

GENOA TOWNSHIP
BOARD OF TRUSTEES
JUNE 22, 2005

PRESENT: Mark Atkeson, Chairman
John Rielly

ALSO PRESENT: Leslie Warthman, Zoning Inspector

COURT REPORTER: Elegra Davis (Runfola)
ZC 2005-01 Only

RE: ZC 2004-13, Abbington of Westerville
ZC 2005-01, Heritage Christian Church

Mr. Atkeson called the meeting to order at 6:00 p.m. Trustees Atkeson and Rielly were present; Mrs. Barber was absent due to an injury sustained in a fall. Mr. Atkeson led everyone present in reciting the Pledge of Allegiance, and called for a moment of silence for Anthony Kinslow of Galena, who was recently killed in Iraq.

Mr. Atkeson advised the applicants that since only two Trustees were in attendance it was their decision to either have their applications heard or wait until a future meeting when all Trustees were present. Both applicants elected to have their applications heard this evening.

ZC 2004-13, Abbington of Westerville

This hearing began at 6:02 p.m.

Mr. Atkeson read the legal notice for the record as follows:

**MCCORKLE INVESTMENT COMPANY REQUESTING AN
AMENDMENT TO THE ZONING MAP OF GENOA TOWNSHIP FOR
7.497 ACRES LOCATED AT THE NORTHWEST CORNER OF STATE
ROUTE 3 AND FREEMAN ROAD, CURRENTLY ZONED SUBURBAN
RESIDENTIAL (SR) AND TO BE REZONED PLANNED COMMUNITY
FACILITIES (PCF).**

Mr. Atkeson asked everyone to sign the sign-in sheet being circulated and directed everyone who wished to speak at this hearing to stand and be sworn in by the zoning secretary.

Drew Berlin appeared and presented his application to the Board. Mr. Berlin gave a brief summary of the proceedings previously held before the Zoning Commission and submitted a color rendering of the proposed building.

Mr. Rielly asked if there was any flexibility for the name of the proposed facility, stating that it would not be located in Westerville but in Genoa Township. Mr. Berlin testified that he would take the name into consideration and would advise the Township accordingly. Mr. Rielly also commended Mr. Berlin for working with the residents of Blackhawk Forest, an adjacent subdivision to the north and west of the proposed development, regarding their concerns for his project and also for meeting with Mr. Powrie of Feridean Commons regarding their similarity of proposed projects. Mr. Berlin testified that as a result of his conversations with Mr. Powrie, he tweaked his development plan to accommodate more independent-type living facilities in his proposed building. He stated that he is still proposing 48 units, but there will be minor revisions to the interior footprint of the building than what was originally approved by the Zoning Commission. In the event this application is approved at this hearing, Mr. Berlin testified that he will submit those proposed interior revisions as an amendment to the Development Plan to the Zoning Commission for their approval.

Public Comment:

None.

Board Comment:

Mr. Atkeson expressed his concern regarding the proposed size of the building, but also conceded that due to the large setbacks involved with the property, it would be difficult to develop that land as requested by the applicant. However, Mr. Atkeson stated that Delaware County has future plans for road improvements to Freeman Road, which will require the dedication of an additional ten feet of right-of-way. Mr. Berlin stated that they have allowed for the proposed right-of-way on the Development Plan submitted to the Board, stating that the entry structure and proposed pond will be placed outside of that proposed right-of-way. Ms. Warthman, Genoa Township Zoning Officer, stated that the immediate dedication of the proposed right-of-way by applicant would prevent a right-of-way taking necessitated by refusal to grant that right-of-way when it is needed, and due to the fact that the applicant is not required by Delaware County to plat the property in question. Ms. Warthman stated that the Trustees, as a condition of approval of this application, could require the applicant to plat the property. She also stated that in speaking with the county,

they requested the ten-foot right-of-way dedication upon final engineering approval of this development. There was extensive discussion with applicant to formally dedicate the additional right-of-way upon final engineering of the project, with the understanding that there will be no need for a re-calculation of open space on the proposed project.

