

**MINUTES  
VILLAGE OF SUNBURY  
PLANNING AND ZONING COMMISSION  
June 1, 2020**

Mayor Tommy Hatfield called the Sunbury Planning and Zoning meeting to order at 6:30 p.m., on June 1, 2020, in a virtual format with proceedings streamed to the public, with a moment of silent prayer and the Pledge of Allegiance.

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

Also present - Dave Parkinson, David Brehm, Allen Rothermel and Steve Pyles , Applicants and Public Hearing Respondents to Public Notices

**Public Hearing – Newman Industrial Park – Triple A Holdings LLC – Rezoning**

Tim Newman is requesting the zoning of the Paprocki property, Parcel Number: 41713101007000, be rezoned from Not Zoned to Planned Industrial District for the northern half of the parcel, approximately 16.7 acres. The southern half of the property, with frontage of State Route 36/37, will remain Not Zoned.

Those that were present for the virtual meeting that desired to present, comment, or speak at either one of the Public Hearings were sworn in.

Engineer Parkinson began the Public Hearing by presenting an introduction, staff report and the presentation of Exhibits for the record. Exhibits were introduced as labeled in the One Drive file for the meeting with applicant concurrence. These included the application, preliminary plan and subsequent plans and related public notices.

Mayor Hatfield then requested Ms. Gwin to present upon behalf of the applicant, she presented some details about the proposed building on Lot A, with a connection to Kitner Parkway.

Mr. Williamson then spoke on behalf of the applicant. He noted the plan is for Lot A, for Newman Roofing, Lot B is the balance of the rezoned property, Lot C would be the southern portion with frontage on SR 36/37 that would be Not Zoned at this time.

Tim Newman, an official of the applicant was sworn in and spoke to his intentions for the property. His goal is to build his shop and then develop as users and budget allows for the public improvements.

Mayor Hatfield requested if any of the public on the virtual meeting had comments regarding this matter. There were none.

Mr. Brehm stated that an affidavit of the property owner agreeing to the Rezoning had been received and will be added to the record.

Mayor Hatfield asked for comments to assure the applicant and the public had provided their input, there were no additional comments. Mayor Hatfield closed this public hearing.

### **Public Hearing – Price Ponds – The Romanelli Company LLC – Rezoning**

The Romanelli Company LLC is requesting to rezone approximately 183.97 acres from Not Zoned to Planned Residential District. The property is located along Golf Course Road and the intersection with Cheshire Road.

Mayor Hatfield asked if anyone additionally needed sworn in, Mr. Wood was sworn in.

A roll call of the Commission was taken, all members were present.

Engineer Parkinson began the Public Hearing by presenting an introduction, staff report and the presentation of Exhibits for the record. Exhibits were introduced as labeled in the One Drive file for the meeting with applicant concurrence. These included the application, development plan zoning text, related public notices and a map from the application being used by Mr. Parkinson to provide an overview of the project.

Mr. Brehm asked applicant counsel for concurrence on the exhibit list for the record. Ms. Radcliffe agreed.

Mr. Parkinson indicated that a previous and different developer had submitted a plan for this property with similar zoning that proceeded through the Planning and Zoning Commission, had been heard by Council and was subsequently withdrawn by the applicant at the third reading by Council.

The proposed application is similar to the previous application, use and zoning is compatible to surrounding zoning. Mr. Parkinson noted nearly half of the proposed plan is in open space. Main entrance is at Golf Course Road, other connections will be to surrounding existing or proposed developments at three points.

Five divergences are proposed, front yard set back, rear yard setback to allow unconditioned spaces (decks, patios, sunrooms) into the setback, minimum building separation, maximum lot coverage, waiver for major tree replacement because of impracticality. Mr. Parkinson concluded his presentation.

Mr. Brehm verified with Engineer Parkinson that Exhibit F was the map that was being shared on the screen during his overview for the record.

