

Violet Township Board of Trustees

June 7, 2017

Public Hearing

Case Number 05-ZC-2017 – Chesapeake Planned District

Mr. Dunlap made the motion to recess the regular meeting and open the Public Hearing for Case Number 05-ZC-2016 at 8:00 p.m. Mr. Myers seconded the motion. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Monhollen, yes. Motion carried 3-0.

Also present were: Greg Butcher, P.E., Township Engineer; Kelly Sarko, Zoning Inspector and Jennifer Huber, Township Legal Counsel.

Case Number 05-ZC-2017

An application filed by Grand Communities Ltd. 3940 Olympic Blvd, Erlanger, Kentucky to rezone property owned by John and Joyce Wymer, 12850 Milnor Road. This application proposes to amend the Violet Township Zoning Resolution by amending the Violet Township Zoning Map to rezone 40.95 acres located on the east side of Milnor Road, north of Refugee Road and South of Blacklick-Eastern Road, from the REC-1, Privately Owned Recreation District and the R-2, Single Family Residential District to the PD, Planned Residential District in order to accommodate a 80-lot single family subdivision.

Ms. Sarko explained this property is located specifically north of Wildflower Drive in Winding Creek and south of Meadowmoore Boulevard. The property was previously used as soccer fields and contains a cell tower.

The 2005 Violet Township Land Use and Transportation Plan designates this tract as Single Family Residential. This is defined as: "Single family housing at densities comparable to or lower than surrounding residential development are recommended. Single family housing is an appropriate infill density in the vicinity of existing residential subdivisions, and in areas where residential land uses are most appropriate and non-residential uses are not desired. Open Spaces should constitute as much as 40 percent of usable subdivision land".

The main entrance to subdivision will be from Milnor Road. It is proposed to be developed in four phases. Streets will be 28 feet wide in a 50-foot right-of-way. Stub connectors are provided to the south at the "Estates at Lake Forest" currently in the process of rezoning, to Hickory Lakes property on the east, and to the west into Wymer property. There is a cul-de-sac at the north end of the proposed development. The pavement radius for Irvington Place is 50 feet.

5-foot wide sidewalks are required on both sides of the streets except where a 6-foot wide multi-purpose trail is located.

Water and Sanitary Sewer service for the subdivision will be extended from Winding Creek across Milnor Road.

The Development Text and Plan show ponds for storm water retention and water quality and states storm water will follow existing drainage patterns. Ms. Sarko noted, after the Zoning Commission made a recommendation for approval of this site it was determined that additional storm water storage is likely necessary and they will be adding additional retention ponds to the proposed development.

Regarding the lots, the minimum lot width is 75 feet measured at the front building line and the minimum lot depth is 135 feet.

Two-story homes are proposed to be a minimum of 2,000 square feet and ranch homes are to be a minimum of 1,800 square feet. Homes will be placed a minimum of 6 feet from each side property line. Fireplaces are permitted to encroach into the minimum side yard. The rear yard setback is 35 feet and the front building line is 30 feet from the edge of the right-of-way. Each single family home is required to have a minimum 2-car garage. Side and front loaded garages are permitted. The applicant has agreed to

require side load garages for the homes on Lots 1 and 80 to be placed on the side of the home opposite of Milnor Road.

Exteriors finish materials will include: Brick, stone, stucco, wood siding, cement fiber siding and vinyl siding. The vinyl siding thickness grade shall not be less than .044 and entire homes shall not be vinyl sided.

Bold and neutral color pellets are permitted. Front porches are permitted but not required. As in other recent planned districts; solar panels are restricted to the rear of the home so not to be visible from the street. Sample home elevations were provided. Street trees will be placed outside of the right-of-way. They have a minimum of landscaping package of 1 shade tree, 1 Ornamental/Evergreen and sod is placed to the front corner of the house.

Fences are permitted to be constructed in the rear yard from the rear corner of the home and fences on corner lots may not extend beyond the building line.

Fences cannot be taller than 4 feet and they are not permitted to be placed in a platted drainage or utility easement or in a Tree Preservation Zone.

The development provides 9.12 acres of open space – or 22% Open Space. The largest open space area is Open Space “G” which is 3.90 acres on the south side of the development and Open Space “F” also on the south side of the development. A 6-foot multi-use path will be located in Open Space “G” from Chesapeake Way to Baybridge Lane.

