

**KINGSTON TOWNSHIP ZONING COMMISSION
MEETING MINUTES**

AMENDED & APPROVED: July 18, 2007

DATE: June 20, 2007
LOCATION: Kingston Township Hall
TIME CALLED TO ORDER: 7:00PM

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|------------------|-------------|----|---|
| MEMBERS PRESENT: | (CHECK ONE) | | |
| BURRELL | YES X | NO | |
| AKERS | YES X | NO | |
| GROVE | YES | NO | X |
| COPE | YES X | NO | |
| HARSANY | YES X | NO | |
| DEAVERS | YES X | NO | |
| TALBOTT | YES | NO | X |
| STITES | YES X | NO | |

PUBLIC PRESENT:
Rick Giffin

PUBLIC INPUT/COMMENT:
None

APPROVAL OF MINUTES:
A motion to approve the May 16, 2007 Meeting Minutes as written was made by Craig Cope, seconded by Doug Harsany and approved unanimously.

ZONING REPORT:
Zoning Secretary/Assistant Zoning Inspector Stites covered a number of topics found on the Zoning Report May 2007 attached as Item #1.

In addition to the items contained in the report regarding NorthStar, Commission Members were provided with a copy of a letter to Delaware County Assistant Prosecutor Collins. In the letter, he was asked to review the draft deed and survey to ensure accuracy and all legal issues are addressed for the 25 acres to be donated to the Township by NORTHSTAR LAND, LLC. A copy of the letter, deed and survey are attached as Item 2.

Also, Commission Members were provided a copy of NorthStar Final Development Plan Comments prepared by Zoning Inspector Talbott attached as Item 3. Remaining items for review by the Trustees and Zoning Commission include signage, location of the water tower, setbacks, schedule for donating the remaining township farm preservation land (beyond the 25 acres discussed above) and open space calculation differences between Zoning Inspector Talbott and Jeff Strung representing the owner. In his review, Talbott advised that plan approval by code can be accomplished via Administrative Hearing, and recommended that the Trustees and Zoning Commission meet jointly to review and work toward approval.

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Chairperson Burrell felt that the Zoning Commission should meet first, review the information and make recommendations to the Trustees. Member Deavers (attorney with a background in zoning issues) agreed. The Commission was advised that the matter had been forwarded to Zoning Attorney O'Reilly for an opinion as to how to proceed.

Concerning The Pastures at Blue Church, Commission Members were provided a copy of the May 29, 2007 letter to Attorney Tangeman, attached as *Item 4*, rejecting the rezoning application submitted on May 25, 2007 due to the current moratorium established by the Trustees. The Commission was advised that Attorney Tangeman had filed a Notice of Appeal to the rejection of the rezoning application on June 15, 2007, and provided a copy attached as *Item 5*. Members were informed that the matter had been turned over to Zoning Attorney O'Reilly for an opinion as to how to proceed. Member Deavers informed members about appeal processes. Generally, if the Board of Zoning Appeal supports the Zoning Inspector's decision, the matter goes to the Court of Common Pleas. Attorney Tangeman could have bypassed this appeal step and taken the matter directly to court seeking a declaratory judgment that the Township does not have the constitutional authority to establish a moratorium. She indicated that townships have expressed powers rather than implied powers, and there is little case law concerning the moratorium issue.

Regarding the Planned Residential Development (PRD) Amendment to the Township Zoning Resolution, Members were informed by Secretary Stites that no petition had been filed with the Delaware County Board of Elections seeking a referendum vote as of the 4:30PM deadline on June 20, 2007. Chairperson Burrell advised that the PRD would take effect at midnight June 21, 2007.

Secretary Stites informed Members that he was having difficulty getting scope, qualification and price quotations from consultants and planners regarding the Infrastructure Study. Clarification was provided by Member Harsany concerning the difference between Administrative Studies and requests for Engineering and Architectural Services, indicating that in his opinion this would be considered an Administrative Study outside the parameters of hiring architectural and engineering services.

The Commission was advised that as the result of a Board of Zoning Appeal Hearing on June 19, 2007, Mark and Karie Christian, 4971 Wilson Road, Sunbury, Ohio 43074 were issued a 44' front yard setback Variance to construct a room addition on their existing residence.

OLD BUSINESS:

None

NEW BUSINESS:

Member Cope attended a Zoning Seminar on June 15, 2007. He highlighted several topics found in the attached *Item 6* including political signs, wind turbines and cable television lines.

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He found the seminar extremely helpful to him as it also covered the history of zoning in Ohio, public hearings, the role and responsibilities of a zoning commission, and the same for a board of zoning appeal.

Chairperson Burrell advised that her term was set to expire in August 2007. After discussion with the Commission, she advised that she would like to continue to serve for another term. A motion was made by Craig Cope recommending that she be appointed by the Trustees to the Zoning Commission for another term, seconded by Dewey Akers and unanimously approved.

Chairperson Burrell requested that the Commission decide where their attention should focus now that the PRD Amendment had been accomplished. After discussion, the Commission decided unanimously that it was critical to finalize the draft Comprehensive Plan started in 2003 to provide a stable foundation for the Township's Zoning Resolution. Once that was complete, they would move toward reviewing and rewriting other outdated zoning resolution language.

Chairperson Burrell discussed a number of topics found in various newspaper articles and e-mails concerning zoning. Copies of the topics are attached as Item 7, and copies were mailed to all Members after the meeting by Secretary Stites.

FOLLOW UP ITEMS:

- The Commission will meet in August, a month when the board usually does not meet.
- Secretary Stites was instructed to begin to integrate the amended PRD language into the existing Zoning Resolution.
- Secretary Stites was instructed to pull together the most recent version of the Comprehensive Plan, and send to Members ahead of the next meeting.
- Secretary Stites was instructed to submit a letter to the Trustees recommending that Jeanna Burrell be appointed to another term on the Zoning Commission.
- Secretary Stites was advised to pull applicable NorthStar information so the Commission can begin to discuss final plan recommendations.

ADJOURNMENT:

MOTION: A motion to adjourn was made by Akers, seconded by Harsany and unanimously approved.

TIME: 8:15PM

SUBMITTED BY: Dave Stites, Zoning Secretary/Assistant Zoning Inspector