

THORN TOWNSHIP ZONING COMMISSION MEETING MINUTES

Date: 3-21-2023

Meeting Type: Regular & PRD “The Nest @ Buckeye Lake” Meeting

Meeting Location: Thorn Township Building, 13780 Zion Road, Thornville, Ohio

Board Members Present: Jim Hay, Brad Blain, Wayne Gniewkowski, Mark Becker, Alternate Mary Alice Stidham, and Alternate Sandy Davis

Zoning Department Members Present: Ed Corns, Zoning Inspector, Deborah Morgan, Zoning Secretary, & Peter Griggs, Zoning Attorney

Guests Present: Rick Wilson, Rhoda Stevens, Chuck Daley, Marci McCaulay, Anthony Grindley, Susan Bowersock, Jackie & Jeff Garber, John Santo, TJ Edwards, DDS, Jeff Zemolong, Margie Hampton, Kyle Mathews, Kimberly Yenni, Aaron Locke, Roy & Deb Dawson, Gail Davidson, Todd Brune, Teresa Bateson, Dan Rozzo, Donny & Candy Hendry

Chairperson Gniewkowski opened the March 2023 regular meeting at 6:30 p.m. Roll call was taken and the following members were present: Brad Blain, Jim Hay, Mark Becker, Wayne Gniewkowski, Alternate Mary Alice Stidham, and Alternate Sandy Davis. Member Mark Huggins was absent.

Planning & Zoning Board Member Mark Becker and Alternate Member Sandy Davis will not vote on any motions pertaining to the PRD Application being discussed in this meeting. Mr. Becker and Mrs. Davis live within the immediate area of the proposed development within the PRD Application.

The minutes of the February, 2023 regular meeting were reviewed. Jim Hay moved to approve the minutes as presented, Mark Becker seconded the motion. The motion passed by a yes vote of all regular members present.

PRD “The Nest at Buckeye Lake”

Chairman Wayne Gniewkowski introduced Attorney Rebecca Mott, representative for the developer of the proposed PRD project “The Nest at Buckeye Lake”. Ms. Mott introduced Todd Ferris and Todd Stanhope who is in attendance to speak on subjects concerning the proposed development.

Ms. Mott requested a moment to speak with the Township’s legal counsel, Attorney Pete Griggs. Attorney Griggs took a moment to speak with Attorney Mott.

Attorney Mott spoke to the Planning & Zoning Board and meeting guests by first describing the proposed PRD Development. It will be a 45-acre, 1 parcel tract, with 195 single family detached & attached homes on platted lots, each to have access to Buckeye Lake. The developer will offer 1, 1 ½, and 2 story units. All guidelines in the zoning text of the PRD section of the Thorn Township Zoning Regulations will be followed. Attorney Mott stated that the development will be of a high level of quality design and buildings amenities. The development will have open-space, gazebo, tennis court, volleyball court, pickle ball court and walking paths. Attorney Mott stated that the developer will be working with Army Corp of Engineers to remove some of the property from the floodplain and wetlands. Attorney Mott stated that this development meets the current Thorn Township Comprehensive Land Use Plan, Ms. Mott described how this development meets the Land Use Plan, with the following items.

Page 38-39 of the Thorn Township Land Use Plan talks about the desire of the Township to have a compact design to lessen cost for infrastructure, a walkable neighborhood community, that the community foster healthy activities. Ms. Mott stated that the proposed development meets all of those items. Ms. Mott stated that their will be 14.38 acres of open space, which is more than required and exceeds the Comprehensive Land Use Plan’s recommendation. The development offers different housing with high quality buildings. The development will support and foster a healthy community by creating walking/biking paths.

Ms. Mott stated that the development will have all of the governmental services, such as electric, water and sewer services. A traffic study was completed and the study showed that this proposed development will not impact the area in a negative manner, regarding traffic. Each unit will also have a garage.

Ms. Mott stated that the developer held a meeting with the neighbors who were within the area of the proposed development. This meeting was held to discuss and answer neighbors’ questions. Ms. Mott stated that she walked with the neighbors so that they could show her some trees that were of a concern, as they were fallen and blocking the flow of water in Honey Creek. Ms. Mott stated that some of those trees have been removed. Ms. Mott stated that this developer wants to be a good neighbor and is willing

to expand an area of the channel that does get narrow for better navigation of the channel by boat, for the neighbors that are most affected by that narrowing of the channel.

