

DRAFT
MINUTES
VILLAGE OF SUNBURY
VIRTUAL PLANNING AND ZONING COMMISSION
April 26, 2021

Mayor Tommy Hatfield called the virtual Sunbury Planning and Zoning meeting to order at 6:30 p.m., on April 26, 2021.

The meeting was started with a moment of silent prayer and the pledge of allegiance.

Members present: Tommy Hatfield, John Lieurance, Joe Gochenour, Greg Elliott, Rick Ryba and Joe St. John.

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

Public Hearing – Sunbury Development LLC -Kintner Parkway - Variance

The applicant has requested a variance to not install curbing on the rear parking lot area of the new building site for Newman Roofing.

Mayor Hatfield opened the public hearing. Witnesses were sworn in.

Mr. Tim Newman started the hearing by summarizing his project and request. He stated for construction cost control he would like to not install curbing in the rear of the parking lot but would keep curbing within areas viewed or accessed by the public.

Mayor Hatfield then requested staff comments.

Mr. Brehm noted, for procedural purposes, the application, related materials, and proof of publication as Exhibit A. The applicant and his attorney Maddie Shanahan agreed.

Mr. Parkinson deferred his comments until the regular portion of the meeting.

Mayor Hatfield noted there was no one from the public who had contacted Sunbury to speak for or against the variance. He then closed the public hearing.

The applicant and his attorney stated they had nothing more to add during the hearing.

Public Meeting Commenced with all members still present.

Commission Review - Sunbury Development LLC – Kintner Parkway Variance

The applicant has requested a variance to not install curbing on the rear parking lot area of the new building site for Newman Roofing.

Mayor Hatfield opened the meeting to Commission questions or comments.

Mr. Brehm noted a need for balancing code requirements, aesthetics, and cost. He referenced a similar case in the area where a partial curb removal variance was granted and created some precedence. Mayor Hatfield noted other buildings in the industrial park have a similar arrangement.

Mr. Newman stated the economics are challenging with buildings and cost escalation and that he is investing in the appearance of the building within the public's view. Mayor Hatfield made a motion to approve the variance as discussed. Second by Mr. Ryba. Upon roll call vote, there were six ayes and the motion passed.

Commission Review – Gibson Fence – 414 Greenbrier Rd

Andrew and Roxane Gibson are seeking Commission approval to construct a privacy fence within the side yard of their home. Their home is a corner lot located at the intersection of Greenbrier and High Streets.

Mayor Hatfield introduced the agenda item and mentioned the fence code was a newer addition of the zoning code.

Mr. Gibson presented his request to the Commission noting the speed of vehicles on High Street and the need for the security of his children and dogs, and for privacy. He would like to construct a fence to six feet in height. He also intends to remove some bushes in the tree lawn to facilitate better vision at the intersection.

Mayor Hatfield provided some brief background related to fencing in the side and front yards.

Mr. Ryba asked the applicant about the intended type of fence. Applicant responded six-foot dog-eared style. Mr. Ryba then asked about a decorative metal fence as an alternative. There was a discussion of the applicant's intention for color and the intended use of the fence to separate his dogs from pedestrians.

Mr. Brehm provided further background on the fence code and the cause of why a privacy fence prohibition on front and side yards on corner lots was prohibited.

A decorative fence is allowable to be closer to the right of way on these types of lots. This is the first case of a request for an exception to the zoning code.

Mayor Hatfield asked for some clarification, there was a discussion of where a privacy fence could be located on the lot, which would be coming off the corner of the house, which would keep them outside the setback.

Mr. Elliott asked about pedestrian traffic along the High Street side of the house. The applicants stated there is a lot of foot traffic on that sidewalk. Bike traffic is also heavy on the street. The applicant stated the backyard space is limited and would like to have as much enclosed by a fence as possible.

Mr. Elliott asked if Sunbury had received any neighbor comments, Mr., Brehm replied that this part of the code does not require public notice as this is an appeal from the Zoning Inspector's decision.

The applicant further described their situation and the impact upon the location of the fence.

Mr. Gochenour commented that the Commission should remember the intention of the code and that two feet off the sidewalk there will be a physical and visual impact from the proximity of the fence. The applicant began to stream the view of their property.

Mr. Ryba commented that part of the intent of the code was related to driving traffic, visibility, and curb appeal. The applicant agreed that maintaining the material will be important and he will perform the necessary maintenance. They continued the property tour for the Commission expressing concern for space if a compliant fence was constructed.

Mr. St John asked Mr. Brehm if the applicant comes off the sidewalk 20' off can they install a privacy fence. The response was they can construct a privacy fence if it is outside the setback. Mr. Brehm summarized options based upon privacy or a decorative fence. Mr. St. John shared computation on the enclosed fence portion of the backyard based upon making the privacy fence compliant with the code, it is approximately a 15% reduction. He summarized his position related to conformity and that he could not support the applicant's request. Mr. Elliott agreed with a concern for being consistent with the code.

