

**ZONING COMMISSION JOURNAL OF ACTIONS
FROM MEETING HELD MAY 28, 2024
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

Christine Trebellas called the meeting to order.

ROLL CALL: Christine Trebellas, Chair - Present
Dennis McNulty, Vice-Chair - Present
Les Pierce - Absent
Pam Foster – Present
Karthik Avadhanula – Present

ALSO PRESENT: Robin Duffee, Development and Zoning Director
Eric Gayetsky, Senior Zoning Officer

OLD BUSINESS

Zoning Amendment Application #ZON-24-02, Pulte Homes of Ohio LLC, (continued from 4/23/24)

Requesting a minor development plan amendment associated with Slate Ridge to finalize the clubhouse and community amenities, modify one (1) CBU (combined mailbox unit) location/parking, and make minor text modifications for the clubhouse, parking, and patio/fence provisions. The subject property is currently owned by Pulte Homes of Ohio, LLC and is located near the intersection of Columbus Pike and Home Rd., Lewis Center, OH 43035 with parcel number(s) 318-230-21-006-000, 318-230-21-007-000 & 318-230-21-001-000.

Mr. Duffee presents the Staff Report:

- Summary of Amendment Request;
 - Clubhouse and Amenities: The currently approved development plan features a community clubhouse and a pool. The applicant is requesting to remove the pool from the development plan, and replace it with a variety of amenities that can be used at more times throughout the year.;
 - Staff finds the replacement amenities to be acceptable. Staff recommends that the applicant revise overall site plans to incorporate these changes, as well as review the text in Section 10.06(b)(4) to ensure that any additional lighting will comply with the requirements of the text.
 - Modify a Combine Mailbox Unit (CBU) location and parking: The applicant is requesting to change the parking configuration for one of their CBUs. The new configuration would provide nine off-street parking spaces, as opposed to the previously approved six head-on, on-street parking spaces.;
 - Staff recommends that the applicant revise overall site plans to incorporate these changes, as well as review the text in Section 10.06(b)(4) to ensure that any additional lighting will comply with the requirements of the text.

**ZONING COMMISSION JOURNAL OF ACTIONS
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- Patio/Deck Provisions: The applicant is proposing additional language that at-grade concrete slabs, paver patios, and fences, would be allowed to encroach not more than 10 feet into this rear yard separation.
 - Staff finds this acceptable.
- The applicant is proposing language that says “Fences shall be approved at the discretion of Orange Township and the Condominium Association.”
 - Orange Township does not review or issue permits for fencing. Staff believes that this is an issue that is best handled by the condominium association, and recommends that this language be removed from the text.
- Additional Staff Comments:
 - Staff believes that the changes to the amenities will be beneficial to the community, as they will be able to be used at more times throughout the year than a swimming pool. The new CBU layout would also seem to be beneficial, as it will enhance the development in terms of safety and aesthetics. Staff has no concerns with the modifications to patio and deck allowances.

Applicant Nichole Martin with Pulte Homes of Ohio, 475 Metro Place South presents:

- States this development contains east and west portions
- Says Pulte Homes is trying to tailor some final details to what future homeowners desire. Specifically with the clubhouse amendment. As well as formalizing a combined mailbox facility, which was originally approved as a temporary facility.
- Also, wishes to clarify the distances for at grade patios, so residents can enjoy the outdoors.

Board Comments:

Mr. McNulty:

- Wonders if this is amending the plan that was originally approved in 2014?
 - Mr. Duffee replies the originally approved plan was in 2014, a major amendment was approved in 2021. This is an amendment to the previously amended plan.
- States these are just amendments on top of something that was approved essentially 10 years ago.
 - Ms. Foster asks if they have not broken ground yet
 - Mr. Duffee says he believes they have done some site work including for the two model homes.
- States decks are structures it needs to be written into HOA agreements so they understand the difference between pavers and deck structures
 - Ms. Martin replies they will make sure those are written clearly into the agreements.
- States our zoning code does not require a pool or any of these amenities, these are a choice
 - Mr. Duffee adds that that the Orange Township park department had reviewed these changes and did not have any issues with the switch.

