

MINUTES
VILLAGE OF SUNBURY
PLANNING AND ZONING COMMISSION
July 26, 2021

Mayor Joe St. John called the 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, Greg Elliott, Debra Miller and Joe St. John.

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

Public Hearing – Metro Development - Rezoning

The applicant has requested to rezone parcel(s) #418-140-01-059-000, # 418-140-01-005-003, #418-140-01-060-000 and #417-230-01-029-000 from Not Zoned to Planned Residential and Planned Commercial Zoning Districts. The parcels adjoin 3B's&K and Africa Road.

Mayor St. John convened the public hearing for the rezoning.

Mr. Brehm asked those in attendance to be sworn in if they may want to speak regarding this matter, attendees who may speak were sworn in.

Mr. Brehm asked the applicant for agreement that the submitted rezoning packet dated July 1, 2021, be introduced to the record as Exhibit A, the applicant agreed.

Todd Faris, representing the applicant, began the presentation referring to a power point presentation that was displayed as Exhibit B. He covered the size of the parcels and the location of the project. He then displayed the original concept plan presented informally to the Commission in December and contrasted it with the proposed site plan submitted with the rezoning packet as a result of discussions with the Commission and neighbors. The number of dwelling units and density have been decreased. He noted an orange shaded area that would be a municipal dedication. He also noted the dwelling unit's distance from neighbors has been increased in this plan, oriented sides of buildings to neighbors and provided buffering with new plantings and preservation of a tree row.

He noted that each of the three communities will have a clubhouse amenity including a pool. He also presented elevations of the buildings, each of the three communities will have a separate architectural style.

Site line diagrams with existing homes in the area were displayed.

A comparative slide of other projects concerning parking and drive aisles was also covered by Mr. Faris. A similar slide comparing lighting was also presented.

Site perspective simulations were also displayed in regard to neighboring properties.

Floor plans and interior views were displayed, noting the size of the one-, two- and three-bedroom units. He concluded the applicant presentation.

Mayor St. John invited public comment.

Mr. Smith - 623 Cliff View Drive commented a concern with traffic patterns. Mr. Faris noted a south access point will be emergency access with restrictions for that drive.

Dr. Rael - 4935 SR 37 East provided comments on the history of the annexed land that was part of Berlin Township prior to annexation. She noted that the township had worked previously with the applicant for an overlay district. She provided her opinion of how this development would not fit into the Berlin Township community built environment that currently exists. She asked that the commission consider privacy fencing adjacent to garages and orientation of buildings to avoid balconies facing into existing homes, green space and buffers and consider neighboring resident concerns.

Mr. Beaumier - 675 Cliff View Drive His questions were how trespassers would be kept off his property, how would trash be kept off his property, how would a buffer be maintained between the properties and how would the building be adjacent to his property?

Mr. Thomas replied on behalf of the applicant. He stated the applicant did have a community meeting with the residents last week. The applicant will take Dr. Rael's comments into consideration regarding the fence, building orientation, walking trails and a dog park location.

He stated a local property management company will maintain the facility, seven days per week, there will be an off-hour phone line and security. Trash will be maintained as part of the exterior maintenance program, a trash compactor will be used, it is sealed and contained within a building. There are no plans to interrupt the existing farm fence and the landscape plan has buffering and will be maintained by the property management company.

Mr. Richmond - 515 3Bs&K Road provided comments that there are proposed entrances for another development on one side of his house and another for this project on the other side of his house. His concern is about traffic and his ability to exit his driveway.

Ms. Hughes - 6523 Brookview Manor Drive commented that she has a small child and appreciates efforts by the applicant to take residents input into account. She added she would like to understand the tree barrier and is requesting non-deciduous trees, the emergency access drive and the location of the dog park. She would like to understand how the approved plan will be built as approved.

Mr. Faris replied showing the south buffer, indicating what would be preserved, where the planting plan indicates evergreens, the drive will be emergency access only controlled by a gate or bollards.

Ms. Wallace - 837 Cliffview Drive spoke about accountability of plans, an additional question was related to a pond close to her property and buffering. Mr. Faris responded that there will be evergreens adjacent to that area when possible.

Mayor St. John asked for other public comment.

