, erosion and sedimentation control (DESC) requirements will be required.
- The Orange Township Operations Department had the following comments:
 - Has concerns with how the property to the east is accessed.
 - Requests that Road “A” lines up with the school intersection, with both Road “A” and the school having three lane cross-sections.
 - Requests a crosswalk across Orange Road with RRFBs.
 - Requests sidewalks on both sides of Road “A”.
- The Orange Township Fire Department:
 - The site layout has been submitted to the Orange Township Fire Department, but has not been reviewed or approved at time of writing.

The applicant, John Wicks, Real Property Design and Development, 2973 E. Orange Rd., Lewis Center, Ohio 43035 says he and his wife have been Orange Township residents since 2008. Mr. Wicks goes on with a brief history of the acquisition of the land. Mr. Wicks states SFPRD is the best and only option for the property. Mr. Wicks says he was able to meet the normal zoning standards, but thought that the cluster housing was the more responsible option due to cluster housing allows preservation of more green space. He says the way the code is written, allowing for cluster housing but not providing cluster housing standards, is why he asking for the divergences to bring the proposed development in compliance with the cluster concept. The cluster housing being proposed, places the lots closer to Orange Road and the schools. Mr. Wicks states market trends show people want larger homes on smaller lots. He says the development is consistent with other area neighborhoods. Mr. Wicks says Regional Planning and Orange Township requested the drive to be lined up with the school. He says he wishes to table the application to account for the changes.

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Board Comments:

Mr. McNulty:

- Asks Mr. Wicks if they are willing to meet staff comments
 - Mr. Wicks says they are willing to work with the comments and have met with staff to work them out
- Asks Mr. Duffee if cluster housing is newer in the code than other provisions
 - Mr. Duffee says it is newer
- Questions how much time Mr. Wicks will need
 - Mr. Wicks says about a month
 - Mr. Wicks and the Board agree on a meeting date of October 24, 2023

Ms. Foster:

- Questions if the houses will be larger and the yards will be smaller
 - Mr. Wicks confirms that is the case

Mr. Pierce:

- Wonders if cluster housing is common in other communities.
 - Mr. Duffee says it is
- Questions minimum square footage
 - Mr. Wicks says that it will be minimum 1800 sq. ft., but the homes will likely be much larger
- Asks if the developments in the area had divergences like this
 - Mr. Duffee says he will need to do research
- Questions if Mr. Wicks prioritized number of homes or something else
 - Mr. Wicks says that 23 is the max, but the divergences allow some preservation of open spaces. Also adds only the front lots are cluster and the others meet township minimums

Mr. Freeman:

- Asks about tree preservation line, and the trees on lot 7
 - Mr. Wicks says there is a 25 ft tree preservation zone on that side
 - States lot 7 trees are scrub trees and they will be replaced by good trees.
- Asks about the neighboring driveway
 - Mr. Wicks says he has explored 3 different options with Mr. Kociba
 - Mr. Wicks states street trees could be planted in the right of way if the township and Delaware County allowed it
- Wonders if Mr. Wicks will build or sell lots
 - Mr. Wicks says that he is a developer; lots will be sold to builders

Public Comment:

Hilary Houston 2789 E Orange Rd.

- Is speaking for many of the residents. Says she has been in Orange township since 2006. She is an attorney, and also a concerned neighbor. States the neighbors did not expect the property to be high density.
 - States the 1.97 density includes steep ravines.
 - Says not all of the land can be developed, so that land shouldn't be included
 - Says there is a federally protected swale and a stream corridor protection boundary
 - Expresses concerns about traffic and safety. Also notes the right in right out will not solve the traffic issues
 - States Mr. Wicks has approached all adjoining neighbors looking to buy their land. She believes there is more high density development planned.

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- Thinks that home values could be reduced with a loss in green space.
- Says they (residents) are not against Mr. Wicks or development. They want responsible and transparent development.
- States school redistricting by new homes can affect property values.
- Says there is no guarantee about home square footage
 - Mr. McNulty states to Ms. Houston's comments that the 1800 square footage of the homes is guaranteed; as to the traffic, Delaware County controls the roads and traffic studies

Karl Von Valtier 6840 Casselbury Mills Ct.

