



## **Village of Galena PLANNING AND ZONING COMMISSION**

### *MINUTES OF THE MEETING OF JULY 17, 2019*

The Zoning and Planning Commission of the Village of Galena met on Wednesday July 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, Mark Brooks and Kathy Krupa. 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 7:06 P.M.

Copies of the minutes from the meeting on June 19, 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.

A Public Hearing on the continued application of Galena Commerce Center LLC, for APPROVAL AMENDMENT TO A DEVELOPMENT PLAN for the following described property

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

Being known as 72 Holmes St., Parcel number: 41743102042000

The hearing was opened at 7:08 p.m. The applicant requested for the hearing to be continued. A motion to table and continue the hearing was made by Alison Cherubini-Hillyer and seconded by Mark Brooks.

At 7:10 a hearing to adopt a proposed replacement to the subdivision code of 2006 was opened

Alison Cherubini-Hillyer said she had lots of questions and concerns. Without a comparison between the current and the new version she was going to have to go through the entire document because she can't just blindly say yes. Village Zoning Inspector Kenneth Levi Koehler said if she wanted to mark-up a copy and send him her questions he could forward her questions to the appropriate person. Mayor Hopper explained that the new subdivision code has been through engineering and legal reviews. Alison Cherubini-Hillyer said she would have liked for it to have been reviewed by the zoning commission.

A motion to table and continue the hearing was made by Alison Cherubini-Hillyer and seconded by Kathy Krupa

Dave Hatcher, the Chief Construction Officer, for Champion Homes began the informal discussion by saying they are bringing their concept for developing the area between Dustin Rd. and Plumb Rd. to the table one more time for feedback since they are on the precipice of their formal submittal. They would like to hash out any issues with the Planning and Zoning Commission before their formal submittal. He then introduced Mr. Brian Yeager C.E.O. of Champion Homes. He began his informal discussion saying Champion Homes has worked with the Village to put together a comprehensive plan. His intention is to submit a development plan to be heard at the August zoning meeting.

Brian Yeager introduced Brian Kinzelman of MKSK, the design firm for Champion. The design was divided into two zoning districts 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 Planned 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 approximately 500 neighborhood flats with expected rents of \$1500.00 to \$2000.00 per month. The walking district will include approximately 115 townhomes averaging 1500 to 3000 square feet, 55 cottage homes and 90 village homes ranging from 1500 to 2200 square feet. Patio homes, 115, will be 2400 square feet. The commercial area will include 100,000 square feet of office/commercial space with parking.

On the East side, Planned residential district will include, approximately 155 traditional homes ranging from 1500 to 3000 square feet and 20 large estate homes, 2500 to 5000 square feet each.

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. The development will have 80 acres or 36% of the site devoted to green space. Including buffering, trails and parks. The plan includes tree lined off street parking, and walking communities.

Offsite improvements include roadway upgrades. A traffic signal at Dustin Road and Route 3. Lane improvements at the entrances to the community. A sewer lift station, 16 inch Delco lines, and storm water management.

Brian Kinzelman introduce Brian Jones to explain the architectural vision of the development. The priority is to link neighborhood to open spaces. The downtown and office spaces will be a combination of brick and clapboard with varying stories. The residential will be craftsman and federal. The vision for the community areas is dependent on their location. Some areas will mimic a rustic barn style and others, around waterways will move toward a nautical feel.

The next steps for the developer is to apply phasing. They will work with O.D.O.T. and engineers on street and storm water plans. The developer plans to have a development plan ready to submit for the zoning commission's August meeting. Annexation to Galena has been approved by the county and will go the Village Council after timing requirements have been met.

Mayor Hopper explained the developer and the commission need time for technical questions and discussions. After that, if time allows, the audience will have time to participate. The mayor was interrupted by audience members asking when they would have a chance to ask question. The Mayor explained that the commission is not required to allow the audience to ask questions and expressed, the planning and zoning commission would appreciate if the audience avoided any theatrics.

Alison Cherubini-Hillyer said she has asked several questions and asked if any other zoning commission members had questions, and when they did not, she explained she thought they should. Mark Brooks explained that this wasn't his first development, and they have not submitted an application.

