

# Violet Township Board of Trustees

January 9, 2020

## Public Hearing – Case No. 06-ZC-2019

**Mr. Monhollen made a motion to recess the regular meeting and to go into the continued Public Hearing for Case Number 06-ZC-2020 at 8:00 p.m. Seconded by Mrs. Wilde. Roll call vote: Mr. Monhollen, yes; Mrs. Wilde, yes; Mr. Dunlap, yes. Motion carries 3-0.**

An application filed by Harmony Development Group, LLC, 3650 Olentangy River Road, Suite 401, Columbus, for property consisting of 27.69 acres on the east side of Milnor Road owned by Sharon Bucilla Trust, 12646 Milnor Road, Pickerington; Estates of Lake Forest LLC, 3650 Olentangy River Road, Suite 401, Columbus; and Steven and Judith Anderson, 12650 Milnor Road, Pickerington. This application requests to modify the Estates at Lake Forest approved Development Plan and Text in order to accommodate 55 single-family lots and 3.29 acres of Open Space which includes a revised lot arrangement and various textual revisions as well as a request for certain divergences.

Ms. Sarko reported the application was continued from the last meeting due to concerns about maintenance about open watercourses or ditches which run from Hickory Lakes into the Estates at Lake Forest. She said the applicants have incorporated language into the Development Text regarding this. Ms. Sarko inquired whether the County Engineer will maintain the watercourses pursuant to a Drainage Maintenance District. She said she was informed by the applicant that the County Engineer informed the Applicant that their office maintains detention ponds and pipes, not open watercourses. Thus the Text obligates the HOA to maintain the area in accordance with the comments we received at the December 18, 2019, hearing. The language in the text will not preclude the County Engineer from doing anything with the open watercourse, in the event he determines that it is necessary or affecting an area within his jurisdiction, but the general maintenance obligations, and obligations regarding issues with the watercourse itself, are correctly designated as belonging to the HOA.

There were also concerns about the water source for the wetlands in Reserve "D". The applicants provided the following language: "A wetlands buffer shall be provided for all wetlands required to be retained or required to be mitigated by the Army Corp of Engineers, or the Ohio EPA. The buffer area shall have a width of not less than twenty-five (25) feet, measured from the edge of the designated wetland. (See Violet Township Zoning Resolution, Section 3D-05(L))". Referring to Reserve "D" on the Development plan, a buffer is shown around the wetland and the applicants have indicate they will mitigate the wetland to a point that is 25 feet from the edge of Lot 33.

She reported the language for the house numbers is proposed as follows: "House numbers shall be located consistently throughout the development on the front of the house (or attached garage) in a location visible from the street" They have also included appropriate language for cluster mailboxes, however Ms. Sarko cannot locate on the drawing where the proposed cluster mailboxes will be.

Mr. Dunlap asked what they are doing about the water coming down through Lot 26, the corner of Lot 27 and Lot 42. Ms. Sarko said it will continue to be maintained by the HOA and there is language in the text that requires that. Mr. Dunlap said the USGS map shows it to be a perennial stream. Ms. Sarko said that was correct thus far.

Ms. Sarko said the Development Text on page 10 states:" All open watercourses shall be maintained by the applicable homeowners' association for the purposes of erosion, pest control, acts of God, and general maintenance. The township or county shall have no maintenance obligation for open water courses within the development and easements on all open water courses will be provided to the HOA to allow for access by the HOA for maintenance purposes".

Mr. Dunlap asked if language can be placed in the deeds for the properties to let people know the waterway comes across the lot. Mr. Billisits said the final plat will come before them and they will get a copy of the language on the plat when they get their deed on the home. He said another step of the process in terms of that language, will be before the Trustees when they get to the final plat. He noted they have had two meetings, one at Regional Planning and the Technical Review Committee at the County Utilities Office. He noted there are no streams that show up on the maps but there is a pipe that comes

out of one of the ponds. He said when the pond builds up there is water that comes from one direction and when it floods, the water goes a completely different direction.

He said they had several meetings and they discussed the language on the plat in terms of when they close that language will be there. The Association as a requirement; has a responsibility is to maintain it to the effect that it ever affects any of the roads that the County Engineer is prescribed to care of, they will do modifications and maintenance to protect the public infrastructure.