Mayor Hatfield then recognized the applicant's representative, Ms. Radcliffe, for any additional comments. Mr. Smith and Mr. Ohlin were also present on behalf of the

applicant. Ms. Radcliffe provided some history of Romanelli Hughes and their entry to the Sunbury area. She noted a great deal of open space, trails and connections to existing facilities. The current property owners have submitted their concurrence with the rezoning. Mr. Brehm noted that an architectural rendering was portrayed and is now part of the record.

Mr. Smith, from G2, noted that the site plan changed from the informal presentation and included some changes to allow for more space. A change to the entry to allow for a future roundabout can be accommodated. Roadway width was reduced, which resulted in some additional lot depth and increased open space. Pathway connections are similar, added connections to Rolling Hills subdivision.

Mayor Hatfield requested public comments. Mr. Carlson, 750 Village Mill Drive, confirmed he was sworn in and provided his name and address. He is an abutting property owner. He thanked the planning team and developer for an improved design and dedicating the legacy woods. He further stated his question was if he could show his screen, which is part of Exhibit B, page 56. He noted a buffer to his property, and asked if there is a way to eliminate adjoining lots and place lots elsewhere in other areas. His concern is related to infringement by abutting owners into the buffer. There was a discussion of density, gross and net. Mayor Hatfield thanked him for his comments.

Mr. Wolfe, 254 Saffron Drive, asked about the main electric transmission lines and if they will be relocated underground to help with views. Mr. Smith commented they are in discussion about the lines. Mr. Wolfe noted that some of the lines run through a treed area that has had adverse impacts upon reliability. His next question was if the ponds/basins will hold water continuously. Mr. Smith indicated they are wet basins designed to continuously hold water. Mayor Hatfield thanked him for his comments.

Mr. Keeran, 9280 Cheshire Road, then testified, asking about drainage. Mr. Smith replied that they will work through drainage during final engineering, that the Sunbury Engineer will assure storm water is controlled and not shed to adjoining properties. Mr. Keeran then asked about open/recreation spaces owned by the HOA. Will the HOA maintain? Mr. Smith replied HOA except for the large woods. Mr. Keeran also remarked that the 7-foot spacing on side yards is close. Mr. Smith replied it is typical in the market and some are being more closely spaced. Engineer Parkinson added it is consistent with recently approved developments in Sunbury.

Mayor Hatfield asked if Mr. Keeran had other questions, he did not. The Mayor then asked if there were any other comments. He then asked the applicant if there were other comments. Mr. Smith stated this is an improved plan and will be an excellent subdivision for Sunbury. Mr. Brehm and Engineer Parkinson did not have further comments.

The Public Hearing was closed by Mayor Hatfield with a five-minute pause before the start of the regular meeting of the Commission.

## REGULAR MEETING OF PLANNING AND ZONING COMMISSION

Mayor Hatfield reconvened the virtual meeting of the Commission.

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

Also present - Dave Parkinson, David Brehm, Allen Rothermel, Steve Pyles and applicant guests.

### **Newman Industrial Park – Triple A Holdings LLC – Rezoning**

Tim Newman is requesting the zoning of the Paprocki property, Parcel Number: 41713101007000, be rezoned from Not Zoned to Planned Industrial District for the northern half of the parcel, approximately 16.7 acres, and the southern half of the property, with frontage of State Route 36/37 remain Not Zoned.

Engineer Parkinson began by presenting an introduction and staff report. He referenced the displayed exhibit to provide an overview of the project and to provide context.

Ms. Gwin provided a clarification to roadway facing elevations would have natural finishes. Lot A has a building plan, Lot B is to be rezoned to planned industrial and would be developed by end user need, Lot C is not being zoned with applicant to evaluate in the future.

Mr. Williamson commented they are evaluating a regional stormwater solution for the entire parcel if possible.

Commission members did not have initial questions.

Engineer Parkinson noted that there are some items pending, including a legal description of the boundary area to be rezoned, a utility plan, a grading plan addressed during engineering and as a planned district there should be development standards for the district.

Mr. Brehm commented that some of these items could be contingencies as they are expensive and are predicated upon rezoning.

