

RECORD OF PROCEEDINGS
Violet Township Zoning Commission

March 10, 2020

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

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

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

Corey Theuerkauf, Rockford Homes, 999 Polaris Parkway narrated a PowerPoint presentation. He summarized the history of the plans for the site, noting the original plan, dated September 9, 2019 had 364 lots with a density of 3.2 units/acre. The plan was modified to reduce the number of lots by 95 to 269 lots; the plan considered being presented this evening has 269 lots and there are tweaks to Subarea B with net density 2.31 units per acre. He noted some of the open space behind lots in Subarea A was eliminated.

In Subarea B, the open space has been dispersed and they created a couple of green spaces. There is an 8-foot mound along the western property line where the buffer is 75-feet deep.

The lots are 130 and 120-feet deep in Subareas A and B. They added an asphalt path along Tollgate Road as well as mounding and substantial landscaping in order to screen the development from Tollgate Road. Mr. Theuerkauf described the entry features.

Subarea A has an active tot lot for children 6-12 years of age in a central green space. In Subarea B, there is a scenic overlook for adults to overlook the pond.

The breakdown of the open spaces are as follows:

Subarea A:

- Reserve "A" 20.89 acres
- Reserve "B" 1.6 acres along the Tollgate Road frontage
- Reserve "C" 7.96 acres
- Reserve "D" 6.06 acres stream corridor
- Reserve "E" 4.06 acre center green
- Reserve "F" 1.13 acres
- Reserve "G" .07 acres

He said they provided buffers around the wetlands in order to preserve those areas and noted the ponds, wetland buffers and stream corridors are excluded from the open space calculation.

Subarea B:

Reserve "H" 9.22 acres

Reserve "I" 1.30 acres

Reserve "J" 2.92 acres it was noted there is a ½ acre wetland in Reserve "J"

Reserve "K" 1.12 acres

Reserve "L" 2.38 acres

Mr. Theuerkauf described the storm water drainage for the site showing which areas drained to which ponds.

It was noted that the proposed development is 1,500 feet from a similar project (Heron Crossing).

Mr. Hart, counsel for the applicant, added that the density is 2.27 units/acre net. He said they believe the application is a positive for the community and they have listened and have made changes. He said one of the objectives is a maximum choice of living environments another is a more useful pattern of open space.

They believe that a reasonable density allow the developer to cover development costs and purchase large portions of open space and natural areas. Traditional, large lot development stretches street, utilities and increases development costs and would fail to return enough value to cover development costs.

Mr. Hart presented information on home sales noting the home prices are general going up and the average home price would be \$350,00 to \$400,000.

Mr. Hart discussed the cost of raw land and installing sewers and roads. He said it is expensive to set aside open spaces. Reduced lot sizes and yard spaces allow for a smaller development footprint. He said the R-2 District increases the development footprint.

Mr. Biancamano said an important issue is density and noted the density for the area is a max of 2 unit net per acre. Mr. Hart said they have procedurally asked for divergences. Mr. Biancamano asked if there was a compelling reason for the density increase.

Mr. Hart argued that 2 units per acre would not allow for 41% of open space, the perimeter buffer, and the sewer runs would be expensive. They cannot raise the cost of a few home to cover the cost of sanitary sewer and roads. He said precedent has been set with Estates at Lake Forest with 2.3 units per acres but only 20% open space. He said the proposed development compares favorably with Meadowmoore Reserve but they have 20% open space.

Mr. Biancamano said there is a clear statement in the objectives - there needs to be a good reason in order to grant divergences.

William Miller, 12549 Toll Gate said he does not believe the intent of the code is to preserve Rockford's return on investment. He said they could produce lots and preserve open space and does not believe divergences should be granted.

Jackie Neilon, 13295 Tollgate Road said this development will increase the number of houses by 441% and that 269 new houses on 138 acres would disrupt their residential standards. She said the lots are the smallest in Violet Township and believes this is acceptable if next to Heron Crossing or Meadowmoore Reserve. She said each development is unique and questioned if it was acceptable to have the smallest lots next to the largest lots and the highest density adjacent to the lowest density.

Matt Koppich, Bricker & Eckler said he represents Daniel Renner. Mr. Koppich said he wanted to reiterate why Mr. Renner objects to the rezoning. He noted the minimum development standards must be realized and divergences must be justified. He said the applicant has tried to accommodate but they lack justifications. Referencing developments with higher densities he noted that the impact by those developments are far less because they have access onto Pickerington or Refugee Roads. For Heron Crossing West, they used a MORPC study for recommendations which contained a community center that was not built. Market trends are their business. The Township should not adjust to market trends. Across the board, developments must be desirable both to the existing lots as well as to new lots. He submitted Mr. Renner's letter into the record.

Patricia Graves, 12361 Toll Gate Road, said the new project needs to preserve and protect the character of the community. She said Toll Gate Road from Refugee to S.R. 204 is 1.5 miles and in that distance there are 34 homes. If Mamie Drive were included that is 24 house and Toll Gate Road, 3 more for a total of 61 homes in 2 miles. She asked how a development of 269 home on 138 resemble the character of Toll Gate Road. She said the first 3 properties on the west side of Toll Gate Road, north of the school contain 57 acres. She said that the development will increase the number of homes on Toll Gate by 441%. The propose development will disrupt their current environmental and residential standards.

