



Village of Galena PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING OF AUGUST 21, 2019

The Zoning and Planning Commission of the Village of Galena met on Wednesday August 21, 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. 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 6:17 P.M.

Copies of the minutes from the meeting on July 17, 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.

A roll call vote was taken:

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

At 6:20 a hearing to adopt a proposed replacement to the subdivision code of 2006 was opened

Mark Brooks entered the meeting at 6:23

Assistant Village Administrator Jeanna Burrell was introduced and explained the addition of tree preservation language to the subdivision code currently under review.

No one was happy with the clear cutting in latest edition of Blackhawk Estate subdivision . This prompted the Village to consider a tree preservation plan addition to the subdivision code. The idea is to avoid the removal of trees and detail the benefits the community realizes from trees. If removal is unavoidable each tree meeting the outlined guidelines must be replaced. The policy applies to all protected trees with a 6” diameter breast height (DBH). A tree preservation plan will be required for all new construction, and applies to property 1 year prior to annexation. The tree preservation includes detailed regulation related to the preservation plan, tree replacement and maintenance exempt trees, and tree removal. A permit will be required to remove a tree. In addition the tree preservation plan details acceptable and prohibited trees, a tree maintenance policy and tree replacement policy. Replacement options will include a tree bank. The detailed tree replacement policy is attached to the minutes.

Kathy Krupa thanked Jeanna Burrell for drafting this policy. Kathy Krupa commented it’s a great deal of information and she will need time to further review both this and the subdivision code.

Alison Cherubini-Hillyer asked if this was to be included in the subdivision code currently under review. Jeanna Burrell replied it would be inserted into the code.

A motion was made to include the tree preservation policy into the subdivision code was made by Alison Cherubini Hillyer and seconded by Kathy Krupa.

Assistant Village Administrator Jeanna Burrell went on to spell out the order in which the codes were being updating. The subdivision code is done first, then the zoning code, property maintenance code, then the master plan.

Alison Cherubini-Hillyer asked if Jeanna Burrell was tracking the changes made to the subdivision code, and Assistant Village Administrator Jeanna Burrell replied she was attempting to the changes but sometimes but sometimes the tracking doesn’t work because of the format of the document. The reality is that the subdivision code has taken 9 years due to time constraints. In the meantime was Village was triggered into MS4 so the Village is required to do a storm water plan. That will be coming to you next. The subdivision code is being updated to come into agreement with the master plan.

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

A public hearing on the application of Blackhawk Endeavors LLC for an INITIAL 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:
Blackhawk Golf Course 8830 Dustin Rd., Parcel number:41743006002000
and
the John Wright farm 8131 Plumb Rd., Parcel number: 41734004039000

was called to order at 6:45

Mayor Hopper read the rules stating all applicants will be granted permission to make a formal presentation Staff will then present their reports. Audience members who have signed up to speak to be granted approximately 3 minutes to comment. Due to time constraints the time may be limited. The Commission will then be given time for questions and comments.

Court Reporter Cathy Cathell swore in all persons wanting to give testimony.

Mr. Brian Yeager C.E.O. of Champion Companies. He began his informal discussion saying Champion Homes has worked with the Village to put together a comprehensive plan since March 17, 2019. We are seeking approval for mixed use development. What brought us to Galena, is what brings us all to Delaware County. We have seller who wants to sell the golf course and a farmer that wanted to sell, so we looked at your master plan formatted a mixed-use development. What is mixed use development, patio homes, single family commercial and for rent housing. This is for rent housing by choice, most of the rents are more than the average house payment. These are renters by choice. We have refined this plan many times, to respond to the wants of the Village. I know we will never get 100% support, but I hope you all will give this due consideration. We are a local company and have gone to great effort to give you a beautiful plan that matches what is shown in your master plan.

David Fischer, Zoning Attorney Kephart Fisher. We understand change is hard, and we want to work with the Village for sustainable growth. We want to keep this community growing and vibrant. I know this scary because of its size. The larger mixed-use plan, the better it works from a planning standpoint. Planning streets and sustainable growth. We have really worked hard to meet the goals of your master plan. We want you to understand your code is not a mixed - use code. Therefore this is two separate applications, one for the commercial aspect and one for the planned residential development (PRD). We have done several things in response to the comments we received. First we added a transition between the commercial aspect and the PRD. We submitted the traffic study approved by the Ohio Department of Transportation (ODOT), and to the zoning inspectors comments. I believe you have a handout that details those responses. In addition, we have submitted more detailed drawings which will be presented by M.K.S.K. This development will take years to build out so the plan will change over the years. What you are approving are detailed sections of the plan. You are going to get what we tell you, but at this point there is an enormous amount of work to be done. Until the zoning is approved, we can'

give the details with where every house will be exactly. The same goes to the design book. This gives you the ability examine and approve each pod. We have applied to Delaware county and been approved for annexation. The annexation currently sits before council. We are giving you a broad development proposal that will be approved by pod. Each pod brought to the commission will have details and drawing as designed by MKSK.

