

Violet Township Board of Trustees

July 20, 2016

Public Hearing – Violet Meadows Planned District Modification Section 5 and 6

Mr. Monhollen made a motion to open the Public Hearing for Case Number 01-ZC-2016 at 8:01 p.m. - an application filed by Rick Harkless, EMH & T to modify the Violet Meadows Planned Residential District, owned by Violet Meadows, Inc. Mr. Myers seconded the motion. Roll call vote: Mr. Monhollen, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion carries 3-0.

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

Mr. Dunlap asked Ms. Sarko to present the application.

Ms. Sarko reported Case Number 01-ZC-2016 an application filed by Rick Harkless, EMH & T, 5500 New Albany Road, Columbus to modify the Violet Meadows Planned Residential District, owned by Violet Meadows Inc. 7360 Blacklick Eastern Road, Pickerington, Ohio and Barbara Johnson, 7320 Blacklick Eastern Road, Pickerington. This application requests to change the layout of the lots and streets and reduce the number of lots within Violet Meadows Sections 5 and 6 inclusive, as well as to modify the building setbacks on certain lots within Violet Meadows Sections 5 and 6 inclusive.

Ms. Sarko said the original PD portion of Violet Meadows contains 173 single family lots. Section 1, zoned R-1, is unaffected by this request. Violet Meadows is proposing to reconfigure the lots and streets for sections 5 and 6 in order to create larger lots which in turn, will reduce the number of lots to 166 lots (in the PD).

The modification involves 41 lots which are a combination of interior lots and perimeter lots. There are 10 lots which adjoin R-1 zoned property to the west (Fairlawn Estates) and 10 lots which are adjacent to Licking County. One of the perimeter lots adjoins the R-1 District to the west and is adjacent to Licking County. There are 21 interior lots.

The setbacks proposed for lots 149-153 and 162 - 187 are the same as other lots within Violet Meadows, these are interior lots:

- Front 30 feet
- Side (interior) 5' minimum/20' total (on same lot)
- Side (secondary, on corner lots) 20 feet
- Rear: 40 feet

The Township Zoning Resolution in section 3V3-02(D)(1) states: 'If the contiguous property on any boundary of a PD has been previously developed, or if a final plat for development of that property has been approved with the Fairfield County Recorder, the perimeter lots or living areas of the PD which are contiguous with such previously developed or platted property shall conform to the minimum lot area, yard and setback standards of the zoning district applicable to that contiguous property'.

The perimeter, western lots are adjacent to Fairlawn Estates, which is zoned R-1. These lots, Lots 139-148 range in size from 25,971 square feet to 64,438 square feet and meet the applicable minimum area requirement for the R-1 District.

In the PD, if a 100-foot buffer is provided along the perimeter of the PD, for example along the western property line, the setbacks could be reduced.

They have proposed the following setbacks for the lots along the western perimeter:

- Front setback: 30 feet,
- Side yard 15 feet;
- Rear yard: of 55 feet, which is the same as the provided buffer.

The 100-foot buffer originally provided along this boundary has been reduced to 55 feet. Therefore, the minimum lot area, yard and setback standards of the zoning district applicable to that contiguous property apply to these lots apply. Pursuant to Section

3V3-01(B)(10), the applicants are requesting a divergence to reduce the required front yard setback on Lots 139-148 to thirty (30) feet to match the front setbacks for the remainder of the development.

55-foot Buffer. The applicants state the buffer is to provide a rear yard setback of 55 feet. The applicants have indicated this area will be platted as a "No Build Zone".

The total Open Space for the Violet Meadows Planned District was 27.024 acres /21.4%. Open space has been increased slightly to 28.104 acres/22.2%.

Ms. Sarko reported there is an existing oil and gas well on the site. The well is located on lot 187. The applicants state the well may remain in use until development of Section 6 Phase 2. They indicate the well is inspected by ODNR approximately every 5 years. The applicants state the soils will be inspected at the time of removal of the well and cleanup of the well area.

This was considered a Revised Preliminary Plan by Regional Planning Commission. On July 5, 2016, the Fairfield County Regional Planning Commission took action to approve the preliminary plan, subject to the conditions in their report.

