Mr. Biancamano called the meeting to order at 7:34 p.m. and Roll was called

Members present: Mr. Bussom, Mr. Decker, Ms. Hogan, Mr. Palsgrove and Mr. Biancamano. Also present was Kelly Sarko, Zoning Inspector, Holly Mattei, Development Director and Don Brosius and Jennifer Huber, Township Legal Counsel.

Holly Mattei was present to discuss the possibility of developing a cloud overlay zoning district in the Refugee/Pickerington Road area similar to the Planned 33 Corridor Overlay District, but putting in designed standards that are more conducive to the Refugee/Pickerington Road area. Also, the Commission could consider creating a different cloud overlay for the area from U.S. 33 to I-70 where a future connector road might go. There would be different overlays for different areas. Working on the economic development side, she is investigating the development of a JEDD to create income tax revenue sharing with a municipality to help fund different infrastructure projects going forward. There is language that can be built into the overlay districts that requires developers to join the JEDD. Since we developed the U.S. 33 overlay district, there are new options we might include in any new overlay district.

Don Brosius addressed the Commission members to provide information and answer questions about how the Zoning Commission might develop a new overlay district. He reviewed the overlay that was developed for the U.S. 33 corridor, noting that it has not yet been used. Since that plan was developed, there have been changes to the community authority law. He described how in Delaware County the mall is in both a JEDD and a Community authority. He explained that under the law, a developer must have 1000 acres to establish a community authority, with the one exception being if the land is within a JEDD. If that is the case, you can have less than 1000 acres providing that 50% of it is in a JEDD.

A community authority is a voluntary entity that is developer created. The powers a Community Authority can have are very broad. He gave the example of a development in the New Albany area. They used the law to impose a Community Authority charge of 9.9 mils on the land that was voluntarily placed in a Community Authority. It is collected like real estate tax. The millage goes toward items specified in the Community Authority documents.

Mr. Biancamano asked for clarification about how a Community Authority worked. Mr. Brosius confirmed that a property owner could set up a Community Authority for his property which would have a board and the board could impose charges, but the charges would not have to be paid until the property was sold or platted for development. As portions of the property were sold off to develop, the new owner would begin to pay the charges. These charges would be paid like real estate taxes through the county auditor who would then forward the money to the community authority board.

Mr. Biancamano asked if there would have to be representation on the board from the new property owners. Mr. Brosius said he didn’t believe so. Ms. Mattei clarified that the county commissioners approve the petition to establish the community authority and the petition that
is filed outlines how the board members are to be appointed. It is the original developer that makes the petition who decides the makeup of the board.

Mr. Decker commented that residents might be opposed to this as it would impose additional taxes on future homeowners of the property if the land in the community authority was developed as a housing subdivision. He is concerned that a future homebuyer within the community authority area would not pay attention to the real estate taxes and not be aware that they had to pay extra charges until they got their first tax bill. Mr. Brosius said that it should be considered that the amenities in the new subdivision would never happen without the funds being generate from the additional charges imposed by the community authority.

Ms. Hogan asked if the community authority board was a not-for-profit organization and who regulated how much they charged. Mr. Brosius confirmed that the board was not-for-profit but it was a quasi-governmental board and any regulation came from the petition approved by the county commissioners. A developer organizing a community authority would need to consider the effect of any charges imposed so that the property would still be attractive to buy. It would be important to understand how much the market would bear and not exceed that. It would not be to the developer’s advantage to price them self out of the market.

Ms. Hogan asked if the organizer of the community authority was just passing on the cost of the infrastructure to future property owners. Mrs. Mattei said that we, as a community, need to decide what we would tolerate as part of a community authority charge. For example, roads that are typically a developer requirement would still be a developer requirement. Items like water features at the entrances and brick shelter houses with fire pits could be included in the community authority. Potential developers have asked if turn lanes could be included in the community authority charge. Mrs. Mattei said she thinks there needs to be a balance between amenities that we would think are above and beyond the normal developer requirements and maybe allowing the developer to include a turn lane.

Ms. Mattei commented that at the last meeting it was discussed how to get high-end products with high housing density. A community authority is one way to do it for both residential and commercial development.

Mr. Brosius said that the regulations for creating a JEDD were recently changed and you can now use a JEDD for mixed-used development which can include housing. Under the old JEDD law, you could impose an income tax on people working in the JEDD and on the net profits of businesses located in that area. You can now impose an income tax on people who are residing in the JEDD. Also, a JEDD has to start with a clean slate; no existing residences are allowed within the JEDD area when it is first created. Mr. Brosius said that you can recreate an island totally surrounded by a JEDD if, for example, a farmer wanted to stay in his family home and develop the rest of the farm.

