

Violet Township Board of Trustees

June 3, 2015

Public Hearing

Mr. Dunlap made a motion at 8:00 p.m. to recess the regular meeting and open the Public Hearing for Case number 02-ZC-2015 – an Application filed by M/I Schottenstein Homes, Inc. for property consisting of 109 + acres on north side of Refugee Road and the Estate of Alfred and Maria Allert, 6890 Refugee Road. The application requests to modify the approved Development Plan and approved Development Text for Eastern Lakes Planned District to allow 187 single family homes and 52 + acres of Open Space. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, abstained. Mr. Myers respectively asked to be excused from these proceedings and abstain from this hearing. Mr. Weltlich agreed. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers abstained. Motion carries 2-0 with 1 abstention. Mr. Myers left the meeting room and did not participate in the public hearing.

Ms. Sarko explained this was a modification of the Eastern Lakes Planned District. Eastern Lakes was rezoned in 2004 and that plan contained 145 single family homes and 32.14 acres of open space. The density was 1.56 units per acre. The Planned District was extended in May 2014. The proposed modification will be known as Herron Crossing. It is the same acreage with 187 single family home lots with a gross density of 1.7 units per acre and 49% open space with 52 acres of open space.

Ms. Sarko explained the Zoning Code requires that the Trustees consider modifications to Planned Districts; therefore it did not need to be considered by the Zoning Commission. The request was reviewed by Fairfield County Regional Planning Commission.

Ms. Sarko described the location of property. She noted accesses to the subdivision are on the north side of Refugee Road and it will be a boulevard entrance. Full access to Tollgate Middle and Elementary schools will be provided as well as a stub to another property north of the school site and with another stub on the west side of the subdivision.

The Allert property will remain as is.

Glen Dugger, Attorney with Smith and Hale at 3700 W. Broad Street, Columbus, Ohio was present on behalf of the applicant. the contract purchaser of the property, M/I Schottenstein Homes, Inc. Mr. Dugger introduced Doug Tailford with M/I Homes, and Shawn Lanning, Planner with Watcon Engineering.

Mr. Dugger showed the plan that was approved for Eastern Lakes in 2004. He explained in the new plan they are trying to take advantage of the open spaces and the site amenities, which are tree rows on the exterior of the property as well as wooded areas at the very northern most end of the property.

Mr. Dugger explained they don't own or control the Allert property but have been given consent to process this application to include as a part of this Planned Residential Modification. Previously, the entry boulevard ran right through the middle of Mr. Allert's house. They had to include his property in this modification so they would have a rational plan going forward.

Mr. Dugger noted there are numerous ponds at the site some are existing and the others would be constructed as part of the mass storm water plan for the property; thus the name Heron Crossing. Mr. Tailford of M/I Homes will later talk about how they want to move away from the Eastern Lakes and they would like to 'brand' Heron Crossing in a way that adds a qualitative element to what they are doing.

In addition to the open space, they are trying to accommodate connectivity. He said they have met with school district personnel and plan to connect to Tollgate Elementary by virtue of a street stub. In that instance there would be pedestrian connections there as well. He noted that students can walk to school.

Additionally, they have taken their access off of Refugee Road. Refugee is called for to have an 8 foot multi-use path.

Shawn Lanning, Watcon Engineering, 83 Shull Avenue, Gahanna, Ohio Mr. Lanning explained the site was challenging to layout. He noted there is 49% Open Space. To show a perspective on the amount of open space in the plan he showed the site filled with many full size football fields. He noted the site is a mile long, from front to back. The lots on average are 70' x 130'. He mentioned the pond system and the interconnectivity of the open spaces. Mr. Lanning noted that 99% of the lots front upon or back up to open space. The old plan (Eastern Lakes) all of the homes backed up to each other. He noted some of the amenities would be a play gym area and a shelter house by one of the ponds. He said the plan saves trees and tree lines which are amenities.

Doug Tailford of M/I Homes, 3 Easton Oval, Columbus, Ohio. Mr. Tailford showed the landscape plans and explained they will be doing a lot of meadow grasses throughout the entire site to keep maintenance down for the Homeowners Association.