Some of the conditions in the RPC staff report are:

1. The removal of the gas well, tanks, lines and any appurtenances associated with this structure must be completed prior o approval of Section 6.2 construction drawings and RPC must receive approval from ODNR or other applicable agency that this has been completed to their standards.
2. The developer must obtain a letter from the owner of Lot 18 indicated they are willing to sign the final plat for Section 5.2 which will replat the street as Bianca Drive.
3. All 4 final plats must include language notifying lot owners there is an existing oil and gas well to the west of Section 5.1 that will be abandoned prior to the construction of Section 6.2. Further determination will be made regarding the language on Section 6.2 plat at that time.
4. Combined utility and storm sewer easement dimensions must be approved by both the County Engineer and South Central Power.
5. Preliminary Drainage Calculations must be submitted to evaluate how the existing pond and new layout will function.
6. The Subdivision Regulations Committee is recommending approval of the following variances:
 - a. Pavement width variance on Bianca Court to 24 feet;
 - b. Continuation of the 175' centerline radius on Optimara Drive
 - c. Thirty (30') front yard setback to match the remainder of the development;
 - d. Intersection radius at the NW corner of Optimara Drive and Bianca Court
 - e. Pavement width variance on Drucilla Street NW 26'
7. The preliminary plan must be revised to comply with the requirements of the Technical Review Committee, the Fairfield County Engineer's Office, the Fairfield County Utilities Department, the Fairfield County Soil and Water Conservation District, Fairfield County GIS and Violet Township Zoning.

Mr. Dunlap questioned the variance for Bianca Court pavement width. Rick Harkless with EMH&T explained that Bianca Court is already stubbed to the north and they are continuing the width of the road. The 24' is a variance that they thought was acceptable to continue that road north. He said there is currently a stub between lots 18 and 172. because when 18 was developed they had to build frontage along the road. Ms. Sarko added that the street has not continued; it stops right in the middle of a lot. Mr. Dunlap asked who would maintain it and plow it and pave it when it gets bad. Mr. Harkless said the road will extend north.

Mr. Harkless said he was present to answer any questions. He explained they have reduced the number of lots in the remainder of the project and picked up an additional acre of greenspace. They have less development along the stream so it gives a better view of the stream. All of the variances that were requested were to comply with the stubs of the road that have already been built.

Regarding the front yard setback for the perimeter lots along the western boundary, the intent for the 30 foot setback is to match the rest of the subdivision. It will pull those houses closer to the road and they will get more space behind the homes.

Mr. Myers wanted to confirm the minimum lot size was originally 15,000 square feet and we are now going to 20,000 square feet. Mr. Harkless said it was an average of 20,000 square feet. They still have some that are 18,000 square feet.

Mr. Myers asked if there were 41 lots in Sections 5 and 6. Mr. Harkless said this was correct and noted in the original PD there were 48 lots in Sections 5 and 6.

Mr. Myers asked if he remembered something in Regional Planning about changing the name of the street. Mr. Harkless said this was only one lot on Bianca Court and they already received approval from the property owner.

JR Blair, 9368 Circle Drive, Pickerington said it seems like this a hodge-podge of lots. Mr. Dunlap said they would be bigger and they will increase the greenspace and do away with two cul-de-sacs.

Don Rozmarin, 13584 Violet Meadows Drive, Pickerington, said he was the President of the Homeowners Association. He asked if they would be doing this in phases or together. Mr. Harkless said it would be done in 4 phases. Mr. Rozmarin said they do not have much greenspace in their development and wanted to know if they could consider changing the lots to usable greenspace. He was asking them to identify an area that could be used for playground or usable greenspace. Mr. Harkless said they really don't want to give up any more lots but he believes they could accommodate something. Mr. Harkless said there is greenspace at the rear of the development that goes back toward the Ravines (at Toll Gate).

Justin Craddock, 7137 Optimara Drive, Pickerington, said he does not feel like the back area (the Reserve Area) is sufficient for children. He feels it is a matter of planning for something nice that is centrally located. He feels it would be an asset for the kids, the community and the value of the homes to have a clear set of greenspace that is useful. Mr. Craddock asked that during construction they clean up.

