



**Berkshire Township Zoning Commission  
Regular Meeting Minutes  
June 1, 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 and Matt Allen. Also present were Zoning Inspector David Weade and Meeting Secretary Donielle Owen.

**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.

**Motion to approve the minutes:**

*Damita Peery stated that there are several misspellings of her name in various locations in the prior meeting minutes; Pending correction of her name misspellings she approves the prior Zoning Commission meeting minutes: A motion to approve the May 4, 2023, Meeting Minutes was made by Matt Allen and seconded by Jon Kerr. The motion was approved 4-0.*

**Next Zoning Commission Meeting:** July 6, 2023, at 7:00pm at the Berkshire Township Hall located at 1454 Rome Corners Road, Galena, OH.

**Announcements: NONE**

**Continuance from prior meeting:**

- Damita Peery asked David Weade to confirm that Application #23-039, Greens of Northstar, will not be in attendance or represented at this meeting. David Weade confirmed that the applicant was not ready to present and will work to be ready at the next Zoning Meeting on July 6<sup>th</sup>, 2023.

- Application number 22-192 (tabled at the December 1, 2022, Zoning Meeting). The property currently is the Hampton Inn. They are proposing to build an additional hotel on the site.

This Application must be removed from being tabled at the prior meeting (on December 1, 2022). Damita Peery made the motion to remove Application number 22-192 from being tabled. Jon Kerr seconded. Motion approved 4-0.

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

David Hodge stated that he is an attorney present on behalf of the applicant, Gary Patel. The applicant would like to build an additional hotel behind the existing Hampton Inn with 73 rooms. David Hodge stated that he was not involved in the initial application. David Hodge stated that he discussed the project information with David Weade to get a clean application submitted as they may have fallen short on information/materials on the original application. David Hodge stated that there are several divergences associated with the application that need to be discussed:

- Frontage: The code states there needs to be 52' and the applicant has 50'; The applicant stated that this is a minor divergence and they are limited due to the private road where Bob Evans is located.
- Rear Yard Setback: The requirement is 25' to the rear of the building and the applicant has reduced this to 22.5' which is a 2.5' divergence.
- Lot Coverage: Has been improved by the applicant; the code is a maximum of 70% and the applicant is over that requirement by 2%.
- Zoned PCD not PMUD: David Hodge stated that this is an odd commercial site and the code requirement is 30% and the applicant is at 7.8% for a divergence of 22.5%. David Hodge stated that the code allows a reduction of 10% if the applicant pays a fee in lieu of the reduction based on market value. The applicant would like to pay Berkshire Township the "fee in lieu of" for just under one (1) acre which may be approximately \$135,000 but will need to work with the Township on the exact fee amount.

David Hodge stated that there is additional supplemental information required; the fire department has requested an AutoCAD showing the turn radius and the applicant has not yet provided that information. The applicant has also not provided photometrics lighting plan for the existing hotel to the Township.

David Hodge stated that commercial development is important to communities and the TIF projection will generate approximately \$2.5 million dollars.

David Hodge stated the condition of Eastwind Drive is horrible and stated that the Township may have discussed taking over maintenance of that and that the TIF may assist with the takeover of that road to make necessary improvements.

David Weade stated that the Township has offered to take over the maintenance of that road once the road is fixed to county standards as it would be a major expense to the Township.

David Weade also stated that this is the third meeting for this application and pulled the Regional Planning Report for the application for the 89-room hotel. Regional Planning did recommend conditional approval based on correcting items:

- Regional Planning is in agreement that the frontage variance of 52' vs 50' was minimal.
- Regional Planning stated that the applicant needed to bring the required lot coverage amount back in compliance and did not find a justified reason to grant the divergence.
- Regional Planning did not support the lot coverage/open space request in that the large area mentioned is already dedicated to an open reserve. The applicant wanted to use the lake as part of the open space. The difference in the open space in this application needed to be addressed.

**Public Participation: NONE**

**General Discussion:**

Jon Kerr stated that the application is for 73 rooms but in the information provided by the applicant, it states that there are 78 rooms and requested confirmation on the actual number of rooms that are being proposed. The information states that they will provide for 3 staff members at the busiest and that will have an impact on the number of parking spaces – should they not need the parking spaces then it will provide more open space.

