

**RECORD OF PROCEEDINGS**  
**Violet Township Zoning Commission**

**October 15, 2019**

Mr. Biancamano called the meeting to order at 7:30 p.m. and roll was called.

Members present: Mr. Bussom, Mr. Rowell, and Mr. Biancamano. Also present was Kelly Sarko, Zoning Inspector, Holly Mattei, Development Director and Jennifer Huber, Township Legal Counsel. It was noted a quorum was present.

Mr. Bussom made the motion to approve the minutes from September 17, 2019 meeting. Mr. Decker seconded the motion. Roll call vote: all ayes.

Mr. Decker announced his law firm has an ongoing relationship with Rockford Homes; therefore, he is recusing himself from this case and any matter involving Rockford Homes. Mr. Biancamano noted that Mr. Decker would not participate in any discussions or the vote on this application.

**Case Number 05-ZC-2019:** an application for rezoning filed by Rockford Homes, Inc., 900 Polaris Pkwy, #200, Columbus, Ohio 43240 for property located at 12648-12650 Tollgate Road, consisting of 100.74± acres owned by Mason Family Ltd., LE to Marilyn J. Rostorfer, c/o Kathryn Lors, 2211 Cheltenham Road, Columbus, Ohio, 43220; and 37.96± acres located at 12330 Toll Gate Road, owned by TollGate Road Ltd., 50 Hill Road S., Pickerington, Ohio, 43147. This application proposes to amend the Violet Township Zoning Resolution by amending the Violet Township Zoning Map to rezone Parcel Numbers 0360088700 and 0360090010, consisting of a total of 138± acres on the east side of Toll Gate Road from the R-2, Single Family Residential District to the PD, Planned Residential District to accommodate a 364-lot, single-family subdivision.

Bob Yoakam, President, Rockford Homes at 999 Polaris Parkway, Columbus, Ohio said his grandfather founded the company in 1995. Rockford Homes only operates in Central Ohio and builds single-family homes and condominiums. He said their customers are second and third-time homebuyers and their niche is customized homes.

Corey Theuerkauf, Vice President, Rockford Homes 999 Polaris Parkway, Columbus, Ohio said the Mason family has owned the land for over 100 years and decided to develop the property. Mr. Theuerkauf said their objective is to create a community designed around the natural features of the site. He said one of the largest features on the site is the drainage swale that transverses the site north to south. He said there is a substantial old growth tree row that runs east to west through the project that they want to preserve as well as several environmentally sensitive areas in the wooded areas that they are trying to promote with educational elements.

Mr. Theuerkauf said they are trying to create a subdivision that meets a market need with affordability for the move-up buyer and second buyer. They have a lot structure that will facilitate that price range as well as some design elements, third car garages but limited side yards so there is not a lot of maintenance. They know that if the project goes through there would have to be an improvement to the roads to facilitate the traffic needs. He noted road improvements would be on their portion of the site. They would try to preserve the trees on western side of the road.

They are also adding 5-board cross fencing which is primarily in rural areas for outlining properties, adding masonry columns that resemble old property markers.

They are trying to promote people getting outdoors with outdoor amenities including multiple path systems, sidewalks and walking paths through the drainage course into the woods, around wetlands, etc. They also have a center green area that has active playground equipment for kids ages 6 to 12, swing sets, benches throughout the community and multiple things to get people outside.

In a couple of areas they have what they are terming “gateways” into podded areas. They are trying to create small pockets within the overall community. They would use the old growth tree line as a wall.

He noted the path system is modeled after metro parks and would be networked with the street system. There would be hardscape elements and way finder signs. The signs would encourage and promote wetlands, catalog species of nature; they would also have a butterfly garden. The bulk of the greenspace is dedicated to passive recreation.

Mr. Biancamano observed that the bulk of the green space is devoted to the perimeter. He is concerned that this design looks like a cityscape where you see nothing but driveways, cars and mailboxes.

Mr. Theuerkauf directed the Commission’s attention to the center green, the playground, the bocce ball courts, the path system and the park theme setting. As far as the perimeter buffer, they were informed by staff it was a code requirement for a buffer around the property and they trying to preserve as well.

