

**KINGSTON TOWNSHIP ZONING COMMISSION
MEETING MINUTES**

APPROVED: August 15, 2007

DATE: July 18, 2007
LOCATION: Kingston Township Hall
TIME CALLED TO ORDER: 7:00PM

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

PUBLIC PRESENT: None

PUBLIC INPUT/COMMENT: None

APPROVAL OF MINUTES:

Member Grove made a motion to accept the Public Hearing Minutes dated May 4, 2007. The motion was seconded by Member Cope and was unanimously approved.

After discussion and one correction, Member Harsany made a motion to accept the Amended Meeting Minutes dated June 20, 2007. The motion was seconded by Member Cope and unanimously approved.

ZONING REPORT:

Secretary Stites briefed the Commission on all items contained in the Zoning Report June 2007 *attached as Item 1*. Items included updates on the NorthStar and Pastures at Blue Church development projects; approval of funding for the Infrastructure Study by the Trustees on July 2, 2007; amendment of Section 306, Subdivision Regulations, Common Access Drives (CAD) by the Delaware County Regional Planning Commission on June 28, 2007 *attached as Item 2*; and an update on the Time Warner Cable installation within the Township *attached as Item 3*.

Regarding the draft deed and survey for the 25 acres to be donated to the Township for a hall and park site, Secretary Stites provided the Commission a copy of a letter received from the Prosecutor's Office and *attached as Item 4*. Within the letter, the Prosecutor advised that he found nothing objectionable within the draft deed and survey language and indicated that his office did not have the ability to ensure the accuracy of the content of the draft deed and survey.

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He suggested that the Township might wish to have the documents reviewed by an independent surveyor, and recommended that the Township secure an official document indicating that Mark Schell is member of Northstar Land LLC and authorized to execute the transfer. His response is marked and *attached as Item 4*. Secretary Stites also spoke to an independent surveyor who recommended that the surveying company was reputable, and paid review by an outside surveyor was not necessary.

The Commission was advised that a Notice of Appeal for the rejection of the Pastures at Blue Church Rezoning Application had been filed by Attorney Tangeman on June 15, 2007. That Notice of Appeal was subsequently returned to Attorney Tangeman as it had not been filed on the appropriate application, did not include the required filing fee of \$300, and did not include required information. A copy of the return letter was provided to the Commission and is *attached as Item 5*. A formal application of Appeal has not been filed to date.

The Commission was informed that the Zoning Office is in the process of revising all zoning applications, and was shown an old vs. new Application For Variance(s) Or Appeal of Administrative Decision for comparison purposes. Once revised, these forms will be posted for download on the Township Website.

Secretary Stites informed the Commission that revisions to the Zoning Resolution (updating Article 4 Definitions and replacing Article 8 Planned Residential Development) was about 75% complete, and that spelling and formatting inconsistencies were also being corrected.

OLD BUSINESS:

Following instructions given by the Commission on June 20, 2007, Secretary Stites prepared and submitted a memo on behalf of the Commission to the Trustees on July 2, 2007 requesting that Jeanna Burrell be reappointed to the Zoning Commission for another term. A copy of the memo is marked and *attached as Item 6*. Chairman Shively advised that the Trustees would not reappoint, but instead would accept resumes from all interested candidates with interviews to be conducted at the August Trustee Meeting.

Regarding Member Burrell, a question was raised concerning the number of terms that can be served. Member Burrell served a two year first term appointment and is completing a second full term of five years. Zoning Attorney O'Reilly advised that the Zoning Resolution is clear in that a member can serve two full terms; the first two years did not constitute a full term and Member Burrell was eligible to be appointed to a second full term. This same opinion was also received from Assistant Delaware County Prosecutor Ben Collins on July 20, 2007. Member Burrell informed the Commission that she had forwarded her resume to Greg Roy and each Trustee.

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The Commission was advised by Secretary Stites that the Trustees on July 2, 2007 had accepted the resignation of Elaine Eddy as the Township Representative on the Eastern Delaware County Joint Recreation District (EDCJRD), and had appointed Rich Zumphone from Rosecrans Road to the position. Ms. Eddy resigned due to being elected president of the Olentangy Teachers Association. Mr. Zumphone has been actively involved with the EDCJRD.

NEW BUSINESS:

Secretary Stites discussed meeting per diem employment status and paperwork requirements with the Commission. To receive meeting compensation, a board or commission member must become a part-time employee of the Township and become a member of the Public Employees Retirement System (PERS). Under PERS, a portion of the meeting compensation must be withheld for retirement. Currently, only Members Burrell and Deavers have completed the required paperwork. After discussing, Members Akers Cope and Grove indicated that they were not interested in receiving compensation, and Member Harsany completed the required paperwork that was submitted to Fiscal Officer Roy for processing.

Regarding the NorthStar Final Plan Approval, Secretary Stites distributed copies of seven documents to the Zoning Commission for discussion. These include:

1. An e-mail from Zoning Attorney Mike O'Reilly defining an administrative review and how it should be conducted. *Attached as Item 7.*
2. A letter dated April 13, 2007 from Consultant Jeff Strung to Zoning Inspector Bob Talbott discussing plan modifications made by EMH&T since March 20, 2007. *Attached as Item 8.*
3. An issue synopsis prepared by Secretary Stites clarifying items contained in the April 13, 2007 letter. *Attached as Item 9.*
4. A letter from Big Walnut Schools to Zoning Inspector Talbott received on May 11, 2007 indicating that they accept the final plan adjustments as they relate to the school district. *Attached as Item 10.*
5. A letter dated May 18, 2007 from Consultant Strung to Inspector Talbott clarifying plan issues resolved during a meeting on April 13, 2007. *Attached as Item 11.*
6. An e-mail from Zoning Inspector Talbott laying out six (6) items that remain unresolved concerning the final plan. *Attached as Item 12.*
7. A copy of Article 21 of the Kingston Zoning Resolution governing signs since one of the remaining items to be resolved are the two development entrance signs. *Attached as Item 12.*

Secretary Stites presented and discussed each document in detail with the Zoning Commission. The presentation also included a review of specific plan sheets focused on outstanding issues including signs, setbacks, the 25 acre township hall/park parcel, no build/no disturb zones, pedestrian circulation, a pavilion to be built and donated by the developer, lot sizes, the water tower and total acreage discrepancies between developer commitments and the final plan.

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The information and discussion during the presentation was directed at preparing the Zoning Commission for in-person discussions with the developer at the August Zoning Commission Meeting. Each Member was asked to prepare their thoughts and questions ahead of the meeting, and was advised that Secretary Stites was available to clarify information as needed.

Subsequent to the meeting, Consultant Strung provided Secretary Stites with approximately half-size final plan copies that were then distributed to all Zoning Commission Members and individual Trustees.

REGIONAL PLANNING UPDATE: None

RESULTS OF BOARD OF ZONING APPEALS HEARINGS: None

FOLLOW UP ITEMS: None

ADJOURNMENT:

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

TIME: 9:40PM

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