

RECORD OF PROCEEDINGS
Jerome Township Board of Trustees
Public Hearing

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 944-284-0339 FORM NO. 191-09

June 25, 2019

Held

20

Application for a Zoning Amendment (PD 19-130)
Submitted by Paragon Building Group Ltd.
Rural Residential (RU) and Special Recreation (SR) to Planned Development (PD)
(Approximately 210.62+/- acres)

Parcel Numbers 14-00050060000, 14-00050070000, 15-00040180000, 15-00040184000, 15-00040181000, 15-00040183000, 14-00050030000, and 15-00040044000

The Jerome Township Board of Trustees met in a continuation of special session on June 25, 2019 at 7:00 p.m. Board Chairman Joe Craft called the meeting to order. Ronald Rhoades, Joe Craft and C.J. Lovejoy answered the roll call. Also in attendance were Robert Caldwell (Fiscal Officer), Mark Spagnuolo (Zoning Inspector), Jennifer Huber (Legal counsel with Brosius, Johnson & Griggs), the applicant and members of the public.

The Jerome Township Board of Trustees opened the continuation public hearing on the proposed application for a zoning amendment by swearing in those who wished to speak.

Mr. Craft asked Mark Spagnuolo to provide an overview to those in attendance. Mr. Spagnuolo provided the following information:

- LUC recommended approval with conditions on February 14
- Zoning Commission had hearings on February 25 and March 25 and recommended approval to the Board of Trustees
- Board of Trustees had hearings on May 6 and May 21 and continued to today's meeting
- Lingering questions or issues included the following
 - Neighboring closed landfills
 - Use of a portion of a golf course as open space
 - Requested environmental information

Mr. Craft stated that the Zoning Commission had approved recommendation with a unanimous vote. He also indicated the Board of Trustees had the option to approve, deny, approve with modifications, continue, or close and render a decision in twenty days.

Applicant

Charles Ruma of Paragon Building Group and Virginia Homes addressed the Board. He stated that the two primary areas of concern are the golf course and the environmental reports. He stated that they provided responses to all of the LUC comments including setbacks which they have indicated are in line with other developments recently approved including Mitchell Highlands, Glacier Point and Mitchell Crossing.

Laura Comek, attorney for the applicant, addressed the Board regarding the question of using the golf course as open space. She stated the golf course is under private ownership and is permitted in the Jerome Township Zoning Resolution in chapter five. She also informed the Board that four layers of protection have been provided for the golf course property including:

1. Zoning
2. Deed restrictions
3. Option agreement for the Township to purchase for one dollar
4. Homeowners Association option to own

Ms. Comek stated that the code requires twenty percent and recommends forty percent open space and with the golf course the plan exceeds forty percent. She emphasized that the plan meets all of the codes requirements.

Mr. Craft questioned the order of creditors. Ms. Comek stated that the Township would have first right and moreover the use or zoning cannot change.

Mr. Ruma emphasized the creativity in the design of the plan and the work performed by GeoTech Consultants. He stated the required tests were performed and found that the land has no environmental impact from the landfills and that David O'Tool of the Ohio EPA indicated that the property is okay for residential development.

Mr. Rhodes pointed out that homes have been built in the area subsequent to the closing of the landfills and no issues have been identified. He noted that the proposed plan calls for a closed water and sewer system.

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Mr. Craft stated that due to traffic concerns raised he asked Bill Narducci of the Union County Engineer's office to attend. Mr. Narducci made the following comments:

- Secondary access points are required for development greater than thirty homes for traffic and fire which this plan has
- Plan meets Union County Engineer requirements
- Road intersections have been addressed
- Developer will contribute to improvements of intersections based on impact
- Plan is acceptable with standards concerning current study and ten years out

Mr. Craft asked about shared driveways. Mr. Narducci stated that the goal is to minimize the number of access points and as such the Engineer allows for common access drives. He pointed out the initial plan called for twelve lots with shared drives and that has been reduced to eight. Ms. Comek asked Mr. Narducci to reiterate that shared drives are permitted. Mr. Narducci responded that yes, access drives are permitted in the standards.