The applicant indicated the intent of Reserve “F” is to preserve the existing trees and grasses. Open Space “F” will be used for public recreation and storm water facilities. Open Space “E” contains .90 acres on the west side of the northern leg of the subdivision. The remaining Open Spaces are detention basins at the entry of the subdivision and the boulevard green space. The acreage for these areas is .62 acres.

The Homeowners Association (HOA) will own the open space areas and will be responsible for maintaining the spaces including repair of common elements, paths and structures in the open space areas. Currently, there are no structure shown in the open spaces areas other than paths and ponds in the open space areas. Additionally, the HOA will be responsible for operation and maintenance of all storm water installations not maintained by the County or the Township.

A 50-foot Perimeter No Build Zone is established along the entire perimeter of the property. This area is to be maintained by the lot owner if applicable. No structures, fences, patios, decks, spas, swimming pools equipment and structures, recreation or athletic facility or any improvement is permitted within the buffer area. The owner is permitted to remove dead or diseased trees. Utility work is permitted in the Buffer and any disturbance must be restored to as close the original condition as possible.

An existing cell tower is located on the site. The tower area consists of .147 acres. The site will be screened. The cell tower screening plans will be provided to the Township for review when the final plat for the Section, in which the tower is located, is submitted for review.

The telecommunications tower area is a land lease agreement for .147± acres between the current owners – John and Joyce Wymer and Verizon Wireless and has not been included in the Open Space calculation. The lease agreement is for 5 years with the option for extensions for 5 additional 5 years terms. The lessee is responsible for the removal of all structures, etc. within four feet of grade. Within 90 days of the removal of the structure, the land will be dedicated to the Chesapeake HOA or current area of the open space adjacent to the tower.

The applicants have provided Exhibit B, Telecommunications Facility Agreement Addendum No. 2. In this agreement Grand Communities agrees to include within the HOA Declaration a provision that requires the HOA to accept the conveyance of the Tower Parcel from Mr. and Mrs. Wymer. Grand Communities has indicted this provision would be made for the benefit of and requirement of Violet Township and would not be allowed to be modified or removed from the HOA Declaration without written consent from the Violet Township Board of Trustees.

Model homes are permitted and they have provided the types of signs for the model homes. The model homes shall be terminated once the subdivision has sold every lot in the community.

The proposed gross density for the site is 1.9 units per acre. The net density is 2.26 units per acre. A divergence is requested for the net density.

A sample set of deed restrictions was included with the application and the applicant has agreed to submit final deed restrictions for review and approval prior to the approval of each section of the final plat for the subdivision.

The Fire Department reviewed the application. Lt Belcher provided the following information: Temporary turnarounds shown shall be accessible for each phase of the development; Complete infrastructure (accessible streets and water supplies) shall be in place prior to any construction of combustible materials; Water supplies, fire hydrants are required to have a 5 inch Storz type of Steamer Cap Fittings to meet standard hydrant specifications.

Ms. Sarko explained the Zoning Code state the applicant may request a divergence from the development standards set forth in Section 3V. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan.

The Violet Township Zoning Commission conducted public hearings over several evenings and on April 18th the Zoning Commission recommended approval of the application with modifications. They recommended approval of divergences.

Ms. Sarko reported in the Development Text, the applicants have made some minor revisions. They have corrected as a condition of approval to change wording stating street lights will be provided. They have added text regarding slope of minor roofs and how to measure the height of the structure; included a sentence which states a Homeowner's Association will be established; and they have also included a provision that agricultural uses will be prohibited such as poultry and livestock but allowing gardens for personal consumption to be permitted.

Fairfield County RPC considered this application during their December 6, 2016 meeting. They accepted staff recommendation of approval for the proposed rezoning. RPC staff recommendation states: The development appears to be in agreement with Township and County future land use Plan recommendations. RPC staff recommends approval of the proposed development subject to the Subdivision Regulations Committee comments listed above. The developer of the site shall also comply with the requirements of the Violet Township Zoning Resolution".