Mr. Biancamano asked how usable the wetland portion of the plan would be. Mr. Theuerkauf said from a developer’s perspective it is there for water filtration. He said there are grades of wetlands and there is a significant wetland that stays wet all of the time. He noted the wetlands are identified by a “12” on the plan.

Tom Hart, Zoning Lawyer for Rockford Homes 999 Polaris Parkway, said they filed this application under a section of the Township Code that allows flexibility and calls for discussion and negotiation and a cost benefit analysis of their project for the community as a whole. He explained that planned districts allow applicants to propose standards that are different from the code. They are proposing higher density than would be

allowed in residential developments defined in the code as well as different lot width, setbacks, yard requirements and lot coverage. He said they feel these divergences are justified because they have more than doubled the code required open space on the site. They have also proposed in their text the creation of a Community Authority, which allows a new community development to cover the cost of community wide priorities.

Mr. Hart state they are proposing a 4 mill special assessment to be placed the homes within the development. Under the ORC (for a Community Development Authority), a new development can place an extra assessment on the properties via the deed restrictions that allows the funding for other community facilities such as offsite infrastructure improvements. He said this mechanism has been used all around central Ohio and works best when multiple new developments are put in the same community authority and have the same charge across the board. They put this in the text because they know the Township has placed a priority on path connections such as bike path connections and multi-use path connections around the Township.

In terms of the market, he said an additional goal of a planned district is to be relevant to today's market. One of the biggest trends in central Ohio and the country is that people are asking for smaller lots. He said they are trying to provide recreation, passive enjoyment of features like wetlands and the topography of the woods on the site.

Mr. Hart explained that code divergences are justified because their plan has more than doubled the required open space along with preserving the natural features. Regarding the proposed Community Authority, Mr. Biancamano asked if they have worked with the Township to project the revenue that could result from this tax over a period of time. Mr. Hart said they had not because it depends on the millage and depends on how many properties the millage applies. Mr. Biancamano noted it also depends how quickly those properties sell. Mr. Hart said typically these community authorities have a 30-year life and it is an assessment that is paid over the life of the project. Mr. Biancamano asked if the members of the (CDA) board would come from the district itself. Mr. Hart said typically, they would and the board would also include local government representatives. Mr. Biancamano asked if there would be an expectation that the CDA funds be used exclusively for that planned district. Mr. Hart said not always. He noted CDA's have been successful when several developers put their developments into the authority. The number of units in the authority grows over time across multiple developments and soon there are significant funds. Mr. Biancamano observed that the viability of the CDA concept depends upon recruiting more developers to participate in the effort as more development comes into the township. Mr. Hart said that was true. He added that they expect to be in discussion with Township staff and leadership so that when their zoning is before the Trustees, there is also a Development Agreement that spells out everything about the Community Authority.

Mr. Bussom asked what the benefit is for the community that currently exists. He said with 364 homes, two kids per home, two cars per home, and six trips per house per day is a lot to withstand. Mr. Theuerkauf said they were analyzing the traffic and working

with the County to develop a Memo of Understanding (MOU) for a traffic impact study so they are able to identify the required road improvements. He said the CDA would be a huge tool for the Township, which would be a benefit for folks living in the Township. This project is the first step to extend a large trunk sewer that will facilitate the expansion of the sewer system that will serve several hundred undeveloped acres to the north. Also, neighboring properties that currently have failing septic systems have the ability to tap in as well. Mr. Biancamano asked who would pay for the extension of the trunk line to the development. Mr. Theuerkauf said the developer would.

For the benefit of the citizens present, Mr. Biancamano explained the planned district provisions in the Zoning Code. Mr. Biancamano asked Ms. Sarko if she had any questions. She noted her concerns are predominately Development Text related. She noted the minimum home size is 1,550 square feet for a one-story and 1,800 square feet for a two-story home. The side yard is 6 feet for 62-foot wide lots and 5 feet for 52-foot wide lots. The rear yard is proposed to be 25'. She said the front setback is proposed to be 25 feet but noted that the front setbacks in most of the planned districts are 30 feet and that is the standard at Regional Planning Commission this would require a variance from the County Subdivision Regulations..

