

**MINUTES
VILLAGE OF SUNBURY
PLANNING AND ZONING COMMISSION
August 30, 2021**

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

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

Members present: John Lieurance, Joe Gochenour, Rick Ryba, Joe St. John, Greg Elliott and Debra Miller.

Also present – Dave Parkinson, David Brehm, Vic Whitney and Steve Pyles.

A public hearing for the below variance was called by Mayor St. John. Witnesses for both public hearings were sworn in.

- **Public Hearing – Joshua and Kelly Shuff – 292 Rainbow Avenue Variance(s)**

The applicant has requested variance(s) for Parcels #417-144-09-008-000 and #417-144-09-009-000 to resurvey two existing parcels (one with road frontage along Rainbow Avenue and a parcel behind which is landlocked) to create two new parcels both with road frontage on Rainbow Avenue, one lot to contain the existing residence, garage and shed and one lot which would be a new buildable lot. They are requesting variances for the newly created lots as follows:

1. Reduce Required Lot Area from 12,000 sq. ft. to 8,700 sq. ft. for both parcel(s).
2. Reduce Required Front Yard Setback on Parcel 1 from 40 feet to 10 feet.
3. Reduce Required Front Yard Setback on Parcel 2 from 40 feet to 15 feet.

Appearing upon behalf of the applicant was Chris Winkle. Purpose of the variance is to split the parcels, the parcels previously had frontage, but Case Street was vacated.

Mr. Brehm specified that the package including application, deed, letter from representative firm as Exhibit A and remainder of documents related to notices as Exhibit B. Exhibit C would be the lot split plan submitted. The applicant agreed.

Mr. Winkle continued with his presentation regarding how the one lot became land locked. The original lots were 7,500 sf., the variance will create lots of 8,700 sf. and will be like those in the neighborhood. He also noted setbacks will have a similar character to the neighborhood. He offered to answer questions.

Mr. Elliott asked a clarifying question regarding the application, confirming parcel one would contain the existing home and that parcel two would be a future buildable lot.

Mr. Elliott asked if there are plans for the buildable lot? The applicant responded that before proceeding to plans they wanted to assure the variance was approved.

Mayor St. John asked if there were other comments from staff or the audience. There were none and the hearing was closed upon a motion by Mayor St, John and a second by Mr. Ryba. There were six ayes to close the first public hearing.

The second public hearing for the below variance was opened by Mayor St. John.

- **Public Hearing – Pulte Group – 759 Peacock Drive and 1584 Nettle Court Variance(s)**

The applicant has requested a variance for Parcels #417-4123400600 and #417-4122806700 to reduce rear yard setbacks as follows:

- 759 Peacock Drive – A five-foot reduction of the 40-foot rear yard setback specified in the approved development text and final plat.
- 1584 Nettle Court – A three-foot reduction to the 70-foot rear yard setback specified in the approved development text and final plat.

Adam Pyzhewicz representing the Pulte Group started his presentation. Exhibits were introduced with the Peacock application, survey plat and public notification materials as Exhibit A, the applicant agreed. Nettle application will be Exhibit B, including notifications. It is a combined hearing.

Mr. Pyshevicz stated the Peacock variance is related to an odd lot shape and they are requesting a five-foot reduction to fit the house based upon the interpretation of the rear yard setback. No extensions would be made to the house envelope.

Nettle variance requires a three-foot reduction for the rear yard based upon the zoning text of that section. The smallest product will not fit, this is the only lot that has an issue.

Mayor St. John asked for questions from the audience or Commission, there were none.

Mr. Elliott moved to close the public hearing, Ms. Miller seconded. The motion was approved with six ayes.

Regular Meeting

- **Shuff – 292 Rainbow Variance**

The regular meeting of Commission started. The variance for 292 Rainbow Avenue was discussed. There were no additional comments or questions from the Commission.

Mr. Elliott stated he understood the why and had no questions. Mayor St. John commented that the resulting lots are similar to those in the area. Mr. Gochenour stated this is an example of why we have a variance process and made a motion to approve, second by Ms. Miller. The motion was approved with six ayes.

- **Pulte – Peacock and Nettle Court Lot Specific Variances**

The variances for 759 Peacock and 1584 Nettle Court were reviewed separately. Peacock variance was discussed first. Mayor St. John asked if there were any questions. Mr. Elliott asked for any engineering comments, Mr. Parkinson stated they do not take exception to this request. Mr. Brehm offered that Sunbury did ask and receive an additional rear yard setback during the zoning process and that one lot is impacted with a three-foot reduction to the rear yard. Both are minor in nature in terms of impact to the neighborhood and community. Mayor St. John clarified that there are other products that could fit and the Peacock lot could have some other house size option, but a customer is interested in a specific lot and product.