County Subdivision Regulations Comments: Requested all stubs provide temporary turnarounds; sidewalks be constructed 5 feet wide per current ADA requirements; the Development Plan was brought through Fairfield County Active Transportation Committee meeting and they recommended the developer provide future pedestrian easement along Milnor Road and grading of that portion of the property to allow for future multiuse path; They did not want any lot within 100' of 100' fall zone of the cell tower – Ms Sarko noted there is no home within the fall zone; they requested temporary bollards be installed at the terminus of the recreation path to Hickory Lakes – Ms. Sarko noted the plan has since changed and there is no path into Hickory Lakes; potential model homes are to be included on the construction drawings; and the Landscaping plan be included on the construction drawing to properly review proposed tree locations; preliminary drainage calculations be submitted with the preliminary plan; follow the requirements of 3.3.8 of the County Subdivision Regulations; other agency requirements.

Mr. Anderson, who owns the property immediately adjacent to the site, sent a letter concerning the development of the Wymer tract. He indicates he will not be available to attend the meetings. He states his property is a working farm and from time to time will continue to raise hogs. He asked the developer to inform potential buyers of their farming operation and that this be a requirement for the development to protect their operation from the controversy.

The Violet Township Zoning Code requires a maximum net density shall be two (2) living units per acre, average for the area in the Planned Residential District to be devoted to

residential use. The applicants are requesting a divergence to allow a total of 80 living units with a net density of 2.26 units per acre.

The Violet Township Zoning Code requires If the PD provides for a landscaped buffer area of at least one hundred feet (100') in depth along the perimeter of the areas which are contiguous to the previously developed or platted areas, the restrictions of Section 3V3-02(D)(1), above, shall not apply. The landscaped buffer areas referred to herein may be either an area dedicated to public use or a "no-build" area restricted by the recorded plat and/or appropriate covenants in the deeds of conveyance to the individual property owners of the residential units in those perimeter areas." The applicants are requesting a divergence to allow a 50' perimeter no build zone.

Mr. Myers asked what the greenspace percentage was. Ms. Sarko said it was 23%. Our requirement is 15%. He asked about the percentage of open space in Heron Crossing. Ms. Sarko noted it was 49%. Mr. Myers asked what the setback was in Heron Crossing. Ms. Sarko said it was a minimum of 10 feet each side and the rear yard setback is 35 feet. He inquired about the No Build Zone in Heron Crossing. Ms. Sarko said she thought it was approximately 60 feet

Kirk Ridder, Project Planner with Fischer Development, on behalf of Grand Communities provided a PowerPoint presentation about Fischer Homes and the proposed development.

Mr. Dunlap, referring to the Development Text reference to street lights asked who would be responsible for paying for the electric for the lights. Mr. Ridder said he believed it was the homeowners. Mr. Dunlap asked that this be specified.

Mr. Dunlap also asked if they would commit to the standard green street signs with the white reflective letters as this was standard and people can see them. Mr. Wisniewski with Fischer Development Company agreed.

Mr. Dunlap also asked about the cul-de-sac at the end of Irvington Place. He noted originally it was a stub street and it is now a cul-de-sac with a 50-foot radius. He noted in Heron Crossing they agreed to 75-foot radius for their cul-de-sac. Mr. Ridder said they could make it a 75-foot radius.

Mr. Dunlap also asked if street trees will be on private property, outside the right-of-way. Mr. Ridder confirmed that was correct.

Mr. Myers asked about the 2.26 units per acre and you have 80 homes. He asked what it would take to get it down to 2 homes per acre. Shawn Lanning explained that 6 or 7 lots would be lost based upon the acreage and the right-of-way.

Mr. Myers said on the west side of the project obviously the width is not wide enough to get the 100' no build zone in back and wondered if that was the reason why the no build zone was 50 feet. Mr. Ridder said this was correct.

Mr. Myers asked what improvements they were willing to do to Milnor Road. Mr. Ridder said per the Fairfield County Subdivision Regulations, any development over 50 lots requires a turn lane so they will have a turn lane. They are in the process of getting the right-of-way from Mr. Leas across the street. Both parties have agreed to terms for an agreement. He said there will be a turn lane.

Mr. Myers asked about Baybridge Lane and he said this street eventually has to go down to the Bucilla property. Mr. Ridder said that was correct. Ms. Sarko said the Estates of Lake Forest is south of the property and this subdivision will connect to that subdivision.

