

DRAFT
MINUTES
VILLAGE OF SUNBURY
VIRTUAL PLANNING AND ZONING COMMISSION
June 28, 2021

Mayor Joe St. John called the virtual Sunbury Planning and Zoning meeting to order at 6:30 p.m., on June 28, 2021.

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

Members present: John Lieurance, Joe Gochenour, Rick Ryba and Joe St. John.

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

Amendment to Development Agreement – Magnolia Park

The developer of Magnolia Park has proposed for Commission review an amendment to the development agreement that was part of the zoning approval of the subdivision.

Mr. Gardner and Mr. Alfaour spoke on behalf of Civenco LLC regarding the amendment. Mr. Gardner stated these were some clean up issues related to the agreement that arose to clarify the number of lots, phasing of the project and trees. Upon engineering design, it was revealed that the number of trees to be planted was physically impossible. Mr. Parkinson has reviewed the landscape plan and Mr. Gardner reports he agrees.

Mayor St. John asked the Commission for any questions or comments and requested any staff comments.

Mr. Parkinson did not have comments and offered to answer questions.

Mr. Pyles stated that the change in phasing will result in lots being developed adjacent to existing homes that have previously voiced concerns about trees and weeds.

Mr. Brehm also commented about the phasing. He offered that the change in phasing may also benefit the fire department request for dual entrances to Price Farms. Mr. Gardner stated there has been some communication with the developer of the Price Farms project.

Mr. Gochenour asked about school traffic and how roadway building will impact their operations. Mr. Gardener replied there will be times full access will be provided on one access point but would be limited on the other access point during phase 1. The goal is to construct during the summer months prior to school. In phase 2 the width of the roadway should allow access during mornings and afternoons. The developer has had conversations with the school to coordinate.

Mayor St. John made a motion to approve the amendment to the development agreement for Magnolia Park, second by Mr. Ryba.

During discussion of the motion, Mr. Gochenour asked about item #3 in the document referring to the trigger of the sale of acreage to an adjoining landowner. He asked Mr. Brehm about Sunbury's involvement. Mr. Brehm remarked Mr. Faber does

inquire regularly as to status. Mr. Parkinson explained why the land was planned to be split off to adjoining owners. Mr. Brehm did note that the original agreement did have this requirement, the modification specifies phase 1, which will occur at an earlier date. There was no further discussion. Upon rollcall of the motion there were four ayes and the motion passed.

Commercial and Industrial Site Plan and Building Application Improvements

Jon Self, on behalf of the Big Walnut Grill is requesting approval of the construction of a patio roof. A previously approved zoning certificate was issued but it has expired, and the patio structure is materially changed from that approved certificate.

Mayor St. John asked Mr. Pyles to provide background. There was a 2013 site plan approved with a patio. He recently secured state approval for the plans and has begun construction, the plaza developer has expressed that they are supportive of the addition of the patio.

Mr. Self commented that the roof has been slightly expanded from the originally approved site plan.

Mr. Ryba asked about lighting of the patio and if it will use the current string lights or provide permanent lights. Mr. Self responded that at this time it will be the string lights but they may submit a plan to the state for permanent lighting and fans.

Mr. Ryba moved to approve the application, second by Mr. Lieurance. The motion passed with four ayes.

Major Site Plan and Building

Candee Heydinger Group, on behalf of Vantage Logistics, has submitted a major site plan and new building application for a proposed expansion of their building located at 730 Kintner Parkway.

Mayor St. John introduced this agenda item, speaking on behalf of the applicant was Adam Connolly and Dan Rhodes. Steve Garand, also participated via telephone. He presented the civil site plan for the proposed building expansion. They are in the process of responding to Sunbury's Engineering review.

Mr. Parkinson provided some background information about the location and the scope of the expansion, which roughly doubles the size of the building.

Mr. Garand provided elevations of the proposed expansion and a picture of the current building.

Mayor St. John noted he was present when the original building was proposed and is happy to see the business expanding.

Mayor St. John asked Engineer Parkinson if he had any concerns or additional comments. He replied there is a gravel driveway in the original construction and the dumpster was located at the front of the building. The applicant responded that the area will be paved and the dumpster will be relocated as indicated.

Mayor St. John asked for other comments from the Commission, there were none.

Mayor St. John moved to approve the site plan and building, second by Joe Gochenour. The motion passed with four ayes.

Engineer Parkinson requested a contingency for engineering approval and stated in his opinion this item would need Council approval as a major site plan. Mr. Brehm stated he will investigate the issue about Council approval, he suggested the motion be amended to provide an engineering approval contingency.

Mayor St. John amended his motion to provide an engineering approval contingency, second by Mr. Gochenour, the motion passed with four ayes.

Home Occupation Certificate of Compliance

Duane Danbrova has applied for a certificate of compliance to operate a home occupation at his residential property located at 10300 Cheshire Road. He is proposing to use an existing accessory building to operate an e-commerce and minor repair facility for motorcycles, scooters and ATVs.

Mayor St. John recognized Mr. Danbrova to present his application. He noted the email discussions that have been on-going to describe his business model. Mr. Pyles stated those conversations have relieved him of his initial concerns related to our code and the operation of the business.

Mayor St. John asked about the code language relating to nuisance and how complaints would be resolved. The applicant responded he would have limited daytime hours. Mr. Pyles responded we do have language; his response would be to start informally and attempt to resolve the complaint. Mr. Brehm added that the home occupation should be conducted indoors and that should control noise issues, he further stated he had reviewed the application and the resulting questions and answers and does not have objections to the application.

Mr. Gochenour moved to approve the application for a home occupation.

Mr. Ryba asked about neighbor notification. Notice was provided by publishing the agenda. The applicant also stated he had introduced himself and his plans to neighbors. Following that discussion Mr. Ryba seconded the motion.

The certificate for a home occupation was approved with four ayes.

There were no visitors.

Minutes for April and May meeting were reviewed. Motion to approve April minutes by Mr. Ryba, second by Mr. Gochenour. April minutes approved with four ayes.

May minutes were reviewed. There was a clarification that on the first voice vote on denying the application to construct a privacy fence in the sideyard at 230 Orchard Lane Mr. Gochenour voted "No" instead of "Yes". The minutes will be corrected to accurately reflect that vote. With that correction specified, there was a motion by Mayor St. John to approve minutes for May, second by Mr. Ryba. The minutes were passed with four ayes.

The zoning report was reviewed and approved.

Under general discussion and new business, the July 13th special meeting to review code changes was mentioned by Mr. Ryba. Mayor St. John noted that it is anticipated the Commission will have the vacant seat filled by the next regular meeting in July.

There was a discussion about virtual and in-person meetings and the changing state regulations and orders regarding public meetings. It is anticipated that the Commission will be returning to in-person meetings in July.

Motion to adjourn by Mayor St. John, second by Mr. Ryba, the motion passed with four ayes and was adjourned at 7:29 p.m.