

# Violet Township Board of Trustees

February 20, 2008

## Public Hearing

### Review and Approval of Violet Meadows Section 4 Part 2 and Replat of Violet Meadows Section 4 Part 1, Lots 125, 126 and 127 and Reserve "C"

**Mr. Weltlich made the motion to recess the regular Trustees meeting at 8:00 pm and move to the scheduled public hearings. Mr. Myers seconded. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion carried.**

**Mr. Myers made the motion to open the Public Hearing for Case Number 05-ZC-2007. Seconded by Mr. Myers. Roll call vote: Mr. Myers, yes; Mr. Weltlich, yes; Mr. Dunlap, yes. Motion carried.**

Mr. Dunlap asked to skip to the second public hearing on the agenda: Trustees Review and Approval of Final Plat for Violet Meadows Section 4 Phase 2 and Replat of Lots 125 to 127 and Reserve "C" in Violet Meadows Section 4 Phase 1.

The Zoning Inspector reported that the code requires a Public Hearing before the Board of Trustees to determine if the proposed plat is consistent with the approved development plan. In Section 4 phase 1, RPC is requiring a 40-foot drainage easement to be dedicated by platting 20 feet is at the rear of plats 125, 126 and 127 as well as a 25-foot drainage easement in Reserve "C" which is located on the north side of Cosimo Lane. Violet Meadows Section 4 Part 1 was platted in 2004 but the replat does not change the lot configuration or the boundaries of Reserve "C" or the conservation area.

She reported that Violet Meadows Section 4 Phase 2 consists of 9 lots on the east and west sides of Cosimo Lane between Optimara and the Ravines of Tollgate. The plat is consistent with the approved preliminary plan for Violet Meadows. She indicated the Zoning Office had requested that the developer place language on the plat regarding the "No Build Zone" along the eastern boundary of the subdivision and appropriate language had been added to the plat. The Zoning Inspector indicated that it was her understanding the Developer of the subdivision is ready to record the plat and noted that Jim Cotugno was present to address any questions the Trustees may have.

Mr. Weltlich asked Township Engineer, Greg Butcher if there was anything we could do to prevent the continuing drainage complaints. Mr. Butcher stated there was not.

Mr. Myers asked about RPC's recommendation. Ms. Sarko commented that in a letter from RPC dated January 8, 2008 RPC staff had some of the following comments: adding the plat cabinet and slot at the end of the reserve 'E' label; the dashed lines on the north side of Lot 122 appear to be incorrect; adding "drainage easement " to the list of where buildings and structures cannot be located"; a letter from the phone company indicating the proposed easements are acceptable, RPC indicated they had letters from the Electric and Gas Company; and other agency review comments. The County Engineers office had several comments. Soil and Water Conservation indicated they had no additional comments on the final plat. The Zoning Office had comments which dealt with structures, including driveways not being placed within the drainage /no build zone on lot 132. She indicated that they had requested an text notation regarding the "No Build Zone" on the eastern side of the development tand that the Trustees needed to consider the plat prior to the zoning inspector's signing of the plat.

Mr. Myers questioned the location and width of the drainage easement in Section 4 Part 1. He said RPC is requiring 40 feet and Mr. Myers asked if it was actually

## Violet Township Board of Trustees

February 20, 2008

going to be 45 feet. Ms. Sarko stated there are two different areas where a drainage easement will be platted - 25 feet in Reserve "C" and 20 feet at the rear of lots 125, 126 and 127. The other 20 feet will be at the rear of lots 128 and 129 (in Section 4 Phase 2). It is split between 2 Sections.

Mr. Myers requested that RPC comments be included with the proposed plat.

**Mr. Weltlich moved to adopt Resolution 2008-0220-01 - To Approve Final Plat for Violet Meadows Section 4 Part 2 & the Replat of Violet Meadows Section 4 Part 1, Lots 125, to 127 and Reserve "C". Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion carried.**

### Public Hearing

#### Case Number 05-ZC-2007 – Application to Rezone 7190 Babbert Place

Case Number 05-ZC-2007 is an application for rezoning filed by Alec Land for property located at 7190 Babbert Place owned by Linda Hardwick. Mr. Land is requesting to change the existing zoning classification from R-1, Single Family Residential to the C-2, Limited Commercial District for the purposes of a veterinary hospital with dog and cat boarding.

Mr. Yapple indicated that Mr. Land had another meeting this evening and had thought he could make it to the township offices by 8:00 p.m. Ms. Shirley Meuser, Mr. Land's real estate agent was present.

Mr. Yapple stated he had conversations with Mr. Land and Ms. Meuser during the past month. He reported that Mr. Land understands that there is no access to the .3 acre and he wishes to proceed with the rezoning. Mr. Yapple indicated that Mr. Land is going to go ahead and purchase the property. Mr. Yapple indicated if the rezoning is granted, once the zoning is complete and Mr. Land closes on the property Mr. Land will obtain a legal description and deed for the .3 acres, have it appraised and proposes to transfer it to the County or Township for the purposes of the drainage easement.

Mr. Dunlap stated there was an issue in regards to EPA requirements on sanitation. Mr. Yapple stated Mr. Land stated he would put in the holding tank for the animal waste.

Mr. Weltlich asked Mr. Butcher if there was a problem with regards to access to the .3 acre portion. Mr. Butcher stated there could be no access per the Township's Access Management Manual. He commented that the access issues have been addressed.

Mr. Dunlap asked if there was a timing issue because under normal circumstances the Board Trustees closes the public hearing and makes a decision at the next Trustees meeting. Mr. Yapple stated Mr. Land was hoping for a vote this evening due to contractual obligations associated with the sale. Mr. Weltlich confirmed that the closing on the property was contingent on receiving zoning approval.

**Mr. Weltlich made a motion to adopt Resolution 2008-0220-07 (without precedent and without prejudice) for Case No. 05-ZC-2007. Seconded by Mr. Myers. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion carried.**

**Violet Township Board of Trustees**

**February 20, 2008**

**Mr. Myers made the motion to close the Public Hearing portion of the meeting and return to the regular Trustees meeting. Seconded by Mr. Weltlich. Roll call vote: Mr. Weltlich, yes; Mr. Myers, yes; Mr. Dunlap, yes. Motion carried.**

Respectfully submitted,

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Jim Van Kannel, Fiscal Officer

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Joniann Goldberg, Administrative Assistant

Approved By:

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Terry J. Dunlap Sr., Chairman

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Date

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Harry W. Myers, Jr., Vice-Chairman

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Gary P. Weltlich, Trustee