

## **Violet Township Board of Trustees**

**July 15, 2015**

### **Public Hearing**

**Mr. Dunlap made a motion to recess the regular meeting and go into the scheduled public hearing for Case No. 02-ZC-2015 Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes, Mr. Myers, yes. Motion carries 3-0.**

**Others present: Township Engineer, Greg Butcher; Fiscal Officer, Brian Sauer; Zoning Inspector, Kelly Sarko; Peter Griggs, Township Legal Counsel**

Mr. Myers asked to be excused from these proceedings. Mr. Weltlich excused him.

Glen Dugger, attorney, Smith and Hale, 3700 W. Broad Street, Columbus, Ohio was present on behalf of the applicant, M/I Schottenstein Homes, Inc., Also present with him were Kevin Zeppernick from M/I Schottenstein Homes, Inc. and Shawn Lanning with Watcon Engineering who prepared the exhibits. Mr. Dugger explained the property consisted of 109 acres located on the north side of Refugee Road immediately west of Toll Gate Schools Campus. It was zoned into the Planned Residential District about 10 years ago. They are administratively rearranging that plan.

Mr. Dugger explained they have made numerous changes to the plan several days prior to the last time they were here, about a month ago. The most noteworthy was they reduced the overall unit count from 187 to 180.

Mr. Dugger said the plan and impact of the 180 units is that it makes some of the widths on those lots a bit bigger. It did not change the overall approach they had. He shared the 'football field' plan to provide understanding of how large the spaces are. He said they were trying to establish the difference between lots on one side and lots on the other as an entire football field in between. This drawing helps to understand the size of the open space.

He said they increased the side yard setback to 10 feet. They have showed in the plan how the subdivision will work. As you come in you will have a tree lined boulevard entrance. At the end of the boulevard entrance there will be an entry feature that has a metal heron art with the pond behind it. On the opposite side of the pond, there will be a pavilion. It will be a dramatic entrance to the subdivision. In the text they indicated the tot lot and pavilion would be constructed as a part of the subdivision as it is built and would be subject to the Trustees approval.

In response to a number of questions that were raised, they identified the northern most area on the east and west side of the cul-de-sac as the North Tree Preservation Zone. It is a 'no build zone.' They will be using construction fencing around the home construction on the cul-de-sac so that they do not have a situation where a backhoe operator inadvertently stumbles into that zone.

After discussions with staff, he said they have clarified and added there would be no outdoor storage of debris, waste, building materials and such.

Mr. Dugger said there was a great deal of discussion about how the ponds would work and they will do pond benching which they think is "state of the art" as far as a safety feature in the ponds. This will have to be submitted and reviewed by the County Engineer's office.

Also, regarding the the pond issue, there was a question about structural integrity of the existing pond (dam). He said they will do what is appropriate to maintain the structural integrity of that pond. They have added in the text that the ponds would have bubblers or fountains or some form of aeration device so the ponds maintain a healthy eco system.

There was a concern about there being some archeological artifacts or remnants on the property. Mr. Dugger said the text reflects they are required, as part of the National

Wetlands Permit, to do an archeological investigation. They indicated they are obligated to comply with the federal requirements on what occurs as part of that archeological investigation.

There was a question about tying the plan and text into the deed restrictions. Mr. Dugger said the restrictions will be brought back to the Township for review and approval prior to attaching a final recommendation of the final plat so they pick up all the commitments that should be put in. The Development Plan should be in the final deed restrictions for the subdivision.

There was question about what the mailbox would look like and he said they have provided a detail on a standard mail box that each house in the subdivision will have.

Mr. Dugger said the Plan is clear how the walking path will circulate through the subdivision. He said there was a question about the appearance of the green space will look like. Mr. Dugger showed examples of walking paths that go through open meadow areas and said is what they are trying to replicate. He said the text reflects the path and it would be mowed on either side and behind that would be this meadow feature that would have wildflowers and meadow grasses.

Mr. Dugger to showed photos of what the meadows should look like. Mr. Dunlap asked if this was similar to the some of the walking paths and meadow grasses in Metro parks. Mr. Dugger said one of the photos was from Pickerington Ponds.

