



**Berkshire Township Zoning Commission  
Regular Meeting Minutes  
October 5th, 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, Philip Pifer Andy Kerr 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 September 7, 2023, Meeting Minutes was made by Jon Kerr and seconded by Matt Allen *with the correction of updating three story building to buildings on page 2 under Community Facts and 2<sup>nd</sup> paragraph and correction to the name Matt Allen (not Kerr) on page 3-third paragraph.*

The motion was approved 4-0 (Andy Kerr abstained from the vote as he was not present at the September 7<sup>th</sup>, 2023, meeting).

**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.

**Announcements:**

Next Zoning Commission Meeting: **November 2nd, 2023**, at 7:00pm at the Berkshire Township Hall located at 1454 Rome Corners Road, Galena, OH.

**Continuance from prior meeting:** NONE

## **New Business**

### **Application 23-131 Berkshire Township amendments to the Zoning Resolution**

Matt Allen made the motion to approve the following amendments to the Zoning Resolution:

*Article 4 definitions including but not limited to accessory use (structure). Article 11 with regards to setbacks.*

Jon Kerr seconded. Motion approved 5-0.

David Weade stated that this will be reviewed by the Board of Trustees at the October 16<sup>th</sup>, 2023, meeting and if approved there will be a 30-day waiting period before being officially adopted.

### **Application 23-133 Northstar Residential Development - 160 home development on Wilson Road filed under Article 16**

#### **David Holtsmiller – 375 N. Front Street, Ste. 200**

David Holtsmiller on behalf of the applicant Northstar Residential Development, LLC stated he is requesting approval of the final development plan of 160 residential lots. There will be 44 patio homes with 116 single family lots, and they plan to maintain 33% of the site's open space. The project is in compliance with zero divergences.

Jon Kerr requested information on the tree/shrub coverage that is currently existing on the site.

Mike Williamson stated that there are an estimated 710 trees existing on site and it's estimated that there will be 100 after the building of homes is complete. They will be adding shade trees to the open space area.

Jon Kerr asked if there are any decent existing trees. Steve Lark stated that there is intention to save some trees but there will need to be more engineering input regarding the grading information/plan before they will know.

Mike Williamson stated that Delco Water has an underground easement protecting their shallow water lines and they are unable to control and/or protect what Delco Water does.

Damita Peery asked if the Wilmington Plan/Model is still one of the build out options. David Holtsmiller confirmed they would like to keep this model as an option to build.

David Weade stated that this is the final development plan for approval and if it's listed in the package by the applicant then it's approved should the Zoning Board approve. The single-family homes garages will be no further in front than the porch of the house-everything will be flush to the front of the home and the porch is considered the front of the home. The design documents state a minimum of a 6/12 pitch design for the single-family homes and the patio homes state a 5/12 pitch design.

Jon Kerr requested the standards for the design documents. David Weade stated the garages are to be no further than the front of the house and the porch is considered the front of the house, however some homes in the Goldwell Development have been built otherwise.

David Holtsmiller stated that the Wilmington style/model is a popular design and requested that it be allowed. Also, they requested a 5/12 pitch for patio homes only.

Jon Kerr requested information regarding the wetlands relocation and the impact.

Steve Lark stated there are new wetlands regulations and they did use the previous guidelines so they're waiting for new direction from the Army Corps of Engineers.

Matt Allen requested information on the road access to the development. David Holtsmiller confirmed that there are two access points in/out of the development.

Jon Kerr referenced page 10 of the development plan application package regarding item #22: "all letters received from various agencies" there was no response listed. David Holtsmiller confirmed that all letters were received.

Jon Kerr stated that #26 references completion dates. David Holtsmiller stated that the streets and the lots (site development) will start the Summer of 2024 to be completed in Spring 2025 then the homes can begin being constructed and the homes will take an estimated 3-4 year to complete.

Matt Allen requested confirmation that once the roads are all built how does the development proceed? Steve Lark stated that there is not a signed contract with a builder yet but as they sell the lots then the homes will be built.

Damita Peery requested information regarding the impact on the local schools. David Holtsmiller stated that there has been no discussion with the schools directly but that the schools are aware. Steve Lark stated there may be a plan to dedicate land to the schools later down the road. David Holtsmiller stated that they will attend upcoming school board meetings and also confirmed that this would be in the Big Walnut School District.

