

GENOA TOWNSHIP ZONING COMMISSION MEETING MINUTES

DATE: March 12, 2018
TIME: 7:00 PM
LOCATION: Genoa Township Hall, 5111 S. Old 3C Hwy., Westerville, Ohio 43082

AGENDA ITEMS: ZC (2018-01) Ravines at Hoover, 3rd meeting

STAFF PRESENT: Joe Shafer, Director of Development and Zoning
Andrew King, Delaware County Assistant Prosecutor

CALL TO ORDER

Ms. Faulkner called the meeting to order at 7:00 p.m. She announced that Ms. Rudler would be seated as a voting member this evening. She also noted that Mr. Leff has recused himself from the hearing on the agenda due to the fact that he has learned of a potential conflict of interest.

ROLL CALL (00:00:45):

| MEMBERS PRESENT | MEMBERS ABSENT |
|---|-----------------------------------|
| Sandra Faulkner, Acting Chair Tara Paciorek Shawn Priebe Jill Rudler, Alt. | Mark Antonetz David Leff, Alt. |

MINUTES (00:00:55):

Ms. Faulkner stated that review of the February 12, 2018 meeting minutes would be deferred until the April 9th meeting. None of the other Commission members objected.

PUBLIC HEARING (00:01:29):

Ms. Faulkner called the following continued hearing to order at 7:02 p.m., read the legal notice and asked everyone who wished to speak to this matter to sign in and to stand. Those standing were sworn in.

KATHERINE BENALCAZAR REQUESTING APPROVAL OF A ZONING MAP AMENDMENT AND PRELIMINARY DEVELOPMENT PLAN FOR CONSTRUCTION OF 64 SINGLE FAMILY HOMES ON APPROXIMATELY 42.791 ACRES LOCATED AT 4741 TUSSIC STREET, INCLUDING PARCELS 31713001036000, 31713001036001, 31713001036002, 31713001036003, 31713001036004, 31713001036005, AND 31713001038000, ALL CURRENTLY ZONED RURAL RESIDENTIAL (RR), TO BE REZONED TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) ZONING DISTRICT (ZC 2018-01).
CONTINUED FROM FEBRUARY 12, 2018.

STAFF REPORT: Joe Shafer, on behalf of the Genoa Township Development and Zoning Department, presented an overview of the application and his review. He noted that there have been significant revisions made to the plans since the previous meeting. The new plan shows the development's entrance off of Tussic Street instead of Oxbow. The emergency access will now be off of Oxbow instead of Tussic Street. The internal layout of the plan has changed due to the aforementioned revisions. Mr. Shafer proceeded to review his memorandum dated March 12, 2018, noting the following:

- The number of lots has been reduced from 67 to 64.
- The proposed net density has been reduced from 1.98 to 1.89.
- The amount of open space has been increased to 51.73% (approximately 22.13 acres).
- Traffic plans were previously submitted to, and approved by, the Delaware County Engineer but are no longer applicable due to the revised point access. The County has seen the new layout and has provided preliminary comments to the applicant. They are as follows:
 - A new traffic study is required.
 - The applicant will need to determine if a turn lane is needed on Tussic.
 - Pavement widening and ditch setback will be required along Tussic.
 - All obstructions within the clear zone including utilities will need to be moved or relocated.
 - Intersection improvements may be required at Oxbow and Tussic.
 - The applicant will need to verify that the maximum cul-de-sac length is not exceeded. Mr. Shafer noted that the Oxbow emergency access drive may address this particular concern.
 - Existing culverts along Tussic will have to be extended into site to provide safe grading.
- Since an updated study has not been submitted to the Engineer's Office there may be additional comments related to traffic the applicant will need to address.
- There are still three cul-de-sacs.
- Parking in the development will be permitted on the non-hydrant side of the road.
- 5-foot wide sidewalks will be provided on both sides of the internal streets.
- A 10-foot wide trail that loops around the existing farm pond will be provided.
- Easements along the site's Tussic and Oxbow frontage have been provided to allow for future pedestrian improvements and connections.
- The North Shore Drive trail connection has been removed.
- Mounding around the perimeter of the site remains to provide screening for adjacent residents. References to specific lots have been updated to reflect the new layout.
- The lighting plan has been updated and is consistent with the original plan; one street light at the development's entrance and one at each internal intersection.
- No divergences are being requested at this time.