Referring to Zoning Plan Modification 7/10/15,. Mr. Weltlich asked if they had satisfied Mr. Dunlap's concern about the cul-de-sac radius. Mr. Dunlap said they changed that to 75 feet from 65 feet. Ms. Sarko said they made the eyebrows in the corners change to comply with Regional Planning's recommendations. She commented they have added another stub street on the west side of the property,

Mr. Weltlich asked what the minimum distance between houses was and how many houses feature that. Ms. Sarko said the required setback for a lot is 10 feet. The distance between house to house is 20 feet. Originally it was 14 feet.

Mr. Dunlap referring to the Development Text on page 7 under Pedestrian Requirements – b. Mr. Dunlap would like the word "tree" removed from 3b as it refers to the "tree lawns". Mr. Dugger said he understood and would make the change.

Mr. Weltlich explained there has been a lot of misinformation passed around about what this and the previous hearing have been about. He wanted to say this is not about stopping development. He said his question is you had a plan before called the Eastern Lakes. The green space goes up about 35% in the new plan (Heron Crossing) and it has less streets by about 2,000 feet. Mr. Weltlich's concern is he does not want this to become a series of row houses. Mr. Dugger said there is provision in the text that does not allow the same home to be built right next to one another or across the street. There is a diversity matrix which is that the houses have to be different and what it says is you cannot look out your front window and see a house exactly like yours right across the street. Also, in the plan the streets are not straight they are curved on the radius. What you will see is that those houses bend slightly and each house has a slightly different setback from the front yard. The arrangement of the house has to be built a certain way and this is all contained within the text.

Mr. Weltlich asked Ms. Sarko to briefly go through the plan and what has been approved. Ms. Sarko said the black and white plan for Eastern Lakes was approved in 2004 and allowed for 145 single family home lots on the same acreage, and the existing home on the site was to be removed. She said the density for the current plan (Eastern Lakes) is 1.33 lots per acre and the net density is 1.56 lots per acre. There are 32 acres of open space which translates into 32% open space. She said the amount of land for the right-of-way for Eastern Lakes plan is 16.3 acres.

The new plan has the same number of acres of land but has 180 lots. The gross density is 1.7 and the net density is 1.8 units per acre. There are 52 acres of open space which is 49% of open space and 11.4 acres of right-of-way.

Ms. Sarko, when referring to the Zoning Resolution said, when considering a Planned District one thing the Resolution states; “ It shall be the policy of the Township of Violet to promote progressive and orderly development of land construction thereon by encouraging Planned Residential Districts to achieve:

- (a) a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and acre requirements;
- (b) a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience and neighborhood compatibility in the location of accessory commercial uses and services;
- (c) a development pattern, which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
- (d) a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets.

Ms. Sarko believes with this new proposal the township does not often get to approve a “redo” on a rezoning or a development. This development plan is better and actually achieves all of the objectives for the planned district listed in the Zoning Code. Ms. Sarko said she would recommend this new plan over the existing plan.

Mr. Griggs, Legal Counsel, explained the Trustees review is really limited. What they are looking at is the potential changes from an existing plan to the proposed modification and they are basically looking at the goals of the Planned District and does the new plan advance those in terms of open space, in preservation of natural features, density and those types of things.

Mr. Weltlich asked the Developer about one pond on the right hand side as you enter and it is the only pond that does not show a fountain. Mr. Dugger said the text says that all ponds will have a fountain so they will add one there as well.

Mr. Weltlich asked if there was anyone in the audience who wished to speak.

Mike McCallin, 12622 Pickerington Road, Pickerington, Ohio said his lot butts up to the proposed new development. Mr. McCallin explained that at the meeting they had with the developers a few weeks ago they got absolutely nothing in terms of commitments from M/I Homes. He said they have intentions of building this project without committing to us as to what type of homes will be built. They asked them to increase the square footage of the home that they were committing to build and they refused to do that. Mr. McCallin wanted to know what the residents will gain from this and what the Township will gain. They will gain a lot more traffic on the roads. What do we gain by increasing the density of housing that we are allowing on the property? Mr. McCallin is requesting the Trustees reject this proposal unless the developers address the issues.

Glen Konvalinka, 7210 Harbor Blue Place, Pickerington, Ohio said he lives in Violet Meadows and he wanted to know what the plans for the average square footage are of the homes. Kevin Zeppernick of M/I Schottenstein Homes, Inc. 7830 Ackerly Loop, New Albany, Ohio explained they will absolutely write into the text what they will require for minimums. He said they do not sell any of their projects by selling minimums. He would expect the average home size to be easily above 2,000 square feet and pushing into the 2200 to 2400 square foot range. Mr. Weltlich asked if Mr. Konvalinka’s question had been answered. Mr. Konvalinka said he talked a lot but did not really answer his question about the average house size they expect to build. Mr. Zeppernick said 2,000 square feet.

