



**Berkshire Township Zoning Commission
Regular Meeting Minutes
July, 6 2023**

Call to Order: Chairman Damita Peery called the meeting to order at 7:00 p.m.

Determination of a Quorum/Roll Call: Members present were Jon Kerr, Damita Peery, Austin Slattery, Philip Pifer and Matt Allen. Also present were Zoning Inspector David Weade and Meeting Secretary Donielle Owen.

Motion to approve the minutes:

A motion to approve the June 1, 2023, Meeting Minutes was made by Austin Slattery and seconded by Jon Kerr. The motion was approved 4-0 (*Philip Pifer abstained*).

Chairman, Damita Peery announced the following Statement of Policy:

Statement of Policy

As is adopted policy of the Berkshire Township Zoning Commission, all applicants will be granted an opportunity to make their formal presentation. Following the applicant's presentation preliminary questions or points of clarification from the commission will be allowed. The audience will then be granted an opportunity to comment. Each individual will be granted three minutes. We ask that you be brief and to the point. The Chairperson may limit repetitive comments and close public comments after a reasonable time. The commission will ask questions and take action if needed.

The purpose of this policy is to provide orderly discussion of business scheduled for consideration.

Next Zoning Commission Meeting: August 3, 2023, at 7:00pm at the Berkshire Township Hall located at 1454 Rome Corners Road, Galena, OH.

Announcements: NONE

New Business

Application #23-077 Guider Winkle Partners, Inc.; Sunscapes Landscaping and Ground Maintenance, LLC. Preliminary and final development plan approval under Planned Commercial Development.

David Weade stated that the applicant has asked to table the application. The applicant will notify David Weade once they are ready to present to the Zoning Commission.

Jon Kerr made a motion to table Application #23-077 Guider Winkle Partners, Inc.; Sunscapes Landscaping and Ground Maintenance, LLC. Preliminary and final development plan approval under Planned Commercial Development until further notice. Matt Kerr seconded.
Motion approved 5-0.

CONTINUANCE FROM PRIOR MEETING:

Application #23-039, Greens of Northstar, continued from the May 4, 2023, meeting.

Joe Looby-Planner/Engineer EMH&T

Joe Looby stated that he has provided the Zoning Commission with the updated and revised draft binder for the project and would like to review/discuss the following changes and updates:

- A statement from the fire department has been received confirming that the second access point will need to be installed prior to the 30th home being constructed.
- Delco Engineering has approved the changes for the construction only and the applicant has applied for a permit as required.
- The proposed development area is part of the approved plan from 2008.
- Access for primary entry is the same as the original plan as well as the open space that buffers to North Galena Road.
- The major difference is the prior buildings were attached and now they are detached.
- Sidewalks have been added with approximately 4,000 square feet of proposed sidewalks and connections to other paths.
- There are three storm water management ponds that run to Butler Run as an outlet.

- There will not be any “Snout Houses” which is essentially having the entire garage at the forward of the house for extra space.
- The applicant is asking for a divergence from 25’ to 12’ for the side yards between structures.
- The 4-sided landscaping requirement was written for larger buildings and for this project that would be wasted landscaping and the focus will be on the front of the homes.
- There will be approximately 310 trees installed.
- There will not be streetlights at the intersections be rather accent lighting at the mail kiosks and garage lighting on the homes.
- There will be a separate Homeowners Association from the current Homeowners Association in the developed area.
- All open spaces will be maintained properly.

Joey and Jess Thomas, Realtors / Cutler Real Estate

Joey Thomas stated that they are the primary real estate agents for the Northstar Community. Joey Thomas explained that the Goldwell community has an average square footage of 2,029 with the median price at \$568,070 and the proposed development will be a great asset to the area.

Zoning Commission Members

Austin Slattery requested clarity of the ponds as the text states there are three ponds, but the renderings are showing two ponds and requested confirmation if all the ponds be used for stormwater? Joe Looby confirmed that there are a total of three ponds that will be used for stormwater. Austin Slattery stated that the text must be correct and will need to be revised. Austin Slattery stated that he is not in favor of eliminating streetlighting. Joe Looby confirmed that the garage coach lights on the units will not be automatic. Austin Slattery stated that if the installed lights are not automatic then the homeowners may not be reliable to provide the required lighting.

Jon Kerr requested confirmation on the number of buildings completed in Phase 1 and if there is a required end date for completion. Joe Looby confirmed that six buildings have been completed, totaling 22 units. David Weade confirmed that once recorded there is a specific start date but there is not a required completion date. Joe Looby stated that he is not aware of any plans to complete additional buildings.

Damita Peery questioned the reason for the 12’ divergence between buildings and if that was to accommodate more units? Joe Looby stated that the reason was to accommodate the homeowner by having the ease to address any issues.

Philip Pifer requested confirmation of where the HVAC Units will be placed; Joe Looby confirmed that the HVAC Units will be on the side of the buildings. Philip Pifer stated that this will not allow much space with the 12' side yard divergence.

Matt Allen stated that he has an issue with eliminating the side landscaping as there should be a pleasant 360-degree view. Joe Looby stated that the sides of the building will not be visible from the road. Joe Looby distributed copies of the Home Landscape Plan – Reference as “Exhibit A” showing the proposed landscaping layouts.

Austin Slattery stated that the architectural pictures show that the entrances are halfway down the side of the building and landscape to the front door. Joe Looby confirmed that is correct and the goal is to have the front look very nice. Austin Slattery reiterated that the text must be exact as it would be used for final approval and must be adhered to.

Matt Allen stated that he has concerns with the 12' reduction for the side yards as that would be cutting the requirement in half making a major divergence from the requirement. Philip Pifer, Damita Peery and Jon Kerr also agree that the divergence is a major reduction.

