# Genoa Township Board of Trustees
# Delaware County, Ohio
# Zoning Meeting – December 18, 2023

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

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

**PRESENT:** Renee Vaughan, Chair
Mark Antonetz, Vice-Chair
Connie Goodman, Trustee
Patrick M. Myers, Fiscal Officer-absent

**ALSO PRESENT:** Joe Shafer, Director of Development and Zoning
Paul Benson, Deputy Zoning Inspector

**CASE NO. ZC #2022-06 Miraluna Zoning Map Amendment (aka Re-Zoning) and Preliminary Development Plan (00:00:54 MINS)**

**CALL TO ORDER:**

- Trustee Vaughan called the following hearing to order at 6:31 PM, read the legal notice, and asked everyone who wished to speak on this matter to be sworn in.

ROMANELLI AND HUGHES REQUESTING APPROVAL OF A REZONING AND PRELIMINARY DEVELOPMENT PLAN TO CONSTRUCT 159 SINGLE-FAMILY DWELLINGS ON APPROXIMATELY 129.5 ACRES WEST OF ROME CORNERS ROAD, INCLUDING 3570 ROME CORNERS RD (PIN 31721005003000), 3774 ROME CORNERS RD (PIN 31721005008000 AND 31721005009000), 3912 ROME CORNERS RD (PIN 31721005009001) AND 3990 ROME CORNERS RD (PIN 31721005010000), ALL IN GALENA, OH 43021, CURRENTLY ZONED RURAL RESIDENTIAL (RR), SEEKING RE-ZONING TO PLANNED RESIDENTIAL DISTRICT (PRD), ALSO KNOWN AS MIRALUNA, ZC CASE NO. 2022-06. PREVIOUSLY CONTINUED ON THE RECORD FROM AUGUST 9, SEPTEMBER 7, AND OCTOBER 5, 2023 WITH MODIFICATIONS RECEIVED DECEMBER 1, 2023.

- The legal notice for this meeting was printed and published on July 26, 2023 in the Delaware Gazette and posted at the Genoa Township Hall on July 14, 2023. An attempt to send notice of this meeting to adjacent property owners was also made.
- The following were marked as Exhibits "A" – "L":
  Exhibit "A" – Legal Notice
  Exhibit "B" – Affidavit of Advertisement
  Exhibit "C" – Sign-in Sheet
  Exhibit "D" – Original application and plans (received September 15, 2022)
  Exhibit "E" – DCRPC Recommendation made October 28, 2022
  Exhibit "F" – Traffic Study, dated April 21, 2023 and approved by Delaware County on May 5, 2023
  Exhibit "G" – Trustee Acknowledgement of the Zoning Commission's recommendation made on July 6, 2023
  Exhibit "H" – Staff Memo, dated December 12, 2023 (for December 18, 2023)
  Exhibit "I" – Staff Technical Review, dated December 12, 2023 (for December 18, 2023)
  Exhibit "J" – Comparison table, dated December 18, 2023
  Exhibit "K" – All public comments received between September 15, 2022 and December 18, 2023
  Exhibit "L" – Revised plans (received December 1, 2023)

**STAFF REPORT-(00:04:25 MINS)**

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

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## APPLICANT'S PRESENTATION-(00:32:12 MINS)

- David Fisher (Kephart/Fisher), Gary Smith (G2 Planning), Jim Ohlin (Romanelli and Hughes), Mike Brehm (EMH&T), and Kyle Shreves (EMH&T) presented.
  - Mr. Fisher:
    - Discussed the history of the project.
    - Talked about items that have changed since the original submission.
    - Plans for the house that is remaining on Rome Corners Road.
  - Mr. Smith provided a presentation of the overall plan.

## PUBLIC COMMENT-(00:52:54 MINS)

- Trustee Vaughan asked any individuals who were properly sworn in to share their comments.
  1. Charlie Conrad (3728 Rome Corners Rd) stated that he has concerns about drainage that currently flows toward the subject property and Rome Corners Road being widened into his property. Mr. Shreves explained how the current drainage systems will be maintained.
  2. Clint Warner (5920 Plumb Rd) asked if Romanelli and Hughes plans to build the houses. Mr. Ohlin stated that they will be the builder. Mr. Warner then mentioned that the existing residents will not benefit from the nice open spaces and that increased traffic is a concern. Mr. Brehm discussed the current findings of the traffic study from the potential development.
  3. Todd Walko (4054 Rome Corners Rd) asked about the house that is being retained, whether sewer would be available to his lot, and whether the existing trees near his property would remain.
  4. Sandy Young (7700 Plumb Rd) talked about the location of her mailbox, traffic on Plumb Road, and wildlife in the area.
  5. Rod Ferguson (6566 Charles Rd) talked about density and possibly developing the property under the Rural Residential zoning regulations, then asked about how open space is calculated, noted that Romanelli and Hughes followed through on their promises in a development abutting his property, and that more should be done during construction to keep debris from blowing into people's yards.
  6. Donna Raque (7503 Linder Way) stated that she would like the property to stay rural and that she does not want the sound of lawnmowers or light pollution.
  7. Chuck Lowe (3635 Rome Corners Rd) stated that the density is too high, he is worried about runoff and flooding, the lights from the northern entrance road will shine on his house, he is worried about increased traffic, and he understands the developer has rights also.
  8. Brian Tornes (3922 Shagbark Tr) stated that he is worried about runoff and that he does not like having a pedestrian trail near his property.
  9. Randy Raque (7503 Linder Way) stated that the proposal would ruin the area and the development does not fit the area.
  10. Wanda Ross (3831 Shagbark Tr) stated that she believes the property should and could be developed with larger lots under the current zoning district.
  11. Jay Carey (7540 Plumb Rd) stated that the subdivision looks good, but it causes issues for the existing property owners.