- His property abuts the property in question
- Says he chose and paid extra for proximity to wooded area
- Mentions how the planning commission (Delaware County Regional Planning Commission (DCRPC)) says the divergences don't meet the character of the area
 - Mr. McNulty says that the commission (DCRPC) did not consider that our zoning has cluster housing
- Says that the development does not serve the general welfare of the township
- In response to Mr. Pierce's question about if area developments had similar divergences -Says the clear creek numbers were used by the planning commission (DCRPC), which were already divergences

Gary Kociba 2975 E. Orange Rd.

- Is the property owner with the adjacent driveway and has lived there for 40 years
- Appreciative that the safety issue is being addressed, because he has current safety issues with his driveway access
- States the trees on the west of his driveway were cut down. He says the location of the road to his drive does not allow trees to be planted along his driveway
- Says the location of the road would be unsightly
- Says that the removal of the woods makes his woods less valuable and affects the value of his property
- Has concerns about flooding of site 17 next to the pond.
 - Mr. McNulty asks Mr. Wicks if his development has a retention pond
 - Mr. Wicks responds that it has two

Scott Shipkowsky 2883 E Orange Rd.

- Is unhappy with the proximity of lot 7 to his home
- Is worried about property value—the large homes will be much larger than his
- Cite orange township's commitment to protecting natural resources

John Corwin 3114 Abbey Knoll

- Says resource preservation is not being met by cluster housing
- Concerned about home values

Soungpradith Phetsamay 6819 Castlebury Mills Ct.

- Is concerned about the sewer line that will tear up his back yard and trees in the preservation zone
- Concerned about wildlife that will be displaced

David Provenzano 3040 Abbey Knoll Dr.

- Expresses fire access considerations with only one access road in
 - Mr. McNulty states this will not be approved without fire approval
- Says the development home number could be reduced

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Qarib Hossein 2929 E Orange Rd.

- States that the quality of his backyard is reduced with 6 homes in his backyard
- He says the divergence of 3 homes on one acre is bad.
- Wants the ravine area to be excluded from the area calculation
 - Mr. Duffee clarifies density calculation; Orange Township Zoning Resolution uses gross calculation so that would include the ravine area

Andy Deems 2695 Roe Dr.

- Is concerned about flooding
- Also concerned about traffic
- Worried about new kids from the development

Kate Marrone 3227 Abbey Knoll Dr.

- Is concerned about the burden of school redistricting from overcrowded neighborhoods

Craig Shively 2841 E Orange Rd.

- Says the trees to be cut down are beautiful trees
 - Mr. Wicks responds the trees in question are not located where Mr. Shively indicated

Nicole Bursh 6964 Jennifer Ann Dr.

- States the board needs to hear the people

Will (Last name not given) 6831 Casselbury Mills Ct.

- Says the notice was very short
- Wonders about Mr. Wicks history as a developer

Yarramsetty Satyanarayana 2776 Abbey Knoll Dr.

- Expresses concern about school redistricting
- Implores Orange Township to revisit zoning rules

Nate Polek 3134 Abbey Knoll Dr.

- Wonders if the houses could be built on the creek

MOTION TO CONTINUE ZON-23-03 HEARING

Motion by Foster

Second by Freeman

VOTE: McNulty - Yes, Trebellas - Absent, Pierce - Yes, Foster - Yes, Freeman – Yes
ZON-23-03, Continued to October 24, 2023, 6:30PM

MOTION TO APPROVE JUNE 13, 2023 MINUTES (ZON-23-02 DoG Distilling Company)

Motion by Pierce

Second by Foster

VOTE: McNulty - Yes, Trebellas - Absent, Pierce - Yes, Foster - Yes, Freeman – Abstain

MOTION TO ADJOURN

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Motion by Peirce
Second by Freeman

VOTE: McNulty - Yes, Trebellas - Absent, Pierce - Yes, Foster - Yes, Freeman – Yes

Meeting adjourned.