Ms. Trebellas:

- Asks if this (revision of setbacks) is for decks or just concrete patios
 - Ms. Martin replies it is for at-grade patios.
- Questions the separation distance of 26 to 40 feet. Wonders if it is from building to building and how it is calculated.

**ZONING COMMISSION JOURNAL OF ACTIONS
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- Ms. Martin answers the 26 feet is for a side to rear situation. All instances of rear to rear, is a minimum distance of 40 feet. We are requesting that an at-grade patio could encroach 10 feet to make that rear yard a little more usable.
- Asks for clarification that there wouldn't ever have a patio with a patio and only 6 feet between them
 - Ms. Martin replies correct
- Wonders how the decision was made to provide amenities for a different demographic and shifting from pools to pickleball
 - Ms. Martin replies it's driven by the type of product we are offering, and trying to align our amenities with the product more closely. The community was never planned to have a playground facility. It's kind of an either-or, with a pool or you get a handful of other opportunities. Certainly, there could be families here. There are probably other opportunities for families within Orange Township that may be a better fit, but no one would be precluded.

Mr. Avadhanula:

- Asks how many single-family units are in the development
 - Ms. Martin answers 219.
- States there was a report made in the Columbus local news that there are not enough pool amenities for people in new communities. This could put additional burden on the North Orange Park Aquatic Center which is very busy during the peak times. Have we considered the burden caused from this, and have any studies been done on this?
 - Mr. Duffee states in terms of scientific studies, no, even if they (the development) had a pool, they as Orange Township residents would still have access to get daily or yearly passes (to the North Orange Aquatic Center)

Ms. Foster:

- Asks if they age-restricted to 55 and older.
 - Ms. Martin replies it is not age-restricted, although there are characteristics that resemble this, including generally single-story, on slab foundations.

Public Comments:

Doug Wenzel, 620 Lewis Center Rd

- States In 2021, there was discussion about adding a tree line to the north end of the property for screening purposes. The picture is so small, it's hard to tell.
 - Ms. Martin replies I can absolutely provide you with more detailed landscape plan. It appears through this plan, there was some intent.
 - Ms. Trebellas asks if that is something spelled out in the development text, that there be landscape screening
 - Mr. Duffee answers it may not be described word-for-word but since it's shown within the plan, they would have to comply with that screening
 - Ms. Martin replies she will add that where there is not buffering shown, there are already existing trees which will be preserved.

MOTION TO RECOMMEND APPROVAL OF ZONING APPLICATION #ZON-24-02 OF PULTE HOMES

Motion by Mr. Avadhanula to recommend to the Board of Township Trustees (the "Board") the **APPROVAL** of Zoning Application #ZON-24-02 of Pulte Homes of Ohio, LLC, the pages of which are each stamped

**ZONING COMMISSION JOURNAL OF ACTIONS
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ORANGE TOWNSHIP - DELAWARE COUNTY**

received with ORANGE TWP. ZONING on 5.23.24, requesting the amendment of the currently effective development plan for property owned by Pulte Homes of Ohio, LLC (applications #13-0305 and #ZON-20-03), 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.

Motion seconded by Ms. Foster.

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

NEW BUSINESS

Zoning Amendment Application #ZON-24-03, OP Marigold LLC, Requesting a development plan amendment associated with Marigold (fka Aldeia) to modify the site plan allowing for additional green space, 120 single family condominiums and 1 estate lot. The subject property is currently owned by OP Marigold, LLC and is located at 696 Lewis Center Rd., Lewis Center, OH 43035 with parcel number(s) 318-220-04-005-000, 318-220-04-004-000, 318-220-04-002-000 & 318-220-04-003-000.

