

## ZONING COMMISSION MEETING

May 4, 2017

7:00 p.m.

Paul DiSantis called meeting to order. Roll call taken. Members present: Paul Disantis, Andy Kerr, Matt Allen, John Kerr and Eric Johnson, alternate. Keith Cornelius is absent.

Motion made by Paul to approve the April 6, 2017 minutes, seconded by Andy. Members who were present voted. (Matt, Andy, Paul and Eric) Vote was unanimous to approve.

Motion was made by Paul to approve the minutes from the April 13, 2017 Special Zoning meeting, seconded by John. Members who were present voted. (Paul, Andy, Matt and Jon) Vote was unanimous to approve.

It was announced that if the application being discussed tonight was not complete by 10 p.m., the meeting would be continued until the June 1, 2017 Zoning Meeting, to be held at the Berkshire Township Hall, 1454 Rome Corners Rd., Galena, OH, 43021.

Before starting review of the application, the chair asked if there were any comments from the public regarding the application. None were heard.

First order of business was a continuance hearing of Application 17-032, which is a proposed amendment to the Berkshire Township Zoning Resolution which would, if adopted, add Article 17 to the Zoning Resolution and create the 36/37 Planned Mixed Use District (PMUD) as a planned unit development under Ohio Revised Code Section 519.021(C) and which would include sections detailing: the purpose and establishment of the PMUD; requirements for the PMUD, including development tract sizes, permitted uses, open space and prohibited uses; establishment of a review process and procedure for the PMUD; requirements for contents of development plans; basis of approval; an approval period; process for modification or extension of development plan; provisions for design standards and minimum development standards including, but not limited to, access, setbacks, yard areas, signage, landscaping, parking, loading, and open space; and provisions for divergences from the minimum development standards. This amendment would also amend Article 5 by adding the 36/37 PMUD as a zoning district and revise the Zoning Map to designate the 36/37 PMUD area. A red-lined copy of this proposed amendment with previous changes requested was provided to the Board just prior to this meeting and is attached for the record. All red-lined items in the application from the previous meeting were discussed during this meeting and agreed upon unless otherwise noted in these minutes.

David Fisher from Kephart Fischer, LLC and Derek Rogers from Nationwide Realty were present to represent Northstar and answer questions from the Board.

The following items are changes requested to be made to the red-lined copy of the application provided for the May 4, 2017 meeting, as noted above.

Discussion ensued regarding **Section 17.06, Item (G), Fees**; regarding the question of when a consultant could be retained by the township and paid for by the applicant if a formal application has not been filed, and the issue is still in informal discussion. It was agreed by both attorneys that a letter of agreement from the applicant to reimburse would be sufficient to cover that question.

The meeting was adjourned for a ten-minute break from 8:35 to 8:45 p.m., when it resumed.

**17.07 General Design Standards, (D) Perimeter Area:** a change was requested to re-word this paragraph as follows; "When located contiguous to a residential district (FR-1, PRD, PERRC, PRCD), no building shall be constructed within fifty (50) feet of the perimeter property line of the contiguous property, the perimeter boundary shall be adequately landscaped to screen the development from adjacent property and no parking shall be constructed closer than fifty (50) feet to a contiguous property line. Not with-standing the foregoing, in the even that a principal residential dwelling unit within such contiguous residential district is within three hundred (300) feet of the contiguous property line in any direction, such fifty (50) feet setback shall be increased to one hundred (100) feet for all purposes of this section, 17.07 D.

**17.08 – Minimum Development Standards, (C) Residential Density and Location, (1), Multi-Family Density:** Add to the end of that paragraph the following

“ ; and provided further that such density shall be limited to 1000 DU unless Zone 5A is not included in the 36/37 PMUD.” It was agreed that if the density agreed upon (two-hundred sixty-seven units {267}) is moved out of Zone 5A, then the land in Zone 5A will remain vacant.

**17.08 – Minimum Development Standards, (D) Frontage, Setbacks and Yard Areas, (2)**

**Minimum Side Yard:** in the ninth line of that paragraph, change the wording to: “No principal single-unit Residential Use may be closer than fifteen (15) feet to another principal single-unit Residential Use” and add the following: “except in the case of patio home developments which shall be no closer than ten (10) feet to another patio home.”

**17.08 – Minimum Development Standards, (D) Frontage, Setbacks and Yard Areas, (4)**

**Right-of-Way Setback:** New language is as follows:

Right-of-Way Setback. With respect to developments having frontage on U.S. 36/S.R. 37 or Wilson Road rights-of-way, no building or structure shall be located closer than thirty-five (35) feet to such right-of-way and there shall be a clear strip of land from back of curb, if any, extending to a width of at least twenty (20) feet upon which no building, structure or any other improvements shall be erected. With respect to all other public street rights-of way located within the 36/37 PMUD there shall be a clear strip of land extending to a width of at least twenty (20) feet from back of curb, if any, upon which...” continuing as written.

**17.08 – Minimum Development Standards, (F) Architectural Standards, (2) Materials, (h):**

Insert the following “, in its’ sole discretion,” after Zoning Commission in this sentence.

**17.08 – Minimum Development Standards, (G) Exterior Lighting, (8):**

In the last sentence change the word from minimize to “eliminate” light pollution.

**17.08 – Minimum Development Standards, (J) Parking and Loading (3) Parking Lot**

**Islands:** Regarding the landscaped tree islands, change the minimum area from one hundred thirty feet to one hundred sixty-two (162) feet, change minimum width from eight feet to nine (9) feet. For landscaped double-loaded parking stall design, change the minimum area from two-hundred sixty feet to three hundred twenty-four (324) feet and change the minimum width from eight feet to nine (9) feet.

**17.08 – Minimum Development Standards, (O) Storm water Basins:** Change the wording from “may require aeration” to “shall require aeration.”

**17.09 – Definitions:**

Under Zone, add “, and Zone 5A” at the end.

Eric made a motion to table the application 17-032 until the June 1 meeting. Jon seconded the motion. A vote was held: Eric – yes, Matt – no, Paul – no, Andy – no, Jon – yes. The motion failed.

Paul made a motion to approve application 17-032 with the following changes. After beginning to list/review the changes, Paul withdrew his motion to approve.

10:05 p.m. it was decided that discussion on this application will be continued on Thursday June 1, 2017 at 7:00 p.m. at the regular meeting of the Zoning Commission, to be held at 1454 Rome Corners Road, Galena, OH 43021.

A motion was made by Matt and seconded by Andy to adjourn the meeting. Vote was unanimous to adjourn.

Respectfully submitted,

Shawna Burkham

Secretary