Public Participation

Megan Sloat presented the following points:

- Phase I report stated they were unable to assess wetlands
- Phase I report was pending a response from the Union County Health Department
- Phase II report detected arsenic in the water
- Phase II recommended seasonal testing
- Tests sites were at higher elevations than the rest of the property

Barry Adler made the following comments:

- The golf course is not owned by the applicant
- Use of the golf course as open space
- Phase I report states chemicals exist
- The Board should have the EPA review the test results and provide an opinion in writing
- Zoning Commission did not follow the thirteen points for approval
- Density of 1.8 units per acre is higher than the prescribed amount for a conservation district
- Recommended delaying development until after the fire levy

Andrew Diamond asked the Board to consider the general welfare and public interest of current residents and to follow the guidance of the comprehensive plan.

Christy Russell provided the following comments:

- The LUC staff report recommended approval but with recommendations of which have not been addressed
- Suggested maintaining more of the twelve acres of existing woodlands which are being eliminated
- Questioned the increased traffic on Crottinger Road which is very narrow
- Noted that the Zoning Commission has previously denied the use of shared drives
- Questioned if the proposed plan maintains the value of the community

Scott Flading made a personal request for a modification to save some of the woods located behind his home as recommended by the LUC.

Laura Comek wished to address some of the comments made. She stated that some of the facts presented are out of context and leave out other facts. She indicated that the reports include the complete evidence. She also addressed the following points:

- Residents have been against other new developments, some of which they live in
- The community is experiencing growth
- Traffic concerns have been addressed with the County Engineer
- The applicant is seeking to save trees by planting 1,333 trees to address the impacted tree canopy
- The thirteen points of the zoning code were addressed by the Zoning Commission and found no deficiencies

Charles Ruma summarized that the plan made sense and also agreed to the removal of three lots, preserving some wooded area for buffering from Mr. Flading.

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Held _____

June 25, 2019

_____ 20 _____

Ms. Comek referred the Trustees to chapter five section five hundred of the Zoning Resolution which permitted clustered neighborhood designs. She reviewed eleven bases for approval indicating the plan was fully compliant.

Mr. Flading in response requested that a total of five lots remain undeveloped behind him to provide buffering. Ms. Comek indicated that these details could be worked through at the final development plan stage.

Mr. Rhodes provided comments that while items were identified as being present in the reports, they are at acceptable levels. He noted that Crottinger Road is narrow but acceptable. He concluded that based on the reviews since February, there is nothing that negatively impacts the community.

Mr. Craft stated that findings are below acceptable levels. However, he still did not see how the eight lots to the north fit into the project. He added that he felt conservation development should be to preserve woods, not a golf course.

Mr. Lovejoy indicated that he sees how the use of the golf course can provide an alternative but is struggling with the concept.

Mr. Craft stated that improvements to the proposal have been made since the original concept. Mr. Rhodes stated the Board has met with the developer and worked out many issues prior to the version that is before them tonight. Jennifer Huber asked Mr. Rhodes to clarify that the Board does not meet with the developers, it is Township representatives. Mr. Rhodes confirmed, that no the Board had not met with the developer. Mr. Craft concluded that improvements were made based on input from LUC, the Zoning Commission and neighbors.

Laura Comek addressed concerns with the golf course by indicating that deed restrictions will be placed on all of the properties, limiting use. She emphasized that a foreclosure court cannot change zoning

Mr. Rhodes stated that all open space in developments is privately owned, by the developer or the homeowners association.

Mr. Flading asked what if the currently public golf course were to become private. Ms. Comek responded that it would remain open to the public but there could be a charge.

At 9:14 p.m. it was moved by Joe Craft and seconded by Ron Rhodes that the Jerome Township Board of Trustees close the meeting and make a decision on July 2, 2019.

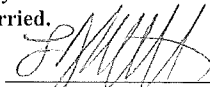
The vote resulted as follows:

Ronald Rhodes, yes

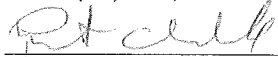
Lonnie (Joe) Craft, yes

Charles (C.J.) Lovejoy, yes

The motion carried.



Lonnie (Joe) Craft, Chairman



Robert Caldwell, Fiscal Officer