Brian Kinzelman of MKSK, the design firm for Champion. Presented a detailed map of the plan. With details of the building space and open space. Preserving the open spaces, the ravines water course and wooded areas. The map designates who will own and who will maintain the green spaces and the trail system. The design was divided into two zoning districts divided by natural green space and the creek. The traffic study details all the offsite street improvement. There are eight entrances into the site to disburse traffic. We have implemented turn lanes. We have designed the development in phases and project will be built out over several years. The diagrams detailed in the development will be defined as we go through final engineering. The planned residential will be at two unit and acre with sidewalks for walkability through neighborhood. The estate lots are larger. I am sure there is concern for the 60 foot lots, sound like small lots but it allows walkability and allows us to congregate and have larger green space. We are preserving the stream and preserving the trees. There will be a large community building and a community pool. The development plan follows the mixed use neo classical of Galena's downtown. The commercial mixed-use pod will have a commercial office space with retail buildings. Preserving the retention pond for storm water management. Flats with garages under the building and off-street parking. And on street parking. We are in excess of typical parking requirements at 2.5 spaces per unit. The townhomes are one and two story and line entrances to the area. They are typical walkups with a common wall and face the street. There are retail community support shops, and an office area. The developer has said he plans to move his headquarters here. We have flat, townhomes, and patio homes all within walking distance to the retail shops, the village green, and all the area have easy access to the trail system.

David Fischer, Zoning Attorney Kephart Fisher closed the developer's portion of the presentation by saying Blackhawk golf course and the Wright farm are for sale and Champion has a contract on both. Champion and their entire team has strived to give the community a development we can all be proud of. The team will continue to work with the Village and the community, and they look forward to the comments from the Village, the commission and the audience.

Village Zoning Inspector and Code Compliance Officer Kenneth Levi Koehler began with his review and comments for the development. A copy of this report is attached. The developer has agreed that mailboxes will be approved by Sunbury postmaster, and sidewalks will be 5 feet. Streets signs and all street lights will comply with Village standards. The developer agreed to add a signage typology sample. The developer agreed to add a statement acknowledging expectation there will be upsizing of sewer lines and will work with the Village to determine the appropriate sizing. Retention ponds will not be located in wooded areas. The developer will address and amend the following area related to the traffic study.

- a. will address private streets in more detail here and in section 3
 - i. cottage homes and patio homes to front private streets
 - ii. cottage homes and village homes to have rear access by private alleys

- iii. all private streets will follow local street standards as approved by Delaware county in final development planning and engineering
- b. will correct curb-to-curb to be consistent throughout
- c. will amend multiuse path to 10'
- d. will amend alleys to private
- e. will add statement that all street design shall be approved by Delaware county in final development planning and engineering

They will add more description of buffering. Wording related to the public easement of the trail connection will be removed. The developer will add a statement explaining why the Ohio to Erie trail is in 3, due to not wanting to damage the trail when developing the subarea. Commission member Kathy Krupa interjecting asking why the Village would wait so long into the project for the developer to build the trail connection. Village Zoning Inspector and Code Compliance Officer Kenneth Levi Koehler explained that if they build it earlier, they would damage the trail when constructing phase 3. Commission member Kathy Krupa again asked if he thought that was acceptable given the number of people who will be living at the development. He explained it was up to the commission.

He continued on with his report stating the developer will amend set back divergences. They will amend street parking divergences and will remove the last paragraph about final development plan approval. The developer will amend page 31 to read two units an acre gross density. The plan will be updated with an approximate square foot and number of bedrooms for building, for each pod. There will be no public alleys, only private. The developer will update their list of landowners within 200 feet. The developer will clarify language on drawings. The developer will explain that the traffic study is being resubmitted and will need proper approvals. The developer will add PRD transitional area figure and add description as follows, a 70' minimum lot width at point of measure closest to off-side neighbors; and transitioning between Estate residential and traditional residential. Other items developers will update diagrams with ROW, street labels, fix any lines that don't line up add text labels for which pod available for each. They will add regional pump station. Storm water memo will be addressed and will add statement that entirety of PC and PRD will be in NCA.

Village Zoning Inspector and Code Compliance Officer Kenneth Levi Koehler gave his report and recommendations. He began by stating the Village has met the legal requirements for advertising, and a court reporter is present. In review the applicant submitted all required documentation and text to support the requested changes to the plan amendments. The applicant has agreed to pay all fees and for pass thru engineering review costs. Section 10.90 of the zoning code states the plan is to be a complete description of the development concept to be used for the property which includes, but is not limited to the size, location, and general development tract. The plan adequately describes the location, size and general development character.

The architectural design criteria have been submitted and appear appropriate and compatible with the area. Public utilities are the same as for other residential developments. BST& G fire department has reviewed and approved the plan. The applicant has submitted a traffic study and comments have been returned

His recommendation states the development plan is consistent with the standard of the Zoning Ordinance, the subdivision regulations and general vision of the Village Master Plan of 2010. The plan is complete and if the commission find the requested divergences acceptable, he recommends this plan to the Village Council with the following conditions:

- 1) All of the development in this plan will join the Galena New Community Authority.
- 2) The amount of open space now shown shall not be reduced.
- 3) The area under application is annexed to the Village of Galena.
- 4) A Traffic Impact Study (TIS) is completed and approved by the Delaware County Engineer's Office, the Ohio Department of Transportation, and Village Engineers.
- 5) An agreement for buffering is reached with the owner of 9120 Dustin Rd. before final approval of adjacent pods.
- 6) Applicant will have to return to zoning and planning for final approval of each pod.