Mr. Tailford said there are a significant amount of wetlands in the open space. They are keeping the existing tree line on both sides of the property and mostly through the middle. He said they will be keeping large stands of trees.

At the entrance there will be large trees in the boulevard similar to Melrose. They will focus on the new name Heron Crossing. He said there will be sculptures of herons at the entry to the open space. Beyond the pond there will be a shelter house and a tot lot for smaller children.

Mr. Tailford said they met with school district personnel and they are happy with the plan. He noted they would take care of the schools drive as far as the connection.

He noted the entry island would be 28 feet wide (across).

Mr. Dunlap asked if they were going to complete the school street into the school property and tie into the road that is already there. Mr. Tailford said this was correct. The County has requested a second access and they want the school connected.

Mr. Weltlich asked if there will be sidewalks on the stub road. Mr. Tailford said there would be sidewalks throughout the entire community and all the main roads except the entry boulevard. He said they will be using a recreation path along the boulevard entry as they want to fill-in the trees in as much as they can. There will be one stub into the school and two other stubs into adjoining property.

Mr. Weltlich asked Ms. Sarko how many lots there were before and after. Ms. Sarko said with the original plan had 145 lots and this plans shows 187. Mr. Weltlich asked what the green space comparison was. Ms. Sarko said there was 32% in the original plan and the new plan has 49% open space.

Mr. Dunlap said that at a previous discussion they discussed the cal-de-sac on Allert Court and it has not changed. Mr. Tailford said they told the County they were going to change it. Mr. Dunlap said their map shows 65 feet and that is what it was before. Mr. Dunlap had asked them to change it to 75 feet so we can make those turns with snow plows. Mr. Dunlap said they agreed to make the change and was not changed. Mr. Lanning said he would commit to the Trustees they would make that change. Mr. Weltlich added we would not approve the plans for this development until they resubmit this. Mr. Dunlap asked if they had to resubmit or are we good with their comment. Ms. Sarko said she would prefer to have a development plan that shows any revisions.

Mr. Dunlap asked if it had been brought to their attention that on Lots 98 and 103 there is a potential of Indian Mound issues. Mr. Dugger said in order for them to get a nationwide permit for the wetlands they are required to do an archeological study. They are obligated to do this and they will do it once they get further along in the process. Mr. Dunlap asked him to pay attention to the area of Lots 98 and 103. Mr. Tailford said they will be looking at the entire property.

Mr. Dugger said there were also some questions about some tree rows. There is a remnant of a center tree row that will also be located in the common area open space. Mr. Dugger feels they are doing a better job than the original plan for the tree preservation.

Mr. Weltlich asked Ms. Sarko if they submitted their development text and if everything submitted coincides with what they have said thus far. Ms. Sarko said everything for the most part is good but there are a few things she needs some clarification..

Ms. Sarko noted in meetings with the applicants, Mr. Butcher suggested that in the event the Homeowners Association becomes defunct, if the Trustees wanted the ability to assess each homeowner the maintenance of the open spaces if the open space, ponds and paths needs to be maintained and the ponds. Mr. Dugger said what happens if the HOA goes bankrupt, as has happened in the recession. In response to that suggestion, they put a paragraph in the Development Text that says in the event the subdivision association ceases to be a viable entity, the Township Trustees has the ability to step in (for maintenance of the open spaces) and assess the homeowners.

Ms. Sarko had asked if they had permission to include the Allert property in this application. Mr. Dugger said he did try to email Ms. Sarko but for some reason it kept coming back. Ms. Sarko did finally get a fax.

Mr. Dunlap mentioned we had one subdivision that decided to abolish themselves and it reverted back to an original owner so we want to make sure that if they do go defunct then we want to be able to assess those involved property owners. Mr. Dunlap added that our assessment would be a 'lien' on the person's property.