Mr. Bussom asked what the distance is for the proposed walking trails. Mr. Theuerkauf said around a mile that is broken up and that does not include the sidewalks.

Mr. Biancamano asked about the price point for the homes. Mr. Theuerkauf said \$300,000 to \$400,000 price range.

Mr. Rowell asked if there would be any improvements to make the wetlands into a park or nature setting. Mr. Theuerkauf said they would try to create as much as a park like setting so you can use the areas as much as possible without impacting specific elements that will have issue for the Army Corps. or the EPA.

Mr. Biancamano asked about timing. Mr. Yoakam said they would start on Toll Gate Road. There will be a full access. The secondary access is likely to be a right in right-out. Phasing will come up through the Mason tract and down and then subsequently down through the Toll Gate Road Ltd. tract. From a timing standpoint, this is likely to be a 6 to 7 year project.

Mr. Rowell asked if the playground in Subarea A, close to the northernmost street was the only active playground in the entire area.

Ms. Sarko, referring to Exhibit A-1, said it appears that the only area that they are going to preserve outside of this is a major tree line down the middle of the tract but these trees are slated to be removed per the plans. Mr. Hart said they cannot impact stream corridor. They are cutting through the general area and they are preserving the tree row. Ms. Sarko said the purpose of the planned district is to preserve the natural features and it just appears that a lot of wooded area will be torn down.

Ms. Sarko asked about the adjoining Myer property. She said there is a large pond at the back of the property and noted there is no separation of homes, no buffering and asked if there was a way the homes could be pushed away from this property. Mr. Hart said he agreed and he believed this could get accomplished. She asked about potential landscaping and mounding. She wanted them to take into consideration about any kids being close or around that pond.

Steve Herb, 8612 North Spring Court, Pickerington asked if there was a more convenient way for residents to submit comments on an ongoing basis. Mr. Biancamano said yes they could send a letter or an email. Mr. Herb said that does not help with interaction. Ms. Huber commented that is what the hearings are for. Mr. Biancamano said this was the interface and this is the opportunity for everyone to address their questions. Mr. Rowell said the meeting notices are formally published and everyone has an opportunity to come. Mr. Biancamano said the notice was sent to 59 residents. Mr. Herb said it does not affect adjacent properties but all residents bear the burden of educating students. He noted the City of Pataskala implemented a moratorium.

Maggie Muncy, 6218 Mamie Drive, Pickerington said our school district is already crowded and they are adding many homes. She said Toll Gate Road is a country road and there is too much traffic on Toll Gate. She said all this is going to cause is for their taxes to go up.

Manraj Bath of 13998 Toll Gate Road, Pickerington commended the community for attending the meeting. First, the school down the road cannot afford the load it already has. In the long term, he believes it will be more expensive. The homes will bring more economy to the Township, but it will also bear the expense and burden later. Regarding a sense of place, he thinks the development itself is attractive but the drawback is it is not the place in our place. He thinks this development is nice but not what is commonplace. Regarding the affordability, he feels it would increase costs with roads and infrastructure with the extra housing. The layout is beautiful but at the same time it is overcrowded which is also out of place for what our community is.

Regarding the amenities, Mr. Bath asked where does the money come to build and maintain the amenities. Mr. Biancamano asked Mr. Hart to address this.

Mr. Hart said the typical approach is that the site amenities are taken care of by the HOA. The Community Authority is typically more focused on some initial infrastructure that is shared by the development and helps the surrounding road infrastructure. They are focused on community purposes that are off-site. Their focus on Community Authority concept is other bike path and connections around the Township that connect with this site. Therefore, the maintenance will fall upon the responsibility of the homeowners. Mr. Theuerkauf said what the Community Authority pays for does not have to be bike paths. That is ultimately a discussion they have to have with the Township and work out - whatever the needs are is what ultimately the Community Authority will pay for.

Mr. Bath noted wetlands and said the developers have doubled the green space to 45%. He asked what percentage of the green space are wetlands. Mr. Theuerkauf said minimal. He notes these are the jurisdiction of the Army Corps and they have to do a preliminary jurisdiction of water determination that outlines the acreage. He said overall, it is minor. Mr. Biancamano asked them to get the Commission that additional detail.