Mr. Atkeson asked if the proposed entry features and the pond on the south side of the property would be placed far enough from the proposed right-of-way. Ms. Warthman stated that the entrance features and pond could be moved back to provide a safer setback at 40-feet from the center of line of Freeman Road and this would provide proper distance from the proposed right-of-way. Jim Olausen, Civil Design Engineering, committed that the entrance structure could be moved back to accommodate the 40-foot requirement; however, the pond cannot be moved back from the road. After some discussion, the Board agreed that the pond could remain at its proposed location but, at the time of a future road improvement, the applicant would agree to provide a guardrail between Freeman Road and the pond to assure the safety of the public.

Mr. Atkeson also stated that there was an issue with the proposed landscaping along the proposed parking areas. The applicant obtained a divergence for that landscaping to be a height of 36-inches. However, the site plan shows that the proposed plantings are only 18-24 inches in height and that they will grow to a height of 36 inches. The Board required that landscaping be 36 inches at planting. Mr. Berlin agreed to this stipulation.

Additional text clarifications were reviewed and the Board stipulated they be included in the final package the applicant is required to submit to the Zoning Office upon approval of this application.

Mr. Atkeson, Chairman of the Board of Trustees, motioned to approve Application ZC 2004-13, on behalf of the McCorkle Investment Company for the amendment of the Genoa Township Zoning Resolution and Zoning District Map, whereby changing the current zoning district classification from Suburban Residential (SR) to Planned Community Facilities (PCF) for a 7.497 acre parcel located at the northwest corner of Freeman Road and State Route 3; the Board of Trustees concurrently move to authorize the Final Development Plans for the proposed future development by Abbington Communities of an assisted living retirement facility as defined in the documentation provided. The guidelines for all uses and enforcement will be upheld in accordance with these requirements and commitments as depicted on the formal site plans and the revised Development Text and Exhibits package submitted by the applicant (stamped May 18, 2005). This Motion will further require the applicant to incorporate the Development Text Addendum (Dated June 22, 2005), which was prepared and requested by the Township and discussed in the public hearing on June 22, 2005, and is officially attached to this

Motion as a condition of the Trustees' approval of the requested rezoning and Development Plans.

Said Addendum includes:

- 1. All development requirements are specified for this site and only those divergences stipulated in the applicant's Approved Final Development Text are being granted. All other zoning requirements found in the Genoa Township Zoning Resolution in force at the time of permitting must be adhered to and final zoning compliance verification will be required as is hereby noted in this Approved Final Development Plan Addendum;**
- 2. To prevent jurisdictional misidentification, the project shall not have Westerville included in the title of the proposed development;**
- 3. An additional ten-foot of right-of-way on Freeman Road shall be formally dedicated immediately when requested at the time of any road improvement or widening and will be done concurrent with any right-of-way requested by other property owners along Freeman Road;**
- 4. All entrance features and landscaping will be set back a minimum of 40 feet from the centerline of Freeman Road;**
- 5. The proposed retention pond/storm drainage water impoundment shall be constructed in accordance with Delaware County Engineering requirements and it shall be constructed where proposed on the Development Plan; however, upon the future request of Genoa Township at the time of the widening of Freeman Road, the applicant or property owner at the time, will be required to construct a guardrail or implement other safety measures to protect the public traveling in close proximity of that pond to the roadway;**
- 6. All landscaping material shall be equal to the "required height" of the proposed intended screening at the time it is installed. All plant heights that are deficient as listed on the Landscape Plans dated 4/20/05, shall be considered invalid;**
- 7. Existing site conditions render the approved plan's requested code divergences acceptable. All future development on the acreage involved in this rezoning will require future Township approvals and consideration of the impacts on formal commitments upheld in this development plan will be required during any amendment proceeding;**
- 8. Any alteration of Approved Plans included in this submittal will require documentation and notification of the Zoning Department.**

Clarifications to the Development Text, are as follows:

Page 2, last paragraph.

All landscaping materials as specified and depicted on the approved Landscaping Plan that has to be moved after field location determinations are made by Genoa Township Fire Department personnel, shall be replaced elsewhere on the site and will not altogether be eliminated.

