

Violet Township Board of Trustees

December 18, 2019

Public Hearing – Case No. 06-ZC-2019

Mr. Dunlap made a motion to recess the regular Trustee meeting at 8:03 p.m. and enter into the scheduled Public Hearing for Eastern Lakes Planned District Modification – Case No. 06-ZC-2019. Seconded by Mr. Monhollen. Roll call vote: Mr. Dunlap, yes; Mr. Monhollen, yes; Mrs. Wilde, yes. Motion carried 3-0.

Karl Billisits, Harmony Development Group, 3650 Olentangy River Road, explained they were before the Trustees to modify the Development Plan for the Estates of Lake Forest. He explained this plan is similar to the original configuration for the development. The project will be connected to the south and will have the same connection to Chesapeake subdivision to the north.

He explained when final engineering was started, they used a different engineering firm who noted an overflow from a pipe on a pond in Hickory Lakes runs through the development. He showed the location on the drawing. He said it is an intermittent stream and dry most of the time but it does have some significant trees. Mr. Billisits noted the revised plan has a little more open space and the open space is near where the majority of the trees are located. The infrastructure and roads have been built to the south (Lake Forest) and they see this as the next progression with slightly larger lots in a different configuration.

Molly Gwin, 2 Miranova Place, Columbus, Ohio, attorney for the applicants stated there had been improvement in the open space and felt this would do a better job of preserving some of the wetland areas and creating additional open space. There has been agreement regarding the language on the cluster mailboxes as it is not within their control.

Mr. Dunlap asked about the stream through lots 27 and 43 and into the reserve area and how it affects those lots. Mr. Billisits said those will be preserved. They are permitted disturb up to 200 feet of the stream to be channelized and which they need to do in order to cross the road. They will be well under the 200 feet requirement.

Mr. Dunlap asked about the buffer requirements in the Zoning Code. Ms. Sarko said perennial streams are required to have a 50-foot buffer and be located within open space.

Mr. Billisits said the stream classification that we have is one of those defined channeled. He said this stream has water but not all of the time – and said only when the pond overflows. Ms. Sarko noted the drawing identifies the stream as a perennial stream and the other stream is identified as an ephemeral stream.

Ms. Gwin said their position on this is that it does not meet the definition of a perennial stream and does not require the buffer. She said that is regulated extensively by the (Army) Corps. (of Engineers) as well as the Ohio EPA for the required buffering and ledging (sic) and they are prepared to fully comply with those requirements. She doesn't believe they meet the definition of a perennial stream under the Zoning Code.

Mr. Dunlap asked who makes that determination. Mr. Billisits said the permitting authority is the Ohio EPA and the Core of Engineers of which in terms of what they are required to do. He said they have a nationwide permit that allows them to do only so much so that road connections to be made. He noted the different stream classifications for streams. He said this stream will be contained within a 24 inch pipe. He said they are trying to protect a certain amount.

Mr. Dunlap asked how they would address the people on lots 27 and 43 when they complain about water laying in their yards and mosquitoes on their lots.

Ms. Gwin said she thought under the prior approved plan there is a stream flowing that way and this is a cap off of the cul-de-sac verses a full connection of the streets.

Lot 27 and 43 are going to border the street the same way they would under the existing approved PD. Ms. Sarko said on the previous plan the stream was not shown and the current plan shows the stream. The lot configurations due to that stream, as we

understand it, the stream goes under the road and we want to make sure that the owners of lot 27 and 43 do not have a perpetually wet yard. Ms. Sarko asked how we ensure that the integrity of that stream, whether it is intermittent or perennial is maintained. Ms. Gwin said they are fully prepared to comply with the applicable regulating authorities for these types of streams which are the Ohio EPA and the (Army) Corps of Engineers who are also concerned with making sure that there is not excessive drainage onto other pieces of property and has an environmental impact as well as impact on roads.

Ms. Gwin said regarding the stream, she believes the buffer language in the code discusses the stream more as perennially wet as we think of a meandering stream and that is a requirement for a buffer or a bank as is typical in most areas. She said it is their position the buffering requirements are not here.

Mr. Billisits said that in terms of practical maintenance of the stream, the pipes and roads are township and some of them are the county. He said they have a technical review meeting in January with the County to go through their plans. In terms of stream maintenance and how it is within the easements for a purpose, it is also within the open space that will be maintained by the Homeowner's Association. There are limited things they can do in terms of what they are allowed to do under federal regulations and the Corps of Engineers regulations.