- The comprehensive plan findings overall remain the same (from the previous memo) but the proposed net density number has changed to reflect the updated site design.
- The proposed net density is not consistent with the plan's recommendations for this planning area.
- The proposed zoning district is also not consistent; however, it is consistent with rezoning's that have been approved in the nearby area.

The following notations and recommendations, which are not zoning requirements and could be further looked at during the Final Development Stage, were provided:

- An area for cluster mailboxes and parking may need to be reserved should the Post Office decide that they will not permit delivery to individual homes within the plan.
- A pedestrian friendly community park and/or picnic shelter would provide a common gathering space for residents of the plan who wish to hold neighborhood events.
- Benches and/or pedestrian pockets wherever a trail or sidewalk may have a view of the existing pond or ravine would allow for residents of the plan to better enjoy these amenities.
- Preservation of one or more of the significant barn structures, similar to what was done in Genoa Farms and Covington Meadows, may be worth considering if feasible.
- Fencing along the site's eastern perimeter may assist in preventing any individuals from accidentally straying toward the steep slopes of the proposed retention basin in this vicinity.
- Supplemental plantings on any existing or proposed steep slopes may assist with stabilization.
- Widening sidewalk and trail easements (along Tussic and Oxbow) on the site drawings would provide adequate room for the construction and maintenance of said features.
- Revising sidewalk and trail easements (along Tussic and Oxbow) on the site drawings would help clarify who has the right to build sidewalks/trails within these easements.
- Revising the sidewalk and trail easements (along Tussic and Oxbow) on the site drawings to make it clear that they allow for public access.

Mr. Shafer also noted the following out of his Technical Review document (dated March 12, 2018):

- The final development plan would need to identify that all perimeter screening will be at least 5 ½ feet tall in accordance with Section 2003.03 of the Zoning Resolution.

APPLICANTS' PRESENTATION: In attendance, on behalf of the applicant, were: Mr. Benton Benalcazar (property owner), Mr. Jeff Brown of Smith & Hale (attorney), Mr. Joe Miller of Vorys, Sater, Seymour and Pease (attorney), Mr. Todd Faris of Faris Planning & Design (land planner), and Mr. Ben Siembida of Civil & Environmental Consultants (civil engineer).

They presented the changes in the application and an overview of all the exhibits. Mr. Brown stated that no divergences are being requested; these changes are a result of comments made by the Commission and the public during the last meeting. Mr. Brown added:

- That the access change to Tussic Street was a result of public comments.
- The builder will be Romanelli & Hughes.
- The slopes and ponds were revised to address the Commission's concerns; in the process three lots were lost.
- Units have been clustered in the middle of the site to allow for green space around the outside of the site, as is the intent of the conservation standards.
- They shouldn't be penalized because of density guidelines in the Comprehensive Plan.
- From a density standpoint, they are compliant with the Zoning Resolution.

Mr. Faris added the following:

- They have addressed concerns relating to 20% slopes.
- Driveway setbacks of lots adjacent to internal intersections have been evaluated for compliance.
- Details for the storm water ponds, proposed grading, and culvert ravine crossing have been provided.
- The amount of open space has increased due to the reductions of lots.

Mr. Faris continued, citing specific exhibits from the revised submission:

- Exhibit C1 illustrates the new entrance off of Tussic Street, the reconfiguration of the internal site, and updated setbacks.
- Exhibit D1 illustrates the proposed landscaping buffers which have been updated to accommodate the new, interior site layout.
- Exhibit D2 illustrates the proposed signage and entrance feature (retaining wall).
- Exhibit D3 illustrates the size and location of the site's dedicated open spaces.
- Exhibits D4.1 and 4.2 illustrate and provide additional detail in regards to which existing trees will need to be removed to construct the development.
- Exhibit E1 illustrates an updated utility plan layout reflecting the revised site design.
- Exhibit F1 illustrates the updated site lighting plan, as already discussed.

Mr. Benalcazar described how the eastern storm water pond was designed and stated that more engineering details will be provided in further stages of the process. This is just a snapshot of what it

could look like. He also noted that Delaware County Engineer asked for the site's access to be moved to the south 190 feet and subsequently displayed and distributed an alternative plan illustrating this change. Analysis of sight distance at the potential access points will have to be conducted to determine which will be acceptable to the County.

PUBLIC COMMENTS: Ms. Faulkner noted that the Commission received and reviewed all of the emails that have been sent to the Zoning Department. She then asked any individuals who were properly sworn-in to share their comments and that comments be directed to the Commission.

