Genoa Township Board of Trustees
Delaware County, Ohio
Zoning Meeting – August 29, 2022

*** A full and accurate account of this meeting's audio can be found at www. genoatwp.com***

This meeting was called to order by Renee Vaughan at 6:30 PM.

PRESENT:	Renee Vaughan, Chair	
	Mark Antonetz, Vice-Chair	
	Connie Goodman, Trustee	
ALSO PRESENT:	Joe Shafer	Director of Development and Zoning
	Paul Benson	Deputy Zoning Inspector
	Mark Fowler	Delaware County Prosecutor's Office

CASE NO. ZC #2022-03 Courtyards at Big Walnut Zoning Map Amendment (aka Re-Zoning) and Preliminary Development Plan (00:01:09 MINS)

CALL TO ORDER:

- Trustee Vaughan called the following hearing to order at 6:32 PM, read the legal notice, and asked everyone who wished to speak to this matter to be sworn in.

  MARY JO VILARDO, TRUSTEE OF THE PHILLIP J VILARDO SR. IRREVOCABLE TRUST REQUESTING APPROVAL OF A REZONING AND PRELIMINARY DEVELOPMENT PLAN TO CONSTRUCT NINETY-ONE (91) SINGLE-FAMILY DWELLINGS ON APPROXIMATELY 55.861 ACRES AT THE NORTHWEST CORNER OF BIG WALNUT ROAD AND STATE ROUTE 3 (PARCEL NUMBER 31724001032000), A VACANT LOT, CURRENTLY ZONED RURAL RESIDENTIAL (RR), SEEKING RE-ZONING TO PLANNED RESIDENTIAL DISTRICT (PRD), ALSO KNOWN AS COURTYARDS AT BIG WALNUT, ZC CASE NO. 2022-03.

- Trustee Vaughan moved to incorporate the following rules for this hearing:
  - The floor will not be opened for public comment until staff and the applicant have concluded their presentations.
  - Written commentary for the Board of Trustee's consideration may be submitted to the Genoa Township Department of Development and Zoning. All such commentary will be retained as a public record and may be disseminated to anyone upon request in accordance with Ohio law.
  - Anyone wishing to speak during the hearing must be sworn in by the Board of Trustees in order to be legally recognized.
  - The Board of Trustees reserves the right to allow property owners immediately contiguous to the proposed developments to speak first.
  - All questions and commentary shall be directed to the Board of Trustees. The Board of Trustees reserves the right to decide which questions and comments they will and will not ask the applicant to respond to.
  - The Board of Trustees reserves the right to not allow individuals to speak more than once.
  - The Board of Trustees reserves the right to limit or cease repetitive debate or commentary.
  - The Board of Trustees reserves the right to close the floor and not allow any further public comment at any time.
  - The Board of Trustees reserves the right to take the following actions on the application(s); vote to approve, vote to approve with modifications, vote to deny, or vote to continue.
  - Genoa Township reserves the right to request that the Genoa Township Police Department remove any individual for disorderly conduct.
  - The Genoa Township Fire Department reserves the right to enforce all aspects of the fire code, including how many individuals may occupy the hall at any one time.

- The Board of Trustees asks that everyone be respectful to all parties in attendance. This includes but is not limited to: no name calling, no personal attacks or comments towards specific individuals, no talking out of turn, and only one person can speak at a time.

The Board voted to make the previous statements the official rules for the hearing. All voted yes.

- The following were marked as Exhibits "A" – "L":
  Exhibit "A" – Legal Notice
  Exhibit "B" – Affidavit of Advertisement
  Exhibit "C" – Sign-in Sheet
  Exhibit "D" – Application and plans (originally submitted March 7, 2022)
  Exhibit "E" – Application and plans submitted for Trustees (received August 8, 2022)
  Exhibit "F" – DCRPC Recommendation made March 31, 2022
  Exhibit "G" – Traffic Study, dated May 12, 2022 and approved by Delaware County on June 7, 2022
  Exhibit "H" – Fire Marshal Letter, dated May 6, 2022
  Exhibit "I" – Trustee Acknowledgement of the Zoning Commission's recommendation made on August 4, 2022
  Exhibit "J" – Staff Memo, dated August 24, 2022 (for August 29, 2022)
  Exhibit "K" – Staff Technical Review, dated August 24, 2022 (for August 29, 2022)
  Exhibit "L" – All public comments received between March 7, 2022 and August 29, 2022
- The legal notice for this meeting was printed and published on August 12, 2022 in the Delaware Gazette and posted at the Genoa Township Hall on August 5, 2022. An attempt to send notice of this meeting to adjacent property owners was also made.