Alison Cherubini-Hillyer explained she embraced her role as rookie, and has spent some additional time thoroughly going through the master plan. Her interpretation of the master plan was one where commercial and residential are balanced She does not see that on this plan, and it seems more residential heavy. The State Route 3 corridor has been planned commercial/office space for the last 10 years in order to provide a commercial tax base, because our current tax base barely gets us though. Alison Cherubini-Hillyer explained she didn't think this plan met the needs of the Village. Mayor Hopper explained he used to be the rookie, and he was the one always asking questions. Alison Cherubini-Hillyer stated in her opinion it is the job of the commission to ask questions, and if they don't, then maybe they should not be there. Brian Yeager responded to Alison Cherubini-Hillyer concerns and explained that this development has more office and retail space than the Village has ever seen. Allison agreed, but it was supposed to be commercial. In her opinion the change from commercial to mixed use allowed apartments to come into the Village. She explained she felt as if she had not asked enough questions when we changed the master plan legend. The Mayor explained the legend was changed for legal

reasons, and Ken Molnar, Village solicitor, would be able to answer her questions. The change to the master plan legend was simply to remove the word district and replace that word with the defined use. Alison expressed frustration stating the master plan still included districts, and stating she felt like she had made a mistake voting for the change without asking enough questions. Alison Cherubini-Hillyer continued by saying, you (Mayor Hopper) said that we need to pass this in order to avoid an issue like what is going on in Genoa Township, and she felt it was a convenient coincidence that Champion made its presentation, with apartments, right after we passed the change in the legend of the master plan.

Village Zoning Inspector Kenneth Levi Koehler explained that all commercial zoning includes mixed use. The change was made to define the district. He further explained that commercial zoning also includes residential properties. All commercial properties in the Village have a residential component. Mark Brooks explained that the master plan is the vision for the Village and the zoning code is the law. Mayor Hopper explained he could not go into detail in this venue but she, Alison Cherubini-Hillyer, would not have liked what was about to happen if the commission had not made the changes. Alison Cherubini-Hillyer felt that Mayor Hopper was being condescending telling her how she would feel, because she didn't particularly like what was happening now.

Alison Cherubini-Hillyer explained she felt as though Champion homes is not following the vision of the master plan to have equal portions commercial and residential in the development. Adding there is no point of having a vision if you are not going to stick to it. Mark Brooks explained that the master plan is simply a vision, and Alison Cherubini-Hillyer explained she thought we should stick to that vision. Alison Cherubini-Hillyer felt the master plan called for equal parts commercial and residential and Mayor Hopper said that is her interpretation, but he didn't agree with that interpretation. Mayor Hopper did not disagree that commercial is important, and has expressed that to developers.

The Mayor explained that Champion Homes can submit an application with their vision of the master plan, and how they interpret the master plan.

Brian Yeager of Champion Homes interjected that he brought his entire team to zoning commission so that they would be available to answer questions, and he would appreciate the questions being directed to his team. Brian Yeager then directed a response to Alison Cherubini-Hillyer's comments. We have downsized apartments and increased commercial and office. We have separated the area into two district, planned residential (PRD) at 2 units an acre, and planned commercial mixed use (PC). The area across from Blackhawk Estates is planned residential. We have downsized all housing so that we can have forty acres of open space, so I, Brian Yeager, thought that we responded to all your requests over the last four meetings. Alison Cherubini-Hillyer explained that during their discussions she expressed the desire to have residences in planned residential and commercial in planned commercial. Now it is muddled with residential in commercial and we can't control the density. She went on further to say she understood they were trying to stick to our master plan because they quoted it in their presentation, but noted our master plan states that apartments are found in Sunbury so there is no need to encourage them in the Village.

Mayor Hopper responded by saying he has never encouraged apartments and Village Zoning Inspector Kenneth Levi Koehler agreed. Mayor Hopper reiterated that the developer is allowed to present their vision, but we don't have to agree with it. Alison Cherubini-Hillyer said she liked most of it but had this one issue with the commercial area. Mayor Hopper asked for additional technical questions directed to the developer. When no one responded Mayor Hopper said most of what they presented was great, but he would have liked to have seen it earlier. Further they will need the twelve major development steps in text form. The development plan needs to clarify the areas with acres, units, and architectural standards. This will be similar to Miller Farm, where we approve the development plan, and then the developer will need to come back for approval of each area. In addition they need to list all divergences and have all necessary approvals, for example BST & G. You need to submit a formal application for our engineers to review. The Mayor asked Kathy Krupa for feedback, and she asked for commission to hear feedback from the community. Brian Yeager commented that over the last several months Champion has thoughtfully responded to all the commissions' requests and even if we didn't get the plan 100% the way the commission wanted we have presented a well thought out plan with plenty of bike paths and green space. We are a local company, and planning to move our headquarters to the development. Brian Yeager expressed his thanks to the commission and the community for their time and comments.

