

**MINUTES**  
**PLANNING AND ZONING MEETING**  
**September 27, 2021 @ 6:30pm**

**I. Call to order-** Mayor Joe St. John called the Sunbury Planning and Zoning meeting to order at 6:30 p.m., on September 27, 2021.

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

**II. Roll Call-** Those answering roll call: Joe St John, Joe Gochenour, Gregory Elliott, John Lieurance, and Rick Ryba. Debra Miller was absent. Also present – Dave Parkinson, Vic Whitney and Steve Pyles.

**III. Public Hearing** – A public hearing for the below variance was called by Mayor St. John. Witnesses for public hearings were sworn in.

**Public Hearing – Morman Investments LLC– 720 Kintner Parkway Variance(s)**

The applicant has requested variance(s) for Parcel #41713102011000 as part of a building expansion project. They are requesting variances as follows:

1. Reduce Required Parking Space Count
2. Eliminate Curbing Requirement

Vic Whitney noted the exhibits submitted for the hearing; the applicant agreed.

Laurence Morman, representing the applicant provided his presentation, requesting a variance to eliminate the curbing requirement in the zoning code applicable to his property. In addition, he also asked for a variance for the number of parking spaces. Sunbury code calls for 33 parking spaces they are requesting to reduce that number to 27. He stated that the amount of parking spaces required is not needed, and they do not have to space to provide extra parking.

Mayor St. John opened the meeting up for public comment.

There were no members of the public who spoke for or against the requested variances.

Mayor St. John made a motion to adjourn the public hearing, seconded by Greg Elliot. Upon a voice vote of 5 yeas, the hearing was adjourned.

Regular Meeting of the Commission was convened.

**IV. Commission Review – Morman Investments LLC– 720 Kintner Parkway Variance(s)**

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1. Reduce Required Parking Space Count
2. Eliminate Curbing Requirement

Steve Pyles discussed that variances have been granted in that region for similar reasons in the past. Office and warehousing space that requesting 27 spots should be sufficient to handle the businesses. The applicant's engineer, Mr. Heydinger, clarifies that it would be 26 parking spots.

David Parkinson discussed how they use the code to come up with the number of parking spots needed in a building that combines warehouse and office uses.

Mayor St. John asked for clarification on the code, asked if each parking spot is calculated by the number of structures or the square footage of the structures.

David Parkinson answered that it is calculated by the square footage, with the usage of the building. He states that he believes the numbers are, 1 parking spot per 300 sf of office space, 1 parking spot per 1000 sf for warehouse space. Mr. Parkinson stated that if his interpretation of the code is correct and the Commission agrees he believed there was currently enough parking spaces to meet the zoning code.

Greg Elliott asked if this will still require a variance. Commission and staff discussed.

David Parkinson answered that he believed it would not be required.

There was a discussion of the curbing request.

David Parkinson stated that the curbs were required for new parking lots, since the grade of a parking lot is typically lower than the ground and would require a curb to keep the ground in place. Since this parking lot is existing and at the same grade as the ground, he felt a curb in those location might look out of place & be unnecessary.

Mayor St. John asked if the parking space count variance is being withdrawn.

David Parkinson answered it could, it would not be necessary based on his calculation method.

Mayor St. John asked the commission what their initial thoughts are.

Greg Elliott answered that he believed if no new parking spaces are created, he doesn't see a need for curbing.

David Parkinson adds that there will be a large asphalt drive added to the back of the warehouse, which the code would require curbing. He also noted a similar variance was granted for Newman's Roofing in the recent past for rear curbing.

Joe Gochenour disputes that Newman's Roofing variance was slightly different because they installed a gravel drive versus asphalt.

Rick Ryba answers that since it is an existing building expansion, he doesn't believe it is necessary to install the curbing.

John Lieurance agreed with Rick Ryba since it is an existing building being expanded.

Vic Whitney states that going forward, a formal request for the withdraw of the parking space count should occur.

Mayor St. John asks Laurence Morman if he would like to formally withdraw his variance request for the parking spaces count

Mr. Morman answered they would like to withdraw that variance request.  
Mayor St. John asked to follow up in writing after the meeting.