Philip Pifer requested if build out phases have been discussed. Steve Lark stated that until a builder is confirmed that has not been confirmed yet.

## **Public Participation**

Mike Heller – 1318 Kenley Place

Mike Heller requested that this project be delayed until we can see how Wilson Road handles the already approved developments. Mike Heller also has an issue with possible higher taxes due to the growing number of approved developments. Mike Heller also stated that he would like to see more upscale builders be considered and not just one builder for this proposed development.

## **Discussion**

Matt Allen requested information on street parking layouts for the proposed development. Steve Lark stated that the Delaware County Engineer's office will regulate the street parking layout.

Jon Kerr stated that on "Tab 10" of the application package – the letter from Delaware County's Engineer office does not have a year. Steve Lark confirmed the year referenced is 2023. Jon Kerr also requested confirmation of the date of the Traffic Access Study. Steve Lark confirmed the date is 02/07/2023.

In response to the Public Participation comment from Mike Heller, David Weade stated that Wilson Road was built and designed for future developments to access.

Jon Kerr made a motion to approve Application 23-133 Northstar Residential Development. Andy Kerr seconded. Motion approved 5-0.

**Application 23-134 Guider Winkle Partners Inc., on behalf of Rental Stop. Zoning change request from Agriculture (A-1) to Planned Commercial Development-Article 15.**

**Chris Winkle – 19541 Delaware County Road**

Chris Winkle stated that they would like to rezone the referenced area/lot so that a building can be built on it. Requesting to zone to planned commercial development (PCD) for Rental Stop (equipment rental). 6,000 square foot building to start with an option to build out an additional 2,500 sq. feet at a later time. There will be proposed parking at the front with a circular parking area and a shop at the rear of the building. There are divergences that include setback requirements and an overhang height of the wraparound porch for the front of the building as part of the design. They are planning to use limestone, not blacktop or concrete in the rear of the property for equipment parking. The design is for a rural farm appearance.

David Weade stated that the Regional Planning Report made reference to the concern about possible dust. The decision by the Zoning Commission is for preliminary approval as the applicant is requesting a zoning change to move forward with the project understanding they will still need approval of a final development plan.

Jon Kerr requested confirmation of the current zoning of the property as the application is incorrect. David Weade confirmed that the current zoning is A1 not PCD and the applicant qualifies for all four NAICS Code numbers referenced on the application.

Damita Peery confirmed that the use is wholesale, retail, rental and repair.

Philip Pifer stated that the transportation traffic study lists the name Highlift Equipment and would like confirmation of who that would be. Jeff Lattermilk (Owner of Rental Stop) confirmed that is the partner company.

Matt Allen requested confirmation of where the future addition of the 2,500 sq. feet would be. Chris Winkle confirmed that it would be on the eastern side.

Andy Kerr received confirmation from Chris Winkle that the front parking area and entrance would be paved and that there would be a landscape screen with trees. Chris Winkle also confirmed that this would be a pole barn type of metal structure that would be red and black.

Jon Kerr requested clarification on page 10 of the application referencing the reduced parking lot facing State Route 37. Chris Winkle confirmed that the State Route 37 would be the rear.

**Public Participation**

John Guthrie – 873 N. 3Bs and K Road, Sunbury, OH

Will there be any required screening on the south side as there are no trees. The applicant verbally agreed to share any screening cost if allowed in the future.

David Weade confirmed that there must be an open area for emergency access and there could be more details required on the final approval plan.


Matt Allen made a motion to approve Application 23-134 Guider Winkle Partners Inc., - Preliminary development plan to rezone from A1 to Planned Commercial District (PCD).  
Philip Pifer seconded. Motion approved 5-0.


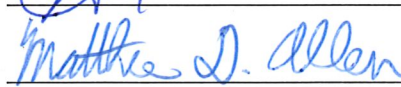
**Other Business: NONE**


**Regional Planning Commission Updates: NONE**

**Adjournment:** Motion to adjourn made by Jon Kerr at 8:21 p.m.

Seconded by Andy Kerr. Motion passed unanimously 5-0.

  
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Zoning Inspector

  
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Matthew J. Allen

  
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Meeting Secretary

Date 2/1/24\_\_\_\_\_

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Zoning Commission Members