Mr. Weltlich asked Mr. Dugger to describe the ponds and the slopes and how they will protect the children. Shawn Lanning, Watcon Engineering, 83 Shull Avenue, Gahanna, Ohio stepped up to answer this question. Mr. Lanning explained the whole property is a slow gradual drop to Refugee Road and the pond system will filter into one and connect into another and in the central middle space they have a small swale which will go through the prairie area. It is a very slow and gradual process to be released back out to Refugee Road less than it is right now. Mr. Weltlich asked what the depth of the pond was. Mr. Lanning was not sure. Mr. Dunlap said if they are too shallow then they fill up with algae and cattails. Mr. Lanning said there will be a fountain in each of the ponds and they will be deep enough not to encourage the algae buildup and they will be taken care of by the Homeowners Association.

Mr. Dunlap asked what safety precautions there would be around each pond for small children barrier. Mr. Lanning said they would be designed per the County standards, He said he is sure has a benching standard, that is inside the water. Mr. Dunlap wanted to know if there would be a fence to prevent access. Mr. Lanning said there would not be a fence. There will not be a cliff. Mr. Dugger said the slope will be a part of the final engineering piece and he would be more than happy to build into the text that any of these retention ponds, except the one that is already there will have benching in accordance with best practices. There will be no fence as it is not affective. Mr. Weltlich was fine with this as long as they describe it and put it in the text.

Mr. Dunlap asked Ms. Sarko if the Fire Inspector had any other issues. Ms. Sarko had given the Trustees a copy of Lieutenant Belcher's letter.

Ms. Sarko said that Mr. Tailford was going to discuss the housing styles and the development standards and materials. Mr. Tailford explained the text they used was what was completed for M/I on a subdivision in Westerville. Within that they set up a few things. They provide for exterior materials. They provide that there won't be anywhere called 'snout houses' which are houses where the garage was the predominant feature. 80% of the houses have front porch elements. They have tried to provide a very extensive list of (not just the pictures) but performance requirements in the text as to what the roof pitches can be, the windows can be, shutters, downspouts, exterior paint colors (no bright colors). They have provided provisions for chimneys, no snout houses, the use or non-use of front porches, the connection of the front door to the driveway to name a few.

Mr. Tailford explained the pricing of their homes will be somewhere in the range of the high 200,000's to the low 300,000's which includes the lot.

Ms. Sarko said the development text provides for minimum square footage for the homes and asked if those accurately represent the square footages of the homes. Mr. Tailford said those were minimums and it was the starting point. Ms. Sarko was surprised they were so low. Mr. Tailford said they would go back and proof the elevations as to what the house actually is and make sure they are accurate.

In addition to the modification and the change in the development plan, Ms. Sarko stated they are also requesting modification for the perimeter buffers. The code requires 100 feet, the last plan had 75 feet and this plan shows 65 feet.

Ms. Sarko was not sure where the wetlands were; the code requires a buffer there and she did not know if they have achieved that requirement.

Mr. Tailford referring Development Plan, explained there is a perimeter 65 foot setback which is the red line that runs parallel down to the west boundary and parallel to the east boundary. This creates a minimum of 65 foot new build zone. That entire area would be owned by the subdivision association. Mr. Tailford added that in numerous places as the road is curvilinear and bends away from the outside exterior boundaries, that space gets larger. The back of every lot (rear 35 feet) will be a no-build zone on their individual lot (not counting the 65). There will be no accessory buildings allowed.

Mr. Dunlap asked what percent of build out before they turn it over to the Homeowner's Association. Mr. Tailford said 100% and as they start getting closer to the end they will start getting members on the board as a slow transition but they will not turn over control until they are 100% complete.

Mr. Weltlich asked what the best guess is for when build out is complete. Mr. Tailford and Mr. Lanning both agreed it would be somewhere between 5 and 7 years.

Mr. Butcher reiterated that there has been a rigorous review by staff and the developer's team with respect to the development text. He noted it has been a long process but they believe they have it.

Mr. Butcher commented the maintenance of the open space in the event that the township would be responsible for has been sufficiently addressed.

