

DRAFT  
MINUTES  
VILLAGE OF SUNBURY  
PLANNING AND ZONING COMMISSION  
August 24, 2020

Mayor Tommy Hatfield called the Sunbury Planning and Zoning meeting to order at 6:30 p.m., on August 24, 2020.

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

Also present – John Maar (Representing CT Consultants), David Brehm, Allen Rothermel and Steve Pyles.

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

**Commission Review – Miller’s Cove (Minor Subdivision) Lot Split**

Sunbury Plaza Limited Partnership is requesting to complete a minor subdivision of their land to create a 9.808 acre parcel for the development of Miller’s Cove. The property fronts along North Miller Drive and is behind the Inn at Walnut Creek.

Mayor Hatfield noted a report from CT had been submitted regarding this agenda item.

Sara Radcliffe and David Stork presented upon the applicant’s behalf. She noted legal descriptions have been provided, rezoning is complete, shared easements have been filed and recorded. The applicant is seeking approval to start construction.

Mayor Hatfield requested any comments from Mr. Brehm. Mr. Brehm noted the remainders are the access drives, will there be a legal description? Ms. Radcliffe stated that she believes the original and amended agreement REA covers the remainders of private roadways. Mr. Brehm requested those be forwarded to him and the Sunbury Engineer.

Mr. St. John made a motion to approve the lot split pending legal and engineering review. Second by Mr. Ryba. The motion passed with five ayes.

## **Major Site Plan and Building**

Richland Engineer Limited has submitted an application for the construction of a car wash on behalf of IMO US South LLC. The proposed location is Out lot C, a vacant lot to the south of Sherwin Williams, in Sunbury Mills Plaza.

Mayor Hatfield introduced this agenda item noting Engineer Parkinson had provided a report on this project.

Jody Freeman represented the applicant and presented the project. He noted he is working with staff about architectural and engineering comments. He added he is working with the developer and Kroger about the project and received a letter today from them approving the project.

Mr. Freeman then presented an overview that Car Wash USA represents and operates over 890 car washes nationwide, 17 in Ohio with others under construction or in development. They operate during daylight hours using a gated system that controls the traffic. There is a central vacuum system to lessen noise. He wants to work through any issues and is appreciative to be in front of the commission.

Mayor Hatfield asked Mr. Brehm if there are any outstanding items. Mr. Brehm noted there is an issue related to a side yard variance, stormwater control and noted the design sign off by the developer and Kroger. Mr. Brehm added some thoughts related to the side yard setback variance. He concluded that the project is a multilayer review that will include Sunbury Council review and approval.

Mayor Hatfield noted that the side yard does encroach based upon the code. Mr. Freeman commented that they have submitted architectural renderings and then on to the seller and Kroger. A few hours ago, they received an email from Kroger and the plaza developer stating concurrence with the design height, setbacks and materials.

Mr. Pyles shared a letter from Kroger that had also been received. Mr. Brehm asked about the comment in the letter about Kroger legal review.

Mayor Hatfield requested comments from the Commission.

Mr. St. John noted the need for a variance and how approval could be given without a variance approval. Mr. Brehm stated that an approval could be contingent upon the granting of the variance prior to Council action with applicant's acknowledgement. There was further discussion on Sunbury establishing the BZA.

Mr. Freeman offered that his interest is in time, but he does not perceive a loss of time in the process as outlined by Mr. Brehm. Mr. Brehm noted that is correct, but it would be a conditional approval with a variance being secured and there are risks related to not securing the variance.

Mr. Gochenour asked about other issues raised by the engineer in his report and if they had been addressed. Mr. Freeman replied that they have been working to address them based upon the report received and added that the timing of the report was challenging but they will work through and satisfy those issues. He feels these are minor issues that can be addressed and discussed that the building would be brick and not brick veneer. Mr. Freeman responded that the building will be full brick. Mr. Gochenour noted the plans show brick veneer. Mr. Freeman responded that their engineering firm might have missed this item that it would be full brick faced constructed.

Mr. St. John noted previous informal discussions with the applicant about the side yard and the business space needs. He also asked about approval authorities related to Kroger. Mr. Pyles responded that Kroger, as the anchor tenant, does have a similar authority to the developer in terms of review of new projects. Mr. Freeman concurred that it has been their experience with Kroger and other anchor stores that they have a review right.

Mayor Hatfield discussed the variance and timeframes for Council approval and asked if there is a rationale for approval because of a lengthy list of contingencies. Council could not approve until the variance and contingencies are met. There were further discussions on approval timeframes and board/Council actions. Mr. Freeman stated he is seeking approval with contingencies and will use the intervening time to clean up other staff comments during that time.

