

## Violet Township Board of Trustees

May 18, 2016  
Public Hearing

**Mr. Myers made a motion to recess the regular Trustees meeting and convene a scheduled public hearing of Case Number 02-ZC-2016. – an application filed by John Donley to Rezone 115+ acres from the R-1 Single Family Residential District to a PD, Planned Residential District to Accommodate a 193(194) lot single family subdivision. Seconded by Mr. Monhollon. Roll call vote: Mr. Myers, yes; Mr. Monhollon, yes; Mr. Dunlap, yes. Motion carries 3-0.**

**Others present: Township Engineer, Greg Butcher; Director of Operations, John Eisel; Fire Chief, Mike Little; and Zoning Inspector, Kelly Sarko.**

Ms. Sarko explained that the property in question is located on the west side of Ault Road south of SR 204. It is south of the Bates-Crawford Subdivision which is zoned R-1, Single Family Residential, east of the Meadowmoore Planned District, north of Fox Run West Subdivision which is zoned R-1, Single Family Residential, and on the opposite side of the street from Cansada Estates which is located on the east side of Ault Road. Mr. Donley is requesting to rezone the property to a planned residential district from R-1, Single Family Residential. The property is currently used for agricultural purposes. There is also a home and barn on the property.

The proposed subdivision will have 193 single family home lots with the possibility of one additional lot. There are 23.2 acres of open space and is divided and distributed throughout the development and connect by via a system of paths.

The main entrance will be from Ault Road. There will be two connectors from Meadowmoore, one at Banker Drive and the other from Becker Farm Drive.

The zoning commission began hearing this application in November. They issued recommendations on April 5, 2016, recommended approval of the application and recommended approval of the request for divergence relating to setbacks which are required for the lots adjacent to the platted Bates-Crawford and Fox Run West subdivisions.

The Fairfield County Regional Planning Commission (RPC) considered this application on November 3, 2016 and they recommended approval of the application. They submitted a report and comments.

There were numerous comments from residents at the public hearings of the Zoning Commission. Those included concerns about increased traffic and setbacks adjacent to Bates-Crawford.

There is a proposed stub connector as required by Fairfield County RCP. If the adjacent land does not develop by the time the engineering drawings for this section are prepared, the developer has the ability to convert that to a single family building lot instead of a stub street.

Minimal home size is 2000 square feet for a one-story home (excluding the garage) and 2600 square feet for a two-story home (excluding the garage). The widths of the lots are 90 and 100 feet to accommodate 3-car garages. The exterior finish on the homes will be brick, stone, culture stone, wood, stucco, cementitious fiber siding, Hardie Plank and vinyl siding similar to "Crane Board". The exterior colors are to be neutral colors or earth tones.

The developer provided a very detailed development text. Deed restrictions were also provided which will be reviewed by the Board of Trustees prior to recording.

There are several different open spaces. The central green has a tot lot and the existing tree line. The Reserve F at the end of Garden Drive contains a wetland and a wetland buffer. The stub street on Garden Drive will be changed into a parking lot and a informative kiosk located there to educate the public about the importance of wetlands and the storm water program. There is an eight foot multi-use path which travels through the subdivision and connects all the open spaces. There are two aerated ponds for the purpose of storm water management. The front open space along Ault Road is designated for community gardens which will be rented out by the homeowners association. There is a street tree program and there will be buffering along Ault Road.

The existing drive from the home next to the county utilities building will be used as a construction entrance.

Jeff Strung from EMH&T, 5500 New Albany Road, Columbus, Ohio, spoke on behalf of the developer. He explained that they had been working through the process for this development for 5-6 months and thinks that they have come up with a quality development that the community can be proud of. It is the intent of Mr. Donley to continue that process of developing quality developments like Meadowmoore. The gross density is similar to that approved in the past. There was discussion with the Zoning Commission that there was not as much open space as other developments even though there is similar gross density. The reason for that is because the Donley's have a certain product type with large homes. Of the lots, 124 are 90 feet wide and 69 are 100 feet wide. Mr. Donley wants to continue the same product with quality construction and size of home. To do that and allow for options on the side of the home and 3 car garages, the total number of lots was reduced. One of the major concerns from the community was increased traffic. There was a traffic report done and the developer has met with staff and ODOT about the results. The property where the construction access is currently located off Ault Road will be transferred to one of the adjacent property owners once construction is complete so there will not be a lot that is not in compliance with the zoning code.

Mr. Monhollan asked how many feet of walking pathway were in the development. Mr. Strung was not sure of the exact number, but pointed out where the path was to be located on the map.

Mr. Dunlap asked if the walking path would tie into the currently existing Donley subdivision. Mr. Strung said that it would tie into the sidewalk that exists in Meadowmoore. Mr. Dunlap asked if there would be a sidewalk or walking path in front of every house and every lot. Mr. Strung confirmed that was the case.

Mr. Myers asked how many acres of the open space would be wetlands. Mr. Strung said the wetlands is a small portion of the 7.3 acres of open space in Reserve F.