Ms. Gwin commented a full legal description was submitted for the full property area but agreed it would be a necessary contingency for the area being rezoned if approved. She further commented the development standards were addressed by reference to

existing zoning code for the planned industrial district and did not intend to deviate from that code. She noted the difficulty indicating standards without end users.

Mr. Williamson commented upon the utility plan stating the difficulty for planning future developments, including the north south road. There was discussion about sanitary sewer and service to the individual property as opposed to the entire area of the rezoned and not zoned property. Engineer Parkinson indicated satisfaction with that discussion.

Landscaping was discussed. The applicant indicated a willingness to meet current zoning code for landscaping.

Mr. Brehm and Ms. Gwin discussed the plan commits to the Sunbury signage code.

Engineer Parkinson provided a clarification related to the process, he indicated the applicant put significant thought into his site, and then Sunbury moved into the zoning application with some specifics. He wanted to remind the applicant that if rezoning is approved, then there will be a major site plan for his building. He concluded that much of that work has been completed, but it is a separate process.

Mayor Hatfield asked for any other comments.

Motion to Approve the rezoning by Mr. St. John, second by Mr. Gochenour, with the following legal and engineering contingencies and approvals:

- Legal description of the boundary of the area being rezoned
- Utility plan, finalizing sanitary for the lot to be developed.
- Development standards, landscaping will comply with code.
- DelCo Service Letter

Roll Call for motion, six ayes, rezoning is approved.

The rezoning process was discussed, including public hearing at Council.

### **Price Ponds – The Romanelli Company LLC – Rezoning**

The Romanelli Company LLC is requesting to rezone approximately 183.97 acres from Not Zoned to Planned Residential District. The property is located along Golf Course Road and the intersection with Cheshire Road.

Mayor Hatfield opened discussion with Engineer Parkinson's overview. Mr. Parkinson displayed the overall plan and noted the major aspects of the project, including surrounding zoned parcels, lot dimensions and counts, open space and the wooded stand, trails and connections, roadway connections and widths, divergences consistent with recent developments (front yard setbacks, rear yard encroachment of 10 feet for nonconditioned rooms, side yard setbacks, lot coverage for some lots and waiver for major tree replacement because of impracticality with new tree plantings, dedication of

a legacy woods and a per household payment and cul de sacs with some irregular lot lines). The code does allow the commission to recommend irregular lot lines for approval to Council. He also added a corridor and space for a future roundabout would be provided. A compacted gravel trail was also provided in the dedicated woods.

Mayor Hatfield then asked the applicant to present. Ms. Radcliffe, Mr. Ohlin and Mr. Smith were present for the applicant. They addressed the elimination of a gravel loop in the woods stating there is a trail connector and other walking trails. She also noted the reservation of space for the roundabout. Ms. Radcliffe also specified gross density.

Mr. Smith addressed lot lines in the cul de sacs, stating if needed, they will address during final engineering. Engineer Parkinson stated his opinion is they are a reasonable way to deal with the lot lines and they can be addressed without a formal variance if the Commission is comfortable. Mr. Smith remarked the current plan is an improvement in open space, lot sizes increased and provided variability and that more lots border open space. He offered to answer any questions.

Questions from the Commission:

Mr. Elliott asked about a question from the Public Hearing regarding encroachment of buffers. Mr. Smith replied indicating offsets from homes are greater and restrictions can be placed via the HOA to prevent encroachment. Mr. Gochenour stated that is a good option and that the distance had increased between the first plan and this plan. Mr. Brehm added that the HOA would have standing to prevent encroachment.

Mr. Elliott also asked about density. Mr. Brehm responded that the density has improved from the previous plan and that it is allowable to use the dedicated woods in that calculation. Mr. Smith noted the density was the same in terms of the number of lots but that open space and properties adjoining open space had increased from the initial plan.

Mr. Elliott asked about proximity to homes and if it increases risk and issues in the future. Mr. Smith stated it works with current building codes, fireplace chimneys are feasible and that it is consistent with current market practices.

There was also a discussion about power lines, relocation. Mr. Smith indicated discussions with AEP are on-going and will be presented during the construction plan and final plat process.