1. Jim Carter (4493 S. Old 3C Hwy) stated that the Comprehensive Plan is well written; its purpose is to keep this area rural. He hoped that density discrepancies can be worked out before the application is sent to the Trustees.
2. Robert Lombardo (4909 Tussic) stated that he lives two houses down from the proposed development. He has lived there for 17 years and he would rather have people as his neighbors than pigs. He doesn't believe there will be an impact on the local schools or traffic since the development is going to mainly be housing for older adults.
3. Renee Vaughan (6368 Mahogany Dr.) thanked the Zoning Commission for listening to residents and upholding the Comprehensive Plan and Zoning Resolution. She pointed out that the applicant and her husband were involved in the 2016 Comprehensive Plan revision meetings and were only one of two residents that spoke in favor of high density. They never disclosed the fact they had a large parcel of land that they wanted to develop during those meetings.
3. Dave Blair (4742 Tussic) stated he is in support of the plan that is proposed by applicant.
4. Sherri & Dave Ault (4645 N. Shore Dr.) stated she is not in favor of this development. Mr. Ault concurred.
5. Nancy Tomei (4737 N. Shore Dr.) asked who would be responsible for road maintenance.
6. Jamie & Luke Schroeder (4690 N. Shore Dr.) agreed with all of what Ms. Vaughan said and noted concerns with traffic. Their main concern is the proposed storm water pond behind their backyard, specifically safety. Mr. Schroeder also expressed concerns are about the site's drainage and the development's effect on schools.
7. Joyce Daugherty (399 Tradewind Ct.) is concerned with the development's impact on drinking water, the environment, recreation, and wildlife.
8. Catherine Nelson (4000 S. Old 3C Hwy) questioned if the current builder will actually build the proposed houses.

COMMISSION DISCUSSION: The Commission proceeded to take turns making comments and asking the applicant questions.

Ms. Rudler:

- Asked the applicant to discuss safety concerns of the eastern stormwater pond raised by the public. The applicant stated the County has very specific design requirements for safety shelves and maintenance berms on a wet pond. They plan to meet those requirements and will consider fencing if it is deemed necessary.

Mr. Priebe:

- Asked what applicant was going to do about the existing ash trees on the site. The applicant replied that any trees that are dead will be removed.

- Asked if the applicant had any thoughts about pulling the proposed street lights at the entrance a little closer to Tussic Street to improve line of sight and visibility. The applicant said that could be done.
- Asked about pedestrian connectivity along Oxbow Road. Mr. Faris stated that a sidewalk easement has been provided along Oxbow Road.

Ms. Faulkner:

- Asked if the traffic study would call for expansion of Tussic and the inclusion of a turn lane. The applicant confirmed and stated that no traffic signal is warranted.
- Asked if the applicant could designate which lots are subject to slope restrictions on the plat. The applicant agreed to do so.
- Stated that she likes that lots have been shifted off the ravine. She proceeded to ask if the Army Corps requires wetland mitigation, will it be done on site. The applicant stated the Commission could put it in the motion to ask for mitigation to be done on site.
- The postal concern should be brought up at final development plan if postal service asks for central mailing.
- Was happy the applicant was responsive to moving the development's access point from Oxbow to Tussic. She added that the applicant could avoid the ravine and stream by not building on the west side of it. That is an alternative option that would not impact the environment.
- Stated that the proposed density of the plan impacts the conservation of this land and is high in comparison to other planned residential developments in the vicinity. She cited the recommended density restrictions for this area in the Comprehensive Plan.

Ms. Paciorek:

- Stated that multiple provisions have not met and that she was surprised there were no revisions to the density since their last meeting. Mr. Miller responded with the following comments:
 - The applicant has complied with the Township's zoning legislation.
 - Under Ohio law, it is the charge of the Commission to make a decision on the re-zoning and to uphold the actual standards and laws (Zoning Resolution); the Comprehensive Plan is only aspirational and lacks the force of law.
 - He asked the Commission to consider what Mr. Benalcazar is entitled to do under current zoning in comparison to what Mr. Benalcazar is asking to do under the proposed re-zoning when making their decision of what is optimal for the community.
 - He noted that Mr. Benalcazar will go forward with the previously discussed agricultural operation if the re-zoning is not granted and that is not a threat.

- o Under Ohio law Mr. Benalcazar can keep up 2,400 head of swine on his property without obtaining a State permit or approval from the Township.
- o This property has qualified for agriculture use by the County Auditor.
- o The applicant has made all the revisions requested by the Commission and has complied with the provisions of the zoning district they are seeking.