Mr. Myers said there was also a future connection to the east. Mr. Ridder said this was correct.

| Mark Decker, 8810 Chateau Drive said he is concerned for the fact that we have a provision for residential development and we need to go through several divergences for each one of them. Regarding the cell tower, he is not satisfied with the fact that there is a parcel of land that is a loose end. He said that we do not know what is going to happen with it (the cell tower area) except they have someone's agreement.

Mr. Dunlap asked Ms. Huber if there was a mechanism in place with some type of deed restriction on the cell tower property that if it is no longer utilized as a cell tower it reverts to that subdivision as green space. Ms. Huber said it was her understanding that the deed restrictions will incorporate portions of the addendum to that affect. The HOA will always know and the owners will always know what is to become of this parcel and what was agreed to at the start.

Mr. Dunlap asked if that is what will be in the deed and it can't be used for any other purpose other than what is there. Ms. Huber said yes. Mr. Decker said it will not be in the deed for that piece and that piece is not going to be deeded to and it is not part of the property that is going to the developer.

There was a brief discussion regarding the land the cell tower is located and the addendum for that land. Ms. Huber believes that the addendum accomplishes what they want it to do. She said the Wymer's have already agreed to the disposition of the cell tower property and that is what this addendum is. Mr. Dunlap asked what the agreement said. Ms. Huber said the Development Text requires after 90 days that the structures have to be removed, re-seeded and becomes part of the open space; the Addendum requires it to be sold to the HOA for \$100.00. Ms. Sarko said it was part of the Planned District (Development Text). One Board member asked if it could be used for commercial purposes. Ms. Sarko explained it is currently zoned REC-1 and it is part of the rezoning and will be rezoned to a Planned Residential District.

Mr. Dunlap asked if they could work on some language to better solidify Mr. Decker's issue.

Mr. Wisniewski said when they asked their counsel about the best way to address the issue, this was what they put forth and he trusts that this is the best mechanism that they can come up with.

Ms. Huber noted that she would explore putting a restriction on the piece of property. Ms. Huber also noted that if the zoning went through the addendum has been an exhibit to the zoning text and will be a portion of the legislature that will be a portion of the zoning affecting the subdivision.

Mr. Butcher asked about the traffic impact study and the turn lane that was referenced. He asked him to show what property they were looking at for the turn lane. He also asked Mr. Lanning if this will capture all that needs to be captured.

Ms. Plympton, 12760 Milnor Road, Pickerington asked where the turn lane would start.

Mr. Monhollen asked what the setbacks were in Violet Meadows and Heron Crossing. Ms. Sarko said Violet Meadows has a minimum of 5-foot side yard minimum with a combination of 20 feet. The side yard setbacks in Heron Crossing are 10 feet each side.

Regarding the stub street to the south and to the phasing in relation to Fairfield County Regional Planning Commission's recommendation for connection to the other project that is being considered for rezoning, Mr. Butcher asked the applicants to articulate the conditions for phasing and the number of lots when connection is necessary. He said he recalled there are a maximum number of lots that can be developed before the connection is necessary.

Mr. Myers said it was his understanding the Bucilla property could not develop unless they had the two connections. Ms. Sarko noted the proposed Estates at Lake Forest will connect to Chesapeake and that will be the second connection.

Mr. Myers asked when we would have the road that connects to the other property. Mr. Lanning said it would be in Phase 3.

Mr. Dunlap asked why they split Phase 4. Mr. Lanning said it was basically to save money.

Mr. Dunlap commented the case should be continued so they can get resolution on the cell tower matter.

Mr. Dunlap made the motion to continue the public hearing to the regularly scheduled Trustees meeting on June 21 at 8:00 p.m. at the Violet Township

Administrative Offices. Mr. Myers seconded the motion. Roll call vote: Mr. Dunlap, yes, Mr. Myers, yes; Mr. Monhollen, yes. Motion carried 3-0.

Mr. Dunlap made the motion to adjourn the regularly scheduled trustee meeting at 9:26 pm. Mr. Myers seconded the motion. Roll call vote: Mr. Dunlap, yes, Mr. Myers, yes; Mr. Monhollen, yes. Motion carried 3-0.

Respectfully Submitted,

Brian Sauer, Fiscal Officer

Joniann Goldberg,
Administrative Assistant

Approved by:

Terry J. Dunlap, Sr., Trustee

Darrin Monhollen, Trustee

Harry W. Myers, Jr., Trustee

Date: _____