The nine divergences requested are:

The developer requests two divergences for the Planned Residential District (PRD):

- 1) 10.11 (k) Lot Area- Minimum required sq. ft. is 10,000. Divergence requested is 7,200.
- 2) 10.11 (l) Lot Frontage-Minimum required is 80 ft. Divergence requested is for 60 ft.

The developer requests two divergences for the Planned Commercial and Office District (PC):

- 3) 14.03 (k) Single bedroom apartment sq. ft. required 850 sq. ft. Requested divergence is for 700 sq. ft.
- 4) 14.11 (i) Building height required 2 stories or 35 ft. Requested 3 stories up to 50 ft.

The developer requests five divergences from the General Development Standards:

- 5) 21.01 Parking- Required 4 spots per dwelling for single family residential and 3 spots per dwelling for all other residential uses. Requested divergence is for: Multi-family-2.5, Townhomes-2.3, Cottage homes-2,
- 6) 21.01 Parking- Required Office 1 for 400 sq. ft. +1 for each employee, Retail/Commercial 5+1 for every 400 sq. ft., Hotels 1 per rental unit, 1 per employee of largest shift, and 1 for every four seats of dining area. Requested divergence Office-1 per 260sq. ft. of space, Retail/Commercial-1 per 230 sq. ft. of space, and Hotel to be determined on final plan approval for that pod.
- 7) 21.01 (f) Garages-Required 1.5 car attached for multi-family. Requested divergence garages may be detached. .5 garages per unit for flats.
- 8) 21.06 Streetscaping- Required 6 ft. tree lawn. Requested divergence replace tree lawns with planters to increase the specialized feel of the neighborhood center.
- 9) 21.11 Required side yard setbacks- Required 12.5 ft. Requested divergence 6ft. for traditional homes.

Commission member Kathy Krupa questioned the approval given that the plan had nine divergences. Village Zoning Inspector and Code Compliance Officer Kenneth Levi Koehler explained that diverges are common and expected in mixed use developments, otherwise they would not be planned districts. Additionally, the zoning code cannot possible cover all the circumstances that will occur in a mixed use development. Commission member Kathy Krupa

explained she felt that the divergences were exception to the zoning laws the commission is upholding. Commission member Mark Brooks asked how many developments have been approved without any divergences. He replied only one, Miller Farms, all the rest had a minimum of two divergences for a small residential subdivision of approximately forty homes.

At 7:49 the commission took a brief recess and reconvened at 8:11

At the request of the court reporter, the Mayor asked the audience members to not talk and asked the commission to speak into the speaker. This is the public comment portion of the meeting, due to the large number of people who signed up each person will be given two minutes to speak, with residents being allowed to speak first.

Noah Hostetler of 224 Hawking Dr., Galena testified that if the development isn't built it will remain a golf course. He then questioned how Brian Yeager truly got to purchase Blackhawk.

Brian Stentz of 311 Calebs Ct., Galena testified he had been to several of these meetings. Mr. Fischer said what we are seeing is a rough outline and Mr. Kinzelman said he spent a lot of time on the details. Who he was supposed to believe? I heard somewhere in the neighborhood of 80 deviations when it's all said and done. He quoted the movie Animal House "you messed up, you trusted us". Mr. Stentz did not want that to be the outcome of this meeting.

The Mayor, again, asked the audience to hold it down. This is a legal proceeding.

Alison Cherubini-Hillyer made the comment the slide that was up during the break showed deviations, that were not actually deviations because the deviations depicted in certain pods are not deviations according to the zoning code.

Jill Love 311 Caleb's Ct., Galena testified the development is massive, all of us moved her for the rural feel, everything around us is going to be massive. The citizens have the opportunity to keep this place special with no development. We go outside to find that special feeling, let's keep that special feeling here.

Nick Pizzutti 377 Nesting Ct. Galena, Ohio testified he grew up with Brian Yeager, and he thinks this will be a fantastic development, but it's not right for Galena. It's not smart growth. We have 1,000 people and this will be an additional 3,00 people that is not smart growth.

Andy Pentello, 388 Caleb's Ct., Galena Ohio testified there are 1,029 units and 135 of them will be residential, that's only 13% because I believe the townhomes, apartments, patio homes and cottage homes will be rentals. Nothing says whether the homes will be rental or for sale, but they all say subject to the market. In our neighborhood and in Galena in general houses are selling before they hit, they market. Why are we taking their word that rentals are the market? Why are we building these tiny little houses? Why are we allowing divergences? it's a capitalistic dream they will cram as many rentals in as possible to make the most profit and they have a right to do it, but it's our right to stick to the master plan. The Village's own person. Jeanna, said it's the master plan first and the zoning code second. We shouldn't change out master plan to fit them. When you take into account the 80 acres of parks, parking and commercial that leaves a small

amount of space for a large number of residents.

