



Village of Galena PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF APRIL 17, 2019

The Zoning and Planning Commission of the Village of Galena met on Wednesday April 17, 2019 in the Council Chambers of the Village Hall at 109 Harrison Street, Galena, Ohio. Present were members; President Tom Hopper, Stan Swisher, Alison Cherubini-Hillyer, and Kathy Krupa. Mark Brooks was absent. Also present were Village Zoning Inspector Kenneth Levi Koehler, and Zoning Clerk Suzanne Rease. Brian Yeager, Michelle Yeager, Brian Hoar, and others from Champion Homes were also in attendance. Numerous other members of the community were present, a list of those in attendance is attached at the end of the minutes. The meeting was officially called to order at 7:12 P.M.

Copies of the minutes from the meeting on March 20, 2019 had been distributed to all members by the Clerk. A motion to approve the minutes was made by Alison Cherubini-Hillyer and seconded by Kathy Krupa and passed unanimously.

The court reporter swore in everyone who intended to testify at the hearings.

At 7:13 A Public Hearing of the application of Paul Ross, for APPROVAL OF AN AMENDMENT TO A DEVELOPMENT PLAN was called to order.

Situated in the Village of Galena, in the Township of Berkshire, in the County of Delaware, and the State of Ohio.

Being known as 1881 S, Old 3C Hwy., Parcel Number 417-44-00-100-6000, all being in Farm Lot 17, Township 4, Range 17, United States Military Lands as the same is numbered and shown at the Delaware County Recorder's Office, Delaware, Ohio.

Mr. Joe Clase of Plan 4 Land, the consultant for the applicant, explained that Mr. Ross planned to reduce the number of lots in his development plan from five lots to two lots due to high development costs.

Village Zoning Inspector Kenneth Levi Koehler gave his report to the Planning and Zoning Commission. The development plan is consistent with the standards of the Zoning Ordinance and the Village and Township Land Use Recommendation. The development complies with the *Subdivision Regulations* and the intent of the Zoning Resolution. The plan is complete enough in detail at this time to recommend a **Conditional Zoning Approval** with conditions as follows:

- 1) The final approval is contingent upon approval by the Village Council and Village approval of final engineering details.
- 2) That Village engineering review costs are reimbursed by the applicant.
- 3) That all tap fees be payable to the Village of Galena
- 4) That construction clean-up and dust control shall be maintained in accordance with applicable regulations.
- 5) That erosion and sedimentation measures be maintained in accordance with applicable regulations.
- 6) That storm water and dust control measures be maintained in accordance with applicable regulations.
- 7) An easement across the entire front of the property be include for possible future public utility expansion, and trail use.
- 8) Existing large trees along north property line be maintained.
- 9) Driveway type to be chip and seal, asphalt, or other hard surface with concrete approach to edge of right-of-way. Base to meet Village standards.
- 10) Approval of divergence regarding open space.

This will have to be approved by council if it is approved by the Planning and Zoning Commission.

A motion to close the hearing was made by Alison Cherubini-Hillyer and seconded by Stan Swisher. The hearing was closed at 7:18.

Swisher – Yes Hopper – Yes Cherubini-Hillyer – Yes Krupa – Yes

A motion to recommend for Approval an Amendment to a Development Plan for Ross Estates Subdivision was made by Alison Cherubini-Hillyer and seconded by Kathy Krupa.

Swisher – Yes Hopper – Yes Cherubini-Hillyer – Yes Krupa – Yes

At 7:19 a Public Hearing for the application of Tyson Lane, for APPROVAL OF A DEVELOPMENT PLAN to allow construction of a new single family residence in a Planned Residential District (PRD) for the following described property was called to order:

Situated in the Village of Galena, in the Township of Berkshire, in the County of Delaware, and the State of Ohio.

Being known as 65 Holmes St., Parcel Number 417-431-05-009-000, and being in Section 4, Township 4, Range 17, United States Military Lands as the same is numbered and shown at the Delaware County Recorder's Office, Delaware, Ohio.

Mr. Lane explained that he has submitted a development plan to build a new residential home with an attached garage, and plans for a future outbuilding on .25 acres located at 65 Holmes St., Galena Ohio.

Zoning Inspector Levi Koehler stated that the plan is consistent with the standards of the Zoning Ordinance, and recommends approval by the Planning and Zoning Commission. He asked that the commission set the rear and side yard setbacks for the future out building.

A motion to close the hearing was made by Kathy Krupa and seconded by Alison Cherubini-Hillyer. The hearing was closed at 7:29.

Swisher – Yes Hopper – Yes Cherubini-Hillyer – Yes Krupa – Yes

A motion to approve the Development Plan for a new residence at 65 Holmes St., Galena, Ohio with 5 foot side and rear yard setbacks, for a shed at a future date, was made by Alison Cherubini-Hillyer and seconded by Stan Swisher.

