

RECORD OF PROCEEDINGS
Violet Township Zoning Commission

January 21, 2020

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

Members present: Mr. Decker, Mr. Griscom, Mr. Bussom, Mr. Biancamano. Also present was Kelly Sarko, Zoning Officer and Jennifer Huber, Township Legal Counsel.

Mr. Decker recused himself from the proceedings for Case 05-ZC-2019 as his firm has an ongoing business relationship with Rockford Homes.

Mr. Biancamano said this was a continuation of the public hearing on Case No. 05-ZC-2019. Mr. Biancamano asked Mr. Hart for an update on what has happened with the application since the last meeting in December.

Tom Hart, the Zoning Attorney for Rockford Homes said they have made a number of changes and their site plan is similar. Their traffic engineer completed an updated traffic impact study and it was sent to County Engineer for review. They received a number of detailed questions from staff regarding the plans and the text. The comments are extensive and they have not been able to change the text and the plan in time to have it before the board this evening. He said for that reason, they are requesting to table the case to allow them to address those changes and get an updated plan and text for the members. They asked if the Commission would entertain a special meeting on the 3rd, 4th or 5th of February. Mr. Biancamano asked if they were asking for a continuation of this meeting this evening Mr. Hart said yes they were.

Mr. Biancamano said he would be open to continuing this meeting to address the text issues. He suggested they get as much done tonight so they can to see what the open issues are and he believes the members of the Commission would like to talk about a number of items as well.

Mr. Hart said they listened to the feedback they received about the rural character of Toll Gate Road. In keeping with that, he said they have significantly upgraded the edge of their site along Toll Gate Road with a lot of landscaping detail as well as the text. Generally, that includes mounding, a walking path, a fence detail with a stone column every 100'. There will be screening to deal with the sides and backs of homes that face the road so that what people see when they drive by is a wall of green. Ms. Sarko had given them feedback about changing some landscape with different plant treatments so that the colors change seasonably along the road as well as evergreen treatment to keep that wall there year round. They are trying to keep that rural aesthetic and character that was expressed at the last meeting.

Mr. Hart said they tried to provide more programming for both greenspaces in northern subarea A and southern subarea B. In past plans, there were fingers of open space between lots. They tried to eliminate those if they were too thin or widen them so they can be delineated, demarcated easier so people are not acquiring property that is common area. Ms. Sarko made suggestions regarding and fencing bollard controls.

Mr. Biancamano asked if the handout Mr. Hart gave out showed any changes to the narrow strips of open space at the top of the site plan. Mr. Hart said yes but some of the details are in the detailed plans rather than in the bigger site plan.

Mr. Hart said in subarea B, they created a community gathering area that features a large pond and a patio that opens up to another greenspace. There are lots of moundings and trees for screening and seat-walls. He said it is an open active recreation area connecting the water feature that can be used for passive viewing and meeting. It is in the southern part of the development. Exhibit "D" shows what they have done. Mr. Biancamano asked if these documents would be available to the citizens. Ms. Sarko said she would put the documents on the web page. Ms. Sarko noted these documents have been available for public view in the office during normal business hours.

Mr. Hart said they are still at the same 269 units, 1.96 gross density, using the plan they showed the last time on 137 acres. They have 57.37 acres of open space, which is approximately 42% open space.

Mr. Biancamano asked if Ms. Sarko could review some of the technical issues that are being discussed regarding the text. Ms. Sarko said that with respect to the text, she is requesting that they organize the Development Text a little better; one that is sectioned out with a narrative: permitted uses, prohibited uses, requirements for the housing, open spaces and who will maintain them, divergences, etc. One of the issues is garages extending beyond the front of the home. She asked if all the ponds would have fountains. Mr. Hart said there are two that have fountains and the rest would be bubblers. She said they had discussed street trees with respect to the right-of-way. Street trees need to be placed outside the right-of-way and provisions for maintenance need to be provided if a tree is damaged or destroyed. She asked for simple language for house numbers so that if there is an emergency, the Fire Department is not looking for an address. As the post office now requires cluster mailboxes, she said a discussion needs to occur about cluster mailbox locations so that the locations do not impede traffic flow. She said she asked for a spec sheet for the type of fencing for the types of fencing that are permitted as well as a spec sheet for model home signage.

Ms. Sarko said another issue is that in order for a storm water detention area to be included as part of the open space, the Code requires a path or multi-use trail to be included in those areas. She said she only sees a path around on basin at the southwest corner of the development. She noted the sidewalk could count as access to the central basin but she is not certain about the three ponds on the west side of the development.

Ms. Sarko said she and the developers talked about buffers being listed as no build zone versus a perimeter buffer. The Zoning Code requires a 100-foot buffer within the development of the perimeter buffer zone. Some of them are larger and some smaller and they have been identified as a setback rather than a buffer. She said if it is going to be considered to be open space, it needs to be accessible by all residents.