Skip Weiler, Developer

Skip Weiler stated that he believes that patio homes and condominiums are being mixed up as they are very different buildings. Skip Weiler stated that the development will be done very nicely and comparable to the Goldwell community development.

The Greens at Northstar-Ron Ernst-Board Member and Presenter speaking on behalf of the following GNS Residents: 10 residents signed their name confirming that Ron Ernst is speaking on their behalf. See attachment for list.

Ron Ernst presented a presentation stating the major concerns of the GNS Residents:

- 1: Size of the proposed Units
- 2: Reduced side yards
- 3: Reduced landscaping
- 4: Elimination of streetlights.

Ron Ernst stated that the zoning codes have been established to control and preserve the quality of the development and the GNS Residents object to all divergences. The presentation slides were provided by hard copy to the Zoning Commission- Reference as “Exhibit B”

Public Participation

Fred Gruenwald – 8773 Birkdale Drive

Fred Greenwald has concerns that nothing else has been developed.

Ron Ernst – GNS Resident

Ron Ernst stated that the Goldwell development across the street has very few side yards at 12’.

Kim Kress – 8795 Letham Drive

Kim Kress stated the importance of the Goldwell development being zoned different than the Greens at Northstar.

Zoning Commission Members

Austin Slattery stated that the zoning code is set for a reason and must be followed. Austin Slattery is also not in favor of eliminating the streetlights.

Jon Kerr stated that he appreciated the aerial views presented by the GNS, as Section 1 is very well planned out and the proposed development appears too packed. Jon Kerr stated his reservation in approving the 12’ divergence of the side yards and stressed the importance of having native plants. Jon Kerr stated that he would like to have seen more focus on the landscaping detail and not just the installation of standard shrubs and perennials.

Philip Pifer stated that he is not in favor of the 12’ reduction of the side yards and would also need to see photos/renderings of the actual proposed product.

Damita Peery stated that she is not in favor of the 12’ reduction of the side yards.

Skip Weiler, Developer

Skip Weiler approached the Zoning Commission Board Members requesting a three-minute break to discuss the application and proposed development. Damita Peery approved the break.

Skip Weiler returned from the break and indicated that there would not be any additional updates/revisions provided.

Jon Kerr made a motion to deny Application #23-039, Greens of Northstar. Matt Allen seconded. Motion approved 5-0.

David Weade stated that he will need an email from the Zoning Commission members stating their reasons for the denial Application #23-039, Greens of Northstar by July 14th, 2023.

Application #22-192 Vinita Patel, Hampton Inn property. Continued from the June 1, 2023, Zoning Commission Meeting.

Matt Allen made a motion to remove from the table Application #22-192 Vinita Patel, Hampton Inn property; Continued from the June 1, 2023, Zoning Commission Meeting. Damita Peery seconded. Motion approved 5-0.

David Hodge – 8000 Walton Parkway, Ste. 260, New Albany, OH 43054

David Hodge stated that he is an attorney representing the applicant (Gary Patel) and he would like to begin by discussing the four requested divergences for the proposed development of the Hampton Inn Hotel.

- Reducing the frontage from 52' to 50'
- Reducing the rear yard setback from 25' to 22.5'
- For the maximum lot coverage of 70% - increase with a 2% divergence
- For the 30% open space requirement the applicant will be requesting a "payment fee in lieu"

Austin Slattery requested confirmation of the Fire Department approval and a copy of the letter. David Weade confirmed that drawings were submitted, however the Fire Department still has concerns that need to be addressed. David Weade stated that per the Letter from the Fire Department, the hydrant needs to be relocated and a standpipe was not conforming to code. David Hodge stated the applicant will conform to the codes as required.

Jon Kerr stated he would approve the first three divergences but has an issue with the fourth item for the open space divergence. Jon Kerr stated that he had suggested options for the fourth divergence and none of those options or any attempt to modify the building had been made. David Hodge stated that he did discuss the suggestions to the applicant, and he was not interested.

Matt Allen stated that he would approve the first three divergences, but the fourth divergence was a very large reduction in open space, far exceeding the flexibility that is usually taken into consideration.

Philip Pifer stated that there is a risk of having a cascading effect should the fourth divergence be approved. Philip Pifer stated that he would have preferred to see options for a different hotel/building footprint.

Damita Peery stated that the fourth divergence was too far from the zoning requirement.

Public Participation: NONE

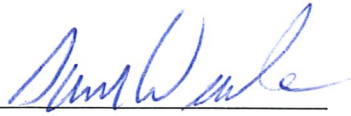
David Hodge requested a continuance so that he can discuss options with the applicant. David Weade stated that he will need the revised information by August 15th, 2023, for the September 7th, 2023, Zoning Commission Meeting.

Austin Slattery made a motion to table Application #22-192 Vinita Patel, Hampton Inn property, for the September 7th, 2023, Zoning Commission Meeting. Jon Kerr seconded. Motion approved 5-0.


Other Business: NONE

Regional Planning Commission Updates: NONE

Adjournment: Motion to adjourn made by Philip Pifer at 8:47 p.m.; Seconded by Jon Kerr. Motion passed unanimously 5-0.

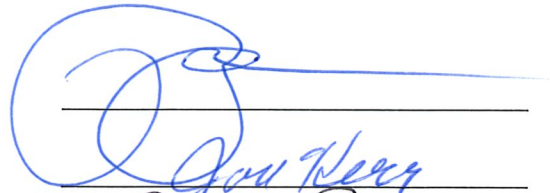



Zoning Inspector

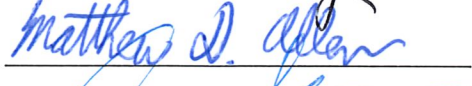



Meeting Secretary

Date 9.7.23









Zoning Commission Members