Mr. Duffee presents the Staff Report:

- Updates/Changes from Current Development Plan;
 - The landscaping plan previously had a tree preservation zone along the frontage for Green Meadows Drive. However, because of a miscommunication with the contractor, most of those trees were removed. The applicant is proposing to plant new trees and install mounding in that area to provide screening and help to restore that area of the site.
 - Previously, four “estate lots” were proposed along the Lewis Center Road frontage in Subarea B. The applicant is proposing to move three of those entitled units to Subarea A, along with a modified site plan. The total number of units within the combined subareas will not be changing.
 - The development text and all development standards would remain unchanged. Only the landscaping and arrangement of the units would be altered under this amendment.
- Additional Staff Comments:
 - Staff recommends adding language in the development text that no more than one dwelling unit shall be permitted in Subarea B.
 - The amendment would rectify the landscaping issue along the Green Meadows extension, as the currently approved plan no longer matches the existing conditions on the ground. Additionally, shifting three units from Subarea A to Subarea B would likely reduce the natural area of the overall site to be disturbed without increasing the overall unit count of the combined subareas.

Applicant Presentation Annie Richardson, Onyx & East, Land Acquisition Development Manager

- As previously presented, versus the updated plan.
- Lots modification of the estates from 4 to 1, and increase of 3 denser lots.
- Updated landscaping plans showing the mounding and new trees were received favorably by most neighbors, which is the best path forward they can come up with

**ZONING COMMISSION JOURNAL OF ACTIONS
FROM MEETING HELD MAY 28, 2024
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Board Comments:

Ms. Trebellas:

- Wonders if there could be additional density added to the estate lot area
 - Mr. Duffee replies the current or any new developer would need to submit such a request before this commission for your consideration. Then it would go onto the Orange Township Board of Trustees. As it stands, under the amended plan, it would be restricted to one unit

Mr. McNulty:

- This (amendment) is like the previous in that it has already been approved, at some point, Delaware County has already seen it, and all of the preliminary stuff has been decided.
 - Mr. Duffee answers yes, correct

Public Comments:

Nick McCoy, 1201 & 1184 Franklin Street

- Asks if there any other trees that are going to be cut down.
 - Ms. Richardson replies no, they do not intend any further cutting. Ms. Richardson goes on to say the County has done clearing alongside of us since they are doing construction too.
- Would like applicant to send him the caliper of the trees being proposed to be planted.
- States he is assuming final engineering occurred between the tucking of the multi-use path on the old plan and this plan which doesn't tuck
 - Ms. Richardson replies that is based on the county's final engineering; the county is who is constructing that multi use path as part of their road construction

Fran Bobby, 404 Valley Mist Crossing

- Asks if the developer purchased 696 Lewis Center Road
 - Mr. Duffee answers yes
- Wonders if the developer also purchased the white farmhouse at 1000 Lewis Center Road
 - Mr. Duffee states it is his understanding that property is currently for sale. He goes on to say that property is not part of this development and is currently zoned farm residential.
 - Ms. Trebellas clarifies that the property currently zoned farm residential, would need to be rezoned for any development.
- Says she understands the county is responsible for the roads and Lewis Center Road is a Type B road.
 - Mr. Duffee answers our zoning resolution puts roads into four different classifications depending on how major they are. Lewis Center Road is a class B road which, being a more major road, requires structures to be setback further than for class C.
 - Ms. Trebellas further replies there are also tiers for who is responsible for that road, State, County, or City/Township.
- States traffic is terrible already and it's only going to get worse; the buses back up onto Lewis Center Road from Olentangy High School
- Asks if all access for new development is off of Green Meadows or if there will be access from Lewis Center Road
 - Mr. Duffee states the plan proposed by the applicant has two accesses on Green Meadows and one lot on Lewis Center Road that would maintain it's existing access

**ZONING COMMISSION JOURNAL OF ACTIONS
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**RESOLUTION TO RECOMMEND APPROVAL OF ZONING APPLICATION #ZON-24-03 OF
ONYX AND EAST**

Motion by Ms. Foster to recommend to the Board of Township Trustees (the “Board) the **APPROVAL** of Zoning Application #ZON-24-03 of Onyx and East, the pages of which are each stamped received with ORANGE TWP. ZONING on 5.03.24, requesting the amendment of the currently effective development plan for property owned by OP Marigold, LLC (application #ZON-22-10), 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.

Motion seconded by Mr. Avadhanula.

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

Meeting adjourned