Pam Grossman, 12650 Pickerington Road, Pickerington, Ohio said. At the meeting at the Senior Center, they were told the minimums were 1500 square feet for a ranch and 1750 square feet minimum for a two story. Now she thinks they are saying 1400. Mr.

Dugger said the prior plan was 1400 square feet for a ranch, but was increased to 1500 square feet. The number of ranch homes is capped at 15%. Mr. Konvalinka's question was; what is the average size and Kevin answered it by saying 2,000 square feet? The minimum is 1750 square feet for a two-story.

Marian Reitano, 13195 Coventry Avenue, Pickerington, Ohio speaking as realtor of 30 years and not as a homeowner, said M/I builds a lovely home, and you cannot get the same price in New Albany as you can in Pickerington. She said it was her opinion you cannot have such a vast span of square footage and expect to get \$300,000. Ms. Reitano said she did not think they would get \$300,000.00 for a vinyl siding house in Pickerington and she thinks the developers are off in their numbers.

Rita Theison, 10212 Dorchester Place, Pickerington, Ohio asked why they were limiting ranch style houses to 15% of the houses in subdivision. Mr. Dugger said at the meeting at the Senior Center Kevin Zeppernick explained that ranches represent 1 out of every 30 houses being built.

Angie Crawford, 42 E. Church St., Pickerington, Ohio said she is not familiar with the first plan. She has major concerns with the green space and sharing the common road with the school. She said she thinks they are going to tell you what you want to hear and not do any of it. She said the only thing they can do is get a referendum to try to stop it. Attorney Pete Griggs explained the decision tonight was not subject to referendum. Mr. Weltlich explained to Ms. Crawford she could not compare this to R-1 and R-2 and this was a Planned District. She said her final point was when she Googled® the M/I subdivision they referenced the homes that came up were not \$300,000 homes.

Jean Parker, 12869 Fox Run Court, Pickerington, Ohio stated this was the first meeting she attended as her husband attended the other meetings. She said he did not walk away with the concerns that the other residents had. She feels the Heron Crossing will be more desirable as opposed to Eastern Lakes. She is concerned about the density and feels that bumping down the number of houses by 5% does not adequately address that concern and she would ask on behalf of residents of the Township that the Trustees consider asking M/I to take another look at how they can bump up lot size a little bit and let go of some of these houses. Mr. Weltlich asked her to quantify what she meant by a little bit. Ms. Parker said a number somewhere halfway between 145 and 180.

Jeff Ball, 12706 Pickerington Road, Pickerington, Ohio, said the Heron Crossing revised plan as far as how they are using the green space is very desirable as is the use of the existing features. He said his objections are and always have been the lot sizes. He said he went through the text they handed out at the meeting at the Senior Center and his problem is they are taking the existing plan and they are expanding the number of houses. He said in their text, they state that this is consistent with other lots in the area and feels this is absolutely not correct. These lots here are 15% smaller than the smallest subdivision east of 256. The average size lot (the smallest one) would be Eastwood. This is not in keeping with the existing community. Mr. Ball asked specifically why they could not do the same thing with less houses. Mr. Zempnick told him 147 houses just do not work for them financially. Mr. Ball said it was neither our responsibility nor the Trustees responsibility to protect their bottom line. Mr. Ball had a petition with 500 signatures asking the Trustees to deny this application.

Jim Brink, 12488 Brook Forest Circle, Pickerington, Ohio asked if there was any language regarding the gate at the school as it was his recollection the gate was to be closed during school hours. Ms. Sarko said we could not control in this development text what occurs on the school property. Mr. Brink wanted to make sure this gets worked out because there could be issues. Mr. Butcher said they have had discussions with the school based on this preliminary plan regarding access to the school property. Fairfield Regional Planning Commission Regulations require connectivity to adjacent properties and this is consistent with good planning practices. Relative to his specific point on a gate; a gate has been discussed conceptually both last time and this time and we realize there is the potential for impact to the school circulation patterns and have recommended that his staff and Township staff meet to allow for connection but not at the expense of or any kind of compromise to safety. Mr. Butcher added it was not uncommon for subdivisions to have a connection to a school. Mr. Brink clarified that

the schools knew that connection was going to be there when the schools were built but the expectation was at the time there wasn't going to be traffic going through there during school hours.

