



## Village of Galena ZONING AND PLANNING COMMISSION

### *MINUTES OF THE MEETING OF MAY 11, 2005*

The Zoning and Planning Commission of the Village of Galena met on Wednesday May 11, 2005 in the Council Chambers of the Municipal Building at 9 West Columbus Street, Galena, Ohio. Present were members; President Tom Hopper, Jim Slifko, Denny Morris, Stan Swisher and Mark Brooks. Also present was Zoning Inspector David LaValle, Zoning Clerk Sally Hopper, Village Solicitor Ken Molnar and visitors Susie Kossmann, Bob Kane, Dick Brahm, Jeff Strung, David O'Neil, Margaret French and Bill Schlanger. The meeting was officially called to order at 7:05 PM.

Copies of the minutes from the last meeting of April 13, 2005 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Mark Brooks, seconded by Jim Slifko and passed unanimously.

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A hearing was held on an application by Homewood Corporation for a change in zoning classification and approval of a development plan for a 16.839 +/- acre parcel on Dustin Road to allow expansion of the existing Estates at Blackhawk Subdivision. The property is currently zoned Berkshire Township Agricultural and is proposed to be changed to Village of Galena Planned Residential District (PRD) upon completion of a pending annexation to the Village. Mr. Dick Brahm, of the law firm Plank and Brahm, made a brief presentation on behalf of the applicants. Mr. Jeff Strung of EMH & T represented the applicant's engineering firm.

The proposed development would add 25 lots to the existing subdivision and also plat an additional lot for an existing single family residence at 8727 Dustin Road. There would be 7 lots along the west side of Hawking Drive in what is now known as Reserve A. The remainder of the lots would be on three new public streets to the west of the current Hawking Drive along with 3 or 4 lots to be served by a common access drive (CAD) to be constructed off the southernmost of these new streets. The existing home would continue to gain access from Dustin Road.

Mr. Brahm in his presentation admitted to several errors in the application. Rear yard set-backs should have been 35 ft., street lights should have been specified not yard lights, sidewalks will be included, no new model homes are planned and the request for a reduction in side yard set-backs is being requested to allow for some side loaded garages without the need for a variance.

Zoning Inspector Dave LaValle presented his review of the proposal which also reference a list of engineering issues brought up by Village Consulting Engineer Jim Watkins. There was also clarification of the changes in open space and the fact that the rezoning is contingent on the annexation being complete and sanitary sewer service becoming available. There are some issues with the CAD and the buyers will need to be made aware that it will not be maintained by the Village. He recommended conditional approval of the rezoning.

Village Solicitor Ken Molnar concurred with Mr. LaValle's comments on the annexation, wanted to be sure the engineer's comments were dealt with, the issue of green space was adequately handled and that legal reviews be conducted on the CAD and homeowner's association agreements. Mr. Strung clarified some issues on the CAD and stated that with the new area added that there would be an net increase of about 2.85 acres overall of green space in the entire development. He also agreed to a 20 ft. access to the park land and clarified the water detention plans and sidewalk plans.

Neighbor Margaret French then asked several questions concerning access and temporary construction drives in the existing section of the subdivision which is currently under construction. Commission member Stan Swisher asked for clarification of why a CAD was now being used instead of the third cul-de-sac shown on plans presented at the time of the informal

discussion. Mr. Strung explained it did not increase the number of lots but did deal with the topography better and allow for more trees to remain. Commission member Jim Slifko asked for and received clarification from Mr. Strung concerning the changes in net open space.

The Commission then held a discussion concerning the request for a lowered side-yard setback. The applicant was told the Village was very strong on the 12.5 foot requirement but recognizes that there may be a few cases when it may be in the Village's interest to lower that on a specific lot to allow a side load garage, etc. The Village will not consider such a request for all the lots and the 12.5 foot set-back will be applied to this development.