Mayor St. John motioned to approve variance to remove curbing, seconded by Greg Elliott. Upon voice vote there were 5 yeas and the variance was granted.

#### **V. Commission Review – Morman Investments LLC – Commercial and Industrial Site Plan and Building – 720 Kintner Parkway**

The applicant has submitted an Industrial Site Plan and Building Application to construct an expansion of his current building by 6,257 sf.

Mr. Morman stated that there was an approval done in 2011 that grandfathered him into the approval and would not need to go through this process.

Mr. Parkinson answered that from his investigation from the original approval does not show the addition in terms of the square footage for the building. Also, Sunbury code states that the approval is void if the construction does not start within 18 months of approval. Therefore, there is a need for a new application.

Mayor St. John clarified that any approval made in 2011 would be void since the construction did not start within 18 months.

Mr. Morman stated he understands and does not have an objection to that position.

Mr. Parkinson noted he provides comments to the Commission and the applicant, the intention is for the review notes to be resolved prior to the Commission review.

Mr. Parkinson pointed out the architectural plans call out exterior walls for the building additions are pmb walls (metal siding). In 2011, the code may have allowed for Metal siding or sheeting, however current Sunbury code requires natural walls on all exterior walls of elevations that are on a public street, face a public street, can be seen from a public street or can be viewed from a residential district. Parkinson stated that directly behind this building is zoned A1 residential district. He points out, the plan that was submitted shows the addition will be approximately 90% windows.

Mayor St. John stated that he had a question not related to the steel building issue, but about the 12-foot pavement and 24-foot pavement on the west side of the building which is on the property line. He asked about the purpose of that pavement. The applicant's representative responded that the purpose would be for truck movement and keeping trucks and trailers to the rear of the building.

Mayor St. John asked if the 24-foot isle would be addressed on the East side.

Mr. Parkinson asked if they had a landscaping plan to shield that parking. There was a discussion of this element and the best solution to provide visual barriers to surrounding properties and the street.

Mayor St. John asked if there is an additional step with landscaping and a variance required.

Mr. Parkinson answered, yes there are landscaping requirements since the residential district is to the North. He stated further that the applicant plans to return to next month's meeting to apply for a landscape variance since the applicant is not able to do an adequate amount of landscaping because it will interfere with the vehicles he has coming and going from his property. The applicant will be returning for a variance on this item.

There was a discussion if the current site and building plan is approval. Mr. Whitney responded that it is not because of the applicant's desire and need to request other variances. Mr. Parkinson discussed that any approval would be conditioned upon other variance approvals and that would make the approval difficult until all variances are granted and reflected in the site plan.

Engineer Parkinson mentioned that the current driveway and apron is in disrepair, and perhaps a condition of the variance approval could be to have the driveway repaired.

Joe Gochenour asked how close the new offices at the front of the building would be to the parking lot sidewalk.

The applicant estimated it would be around 10 – 12 feet.

Mr. Gochenour next asked about the driveway, stating that there is a gravel apron off to the side of the driveway that encroaches on the neighboring property. David Parkinson said one of his items of note is to widen the driveway to the West. It is also noted that there is no curbing on the driveway.

Mr. Gochenour asked if the storage shed on the property will remain or if it will be removed?

Mr. Morman answered that it will be removed.

Mr. Gochenour recommended that the 12-foot pavement on west side of the property, that would be used for parking trucks and trailers be moved to the east side of the property that way it isn't right up against the property line and giving a 32-foot-wide pavement for trucks to maneuver

Mr. Morman answered that he will need to discuss that with his truck drivers.

Mayor St. John asked if anyone had further questions about the building materials.

Mr. Ryba mentioned that the commission recently had discussed two other properties in the same industrial parkway for similar issues.

Mr. Pyles stated the other building in question was not in clear site from the road.

There is a discussion about what will be visible from each side of the building and what material would be acceptable.

Mayor St. John stated that he does not believe stone would be necessary since the building is currently a metal building, and the stone would look out of place. He also stated that the building is visually appealing and has been maintained well. He then said since the applicant had the intention

of applying for variance for the landscaping, it makes it harder for the commission, because trees could block the sight of view.