STAFF REPORT-(0:10:07 MINS)

- Joe Shafer, on behalf of the Genoa Township Development and Zoning Department, presented an overview of Exhibits J and K.

APPLICANT'S PRESENTATION-(0:50:59 MINS)

- Joel Rhoades (Epcon), Todd Faris (Faris Planning and Design), Joe Miller (Vorys, Sater, Seymour, and Pease), Steve Schehl (EMH&T), and Trish Brown (EMH&T).
- Mr. Rhoades:
  - Provided a background of the proposed development.
  - Noted that Delaware County Regional Planning and the Zoning Commission both recommended approval.
  - Stated that the proposal is consistent with the Comprehensive Plan and Zoning Resolution.
  - Discussed how the density of the proposal impacts the area differently than a different type of home.
  - Mentioned how the proposal is consistent with the surrounding area.
  - Talked about how the proposal will upgrade infrastructure.

PUBLIC COMMENT-(1:00:10 MINS)

- Trustee Vaughan asked any individuals who were properly sworn in to share their comments.
  1. Patricia Metzler (5241 Worthington Rd) stated concerns about protection of wildlife, noise, traffic, and reduction of urban feel.
  2. Gabi Karpowicz (6895 Merom Landing) stated that she currently lives in an Epcon development and supports the proposal.
  3. Katherine Hall (4752 Braiden Dr) stated that she likes Epcon developments and is in support of the proposal.
  4. Joseph Karpowicz (6895 Merom Landing) discussed the benefits of living in an Epcon community and why he supports the proposal.

5. Stacy Xenakis (7170 Big Walnut Rd) stated that she is worried about increased storm water runoff.
6. Doug Wade (5059 Nyah Ct) stated that the proposal will hurt the neighboring properties.
7. Lisa Trapasso (6874 Big Walnut Rd) stated concerns for existing wildlife, increased traffic, duration of construction, and potential safety issues.
8. Ken Armbrust (7060 Big Walnut Rd) stated that he prefers the property stay zoned Rural Residential.
9. Paul Hanson (5866 Highland Hills Dr) stated that he is in favor of the proposal as it would bring a needed housing product and more tax revenue for the school district.
10. Dennis Queen (6838 Big Walnut Rd) stated that he is worried about increased traffic, headlights shining on his house from cars exiting the development, and his property decreasing in value.
11. Keith Walker (5499 Lake Shore Ave) questioned if the developer was correctly stating the value of the proposed homes along with concerns about safety and increased traffic.
12. Kathy Davis (5200 Tussic Street Rd) stated that she is worried about safety concerns of just one entrance and flooding issues.
13. Annette McMurry (3690 Worthington Rd) stated that she has issues with standing water, safety, and traffic and feels that this proposal is irresponsible.
14. Jeanne Bolen (5058 Nyah Ct) stated that she thinks the development will increase storm water runoff, the density feel of the proposal is greater than the stated density, the traffic study did not include traffic to the potential park and asked whether the neighboring Berlin property has been sold.
15. Chuck Janki (6762 Mahogany Dr) stated that the proposal is a cookie cutter project, and the developer will leave the project once the homes are built.
16. Ryan O'Halloran (5580 Shiloh Spring Dr) stated that he thinks the amount of proposed units is too high and that the request for 91 units is greedy along with the potential of an accident blocking the single entrance point.
17. Alan Yahner (7698 Talavera Dr) stated that he is worried about increased traffic from the development.
18. Mike Keller (6788 Fleur Dr) discussed property values, traffic, stormwater, and potential safety issues with the proposed single access point.
19. Norma Kamerer (5439 Grand Ridge Dr) stated that they have access issues at their condo development and would like the Trustees to deny the proposal.
20. Eric Chrimes (5118 Blessing Ct) stated that he would like to see the property stay as an open field and he thinks the developer is overstating the value of the houses. He added that Epcon lost a fair housing lawsuit a couple years ago.
21. David Parker (5850 Ridgewood) stated that he is opposed to the proposal and is worried about this development setting a precedent for denser developments in the future.
22. Eric Rotermund (6479 Big Walnut Rd) stated that he is worried about increased traffic from the development.
23. Jean-Sebastien Bernaert (5640 Hughes Rd) stated that he is not in favor of the plan with the current density even though the plan meets all the zoning requirements. He added that he has issues with the stormwater problem and whether a homeowner will take care of their residential sprinkler system.
24. Bill Largent (6774 Mahogany Dr) discussed the value of the proposed homes, the ability to shut off residential sprinkler systems, and the safety of one entrance crossing the existing multi-use path.
25. Roger Hutchison (6800 Ingalls Ct) stated that the proposed density is allowable, but not practical with the area. He added that the additional traffic may be too much for the area and the current water issue is very important.
26. John Lutsi (5090 Nyah Ct) stated that he is worried about safety, added traffic, and stormwater issues.
27. Mark Stelzer (7731 Big Walnut Rd) asked if turn lanes would have to be installed and who would pay for the construction. He added that he does not like the single entrance.

