



Village of Galena PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF September 18, 2019

The Zoning and Planning Commission of the Village of Galena met on Wednesday September 18, 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 Acting Zoning Clerk Michelle Dearth. 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 7:03 P.M.

Copies of the minutes from the meeting on August 21, 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 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 Kathy Krupa.

Mayor Hopper stated that he has never owned the Galena Commerce Center.

A public hearing to adopt a proposed replacement to the subdivision code of 2006 was continued.

Assistant Village administrator Jeanna Burrell presented 2019 updates goals, policies and plans to the 2010 master Plan. Theses updates detail the order in which documents should be updated. She explained the 2006 subdivision code was so out of date the decision was made to draft an

entirely new document. Next would be to implement and incorporate into law the comprehensive storm water management regulation that has been drafted and is awaiting public hearings planned for October 2019. This was triggered by a new OEPA MS4 status in 2017. A capital improvement plan was updated in September of 2017. The 2001 zoning resolution is currently being updated to match more closely with the master plan. The 2005 area wide water quality plan is being studied by MORPC for the OEPA. The 1988 property maintenance code will follow the zoning code. The 2001 traffic study update has been put on hold due to financial constraints.

The subdivision code is an extremely technical document. It is basically what the village Engineer uses when he works with the developer's engineers.

Alison Cherubini-Hillyer asked if Jeanna Burrell could go over the changes between the old document and the new version. Jeanna Burrell responded she could not do that since it basically a new document.

Alison Cherubini-Hillyer said she is still going through the document and will hopefully be ready for the October meeting. Levi Koehler suggested she start an email chain with herself, Levi, Jeanna Burrell, and Mark Ruffner, the Village engineer in order to address any questions she has before the meeting. Levi Koehler went on to explain that many of the changes are mandatory.

Kathy Krupa asked when the master plan will be updated? Jeanna Burrell responded that it is typically updated every five years. Her hope is to revisit the master plan after the property maintenance code is updated. Jeanna Burrell added that she will not be able to be at the October meeting.

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

Resident Jill Love of 311 Caleb's Court asked if we could discuss the zoning aspect of the Blackhawk development. Mayor Hopper responded that those questions should be directed to the Village Council since the plan is being by the Village Council. The Planning and Zoning commission has already voted on the development plan.

Noah Hostetler of 224 Hawking Dr. explained he felt there was a conflict of interest with Rob McCarthy of Bricker and Eckler being appointed secretary of the Village N.C.A. and being the point person on the analysis of the economic development package. Mayor Hopper responded Bricker and Eckler did not make any recommendations regarding the development package they only analyzed what it means to the Village. In addition, as secretary Mr. McCarthy has no control over the NCA board. In addition, the NCA is a separate and independent entity from the Village.

Noah Hostetler went on to explain he spoke to Rob McCarthy and that he did the analysis of the economic development package. That analysis showed the potential income from income tax and property taxes and more importantly what the potential income would be from the NCA.

The Mayor explained that the question of conflict of interest should be directed to Ken Molnar the Village solicitor. Additionally, these matters are being reviewed by council, and the Mayor is not affiliated with the NCA and the he, the Mayor is not qualified to answer his questions. Kathy Krupa added as a council member she received the email regarding the economic development package proposed by Champion from Mr. Molnar.

Levi Koehler added that he did not believe it was a conflict of interest because the NCA can only collect 4 mills, it is a fixed amount. There is nothing to bargain for.

The Mayor interrupted and asked Mr. Hostetler to pose all questions to Mr. Molnar. He, the Mayor, is not a lawyer and all legal questions need to go to the Village Solicitor, Mr. Molnar.

Noah Hostetler asked about the Galena Commerce Center. Levi Koehler stated if Mr. Hostetler had questions about a submission, he is free to come in his office and ask questions. Mr. Hostetler asked for clarity regarding why it was called a preliminary development plan. Mr. Koehler explained the Galena Commerce Center wanted to build an additional building, and in order to do that they needed to come before planning and zoning commission. The planning and zoning commission needs to approve any changes to the development plan. Mr. Hostetler also had questions about the corporate charter of the Galena Commerce Center, stating the charter states it's a medical and surgical company. The Mayor said those questions needed to be directed to the Secretary of State. Mr. Hostetler then questioned the income from the four or five businesses. Mayor Hopper said that all businesses are required to pay a 1% income tax, and all income taxes are collected by the Regional Income Tax Agency (RITA).

Jill Love, 311 Calebs Court had a follow up question, since the developer stated the development plan is a vision, and subject to the market can they come back and say we are going to build 500 or 600 apartments? The mayor explained development is approved according to that plan, so no, they can not build more apartments, but they are allowed to build less. They must stick to the standards spelled out in the development plan. Jill Love followed up and asked if council could negotiate the financial plan. The Mayor responded yes, and if the developer does not want to negotiate then the deal is dead.

Kathy Krupa asked about changes to the development plan, and if they skipped council. The Mayor explained that minor changes could be approved by the planning and zoning commission. Major changes like what just went through with Blackhawk are required to go through zoning and planning and then back to council for approval.

Jill Love then followed up with a question regarding the wording of the pre-annexation agreement. The Mayor explained that agreement is still in negotiations, and the language regarding the economic development plan may not survive to the final agreement. Jill Love stated that the language should be removed. The Mayor stated that document is still in negotiations, and council is not bound to any economic development package by that document. The document gives the developer an out from annexation if council doesn't approve their plans.