Mrs. Mattei said that the area where she would really like to see the Commission focus is the Refuge/Pickerington Road area where we are working on a mixed-use development plan. The municipal partner could be Pickerington or Reynoldsburg. Mr. Brosius explained that the municipal partner in a JEDD does not have to be contiguous with the property; it can be separated by one intervening jurisdiction. The reason a city would participate in a JEDD is because it would be free money for them. A municipal partner is required for the formation of a JEDD because the township has no authority to levy an income tax. We would negotiate with our municipal partner about what percentage of the income tax they would get and how much
would come to the township. Mr. Brosius gave an example of a 3–party JEDD in Pickaway County that was formed to include the Orient State Prison property. This allowed income taxes to be collected from the employees and part of that money goes to the township.

Mrs. Mattei said that conversations are beginning at the township trustee level to determine who might be our municipal partner in a JEDD. Reynoldsburg has a 2.5% income tax which is the highest in this area.

Mr. Brosius noted that with our current overlay we have chosen the township trustees to be the approving authority. Other places have chosen their zoning commission. You can also set it up to have a zoning commission recommendation that then goes to the trustees for approval. Mr. Decker commented that the original overlay was sold to the Commission as a simplified process for a developer who could bypass going before the zoning commission and proceed directly to the trustees for plan approval if they met all the overlay requirements. He questioned whether the current overlay needed to be amended to include a JEDD and require a zoning commission review and approval. Mr. Brosius clarified that he was suggesting only the addition of the JEDD requirement; adding a zoning commission review would only slow down the process. Mrs. Mattei concurred saying a two-step process for approval would likely get push back from the trustees. Mr. Brosius suggested the zoning commission do the approval instead of the trustees and Mrs. Mattei said they would need input from the trustees to make any changes.

Mr. Decker asked for a recommendation from Mr. Brosius about who he thought our approving authority should be. Mr. Brosius said that he would have the zoning commission do it because that is the role of the zoning commission. Trustees act in many capacities, but the zoning commission is only involved in the township zoning plan. Ms. Sarko said that would be her recommendation, too. Mrs. Mattei said that she would have to speak to the trustees about it.

Mr. Decker commented that the zoning commission would be taking over a different role having to be much more critical, engaged and judgmental than now. He asked that Ms. Huber send the pertinent sections of the ORC to Ms. Sarko so she could forward them to the commission members.

Mr. Brosius said that the Zoning Commission is the body that has typically initiated, drafted and critiqued zoning instruments like the current overlay. That is what the staff is trying to accomplish. Mr. Decker commented that the commission needs to 1) pay attention to the current overlay to determine any changes they might recommend, 2) Mrs. Mattei needs to speak to the trustees about their thoughts on the process, then 3) we need to start building and defining the boundaries for another overlay in the Refugee/Pickerington Road area. Mr. Biancamano commented that they also need to look at amending the current overlay and zoning code.

Mr. Palsgrove asked Mrs. Mattei if she had any thoughts about the eastern boundary of the new overlay. She said that she envisioned one that mimics the boundary being used now for the MORPC study. It basically goes to Heron Crossing on the east side. However, she envisions multiple overlays. The one mimicking the MORPC study boundary would have specific development guidelines for that area. Then there would be another overlay that extends north from our existing overlay along U.S. 33 to I-70. If or when a connector road is built between US33 and I-70, that overlay would be more focused on commercial development and have commercial development standards in it. So we would end up with three overlay districts.
Mr. Brosius commented that when we are doing the overlays we would want to keep as much
of the language the same as possible in all three overlays. The differences would be in the uses
and standards. Several were in agreement. Mr. Brosius commended Mr. Biancamano for his
work on the current overlay.

Mr. Decker said that the commission should work on developing the Refugee/Pickerington Road
area overlay and then amend the U.S. 33 overlay to make it similar. Mr. Brosius and Mrs.
Mattei agreed.

Mr. Brosius said that he would send the pertinent ORC sections to the commission. They will
also receive the details of the current overlay including the associated map.

Mr. Biancamano said that he sees benefits in the overlay proposal and that staff should continue
to explore this option.

Mr. Brosius said that the mechanics of hiring a consultant can be difficult so they should look at
that during this process. Ms. Sarko commented that it would need to be added to the fee
schedule.

Mrs. Mattei said she would bring marked up maps to the next meeting to show what might be
suggested in the Refugee/Pickerington Road overlay district.

Mr. Palsgrove said that he thinks this, the overlay districts, is something we need to look at. Mr.
Decker agreed and said that it was going to be a lot of work. Mr. Brosius said that it is his hope
that it would not take as long as the first overlay. He has had more experience with overlays
since we did the first one and we already have a base from which to work.

Mrs. Mattei invited the commission members to attend the MORPC Refugee/Pickerington Road
Stakeholders meeting on Thursday, July 19, 2018 at the township office.

Ms. Bussom made a motion to adjourn the meeting at 8:51 p.m. Seconded by Mr. Decker. Roll
call vote: all ayes. Meeting adjourned.

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Bob Bussom, Acting Secretary

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John Biancamano, Chair Date