Bob Neilon, 13295 Tollgate Road talked about the zoning code divergences in this plan said that Rockford's buffers do not meet code requirements and buffers are one of the most critical parts of the plan. He said the code requires a landscaped buffer area of at least 100 feet along the perimeter. He presented a diagram showing the areas where a divergence is being requested. He said buffers are required to put spaces between properties and not between houses. Surrounding residents should not be punished for having large properties. He finds the divergence especially harmful to the residents of Mamie Drive because it moves the PD closer to their homes.

He said that instead of changing the design Rockford simply shifted the lots outward into the open space. Reducing the buffers doesn't make the plan better, it creates a new problem. The Code requires the buffer area to be landscaped but only one of the contiguous properties on the western border receives any landscaping in sub area B they get 8-foot mounding, tree screening and fencing. He asked why Mamie Drive does not get mounding and screening and fencing. He believes this is unfair and he thinks the perimeter buffer divergence be denied.

Mr. Neilon compared the plan to the existing Tollgate Road area. He said that Rockford's lots are among the smallest in the area around 8000 square feet. The average Tollgate lot is 2.7 acres/117,000 square feet and 15 times larger than Rockford's lot. There are about 60 homes along Toll Gate Road. This plan would add 269 homes. As a reference point, an average lot size of 2.7 acres this property would support only about 30 homes. The density difference between the PD and the surrounding area is too big. There is no reasonable transition of density. As a result, the Rockford Plan for Tollgate Road is not appropriate. To justify the minimum lot sizes and maximum density they claim open space exceedance. You cannot claim open space exceedance when asking for a divergence. To justify their tiny lots, Rockford refers to

changing demands in the housing market. Those are just trends. He suggests the density and lot size divergences should be denied.

In summary, Rockford presenters addressed the objectives of the PD but there is more to the code than just the objectives. There is also an area called “basis of approval”. The code says any divergence should make the plan better. For this plan, maximizing density, minimizing buffers and lot sizes do not make the plan better. The code says any divergence must be warranted. For this plan, their justifications are poor and none of these divergences are suitable for this property. The code says the plan must meet all the design features. No, there is not a reasonable transition of density and most of the open space is not useful. The code says the proposed development must be in keeping with the existing character of the area. This plan pushes everything to the limits. Too many houses and lots and buffers are too small. He believes this plan does not meet the approval criteria, and the residents are opposed. He recommends the Zoning Commission denies this application.

Rick Harkless, 2009 Pine Hills Drive in Pataskala said he has been the Civil Engineer for Violet Meadows for all the years their homes have been constructed. In regards to active open space, they are within less than 1500 feet of all the ball fields at the school. They need to keep that in mind that there is a place for the children to go and play. He said in Violet Meadows, they did 50-foot buffers with mounding.

With regards to large lots, there will be leach fields and there several tiles on this property that have leach field effluent going straight to the stream. If the Health Department knew what houses they were coming from they would make them replace their fields or do something new. This project will bring sanitary sewer into the area. This has not really been discussed but it is a benefit. Fairfield Utilities has been trying since the 1990’s to bring a sewer to this area and they could not do it because of cost and now you have someone that is willing to do it.

Christine Neitz, 6387 Mamie Drive, Pickerington is concerned about wells for homes running dry, and no access to city water. She wants to make sure this is taken into consideration and have an emergency plan. The density does contribute to the absorption of water. She wants to make sure everyone is aware of that concern, as she had not heard that addressed previously.

Robert Carbonara, 6080 Blacklick Eastern Road, said he reviewed the Tollgate Road Traffic Impact Study for Rockford Homes. He said they have assumed there is no need for alterations to Tollgate Road in order to accommodate the traffic entering and exiting this area. He doesn’t know if they have even talked with the Fairfield County Engineer. The study shows marginal calculations and it is based upon a 10-year buildout, however the plan won’t be built after 10 years and then what happens if there is more traffic? If Rockford does not provide a left turn lane then the Township will have to provide it at its cost - meaning the taxpayers. He thinks the traffic is going to overwhelm the road. He said most of the traffic will come from the north because of people coming from I-70. He believes they will need a left turn lane on Tollgate Road and Rockford should bear the expense of that if this plan is approved.

Mr. Biancamano wanted to confirm with Ms. Sarko that the County Engineer will have the last word on the requirements for the left turn lane and any road developments. Ms. Sarko said that was her understanding.

Steve Herb, 8612 North Spring Court thinks one of the things that needs to be changed is the radius of notification of development that is proposed. Ms. Sarko said they notify all the adjoining property owners. He said it affects all of the taxpayers and not 30 or so people.