Swisher – Yes Hopper – Yes Cherubini-Hillyer – Yes Krupa – Yes

At 7:30 Public Hearing of the application of Katie and Logan Glade for a VARIANCE TO REDUCE REAR YARD SET-BACK to allow for the construction of a deck on the rear of the home for the following described property was called to order:

Situated in the Village of Galena, in the Township of Berkshire, in the County of Delaware, and the State of Ohio.

Being known as 424 Hawking Dr., Parcel number: 41743011029000; Part of Farm Lot 14, Quarter Township 4, Township 4, Range 17, United States Military Lands.

Logan Glade stated he applied for a 10 foot variance to reduce his rear yard setback from 30 to 20 feet so that he can build a deck.

Zoning Inspector Levi Koehler recommended that the variance be granted due to the hardship of the irregular shape of the lot.

A motion to close the hearing was made by Alison Cherubini-Hillyer and seconded by Kathy Krupa. The hearing was closed at 7:36.

Swisher – Yes Hopper – Yes Cherubini-Hillyer – Yes Krupa – Yes

A motion to approve the variance to reduce the side yard setback from thirty feet to twenty at the rear of the property located at 424 Hawking Dr., Galena Ohio due to the hardship of the irregular lot shape was made by Kathy Krupa and seconded by Alison Cherubini-Hillyer

Swisher – Yes Hopper – Yes Cherubini-Hillyer – Yes Krupa – Yes

Mayor Hopper began by educating the audience on the development process, because the Village has had many calls with a wide range of questions concerning this topic. The past two months Champion Homes have come to the Planning and Zoning Commission for informal discussions about their plan to develop Blackhawk Gold Course and the Wright farm. The properties being discussed are not in the Village. Communities create a master plan to include areas outside their borders. Galena and other bedroom communities need commercial development for income in order to provide municipal services. People like our downtown, and encourage developers to mirror the mixed use development seen in the downtown. These developers, Champion Homes, are following our master plan.

The first step for the developer is to apply for annexation to Galena with the County. There is a hearing at the County level and if the developer meets certain criteria their annexation will be approved. When the property is annexed the zoning follows it. The Village provides an ordinance for municipal services. So far nothing has been approved. The annexation is usually a 6 month process. During this time the developers will turn in an application for a development plan and rezoning. Once this is heard and if approved, the Planning and Zoning commission will recommend approval of the development plan to the Village Council. The Village Council cannot approve a development plan until after annexation is approved by the County. The

Planning and Zoning Commission and the Village Council will look at if the application meets all of our regulations and if it is in the best long term interest of the Village. We cannot legally state or put in the zoning code a minimum cost for homes, disallow trailers or apartments.

Mayor Hopper asked for procedural questions, and stated that the planning and zoning commission would appreciate if the audience avoided any theatrics.

Village resident Jill Love of 311 Caleb's Court asked why the citizens of the Village can't vote on matters like this, and the Mayor explained that all matters to do with the rezoning and annexation of property are under the rules of the Ohio Revised Code. She also questioned why the Village didn't want a merger with Berkshire Township and implied that it would reduce the resident's taxes.

Resident Andy Pentello of 388 Caleb's Ct. urged the commission that they should vote the way Village resident want them to vote.

Resident Brian Stentz of 311 Caleb's Court asked if the annexation process was driven by the property owner. He also inquired what if the annexation interferes with the highest and best use of the land.

The mayor responded by saying the annexation process is driven by the property owner and once criteria are met with the county the annexation will be approved.

Nonresident Annette McMurray of 3690 Worthington Rd inquired as to why it has to be commercial or mixed use, and where we came up with 5 units an acre? The mayor explained that bedroom communities like Galena can't generated sufficient income to operate without commercial properties. The commercial area is shown in the masterplan, and mixed use zoning is encouraged because it mimics our downtown. In addition density is not specified on commercial property or mentioned in the master plan. Champion proposed the 5 units an acre.

The Mayor explained that everything proposed by this developer is allowable according to our zoning code.

Commission member Kathy Krupa commented that there is a line of developers interested in this property and all have apartments as part of their plan. The market in this area is for apartments.

Nonresident Mary Howard of 1765 South Galena Rd asked if there is an appeal process for the annexation, and the Mayor replied no.

Resident Andy Pentello of 388 Caleb's Ct. stated that he wanted the area developed as residential with two units an acre.

Resident Belinda Brown of 34 High Street, said she was not opposed to the mixed use development but worried about the architectural standards. Kathy Krupa explained that she understood her concern, and the architectural standards will be approved by the Commission. As developers go the Champion group has been very responsive to the wants of the Commission

Nonresident John Frankel of 3313 Rome Corners stated various statistics regarding the income requirement of people applying to live in Champion apartments being \$59,000 on the low end, and the median income of the Galena zip code is \$106,000. Mr. Frankel gave the impression that he did not want low income people, such as those making \$59,000, living in the area. Mayor Hopper replied that he was offended because his family wouldn't qualify to live in one their apartments. Zoning Clerk Suzanne Rease commented that he just insulted the entire Village staff, since none of them make \$59,000 a year. It is a violation of federal discrimination laws to use income as a constraint in the planning and zoning code.