The Board recessed the meeting at 8:17 PM.

The meeting resumed at 8:20 PM.

## BOARD DISCUSSION-(01:46:20 MINS)

- Trustee Goodman:
  - Stated that she was happy with the wetland retention that is being proposed.
  - Questioned who is the owner of the cell tower. Mr. Fisher stated that the cell tower company has an easement to access the tower and is not making any lease payments to the property owner.

- Asked if anyone from Romanelli and Hughes has inspected the existing house that is being retained. Mr. Ohlin replied that Vince Romanelli has toured the home, and they are retaining the house per his instructions.
- Noted that the proposed trails should be marked or delineated before selling adjacent lots.
- Questioned where people will park if they are having a gathering at the pavilion. Mr. Smith stated that they foresee people walking to use the pavilion.
- Asked Mr. Shafer if any of the utility service letters should be updated. Mr. Shafer stated that he did not see any letters that had expired.

- Trustee Antonetz:
  - Noted that the fall radius of the cell tower was included in the site plan.
  - Stated that he did not see a conclusion to the traffic impact on the intersections of Rome Corners with Lewis Center and Plumb Roads. Mr. Brehm replied that the service level for the intersections would still be at an acceptable level with the proposed development.
  - Asked where the additional right-of-way would come from for the additional lane of traffic. Mr. Brehm explained the current and proposed widths of Rome Corners Road and how they would have to take some land from the western side of the road in some scenarios.
  - Asked if the proposed turn lane would extend beyond the entrance roads to the development. Mr. Brehm stated that is the concept they have utilized.
  - Stated he appreciated the developer's efforts to help buffer headlight pollution.
- Trustee Vaughan:
  - Asked for clarification on the divergence request for the retention of the existing home. Mr. Fisher stated they are adding a divergence request for the home in the buffer area.
  - Asked if there would be any streetlights at any intersections. Mr. Fisher replied that they do not plan on any streetlights to mitigate light pollution.
  - Asked if Mr. Lowe's request to move the northern entrance road further north is possible. Mr. Fisher stated that is not something he can answer at this time, but Mr. Romanelli is willing to work with neighbors.
  - Asked how the proposed road improvements would cause issues for current residents exiting their driveways. Mr. Fisher replied that more engineering would be completed before the final development plan and that the County Engineer will be sure the existing homeowners continue to have access. Mr. Brehm listed some positive and negative aspects of accessing a road with an additional lane.
  - Requested some information on concerns regarding additional runoff to existing properties. Mr. Shreve stated that it is possible there will be a larger volume of water that is dispersed over a longer period of time and also described how they plan to change the grading of the area and how that will affect the current natural runoff toward Shagbark Trail.
- Mr. Smith noted that Delaware County will not allow the developer to interrupt any current resident's access to Rome Corners Road during construction and that they did not submit a conceptual drawing for the road improvements because it has not been approved by the County Engineer's office.
- Mr. Shafer suggested a wording change to the divergence request.
- Mr. Antonetz asked if there will be an impact on the proposal if the plan for sewer access does not come to fruition. Mr. Shafer stated that is a risk for every proposed development and Mr. Fisher stated in that scenario they could determine a different route or rezone the property back to Rural Residential and potentially develop the property with a different plan.

**DIVERGENCE REVIEW-(02:12:51 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 to allow development of the application to proceed applying only the Zoning Resolution in effect at the time of initial application, September 15, 2022.

FINDING: The divergence does not have an adverse impact on any of the purposes.

2. Divergence from Section 903.11.B to allow tree clearing outside of the fifteen (15) foot from foundation limit.

FINDING: The divergence does not have an adverse impact on any of the purposes.

3. Divergence from Section 903.03.A.4 to permit a lot to be located within the open space buffer as further shown in submitted materials.