Mrs. French then asked about road improvements to Dustin Road and was told that would be up to the County Engineer but that she should not look for additional requirements due to the addition of these few additional houses. The Commission then discussed the matter of sign-offs by the fire chief, Del-Co Water, etc.. Also the possibility of an emergency only "back-door" entrance through the existing Vishwanath property if required by the BST & G Fire Department.

A motion was made by Stan Swisher to recommend to Council conditional approval based on the following list of conditions:

- 1) Setbacks, in order to agree with prior development plans and Village Zoning Code, shall be not less than: 30' front, 12.5' per each side, with a total of not less than 25 feet, 35' rear yard.
- 2) Reserve "A" shall be held by the developer pending approval of the rezoning of the 16 acre tract.
- 3) Streetlights are required Village Code and shall be the same as used for the first sections of the Estates at Blackhawk. Yard lights are not acceptable. The applicant has agreed to install the streetlights as required by Village Code.
- 4) Sidewalks shall be provided in the new section the same as for the other sections of the Development. Single loaded streets shall have sidewalks along the street adjacent to and serving the residential lots. Sidewalks will link the proposed section with the existing subdivision.
- 5) A twenty-foot wide access to the .9-acre open space area shall be provided to link the open space with Street "E".
- 6) No additional signs or public entrances from Dustin Road or SR 3 shall be included. The current entrance off Dustin Road, Hawking Drive, will be used. An emergency entrance through the Vishwanath property will be included, if requested by the BST & G Fire District, and shall be used only for emergency access purposes.
- 7) The sanitary sewer force main must be correctly installed, inspected by the Delaware County Sanitary Engineer and accepted for maintenance by the Village. The installation and successful operation of the sanitary sewer force main is critical to the provision of wastewater treatment for the development. Prior to Village acceptance of the force main for maintenance, the applicant or responsible person shall assemble data to present to the Village to demonstrate a successful and safe installation. It is noted the installation of the force main has been under the inspection services of the Delaware County Sanitary Engineer and that the force main is not completed or operational at this time. Berkshire Township has raised serious concerns regarding the close proximity of the main to the southern property line of the Galena Cemetery and the implications that may have on future maintenance and encroachment onto cemetery property.
- 8) The divergence from development standards for a side yard set-back requested by the applicant is denied. The Commission found the plan did not justify the divergence and an error was acknowledged since the divergence is not compatible with the balance of the development.
- 9) The plan includes a Common Access Drive (CAD) to serve three or four lots on the south side of the development at the end of the cul-de-sac on Street "E". The Commission agreed the CAD is the best way to handle this land division in keeping with the need to protect wooded areas and maintain adequate site drainage. At a minimum, the standards being proposed as a revision to the Delaware County Subdivision Regulations shall be applied and used for the design and construction of the CAD. Engineering cross sections will be required. The applicant agreed to notify the BST & G Fire District regarding the need for access and turn around area, and possible emergency access-way, and a fire hydrant located at the entrance to the CAD.
- 10) The conditional approval of the rezoning is contingent upon the Village solicitor's review of the CAD language, covenants and caveats. Notice shall be given to potential lot and homebuyers concerning the CAD restrictions. CAD language shall be indicated on the record plat and in deed restrictions all subject to prior review and approval by the Village Solicitor.
- 11) The model home currently approved on lot 200 will continue to serve as the model home for the entire development and no additional model homes will be added for the Estates at Blackhawk.
- 12) Conditional approval of the rezoning is contingent upon the property being annexed into the Village.
- 13) The amount of open space shall not reduced beyond levels previously agreed upon by the Planning and zoning Commission.
- 14) Village utilities, as applicable, shall serve the development.
- 15) The applicant shall reimburse the Village for engineering review costs
- 16) Setbacks and other improvements, agreements and requirements shall conform to standards approved under prior

development plans and the Developer's Agreement, including but not limited to: sidewalks, open space, model homes and streetlights.