28. Drew Berlin (6870 Fleur Dr) stated that he hopes the Board makes the right choice because the proposal meets the Zoning Code. He added that most of the negative comments are not reasonable because stormwater issues are fixable, and it is not practical to think development will not happen and this proposal is better than other options that could be developed at this location.
29. Tom Will (6903 Fleur Dr) stated that we should follow the density recommendations that were in the Comprehensive Plan before 2019.

APPLICANT'S RESPONSE-(2:49:02 MINS)

- Mr. Rhoades:
  - Stated that the facts speak for themselves, and the rezoning and development plan process has been laid out by law.
  - Reiterated the planned size and value of the proposed homes.
  - Discussed how the density was calculated.
  - Noted that the Delaware County Engineer's Office and the Genoa Township Fire Department have both approved the proposal.
  - Explained that a stormwater plan for the site will be designed by professionals to control the runoff as opposed to doing nothing to improve the site.

BOARD DISCUSSION-(2:55:45 MINS)

- Trustee Antonetz:
  - Asked if Epcon has any current developments that have residential sprinklers. Mr. Rhoades stated there are some in North Carolina in both multi and single family and they do not maintain the sprinkler systems.
  - Stated that he does not see a full traffic study in the submitted materials.
  - Asked if the applicant met with any nearby residents before submitting the application. Mr. Rhoades stated they did not meet with residents before submitting but have met with residents since.
  - Questioned whether adding sprinkler systems helps save lives or just property.
  - Asked if there was a plan for emergency access in case the single entrance was blocked. Mr. Rhoades replied that the Fire and Police Departments both stated they do not have issues with the proposal. Trustee Vaughan stated that the fire department letter did not state that it was reviewed for EMS and the police did not approve or deny the proposal they just did not comment. Mr. Rhoades stated that he feels the chiefs would have stated if they felt the plan was unsafe. Trustee Vaughan replied that they were not asked to review for EMS safety. Mr. Miller noted that the Zoning Resolution states that if a development is sprinkled a second access point shall not be required, meaning that a second access cannot be required.
- Trustee Goodman:
  - Asked if Epcon is willing to put a requirement in the deed restrictions concerning maintenance of the sprinkler systems. Mr. Rhoades stated that they are in discussion with Delco Water and the fire department regarding maintenance. Trustee Vaughan noted that if a resident turns off their sprinkler system, it will turn the water off to the entire house and each resident would be responsible for having the system inspected.
  - Questioned the amount of parking spaces at the clubhouse. Mr. Rhoades replied that in comparable size developments, they typically have fewer parking spaces. Mr. Faris stated that the amount of parking spaces included the pool, clubhouse, and sports court.
  - Noted that the recreational facilities are private for the resident's use only and will not add traffic.
  - Stated that Genoa Township does not have zoning restrictions for age-restricted housing, but neighborhood design naturally leads to a retirement community and asked Mr. Rhoades if he has statistics on the amount of children in similar communities. Mr. Rhoades replied that their research shows that with ninety-one homes there will probably be one or two school-aged children.
  - Stated that she is concerned with the fence height divergence and requested amending the style of fence to something that does not fully block a driver's view at an intersection. Mr. Rhoades noted

