

Zoning Commission Meeting
December 6, 2018
7:00 P.M.

Paul Disantis called the meeting to order. Roll call taken. Members present: Paul Disantis, Matt Allen, Jon Kerr, Andy Kerr and Damita Peery. Eric Johnson was present in the audience.

Motion made by Matt to approve the November 1, 2018 meeting minutes. Jon pointed out two minor typos and seconded the motion. Vote was unanimous to approve with the two corrections, (which were "properties" mis-spelled in 4th to last paragraph of minutes and street name should be "Devon Ridge Ct." in 3rd to last paragraph of minutes.)

Paul announced that if there is unfinished business at the end of this meeting at 9:00 p.m. that business will be continued at the next regularly scheduled zoning meeting to be held Thursday, January 3, 7:00 p.m. at 1454 Rome Corners Rd., Galena, OH 43021. After each applicant presents their application it will be open to public comment then discussion by the Board. It was announced by Paul that the court reporter transcript will not be required until the Goldwell Development item of business.

First order of business is for Final development plan. Keith Carter presented Application #18-114 by Reese Real Estate Development, 1076 Summit Drive, Middletown, OH 45042 for property owned by Richard Cochran ET AL, 33718 Goodrich Dr., Piedmont, OH 43983. The property is a portion of parcels #417-132-01-004-000 and #417-132-01-00-100 and is 11 acres. It's located on State Rt. 37 E. Sunbury, OH 43074, near the northeast intersection of Carters Corner and 37. Current zoning on the property is Planned Commercial Development (PCD) for a Tractor Supply Co. retail store.

Jon had questions regarding the location of an area in the back which may be used to put excess soil from projects. They were also asked about mounds along 36/37 that had been suggested by the DCRPC. The questions were answered by the applicant. There was also a question about an error on one rendering regarding pervious vs. impervious surface. The code has been more than met and the error on the drawing will be corrected immediately, per the Applicant.

Paul made a motion to approve application #18-114 with the green space/pervious surface correction to be made on the final drawing submitted and the applicant agreed. Andy seconded the motion. Vote was unanimous to approve the application.

The court reporter swore in anyone planning to speak on the second application.

Second order of business is a continuation of Application #18-106 for a Rezone to from Planned Residential District (PRD) to Planned Mixed Use District (PMUD) under Article 17. Applicant and property owner is Northstar Residential Development, LLC., 375 North Front St., Suite 200, Columbus, OH 43215. The parcel number for the property being rezoned is 41721001001000,

located at the northeast corner of the intersection of Wilson and North Galena Roads. Applicant is asking for rezone for 44.904 of the 58.765 acres, for the purpose of building Patio homes.

Derek Rogers presented for Nationwide Realty. The development is referred to as the Goldwell Neighborhood. It is to have 121 lots with detached patio homes. Applicant explained that the text has been amended to incorporate the details that were previously shown only on the drawings and plans.

More detail has been included regarding the phasing of the project.

The questions regarding engineering for drainage and storm sewer needs have been addressed and the applicant has agreed that if the Township feels there is a need for a third party engineer to review when final engineering plans are submitted that the Applicant will pay for the third party engineer. It was noted by Staff and agreed to by the Applicant that the third party engineer will be contracted by, represent and work for the Township. The third party engineer would work directly with the Delaware County Engineer's office on this issue.

Damita asked for a definition of the "no-mow" landscape areas. Answer was it is a reduced-maintenance area planted with a fescue mix which would be mowed "once or twice a year." It as also noted by Applicant that this treatment is already used in areas along Wilson Bridge Rd.

Andy made a motion, as follows, to approve Application #18-106:

MOTION

This matter is before the Berkshire Township Zoning Commission upon the application filed by Northstar Residential Development, LLC assigned as Application #18-106. The Application seeks approval of Development Plan and Text, dated November 27, 2018 as amended, for the proposed development known as the Goldwell Neighborhood in the 36/37 PMUD Zone 5A.

Based upon the Application, and the testimony and information presented to the Zoning Commission, the Commission makes the following findings:

- (1) The property is located in Zone 5A of the 36/37 PMUD, and as proposed by the Application and Development Plan consists of solely Residential Use and is ineligible to be included within a JEDD under Ohio law; and
- (2) The property is restricted by both zoning and deed restrictions to such ineligible uses; and
- (3) The Application and Development Plan meets all of the requirements of Article 17.06(F)(1)-(7).

As a result of the above findings, I would like to make a Motion to approve Application #18-106 and the Development Plan and Text dated November 27, 2018 as amended.

Second by Damita. Roll Call: Matt – yes, Damita – yes, Paul – yes, Andy – Yes, Jon – yes.
Unanimous to approve.

Third order of business is a continuation of Application 18-097 for a rezoning from FR-1 to Planned Commercial (PCD). Applicant is Sunscapes Landscaping c/o Plan 4 Land, LLC, 3551 Westerville Rd., Columbus, OH 43224. Property owner is Richard A. Cochran, Et al c/o Betty Denney, 33718 Goodrich Dr., Piedmont, OH 43983. Property is located 1300 feet east of Carter's Corner Road on SR 37, Parcels # 417-132-010-04-000 and 417-132-010-01-000.

Paul motioned to remove the application from the table and Jon seconded. Vote was unanimous to approve the request to remove from the table.

Joe Clase presented for the applicant. He submitted (with update) email correspondence from Andrew Hurst from ODOT that based on the traffic numbers submitted no additional improvements needed. He also submitted the shared access agreement to be signed at property closing.

The Board indicated that they expect to see a better design for the building since it located on a major commercial thoroughfare in the township. The Board also expressed concern that the Health Department has not been contacted regarding the possibility of onsite septic. Applicant stated that at this time the preliminary plans do not include a restroom. It was also pointed out by staff that the Applicant has not submitted an agreement that if and when a backage road is built, that they would agree to connect to that road making the 36/37 entrance right-in/right-out only. Mr. Clase verbally agreed to that. Jon questioned why there were so many parking spaces shown on the preliminary plan if the business was not going to be retail or have customers.

Damita made a motion to deny application #18-097. Andy seconded the motion. Vote was unanimous to deny the application. Dave Weade stated that the Board's recommendation will now go before the trustees at a date to be determined for them to vote on the recommendation.

Jon made a motion to adjourn. Matt seconded. Vote was unanimous to adjourn.

Respectfully submitted,
Shawna Burkham, Secretary