Craig Ebersold 323 N. Walnut St., Galena, Ohio testified he lived in the Village for five years. He is concerned about smart growth. He is concerned about the impact this will have to the environment. This Plan is next to the nature preserve and the reservoir I look forward to seeing how this will affect the water and endangered species.

Pete Rygiel of 286 Hawking Dr, Galena, Ohio testified that we should stick to our master plan. We have a plan let's stick to it.

Dave O'Neil 241 Harrison St. Galena, Ohio testified he would like to change the topic to the Galena Commerce Center. He is tired of waiting for them to come. He is opposed to the three additional proposed entrances and exits. They have two entrances and exits one on Holmes and one on Harrison. One of the proposed roads would run between my residence and the one at 247 Harrison and would be used for industrial use. This goes directly against the residential zoning of Harrison St. When you take into consideration the setbacks required, he doubts there would be sufficient room for a road. The water from the front half Galena Commerce Center drains into ditch directly behind my house. Which flows into a drainage ditch by my neighbor's house and on to Harrison St. This road would disrupt the drainage, and I'm afraid my basement would flood. I bear no ill will toward the Galena Commerce Center and their desire for profitable development. The mayor can attest, I have been a good neighbor and mowed their property on Harrison St.

The Non- resident portion of testimony began;

Jim Carter of 4493 S. Old 3C Highway, Genoa Township testified the master plan shows the zoning and planning commission can only grant divergences if they if in the best interest of the residents. The developer's profitability is not in the best interest of the residents. In Genoa Township we are approving plans with residents of 1.44 to 1.94 density. While the divergences are listed at 80 or 90, it's really more if you consider each residence and each parking lot. The plan really shows 1,000 divergences. Why don't they want more houses? I think it's unfair to your residents and to the township around you. The traffic study has not been done. Your master plan show it doesn't want apartments. You cannot approve this plan if it goes against your master plan it's not in the public interest.

He wished to concede his time to a resident that did not sign in, but the Mayor said it was against the rules of the testimony.

Annette Mc Murry 3690 Worthington Rd, Galena Ohio testified we must stand united against greed. Whether you live in Galena proper or the surrounding area this will impact all of us. Champion wants to make money that is their prerogative, we don't want high density development that's our prerogative. Each new single-family home has an average of 1.7 kids, and it takes four single family homes with no children to recoup the cost of one new child in our district. Additionally, it takes 18 months for the school district to recoup the cost of that new home, taxes are in arrears and initial value is usually based on the unimproved value of the land. What it means to us is an operational levy or a bond levy also known as higher taxes. This will

impact our roads. No traffic study can show the actual impact of a development this size. If they did, we would not have the traffic issues we have today. What about police, fire and EMS who will pay for that? We will. Put the costs on the back of the developer. We continue to build without considering the impact, and developers continue to pillage our land with consequence to them Why not push back and put these costs on the backs of the developers and not on the backs of our children and the elderly. We moved here to get away from Powell, Dublin and other highly developed areas. You will ruin our schools, our area. We don't want apartments or high-density development.

Dan Custer 9120 Dustin Rd., Galena Ohio testified he is concerned about the impact to his house. He did ask the Village for some information and got no response. He is concerned about the whole process and appreciates his home being listed on the deviations. He is worried about storm water and flooding. He is an architect, and understands, if the development plan meets the zoning code, planning and zoning has to pass the plan.

Kathy Hurt 8661 Dustin Rd., Galena Ohio testified this will have a serious impact on traffic. It takes her 20-30 minutes to get to work at the Westerville police department. Apartments are the wrong way to go. I've seen what happened to Westerville and it's not fun.

Johnathan Frankel of 3313 Rome corners Rd. Galena, Ohio testified according to 2017 statistics for the county we are looking at 43.6 % are renters with four or more in the household, and 30.3% own their home. We have 20% of residents as renters now, that will go up to 75% of residents are renters. He has all sorts of statistics about income and what Champion requires for income, but it would take down average income. He has a lot of concerns about the truth going forward. We are required to tell the truth. Mr. Yeager did not he said his kids go to our schools, and they do not they go to Olentangy schools.

Ron Kenefick of 9039 Dustin Rd., Galena Ohio testified his property is directly impacted by this plan. It was said that the plan has to pass is if meets the master plan, and it does not because of the number of variances. The impact on the schools is significant. If you read the Eagle newsletter, we already have to build more schools. We just passed another income tax to support the new high school. The Mayor corrected him that it was a bond issue, not an income tax. Mr. Kenefick said it's still a tax. He understands why the Village wants all the apartments because the Village collects a 1% income tax and it will double the Village income. So the people in the apartments aren't going to pay property tax to support the schools but the will pay the Village income tax, and that's why the Village wants this. This development is larger than the Tanger outlet, and they have a police substation. The Village doesn't even have a police department. If you call the sheriff now it takes 30 minutes to respond, and now you are going to add 1300 more residents.