Mr. Brink said he was also curious about the rate of growth in K-12 population. Mr. Weltlich said he would ask a question and address this point before the hearing is closed. Mr. Butcher wanted to address this second comment. He said independently of each other, both the Township and M/I Homes have had discussions with school staff that he may or may not be aware of. The discussions Mr. Butcher had with the Superintendent, as related to this specific development, did not express a concern relative to the impact of the development to the elementary and middle school. The minute we receive a preliminary plan in conjunction with what we are trying to demonstrate in our intergovernmental cooperation meetings with the City of Pickerington as well as the school district they immediately contacted the Superintendent to advise her of this potential development.

Roger Graves, co-owner of 12361 Tollgate Road, Pickerington, Ohio for clarification purposes he wanted to know the minimum square footage for the homes (ranches and two stories) on the original plan. Ms. Sarko said she could not answer the question at this moment. Mr. Graves said he was afraid of a precedent of 1500 square foot homes in that section of the Township.

Cathy Jerbic, 12599 Toll Gate Road, Pickerington, Ohio submitted a second testimony to the Board. Ms. Jerbic read the following of her submitted testimony: *"The major issue still remains as that of housing density. While the number of units has dropped from 187 to 180, this is still greater than the earlier Eastern Lakes project. When people look at other subdivisions, they do not see houses packed so closely together, they do not view this project as comparable to other subdivisions in the area.*

*Thus one looks for the rational. The governing documents are the township's Land Use and Transportation Plan (2005) and the Zoning Ordinance (with amendments dated April 2015). One would read the Plan as the vision, the goal and the ordinance as the implementation of that Plan. But these two documents do not appear to be in sync probably due to the time lag and changing circumstances.*

*The Plan states a population of 16,900 in the year 2000 for the unincorporated portions of Violet Township. It projects adding a population of 12,320 residents by the year 2020 for the entire township (which includes the City of Pickerington). It further concludes that the township has 3.5 times more land than it will need to accommodate that growth.*

*It further breaks out the Refugee Road District as being able to provide 2,372 buildable units in an undeveloped area of 1,942 acres, or a potential density of 1.2 units per acre.*

*It is here that the Plan and the Ordinance seem to be out of sync.*

*As to the Zoning Ordinance, Eastern Lakes in 2004 was designed as a Planned Residential District with approximately 147 units. These districts have a different formula or "calculation of Density" from single family housing elsewhere in the ordinance.*

*The ordinance states: "Because of the special characteristics of planned residential districts, special provisions governing the development of land for this purpose may be required." Unfortunately, this language is not clear, the verb "may" does not mean required, and what are the special provisions are, are nowhere stated. This is a statement fraught for interpretation in innumerable ways.*

*The language for Planned Residential Districts also states that the trustees may modify the Development Plan if it is shown the modification is not in conflict with health, safety and welfare of the public. The public may feel this Plan, as currently configured, is not to their welfare.*

*I highly recommend the township update their Land Use and Transportation Plan, so that it and its Zoning Ordinance are more closely integrated. Both documents, of course, provide for the opportunity of public input and participation."*

Mr. Weltlich stated this is a vacant lot where houses will be built and he asked the developer if they have considered the cost increase to the schools and the impact to the schools and would they be willing to contribute something per lot to the schools to offset those increased costs.

There was a brief discussion about either closing the public hearing or only closing public comments. It was determined there would be no further public comment.

**Mr. Weltlich made a motion to continue the public hearing until 8:00 p.m. on August 5, 2015 at the Violet Township Administrative Offices. Mr. Dunlap seconded the motion. Roll call vote: Mr. Weltlich, yes; Mr. Dunlap, yes. Motion carries 2-0.**

**Mr. Dunlap made a motion at 8:26 p.m. to close the public hearing and return to the regularly scheduled Trustee meeting. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes. Motion carries 2-0.**

Respectfully Submitted,

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Brian Sauer, Fiscal Officer

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Joniann Goldberg, Administrative Assistant

Approved by:

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Terry J. Dunlap, Sr., Trustee

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Harry W. Myers, Jr., Trustee

\_\_\_\_\_  
Gary P. Weltlich, Trustee

Date: \_\_\_\_\_