- 17) That an acceptable response is received regarding engineering and other concerns raised by the Village Consulting Engineer, dated May 4, 2005, and as discussed at the Planning and Zoning Commission meeting of May 11, 2005.
- 18) Corrections appropriate and pertinent to the Development Plan Text, drawings and Application, shall be submitted to the Village for review and approval prior to the rezoning hearing by Village Council on June 27, 2005.
- 19) All sewer tap fees and sewer tap installation inspection fees shall be made payable to the Village of Galena, and the Village shall conduct sewer tap installation inspections.
- 20) Deed and plat restrictions shall be subject to review by the Village Solicitor.
- 21) The homeowner's association text shall be subject to review by the Village Solicitor.
- 22) Notification of the development shall be provided by the Applicant to Del-Co Water Co. Inc, the BST&G Fire District, Columbia Gas Co. and other public and quasi-public agencies as applicable and as standard subdivision notification practice requires. Written letters of approval will be required for the file before final plat approval.

The motion was seconded by Denny Morris and passed 5-0 in a roll call vote as follows:

Swisher - Yes    Morris - Yes    Hopper - Yes    Brooks - Yes    Slifko – Yes

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Before the next hearing President Tom Hopper stepped down and the remainder of the meeting was chaired by Jim Slifko.

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A hearing was held on an application by Thomas and Sally Hopper for an amended development plan for a 1.804 +/- acre property, known as 275 Harrison Street, to allow additions to an existing single family residence, construction of an outbuilding and other improvements. The property is zoned Planned Industrial District (PI). Mr. Thomas Hopper, the applicant, made a brief presentation concerning the application. No divergences from development standards are requested. The additions include a first floor master bedroom suite, dining and utility areas, porches, deck and an attached garage. The outbuilding is planned for storage. An existing garage will be removed. The project may be built all at once or in several phases as financing allows.

Mr. LaValle gave a staff report on the application. The modification and enlargement of an existing residential use is allowable under section 17.05D of the zoning code. The residential use is a grandfathered, non-conforming use in a Planned Industrial District. The use is consistent with the surrounding area and approval of the application is recommended.

The Commission then held a brief discussion concerning the application. There were no comments or questions by audience members.

A motion was made by Denny Morris to approve the amended development plan for 275 Harrison Street, seconded by Mark Brooks and passed 4-0 in a roll call vote as follows:

Swisher - Yes    Morris - Yes    Hopper – Abstain    Brooks - Yes    Slifko – Yes

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Zoning Inspector David LaValle had issued a written report which is attached and incorporated as part of these minutes. He gave a brief summary of the report. He issued no new violations but did receive one property maintenance complaint. He has been answering questions related to swimming pool installation with a property owner on Walnut Street. He gave an update on the developments within the Village. He also reported on tenant changes at the Joe Underwood property and the Galena Commerce Center. He also gave updates on the sanitary sewer system, set-up of sewer billing and the applications for compensation from FEMA for damages resulting from flooding in Ruffner Park and the December snow emergency.

The Clerk reporting processing 12 zoning permits.

There was no old business.

In new business Mr. Bob Kane reporting he was going to have a meeting with representatives of the Delaware County Friends of the Trail and the Ohio to Erie Trail Fund about possible financing of the trail connection through his 322 Harrison Street

property allowing the trail to reach from Joe Walker Road to Harrison Street.

There being no further business before the Commission, a motion to adjourn the meeting was made by Denny Morris, seconded by Mark Brooks and passed unanimously. **The next scheduled meeting will be on Wednesday, June 8, 2005 at 7:00 PM.** The meeting was officially adjourned at 8:53 PM.

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Clerk

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Chairman

CERTIFICATION

I, Sally H. Hopper, Clerk of The Zoning & Planning Commission of the Village of Galena, Ohio do hereby certify that publication of the above MINUTES was duly made by posting true copies thereof at five (5) of the most public places in the Village of Galena as provided for in Ordinance # 99-15 enacted by the Council of the Village of Galena on December 21, 1999.

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Sally H. Hopper, Clerk