Deb Jewett of 3390 Copthorne Dr. Galena Ohio, testified hers is one of the most impacted houses. I am worried about the impact on traffic. She looked out her window that faces Plumb Rd, and it would take about 10 car lengths to reach Copthorne Dr., and the room to the intersection at State Rt. 3 is 3 or 4 times that. They are going to add a turn lane in there, and that's going to handle the traffic from an addition 3000 people. Most people she knows that live-in high-income apartments own two cars and three when they have teenager. They only have 1.5

parking spaces, where are they going to park? It's unrealistic to cram all these people into this spot. Developers have made lots of money in this area with a lot less density. I am not a resident of the Village, but I think part of the covenant of being a good neighbor is not to do something to your neighbor that will profit you, and hurt your neighbor. She can't build a mound and flood her neighbor's property, even if it were legal it's not right and not fair. It's just not right.

Kathy Mockus 9113 Dustin Rd. Galena testified she is concerned about the environment. With all the traffic going down the roads, and all the trees being cut down the nature preserve will be impacted. The sewer line is right outside Hoover reservoir the drinking water will be impacted. I would mimic the concerns already spoken. She is concerned about the impact of our future children.

Village resident Chris Durrance 328 Hawking Dr., Galena, Ohio was allowed to testify even though he did not sign in. He testified when he looks at the pictures, he sees a sea of apartments. What if there are petty crimes? Car break in? Where are the police? He never sees police in his neighborhood. Little things like we only have one grocery store. We now have 4000 more people going to the same spot. With more than 4000 more residents going to our stores and restaurants, we are opening Pandora's box. We will then be looking at more commercial properties. They are going to open up on the other side of the road, and that terrifies me.

Mayor Hopper explained we are now going to start the commission's portion of the meeting.

Commission member Mark Brooks commented people need to understand renters don't pay property taxes, but the people who own the apartments pay property taxes so we are not losing money for the schools. You can't have a piece of property that is not taxed, it may be at a different rate, but it's on a more valuable piece of property. There are property taxes paid on every pieces of property.

Commission member Mayor Hopper addressed the police issue. When council feels we have adequate population we have three police departments wanting to serve the area. This is not the place where that decision is made.

Commission member Alison Cherubini-Hillyer inquired about the parks and who would maintain them. Levi Koehler explained the land in question would be owned by the Village and maintained by the home owner's association.

The Mayor explained the exception would be the Ohio to Erie Trail and the wooded area will be maintained by the Village.

Member Kathy Krupa quoted the zoning code the area areas of the State Route 3 corridor Blackhawk golf Course and Arrowhead Golf Course are designated as future commercial sites. We need to carefully plan for the future economic development of the Village. Apartments, condos and townhouses will not bring in enough tax base. Kathy Krupa also quoted mayor Hopper from the July meeting saying the Village needs to increase income with a commercial base or by raising taxes.

Kathy Krupa further stated the development plans shows only 235,000 square feet of commercial space, and by her math that's 5.2 acres or 2.3% of the plan.

The Zoning attorney Fischer explained that's a sizeable commercial space considering the number of employees and the income of the employees of Champion. It's a far better tax base than say a retail shops. The retail and commercial that they are planning with Champions headquarters is highly profitable for the Village. He continued by saying he zoned the area along State Rt.3 in Sunbury, and they couldn't get commercial and retail to come to the area because the population wouldn't support it. Champion tried to address this issue by moving its headquarters here so upfront you have Champion and its employees here with significantly more income than a worker at a retail shop. You can break it down by acres, but this provides the Village the income upfront.

Kathy Krupa responded. Her emphasis is that the master plan has designated this area commercial for the last ten years, and that's where it needs to be for the future economic development.

Mr. Fischer replied the plan is just that and going forward if there is the opportunity for additional commercial and retail space, they would certainly look at that.

Alison Cherubini-Hillyer asked Village solicitor Ken Molnar if it was a conflict of interest that Mr. Fischer was the zoning attorney for Champion Companies and represented the John D. Wright Farm in the annexation process. Mr. Molnar replied no, since they are two separate issues.

Kathy Krupa asked about the economic analysis, and Mr. Molnar explained that is separate from the zoning process. He explained is it being analyzed for the Village by the firm of Bricker and Eckler. Mayor Hopper explained again, the economic development package is considered by the Village Council and not the Planning and Zoning Commission.

Alison Cherubini-Hillyer objected saying that if the Commission is told we need a commercial tax base then we should consider the economic development package.

Kathy Krupa asked Village engineer Mark Ruffner how he felt about the development. The engineer looked at roadways, traffic, and parking. He said the developer had a divergence and did not quite meet the code with regards to parking, but it was up to the Commission if they could accept the divergence. She asked if that was his only problem with the plan. He said the engineers did not look at lot sizes, that was up to zoning. Kathy Krupa followed up with a question on the traffic study it showed the year 2020 with no light at Plum Rd. and then moves ahead to 2040 and it shows a light. Does that mean they have to wait 20 years for a light? The traffic impact study looks at what is required now, and what will be required 20 years from now, and the developer will have to build what will be required in the future.

Kathy Krupa continued addressing Zoning Inspector K. Levi Koehler. She explained she had read the master plan, and what continues to go through her mind is the zoning code is the law. So when she looks at the divergences from the zoning code she see exceptions to the zoning law.