Secondly, Mr. Butcher said the access to the school moving forward is what we believe is in the plans and is an uninterrupted, un-gated, 100% fully accessible access. In the past, connectivity has had different connotations. In this case it is full access; vehicular and pedestrian from the subdivision to the school property. Mr. Dugger said he thought this was a condition of approval of the school's plan that they build that access and it would remain open. They are going to do a dedicated public street up to that property line and then it goes on to the school property and will be left to the Trustees own "approval regime" to make sure it doesn't get closed off because they are not going to close it off.

Thirdly, Mr. Butcher expressed concerns about the drainage pattern to the south which goes under Refugee Road. Mr. Butcher confirmed with the developer that post development runoff cannot exceed predevelopment runoff. He said he has asked the Development Team to look at detaining more stormwater than what is required due to potential impacts on open ditches within the Huntington Hills subdivision.

Mr. Weltlich opened the hearing to the public for comment.

Mike McCallin, 12622 Pickerington Road said his concern is ponding on the northwest side of his property. He said his property gets wet when there is a lot of rain.

He said, when they develop, the only way to keep these houses from having wet basements is to elevate them. Mr. McCallin wants to know where the water is going when they elevate the properties. He also wanted to know what they were going to do to keep his yard from becoming a playground for the people that are butting up against it since they are not requiring the minimum distance between their properties and his.

Mr. Lanning said there is a wetland in the corner. He said that development usually clears up a problem. He said if there are any drainage issues, they will be identified as they do the engineering and it will be properly routed through the drainage system for the subdivision. He said it fixes problems. He noted an extra 35 feet will not stop kids. Mr. Tailford noted in the old plan, lots were backed up to the property line.

Mr. Dunlap confirmed what he heard him say was if there is an issue with water back up they can put in a drop box and take the water to the street. Mr. Lanning said this was correct.

Mr. Butcher suggested that in cases like this photo documentation is important and encouraged Mr. McCallin to document any existing wet areas. Mr. Butcher also encouraged the developer to do so as well in an attempt to minimize future problems between adjoining landowners.

Mr. Dugger noted the tract was zoned in 2004. He said there are many wetlands due the failure to maintain agricultural tiles. He said a number of the wetlands are not quality wetlands. He said some of those wetlands will cease to exist. He noted that if agricultural tiles were maintained, wetlands would not be an issue.

Cathy Jerbic, 12599 Tollgate Road, Pickerington, Ohio said her property is adjacent to the project area in the northeast corner. Ms. Jerbic submitted a written testimony that was entered into the record. Ms. Jerbic paraphrased what the letter said. Ms. Jerbic commented she had previously testified on the development on Eastern Lakes and she commended the Township and the developer for the amount of open space being preserved.

What is now open fields and mature forests protects an amazing amount of wildlife.

Ms. Jerbic recommends the establishment of prairies in the open spaces in the meadows as it would reduce maintenance requirements. Ms. Jerbic has contacts that could help with the procurement of local seed for the prairies and it would greatly reduce the maintenance.

Ms. Jerbic supports the protection of the existing wetland in the southeast corner. She said the southeast corner is a habitat for box turtles, and invertibrates. She would like to see the habitat kept in its natural state and access to it kept to a minimum

Ms. Jerbic wanted to make everyone aware of an unusual water feature on this property she called a perched water table on high ground, it may be supplied by a spring or seeps much of the year and is something to be aware of in developing in this area. Mr. Weltlich asked Ms. Jerbic to identify this area on the map. Ms. Jerbic said it was on the 2nd parcel on the west side.

Ms. Jerbic highly recommends protecting the forest at the north of the parcel. She said there is an amazing number of species of trees – 29 which is more than the state nature preserve. She said it is known nesting area for the cerulean warbler which is state and federally listed neo tropical bird, it nest high in tree canopies and mature, large unbroken woodlands, She said it is also known for nesting great horned owls, barred owls, red tail hawks and ground nesting black vultures.

Ms. Jerbic has observed what she believes to be an Indian Mound. Its location is in a designated open space area and could easily be protected and shared as a cultural feature with the community.