Mr. Biancamano said he was surprised that the traffic study concluded that no roadway improvements would be called for in connection with the development of the site. He said those of us who live in the Township are very much aware of what is going on with Rt. 204. Mr. Biancamano said this is something that needs to be looked at very closely.

Mr. Hart said their professional engineer performs a study based on the regulations the County provides – which are state standards. He said they will be meeting with the County Engineer to go over his findings and those findings. The County Engineer a lot of regulatory and statutory authority to control access. That regulatory procedure continues.

Mr. Hart said the traffic study did provide some detail about mitigation that is likely to occur as it relates to Toll Gate and 204 intersection. The traffic study says that whether or not this development is built, traffic will increase in the next ten years. The intersection is not operating well today and is likely to fail in the future. Mr. Hart said they are expecting to pay a fair contribution and they will be part of the solution.

Regarding turn lanes on Toll Gate, the study did not conclude at this point that they are required to put in turn lanes on Toll Gate into the community. He said the main reason is they have two entrances and traffic will be distributed between them. Most traffic comes from the north and exits to the north and the southern entry to the development is where most of the homes are. Mr. Hart said that does not mean that the County Engineer will not have a different conclusion about what is needed. He said there would be further discussion with the County Engineer about the front entry from Toll Gate.

Mr. Bussom commented there are 269 lots on the plan and asked about net density. It was noted the net density was 2.31 (unit/acre). He asked what it would take to get 1.99 net. Mr. Hart said they are at 42% open space, so under a planned district, they are making the case that they should achieve a slightly density than what the code says because they are providing significantly more open space than most developments in the Township and what the Code requires.

Mr. Biancamano expressed concern about narrow strips of territory that they are counting in their open space calculation. Mr. Hart said they count open space based on how the code defines it.

Mr. Biancamano noted that there is a distinction between the technical requirements of the code and actual usability. He said the Commission always has to follow the technical requirements of the Code but when they makes these decisions, it is also fair to consider usability. The Zoning Commission is where the technical requirements of the law as well as the practical livability criteria meet.

In terms of density, Mr. Biancamano noted that subarea B is pretty dense and asked if they could reach the 1.99 units/acre by doing something in subarea B.

Mr. Hart said they have looked at that and said there are some significant limitations in that subarea because of the wooded area they want to protect. Another factor is the size of the pond and the natural water flow. He said when you produce 42% open space overall, there are some areas that have more and some areas have less.

Mr. Biancamano asked Mr. Hart to talk about drainage. Mr. Hart explained that in subarea B the water flow goes to the pond at the southwest corner. Mr. Theuerkauf with Rockford Homes said their packet contains a utility plan that shows the general utility layouts and storm water routing within subareas. He said the majority of the storm routing through this section will flow to a basin then to the creek.

Ms. Sarko asked if the applicants would be able to put pathways around the pond as shown. Mr. Hart said they would have to look at each pond and the topography.

Daniel Renner, 11362 Rockwood Court, is building a home at 13075 Toll Gate Road. He said he is not anti-development but feels this proposal goes too far. He said future development and market trends need to be balanced with a desire to maintain the character and nature of the township. Mr. Renner read Section 3V3-01(C) of the Zoning Code. He believes this application fails most of these criteria. He said the proposed development is not consistent with the purpose, criteria, intent, and standards of the Zoning Code. He noted the code permits a net density of two living units per acre and they just heard they are requesting a deviation to allow density of 2.3 dwellings per acre net. He said the development text provides no justification for exceeding the net density beyond generally referencing changing demands and the need of today's homebuyer. He noted the differences in the setbacks proposed for this development and what is required in the R-2 District. It was his opinion, the justifications sound like what the developer wants for maximum profitability.

Referring to the Township's Land Use Plan, Mr. Renner said this proposal does not maintain the rural character of the Township. It features lot sizes far smaller than the current minimums. The applicant has referred to the Land Use Plan as "dated and not applicable". The Township may wish to update the plan in the future, but the current plan is the adopted plan and applies to all current development. Applying the current Land Use Plan with the current zoning code leads to only one conclusion, that this plan fails the criteria for approval. He asked that the Zoning Commission recommend denial of this proposal.

Robert Carbonara, 6080 Blacklick Eastern Road asked who performed the traffic study. Mr. Hart said his name was Todd Stantow at Smart Engineering. Mr. Carbonara said it appears there will be two access points on Toll Gate and he feels having two adds to the problem. He said it gives more opportunity for people coming onto the roadway for traffic going up and down the road. Ms. Sarko noted the County Engineer's office requires two access points into a subdivision so in case one is blocked, you can still get into the remainder for emergency services.