She questioned set-backs at 6 feet on traditional homes, stating she wouldn't want her neighbors that close. Then she noticed the building height at 38 feet and it is accepted at 50 feet... She said she understood that since we just christened a brand-new fire truck last week. She has seen buildings that height in Powell, is that what we want to see? No, can the fire station handle it?

Dave Hatcher Chief Construction Officer for champion homes replied to Kathy Krupa. As far as the 50 foot height, there is only one pod that relates to, and that is the hotel. That is mainly due to the topography of the area. If you would like us to add a condition that the 50 foot only applies to the hotel and the rest of the building would be at 38 feet we would be completely fine that. As far as the traffic study, I've heard a lot of people talking about traffic, the study shows no build improvements. No build improvements are conditions that need to be taken care of today, whether we build or not, and as a part of this plan we have agreed to take care of those improvements. Katha Krupa commented on a light at Worthington road. Dave Hatcher said yes, we will be building that because it's in the area, and it needs built. Dave Hatcher continued responding to the lot sizes and setbacks. He said the zoning code only requires 30% open space, and I haven't done the math but I think we are at 37% or 38% and that has to come at a cost. We are at 2 units and acre in the planned residential district. If you want us to get closer to the code, we can increase lot sizes and increase setbacks in the other areas. We can reduce the green space down to 30%.

Kathy Krupa asked if they would be willing to reduce the rentals and the apartments for more commercial and retail. Dave Hatcher replied by saying that is the beauty of doing this development using the pod system. If we build the commercial retail space and it fills quickly, and we see there is a demand for more commercial and retail the absolutely. That is not what our research says now, but if we see it then we can come back and change the plan for pod 2 or 3 to be more commercial, retail space. The hotel is in the last pod, and we envision lots of people using the trail and maybe wanting a place to eat and spend the night. If we see that's not the case we can change that pod to something else. Lastly Dave Hatcher commented on the New Community authority saying not only is every property in this development going to pay the Village income tax and property taxes but each home, the rentals and the commercial are going to pay an addition 8 mills into the N.C.A. with 4 mills going to the schools and 4 mills going to the Village. So when you are talking about dollars realizes we are not raising everyone's taxes we are paying for our own with the N.C.A.

Kathy Krupa asked the Mayor to explain the N.C.A. to the audience. Mayor Hopper explained the Galena New Community authority is the first ever done in the state where the municipality acts as the developer. N.C.A.'s are usually formed by developer to try to recoup some of the costs they incur upgrades to the roads etc. In this case we went to the schools and said we want to have the least impact possible on the schools with all the new development coming. The schools asked us for 4 mills for each new development in the area. To cover the impact of each new student. The Village is also incurring costs to the roads and trails so we wanted to cover our cost of the additional impact without burdening the tax payers. The Mayor stated he just sat down with the school superintendent and treasurer to go over this development. They have known about his since day one. I have been on the facilities committee for 15 years. I know the impact developments have on the schools. The schools asked for 4 mills and that's exactly what they got. Someone yelled then why is the superintendent so upset and writing all these articles.

She is not upset about this particular development. He stated he just sat down with her. The commercial and office is creating tons of extra income for them. The only thing they asked was for us to try to hold down the three-bedroom apartments because that's where the kids come from. The one- and two-bedroom apartments with the young professional don't have the kids. It's the single-family homes and the three-bedroom rental that produce the kids.

Brad Schnider, President of the Big Walnut local school board, spoke to the issue of the schools. Everything the mayor said is true. There is a similar N.C.A. in Sunbury that funded 10 students last year so it's not completely 1:1. Each new home does represent 1.7 students so we do appreciate the commercial and retail. My personal opinion is the apartments are not going to have a huge impact in the next 10 years, past that who knows. I'm just one out of 5 and that's my opinion. Our operating budget is woefully imbalanced to the residential side, so when we need more we have to come to the community. I think I speak for everyone when I say any opportunity for commercial growth is good. I'll let you decide what is or isn't responsible growth.

Alison Cherubini-Hillyer would like to speak to the divergences in the planned commercial district. Why did you need a divergence from 850 square feet to 750 square feet?

Brian Yeager C.E.O. of Champion explained it's because their standard one-bedroom unit is 750 square feet.

Brian Kinzelman of MKSK also responded that Champion is in the apartment business and they aren't going to put something on the market that the demand doesn't warrant. Something we all struggle with is what is going to be relevant years in the future. You see it in your master plan. This is a capitalistic society and Champion is in the business of making money. They know what works for them, but it can be changed So could we create more parking and larger lots ? yes, but he cost is green space. Our plan opted for more contiguous green space rather than lawns for people to mow. Additionally, what is the right balance of commercial and residential? Brian Kinzelman stated he didn't think this community wanted a 200,000 square foot Walmart. This commercial/retail space was designed to meet the need of Galena and this predominately residential community. It was not designed to compete with Tanger or Polaris mall. We didn't want people in this community to have to drive 15 minutes for a cup of coffee, to eat at a restaurant, see their accountant or attorney that's how this community was designed.

Alison Cherubini-Hillyer quoted the master plan in regard to the size and placements of apartments in a commercial district.

Brian Yeager, CEO of Champion responded that he could amend the plan to meet the code at the cost of green space, but he didn't think she would be happy with it.