The implementation of the alternative plan calling for standpipes shall require the Fire Department's determination of this contingency's necessity upon formal final engineering plan review.

Page 3, 3rd paragraph

All of the setbacks listed for the structures and parking are measured from the current property lines. An As-Built survey is required upon completion of the improvements proposed with this development. Compliance verification is determined after submission of the final survey and prior to commercial and occupancy use. The As-Built survey shall reflect any property line/right-of-way alteration and setback dimensions must be delineated from the new property lines.

Motion was seconded by Mr. Rielly. Vote: all ayes. Motion carried.

This hearing ended at 6:55 p.m.

Mr. Atkeson called a recess at 6:56 p.m.

Mr. Atkeson resumed the hearing at 7:09 p.m.

ZC 2005-01, Heritage Christian Church

This hearing began at 7:10 p.m.

Mr. Atkeson read the legal notice for the record, as follows:

HERITAGE CHRISTIAN CHURCH REQUESTING AN AMENDMENT OF THE ZONING MAP OF GENOA TOWNSHIP FOR 14.7 ACRES LOCATED AT 7413 MAXTOWN ROAD, CURRENTLY ZONED RURAL RESIDENTIAL (RR), TO BE REZONED PLANNED COMMUNITY FACILITIES (PCF) WITH PROPOSED SITE DEVELOPMENT PLANS THAT INCLUDE CHURCH BUILDINGS AND RELATED ACCESSORY STRUCTURES.

Mr. Atkeson asked everyone to sign the sign-in sheet being circulated and directed everyone who wished to speak at this hearing to stand and be sworn in by the court reporter.

Mark Collins appeared on behalf of the applicant and presented their application to the Board. Greg Eller and Attorney Jack Reynolds also appeared and assisted in the applicant's presentation. Mr. Collins gave a brief review of the hearings previously held before the Zoning Commission, including all the requested divergences. Mr. Eller submitted a sample of the building materials of the new structure.

Mr. Rielly asked if the applicant was going to construct turn lanes into their property. Mr. Collins testified as to the "triggering events" that were imposed by the Zoning Commission for the construction of a left turn lane by the applicant. After extensive discussion regarding the traffic study and the "triggering events," the Board was amenable to the restrictions put on the applicant by the Zoning Commission for the construction of one needed left turn lane. Ms. Warthman pointed out that additional turn lanes were currently warranted and also not being required. It was suggested that the applicant do another traffic study in five years to confirm what the study determined to be required when they go to install one left turn lane. Mr. Reynolds suggested that in the event the church acquires more land for development, they would then revisit the issue of additional turn lanes made more possible by moving one of the existing curb cuts further to the west on Maxtown Road. The Board agreed with this suggestion since there isn't enough room on the applicant's current property in order to provide the sufficient length needed for a second left turn lane and additional property would have to give up right-of-way.

Mr. Atkeson asked for clarification on the issues of driveway parking lot storm water retention and the lighting of the cross on the top of the structure and the discussions at the Zoning Commission hearings were reviewed. Mr. Collins clarified both of these issues, and the Board was amenable to the restrictions placed on the applicant by the Zoning Commission regarding these issues. Mr. Atkeson asked the applicant when the 25-foot right-of-way would be dedicated for the Maxtown Road improvements. Mr. Reynolds testified that the applicant voluntarily agreed to formally dedicate the right-of-way immediately upon approval of this application. It was also noted that their setbacks accounted for the expanded right-of-way on their site plans.

Public Comment:

Ed Hyde (7616 Mikayla Dr.)

Mr. Hyde stated that he is an adjacent property owner to the northeast, and asked for clarification of the lighting of the cross. Mr. Collins stated that the cross would be lit during all hours of darkness. Mr. Hyde also stated that there

has been some tree removal to the rear of his property line and asked if anything was going to be done to screen his property from the proposed storage building that is to be constructed on the northeast corner of applicant's property, or if the proposed storage building could be moved to another part of the property. Mr. Collins advised Mr. Hyde that that storage building will not be built now, but sometime in the future. It is possible that they can move that building on the property, but cannot commit to it at this time. However, if the storage building is built in the proposed location, they will be screening it by planting 17, 6-foot high pine trees all around the rear of the building facing Mr. Hyde's property. Mr. Reynolds testified that the applicant met with other surrounding property owners regarding the buffering of the storage building and as a result of those discussions, added this landscape buffer.