Mayor Hatfield commented to the applicant that it does not look like the request will have sufficient support to be approved. Mr. Gibson then asked about constructing a four-foot fence. There was a discussion of the definition of decorative fencing and the ratio of opaque materials to air.

Discussion continued with the applicant summarizing options. The applicant noted one dog could clear a four-foot fence by jumping. He also asked about how far the decorative fence would have extended through the setback area. Mr. Brehm clarified the six-foot fence needs to stop at the set back and then step down to the privacy fence. The motion to approve would have to include a combination of two fence styles. Mr. Parkinson also recommended a property survey to assure his property line is accurate given the applicant intends to come close to the property line at the sidewalk. Mayor Hatfield made a motion to allow the applicant to have two types of fencing. Mr. Brehm specified that it could be privacy fencing inside the setback and a decorative fence outside the building setback along High Street. Mr. Elliott seconded the motion. Upon roll call there were six ayes and the motion passed.

Informal Review – Eagle Creek Subdivision

Mr. Schrim and Fisher will be providing an informal presentation regarding a project located west of I71 along Three B's & K Road.

Mayor Hatfield introduced the project and turned over the discussion to Mr. Fisher and Mr. Schrim.

Mr. Fisher noted that this was informal discussion prior to rezoning submission. A preliminary plan was shared, and he provided highlights of the number of single-family housing lots to be created. He also noted that there was a portion of the property in the NE corner to be used for multi-family. He observed that because of the proposed location of a south-bound entry ramp to I71, this area was not appropriate for a single-family housing product. It is their opinion that the location of the property is better suited to a residential use in comparison to a commercial use.

Mr. Schrim added that they are working with Pulte to match products and working with the county for access. He also noted that they have included an open space component to the preliminary design.

Mr. Fisher concluded the presentation by offering to take questions.

Mr. Ryba asked about fitting the number of units of multi-family units on the reserved acreage. Mr. Fisher stated that was not an unusual density. Mr. Ryba asked about height, Mr. Schrim replied that density could be achieved with three stories. They attend to build a higher ratio of one-bedroom apartments to achieve density and minimize student impacts.

Mr Brehm asked about the timing of multi-family and sequencing. He also asked about value of the multi-family component. Mr. Schrim replied that the current demand is for single family lots, and the multi-family portion must be coordinated with the proposed new interchange and related road improvements so that access is not through the single-family component of the development.

Mr. Brehm offered some ideas about configuration of the land, the amount of proposed multi-family housing and potential buffering to the interstate. Mr. Schrim replied they will study that idea.

BST&G Chief Kovach asked about a second entrance, it would be a requirement per a fire board resolution. He also noted the length of streets and the need for hammer head turn arounds.

Mr. Fisher asked about consideration for a single entrance for a phased approach.

Chief Kovach replied the first yellow phase could be considered for single access, but once the developer moved into a second phase in orange multiple access points would be needed. Mr. Kovach did comment that higher story buildings beyond three are not a fire department related issue.

Mayor Hatfield remarked that it is good to come in early and work out some ideas and issues related to the planning of the development.

Informal Review – Sunbury Commerce Park

Mr. Fisher and others will be providing an informal presentation regarding a mixed use project located at Sunbury Meadows Drive and Granville Street.

Mayor Hatfield recognized Mr. Fisher to present.

Mr. Fisher noted this potential development has been under development for a few years. He then reviewed the conceptual site plan noting Mr. Romanelli owns the southern portion of the site, another developer owns the northern parcels. Mr. Brehm provided some locational context for the Commission. The two parcels are known as the Sunbury Commerce Park. It was originally zoned and envisioned to be an industrial park. Over time, there was some industrial development, but the southern side of Granville Street did not develop fully with industrial.

There was a previous discussion with Mr. Romanelli about rezoning to multi-family, Sunbury had responded that they would prefer a wholistic approach including the northern parcel fronting the street under separate ownership. Mr. Fisher also spoke about the proximity to the downtown district and how some of the other parcels were becoming an extension of that area in terms of commercial use. The thought was that area could become retail and commercial extension of downtown. Mr. Fisher stated Mr. Romanelli had approached those owners about a combined rezoning effort to create a mixed-use development of multi-family and commercial development along Granville Street. He noted that they had worked with that owner to minimize curb cuts along Granville Street. The commercial developer does not have specific plans, they are contemplating retail and office along Granville Street and potentially a restaurant closer to the pond. It is still in the early stages of development.