Alison Cherubini-Hillyer agreed because she stated he was putting the cost of complying with the zoning code on the back of the Village.

Mr. Fischer Zoning Attorney for Champion companies said he thought a discussion on districts was a good idea at this point. You don't see divergences in some districts like R2. Planned districts are designed differently by law. There is a give and take between the developer and the municipality. Divergences are part of planned districts. When they talk about 750 foot apartments, understand they all are going to be 750 square feet. That's one product. A large number of the apartments will be larger. The same thing goes for the square footage of lots. They all aren't going to be smaller than the code requires, in fact some will be larger than the code requires. Divergences aren't bad they are part of the planned district. Zoning codes are dynamic. The empty nester homes are a for sale product. For people who don't want to mow their lawns and shovel their snow.

Kathy Krupa asked if the patio homes would have basements. Mr. Fisher said it depended on the builder, some builders believe the patio homes need basements for people who are downsizing to put their junk. It's driven by the market.

The Mayor added the M/I Homes at the Retreats at Dustin have optional basements.

Mr. Fischer said the Shamrock golf course development has patio homes up front that sold like hot cakes and estate lots in the back they are stilling selling.

Alison Cherubini-Hillyer said she agreed the Village should respond to the market. We should not change our master code as a response to a development. We should first change the master code.

The Mayor responded by saying this is the reason we have divergences, we can't change the master plan every year. We have to respond to the dynamic market, that's why divergences are expected in a mixed use development. Divergences become the zoning for that property. Just like every other development in the Village except one has divergences.

Mr. Fisher added in a planned district the development plan enacted is the zoning document.

Alison Cherubini-Hillyer said she would like to go back to what Kathy Krupa said before. We have one shot to do this right. This will be the gateway to Galena, and while what you have proposed is lovely it's the same as we see all around. Why can't we be different. Let's keep it small and quaint like the downtown.

Alison Cherubini-Hillyer continued stating we have been planning for this area to be commercial for the last ten years. Patio homes, and townhomes are not the sustainable commercial that we planned for. I have asked to see more commercial for the last several months, and I don't see any more commercial.

Kathy Krupa reiterated that Alison Cherubini-Hillyer has asked for more commercial at each meeting. She continued we have once chance to do this right and we will be driving by this project year after year.

Alison Cherubini-Hillyer interjected stating if what she has heard is correct, the Village has developers wanting projects and various sites, and if we approve this with apartments we set a precedent for other developers to follow. I don't think when we say we want to preserve the historical uniqueness of Galen this is the right way to go. She stated that she doesn't believe this development meet the needs of the Village from the commercial stand point. She added the divergences in the townhomes are not acceptable, and she reiterated this type of apartment complex is not the type deemed acceptable by the zoning code.

Mayor Hopper interjected he felt that section of the ordinance is up to some interpretation.

Alison Cherubini-Hillyer continued, however the zoning code is law. If we look at the master plan it says apartments are represented in Sunbury so we don't need them in the Village. In addition the zoning code states development plans must represent the vision of the master plan.

The Zoning code also states that must take into consideration if the plan is in the best interest of the Village and its neighbors. We need to take into consideration the effect the will have on those in the immediate vicinity of the project. It is high density residential so it puts a strain on the schools verse commercial. We know the issue with traffic will only get worse. We don't have a permanent solution for fire police and EMS so putting in the high density development is not beneficial to the Village. The overall lack of support from the citizen needs to be noted. We are here to make sure it complies with the zoning code and in her opinion it does not. The plan needs to be in the best interest of the Village in in her opinion it is not. We have had several meeting, and I know some people think we are stuck with now, but in Levi' report it says any conversations with Village official are not binding. I know the Village has may conversations with the developer but it doesn't mean the planning and zoning commission have to agree with you.

Kathy Krupa interjected that she understands Stan Swisher and Mark Brooks have seen multiple developments development, but with developers knocking on the door of the Village this one will set precedent for the developments that come up next.

The mayor interjected that this one is unprecedented in its size. He stated for single family developments you have to go back and look at what has been done before.

Kathy Krupa argued that she has no control over what has been done before. She continued if this is approved are we going to approve the same lot size divergences on the next single family development? I can't control what was done before, but she is an elected official. If the zoning ordinance is law she feels like there are too many divergences. In addition if we approve these exceptions what will happen with the next plan?

The Mayor asked to speak on the subject of divergences. As you know our zoning code says 80 foot lots. As developers came along they asked for 50 foot lots because Sunbury was approving 50 foot lots, and they larger lots are not popular. So in Blackhawk subdivision the commission approved 70 foot lots as transition, so the board can't say that this hasn't been done before. Our Planned residential is two units an acre, so smaller lots don't equate to more homes. If you have smaller lots you end up with more open space and more trails. So if we push back on the lot size

it will be at the cost of the open space.

Alison Cherubini-Hillyer interjected at that point the board can just say no.

The mayor explained if the developer goes back and corrects all the divergences there is no basis to turn down the plan.

Alison Cherubini-Hillyer argued she thought that would be great. If the developer gets rid of the three story apartments, and all the apartments are located above a business like described in the code that would be great. She continued she knew the Mayor was frustrated, but if her job is to look at a plan and see if it meets the zoning, then this one does not.