Mr. Myers asked if the area in Reserves E, C, and D were buildable areas. Mr. Strung said yes, and there were also portions of Reserve F that were buildable area. He further pointed out other area and access areas on the map that were not included in the calculation of open space.

Mr. Myers asked where the retention pond in Reserve D would drain to. Mr. Strung said it drains to a low point to the south and Fox Run Court. Mr. Myers asked where the pond to the west drained to. Mr. Rick Harkless, of ERH&T, 5500 New Albany Road, Columbus, Ohio, said that the pond would drain through the Hickory Lakes property. He explained that the owner of Hickory Lakes had been concerned that the new housing development would cut off water drainage to the several ponds on the Hickory Lakes property. He commented that he had assured her that they could not change existing drainage paths and the stream that starts on the development property and currently drains the farm land would stay. Mr. Myers asked where the pond in the woods would drain. Mr. Harkless said that it would drain into existing swales and ditches. Mr. Myers asked how the water from the pond would get across the building lot. Mr. Harkless said that there would be a drainage easement on the building lot and the water would drain underground until it was discharged at the back of the lot. Drainage easements and utilities are not shown on the plan at this point.

Mr. Strung commented that he had submitted a slightly modified phasing plan to Ms. Sarko. A couple of lots were slightly adjusted from what the Fairfield County Regional RPC approved. The reason is that during development they are required to have temporary T-turnarounds and they are trying to minimize that.

Mr. Strung added that there were two other issues he would like to bring to the attention of the trustees:

- 1) As the plan is now, lots 13 through 18 which back up to Ault Road will have a fifty foot setback. The developer may request a divergence to make that setback 30 feet.
- 2) Meadowmoore residents have expressed interest in having pergolas. Based on current text, accessory buildings are not allowed. Mr. Donley would be fine with adding text to allow pergolas with a size limit.

Mr. Dunlap asked about the time limit on the stub street development to the south. Mr. Strung said that the time limit is dependent on when the final engineering plans are completed for that phase of the development. At that time, if there are no plans to develop the land to the south, they will change the stub street to a building lot. It will be in the last section of the development to be built. Mr. Strung said it may be five to ten years down the road. Mr. Myers commented that it has been suggested many times that the land to the south be developed as a park. If that were the case, and the stub street had been converted to a lot, there would be no walkway to the park. Mr. Strung said that if there was a need for pedestrian access, they would be willing to do that. Mr. Harkless asked if that was

something they could look at doing later as development of the subdivision progresses and engineering plans for that section are developed. Mr. Myers said sure.

Mr. Harkless commented that they had already requested a divergence for the lots along the northern boundary which border another subdivision. The request was to reduce the required 50 foot front yard setback to a 30 foot setback to match the rest of the new development. They would be complying with the rear and side yard setbacks. The divergence that may be requested for lots 13-18 along the eastern boundary on Ault Road is for a rear yard divergence that would be needed. Mr. Strung commented that the thought process regarding the divergence request for the northern boundary lots was that moving the houses closer to the street would 1) move them further away from the existing housing addition, and 2) have the house placement on those lots match the rest of the proposed subdivision. Mr. Dunlap asked if lots 13-18 were included in the divergence request. Mr. Strung said no and they may not include them in a divergence request.

Mr. Myers commented that the current plan consists of 193 or 194 building lots. He asked how many lots were on the original plan. Mr. Strung said 197. Ms. Sarko clarified that the original plan was 191, then it was changed to 197, and now it is 193 or 194.

Mr. Dunlap asked how far residents would have to travel on Becker Farm Drive to get to SR 204. Mr. Strung said it was a little circuitous and showed the route on the map. He pointed out that initially the developer wanted a less circuitous access, but the Fairfield County RPC wanted a more circuitous access to discourage cross traffic through Meadowmoore. The developer has provided the connectivity needed with two road access points, but the circuitous route will hopefully reduce speed and promote the neighborhood.

Mr. Dunlap asked if there was a private drive connecting from the Bates-Crawford subdivision to proposed lot 178 which backs up to Bates-Crawford. He commented that ODOT will likely install a traffic light at Wagram Road at sometime in the future and asked if the developer would be willing to make lot 177 or 178 a stub street with the same conditions as the stub street to the south. This would allow the possibility of ODOT purchasing the lot and making a safe neighborhood connection to a traffic light. Mr. Strung said this is the first time that they had heard about possible interest in a connection at this location. Those lots are located in Section 2, Phase 1 of the development plan. Mike Donley, of 7600 Farmsberry Road, said that there had been a traffic study. Mr. Harkless said that the traffic study had several revisions and county had made several comments. It was submitted to ODOT for review. There was a meeting regarding the traffic study results with the developer, the county, ODOT and Greg Butcher. It was determined that the traffic counts weren't high enough to put a traffic light at Ault Road & SR 204 and ODOT would not recommend one. He explained that the traffic study showed an expected increase in traffic of just under 10% so there wasn't a high enough demand for a traffic light. Mr. Myer asked who did the traffic study and when it was done. Mr. Harkless said EMH&T did the study twice in the morning, afternoon rush hour and evening and school days were included. Mr. Dunlap asked how many cars were added to the ADT based on the subdivision. Mr. Harkless said they figured 10 trips per day per lot. Mr. Dunlap commented that potentially 2000 cars per day could be turning onto Ault Road. Mr. Butcher confirmed that ODOT's position was that a traffic light was not needed. However, there are times in the morning and possibly times in the afternoon when a light is warranted due to school traffic. Since there was not a need for a light outside of those particular school related peak times, ODOT is not going to require the developer to participate financially in improving the intersection. Mr. Dunlap commented that it would not be too hard to set out lot 178 as a stub street and build on it later if the traffic light at Wagram Road does not happen. Mr. Donley said that he wasn't sure if that would be a great solution to that potential issue as it might bring more cut-through traffic into the neighborhood.