Village resident Kasey Durrence of 328 Hawking Dr. Stated she lived in Champion owned apartments in Sunbury and they were only allowed one parking spot per resident, and she had to park at General Rosecrans Elementary school. She also had to drive her children to Big Walnut Elementary because General Rosecrans was overcrowded. Mrs. Durrence wanted to know what are we going to do about parking and bussing? Our schools are overcrowded already.

The mayor responded by stating the Village has not seen the development application, so we have no idea what their parking plan looks like. So Mrs. Durrence is assuming facts not in evidence and when we get the plan we will look at the parking. An audience member said Champion is encouraging off street parking. Again the Mayor explained, what they looked at on the screen tonight was a concept. The Village has not seen a development plan.

Kathy Krupa noted that she will be sure to pay attention to the parking on the development plan.

As for the school issues, the Mayor explained that he is on the facilities committee, so he is acutely aware of the growth that is why we are building a new high school and a new elementary school. For that reason, and with input from the schools, Galena is the first in the state to form its own New Community Authority (N.C.A.). Every new development is required to join the New Community Authority (N.C.A.) to cover the additional expenses incurred by the schools.

Nonresident Melissa Sebald of 8305 Beech Ave. asked if the Village had considered need for police and fire, and asked what the Village has done about it. The Mayor responded by saying we, the Village, are members of B.S.T. &G., and Chief Kovach reviews all the development plans. Part of our approval process is for the Fire Department to approve the development plan. We are currently being recruited by three different police departments. It is only a matter of time, a few years, before council will need to approve the addition of police protection. We are currently being protected by the sheriff's department. It needs to be understood that all of our development costs are front loaded we are spending money for the developments before the residents move in. The Village council will have to determine when we need a police department.

Nonresident Ron Robichauld of 3444 Copthorne Dr. said this development is going to generate a tremendous amount of tax dollars. He wanted to know what we are going to do with the money. The Mayor explained that residential communities need a commercial tax base to survive. The Mayor agreed with Alison Cherubini-Hillyer who pointed the need for State Route Three to be our commercial corridor.

While Mr. Pentello was coming up to the microphone the Mayor pointed out the next meeting will be a public hearing. Each person will sign up outside the door, but the signup sheet will have an extra box to check if you wish to speak. We will look at how many people wish to speak and determine how much time each person has to speak. Each person will come to the microphone, give their sworn statement and sit down. There will not be question and answer session.

Resident Andy Pentello of 388 Caleb's Ct. thought the commercial corridor was a good idea to generate income. He also thought Champion gave a great presentation. He did express that he felt the boutique hotel was a bad idea and no one would want to stay there in the middle of February. Mr. Pentello thought they could come up with a better use for that part of the property.

Mr. Yeager of Champion Homes said he and his team were leaving for the evening, but they would be back in August for as long as it takes.

The Commission took a recess at 8:44 and resumed at 8:54.

Resident Nick Pezzutti of 377 Nesting Court asked who was taking care of the open spaces. The Mayor replied, this has yet to be decided but we are looking to have open spaces owned by the Village but maintained by the developer. Again, we haven't seen the details because we don't have an application. Mr. Pezzutti also inquired about the Polaris accord and it's 4 persons per acre limit. The Polaris accord was developed to keep Polaris mall from being annexed. The mayor explained that Galena agreed to, but did not sign the Polaris Accord, and the land in question is not part of the accords. The area across the creek and downtown are within the boundaries. The four persons per acre covers a vast amount of property including all the parks and the reservoir.

Nonresident Kelly Stoll of 6943 Sunbury Rd. is concerned about the Ohio to Erie Trail going along Route 3. The Mayor responded by saying it doesn't go along route 3, it looks that way because of the scale. Ms. Stoll then said she was concerned about the parking. The Mayor said he personally brought up the issued and explained to the developer that the one space was not going to fly. She was also concerned about the size of the lots. The Mayor explained some are larger and are smaller than our standard lot size, but the math all works out. There will probably be some back and forth. She thought they said they were building a 100-unit hotel, but was corrected that it is 40 units, and that's the developers' choice. The Mayor explained that we, the Village, can't tell the developer how to invest their money. With mansion lots around the hotel if it doesn't work. I'm sure the developer will find some use for it. Ms. Stoll lastly asked about an expansion of State Route 3. The Mayor explained the Village just met with ODOT and they do not have plans to expand State Route 3 and we have no control over ODOT. The developer will have to pay for all the road improvements and the additional red light.