Mr. Carbonara also asked about the water source for the ponds. Mr. Theuerkauf said storm water. He asked if we do not have any rain for some time will the water go down. Mr. Theuerkauf there is an engineered outlet that will keep normal pool elevation within a basin at all times. In storm events, it will fill up and then will outflow and drop down to a normal flow.

Gene Venetta, 12751 Toll Gate Road, commented that across the street from this development there is 103 acres with a total of nine houses. When he looks across the street and sees 269 homes, he is looking at a density 30 times what they have now. He does not feel this is in keeping with the character we have now.

Dempsey Ohlinger, 11185 Stoudertown Road said he was upset because the developer said everything would be on the website and it was not. He said that the idea that the Board met with the developers about green space is a violation of the Sunshine Law. He hopes the board will vote this down.

Mr. Biancamano said he understands there are many strong feelings. He said we have to remember this is not an adversarial proceeding. He said Developers have a legal right to submit these applications and they have a legal right to work with Township staff on these applications. Notwithstanding what is being suggested, there is absolutely nothing wrong under the open

meetings law and the public records law with a developer working with Township staff in meetings and on the telephone to refine these applications. In fact, it is a good thing. He said you have to remember that on one hand, you always have Township citizens who are being affected because they live across the street but there are members of the Township who want to sell their land to a developer. There are interests that have to be balanced on both sides.

Dan Beard, at 11783 Covington Court thinks things are going to slide through without the citizens being aware of everything. He said the strongest selling point for these homes is they are in Pickerington Local School District. He asked if there were any deed restrictions like where do they park their cars, do they park their cars in the street, can they have a boat, could they have a shed in the back yard. Ms. Sarko said there are deed restrictions and development text and development text does not allow accessory buildings. She said we cannot prohibit a licensed operable vehicle from parking on the street. He asked about the traffic study. Mr. Biancamano said in addition to the traffic study, they would also have to comply with any requirements imposed by the County Engineer.

Mr. Biancamano told Mr. Beard there may be many sources of information about this case and he thinks the most authoritative source is going to be the Township website and if a document is not available on the website, he has a right to come to the office or even call Ms. Sarko.

Bob Neilon, 13295 Toll Gate Road said he believes this plan does not preserve the desire and character of Toll Gate Road. He believes this plan will decrease property values on Toll Gate Road. His real concern is that anyone who wants to buy a property like his, they will not want to buy his home once the Rockford homes are built nearby. No one who has a large property wants to live near that.

Jackie Neilon, 13295 Toll Gate Road said she believes her property value will go down because of what is going in near her house. She has concerns about the design. She is concerned about safety of the entrances on Toll Gate Road. The speed limit on Toll Gate Road is 55 m.p.h. Her other concern is the north entrance. She referred to the design and wanted to know if that island was still there trying to force the traffic only to the north. Mr. Theuerkauf said due to the elevation at that exact point there is a right-in, right-out limited access point there. Mrs. Neilon says people will ignore this. She said some of the ponds almost touch people's back yards. She said the ponds nearly touch back yards and this seems dangerous for kids.

Mrs. Neilon referenced Section 3V1-01(A) of the Zoning Code that states "a development pattern which preserves and utilizes natural topography and features such as trees and other vegetation...." She said the trees have been there for decades. She showed where a large section of trees is going to be removed. She said it also appears that every lot will end up void of all trees and she does not understand why. She said the fingers of open space are not usable and the point of a residential district is to provide green space to the people.

Mrs. Neilon said subarea A and subarea B do not look like they have anything in common.

Mrs. Neilon wanted to know why they cannot put five extra feet in the front setback.

Ms. Sarko explained the front setback and the front property line is 1-foot from the inside side of the sidewalk. She said there is the right-of-way, which is the road and the area, which includes the sidewalk. Mrs. Neilon said she does not see any benefit to anybody except to Rockford financially. She feels this should be denied.

Drew Potter of 6983 Pin Oak in Huntington Hills asked what the impact fees were and what are they assigned to. Ms. Sarko said the Township does not have impact fees but there are fees assessed by the County. He also asked if there was any discussion about the 33/70 corridor

Mr. Bussom made a motion to continue the public hearing and schedule a Special Meeting of the Violet Township Zoning Commission for Case 05-ZC--2019 on Tuesday, February 4, 2020 at 7:30 p.m. at the Violet Township Administrative Offices located at 10190 Blacklick Eastern Road. Mr. Griscom seconded the motion. Roll call vote: All voted aye.

Mr. Hart said he would produce a resubmittal one week before the meeting.

Mr. Griscom made a motion to adjourn the meeting. Mr. Bussom seconded the motion. Roll call vote: All voted in favor. Meeting adjourned at 9:18 p.m.

Approved:

John Biancamano, Chair

Date: _____

Bob Bussom, Vice Chair

Daniel Rowell, Secretary

Mark Decker, Commission Member

Kerry Hogan, Commission Member

Alison Forche, Alternate Member