Mr. Bath asked about the Metro Parks design of their layout and he asked if Metro Parks would be taking over some of this. Mr. Theuerkauf said it is not a Metro Park dedicated space but it is a Metro Park theme and all of it will be owned and maintained by the HOA and their goal was to make it look like a park.

Mr. Bath referenced the number of homes and asked if they do not get the requested divergence would they stay or would they leave. Mr. Theuerkauf said that is to be determined.

Scott Moore, 6068 Mamie Drive, Pickerington said he grew up on the land in question and wondered if anyone took into account the history of the land because he spent his time picking up arrowheads and tomahawk heads. According to the Historical Society, as far back as 1883 north of Refugee Road there was two to four miles set aside for the Delaware and Wyandot tribes. He said there is an Indian burial ground in the woods that borders the field behind his house directly across the field. He said his neighbor found a skull rolling down the creek that runs through the property. He asked if the developers took into account how many human remains they may disturb by building 364 homes. He does not feel this is respectful to our ancestors. Mr. Biancamano noted there is a Federal Law that governs the handling of Indian remains and when you find bones, it would be subject to that law and he asked the developers what they would do. Mr. Theuerkauf said you would have to stop and said they have already studied the site with a Phase 1 environmental assessment with cultural resources and they had no findings. Mr. Moore said he grew up there and he feels their studies are flawed.

Chris Nietz, 6387 Mamie Drive, Pickerington said her concern is with water, the density and lack of ground absorption of water. She said she is also concerned about water runoff and is concerned about wells in the area. She said they do not have the option of public water. She said high-level aquifers are fed by groundwater absorption and with the density; they are putting in that area she has big concerns about wells going dry. She asked if a hydro-geological study been done. Mr. Theuerkauf said they had not gotten to the point where they are doing final engineering but they are required to meet EPA runoff standards. He said she was 10 feet higher and they are downstream. He said they will take their storm water and route it to the ponds and then they will have monitored outlets which will allow water to be released into the drainage course per the EPA requirements. She said the aquifers are still filled and it does not matter whether they are upstream or not. She is concerned there will be more runoff that will not be absorbed into the groundwater to go into the aquifer and it does not matter if it is upstream or downstream. It will deplete the upper level aquifer that they all rely on. Mr. Theuerkauf said right now

it is an agricultural site but there are areas that are being channelized and running off the property. Mr. Rowell said the developers are bound by all the rules and regulations of the EPA, Federal and Local governments and Township. Mr. Rowell said until they get approval first through this committee and then subsequently the Trustees they will subscribe to all of the rules and regulations.

Jamie Baily was speaking on behalf of her mother Nancy Bailey, 6093 Mamie Drive, said they started building their home in 1974 and have lived there for 45 years. The thought of 365 homes upsets her. She felt the impact to the area is astronomical, especially the schools and the traffic on Toll Gate Road and the impact to property values on Toll Gate Road. She asked them to reconsider.

Michelle Reinig, 7011 Optimara Drive said the price they were asking is way above what houses around there are going for including condominiums. She said there is no need for 365 homes. She said the zoning laws are there for a reason.

Tom Wilson, 13617 Nantucket Avenue said one of the attractions of New England Acres is the size of the lots and the different style of homes. He said it sounds like these small lots there will be multiple stories and basements. He asked the Developer to explain how a ranch could be built on that small of a lot. Mr. Theuerkauf said most will be 2-stories but you could build a 50-foot or 60-foot building pad. Mr. Wilson said he feels it is going to be too crowded.

Stephanie Gillette, 7020 Blacklick Eastern Road she has been a resident since 1995. She said they would be impacted by this development like others. She said the question was in regards to the Community Authority, in an area like ours where Pickerington and Violet Township are so intertwined, whether the community has the authority to cross over city jurisdictions so that if this was something that could ultimately be beneficial to Violet Township would it be more beneficial to also bring in any future development that is coming from the City of Pickerington. She said tax increment financing starts out as nothing and as it is built up it is either beneficial or it is not and depends on how it is administered.