Mr. Shafer stated the Commission has three options this evening: recommend approval, recommend denial, or continue the application. He added that Mr. King recommended the Commission split up any vote for a recommendation into two motions, one for the re-zoning and one for the development plan, as it helps clarify matters should a referendum petition be submitted.

Ms. Faulkner asked Mr. Benalcazar if they were asking for a motion tonight. He stated yes.

APPROVAL MOTION – RE-ZONING (02:26:00): Ms. Paciorek moved to recommend approval to the Genoa Township Board of Trustees the Zoning Map Amendment requested by Katherine Benalcazar to re-zone 42.791 acres located at 4741 Tussic Street, including Parcels 31713001036000, 31713001036001, 31713001036002, 31713001036003, 31713001036004, 31713001036005 and 31713001038000, from the Rural Residential (RR) zoning district, to the Planned Residential Development (PRD) zoning district (ZC 2018-01); incorporating the submitted application and staff’s report.

Motion was seconded by Ms. Rudler.

There was no further discussion.

Roll call: Tara Paciorek, No; Shawn Priebe, No; Jill Rudler, No; Sandra Faulkner, No. Motion failed.

APPROVAL MOTION – DEVELOPMENT PLAN (02:29:02): Ms. Paciorek moved to recommend approval to the Genoa Township Board of Trustees the Development Plan proposed by Katherine Benalcazar to construct 64 single-family homes on approximately 42.791 acres located at 4741 Tussic Street, including: Parcels 31713001036000, 31713001036001, 31713001036002, 31713001036003, 31713001036004, 31713001036005 and 31713001038000, all currently zoned Rural Residential (RR), to be rezoned to Planned Residential Development (PRD) (ZC 2018-01); incorporating the submitted application, staff’s report, and any commitments made by the applicant during this hearing, including:

1. Temporary construction easements for pathway and sidewalks.
2. Implementing the results of the traffic study and complying with the Delaware County Engineer’s recommendations.
3. Designing a safety fence around the east side of the drainage pond.

Motion was seconded by Ms. Rudler.

There was no further discussion.

Roll call: Tara Paciorek, No; Shawn Priebe, No; Jill Rudler, No; Sandra Faulkner, No. Motion failed.

DENIAL MOTION (02:30:56): Ms. Paciorek moved to recommend denial to the Genoa Township Board of Trustees for the Zoning Map Amendment and Preliminary Development Plan Approval proposed by Katherine Benalcazar requesting a zoning map amendment and preliminary development plan for construction of 64 single-family homes on approximately 42.791 acres located at 4741 Tussic Street, including Parcels 31713001036000, 31713001036001, 31713001036002, 31713001036003, 31713001036004, 31713001036005 and 31713001038000, all currently zoned Rural Residential (RR), to be rezoned to Planned Residential Development (PRD) Zoning District (ZC 2018-01).

This motion of denial (Editor's Note: the word approval was spoken in error, the preceding wording of this motion indicates the motion is for recommendation of denial) is based on the following Findings of Fact:

1. Current application is not in compliance with (Sections) 901.01.A, D, and F.

(Section) 901.01.A requires the preservation and extension of the charm and beauty existent in and inherent to the rural residential character of Genoa Township;

(Section) 901.01.D promoting development patterns, which preserve and utilize natural topography and geologic features, scenic vistas, trees and other vegetation, and prevent the disruption of natural drainage patterns; and

(Section) 901.01.F promote development pattern in harmony with land use density, transportation facilities and community facilities.

2. Additionally, it is not in compliance with 903.02. While (Section) 903.02 does set a maximum density that is not a requirement and therefore the development is not entitled to that density.
3. Additionally, the application is not in compliance with (Section) 915.07.C which strongly discourages wetland crossings and streets traversing existing slopes over fifteen percent shall; and minimizing the number of cul-de-sacs to be maintained by the Township and to facilitate ease of access to adjacent properties.

Motion was seconded by Mr. Priebe.

There was no further discussion.

Roll call: Tara Paciorek, Yes; Shawn Priebe, Yes; Jill Rudler, Yes; Sandra Faulkner, Yes. Motion to recommend denial carried.

Ms. Faulkner asked Mr. Shafer and Mr. King if any additional motions were necessary. Each responded that the motions made were sufficient. Ms. Faulkner announced the application and the Zoning Commission's recommendation would now be passed on to the Trustees for their consideration. She announced the hearing closed at 9:35 p.m.

A brief recess was taken to allow those who did not wish to remain for the rest of the meeting to vacate the Township Hall. The meeting resumed at 9:38 p.m.