Noah Hostetler asked about the commercial verses residential zoning of the Blackhawk Development Plan. The Mayor stated that all questions regarding the Blackhawk development plan need to be addressed to council. The Mayor reiterated that he is simply the moderator of council. Mr. Hostetler argued that the Mayor could vote in a tie. The Mayor said he has voted once in twenty years.

Zoning Inspector Levi Koehler gave the Zoning report.

Major Subdivision Submittal:

- **Retreat at Dustin:** Construction is underway. A building permit has been issued by the county for the lift station. Construction of the lift station has begun. Storm Water inspections have been conducted with Mark Rufener of KEM. The engineering drawings for the second phase have been approved.
- **Arrowhead Lake Estates:** Pulte has submitted construction drawings for phase 2, and Village officials have returned comments. Storm Water inspections have been conducted with Mark Rufener of KEM. Pulte has contacted Bricker and Eckler about the NCA. Road construction has begun. Construction on homes has begun.
- **Blackhawk Phase-D:** Construction is ongoing. The detention pond has been dug in order to control site runoff. Storm Water inspections have been conducted with Mark Rufener of KEM. Ready for home construction as soon as plat has been processed.
- **Miller Farm:** Homewood representatives have been in communication with the Galena United Methodist Church regarding an entrance and sewer access. No new information.
- **Ross Estates Subdivision:** The lot split is under has been approved, Home has been sold.
- **Blackhawk G.C./Wright Farm:** Will be heard at the September 23rd council meeting.

DEVELOPMENT PLANS

- **577 N. Walnut Street:** The stop light is functional. Inspections have been done to ensure no significant changes have been made.
- **72 Holmes St./Galena Commerce Center:** A preliminary development plan has been submitted and comments have been returned. The Village is waiting for an updated plan to review.
- **39 Middle St. Talula's:** Some work on the foundation has taken place. A Zoning certificate for the rebuild has been issued. Work continues.
- **Zoar Development:** Staff met onsite with the owners and AEP to discuss possible solutions for the electric lines. No new information has been received.
- **580 N. Walnut St.:** The owner of Arrowhead Lakes Golf Course has applied for an Amendment to the Development plan for the Golf Course in order to construct a new building to store equipment. The hearing will be held at the October 16, 2019 Planning and Zoning meeting.

VIOLATION PROGRESS REPORT:

Exterior Property Maintenance: The Village has issued notices of violation to the following:

- **311 Walnut Street (Rental):** Windows have been repaired. Owner has been in contact with the Village, and plans to sell the home.
- **104 Holmes St.:** Debris in yard/driveway. Residents have been working toward compliance. Improvements have been made.
- **244 N. Walnut St.:** Sheds in disrepair.
- **99 N. Walnut St.:** Shed in disrepair. Repair in progress.
- **51 Middle St.:** Soffits in disrepair. Home is for sale.

PERMITS ISSUED:

- Arrowhead Dr. entrance sign
- 504 Melimare fence
- Retreat construction trailer renewal
- New build 677 fescue
- New build 715 Zoar
- 160 Heathermere loop shed
- New build 683 Flintlock
- New build 694 Flintlock
- 133 Harrison Accessory Building
- New build 632 Arrowhead Dr.
- New build 321 White Pine Way
- New build 323 White Pine Way
- New build 319 White Pine Way
- New Build 317 White Pine Way
- New build 220 Honeywood Ln
- New build 222 Honeywood Ln
- 225 Red Oak Lane Retreat Temporary Sales Trailer 2/13/19. Expires 2/26/20.
- Commerce Center Temporary Construction Trailer has expired: A reminder that this certificate must be renewed has been sent to the applicant.

MINOR SUBDIVISION APPROVAL:

- 1984 Joe Walker Rd. Rose lot split.
- 1881 S. Old 3C Hwy. Ross Estates lot split.

Jill Love asked if the property next to Talula's had been sold. Levi Koehler responded it has not sold. She then asked about Zoar Development and Levi Koehler stated it would house two or three store fronts.

Alison Cherubini-Hillyer asked if the easement for the bike trail is still in place for Ross Estates. Levi Koehler responded they are unable to sell anything until the sewer is complete.

Kathy Krupa asked about Ross Estates and which property sold. Levi Koehler stated the house sold, but nothing else can be sold until the sewer is in place. She also asked for an update as to why the Galena Commerce Center proposal was taking so long. Levi Koehler responded that Mr. Clase fired one of his engineers and that has caused a delay in the updated plan.

Noah Hostetler asked about the Galena Commerce center and its renters. Levi Koehler replied the Galena Commerce center businesses include a warehouse, Facemyer, Division 7 and Matrix. The development plan is incomplete but consists of a new building for Division 7. The developer still needs to address issues about the number of roads, storm water, traffic studies, and trail connections. The developer was told to come back when the application was complete.

Jill Love asked why council had to have a first reading on this massive development plan at the next council meeting, why couldn't it be 30 or 60 days away so council would have time to look at it. The Mayor responded that is the way it has always been done. He wasn't sure if it was Ohio Revised code, but most of these processes are laid out in the code. He also said it is just a first reading and he would expect this to go through all three reading. Jill Love followed up and asked if there was any reason that council would pass the development plan as an emergency. The Mayor responded she would need to take that up with council.

At 8:11 p.m. Stan Swisher made a motion to adjourn the meeting. Alison Cherubini-Hillyer 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.