Resident Brian Stentz of 311 Calebs Ct. Explained he didn't know who in the world would want to rent a hotel room in September to look at the mud flats. Secondly, he has come to these meetings and felt like the commission has said read the master plan, so he read the master plan and felt like it was a complete waste of time. Mr. Stentz quoted the master plan section that reads Galena will not include apartments, but when he comes to the meetings and sees apartments he feels like the commission doesn't stick to the plan. The Mayor responded by saying he didn't think it was a waste of time. No one on the commission wants apartments and he personally has never told a developer to include apartment. Unfortunately times have changed in the last ten years and the market demands apartments, that's where developers are making money. Mr. Stentz asked why the commission doesn't just say no to the apartments. The Mayor explained that it is because that is when the lawyers get involved and the Village would be sued. There have been several lawsuits of this nature in the surrounding area and the developers have won every one. Mr. Stentz remarked that from what he has heard the master plan is useless because a developer can buy a piece of property and do whatever they want. The mayor explained the courts have changed over time, and at this point in time the master plan no longer rules, now it's the zoning code that rules.

Resident Nick Pezzutti 377 Nesting Court asked what zoning classification the property comes into the Village. The mayor answered whatever it is in the township. So the way the law is now, the Village ends up enforcing the townships code. The development plan is the rezoning process. The Mayor explained that the developer will come in in August for their first hearing. It may be very detailed and check all the boxes or it may take up to five or six hearings. The Mayor explained the devil is in the details, and he doesn't know what will pass because the Commission hasn't seen the plan yet.

Resident Jill Love of 311 Caleb's Court asked if we could challenge the submission because ODOT has said they won't expand Route 3, and there will be so many people added with that number of apartments, that Route 3 can't support that amount of increased traffic. The Mayor answered no. ODOT will say they will improve the road as needed.

The mayor explained when the development plan is submitted it will become a public document. Village Zoning Inspector Kenneth Levi Koehler explained that the developer has to turn in the development plan at least 21 day in advance. That would be an August 1<sup>st</sup> deadline. When the plan is submitted each member of the zoning commission will get a copy. The public is welcome to come in and look at it or make a public records request for a copy. It will not be on the website. The mayor went on to explain the plan will be sent to the engineers for review and staff will review every facet of the plan. Understand you may not like it, but the market is calling for more apartments. It is being driven by millennials and retirees. Berkshire township added over 200 apartments in 2018 and more this year. You may not like it, but all of the developers I have spoken to for this and other properties have some or all apartments in their plan. We are a victim of our own success, people want to move here. We have to apply the same rules for everyone. Like I, the Mayor, has said, he was perfectly happy before you all in the Estates at Blackhawk moved here. It's the same thing with Champion, you can't just say we got in so now we are going to close the doors. We have to apply the same rules for everyone. I know you may not understand this, but the Estates at Blackhawk, Heathermere and Walnut Creek were just as controversial ten years ago. Back then people wanted homes like yours, that was the demand then. This kind of development is the demand currently.

Kathy Krupa asked if the residents can stop this development, and the Mayor answered yes but the Village will get sued.

Various comments were made that could not be heard on the tape.

Nonresident Michelle Hanly of 3373 Wheel Wright Dr. explained that she was a retired government worker with 30 years' experience, and it is her opinion that the Village is able to stop the development of this property due to a loop hole somewhere. Mark Brooks commented yes, but we will be sued. She then asked how the Village was not making enough income off property taxes. The Mayor explained that bedroom communities do not bring in enough taxes to support the services they require. That's why the Village and other bedroom communities need to either have a commercial tax base or they have to raise taxes. The Mayor responded we need commercial income that's why the State Route, 3 corridor was established as a commercial area 25 years ago.

Nonresident Cindy Kusel of 8220 Dustin Rd. explained her daughter lives in the Glen Ross Subdivision and she was questioning how it was able to be built without apartments. Other subdivisions in the area are being built without apartments. She said she didn't mind the commercial as much as the apartments. The Mayor explained that many of those subdivisions were approved years ago and are just now being built. This developer happens to be in the business of building apartments, it is what they do.