Mr. Gochenour made a recommendation that the Commission table this item until the next meeting. Mr. Ryba concurred. Mr. Freeman replied that he wants the Commission to have all the information they need and Council review is based on having a clean plan with outstanding issues resolved. Mr. Brehm noted the Commission had a motion and second to table. Upon a voice vote, there were five ayes to table the application.

### **Commission Informal Review – MTB Fourwinds LLC & EMME Holdings LLC – Rezoning**

MTB Fourwinds LLC & EMME Holdings LLC is requesting to rezone approximately 38.54 acres from Not Zoned to Planned Commercial District. The property is located at 259 S Three B's & K Road, Galena, Ohio. The Public Hearing for this rezoning will be at the September meeting.

Mayor Hatfield opened the informal review by introducing Aron Underhill, who then introduced Ms. Menery from EMH&T. Mr. Underhill then shared plans for rezoning the parcel including a historical overview of the annexation and annexation agreement. He noted that the parcel was zoned commercial under Berkshire Township prior to annexation. He added that a development agreement has been negotiated.

Mr. Underhill stated that the project has been divided into two subareas. There is interest in subarea 1 for hotel development once zoning is secured. He noted that the

development agreement sets forth zoning expectations and preserves the intended roadways that meets both parties' needs.

He further noted that the development plan is like a bubble zoning approach where each project will return to the Planning and Zoning Commission for approval to preserve the quality of each project under the general plan for the area. He then displayed a plan for the roadway development for the area, including eventual connection to a future interchange. The concept would be that as sections develop a three-lane road would be developed with right of way reserved for eventual expansion of the roadway. He also noted that the plan includes a temporary access point for ODOT to allow for access to the traffic light on Fourwinds Drive.

A slide related to setbacks in the proposed Planned Commercial District was then shared. Mr. Underhill noted that discussions about the concerns for multi-family development had occurred and they are proposing an age-restricted (55+) multi-family use be allowable. He noted the building heights they seek and how that additional height facilitates potential uses and developments that they have seen in other areas of central Ohio. He also covered some development language related to building height at the edges of some of the property and internally.

Mr. Underhill then covered some signage language they would desire in the zoning text. Given the proximity of major highways, they will comply with code unless they bring forward a master signage plan to the Planning and Zoning Commission for approval. He also wanted to note an existing sign on the property, either dealing with it as a legal nonconforming use or through the development text to allow it to continue.

Mr. Underhill then offered to take questions and comments from the Commission.

Mr. St. John commented upon the building heights and the text and asked about the rationale for the building height. Mr. Underhill discussed potential users and what distance was appropriate within balancing the needs of the parties.

Mayor Hatfield asked to clarify that the existing sign is on their property, it was confirmed that it is.

Mayor Hatfield commented that he appreciates the age restriction on multi-family.

Mr. Elliott asked about potential users. Mr. Underhill stated that a hotel use is the most likely use for subarea 1 and that the proximity to the freeway opens a variety of other potential uses.

Mr. Gochenour asked why the northeast corner of subarea 1 is not in the plan. The applicant will research this question, it is potentially related to annexation and access.

Mayor Hatfield asked for other questions or comments. Mr. Ryba offered that planned commercial is the most appropriate zoning.

Mr. Brehm noted that the development agreement is extensive and includes details for the master planning of the area related to transportation. He noted the engineer's review is available for review by members.

Mayor Hatfield ended the discussion once questions and comments were concluded.

### **Motion to approve Minutes**

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

Mr. Ryba asked if the minutes should indicate a time of adjournment. It will be added in the future.

Mr. Gochenour noted a grammatical error in the minutes. He also asked about the hard copy version of the minutes and what a "view shed" is. Mr. Pyles replied it is what someone would see when standing in a particular location.

A roll call on minutes was taken. Four ayes, Mr. St. John abstained, minutes were approved.

### **Zoning Report**

Mayor Hatfield noted the zoning report, Mr. Pyles commented that he developed a separate slide for smaller projects such as sheds, decks and signs. The housing pace has slowed by supply of lots and is tracking with 2016 but not the past few years which were at a higher level.

There was a discussion of the impact fee RFP related to timing.

There were no further questions.

### **Discussion/New Business**

Mayor Hatfield noted the working group is working on changes to the code and thanked them. Mr. Pyles added that in the OneDrive folder is a proposed code addition samples including an alternative energy section as Sunbury is seeing a greater interest in roof mounted solar panels.

Mr. St John commented that he would encourage the code group to study code changes in PRD to allow for additional density in some areas of the development to preserve larger areas of open space within the development.

**Next Meeting Date: September 28, 2020**

### **Adjournment**

Motion to adjourn by Mayor Hatfield, second by Mr. Ryba. Five ayes, the meeting was adjourned at 8:12 p.m.