Mr. St. John provided some background that Sunbury was having discussions with AEP about those power lines and reliability prior to COVID and that work is proceeding.

Mr. Ryba asked about parking limitations. Mr. Parkinson replied that one side will not have parking and it will be reviewed during the construction drawings phase.

The Commission did not have further questions.

Mayor Hatfield asked if any contingencies are needed if approved.

Mr. Brehm replied additional language related to the HOA having the preserved areas regulated was the only area of discussion he had noted.

Mr. Parkinson asked about how the applicant intended to memorialize the future area need for a roundabout. Ms. Radcliffe responded upon Sunbury preference by plans or in development text, they will work with their design team on how to best record that.

Mr. Parkinson asked if it should be a contingency or by testimony. Mr. Brehm indicated he preferred a contingency.

Mayor Hatfield summarized two contingencies, one for preservation of buffering areas via HOA dedication and the other for reserving space for a future roundabout if constructed at the Golf Course and Cheshire Roads intersection.

Mayor Hatfield made a motion to approve the rezoning to Planned Residential District with those two contingencies. Second by Mr. Elliott.

In further discussion, Mayor Hatfield noted he felt the plan was an improvement, there were no other comments.

Roll Call for motion, six ayes, rezoning is approved.

**Major Site Plan and Building** - Elter Building Systems has submitted an application for the construction of an additional 12,000 sf. trailer manufacturing and warehouse building on behalf of Gerling and Associates. The proposed location is 200 Kintner Parkway. This plan was continued from the 4/27/20 meeting.

Engineer Parkinson provided an overview based upon staff reviews of the project. He summarized what the applicant intended to build, use is consistent with surrounding sites and zoning. The application is for one building of what could be a series of four expansions. A lighting plan was submitted, that is acceptable. Landscaping consists of 12 arborvitaes integrated with existing trees. The building is steel with a low-pitched roof. He added he has provided a number of staff reports as the project progressed and concluded his report.

Mayor Hatfield recognized the applicant for their presentation. Mr. Elter stated that the idea of slats in the chain link was his, but they would like to remove that idea as unnecessary screening. He noted he wants to add height to the building by increasing the sidewall and the slope of the roof to allow work on the top of the trailers. They have attempted to accommodate comments.

Mr. Elmasian noted that they would add temporary pavement to allow fire access to three sides and wanted to know length. Mr. Parkinson stated it should be the length of

the building, he also asked about fire department approval of the plans. Mr. Elmasian responded they have received an email from them and can provide it, it recommends a security system, pavement on east side of building. Mr. Elter responded no fire suppression system is needed and they can separate buildings. Mr. Elmasian stated the email from the fire department turning radii were acceptable, encouraged an alarm system and follow plans and construction reviews and that the 12-inch line needs testing for fire flow.

Mayor Hatfield asked Engineer Parkinson if he concurred with the applicant's assessment that staff review items had been addressed. He responded that many of the remaining items were the purview of the Commission, is the site not viewable from street, are existing trees and plantings compliant with the buffering requirement in the Commission's opinion?

Mr. St John stated that the screening plan does not meet the Commission's concerns, and that this concern was a focus in the last meeting. Mr. Elliott also mentioned the abutting residences and doing better to screen it. Mr. Gochenour agreed that screening and buffering is the concern. Mr. Elliott asked about moving buildings to the west to allow more space. Mr. Elmasian responded it is possible, but more screening might be more effective. They do not prefer to use mounds as it will consume space.

Mayor Hatfield asked if the mound would consume land outside the buffering, no build zone. Mr. Elmasian responded because of existing trees the mound would not start at the property line and that the mound would consume more land than the buffer.

The Commission, staff and the applicants continued to discuss mounds, buffering and current property conditions and existing easements.

Engineer Parkinson noted the architectural code and natural materials and the fact that it requires such materials if visible from a street or residential area. A determination will be needed as to that criteria given distance and screening.

The Commission discussed this issue, the concern for visibility from Kintner is not of great concern and a steel building would be acceptable. Visibility from the residential area is of concern to protect and buffer that area.