The applicant and representatives had individual discussions with Commission members.

Mr. Elliott stated that the landscaping in the back will need to be understood before they could make a decision.

Mr. Morman elaborated that there are currently trees behind his property that could provide a screen from view, that he does not attend on removing.

Mr. Elliott asked if that would meet the requirement for screening.

Mr. Gochenour questioned whether the winter months, when the leaves fall from the trees, if that would deteriorate the screen making the building visible.

Mayor St. John said he will table this discussion until a landscape plan is presented. He said when it comes to approving the building materials, he had a hard time approving it because he felt there wasn't enough detail provided to show what the building will look like at the end of construction. He asked the applicant to submit better detail at the next meeting.

Motion to table the site plan and new building by Mayor St. John, second by Mr. Ryba. Upon voice vote there were 5 ayes, motion to table is approved.

Mr. Parkinson told applicant the date of the next zoning meeting and asked the architect to get the revised drawings to him two weeks before that meeting.

Mr. Pyles then stated the requirements for submitting a variance application.

## **VI. Commission Review – Pulte Homes of Ohio LLC - Minor Subdivision (Lot Split) Application**

EMH&T, on behalf of Pulte Homes of Ohio LLC has submitted a Minor Subdivision (Lot Split) Application to create Price Ponds Section 1 and to fulfill requirements in the Planning and Zoning Commission approval previously granted to the Planned Residence District zoning of this property. Section 1 includes the primary east/west street and access easements and would be the first section purchased and developed in the subdivision.

Mr. Parkinson described the need for the lot split. He had reviewed the documents provided in application for a Lot Split (Minor Subdivision) for Section 1 of Price Ponds. The lot split provides for the partial purchase of the overall project properties for the development of Section 1. Access (ingress/egress) easements are being provided so that no "islands" are being created by the lot split. The proposed lot split is in conformance with previous approvals (zoning, preliminary plat, construction drawings) for this development. Section 305.04 of the Subdivision Regulations stipulates the contents of a Minor Subdivision Plan. The requirements noted therein have been provided by the applicant in previously submitted documents (zoning application, development plans, preliminary plat, and construction plans). These were reviewed in consideration of the Major Subdivision Approval. We see no

reason to require this information be resubmitted or to require a “new” plan specifically for this need. This “project” is only a “minor subdivision” by name (because our code conflates minor subdivisions with lot splits). In the Engineer’s opinion, the previously submitted information satisfies the needs set forth in Section 305.04. He takes no exceptions to the application and supporting documents and offer no objections or concerns with respect to approval of the lot split (minor subdivision).

Mayor St. John asked how far away they are from beginning construction at price ponds.

Mr. Parkinson answered they are still awhile away, he estimated at least 6 months.

Motion to approve by Mr. Elliott, second by Mr. Ryba. Upon voice vote, there were 5 yeas, and the motion was approved.

**VII. Visitors** – There were no visitors.

**VIII. Minutes** – August 30<sup>th</sup>, 2021, Mr. Elliott made a motion to approve the minutes, second by Mr. Ryba. Upon voice vote, there were 5 yeas, and the minutes were approved.

### **IX. Zoning Report**

Mr. Pyles noted the zoning report was in the Commission packet. He briefly reviewed the report and offered to answer questions.

Mr. Elliott asked if political signs have been an issue.

Mr. Pyles answered that they have been an issue, we have issued notices and removed signs in the right of way and stored them on the back porch of the municipality building. They were picked up and redistributed around Sunbury.

Mayor St. John elaborated that the council had recently had an in-depth discussion about objects into the right of way.

Mr. Pyles noted there was an informational item regarding lot line adjustments related to Magnolia Park that will be handled administratively, they were the result of previous Commission meetings with that developer and commitments they had made.

**X. New Business** – None.

### **XI. Scheduling Special Meeting for Code Updates**

October 18<sup>th</sup> at 5:30PM

### **XII. Adjournment**

Motion to adjourn by Rick Ryba, second by Mr. Gochenour. Upon voice vote, 5 yeas, the meeting adjourned at 7:58 p.m.