

**ZONING COMMISSION JOURNAL OF ACTIONS
FROM MEETING HELD OCTOBER 28, 2025
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

Les Pierce called the meeting to order.

ROLL CALL: Les Pierce, Vice-Chair - Present
Dennis McNulty - Present
Pam Foster - Present
Punitha Sundar, Alternate – Present

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

NEW BUSINESS

- i. **Zoning Application #ZON-25-07, Real Property Design & Development**, Requesting to rezone an 8.34 acre Farm Residential (FR-1) District property to Single Family Planned Residential (SFPRD) District for a new 24-lot single family neighborhood with onsite amenities. The subject property is currently owned by 6980 SOS LLC and is located at 6980 South Old State Rd., Lewis Center, OH 43035 with parcel number(s) 318-240-01-018-000 & 318-240-01-019-000.

Mr. Duffee presents the Staff Report:

- Divergences being requested by the applicant:
 - Section 10.07 (a) Intensity of Use
 - A divergence is requested to allow 2.88 units per acre rather than 2 units per acre
 - Section 10.07 (a) Maximum Units on any Single Acre
 - A divergence is requested to allow more than three (3) dwellings per acre.
 - 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 (f) – Building Setback
 - A divergence is requested for lot 13 only, which reduces the right-of-way setback to 13' (from the cul-de-sac)
 - Section 10.07 (g) Rear Yard Setback
 - A divergence 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 ten percent (10%) is requested to increase the maximum allowed lot coverage from 25% to 35%
- Additional Staff Comments:

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- Because the Delaware County Regional Planning Commission has not yet reviewed this application, staff does not recommend that the Zoning Commission vote on this matter at the current time.
- If possible, staff recommends a landscape buffer be added along the southern property line, particularly where the development would abut the Summerfield Village neighborhood.
- The Orange Township Operations Department recommends that no parking signs be installed around the cul-de-sac.
- Review from Other Agencies:
 - At time of writing, the site layout has not been submitted to the Orange Township Fire Department. It will need to be reviewed and approved by the Fire Department prior to approval of the rezoning by the Township Trustees.
 - In informal conversations with the Engineer's office, a variance from the Delaware County Subdivision Regulations may be needed to allow a 50' right-of-way instead of 60'.

John Wicks, Real Property Design and Development, 15 N. Liberty St., Powell, OH, 43065, presents application. Mr. Wicks states:

- Typical lot size 60' wide by 120' deep matches typical lot size in Summerfield Village
- New homes are planned to match the character and high quality of Summerfield Village
- There is an existing pond with some reported drainage issues in the front of the development. Proposed plan shows a new pond in the same location. Mr. Wicks states, with the county engineer a drainage plan has been developed that will completely relieve the drainage problem.
- S. Old State Rd. is currently in stage two design with the county to be widened to five lanes and is slated for construction in 2028/2029.
- Plan shows a neighborhood park at the southwest corner of site with a playground and gazebo amenities for the residents.
- The plan shows a potential connection with an existing gravel path within the Summerfield Village open space.
- The majority of the divergences mentioned, are necessary under the current code and wouldn't be needed under the new proposed zoning code

Board Comments:

Mr. McNulty :

- Asks Mr. Duffee when Summerfield Village was built and if Summerfield Village had lot size and setback divergences, and the reason for those divergences
 - Mr. Duffee replies he believes Summerfield Village was built in the early 2000's and that it had divergences for roughly half the lots for the same sizes being requested here. He is not sure the reasoning for those divergences.
- Asks Mr. Duffee if the proposed new code reduces setbacks enough that these divergences would not be needed
 - Mr. Duffee replies that in general, the setback standards in the neighborhood zone and the new zoning code are more in line with the requests here, but this request was not reviewed under the new proposed code because that new proposed code has not been approved.

Mr. Pierce:

- Wonders the reason the applicant believes there's demand for this kind of closeness in homes

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- Mr. Wicks replies he is aware the new code has not been approved by the township trustees but it has been recommended for approval by this zoning commission, so he used the draft code for this development.
- Asks for clarification that the minimum dwelling size being proposed is 1500 square feet
 - Mr. Wicks answers yes, although floor plans have not been picked out, adding that they may be larger

Ms. Foster:

- Comments on the only entrance/exit being on S. Old State Rd. adding there are traffic concerns.
 - Mr. Wicks replies there are plans in place to widen S. Old State Rd. which should alleviate traffic.
- Asks applicant if he has met with the neighbors
 - Mr. Wicks replies he did meet with some neighbors including one neighbor from Summerfield Village HOA. Mr. Wicks said, he offered to come in and meet with the HOA but didn't hear back.