There was a further discussion of moving the buildings west, the applicant does not believe it is feasible.

Mr. St John motioned to table the application, second by Mr. Elliott. Six ayes, the application was tabled.

**Preliminary Plat** -Pulte Homes has submitted a preliminary plat application for Section 16 of Sunbury Meadows located on the east side of SR3 in the northwest corner of the development. 33 lots are proposed comprised predominantly of patio style homes like those built on Common Bent Drive.

Engineer Parkinson provided an overview based upon staff review of the project. This is a preliminary plat for Section 16, there was a purchase option that Sunbury did not execute, and the development standards for subareas B and E would apply. Subarea E is the patio homes on Common Bent Drive. He then presented the staff report, including the preliminary plat plan. As a result of Sunbury comments, there is a 70 foot rear yard set back with building lines 125 feet from the centerline of State Route 3. There were also significant comments about landscaping along SR3, the applicant has provided a fairly significant landscape buffer for those homes. He concluded by noting that this is the last section in Sunbury Meadows to be built out.

Mayor Hatfield offered Mr. McCallahan of Pulte Homes the opportunity to present to the Commission. He commented upon the landscaping and the front yard setback which gives buyers some additional options for additions to the back of the home.

Mayor Hatfield requested comments from the Commission.

Mr. Elliott asked about access. Access is via Peacock with no direct access to SR 3.

Mr. Gochenour asked about front yard setbacks and the ability to park a vehicle. There is 20 feet after the sidewalk, so a vehicle can fit without blocking the sidewalk.

There was a discussion about the history of the purchase option and why it did not get exercised.

Mr. Ryba asked about the detention area on Saffron Drive regarding the transition from sediment to storm water control and wanted to assure it is converted before the completion of the final section.

There was a discussion about the pools that are currently part of the development and the status of opening within virus guidelines.

Mayor Hatfield made a motion to approve the preliminary plat, second by Mr. Ryba. Six ayes were recorded, the motion passed.

**Major Site Plan – Subsequent Review** - Big Walnut Schools has submitted site/civil plans for the construction of the athletic complex, stadium, baseball and soccer fields, tennis courts and concession stand, phase of their project. This is a subsequent review of a site plan and building application previously approved by the Commission and Sunbury Council.

Engineer Parkinson provided an overview based upon staff review of the application continuing their work on the schools site, including landscape plans, athletic facilities, lighting, concession, and storage building. Function and location are as were originally shown. Grading plan is consistent with original plan. A variance for stadium height was

given with the original site plan. Sunbury Engineer does not take exception to the plan, it is consistent with prior approvals.

Ms. Hamberg, Mr. Swartz and Mr. Dumford presented on behalf of the applicants. He noted that this is the last phase of the plan, the landscape plan is in conformance with the development agreement and the lighting plan is consistent with a previous submittal.

Mr. Dumford then presented the site plan and other portions of the plan, including landscaping, the detention basin will be a native plant solution supplied and planted by US Fish and Wildlife. Mr. Swartz provided more information about this partnership with the school and USFW.

Mr. Dumford presented detailed plans for the athletic facilities. He also presented the materials to be used, including gate structures and fencing. Materials are consistent with the school buildings under construction. He concluded by entertaining questions.

Mr. Elliott asked if the lighting is dimmable. Mr. Dumford responded there are some lighting levels programmed, but he did not recollect if it was fully dimmable. Mr. Swartz replied that full control was a cost element that was not selected.

There were no further questions from the Commission. There were no contingencies.

Motion to approve by Mr. St John, second by Mr. Gochenour, six ayes the plan was approved.

Minutes from the April 27, 2020 were reviewed. Motion by Mr. St. John to approve, second by Mr. Ryba. There were no comments, corrections or additions. The minutes were approved with six ayes.

Mr. Pyles reviewed the Zoning Report.

New Business – There was no new business.

Next Meeting – After subsequent discussions, the meeting date was set for June 29, 2020.

Motion to adjourn was by Mr. Gochenour, second by Mr. Ryba, six ayes, meeting adjourned.