Mr. Elliott made a motion to approve the variance, second by Mr. Ryba. The motion passed with six ayes.

Nettle Court variance was opened for discussion. Mayor St. John asked for additional comments, there were none.

A motion to approve the variance was made by Mr. Elliott, second by Ms. Miller. Mayor St. John stated that Sunbury did work with Pulte to get an increased setback because of safety and aesthetics because of proximity to State Route 3. Upon voice vote, there were six ayes and the motion was passed.

- **Commission Review Continued From July, 26, 2021 Meeting – 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 initiated discussion by introducing the agenda item. He asked if the applicant had additional information. Mr. Faris presented an update of the presentation materials that were distributed to the Commission. There were several items from the meeting and emails that are addressed in the updated materials provided the Commission, including responses to sixteen specific items from the last meeting. Mr. Faris covered each of those items.

Mr. Faris then presented a series of graphics related to changes that were made to the plan from the last meeting. He did note some increases in distances from neighboring properties and provided an additional comparison slide on parking and drive aisles at other Metro Development projects. He also noted enhancements to side elevations, including faux and actual windows that are being placed at the side of the buildings as requested by the Commission. He also reviewed the breezeway openings indicating that the new plan raises them within the allowable space in the building code. He then offered to take questions or comments.

Mr. Parkinson noted his responses were provided previously in the noted emails and reviews.

Mayor St. John opened discussion with the Commission. He noted the number of items addressed in the application changes and thanked the applicant for continuing to meet with the residences.

Mr. Elliott asked for clarification on the divergence related to the tree replacement requirements of the code. Mr. Parkinson replied the applicant committed to plant 800 trees and offered a donation of 5+ acres of land for municipal purposes as a compensatory commitment related to the divergence. Depending upon value calculations, this project is offering a similar compensatory effort to some of the

recent projects approved by the Commission. The municipal dedication area was projected and discussed.

Mr. Gochenour asked about lighting, the text gives Sunbury Engineer Parkinson authority as a review item.

Mr. Elliott noted three items related to final review; fire review, lighting and pond design.

Mr. Brehm noted this is a potential action item, that the 60 days following the public hearing would lapse before the next meeting. The rezoning will go through a similar review in Council. He would recommend an engineering and legal final review contingency if it is moved forward with an approval action.

Mr. Elliott moved to approve the rezoning, PRD and PCD plans pending final engineering and legal review, second by Mr. Lieurance. No further discussion offered, upon voice vote:

Gochenour – No Ryba - Yes

Lieurance – Yes Elliott – Yes

St. John - Yes Miller – Yes

The motion passed with five ayes.

If advertising can be made with public notifications, the Council will hold a hearing on October 6, 2021.

Visitors – Janet Friese 184 Saffron Drive addressed the Commission concerning a walking path to be constructed at Rolling Hills subdivision that adjoins her property. Her concern is that the walking path will be 30 feet from her rear property line and asked if the path could be eliminated. She did not consider that the golf course would be converted to a subdivision and views it as an invasion of privacy, and says it is too close.

Minutes – Mr. Elliott moved to approve minutes of the July 26,2021 meeting, second by Mr. Ryba. Minutes were approved with six ayes.

Mr. Pyles briefly reviewed the zoning report noting that new builds have exceeded last year’s new build level. He offered to answer questions.

Mr. St. John asked about sign maintenance of banner sized signs in the right of way. Enforcement of those banners is forthcoming.

Mr. Ryba asked about political signs. They may be placed 90 days before the election, removed 15 days after the election and not in the right of way are the essential rules to political signs.

Ms. Miller asked about calendar work related to zoning code review.

Mr. Elliott discussed the path and asked about the history of those pathways. The initial review from the Commission noted an absence of paths and the need to bolster trees in the Rolling Hills subdivision. Mayor St. John observed that we could request additional plantings, but to open the plans back up would require a full subdivision review and approval process which would not be desirable.

There was no further new business.

Calendars and meeting dates for zoning code updates was discussed. September 20, 2021, at 5:30 was the proposed date for code review.

There was no further business. The regular meeting will be September 27, 2021.

Motion to adjourn by Mr. Ryba, second by Mr. Gochenour. The meeting was adjourned with six ayes at 7:54 p.m.