Mr. Fisher then moved on to the southern property and the multi-family proposal. He noted this would be of the quality of a Romanelli multi-family product. He then noted the inclusion of a multi-use trail connection that Sunbury has been working to achieve. The developer is committed to create this connection as part of the rezoning.

Mr. Fisher then reviewed the architectural renderings for that portion of the project. He noted the quality of the product and the inclusion of a club house.

Mr. Fisher summarized the rezoning request and the benefits they see in the project. Mayor Hatfield asked about timing. Mr. Fisher replied it would be forthcoming, likely in a few meetings depending upon comments of the Commission.

Mr. St. John asked about the commercial product, would it be two stories or one story.

Mr. Fisher said that the developer is too early in the process to say.

Mr. St. John noted the Sunbury Meadows access point does not align with Anthony Dental and asked Engineer Parkinson to comment. Mr. Parkinson did reply it would need to be studied.

Mr. Fisher asked if a tree survey was necessary? He noted few trees are present other than along the route of the multi-use path. Mr. St. John and Mayor Hatfield replied that is a valid observation and may be waived given the lack of trees on the project site.

Mr. Brehm requested Mr. Fisher clarify the commercial area and location of parking.

Mr. Fisher stated that is the way it is planned and that seems to be current design style.

Mr. Brehm added that the current zoning is Planned Industrial. With the bridge on Granville, this has become an entrance way to the downtown and Sunbury has been exploring the implications of industrial zoning in this area and ways to make it a better entrance way and transition into the core of the community. This is a positive for the rezoning request from that perspective.

Mr. Brehm added a few other comments, including high quality, transitional use and the advantage of having the multi-family use within walking distance of the core district and the need for roof tops to generate downtown vibrancy.

Mr. Gochenour stated he would prefer storage units over multi-family. He opposes more multi-family development and would not support the proposal. He is concerned about long term maintenance of the development.

Mr. St. John noted that the plan has evolved, and the presented renderings are improved in quality and refinement at many levels.

Mr. Elliott commented that he likes the plan to some degree. He is concerned about housing growth, but there are positive elements.

Mayor Hatfield noted he did want to see a comprehensive plan for both parcels.

He sees proximity and transition to the downtown as a positive and is supportive of a comprehensive plan for both parcels.

Mr. Elliott noted some parking is located along Sunbury Meadows as head in parking. That would be a concern. He also asked about commitment and timeframes for the northern property owner. Mr. Fisher stated they would have commitments through the rezoning that would restrict and describe potential uses through the planned zoning text.

Mr. Ryba noted traffic impacts upon Sunbury Meadows going south to access State Route 3. There was discussion of Sunbury Meadows as a thru street and density impact.

There was a discussion to clarify the bedroom and unit counts.

Mr. Fisher said he appreciates the comments and will work on clarifications and the input.

Mr. Parkinson offered comments regarding reconfiguring Granville Street for on-street parking adjacent to the commercial area. He noted the lack of a sidewalk on that side

of the street and the constraints posed to pedestrians at the bridge. There was a discussion that a TIF might be used to complete those two improvements.

Mayor Hatfield asked for other questions from the Commission, there were no further questions.

Mr. Fisher thanked the commission for their time.

There were no visitors who registered to speak.

Mr. St. John moved to approve the minutes, second by Mr. Elliott.. The minutes were approved with six ayes,

Mr. Pyles reviewed his zoning report. He noted some significant increases in permit activity, new builds are slightly ahead of last year and offered to answer questions. There were no questions.

Mr. Gochenour asked about development and when Sunbury reaches a point of too much density, he also asked about divergences and variances. He advocates spreading out development with larger lots.

Mayor Hatfield responded that, in regard to planned districts divergences are a way to have changes make sense. He added there is a balance between property rights and the zoning process with the Commission playing that role in striking a balanced judgement.

Mr. Brehm noted the difference between divergences and variances and the use of planned districts to look at a totality of a plan.

Mr. Elliott remarked if we have done a density study and how growth will impact public facilities. Mayor Hatfield stated the master plan does take those concerns into account. Mr. Elliott asked if there is data to back up that preparation?

Mr. St. John commented that single family unit impact has a larger financial impact than multi-family, it has a similar reduced impact upon transportation infrastructure.

Mr. Brehm stated that growth is a topic that needs continuous monitoring and discussion, including comprehensive plan updating. Discussion on the topic was extensive.

Mr. St. John noted that we endeavor to look at each individual plan on merit, his preference is to provide guidance and have plans evolve in quality.

Mr. Brehm noted the role of TIFs with commercial development and the ability to leverage funds for public improvements of transportation.

Next meeting is May 24, 2021.

Motion to adjourn by Mr. Elliott, second by Mayor Hatfield.

Mr. Gochenour thanked Mayor Hatfield for his service.

Meeting was adjourned with six ayes at 8:49 p.m.