Ms. Warthman explained the issue of the treeline in-fill proposed around the perimeter of the property. The Trustees agreed to reserve the right for the Zoning Office to ensure the required screening is done in compliance with zoning. Mr. Collins testified that the landscaping should be completed by October.

Mr. Atkeson, Chairman of the Board of Trustees Motioned to approve Application ZC 2005-01, on behalf of The Heritage Christian Church for the amendment of the Genoa Township Zoning Resolution and Zoning District Map, whereby changing the current zoning district classification from Rural Residential (RR) to the Planned Community Facility (PCF) for 14.35 acres of the church site located at 7413 Maxtown Road; the Board of Trustees concurrently move to authorize the Final Development Plans encompassing existing and proposed future development documentation pertaining to the present and intended use of the church facilities and accessory structures and operations, as well as outlined site improvements and the building expansion currently under construction on the property. The guidelines for all uses and development are hereby established and future compliance enforcement will be upheld in accordance with these requirements and commitments as depicted on the formal site plan and detailed in the revised Development Text and supplemental data information package submitted by the applicant (Dated May 25, 2005). This Motion will further require the applicant to incorporate the Development Text Addendum (Dated June 10, 2005), which was prepared and required by the Township and discussed in the public hearing on June 22, 2005, and is officially attached to this Motion as a condition of the Trustees approval of the requested rezoning and Development Plans with the following:

- 1. All development requirements are specified for this site and only those divergences stipulated in the applicant's approved Final Development Text, dated May 25, 2005, are being granted. All other zoning requirements found in the Genoa Township Zoning**

Resolution in force at the time of permitting must be adhered to and final zoning compliance verification will be required as is hereby noted in this approved Final Development Plan Addendum;

2. An additional 25-feet of right-of-way shall be formally dedicated as such for future road improvements on Maxtown Road, which is delineated on the applicant's Development Text and Site Plan documentation packaged, revised and dated May 25, 2005;
3. There will be a turn lane constructed as discussed at this hearing within five years under the conditions cited in the May 25, 2005 Development Plan;
4. Existing site conditions render the approved plan's requested code divergences acceptable. All future development on the acreage involved in this rezoning will require future township approvals and consideration of the impacts on formal commitments upheld in this Development Plan will be required during any amendment proceeding;
5. An application for a revision to the active Heritage Christian Church Phase 3 zoning permit will be filed and reflect the approved site plan generated at the conclusion of this rezoning process. A proper Revised Zoning Permit will be obtained before a final zoning compliance is issued to authorize use of the expanded structure and facilities currently under construction; and
6. Any alteration of the approved plans in this submittal will require documentation and notification of the Zoning Department; any landscaping elimination in tree line infill areas should be determined and details provided to the Zoning Department for authorization and confirmation that appropriate screening provisions are being met.

Motion was seconded by Mr. Rielly. Vote: all ayes. Motion carried.

This hearing ended at 8:07 p.m.

Mr. Atkeson made a motion to adjourn the zoning meeting at 8:08 p.m. Motion was seconded by Mr. Rielly. Vote: all ayes. Motion carried.

Mr. Atkeson made a motion to move into executive session at 8:09 p.m. to discuss Township hiring. Motion was seconded by Mr. Rielly. Vote: all ayes. Motion carried.

Mr. Atkeson made a motion to return to the special meeting of the Trustees from executive session at 9:05 p.m. Motion was seconded by Mr. Rielly. Vote: all ayes. Motion carried.

Mr. Atkeson made a motion to adjourn this special meeting at 9:06 p.m. Motion was seconded by Mr. Rielly. Vote: all ayes. Motion carried.

Respectfully submitted,

Vicki L. Stainer
Zoning Secretary

Approved by the Board of Trustees,
Genoa Township, Delaware, Ohio:

MARK ATKESON, CHAIRPERSON

(Absent)
HELEN BARBER

JOHN RIELLY