Ms. Jerbic asked the Trustees to include preservation language in the development text, and in any legal documents associated with this development, as well as deed restrictions; and, corresponding language to be required in the Homeowners Associations' articles of incorporation and regulations. She further requested the development of mechanisms for enforcement of these protections by appropriate authorities, whether it be the township, county, and/or a management agreement with Ohio Department of Wildlife. Also, the Homeowners Association should have their enforcement responsibilities clearly delineated.

Pam Grossman, 12650 Pickerington Road, Columbus, Ohio was present. Ms. Grossman lives beside Mr. McCallin. Ms. Grossman's concern is Fox Run East, which is the development she is in. There are 11 lots and all the lots and homes there are big. Her concern is they have not addressed what the true square footage (for the homes) is going to be. If they are going to be 1400 square feet, she feels this is going to decrease their property value. Her other concern is there is a stub to come over to the property that is right beside their 11 lots. If these homes are small this is also going to affect their property value.

Roger Graves, is co-owner of property at 12361 Tollgate Road, Pickerington, Ohio Mr. Graves said he doesn't reside at that address but has several questions. He has been researching comparable developments in Violet Township (Woodsfield, Huntington Hills and Summerfield) and they have a density of between 1.7 and 2.04 dwellings per acre with no open space. With this new development it appears 46 acres will have

construction take place which gives you a density of 4 homes per acre on the land that is being built on. He is concerned of a side setback of 7 feet and combined 15. This means your neighbor's house could be within 14 feet of you. Mr. Graves said the design plan is admirable but feels the lot size needs to be greater.

Jeff Ball, 12706 Pickerington Road, Pickerington, Ohio said his concern is the size of the lots as well. The proposed plan shows 1400 square feet minimum (for a ranch home). He feels the density needs to be addressed with something more conducive.

Regarding the stub to the west, Mr. Dugger said this was a County comment (request) as part of the broader connectivity discussion. He said it is a police and EMS request. The county has asked the developers to put this in and the developers feel it is a perfectly reasonable request.

Mr. Dugger said M/I has a reputation and they build into the documentation what they say they are going to do.

Mr. Dugger commented about density and property values that a density of 1.7 (gross) density is good. He thinks the overall valuation of the high \$200,00's and low \$300,000's many people cannot afford. He said they believe they are going to yield a better subdivision than the current one.

Mr. Dunlap mentioned Ms. Jerbic's comment about the prairie and the grasses and Mr. Dugger's comment about the natural seed banks. He noted the natural seed banks will produce a lot of noxious weeds and thistles and things which are not desired. They might want to consider planting the prairie grass so it will smother out noxious weeds and asked him to please take a stronger look at this rather than just let it grow. Mr. Dunlap added the reason he brings this up is because the area of Pickerington Road and S.R.204 was called Lick Skillet because the ground was so poor. The only way they could survive was lick the skillet. At Refugee Road, as you go north. there is a deterioration and different types of soil that produce noxious weeds. Mr. Dugger said would definitely put something in the text regarding this.

Ogris Krautmanis, 5849 Dunwood Court, Kalamazoo, MI. was present. Mr. Krautmanis owns the Enveron property on Pickerington Road. Mr. Krautmanis noticed the west stub is a bit further north than the previous plan. He said he was curious how they came up with this and how negotiable or flexible this is. Mr. Dugger said they moved it north out of a wetland.

Mr. Weltlich commented he would like the developers to go back and look at the density to address the setbacks 15 feet between houses where they are the closest and those areas where they are compact.

Ms. Sarko asked that they also work with her on the issues with the development text.

Mr. Dunlap made the motion to continue the public hearing to the next Trustee meeting of Wednesday, June 17, 2015 at 8:00 p.m. at the Violet Township Administrative Offices. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes. Motion carries 2-0.

Mr. Dunlap made a motion at 9:40 p.m. to take a 5 minutes recess and return to the regularly scheduled Trustee meeting. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes. Motion carried 2-0.

Respectfully Submitted,

Brian Sauer, Fiscal Officer

Joniann Goldberg, Administrative Assistant

Approved by:

Terry J. Dunlap, Sr., Trustee

Harry W. Myers, Jr., Trustee

Gary P. Weltlich, Trustee

Date: _____