that the divergence request states that they will not interfere with any traffic sight distance and if it does, they will look at alternatives like different fence style or height.
    - Stated that she would prefer there be two entrances to the development.
- Trustee Vaughan:
    - Asked why the existing pond is not linked into the stormwater system. Mr. Rhoades stated that they felt it best to keep it natural. Ms. Brown stated that the existing pond has natural drainage that leads to it, and they would install new ponds for the stormwater the development would collect.
    - Suggested adding parking spaces near the cluster mailboxes. Mr. Faris replied that is something they could add in the final development plan.
    - Requested that the amount of time the temporary sign will be utilized be amended so that it is tied to the amount of zoning permits received instead of lots sold. Mr. Rhoades stated he is willing to make that change.
    - Asked the applicant if they would help buffer the additional light from headlights for the property across from the entrance. Mr. Rhoades replied they could add something at final development plan in congruence with the Engineer's office and their land planners.
    - Asked if the applicant would submit a stormwater plan. Mr. Rhoades stated that is part of the final engineering process.
    - Noted that the township does not have plans to improve Fleur Park so the proposed stub to the township owned property will not add traffic.
    - Stated that the trustees do not take proposed prices of homes into account.
    - Talked about some traffic accident figures at intersections near the proposed development.
    - Asked if turn lanes are proposed for the development. Ms. Brown stated that the plan is for Big Walnut to be widened to three lanes the full way from Worthington Road to State Route 3. Mr. Rhoades added that the developer would pay for the road improvements.
    - Asked what dates the traffic study was performed. Ms. Goodman replied that the document states the measurements were from April 25, 2022.
    - Noted that Section 103 of the Zoning Resolution discusses compatibility of land uses that are adjacent.
    - Stated that Section 103.08 of the Zoning Resolution talks about how zoning should be used to achieve goals of the Comprehensive Plan.
    - Stated that Section 901.01.F talks about the creation of planned districts to promote harmony with land use density and discussed the proposed density versus the approved density of Walnut Grove and that the recently approved The Grove neighborhood is in a different Comprehensive Plan Area.
    - Noted that page 12 of the Comprehensive Plan talks about new development being compatible with the density pattern of the surrounding area and impacts to infrastructure.
    - Stated that Section 903.02 of the Zoning Resolution shall not exceed 2.2 dwellings per net developable acre.
    - Discussed some statistics on fire versus EMS runs by the fire department.
    - Noted that page 12 of the Comprehensive Plan also discusses adverse impacts to traffic flow.
    - Stated that the other neighborhoods that have about ninety-one homes that have one entrance and exit do not intersect with a main arterial road.
    - Talked about the Comprehensive Plan being a guiding document for rezoning decisions.
- Trustee Goodman stated that the Comprehensive Plan notes that the southern portion of Planning Area 5 is mostly built out as Planned Residential Districts, so this parcel is most likely not going to stay a soybean field.
- Mr. Rhoades noted that the Comprehensive Plan page 63 recommends Planned Residential Development in accordance with the Zoning Resolution and stated that the density of the proposal should be measured with not just the neighborhood to the west of the proposal but also the east and south. Trustee Vaughan stated that the east and south are not comparable because they are different planning areas.

DIVERGENCE REVIEW-(3:35:40 MINS)

- The Board reviewed each divergence request against the standards set forth in Section 2707.05 of the Township's Zoning Resolution to determine if such a request is warranted.

SECTION 2707.05

Divergence requests shall demonstrate how granting the request will advance public interests and General Purposes of this Zoning Resolution, by promoting, or not having an adverse impact on, one or more of the following purposes:

A) The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land;

B) The health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township;

C) The quality of life within Genoa Township through the protection of the total environment, the prevention of nuisances and hazards, and the provision of adequate light, air, and convenient access to property;

D) The assurance of the compatibility of land uses which are either adjacent or in proximity to each other;

E) The orderly development of all lands within the Township to its appropriate use; and

F) The most appropriate use of land to facilitate and provide adequate public and private improvements.

Per Section 2707.07, unless a deviation from development standards is specifically approved as a Divergence, the same shall be complied with.

1. Divergence from Section 905.03 and 2002.03 to allow fences up to six (6) feet in height to be placed no closer than ten (10) feet to the right-of-way for lots 35, 54, 75, and 91 on the non-garage side of the patio.
   FINDING: This divergence is compliant with all the purposes, but the applicant should do a close review of site distances and amend the fence types if necessary.
2. Divergence from Section 1608.03 to allow fences in a side yard setback.
   FINDING: This divergence is compliant with all the purposes.

MOTION PREPARATION-(3:41:00 MINS)

- The Board discussed a potential motion(s) and findings of fact(s).