It was stated that the streets in the development will be private and will be 22 feet wide and no parking will be permitted. Ms. Mott presented renderings of what the homes would look like in the development.

The proposed increase in tax calculations were also discussed. Ms. Mott presented a handout with an estimate of what may be received in taxes and how it would be distributed. The handout showed estimated revenue from homes that would be valued at the following amounts: \$475,000, \$575,000, \$675,000, \$775,000, \$875,000.

Ms. Mott stated that she would take questions from the Planning & Zoning Board and the guests. Ms. Mott stated that she would answer all of the questions at the end of the questions.

Questions from the Planning & Zoning Board:

Jim Hay – Has the adjacent property owner (Owens) been contacted and what are their thoughts on the proposed development

Brad Blain – Wanted to know what the current zoning of this property is. Has the Fire Chief looked at the plans and what are his thoughts on the streets regarding fire services. What are their plans for snow removal, regarding where the snow would be pushed to.

Mary Alice Stidham – Had questions on the traffic study and the dates of when the study was performed.

Jim Hay – Had concerns with the elevation of the canals and how high the banks would be, in relation to the safety for children in the area.

Answers to the Planning & Zoning Board's Questions by Ms. Mott:

Jim Hay Question - Adjacent property owner Mr. Owens has been contacted and they are currently working with him, Mr. Owens has agreed to provide an easement for an exit and entrance to the development from his property. Ms. Mott stated that their relationship with Mr. Owens is a very good one and he has shown support for this proposed development.

Brad Blain Questions – The current zoning for the property is Northwest Residential. Ms. Mott stated that Fire Chief Jeremy Weekly has reviewed the proposed plans and has stated that he is fine with the proposed streets and that he is fine with the development regarding the ability for his fire department to access the area for fire services. Todd Ferris spoke about the issue of snow plowing and stated that there will be areas of space that larger amounts of snow can be held if needed.

Mary Alice Stidham Question – The traffic study that was performed was explained in more detail and the traffic study was approved and signed off on by the Perry County Engineers. The traffic study showed that there was nothing needed by the developer regarding traffic signals, etc.

Jim Hay Question – Ms. Mott stated that the homeowners/lot owners will be made aware of the waterways and the developer can only do so much regarding the safety of the children from falling into the canals that will be created in the development. Ms. Mott stated that they are willing to look at the feasibility of any safety additions that could be made.

Ms. Mott also reported that there will be an HOA (Homeowners Association) and they will be maintaining all of the canals and landscaping, etc. The developer will apply with ODNR for any permits when the time is appropriate. Nationwide permitting with the Army Corp. of Engineers has been started and they will comply with all ODNR regulations and requirements. Ms. Mott stated that they will follow all permitting processes the Township has for boat docks.

Questions from Visitors:

Dan Rozzo, Twp. Rd. 403 – Mr. Rozzo stated that he felt it peculiar that they did a traffic study in January and October. Why was the traffic study not done in May? Mr. Rozzo stated that he felt it prudent that they look at the flow in months 5 through 9. Mr. Rozzo is concerned with the additional traffic.

Theresa Bateson, Twp. Rd. 403 – Ms. Bateson stated that there are still trees that need to be removed, there are still trees down in Honey Creek. Ms. Bateson voiced her concerns with future issues that may arise due to the trees that are still down in the creek.

Rhoda Stevens, Twp. Rd. 403 – Ms. Stevens stated that all of the trees that were down during the walkaround that Ms. Mott did with the neighbors are still there.

Dan Rozzo, Twp. Rd. 403 – Mr. Rozzo voiced concerns about the trees and wanted to know if the developer would be willing to take some of the dirt that would be removed during the construction and place it on the east side of Honey Creek to assist in flooding.

Jeff Zemolong, Rustic Lane – Mr. Zemolong stated that flooding doesn't come from the creek or the lake, the flooding comes from the corn fields. Mr. Zemolong had questions on raising the elevation to get out of the floodplain. By doing that it pushes water onto others and he is concerned about that issue. Mr. Zemolong stated that at previous meetings on this development it was requested by the Planning & Zoning Board to reduce the amount of homes in the development, are they willing to reduce the amount of

homes? Mr. Zemolung wanted to know the water and sewer capabilities, he asks that question because at a previous meeting it was stated that there was not enough capacity for water and sewer taps, how is there now enough?