Public Comments:

Gerry Puckett, 2549 Allison's St.

- Shares concerns about traffic along S. Old State Rd. States the widening project slated for 2028/2029, is three years off. He is not in favor of adding another subdivision with its only entrance/exit along S. Old State Rd.

Dr. Mehmet Basaran, 7130 S. Old State Rd.

- Believes the applicant should talk to neighbors on S. Old State Rd. Strongly agrees that traffic is a concern. Has additional concern over the number of divergences.

Brian, Szuch 2230 Jaxton Ct.

- Concerned there are divergences for parcel size as well as for setbacks. Echoes concerns of having a single entrance/exit point on S. Old State Rd. Urges commission if they approve this with any conditions to make sure those conditions are enforceable through zoning.

Brian Hunt, legal counsel for Amanda Bliemeister who resides at 2097 Chicory Ct.

- Stated that the recommendation from regional planning is to be taken into consideration before a vote can be taken on this application. Goes on to say this development does not meet the three criteria to review in accordance with the zoning code those criteria being: whether this application is consistent with the zoning resolution; whether this application is in conformance with the comprehensive plan; and if this supports the general welfare or is in conformance and supports general vicinity.

Peter DeGaia, 6976 S. Old State Rd.

- Voices concerns over traffic, development around the area and drainage. States if this goes through, it changes the nature of the FR-1 properties along S. Old State Rd. Adds he is concerned it will create a new drainage problem.

Kurt McDowell 7247 Trillium Dr. – Speaking on behalf of Summerfield Village as an HOA Trustee

- Says densities of other subdivisions in the area are nowhere near what is being requested here. Goes on to say the Summerfield Village lot size is 75' x 120'. Says the proposed connection to the Summerfield Village path is not where Summerfield Village would like it. The playground is not in a good location because it is right off a resident's backyard.

Matt Baxendell, 7371 Summerfield Drive

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- States that once S. Old State Rd. is widened, the proposed development will be approximately 7.8 acres, not 8.38.acres. Questions right of way width. Has concerns with emergency vehicle access. Wonders who will be responsible for the maintenance of the proposed trail connection.

Sue Ross, 6792 S. Old State Rd.

- Agrees with all the public comments; this is far more dense than it needs to be.

Mr. Wicks responds to the public comment:

- Traffic cannot be used in a zoning decision however, he does recognize that it is an issue. Says he made sure that there were plans for widening S. Old State Rd. before buying the property.
- Says it is not possible for the development to have a second access. The single access will meet public street width standards and will be approved by the fire department.
- States most, if not all the requested setbacks and divergences have been approved by this commission and by the trustees on most recent developments.
- He may have an old set of Delaware County standards, if he needs to make the right of way on S. Old State Rd. 60 feet he doesn't see that as a hardship.
- States Orange Township does a gross density, not a net density. The parcel is 8.34 acres right now. There will be some right of way dedication, including the right of way for the road that will be built.
- He recognizes that the new zoning code hasn't been approved, but it was recommended for approval by this commission. He believes most of these divergences wouldn't be required under the proposed code.
- States most of the remaining FR-1 properties along S. Old State Rd. are not large enough for this type of development.

MOTION TO CONTINUE ZON-25-07, HIDDEN OAKS

Motion by Foster
Second by Sundar

VOTE: McNulty - Yes, Pierce - Yes, Foster - Yes, Sundar – Yes
ZON-25-07, Continued to December 16, 2025, 6:30PM

- ii. **Zoning Amendment Application #ZON-25-08, Trilogy Real Estate Delaware, LLC c/o Joe Nawrocki**, Requesting to amend currently effective Planned Commercial and Office (PC) District zoning #ZON-17-04 to allow memory care and assisted living uses and allow senior independent living facilities, including patio homes and clubhouse. The subject property is currently owned by Home High LLC c/o Brad Block and is located SW of Home Rd. & Columbus Pike, Delaware, OH 43015 with parcel number 318-230-02-001-003.

Mr. Duffee presents the Staff Report:

- A total of five divergences are being requested:
 - A divergence from Section 14.03: To permit Senior Independent Living Facilities in the Planned Commercial District.