Mr. Dunlap said he understands, but once they sell those lots and they leave and they are done and gone and then the water comes and creates a ditch that runs and ruts out through the lots, the residents will be us asking us what we are going to do about it. He said this needs to be addressed now and whether it be some kind of deed restriction or however they can work it so the residents will understand there will be water running through the lots, they cannot fill it in and it is their responsibility.

Ms. Sarko said she would also like provisions and commitments for wetlands and the stream in the development text. Ms. Gwin said they will update the development text for the additional items and they were there before the Board tonight regarding the plan modification and that regarding the stream. She said they can build the original plan, it is not going to preserve as many wetlands or create as much open space. She doesn't believe it will have an effect on drainage and she thinks that is perhaps separate and independent.

Mr. Billisits said he cannot speak for the streams and the other circumstances, but as an engineer, in terms of the design, he said the prudent thing to do is preserve what they can and not fill it in. He said they are trying and do a better job and be more conscious of the environment.

Regarding Mr. Dunlap's concern about maintenance, Mr. Billisits said they can preserve in the language within the HOA in terms of maintenance of the facilities between the two lots. He noted there is an easement in place and it is part of the plat and when it gets recorded they are obligated within the design of parameters within the County Engineers Office. They can address the language in terms of maintenance of that swale between those two lots. He said the final plat will come before the Trustees and address them in terms of the language on that plat in terms of how that maintenance will be taken care of.

Mr. Monhollen said if he understands it we are preserving wetlands, the open space goes from 10% to 12%, we will have the same amount of lots and there will be a stream no matter what. Ms. Gwin said yes, and noted the stream was discovered during final engineering. She said they think it was a pipe outlet that with all of the development created this problem that was not there before. Mr. Monhollen summarized and said there will be a ditch and with the modified plan, there will be additional green space, the same amount of lots and preserve the wetlands. Ms. Gwin said this was correct.

Mr. Dunlap asked that these item be addressed in the development text. Mr. Billisits said he would suggest do it on the plat because the plat gets recorded and preserved forever. Ms. Sarko said she would like it addressed in the development text because that is something that the Township can also enforce. Mr. Billisits said it will be done in both documents.

Ms. Sarko commented wetlands shown on Lot 23 which appears to be in the back yard and asked if they would mitigate this. Mr. Billisits said that would be mitigated.

Ms. Sarko said a corner of the wetlands in Reserve "D" crosses the property line onto Lot 34 and asked if they were going to mitigate that portion of the wetland. Mr. Billisits said they are going to mitigate that portion.

Mr. Billisits asked regarding addresses, since there are no mailboxes, in some places they require the address to be placed on the garage if it faces the street because it can be seen more easily than if it is on the front porch. He asked Mr. Little what the Fire Department's preference would be. Mr. Little said they were accustomed to having mailboxes and the cluster mailboxes present a problem. He asked that they use reflective numbers and asked if there was any way to use reflective finish on the numbers. Mr. Little agreed that they be placed on the front of the garages that face the street, noting above the garage would be the best and most obvious for them because there is nothing else diminishing them from seeing that. If they have side load garages, it probably needs to be up in front of the house somewhere that is not undercover. For example, it cannot be on the porch as it makes it difficult for the Fire Department to see. Mr. Billisits said they would look into this. Mr. Little said their cul-de-sac has specific requirements that they need to have met for the Fire Department. Mr. Billisits said it will meet the requirements of the 75 feet

Mr. Dunlap said whichever way this gets taken care of so we can say to the Homeowners Association you will put stone in there or something and not the Township. The Township can deal within the right-of-way, but if it is on private property that is a major issue and if that is what is there is affecting our right-of-way, we can solve that for the homeowners and we do not have an issue then that is better for them and us but primarily for those two lots. This was understood by Mr. Billisits and Ms. Gwin. Ms. Gwin affirmed this would be specified on in the Development text and on the plat, the HOA will maintain that area which affects those two lots.

Mr. Dunlap made a motion at 8:23 p.m. to continue the public hearing to the next regular scheduled Trustee meeting of January 8, 2020 at the Violet Township Administrative Offices located at 10190 Blacklick-Eastern Road. Mrs. Wilde seconded the motion. Roll call vote: Mr. Dunlap, yes; Mrs. Wilde, yes; Mr. Monhollen, yes; Motion carries 3-0.

The Trustees returned to the regular meeting.

Respectfully submitted,

Brian Sauer, Fiscal Officer

Joniann Goldberg,
Administrative Assistant

Approved by:

Terry J. Dunlap, Sr., Trustee

Darrin Monhollen, Trustee

Melissa Wilde, Trustee

Date: _____