

**KINGSTON TOWNSHIP ZONING COMMISSION
9899 STATE ROUTE 521
SUNBURY, OHIO 43074**

**AMENDED/FINAL
APPROVED: 02-22-07**

**PUBLIC HEARING MINUTES
November 9, 2006
CASE 01-2006-R**

Siemer Land Company / Robert Weiler Company
41 South High Street
Suite 1010
Columbus, Ohio

Siemer Land Company LLC c/o The Robert Weiler Company (Applicant) has submitted an application requesting a zoning district change classification from (FR-1) Farm Residence District for 605.76+/- acres, in an area of Kingston Township generally located east of Blue Church Road, north of Rosecrans Road, and west of State Route 61. The applicant is proposing among other features the development of 310 homes in a development (Pastures at Blue Church) on approximately 1/3 acre lots with sewer service and lines installed to the Northstar sewage treatment plant, roads and open spaces.

Meeting Called To Order:

Ms. Burrell introduced commission members: Doug Harsany, Craig Cope, James Grove, Dewey Akers, Maribeth Deavers (alternate) and Bob Talbott, Zoning Inspector.

Swearing In:

Court Reporter Ms. Kathy Cathell swore in the commission members, the applicant and the public.

Introduction By Applicant:

Mr. Robert Weiler introduced his son, Skip Weiler; Jennifer Ross representing the Floyd Browne Company; Attorney Jill Tangeman; and Chief Financial Officer Mark Schell.

Introduction Of The Case:

Mr. Talbott introduced Case 01-2006-R.

Mr. Talbott presented the Delaware County Regional Planning Commission (DCRPC) meeting minutes of October 26, 2006 attached as Item 1. Mr. Talbott discussed DCRPC staff comments, conditions, recommendations, preliminary development plan requirements, conformance with the Kingston Township Comprehensive Plan and the township staff findings.

Public Comments:

Mr. Joe French spoke of concerns with the swamp conditions of the land and the insect control.

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Mr. James Martin questioned the August 2006 statement from Mr. Robert Weiler, stating the sewer lines would not be extended to the Pastures at Blue Church.

Discussion was held on construction of the sewer lines in the road right-of-ways, the vacant land and existing resident access to the sewer services.

Mr. Wendell Taylor questioned Mr. Weiler regarding a sewer easement with adjacent landowners.

Applicant's Response:

Mr. Robert Weiler stated that he had no intention to extend sewer from Northstar until the Delaware County Health Department would not approve septic tanks for the proposed development. He indicated that insect control would be the responsibility of the home owner's association and the county.

Mr. Weiler stated that the sewer lines would cross Rosecrans and Carter's Corner Roads. He also stated that he would never install a sewage treatment system in the Pastures at Blue Church, and that he has commitments to grant sewer line easements for landowners.

Public Comments:

Ms. Louise Douce voiced concerns regarding the small lots and questioned the possibility of ½ acre sites. Ms. Douce also voiced concerns with the traffic. Ms. Burrell and Mr. Talbott spoke of concerns with the fourteen feet of space between home sites.

Mr. Newell questioned upscale homes with a size of 1500 square feet of living space. Mr. French questioned a need for a variance to construct the homes due to lot size. Mr. Martin Foreman questioned the proposed reserve acres, commercial sites, homeowners association and the stables. Mr. Foreman also questioned the projected construction start and ending dates.

Ms. Elaine Eddy expressed a thank you for the proposed walking and jogging trails and open spaces within the project. Mr. Sewell voiced concerns with the density and clustering of the homes. Mr. Martin questioned the Weiler Group's far share with roads. Mr. Taylor questioned the proposed abandonment of Blue Church Road.

Applicant's Response:

Ms. Tangeman discussed the traffic study, and the engineer's recommendations to construct right turn lanes on Wilson road and State Route 61. Mr. Robert Weiler stated the road changes are an expense to the developer. Ms. Tangeman stated that old Blue Church Road would be abandoned. Mr. Weiler stated the project would begin as soon as possible. Mr. Weiler stated the Northstar project would appeal to golfers and the Blue Church project to equestrians. The Northstar homes would attract the buyers for a larger home. The homes are equal to the code regulations.

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Mr. Robert Weiler stated that sidewalks provided would become property of the township or the county, and the home owner's association would maintain the green space. Mr. Skip Weiler stated the development would have mounded borders and some fencing surrounding the property. Mr. Robert Weiler stated the reserves would remain as reserve areas.

Commission Member Responses:

Ms. Burrell discussed the turn lanes were not stated on the plan. Ms. Burrell questioned the widening of the roads and the State Route 61 traffic study.

Mr. Harsany questioned the home construction, drainage and sidewalk availability. Ms. Burrell discussed the fourteen feet between each home, the need for firewalls and side load garages. Mr. Akers approved of the stated setbacks. Mr. Cope questioned if the Weiler Group would work with the five recommendations from the DCRPC?

Applicant's Response:

Ms. Tangeman stated that the traffic study reflected the widening of the roads was not necessary but two right turn lanes would be required. Mr. Skip Weiler stated that the engineers would prepare studies on the drainage. Ms. Ross stated that the open spaces could protect the wooded areas.

Mr. Skip Weiler stated the home construction materials have not been determined. Mr. Robert Weiler stated that they would comply with the recommendations from the DCRPC.

Members Response:

Mr. Harsany questioned if the increase in lot width could be to ½ acre lot size. Mr. Skip Weiler stated that the increase in depth of the lots would not increase the value. Mr. Akers stated the increase of lot size would lose approximately fifty acres of green space. Mr. Grove stated the lot sizes should be increased, or decrease the number of homes.

Ms. Deavers stated the development would provide a conservation plan and save the attributes of the township. Ms. Burrell stated the residents requested the zoning codes and the codes should be followed. She also stated that the residents pay the taxes. Costs to the township are the schools, safety and the traffic.

With the request for the larger lots, Mr. Skip Weiler stated that they should go back to the old plan due to the cost factor to the developer. Mr. Robert Weiler stated density should not be considered.

Motion To Deny:

Mr. Akers made a motion to deny the application and stay with the FR-1 zoning, which was seconded by Mr. Grove.

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Mr. Skip Weiler questioned if the commission would consider the same number of homes as submitted if they compromised by increasing the side yard from seven to twenty-five feet?

Ms. Deavers stated that the Kingston Township Zoning Code stated in Item 8 that the township had the opportunity to compromise. Mr. Harsany stated that the code was written for the people, and the set backs are in the code. Ms. Deavers stated that the right of discrimination is with the PRD and that it is negotiable.

Ms. Burrell requested a vote by the Planning Commission on the motion made by Mr. Akers to deny the application. Roll call:

Harsany	yes
Cope	yes
Burrell	yes
Grove	yes
Akers	yes

The motion carried and the application was denied.

ADJOURNMENT:

The hearing adjourned approximately 9:45PM.

SUMBITTED BY: Bonnie Newland
Amended By Dave Stites