Mr. Myers commented that the construction would progress from east to west across the development and the construction traffic would be on Ault Road. Mr. Dunlap asked if the developer would be willing to ask all contractors to come onto Ault Road from the north to limit the amount of damage to Ault Road. Mr. Harkless said yes, he would be willing to ask the contractors to come in from SR 204.

Mr. Myers asked what Reserve E in Section 1 Phase 2 would be used for. Mr. Strung said that it was an area for passive recreation with paths and a tot lot. Residents could play football or Frisbee and children could play in the open area. Mr. Myers pointed out that there were lots adjoining the area and some residents would have their back yards next to the play area. Mr. Strung stated that some lots in that area had been removed from the original plan and this arrangement was not unusual. Mr. Myers commented that it would be a more open area with no homes. Mr. Dunlap asked if the lots next to the open space would be more expensive. Mr. Strung said yes, they would be more valuable. Ms. Sarko showed on the map where the tot lot would be located and examples of the play structures.

Mr. Dunlap asked if the community gardens were going to be located in Reserve C and if they would be laid out in plots with mowed grass in between them. Mr. Strung stated the gardens would be plots of ground rented by the residents and any area outside of the plot would be maintained by the homeowners association including any grass strip between the plots.

Mr. Dunlap commented that the street trees should be located behind the sidewalk not in the tree lawn between the curb and sidewalk. Ms. Sarko stated that Meadowmoore has a street tree program where the homeowners agree to maintain the trees in the right of way (ROW). There is specific language in the development text and the deed restrictions about the tree program. Mr. Dunlap asked if the trees could be placed behind the sidewalk as there had been issues in other areas of the township in similar situations with tree maintenance falling on the township. Mr. Strung said yes, the trees could be placed behind the sidewalk and other townships required that. Mr. Myers said that he remembers the trustees specifically allowing street trees in the ROW for other sections of Meadowmoore and doesn't understand why there would be different requirements in the new section. Mr. Strung said that the developer had worked very hard to make the development text and deed restriction language strict and enforceable. Mr. Dunlap commented that the township could not enforce deed restrictions and asked, if it is in the zoning text and the property owner adjacent to the tree lawn refused to maintain the tree in the public ROW, how the township could require them to do so. Ms. Sarko said that if the adjacent property owner did not maintain the trees they would be in violation of the planned district zoning. Jennifer Huber, from Brosious, Johnson & Griggs, 1600 Dublin Rd, Columbus, OH 43215, said that the township would follow normal procedures for zoning violations. If the violation was not addressed, the township could take care of the problem and then assess the homeowner for the expense. She commented that the HOA would also be responsible for forcing the tree maintenance since it is required in the deed restrictions.

Mr. Dunlap said that he has no problem with lots 13 through 18 having 30-foot setbacks if the developer would like to request that divergence.

In regard to the possibility of pergolas, Ms. Sarko said that she was not opposed to adding language to the development text to allow them. Mr. Donley said he did not want to hold up the approval process to add it, and was fine as the text is. Mr. Dunlap asked if the township could grant a variance for a pergola or would that put the township in conflict with the HOA. Ms. Huber said yes there would be a conflict; if the deed restrictions are more restrictive than the zoning restrictions, the deed restrictions prevail. In order for the homeowner to build a pergola they would have to get permission from their HOA and a variance from the Board of Zoning Appeals.

Ms. Sarko asked that the developer ask for the divergence for the 30-foot setbacks for lots 13 through 18.

**Mr. Myers made a motion to continue the public hearing until 8:00 PM at the regular trustees meeting on June 1, 2016. Seconded by Mr. Dunlap. Roll call vote: Mr. Myers, yes, Mr. Dunlap, yes; Mr. Monhollan, yes. Motion carries 3-0.**

**Mr. Myers made a motion to return to the regularly scheduled trustee meeting. Seconded by Mr. Monhollan. Roll call vote: Mr. Myers, yes, Mr. Monhollan, yes; Mr. Dunlap, yes. Motion carries 3-0.**

Respectfully Submitted,

\_\_\_\_\_  
Brian Sauer, Fiscal Officer

\_\_\_\_\_  
Peggy Portier, Administrative  
Assistant

Approved by:

\_\_\_\_\_  
Terry J. Dunlap, Sr., Trustee

\_\_\_\_\_  
Darrin Monhollen, Trustee

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

\_\_\_\_\_  
Harry W. Myers, Jr., Trustee