Mr. Beaumier asked if the housing would be public housing. Mr. Thomas responded no subsidized housing; these would be market rate rents.

Mr. Thomas added that his understanding of the process to construction and that the process is documented and permitted per the submitted plans.

Mayor St. John asked for other public comment. Hearing none, a motion to conclude the public hearing portion of the agenda was made by Mayor St. John, second by Mr. Elliott, the motion passed with six ayes.

Mayor St. John then opened the regular meeting of the Planning and Zoning Commission.

The first item on the agenda was Commission Review of the Metro Development Rezoning application.

There was a need to reopen the public hearing to introduce exhibits related to publication and proof of mailings. Mayor St. John made a motion to reopen, second by Mr. Ryba, six ayes. With applicants' permission the notice, mailing list, copy of public notice sign location and proof of publication as Exhibit C. Applicant agreed.

Motion to end the public hearing by Mayor St. John, second by Mr. Elliott, six ayes.

Commission review was started with staff comments. Mr. Parkinson noted his review memo dated July 16th. He offered to explain any comments in detail at the Commission's pleasure and to answer questions.

Mr. Elliott posed questions about the lighting plans, asking for the comparative acreage of some of the example projects presented previously. Mr. Thomas responded with acreage and height of poles of the other projects. The poles are designed as down lighting with a cut off fixture. He also provided context on those locations.

Mr. Parkinson asked if lighting is photometric based or locational. Mr. Thomas stated this is more of a suburban location, they are trying to be considerate of the neighbors and the open space/park lands by lighting intersections and lighting in the breezeways. Mr. Parkinson noted his comment was based upon a requested divergence, he believes the reduction in lighting is sensitive to neighbors and the residents of the complex and had some merit.

Ms. Miller asked about a divergence related to a subdivision plat. Mr. Parkinson responded that the applicant intends to retain ownership and thus there is not a need to plat a subdivision.

Ms. Miller asked about the ponds. Mr. Thomas responded aeration will be used to limit aquatic growth and stated there will be control/safety signage.

There was a discussion of parking. The applicant's experience is that 1.75 spaces per unit has created sufficient capacity.

Ms. Miller asked about accessibility. Mr. Thomas replied all ground floor apartments are accessible without steps and a number are fully ADA compatible with interior features.

Ms. Miller asked about wetlands. Mr. Thomas stated that is developer generated with appropriate delineations and applications if disturbance is done.

Mr. Elliott confirmed the ADA parking spots are compliant, they are. There was a discussion of requirements and the ratio of van accessible spaces. Sunbury code is 10x20.

Mr. Ryba asked if MORPC has a recommendation of the number of parking spaces per unit. Applicant respondent replied they are unaware of a MORPC recommendation but that the developer has to build sufficient parking to meet market demand and to have rentals.

Mr. Ryba asked about rear elevation renderings. Rear elevations match front elevations.

Mayor St. John commented upon breezeways and some covering to prevent sight lines through the site. He also commented upon end elevations and the presence of faux windows to add some architectural quality to the ends of the units.

Price points were discussed. Some units will have better views and will have a higher price. There was also a discussion of the three communities and how that is carried through in architecture. Mr. Gochenour commented about a divergence related to materials and costs. He also asked if there were playgrounds, the applicant responded they do not see a demand for that amenity because of the market they reach.

Mayor St. John asked if there were any additional questions or comments from the Commission.

Mr. Ryba asked about fencing. The applicant responded that there will be some privacy fencing to supplement buffering around garages and to minimize car lights shining off the property and into the neighbors.

Mr. Ryba encouraged the applicant to continue to work with the neighbors.

Mr. Gochenour asked about a rear yard divergence, it is 50 feet. Areas non developable as state and federal lands and commercial is 25 feet. He commented that may not be sufficient.

Mr. Gochenour asked about tree disturbance. 2,700 trees will be removed. Mr. Parkinson added that 28,000 caliper inches of trees would be removed, replacement criteria would be 14,000 replacement trees. There is discussion in the divergence about complying with that section of the code, including a combination of tree replacement and land dedication that has a value similar to Price Farms and Magnolia Park, and exceeds Rolling Hills.

Ms. Miller asked about the dog park location and there was a discussion about how they are designed and maintained.