PUBLIC COMMENT - GENERAL (02:35:11):

There were no public comments.

Mr. King commended the Zoning Commission on the structure of their motions during the preceding hearing, citing the Commission's conclusions of law, and offered some general advice that noting additional facts in the motion in the future would help to make it easier for him to find certain pieces of information should he need it. He noted that he believed that the three meetings worth of content that were held on the prior application would likely be a sufficient to establish facts in that case.

OTHER BUSINESS (02:37:19):

- **Zoning Commission Training.** Mr. Shafer informed that board that the Prosecutor's office would be attending their April 9th meeting to conduct some training. He continued that this idea had been discussed with Acting Chair, Mr. Antonetz, and the thought process was that with some newer members on the board, training would be helpful. He also noted that this session would also serve as a good refresher for the veteran members and that there were no hearings scheduled for the April 9th meeting since no applications had been received by the deadline earlier in the day (4 p.m., March 12th). Ms. Faulkner stated that she would not be able to attend due to the fact that she would be out of town.
- **Rules of Procedure.** Mr. Shafer noted that he and Mr. Antonetz had also discussed updating the Commission's Rules of Procedures. An update had been attempted a few years ago but was never completed. Taking another look at these rules after training has been completed may be a good idea in case they need to be tightened up or revised. He noted that changes to how alternates are utilized as a specific example, citing recent opinions that the Township had obtained from counsel.
- **Reappointments.** Ms. Faulkner asked if Mr. Antonetz had been reappointed yet. Mr. Shafer said, no but that reappointments were on the Trustees' March 15th meeting agenda. Ms. Faulkner asked if expiring terms would be extended if reappointments weren't made by the Trustees at the next meeting. Mr. Shafer said he would get clarification from the Trustees on that topic, if needed. Mr. Shafer also noted that should re-appointments be made, the Commission will need to re-organize on April 9th.
- **Mr. Priebe** asked if Mr. Shafer had the opportunity to audit the 2017 minutes as was suggested back on February 12th. Mr. Shafer said yes, the minute books, website, and audio files had all been checked and everything was there.

NEXT MEETING (02:41:00):

- April 9, 2018 – Regular Meeting, 7 P.M.

ADJOURNMENT (02:41:18):

Ms. Rudler moved to adjourn this meeting at 9:45 p.m. Motion was seconded by Ms. Paciorek. All voted yes. Motion carried.

Meeting was adjourned at 9:45 p.m.

PREPARED BY:


Heather Weidenhamer, Zoning Secretary

ZONING COMMISSION APPROVED:


~~Sandra Faulkner, Acting Chair~~
SHAWN PRIESE, VICE CHAIR

April 30, 2018
Date Prepared

5/14/18
Date Approved by the Zoning Commission

OTHERS PRESENT AT MEETING

| | |
|-------------------------|------------------------------------|
| Connie Sauter | 4625 North Shore Drive |
| Trudy McClaskey | 299 Fox Trail Drive (Sunbury) |
| Carrie Jacin | 4638 North Shore Drive |
| Luke & Jamie Schroeder | 4690 North Shore Drive |
| Joyce Daugherty | 399 Tradewind Court (Westerville) |
| Bob Lombardo | 4909 Tussic Street |
| Gary Scheideger | 4881 Tussic Street |
| Patsi Moras | 4870 Tussic Street |
| Jim Carter | 4493 S. Old 3C Highway |
| Marilyn Paselsky | 8181 Oxbow Road |
| Todd & Tracy Prince | 3891 Lakeview |
| Victor Wang | 8260 Oxbow Road |
| Gary Bingham | 7858 Vinmar Way |
| Anna Oliva | 4110 North Shore Drive |
| Mary Hellbusch | 8301 Oxbow Road |
| Nancy Tomei & Roy Stein | 4737 North Shore Drive |
| Sheri Ault | 4645 North Shore Drive |
| Zavier & Cevin Fuller | 5999 Aberfeldy Court (Orange Twp.) |
| Kristi & Dave Blair | 4742 Tussic Street |
| Joyce Burmester | 4299 West Shore Court |
| Tom Ander | 4687 North Shore Drive |
| Randal Crowell | 4787 Woodhaven Drive |
| Gwyn & Daniel Abell | 8141 Oxbow Road |
| Maria Calderone | 4361 Sunbury Road |
| Michele Rist | 4814 Medallion Drive West |

Audio of this meeting is available at www.genoatwp.com