RES. 22-0829001 REJECT ZONING COMMISSION'S RECOMMENDATION OF APPROVAL OF THE ZONING MAP AMENDMENT

Renee Vaughan moved to reject the Zoning Commission's recommendation of approval and thus deny the Zoning Map Amendment (aka Re-Zoning) requested by EC New Vision Ohio, LLC on behalf of Mary Jo Vilardo, Trustee of the Phillip J Vilardo Sr. Irrevocable Trust, which seeks to re-zone approximately 55.861 acres located at the northwest corner of State Route 3 and Big Walnut Road, Parcel Number 31724001032000, from Rural Residential (RR) to Planned Residential District (PRD), as further described, detailed, and illustrated in the materials of the subject application ZC Case No. 2022-03, also known as Courtyards at Big Walnut, and furthermore incorporating Exhibits A – L.

This motion to deny the re-zoning request, which, in accordance with Ohio Revised Code Chapters 2505 and 2506, may be appealed to the Delaware County Common Pleas Court, is based on the following Findings of Facts and Conclusions:

1. It is not compatible with land use of adjacent properties.
2. 103.01 of the Zoning Resolution, it doesn't promote the health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township.

Seconded by Mark Antonetz.

VOTE: Vaughan-yes; Antonetz-yes; Goodman-no.

- Trustee Vaughan noted that a yes vote for this motion states that you are not in favor of the development and a no vote would be in favor of the development. Mr. Shafer clarified that a yes vote would mean it supports the motion and a no vote would signify not being in favor of the motion.

Genoa Township Board of Trustees
Delaware County, Ohio
Zoning Meeting – August 29, 2022

ADJOURNMENT-(3:56:30 MINS)

Renee Vaughan moved to adjourn this meeting at 10:27 PM. Seconded by Connie Goodman.
VOTE: Vaughan-yes; Antonetz-yes; Goodman-yes.

Meeting was adjourned at 10:27 PM.

Trustee Trustee Trustee

Attest: Fiscal Officer

Minutes Approved November 3, 2022.

OTHERS PRESENT AT MEETING:

NAME	ADDRESS
Betty and Bill Teagarden	5061 Worthington Rd
Jo Ellen Rogers	6638 Big Walnut Rd
Justin Viers	6704 Big Walnut Rd
Donna McNally	6811 Sunningdale Dr
Katherine Hall	4792 Braiden Dr
Gabi and Joe Karpowicz	6895 Merom Landing
Patricia Metzler	5241 Worthington Rd
John Lutsi	5090 Nyah Ct
Dennis Queen	6838 Big Walnut Rd
Jeanne Bolen	5058 Nyah Ct
Mark and Gloria Stelzer	7731 Big Walnut Rd
David Wilson	4821 S Old 3C Hwy
Roger and Carol Hutchison	6800 Ingalls Ct
Stephen Martin	7695 Big Walnut Rd
Norma Kamerer	5439 Grand Ridge Dr
Jean-Sebastien Bernaert	5640 Hughes Rd
Ken Armbrust	7060 Big Walnut Rd
Eric Rotermund	6479 Big Walnut Rd
Tom Will	6903 Fleur Dr
Ed and Lori Miller	5118 Nyah Ct
J Schultz	4650 Sunbury Rd
William Ostrander	4650 Sunbury Rd
Beth and Jeff Lear	7490 Big Walnut Rd
Mary Haware	17655 Galena Rd
Matt and Tina Heufelder	6780 Ingalls Ct
Kathy Davis	5200 Tussic Street Rd
David Parker	5850 Ridgewood Ave
Franco and Lisa Trapasso	6874 Big Walnut Rd
Jo McIntosh	6910 Fleur Dr
Ryan O'Halloran	5580 Shiloh Spring Dr
Stacy Xenaxis	7170 Big Walnut Rd
Alan Yahner	7698 Talavera Dr
Keith Walker	5499 Lake Shore Ave

Britney Walker	5499 Lake Shore Ave
Adam Gunckle	5104 Nyah Ct
Ben Phan	5078 Nyah Ct
Paul Hanson	5866 Highland Hills Dr
Pam Crandall	5138 Nyah Ct
Drew Berlin	6870 Fleur Dr
Luke Schroeder	4690 N Shore Dr
Melissa Davis	6799 Ingalls Ct
Doug Wade	5059 Nyah Ct
Leigh Bradley	5059 Nyah Ct
Annette McMurry	3690 Worthington Rd
Chuck Janki	6762 Mahogany Dr
Mike Keller	6788 Fleur Dr
Eric Chrimes	5118 Blessing Ct
Bill Largent	6774 Mahogany Dr