Skylar Burgess, 7225 Drucilla Street, Pickerington, said he agreed with Mr. Rozmarin's and Mr. Craddock's comments about the green space and added that looking at the gas well they are just at the minimum requirements to stay away from the building lot in order to keep it operating. He said they live on Lot 41 and they get the smell from the well all the time. If the undergrowth is taken out, there will be a wide open path for those fumes to come down. He asked that the well be addressed before any construction starts.

Mr. Dunlap said the well was not under the Township's jurisdiction and they need to contact Ohio Department of Natural Resources with any issues with the well. If they have odors where something may be wrong then they need to contact the Ohio EPA. We have no control over that well and it is already in the approved plan.

Ms. Sarko commented she spoke to Mrs. Cotugno this morning about the well and they do not own the well. The oil company owns the well and it is up to them to shut it down.

Mr. Harkless said they cannot develop section 6 phase 2 until that well is closed.

Don Meigel, 7225 Zapata Place, Pickerington, wanted to know who wanted the change.

He said they felt the bigger lots were better and they wanted to get more space. He also feels like the City of Pickerington has done a great job with greenspace but he thinks Violet Township has not. There is no place in Violet Meadows to take a walk and go some place with a purpose. Mr. Meigel asked why the Township could not make some modifications. Mr. Dunlap said we cannot make any modifications and can only do what the property owner asks us to do on a rezoning. The original plan was approved as a PD in 1999.

Ms. Sarko gave a recent example of Meadowmoore Reserve which is on the west side of Ault Road has a significant amount of open space and walking trails. Heron Crossing also has 49% open space and walking trails.

Mr. Meigel thought it would be nice that on Bianca Drive if they could have a grassy area.

Mr. Dunlap asked Mr. Cotugno about the east side of Bianca Drive it looks like about 111 feet through there. Mr. Cotugno said there are already trails and wetlands. Mr. Dunlap asked if he was willing to make a walking path. Mr. Dunlap said from lot 179 up

they show nothing on the east side and asked if this could be developed into greenspace that would improve the walking trail. He said it will all be green there and the same thing on the east side of the creek (it will all be green space). They cannot disturb any more streams than what has previously been disturbed.

It was determined that where the sediment pond is located, after it is developed, it will go away, and they will fill it in grade and seed it so that it becomes flat, usable green space. This area is located off of Bianca Drive between Lot 169 and east of Lots 171 and 172.

Mr. Meigel said he had a copy of his deed restrictions from 2002 when he build his house and wondered if those were the same deed restrictions they would be following. It was noted those would be the same deed restrictions. Mr. Meigel asked the Township how he could get these restrictions changed. Mr. Dunlap told him that deed restrictions are a private covenant between those involved. He recommended he get with the Homeowners and builders and get his concerns resolved.

Mr. Burgess asked if there were any restrictions on the construction traffic once it starts. Mr. Harkless said typically Fairfield County requires the road to be videotaped showing the road and the condition it is in prior to breaking ground. When the construction is done they look at the condition and they determine if anything needs to be done to clean it up.

Justin Craddock, 7137 Optimara Drive, Pickerington, Ohio commented that he appreciated the developer doing something on the corner to add green space. He said green space is a functional asset to the community. He asked the Trustees if there was a possibility to firm up this commitment prior to approval. Mr. Dunlap asked if we could get a written commitment that the sediment pond will be converted and seeded to flat usable greenspace at the end of the construction. Mr. Cotugno said yes as they have to reseed it regardless. Ms. Sarko said they can put this in the development text.

Mr. Myers made the motion to close the public hearing at 8:55 p.m. and return to the regular meeting. Seconded by Mr. Monhollen. Roll call vote: Mr. Myers, yes; Mr. Monhollen, yes; Mr. Dunlap, yes. Motion carries 3-0.

Respectfully Submitted,

Brian Sauer, Fiscal Officer

Peggy L. Portier, Administrative Assistant

Approved by:

Terry J. Dunlap, Sr., Trustee

Darrin Monhollen, Trustee

Date: _____

Harry W. Myers, Jr., Trustee