FINDING: The divergence does not have an adverse impact on any of the purposes.

**RES.23-1218001 APPROVE WITH MODIFICATIONS ZONING MAP AMENDMENT (RE-ZONING)**
Trustee Vaughan moved to concur with the Zoning Commission's recommendation of approval and thus approve with modifications the Zoning Map Amendment (aka Re-Zoning) requested by Romanelli and Hughes, which seeks to re-zone approximately 129.5 acres located at 3570 Rome Corners Rd (PIN 31721005003000), 3774 Rome Corners Rd (PIN 31721005008000 and 31721005009000), 3912 Rome Corners Rd (PIN 31721005009001) and 3990 Rome Corners Rd (PIN 31721005010000 and 31721005010001), all in Galena, OH 43021 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. 2022-06, also known as Miraluna, and furthermore incorporating Exhibits A – L.
In accordance with the Ohio Revised Code, this motion to approve the rezoning request, which is subject to referendum, will go into effect 30 days after today, January 17, 2023, and is based on the following Findings of Fact and Conclusions:

1. Said amendment is found to be consistent with the Genoa Township Comprehensive Plan pursuant to Section 108 of the Genoa Township Zoning Resolution.

Seconded by Connie Goodman.
VOTE: Vaughan-yes; Antonetz-no; Goodman-yes.

**RES. 23-1218002 APPROVE WITH MODIFICATIONS PRELIMINARY DEVELOPMENT PLAN**
Renee Vaughan moved to concur with the Zoning Commission's recommendation of approval and thus approve with modifications the Preliminary Development Plan incorporated within the subject Zoning Map Amendment proposed by Romanelli and Hughes; contingent upon the successful adoption of said Zoning Map Amendment. The proposed plan seeks to construct 150 single-family dwellings and refurbish an existing home on approximately 129.5 acres located at 3570 Rome Corners Rd (PIN 31721005003000), 3774 Rome Corners Rd (PIN 31721005008000 and 31721005009000), 3912 Rome Corners Rd (PIN 31721005009001) and 3990 Rome Corners Rd (PIN 31721005010000 and 31721005010001), now zoned Planned Residential District (PRD), as further described, detailed, and illustrated in the materials of the subject application ZC Case No. 2022-06, also known as Miraluna. This motion of approval is preliminary in nature, shall still require submission and approval of a Final

Development Plan application, and shall incorporate Exhibits A – L, as well as any commitments made by the applicant during this hearing, including:

1. Investigate possibility of changing location of northern entrance road.
2. Provide zoning office updated materials that include the third requested divergence.

I further move to approve divergences, as they relate to the Preliminary Development Plan, as further detailed in Exhibit L, from the following sections of the Genoa Township Zoning Resolution:

1. Divergence to allow development of the plan to proceed under the Zoning Resolution in effect at the time of initial application date of September 15, 2022.
2. Divergence from Section 903.11.B to allow tree clearing outside of the fifteen (15) foot from foundation limit.
3. Divergence from Section 903.03.A.4 to permit a lot within open space buffer as illustrated in submitted plans.

This motion to approve the Preliminary Development Plan, which is not subject to referendum, is based on the following Findings of Fact and Conclusions:

1. Found to be consistent with the Genoa Township Comprehensive Plan pursuant to Section 108 of the Genoa Township Zoning Resolution.

Seconded by Connie Goodman.
VOTE: Vaughan-yes; Antonetz-no; Goodman-yes.

Trustee Vaughan announced the hearing closed at 9:04 PM.

**ADJOURNMENT-(02:30:14 MINS)**

Renee Vaughan moved to adjourn this meeting at 9:04 PM. Seconded by Connie Goodman.
VOTE: Vaughan-yes; Antonetz-yes; Goodman-yes.

Meeting was adjourned at 9:04 PM

Trustee Trustee Trustee

Attest: _____
Fiscal Officer

Minutes Approved March 7, 2024.

**OTHERS PRESENT AT MEETING:**

| NAME | ADDRESS |
|---|---|
| Charlie Conrad | 3728 Rome Corners Rd |
| Tim and Michelle Zahler | 9530 Britonwoods Dr |
| Clint Warner | 5920 Plumb Rd |
| Ellen and Tommy Ebe | 8020 Holley Woods Dr |
| Todd Walko | 4054 Rome Corners Rd |
| Chuck and Annette Lowe | 3635 Rome Corners Rd |
| Rod Ferguson | 6566 Charles Rd |
| Wanda Ross | 3831 Shagbark Tr |
| Jay Carey | 7540 Plumb Rd |
| Donna Raque | 7503 Linder Way |
| Randy Raque | 7503 Linder Way |
| Brian Tornes | 3922 Shagbark Tr |
| Sandy Young | 7700 Plumb Rd |
| Chris Rano | Westerville, OH |

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