Nonresident Matt Mitchell of 300 Prairie Run Dr. in Sunbury, Ohio commented that assuming someone's income has anything to do with how people keep their property is wrong. Many people live in apartments before they buy a home. He commented that he lived in the apartments in Sunbury and they were very nice, and it was a nice neighborhood.

Mr. Brian Yeager of Champion Homes began his informal discussion saying he wanted to impress upon the commission the thoughtfulness and attention to detail that was made in this revision. He stated that Champion is a local company and they will be moving their headquarters to the site. They have taken the one site, and in response to comments made by the commission split it into two districts.

Brian Kinzelman of MKSK, the design firm for Champion, showed the area divided by natural green space and the creek. The area along Route 3 would be commercial and the property to the east, across from the Estates at Blackhawk, would be low density residential at two units an acre. The area along Dustin Rd. parallel to Hoover Reservoir would also be commercial.

The development plan follows the mixed use neo classical of Galena's downtown. The commercial area along State Route 3 will feature office space, coffee shops, retail and restaurants to face the park. It will include 540 neighborhood flats, 150 townhomes, 55 cottage homes 115 patio homes and 90 village homes. The commercial area will include 75,000 square feet of office space with parking.

On the East side, the 2 unit an acre planned residential development will include 115 traditional homes and 20 large estate homes.

The small mixed used area along Dustin Road will include a small boutique hotel and cafes with possible offices or apartments on the top floor to mimic our downtown.

Within the development will be water features, community parks, a club house, and community pool. The total units for the 220 acres development is 1085.

Zoning commission member Kathy Krupa asked if anyone had comments.

Resident Jill Love of 311 Caleb's Court commented it looked just like Dublin, and they moved away from Dublin because they wanted to live in a more rural community. She expressed concern about the increase in traffic and asked what is going to happen with the intersections on Dustin and Plum at State Route 3. Mayor Hopper explained that once the developer applies for a development plan, a traffic study will be done then O.D.O.T. and Delaware County will determine what will be done as far as widening road and intersections.

Zoning commission member Kathy Krupa asked about the square footage of the Village homes? Brian Kinzelman stated they are planned to be between 1600 and 2500 square feet. The cottage homes will be slightly smaller.

Zoning commission member Alison Cherubini-Hillyer commented that she appreciated the division of the property. She commented on the increase in the number of apartments and said she would rather see an increase in office space verses apartments. Mayor Hopper commented that he agreed.

Zoning Commission member Kathy Krupa commented that she appreciated their response to previous comments and especially appreciated the inclusion of a community pool.

Nonresident Deb Jewett of Cophorne Dr. expressed concern about how the huge commercial complex will impact already congested traffic.

Resident Jill Love of 311 Caleb's questioned why the area can't be all homes, and has the Village considered the impact on this will have on schools, and the need for police and fire services?

Mayor Hopper responded, this area will remain commercial and we have spent years planning for this type of development. We are the first community in the State to set up an N.C.A., which will guarantee 4 mills from every new development will go to the schools to offset the increase in students. We have met with Genoa Township and Sunbury in regards to police service. Chief Kovach of B.S.T. & G. has seen all the development plans and is planning for the increase in residents.

Mayor Hopper asked Champion if they were ready to get their paperwork work in order so the process can move forward. They responded that they are ready.

The Commission took a brief recess at 9:45

At 9:56 The Planning and Zoning Commission returned to session.

Zoning Inspector and Code Compliance Officer Levi Koehler went over his report with the Commission. Concerning major subdivision submissions, The Retreat at Dustin; construction is underway. Arrowhead Lake Estates; work has begun. Pulte has submitted drawings for Phase 2 to be reviewed by the Village and K.E.M. Blackhawk Phase D; all requirements have been met for construction to begin. We just heard Ross Estates development plan, it will now go to the next Council meeting for approval.

Violation Progress report:

119 Water Tank Alley: Broken windows, brush and debris
104 Holmes; Debris in yard and driveway
218 N. Walnut; Collapsed Shed roof
244 N. Walnut; shed in disrepair
173 N. Walnut; tent frame in disrepair
152 N. Walnut; gutters in disrepair
99 N. Walnut; Shed in disrepair
177 Harrison; fence in disrepair
51 Middle; soffits in disrepair

Permits Issued:

529 Melimare Dr.- Pergola
443 N. Walnut- New build

The zoning clerk had nothing additional to report.

There was no new business to report.

There was no old business to report.

The next meeting was scheduled for Wednesday, May 15th at 7 p.m.

At 10:10 p.m. Alison Cherubini Hillyer made a motion to adjourn the meeting. Stan Swisher seconded the motion. Motion passed unanimously. The meeting was adjourned.

Zoning Clerk

Chairman

CERTIFICATION

I, Suzanne Rease, Clerk of The Planning & Zoning Commission of the Village of Galena, Ohio do hereby certify that publication of the above MINUTES were duly made by posting true copies thereof at five (5) of the most public places in the Village of Galena as provided for in Resolution No. 2015-18 enacted by the Council of the Village of Galena on November 23, 2015.