The Mayor said there has to be some give and take in the process.

Alison Cherubini-Hillyer argued this is not give and take, this is the developer saying our code sucks and we will do what we want.

Kathy Krupa interjected that when we ask for more commercial fours meeting in a row, and we don't get it, that's not give and take.

An audience member shouted this will more than double our population.

The Mayor explained council has already approved developments that will double our population.

Alison Cherubini-Hillyer asked what do we now.

Ken Molnar explained we can continue the hearing or close it. The only reason to keep it open is if you think that there is a compromise to make everyone happy. The developer has to request to continue the hearing.

The Mayor explained if it were continued the hearing, the commission could not discuss it, with each other.

Brian Yeager spoke saying the zoning inspector, and the Village engineer have put together their reports. He stated that based on those reports they are in compliance with the code. He stated he believed had the three votes needed to pass the plan onto council. He understands he is never going to make everyone happy. He continued by saying if Kathy or Alison had a couple sticking point, for example, putting the trail in first he would be happy to have the plan approved with conditions. He continued at this point he would like to have a vote.

Jill Love 311 Caleb's Ct. Galena, Ohio testified she's in contracts, and she understands contracts. She said the developer is basically asking for a contract with the city of Galena. When they made their presentation there seemed to be lot of leeway. In that this area may be one thing or another. That to her, opened the door for many more divergences. She also stated she didn't understand how they can submit a plan that will effect taxes and income, and not have the economic development as part of the consideration. She knows it will be profitable for the

Village, but we have not idea on return on investment. The people have no idea what they are getting.

Ken Molnar interjected this board doesn't approve anything they are simply recommending the plan to council for approval. The council will approve, or not approve the plan.

Jill Love interjected that she understood a double gavel was expected at council and that was very concerning to her. This is our chance to urge the board t not approve this development based on no return on investment and the community's disapproval of the project. We are for smart development. This is not smart development.

Levi Kohler responded by saying any changes to the plan would have to come back to planning and zoning, and would have to be approved by council.

Brian Yeager asked for a vote.

The mayor asked for input from the gentlemen on the committee because the women had already expressed their opinion.

Kathy Krupa explained she was council's representative on the commission. She and the other member of this commission are charged with making a decision with what they feel will be in the best short- and long-term vision for this Village while adhering to the law. Our role takes a considerable time commitment becoming familiar with the zoning code, master plan and the development plan. We are charged with making sure the plan adheres to the laws while balancing that with the rights of the property owner and the needs of the residents. This charge is taken very seriously by me. Some of my concerns are the presence of apartments, the number of divergences against our current zoning code. As an elected official, regardless of my personal feeling, I'm responsible for representing the people, the people voted me in. For that reason, as matters stand today, I cannot vote for it.

Brian Yeager addressed Mark and Stan. He stated he felt they knew his commitment to this plan. We have followed the code and responded to every one of Levi's and the engineers' requests. We are local, we are not flying in from another state. I know I won't get 100% satisfaction. I hope you know my commitment and my company's commitment to this plan.

Alison Cherubini-Hillyer stated she would like to remind Mark and Stan that we are not bound by previous conversations. We are bound by the code, and it allows for apartments, but these apartments do not align what is described in the code. With the apartment complex presented we have a legal right to say this doesn't match our zoning code.

The mayor asked what conversations Alison Cherubini-Hillyer was referring to.

Alison Cherubini-Hillyer replied any time you or Levi talked to the developer, and she was simply reminding them, Mark and Stan, that those conversations are not binding. She stated, the Mayor should be on board with that.

Levi explained that we meet with the developer to make recommendations to the plan. They respond with changes. He didn't understand why she kept bring the topic up. No one claimed they were binding.

Alison Cherubini-Hillyer said she understood that is what happens.

The court reporter commented she was about done.

Alison Cherubini-Hillyer said she felt it was our job to be here whether we were tired or not.

The court reporter explained that she couldn't do her job with people shouting from the audience. She stated she was recovering from hip surgery and had been sitting still for over 2 hours.

The Mayor explained that why he has asked people repeated to be quiet because she can only do her job when one person is speaking.

Alison Cherubini-Hillyer told the court reporter she appreciated her.

The Mayor commented who will come in and do a better job, referring to the developer.

Alison Cherubini-Hillyer she didn't know but the Village should hold out for something that complies with our plan. We shouldn't change just because it's a trend. If our master plan is out of date, we should fix that first.

The mayor asked what that would look like.

She said she didn't know but right now there are 4 different types of residential that we are shoving into what we planned to be commercial.

Brian Yeager requested that the hearing be closed.

A motion to close the hearing was made by Stan Swisher and seconded by Mark Brooks

A roll call vote was taken:

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

A motion to adopt the plan as presented with conditions was made by Stan Swisher and seconded by Mark Brooks

A roll call vote was taken:

Swisher – Yes Brooks-Yes Hopper – Yes Cherubini-Hillyer – No Krupa – No

Mark Brooks said he would accept the zoning inspector’s report as presented.

At 10:28 p.m. Mark Brooks 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.