

VILLAGE OF SUNBURY  
PLANNING AND ZONING COMMISSION  
FEBRUARY 24, 2020

Mayor Tommy Hatfield called the Sunbury Planning and Zoning meeting to order at 6:30 p.m., on February 24, 2020, in Council Chambers at Town Hall with a moment of silent prayer and the Pledge of Allegiance.

Those answering roll call: Tommy Hatfield, Joe St. John, John Lieurance, Joe Gochenour and Rick Ryba

Also present: Dave Parkinson, David Brehm Allen Rothermel and Steve Pyles

**Major Site Plan Review** - 1804 Properties is proposing to build a 5,000 S.F. commercial office building on parcel B of their lot located on North Miller Drive. The building is nearly identical to the recently completed building on parcel A, which has been fully occupied. This was an agenda item carried over from the January meeting.

Kurt Lape presented on behalf of the owners. He noted that following the discussion at the January meeting regarding setbacks, they have revised the site design to rotate the building 90 degrees so that the front of the building now faces the west. He further noted that the remaining issue is related to the fact that the property to the north has received an approval for rezoning, a new setback may apply and a path forward for the project is needed.

Engineer Parkinson presented his thoughts, noting that the required side yard would be just over 28 feet and the applicant's plan shows 44 feet. He noted that with the rezoning the nearest home to the north would be 125 feet. He concluded that the applicant and applicant's engineer have responded to all questions and concerns, he does not take issue with the site plan other than the pending question of how we deal with the setback given the rezoning of the property to the north.

Mr. St. John stated he does not have an issue with the setback given the buffering distance, including a private street, between this site and the future residential development.

Mr. Brehm stated that a unique set of circumstances have created this situation and a concern for precedence should not be a factor. He stated the rezoning has been passed but has a 30-day waiting period, which would make the effective date March 6<sup>th</sup>. He continued that if Council hears and approves the site plan at the scheduled meeting next Wednesday prior to March 6<sup>th</sup> and approves it by emergency then no technical conflict will exist. The plan has had two Planning and Zoning meeting reviews, with possible approval tonight, and is a copy of the existing building, which could lead to Council having a level of confidence to pass with emergency, especially if there are exigencies with getting the project under construction. This would avoid the issue and the need for a variance. If a variance was needed because of a technical issue, it would be processed through the Planning and Zoning Commission as the Board of Zoning Appeals has not been constituted under the new charter.

Mayor Hatfield asked for any additional comments from the board, he stated he agreed with Mr. St. John's statement on setbacks. Mr. Gochenour concurred.

A motion for approval of the major site plan was made by Mr. St. John, seconded by Mr. Gochenour.

Under discussion of the motion, Mr. St. John stated it was a good idea to split the difference in the revised site plan and that the overlay that shows both projects indicates a good solution is being proposed. Engineer Parkinson agreed it was a good solution. He further stated the revised site plan is superior to the original submission.

Mr. Brehm stated that both projects are using the same engineering firm and thus communication and coordination between the projects should be maximized. Engineer Parkinson indicated he has seen collaboration and communication between the two projects happening.

Mayor Hatfield called for a roll call on the motion of approval. It was passed with five ayes.

**Preliminary Major Subdivision Plan Review** – Romanelli and Hughes has submitted a preliminary subdivision plan and plat for review through Advanced Civil Design for 36 patio homes located on property bounded by 1804 Properties, North Miller Drive and Sunbury Estates. The subdivision has been named Miller's Cove.

Engineer Parkinson began the review noting that the applicant's engineer, who was not present, perhaps thought the meeting started at the same time as council at 7:30 p.m.

Mr. St. John offered that he is open to starting the dialog and review of the agenda item and to see where that leads the commission.

Engineer Parkinson stated there were just a few items in his review. One was an open ditch that the applicant has agreed would be enclosed in pipe so that item was resolved during the review process.