Todd Brune, Twp. Rd. 500 – Mr. Brune stated that density is an issue, too much of a burden on the infrastructure and schools. Mr. Brune stated that at all of the previous meetings the density issue, tree issue, and flooding issues have been mentioned and it never is addressed by the developer. Mr. Brune stated that the fact that the traffic study was done in January and October is an insult and they clearly don't know the area.

Kyle Matthews – Mr. Matthews had questions on if the HOA will have restrictions on Airbnb's.

Answers to the Guest Questions by Ms. Mott:

Dan Rozzo question – Todd Stanhope from Smart Services explained the traffic study and stated that all requirements and guidelines were followed. Mr. Stanhope stated that peak hour weekday traffic was used and adjustments were made to address seasonal traffic. Ms. Mott stated that the outcome of the traffic study stated there were no changes needed to be made by this proposed development. If there is a traffic problem with the current traffic, that is an issue for the County. The developer should not be made to make changes if they did not find evidence in a reputable traffic.

Teresa Bateson & Rhoda Stevens question– Ms. Mott stated that if the trees that are down belong to the developer they are willing to do all that can be done within their authority to remove the trees. Ms. Mott stated that it can be noted on any plans that are approved, if the trees are proven to be the developers they will remove them.

Dan Rozzo question– Ms. Mott stated that if there is enough of dirt removed during construction, that dirt can be used to increase the height of the bank on the East side of Honey Creek, as long as it is approved by a regulatory agency.

Jeff Zemolung question – Ms. Mott stated that they can not and will not add to flooding. All laws about storm water will be followed. Governmental agencies will be involved and they will comply with all guidelines. Ms. Mott stated that all stormwater that will be remedied on the proposed lot may help other area flooding. Ms. Mott stated that a letter was provided by Thornville Village Administrator Traci Sturgill that states there is sufficient water and sewer capacity for this project.

Todd Brune question – Ms. Mott stated that the PRD Code sections in the Thorn Township Zoning Regulations are met by the proposed PRD. Ms. Mott outlined the points in the PRD code and standards/criteria that have been met. The density of the proposed project meets all criteria under the code and the Thorn Township Comprehensive Land Use Plan, that the Township developed. The project will be 45 acres with 32% of common open space which is more than noted in the regulations. Ms. Mott stated that the traffic study Mr. Brune questioned was done properly and signed off by the County Engineers, and it states nothing additional is needed by the development.

Kyle Matthews question – Ms. Mott stated that the developer is not 100% on saying no to Airbnb's.

After no further discussion Planning & Zoning Board member Brad Blain moved to deny the recommendation of the PRD Application to the Township Trustees, Planning & Zoning Board Member Jim Hay seconded the motion. The motion passed by a unanimous vote of yes votes by members Blain, Hay, Stidham, and Gniewkowski.

Township Zoning Attorney Peter Griggs stated that this information will be provided to the Thorn Township Trustees and they will have 30 days after the receipt of the Planning & Zoning Boards recommendation to set a public hearing. The Trustees can approve, approve with modification, or not approve the application.

Open Items for Discussion

None

Update from Zoning Chairman Gniewkowski on Status of Zoning Regulation Re-write

Attorney Peter Griggs stated that the zoning regulation re-write is moving forward

Update from Zoning Co-Chairman Blain on his findings from Fairfield County on Solar Panel Regulations

Mr. Blain stated that he reached out to Walnut Township and Fairfield County on the issue of solar panels and have not heard anything back yet. Attorney Griggs stated that anything over 50 megawatts are under purview of the County Commissioners and anything less than 50 will be added to the zoning language in the zoning re-write.

Zoning Inspector Report

Zoning Inspector Ed Corns reported the following recent permits:

- Accessory building on St. Rt 188
- New construction on Harbor View Lane
- New construction on Blackbird Lane
- New Construction on High Point Road

Room addition on Twp. Rd. 83
3 Lot splits in Snug Harbor

Visitor Comments

None

Zoning Commission Member Comments/Questions

None

Agenda for next Monthly Zoning Meeting

Open Items for Discussion

Reminder that the April regular planning & zoning meeting has been cancelled, the next regular meeting will be held on May 8, 2023 at 6:30 p.m.

After no further business the meeting was adjourned at 7:48 p.m.

Respectfully submitted:

Deborah Morgan, Zoning Secretary