Mr. Dunlap said on that road, as soon as they accept the plat they immediately give it to the Trustees so it will be the Township which maintains the road. Mr. Billisits said part of the funding program, under the County's rules for lots being assessed for the County drainage fee that is what that money is for. Ms. Sarko added all subdivisions are required to be in the Drainage Management District. Mr. Dunlap wants to make sure the three lots owners understand this is a waterway. Mr. Billisits said he understood.

Mr. Billisits said one thing that came up in Regional Planning was they requested that a walking trail be installed to connect the sidewalk to the cul-de-sac. Ms. Sarko asked if this would be covered under the "multi-purpose path" under paragraph N in the Development Text.. Mr. Billisits said this was correct.

Mr. Dunlap asked if there was a way, on the text on the house numbers to add the word "clearly" in front of visible. Chief Little said he did not know if the Fire Code addressed addresses on residential homes but the big thing is they need to see the addresses.

Ms. Sarko said she knew Mr. Dunlap had issues with the cul-de-sac. She said the right-of-way is 65 feet. Mr. Billisits said they went over it with the County Engineers office in terms of the standards. Mr. Dunlap thought we had decided the 75 feet in the township and that other developments have accommodated the 75 feet. Ms. Sarko asked if it could be 75 feet. Mr. Billisits said they could, but all he knew was from their discussions with the County Engineers office and the Engineering firms doing this project who are the same ones that did the project south of Refugee. He asked if this was a new regulation. Mr. Dunlap said this was something the Township discusses with developers. Mr. Dunlap wants the 75 feet so that when there are cars parked there, snow plows can get around and fire trucks can get around. Ms. Sarko said the pavement radius is shown to 50.5-foot radius so the cul-de-sac pavement is 101 feet wide. The pavement portion is shown to be 50.5-foot radius so it would be 101 feet. Chief Little said this width is appropriate for the Fire Department.

Ms. Sarko asked if they were mitigating the wetlands on Lot 22 and mitigating the portion of the wetlands that are closest to Lot 33. Mr. Billisits said that was correct. She asked if the 8-foot multi-use path will be covered by a language already in the Development text which pertains to the multi-use path. Mr. Billisits said that was correct. He said they are doing the 5-foot sidewalks and they had to meet with the County Engineers office regarding the transition of the widths of the sidewalks between Pickerington to the south and the road on north about how that is going to look. Ms. Sarko said he had requested a divergence at the original development. He said they were not sure what the transition was going to look like and what they were going to do. Ultimately they did not need the divergence but the sidewalks will be 4-feet wide in Pickerington to 5-feet wide in Violet Township.

Ms. Sarko asked if there could be language on the plat that would prevent an owner from filling the water course areas. Ms. Gwinn said it will show up on the title work and it will appear on the plat. Mr. Dunlap said if they start to fill it in it would be up to the Homeowners' Association to take action for each of the deed restrictions. Ms. Gwinn said that was correct as they are under obligation to maintain. Ms. Sarko said we can also stop them because it is part of the plat and it is a County document and a Township document.

Mr. Dunlap wondered if there was any thought to putting some type of piping from the Hickory Lakes into the greenspace so there is not a swale that washes out. Mr. Billisits Their preference would be to pipe it all which they cannot. There is a prescribed limit in terms of what they are allowed to do under nationwide permits - essentially, 265 feet of piping. He said they will be close to that limit with the stream crossing with the roads but they will do as much as they can in terms of piping.

Mr. Dunlap asked if Ms. Sarko was satisfied with everything that had been addressed. She said yes but only those words in the language to modify.

**Mr. Dunlap made a motion to close the public hearing and return to the regular meeting at 8:23 p.m. Seconded by Mrs. Wilde. Roll call vote: Mr. Monhollen, yes; Mrs. Wilde, yes; Mr. Dunlap, yes. Motion carries 3-0.**

The Trustees resumed the regular meeting.

Respectfully submitted,

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Brian Sauer, Fiscal Officer

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Joniann Goldberg,  
Administrative Assistant

Approved by:

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Terry J. Dunlap, Sr., Trustee

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Darrin Monhollen, Trustee

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Melissa Wilde, Trustee

Date: \_\_\_\_\_