The second item on the Engineer's review was a concern to assure that drainage on the site would be captured and not drain to the adjoining properties to the north. He has been unable to ascertain that has been accomplished completely because of the scale of the submitted documents. The applicant's engineer has stated the last revision to the plan resolved this issue. Engineer Parkinson said he is comfortable with dealing and resolving this issue during the construction drawing review stage as the plans will be at a finer scale. He has committed to the surrounding neighborhood that drainage will be improved over the current conditions of the undeveloped land and that storm drainage will be captured and not flow into the surrounding residential property to the north.

Mr. Parkinson also stated that there is one lingering issue regarding the access easement for the private road which will service the development as a secondary entrance and exit. In his opinion the developer's attorney has not demonstrated that right to build via the existing easement provided. The Engineer is agreeable with resolving this issue by having the developer document that easement during the construction drawing review phase of the preliminary plat if the commission is agreeable.

Mr. St John asked about who the parties to the easement would be. Engineer Parkinson replied that a portion of the private street is on Mr. Lape's property and an easement needs to be in place for Romanelli to be able to build the street. At this point, Mr. Warner, the engineer representing the applicant, entered the meeting. Engineer Parkinson added that Mr. Fisher, representing the applicant, reports that a blanket easement exists that would allow construction of the private street exists, he will need to review it before providing construction plan approval.

Mayor Hatfield briefly reviewed the discussions of the project with Mr. Warner. Mr. Warner offered that during the Inn at Walnut Creek project an access easement was part of that project and they were developed and can be provided. Mr. Warner also responded that he had reviewed Mr. Parkinson's analysis of the plan and that drainage and the easement could be resolved as part of the construction plans stage.

Mr. St. John asked if this was the final approval for the project. Mr. Parkinson stated that with the approval of the preliminary plat there would then be a construction plans review by his office that would need Council approval. A final plat would either be submitted concurrently or after construction plan approval and the final plat would require approval by both the Planning and Zoning Commission and Council.

Mr. St John asked about Sunbury's exposure in granting approval with the easement and drainage still in question. Engineer Parkinson replied there was limited exposure as both would be reviewed and resolved during construction plan review.

Mayor Hatfield requested any more comments or questions from the commission, there were none.

Mr. St. John made a motion to approve conditioned upon the developer resolving with Sunbury Engineer the issues of drainage and easements to construct the private street. Second by Mr. Ryba.

Engineer Parkinson expressed reservations of having conditions on the preliminary plat as those conditions would generally be, and will be, addressed during the construction drawings review phase. Preliminary plats do not generally have every detail such as those two conditions solved and verified, that is usually done on construction drawings after the preliminary plat is approved and those drawings can be developed and submitted.

Mr. Brehm noted the concern with those two items are in the comments and do not need to be contingencies for preliminary plat approval.

Mr. St. John then withdrew his motion, second also withdrawn.

Mr. St. John then made a motion to approve the preliminary plat for Miller's Cove. Second by Mr. Ryba.

Under discussion of the motion Mr. Brehm asked about future maintenance of the private streets and urged both Mr. Warner and Mr. Lape to discuss this issue with their counsel to assure the street maintenance and eventual replacement are properly secured financially for when the need arises in the future.

The motion was passed with five ayes.

No visitors chose to address the commission.

Minutes from the January 27, 2020 were reviewed. Motion by Mayor Hatfield to approve, second by Mr. Gochenour. There were no comments, corrections or additions. The minutes were approved with five ayes.

New Business – Discussion of no parking signs, location of mailboxes and the post office requiring gang boxes for new housing developments. Mr. Parkinson offered that construction plans generally do not include no parking areas or location of mailboxes and thus are not reviewed. With post office going to the gang box service standard, there is a need to start having that integrated into the construction design so that adequate parking and pedestrian facilities to access the boxes can be installed. In the case of Miller's Cove, that design element was addressed during the preliminary plat.

Next Meeting – There was a discussion of the next meeting and availability of members and staff. The next meeting was scheduled for March 30, 2020.

Motion to adjourn was by Mr. Ryba, second by Mr. Gochenour.