David Hodge stated that the drawings show 73 however David Weade stated that the Township goes by text not drawings. David Hodge stated that they will correct that discrepancy.

Jon Kerr stated that it would make more sense to decrease the parking spaces and add more open space which would also save the applicant more money for the “fee in lieu.” David Hodge agreed and will correct the information.

Jon Kerr stated that in December 2022 the Commission requested a smaller hotel however the applicant had stated that they would need to use a different template for the construction/design. Jon Kerr suggested using a different template and possibly making the proposed hotel five stories. David Hodge stated that he will discuss that information with Gary Patel (the applicant).

David Hodge stated to the Zoning Commission to consider that the “fee in lieu” money is going to be significant which will be very meaningful for parks and the community.

Damita Peery stated that “Drawing #4” has an incorrect scale measurement and would like to confirm the discrepancy. David Hodge stated the drawing needs to be full size for the measurement to be correct. The PMUD stated that the applicant is unable count setbacks towards open space – they created the exhibit to show the open space areas.

Damita Peery also requested to know the building height; David Hodge stated the building height will not exceed the required 45'. David Weade stated the plans show two different numbers for the building height. David Weade stated that the provided copy of the smaller sized plans, provided by the applicant, are very difficult to read.

David Weade asked if this is a survey drawing or just a schematic as there are several discrepancies in measurements. David Weade stated that there are no architectural stamps on the drawings and the board may be interested in receiving a true survey should the applicant/project proceed.

David Hodge stated the following will need to be verified:

- Verify the plans provided are done by survey
- Provide full size drawings to scale
- Confirm what is submitted is stamped by a certified architect
- David Weade stated that the building dimensions must be shown
- David Weade stated that the Legal description on the property is for Microtel not The Hampton; it's showing Lot 447 not Lot 448

Damita Peery stated that even with zooming on her cell phone she could not view the information.

David Hodge would like to postpone this application and provide supplemental information and clarity. David Weade stated that he would need the information by June 19, 2023, for the next Zoning Commission meeting to be held on July 6, 2023. David Weade stated that the fee schedule for an additional meeting is \$500.00 which will be due from the applicant for the next meeting.

David Weade stated that they will need specific information on the sign location as it may need to be moved due to distance of right away; information regarding building materials will need to be provided so that the Zoning Commission will understand exactly what the building will look like.

Jon Kerr made the motion to continue Application #22-192 to the next Zoning Commission Meeting on July 6, 2023. Austin Slattery seconded. Motion approved 4-0.

David Hodge provided handouts to the Zoning Commission regarding TIF projections amount. David Weade stated that the Commission does not make a decision based on the TIF projections.

#### **New Business:**

##### **Application Number 23-033 Proposed changes to the Berkshire Township Zoning Resolution.**

- Article 4 definitions including but not limited to agrotourism, hotel and solar farms.
- Articles 9,13,14,15 and 18 with regards to perimeter setbacks.
- Articles 11 and 15 regarding bike paths.
- Articles 13,14,16,17 and 18 on parks trails master plan.
- Article 16 and 17 regarding design standards for multi-family and any other additional proposed amendments.


#### **Public Participation: NONE**

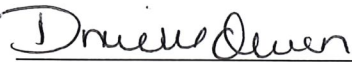
Damita Peery made the motion to make the recommended changes to the Board of Trustees at the next Board of Trustees meeting to be held on June 12, 2023. Jon Kerr seconded. Motion approved unanimously 4-0.

Other Business: NONE

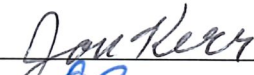


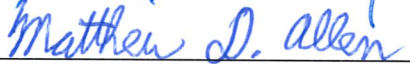
Regional Planning Commission Updates: NONE

**Adjournment:** Motion to adjourn made by Damita Peery at 8:18 p.m.; Seconded by Jon Kerr. Motion passed unanimously 4-0.

  
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Zoning Inspector

  
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Meeting Secretary

Date 7.6.23

  
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Zoning Commission Members