

Violet Township Board of Trustees

October 23, 2007

Public Hearing: Case Number 05-ZC-2006 - Violet Real Estate Ltd. and Greg and Carmen Bigus consisting of 59± acres located on the east side of Hill Road (South Hampton)

Mr. Weltlich called the meeting to order at 8:00 p.m.

Mr. Yapple called the roll; Mr. Weltlich, Mr. Dunlap, and Mr. Myers were present. Others present were Bill Yapple, Director of Operations; Kelly Sarko, Zoning Inspector and Bill Loveland, Township Legal Counsel.

Mr. Weltlich asked those in attendance to join him in reciting the Pledge of Allegiance and to remain standing for a moment of silence to honor of those who safeguard our freedoms around the world and here at home.

Mr. Weltlich asked Ms. Sarko to summarize the application.

Case No. 05-ZC-2006 is an application filed by Violet Real Estate Limited and Greg and Carmen Bigus for 59 ± acres located on the east side of Hill Road owned by Winchester Trace II Development and Greg and Carmen Bigus. The application proposed to amend the Violet Township Zoning Code by amending the Violet Township Zoning map and rezoning property 3.52 acres to PD and 24.4 acres to the R-3 low rise apartment residential district. Ms. Sarko reported that during the last meeting on September 26, 2007 the Trustees had requested the following information:

- 1) A letter from Canal Winchester's zoning administrator stating that he has in fact received and reviewed the latest revisions presented to the Board of Trustees of Violet Township (the packet from September 5, 2007) and has no objections;
- 2) A letter from the Economic Development person at Canal Winchester stating how this property was planned to be developed;
- 3) That staff assembles the Developer's identified deviations versus the standards (in simple lamen terms) what those deviations mean and whether or not they are material;
- 4) Mr. Yapple to verify the actual distance from US 33 to the southern property line of the project.

Ms. Sarko stated before the Trustees was a letter, as requested, from the Village of Canal Winchester's Planning and Zoning Administrator and their Economic Development Director regarding the proposed development. Ms. Sarko said that she had provided the Trustees a copy of the deviations with what the Development Standards actually mean along with some graphic representation of colors and styles of architecture.

Mr. Weltlich stated he had issues with the R-3 portion (of the development) because it is buried into the PUD. He asked counsel if there was any way we could pull this out of the PUD and deal with it separately. Mr. Loveland explained it was the applicant's choice to change this.

Mr. Weltlich asked if the applicant decides not to develop this condominium site themselves, sell the property and the next land owner comes in and asks for a variance would this be administrative or legislative. Mr. Loveland stated if it is zoned R-3, any permissible use in the R-3 district is permissible. However the developer is making a commitment to record a package of restrictions which

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limits the uses to which the property could be used and how developed beyond those that are set forth in the R-3 District. In order to change this (particular development), it would be equivalent of a rezoning or modification of a development plan rather than a variance because the applicant has made all these commitments in the development text. He believes it would be legislative because it would modify the terms of approval being granted.

Mr. Weltlich commented that since being elected a Township Trustee, he said that he has been subject to much criticism about the Springcreek Condominiums. He noted for the record that this project was done long before he became a Trustee.

Mr. Ricketts stated it was his perception that they have always intended the PD and the R-3 to be separate whereas as the PD, if there was to be a change would go back through the Trustees as a potential administrative change in the PD, not so with the R-3. He said the "bow" on this package has been and continues to be the fact that they will record the limitation text for the R-3 portion of the development and it will be put it in the chain of title which provides protection regardless of whether this group develops the property or the next group develops it. He said he agreed with Mr. Loveland's analysis that if any changes were desired, they would have to come back through the (rezoning) process.

Mr. Weltlich asked if Mr. Ricketts' client intends to develop the condominium section or does he intend to sell it. Mr. Ricketts stated that was currently an open issue. Mr. Ricketts would not be in favor of "unbundling" the ties between the properties because of the overlapping in ownership and the overlapping of the zoning. He would request that the Trustees not look at unbundling.

Mr. Ricketts reported from the last meeting the Trustees asked them to clarify the CEDA development standards. He noted that Canal Winchester stated they recommended the Trustees approve this proposal.

Norm Hopkins, 11300 Milnor Road said that he has changed his mind since the last meeting on this subject. He is for the development. He did some research on the CEDA agreement and had originally thought there had been a zoning change. Mr. Hopkins is for the development as it stands.

Michael King, 8280 Hill Road, Canal Winchester explained that he wanted a fence to shield his property from headlights and explained that he wanted an easement to access the subdivision street rather than Hill Road

Mr. Ricketts stated that Mr. King has communicated very regularly throughout the entire process. He stated that the issue that was brought up about the lights coming into the side of his house was covered specifically by the agreement to provide a cluster of Evergreens. Mr. Ricketts said If that issue is something they need to work on further then they would. He said they do not like fences. The reality is they would rather deal with this issue with a clustering of trees and address the issue through landscaping.

Mr. Ricketts explained that the access issue is not a zoning issue but a private property issue. He said that Mr. King has asked for an easement to get to this road. At this point in time Winchester Trace had indicated during the Zoning hearings that they have no problem with that access in terms of a curb cut, providing that is an easement for residential use only and it is used for residential

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and not for future commercial development. Mr. Ricketts feels that Mr. King and Mr. Bigus need to sit down and discuss their issue.

Mr. Dunlap asked if any consideration had been given to the height of the trees for the light breakup. Mr. Ricketts said they will do mounding and they will commit to the fact that they have to effectively block the light from going into Mr. King's side window at the beginning of the project.

Mr. Weltlich commented that after reading the CEDA requirements it was still filled with inconsistencies and strange requirements. Mr. Weltlich stated he had communicated these concerns to Ms. Sarko.

Ms. Sarko asked if she could review for the Trustees what Mr. Ricketts has agreed to change in the development text relative to the CEDA development text. She said that Mr. Ricketts has agreed to the following thus far:

- 1) Garages that extend beyond the front of the home ("snout houses") shall be subject to architectural approval by the committee; and in no instance shall more than 50% of the garage extend beyond the front of the home and porch.
- 2) When architecturally possible, the garages on corner lots will be side load - and this will help address the side load garage issue.
- 3) Homes on corner lots or abutting Hill Road South will have one or more windows on each side facing a public street.
- 4) Skylights shall not be placed on the front of any home such that they are visible from the adjoining public street.
- 5) Lighting whether installed by the developer or a homeowner, shall in no instance materially impede the use and enjoyment of any adjoining property owner
- 6) Has agreed to regular gutters on all the homes.

Mr. Myers asked if there were additions to this. Mr. Loveland stated there had been changes to the development text, changes to the restrictions and changes to the CEDA deviations from what the Trustees received before. Mr. Ricketts will do a complete package that will replace the prior package (except for the drawings and photos) and they will get to the Trustees in advance of the November 7th meeting to make sure they have enough time to read it.

Mr. Dunlap made the motion to continue this public hearing until the next regular Trustees meeting on November 7, 2007 at 8:15 p.m. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.

Mr. Dunlap moved to adjourn the Public Hearing. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried. Meeting adjourned at 8:02 pm.

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Respectfully submitted,

Jim Van Kannel, Fiscal Officer

Joniann Goldberg, Zoning Secretary

Approved By:

Gary P. Weltlich, Chairman

Date

Harry W. Myers, Jr., Vice-Chairman

Terry J. Dunlap, Sr., Trustee