Mr. Gochenour asked staff about reversion to R1 if the project is not developed in three years.

Mayor St. John asked about driveway widths and the fire department comments. The applicant stated they will be addressed in a response letter and through final engineering review. Fire Chief Kovach spoke to the issue, final engineering will involve some locations of hydrants and widths, but they are comfortable with the changes in the plan. Mr. Parkinson does not take question with the arguments put forth for this divergence.

Ms. Miller asked for clarification on the plan regarding the future 36/37 routing and if walking trails or pedestrian facilities were involved. Mr. Parkinson discussed that there is a pedestrian facility, and it is conceptual as a placeholder for the future route.

Mr. Parkinson confirmed dedication, at no cost, of the right of way for the parkway/36/37 project from the applicant. The applicant confirmed that commitment.

Mr. Lieurance asked about phasing of the three communities and the applicant discussed phasing and the parkway interaction. The applicant will maintain two access points, one may be fire access for one phase, to each phase regardless of the 36/37/parkway improvements.

Mr. Brehm answered the reversion to R1 language. Because it is a PRD that is the reversion according to current code. That language will need adjustment to properly reflect the intention of the applicant.

Mr. Parkinson brought attention to the Commission regarding PCD section language related to landscaping and tree replacement for the PCD. He further discussed the language and the implication it creates. He requested it be considered for removal or modification.

Mr. Brehm asked the applicant if they understand the comment, the applicant replied they did and would work on that section for clarification.

Mr. Parkinson noted divergence #7 regarding relief from a code section on maintaining slopes and disturbances. He asked for standards or maps to reflect where they are seeking that relief. He asked for some language that would impose some restrictions during the engineering of the site. The applicant responded that the Army Corps of Engineers will be involved in regulating that issue with their standards. The applicant stated they are willing to discuss further with the Sunbury Engineer.

Mr. Parkinson also asked if the Commission had come to a conclusion on lighting. Mayor St. John summarized the dual interest of not having light leave the site and disturb neighbors but also have those living there feel a safe level of lighting exists. There was further discussion of lighting and language that provides the Sunbury Engineer with the ability determine sufficiency.

Mr. Parkinson concluded his comments.

Mayor St. John discussed the process moving forward. Mr. Brehm indicated that rezoning is the beginning of the process, he discussed options for the Commission and subsequent approval points at Council.

Mr. Brehm summarized his list of modifications and issues that are outstanding. They are:

- Architectural treatment of the ends of the buildings, especially those facing neighbors.
- Further investigation of the privacy fencing discussed.
- Rotation of Building #18
- Lighting and the ability to review and comment
- Revise PCD section for the reversion language.
- A standard and review of topography and non-disturbance by Sunbury Engineer

Mr. Brehm expressed that the plan was well prepared and included neighbor engagement. He also noted that the contingencies of legal and engineering approval are desirable. He reiterated Commission options and the subsequent steps of review and approval points.

Mayor St. John summarized Commission options.

Mr. Elliot moved to approve the rezoning. Mr. Brehm restated the contingencies above that would be applicable. Mayor St. John seconded the motion.

Upon discussion, Mr. Gochenour stated he would like to see deferral of the decision because of the scope of the project and the number of contingent issues to be resolved. Mr. Ryba and Mr. Lieurance agreed.

Mr. Brehm discussed the need to vote and the ability to resolve contingencies by the next meeting. He stated The motion and second can be withdrawn to defer. Mr. Elliott and Mayor St. John withdrew the motion and second respectively.

Mr. Ryba added the issue of ADA spaces needs to be resolved.

Visitors – there were no visitors present.

Minutes – June 28th meeting motion to approve by Mr. Ryba, second by Mr. Lieurance.

Upon voice vote, there were abstentions by Mr. Elliott and Ms. Miller, and four ayes. Motion was passed.

Zoning report – reviewed. Mr. Pyles noted Sunbury was within one house permit of exceeding last year's total.

Discussion of special meeting related to code revisions. That meeting will be held on August 2nd at 4:30 p.m.

Motion to adjourn by Mr. Ryba, second by Mr. Lieurance. Six Ayes, the meeting adjourned at 9:08 p.m.