Mayor Hopper explained that the first words out of his mouth to the developer were I would love for it to remain a golf course. I would love to see it stay a golf course but that's not a reality. This property has been up for sale for year, no one wants to buy it and keep it as a golf course. Golf Courses are going out of business. An audience member asked if golf courses are going out of business or are they being bought out by big dollar developers? The Mayor responded by pointing out that people can sell their property to whoever they want. Various members of the audience were yelling questions and comments. The Mayor did explain that the Village did not have millions of dollars to buy a golf course that is not making money. Someone said they could find an investor. Someone literally screamed "How can they not be making money with people parking on the grass!" Mark Brooks commented that a person can sell their property to whoever they want to sell it to. This is why Genoa Township is getting sued, he wanted to put a pig farm in because no one wanted him to sell to a developer. Mark Brooks went on further to say when this development plan comes in it will be looked at very closely to make sure it adheres to all the zoning codes. Again people were yelling in the audience but the microphone didn't clearly pick up what they were saying.

Mayor Hopper went on to discuss that the Village uses the term single family residential not to exceed 2 units per gross acre verses the term planned residential development (PRD) in areas that have not been developed. The Village can't create zoning for property outside the Village. We can't legally say in the zoning code two units an acre because it's too restrictive. We are legally not able to say you can't build apartments or build mobile homes. The truth is you are not going to stop apartments according to the zoning code. We can argue about numbers, and parking, but we legally cannot stop them.

Village resident Jill Love of 311 Caleb's Court asked about another investor coming in to purchase this property, and the time frame of the Champion contract. The Mayor explained he was not privy to the terms of the Champion contract. Jill Love then asked if we could stall approval, and the Mayor replied no, we have to treat everyone equally. Mark Brooks explained we have to look at everything legally, not emotionally. We have to take emotion out of our decision. Someone commented that your community is your emotion. Mark Brooks explained he has lived here for forty five years and he was perfectly happy before any of the developments came in. We, the zoning commission, allowed the developments because they met our zoning code. So we welcomed you all into our community. We can't just say no more development. How would you feel if we said that to all of you. Various members of the audience were shouting responses and comments, but the speakers did not identify themselves.

Kathy Krupa said she brought up the idea of a community pool. It won't be owned by the Village but residents will be allowed to buy a membership.

Brian Stentz 311 Calebs Ct. asked about appealing the decision of the zoning board. He stated we have approximately 20 days to get 10% of the voting population to appeal the decision. The Mayor explained then the Village would be sued for millions of dollars, and the residents would fry him, and the Village council for getting sued. Brian Stentz replied sometimes you have to roll the dice. Someone in the audience asked who pays if we lose. The mayor explained the taxpayers do. The judgment will be assessed on each resident taxes. The mayor explained the Village has intentionally skewed the homes in the developments away

from starter homes. We started with Heathermere, people who bought those homes stayed until their kids were grown, they remodeled, and most of those homes are worth more now than when they were built. Someone in the audience said and now you are allowing apartments? The Mayor responded that yes they are apartments but they are not starter apartments. Their rents are around \$2000 a month. The market has changed these apartments are for people who chose not to live in single family homes. The demographics have changed, developers are not going to come here and spend millions of dollars if this isn't what the market demands.

Jill Love 311 Calebs Ct., asked if residents could expect a submission for the August meeting. The Mayor said yes, you can expect an official hearing at the August meeting.

Dan Custer, 9120 Dustin Rd. Asked if the Village could request buffering for his property. The Mayor responded yes, they would ask for buffering along his property. He asked if not having a density requirement on commercial property was typical or if it was a mistake. The Mayor explained it normally doesn't make sense to have density requirements on commercial property. Historically commercial property was mixed use with shops and offices on the street level and apartments above. That's how our downtown is set up and that's the desire expressed in the master plan. The development plan is their vision. We will get property tax from the commercial property, and income tax from the residents, or workers. There were additional off microphone comments. At the hearing everyone will be testifying. A court reporter will record everything said, and they will have to stick to everything they say.

Mark Brooks said he would accept the zoning inspectors report as presented.

Kathy Krupa suggested the meeting on August 21<sup>st</sup> will start at 6 p.m.

At 10:08 p.m. Mark Brooks made a motion to adjourn the meeting. Stan Swisher seconded the motion. Motion passed unanimously. The meeting was adjourned.

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Zoning Clerk

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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.