Mrs. Gillette stated she is a member of the Violet Township Board of Zoning Appeals and she noted, because of the very short distance between these lots – 10 feet between the 50 foot lots and 12 feet between the 60-foot lots, just to glance at it without knowing much about it in her mind creates a situation where anything falling into the purview of needing a variance would create a finance stream for the Board of Zoning Appeals which she does not think is a good thing.

Mrs. Gillette also wanted to make a point that when a new application comes in front of any board in the Township, Violet Township goes above and beyond for notifying adjacent property owners, and it is a lengthy process and is not easy to do. She said before becoming a BZA member she was involved in grassroots organizing and she recommended someone like a secretary to let people know when meetings are coming

up. She feels it is possible for everyone to work together and end up with a product that would make money and be a benefit to the Township.

Janice Thomas, 6680 Kennington Square said they moved out to the Township in 1986 to get farther away and have a bigger house. She said they have almost one acre. She wanted to know what will have to the grocery stores when they leave, she said their Kroger is small and is packed. She said she is a cyclist and cannot ride on Toll Gate. Regarding bike trails, she said that more people get injured on bike trails than the road. She said it is difficult to cross Refugee Road when school is in session.

Cathy Jerbic, 12599 Toll Gate Road, Pickerington. Mrs. Jerbic read a prepared statement that was given to the Commission for the record. She said feels this development will impact the traffic and the natural beauty of the property. She asked them to consider a density that is more compatible with the neighborhood and the natural features of the property. She had a comment for Scott Moore. She said she was elected to develop implementing several regulations for the repatriation of Native American graves and if there is any Federal involvement at all with a project it does trigger an archeological survey and is required to comply with the requirements of the Native American graves repatriation.

Pat Graves, 12361 Toll Gate Road, Pickerington said lives she lives next to the school and is concerned about the traffic on Toll Gate Road. She described the things that are on Toll Gate that would affect traffic. She said there are extra activities at the school all the time. People ride their bike, jog, the school buses, two churches and then one on the corner at 204. She said businesses on Routes 40 and 310 bring a lot of traffic down Toll Gate. She said there are two entrances/exits for the development and at two cars per house, which is 728 cars. She said if they only go to work and back that is 1,456 trips on Toll Gate Road. She is concerned about the number of homes in the new development.

Karen Weber, 12920 Toll Gate Road, Pickerington read a prepared statement into the record. She said her son is a Civil Engineer and he and works for a city in in Central Ohio. They asked that if the development is approved see to some conditions: Require a significant buffer from the stream or property line to separate the dense subdivision from the rural residential area; Require mounding in the buffer and preserve trees; require a southbound left turn lane into the site and northbound right acceleration lane with a design speed of 55mph; Require a design year critical storm of at least 25 year post developed runoff rate held back to a 2 year pre-developed rate; and require sanitary sewer to be sized for offsite areas and provide direct access to sanitary sewer service for adjacent properties. She said, overall, there is not enough green space for this subdivision and it should be less dense than Huntington Hills. There needs to be more than one way in and one way out. The Township must require hydrological study. Provisions must be put in place with subdivision approval to require the Developer to tie in neighbors and pay capacity fees if the wells are negatively affected after the start of construction.



Mr. Hart said the Rockford Homes representatives attending the meeting will do their homework and will try to address what they heard this evening.

Mr. Rowell made a motion to continue this public hearing to the next regularly scheduled meeting of November 19, 2019 at 7:30 p.m. at the Violet Township Administrative Offices. Mr. Bussom seconded the motion. Roll call vote: Mr. Rowell, yes; Mr. Bussom, yes; Mr. Biancamano, yes. Motion carries.

Mr. Rowell made a motion to adjourn the meeting. Seconded by Mr. Bussom. Roll call vote: All ayes. Meeting adjourned at 9:32 p.m.

Approved:

\_\_\_\_\_  
John Biancamano, Chair

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

\_\_\_\_\_  
Daniel Rowell, Secretary

\_\_\_\_\_  
Bob Bussom, Vice Chair

\_\_\_\_\_  
Mark Decker, Commission Member