Cathy Jerbic, 12599 Tollgate Road, said today, the cost to educate a student in Pickerington Local School District, based upon 2018-20210 calculations is approximately \$13,000.00. Currently the effective millage rate residents pay to support the schools is .3561 mills, meaning the average house in the district worth \$237,000 will pay \$2,950.00 in school taxes this year. She referenced the 2019 Pickerington Enrollment Study which list sixteen Planned Developments, of which seven have not been built out. It does not include this proposal nor the property at the northeast corner of Milnor and Refugee to be developed nor the Chesapeake Development. The seven developments have 1,040 units. She said School data estimates homes to be in the \$300,000 to \$400,000 price range with children ages 1 to 10 years will yield one child per home. The additional 1,040 students added to the current district population is a potential 11,779 students.

Tollgate schools are already near capacity and many others are already at or over capacity. There will be a bond issue in November for \$91 million and that is for a new Junior High and to add additional classrooms to other schools. This bond issue is based on a student population of 12,000 students. The bond issue is projected to come in at between 2.5 and 3.5 mill. On a \$300,000 home at 3 mills that will add another \$315.00 annually to your school taxes.

Mrs. Jerbic said the addition of Rockford Homes project tops the yearly projections of the enrollment study. Eleven subdivisions of the sixteen in the enrollment study have been completed. Those eleven subdivisions contain 2,490 units. Continued growth probably means a new elementary school. She said the bottom line is the schools are full, new schools will be required, new operating levies will follow and school taxes must go up. The increase of property values will go up on average 22.5% has resulted in an increase of our property taxes this year. Ms. Jerbic recommends denial of this this application.

Aaron Graves, 9938 Melody Lane, spoke on behalf of his parents who reside at 12361 Tollgate Road, adjacent to the proposed development. Mr. Graves said he is a licensed Real Estate agent in the area. From Pickerington Road and the east side of Violet Township, and from Blacklick Eastern Road to Refugee Road to the south, there are approximately 900 undeveloped acres. His concern is if this density is allowed to occur - what does the future hold? Heron Crossing has been referenced as well as Lake Forest. The setbacks for Heron Crossing from Refugee Road is approximately 420 feet, which includes a left turn lane. Lake Forest is approximately 500 feet. That is the closest property line of a lot to the main road. He said it seemed to him the closest lot from Toll Gate Road to the property line is 200 feet. Mr. Graves asked what will next development to south look like.

Mr. Graves added there is a school that is close by, it is a magnet and he wants to know where are all the children are going to go.

Mr. Graves has an interest in the drainage they are proposing. Rockford had shown a slide that indicated the direction the water would flow and where it was going to go. He said his parents' property which will be the first recipient of all drainage from Subarea A onto a fully operational commercial tree farm. It will travel through a culvert on Tollgate Road and then feed into Sycamore Creek, which is almost on their property. They will be the first ones downstream with all their drainage. He said they have not quantified what amount of water will be released.

Mr. Biancamano said that drainage issues fall within the purview of the County Engineer.

Mr. Hart said the County is reviewing the traffic study and they have not yet come back with their comments. They fully expect the County to analyze the issues brought up about turn lanes and draw their

own conclusions based on the data that was given them. Rockford is required to follow County findings with regards to turn lanes and other mitigations.

Mr. Hart said he prepared a written basis of approval. He argued that you cannot apply the factors in 3B3-01(C) without also looking at the Planned District objectives. The reason he provided a basis of approval in writing was because the code calls for the objectives to be part of the analysis. He believes they have a strong basis of approval when you consider that this application is for a planned district.

Mr. Hart described the density of Meadowmoore Reserve, Estates at Lake Forest and Heron Crossing. He thinks they have more open space than all of them and greatly exceed the open space requirement. Regarding the buffers, one reason they changed their buffers is the feedback they received that there should be more open space in Subarea B and more active open space for children and family in both subareas. He said the distance between the back of the Mamie Drive properties is significant for a 75-foot buffer that is allowed to grow natural and becomes natural over time is a good buffer.

Mr. Biancamano said he believes that Rockford has been acting in good faith in their presentations and they have worked closely with the Commission and have been responsive to questions, comments and recommendations from staff.

Mr. Bussom added he felt Rockford has been very receptive to Commission comments.

Mr. Biancamano said there are requirements in the code that are very clear and the Commission has to have a good reason to approve a divergence. He said he does not see a reasonable basis to approve the divergence relating to net density.

Mr. Bussom said he asked Mr. Theuerkauf in the beginning what benefit would this have for the township – Mr. Bussom said he has not necessarily seen a benefit.

Mr. Rowell said his opinion is very similar to developments we have had in the past. Violet Township has a rural feel in some areas and some are not. Development will happen at some point one way or the other.

Mr. Bussom made a motion to recommend denial of Case Number 05-ZC-2019, Sycamore Grove Planned Residential District including denial of the requested divergences. Mr. Rowell seconded the motion. Roll call vote: Mr. Bussom, yes; Mr. Rowell, yes; Mr. Biancamano, yes. Zoning Commission recommended denial of the application and divergences.

Mr. Rowell made a motion to adjourn. Mr. Bussom seconded the motion. Roll call vote: All ayes. Meeting adjourned.

Approved:

John Biancamano, Chair

Date: _____

Bob Bussom, Vice Chair

Kerry Hogan, Commission Member

Daniel Rowell, Secretary

Alison Forche, Alternate Member

Mark Decker, Commission Member