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- A divergence from Section 14.05: To permit temporary trailers to be used for sales and/or leasing activity.
- A divergence from Section 21.09: To reduce the building setback along U.S. 23 to 70 feet instead of 80 feet.
- A divergence from 21.03: To allow structure separation between primary structures to be 10 feet instead of 15 feet.
- A divergence from 21.01 d) Parking Area Location: Except in the single family districts (A-1), (FR-1), (R-2), and (SFPRD), no parking lot or parking area shall be located nearer than six (6) feet to the side or rear line of the tract on which the structure is located and parking in front of the main structure may be permitted only if not more than forty percent (40%) of the front set back area outside of the right-of-way is occupied by parking. All parking spaces required herein shall be located on the same lot with the buildings or use served. The remaining sixty percent (60%) of the front setback outside of the road right-of-way shall be green space adjacent to the road(s) frontage(s). The applicant is proposing 50% and 50%.
- Additional Staff Comments:
 - Because the Delaware County Regional Planning Commission has not yet reviewed this application, staff does not recommend that the Zoning Commission vote on this matter at the current time.
 - The development text should be edited to put a unit cap on the number of permitted Senior Independent Living units.
 - Staff recommends adding additional evergreens, if possible, to provide additional screening between the proposed assisted living facility and Gooding Boulevard.
 - The trees along U.S. 23 should be added to the landscape plan, or the text should be modified to permit their absence.
- Review from Other Agencies:
 - The site layout has been submitted to the Orange Township Fire Department, but has not been reviewed or approved at time of writing.
 - In informal conversations with the Engineer's office, the primary access point on Gooding Boulevard may need to be shifted to the south to better align with Daymark Drive and the Clear Creek entrance.

Catherine Cunningham, attorney with the law firm of Kegler, Brown, Hill and Ritter, Columbus, Ohio presents application on behalf of Trilogy. Peter Massey of Trilogy, 303NW Farm Parkway, Louisville, KY, 40222 is also present to answer questions.

- The assisted senior living and memory care will be in one facility, and the senior housing, which is proposed to be restricted housing for 55 and over, will be on a different portion of the site.
- Asking to amend the southern 11.8 acre portion of the planned district to allow independent living; Trilogy is not opposed to a unit cap of 30 units.
- Requested divergence for temporary trailers is for a sales office which will be moved to a permanent structure when certificate of occupancy is obtained.
- Requested divergence to permit street lighting because there will need to be some street lighting particularly for seniors so that they can get around on that site.
- The conceptual plan has been updated with detention ponds and landscaping.
- The structure separation is characteristic of senior housing where it's a little bit less spread out and so the separation of structures is not a significant divergence here.

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Board Comments:

Mr. McNulty:

- Asks how many units are in each independent living building and if assisted living is in the main building
 - Ms. Cunningham replies each independent living building has 2 units; assisted living, memory care and nursing care are all in the main building.
- Wonders how large the staff is; further wonders how many assisted living units there are
 - Mr. Massey answers there will be about 120 employees. Typically, the largest shift has 35 to 40 employees. There are 43 assisted living units; 50 skilled care beds that and 16 memory care units which are licensed as assisted living, but they will be memory care specific.

Public Comments:

Richard Kight, 326 Parkgate Ct.

- Says he would like a 30 foot parking and building setback from Gooding Boulevard to allow for mounding and landscaping. Wants to make certain that the residential uses that are being requested in this application apply only to section 2-A. Would like clarification on the number, type and height of plants/shrubbery on the Landscape Plan. Wants to know the location of the entry from Gooding Blvd.

Dennis Hann, 7232 Slate Bend Dr.

- States he believes the proposal that we're listening to this evening is probably the best proposal versus an alternative down the road that could be much less desirable.

Dr. Ed Haas, 285 Home Rd.

- States in general, he is in favor of the proposal. Says his biggest concern is the lighting.

Ms. Cunningham and Mr. Massie respond to public comment:

- The location of the road is not a zoning issue, it is decided by the county engineer.
- The residential uses being requested, only apply to the sub area 2-A.
- Planting details can be added to the Landscape Plan.
- There will be a photometric plan showing there will not be any light leakage over the property; lighting will be targeted to certain areas around the parcel.

MOTION TO CONTINUE ZON-25-08, TRILOGY

Motion by Foster

Second by Sundar

VOTE: McNulty - Yes, Pierce - Yes, Foster - Yes, Sundar – Yes
ZON-25-08, Continued to November 18, 2025, 6:30PM

Meeting adjourned