



## Village of Galena ZONING AND PLANNING COMMISSION

### *MINUTES OF THE MEETING OF AUGUST 17, 2016*

The Zoning and Planning Commission of the Village of Galena met on Wednesday August 17, 2016 in the Council Chambers of the Village Hall at 109 Harrison Street, Galena, Ohio. Present were members; President Tom Hopper, Dave Adams, Stan Swisher, Mark Brooks and Alison Cherubini Hillyer. Also present were Village Zoning Clerk Sally Hopper, Village Zoning Inspector David LaValle, Deputy Zoning Inspector and Code Compliance Assistant Levi Koehler, and visitors Dave & Sandy Walker, Russ & Glinda Smith, Jeremy Miller, John S. Miller, Robert J. Miller, Vishu R. & Nalinj B. Vishwanath, Jamie Boudinot, Jon & Sarah Torborg, Jeremy Hayes, Jim Lipnos, Linda Menerey and Court Reporter Cathy Cathell of Spectrum Reporting. The meeting was officially called to order at 7:08 PM.

New member Alison Cherubini Hillyer was sworn in by Mayor Hopper, replacing David Walker who was recently appointed to Village Council.

Copies of the minutes from the meeting of July 20, 2016 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Mark Brooks, seconded by Dave Adams and passed unanimously.

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A hearing on the application of Arrowhead Lake Ventures, LLC, for a change in zoning district classification from Berkshire Township Agricultural (A1) and Village of Galena Farm Residential (FR1) to Village of Galena Planned Residential District (PRD), and approval of a development/subdivision plan for an 88+/- acre tract west of Old 3C Hwy, north of Heathermere Subdivision, east of Arrowhead Lakes Golf Club and south of the Sunbury village line made up of multiple pin numbers was un-tabled at the end of the 90 day tabling from the May meeting.

Zoning Inspector Dave LaValle stated that an email request has been made by the applicants for an additional 30 days tabling due to technical and engineering issues that need to be worked out. Mr. LaValle recommended the request be granted. A motion to table the application and continue the hearing for an additional 30 days, was made by Dave Adams, seconded by Alison Cherubini Hillyer and passed unanimously.

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A hearing was held on the application of Homewood Corporation, for an amended development plan to eliminate a common access drive, re-orient lots and increase open space from the 2005 approved development plan for The Estates at Blackhawk, Phase D, Subdivision located in a planned residential district (PRD) north of Dustin Road and east of State Route 3.

Mr. Jim Lipnos of Homewood Corporation and Ms. Linda Menerey of EMH & T, consulting engineer on the project, presented the revised plans for Phase D. The original plans were approved in 2005. There will be a slight redesign to the street layout and the common access drive (CAD) originally approved will be eliminated. All lots will have access to a public street. The number of lots will remain at 26. The current Vishwanath home will occupy lot 13 so that only 25 new homes will be constructed. The total open space will be increased. Because of

issues with preservation of existing trees along State Route 3 the front yard set-back will be reduced from the required 30 ft. to 25 ft. on Lots 1 and 2 only. Lot 20 is being retained as a future model home site. Sanitary sewer will be tied into the existing stub west of Hawking Drive. The applicant presented a letter of approval from the BST & G Fire District.

Mr. LaValle presented his zoning inspector's review and recommendation to the Commission. His findings were that the development plan is consistent with the standards of the Zoning Ordinance and the Village Land Use Plan. The development appears to comply with the Subdivision Regulations and the intent of the zoning resolution. The plan appears complete enough in detail at this time to recommend a conditional zoning approval with the following conditions:

- 1) The final approval is contingent upon submittal and Village approval of final engineering details.
- 2) The amount of open space has been increased over the prior development and the amount now shown shall not be reduced.
- 3) That the area along and bordering State Route 3 be kept and preserved in trees as indicated on the plans.
- 4) That Village engineering review costs are reimbursed by the applicant.
- 5) That clarification is provided about the use of a model home in this section.
- 6) That all tap fees be payable to the Village of Galena.
- 7) That the Homeowners Association agreement be submitted as a reference to the Village.
- 8) That construction clean-up and dust control shall be maintained in accordance with applicable regulations and standard industry practice.
- 9) That erosion and sedimentation measures meet current Village engineering standards and maintenance requirements.
- 10) That storm water control measures meet current Village engineering standards and maintenance requirements.

There followed a period of questions and answers by the audience and the Commission.

There were several audience questions regarding storm water and retention areas. The current and future systems in Phase D were clarified by the applicant.

There were issues regarding possible access by the Vishwanath property on the new adjacent public cul-de-sac street. Sidewalk and driveway issues with this access were also discussed. The property does have frontage on the new street and details will be completed during final engineering.

A number of questions and suggestions regarding sidewalks in both Phase D and also earlier sections of the development brought up by residents were discussed. The applicant agreed to a number of improvements that will be included with the final engineering details. Many of these improvements involve ADA access ramps.

Mr. John Miller asked if this application eliminated the access to the Jeremy Miller property north of Phase C. He was told that this application did not effect that easement which was approved in an earlier section.

There were questions about the possible elimination of on-street parking on some of the new streets. This issue would have to be addressed by Council at a later date. Concerns were raised about erosion and tracking of mud on the streets during construction.

Jeremy Hayes of 379 Hawking Drive raised concerns about the removal of trees in the area of Lot 1 which is directly behind his house. Mr. Lipnos said he would walk the property with him to show him which trees are to remain.

Comments from the Commission were generally favorable. The consensus was that the amendment was a positive improvement to the project because it added more open space and got rid of a potentially problematic CAD while not adding additional lots.

A motion for conditional approval of the proposed amended development plan, subject to the comments of Mr. LaValle listed above and other items agreed to during the hearing, was made by Mark Brooks, seconded by Dave Adams, and passed 5-0 in a vote as follows:

Swisher – Yes    Cherubini Hillyer – Yes    Hopper – Yes    Brooks – Yes    Adams – Yes

The hearing ended at 7:52 PM. The court reporter was dismissed.

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Mr. LaValle then presented his and Deputy Zoning Inspector and Code Compliance Assistant Levi Koehler’s written monthly activity report which is attached and incorporated as part of these minutes. He gave a summary to the Commission.

He reported that owner Eddy Ambrose of Sambuca’s Nursery and Greenhouse, at 577 North Walnut Street, has been passing a petition asking for Sunday sales of liquor at their new carry-out. The staff continues to prepare documents related to the charges filed against Mr. Ambrose in Delaware Municipal Court for the original sign violation. The sign is in place in spite of verdicts from both the Delaware Common Pleas Court and the Ohio 5<sup>th</sup> District Court of Appeals that it must be removed from the public right-of-way. Mr. LaValle continues to work with the Solicitor for determination of further citations and/or legal actions.

Mr. LaValle reports he has issued a permit for maintenance to the entry ramp and steps, as well as installation of a new concrete pad for a new larger “smoker”, at the Mudflats Bar and Grille. He and Mr. Koehler are monitoring exterior property maintenance citations at 35 South Walnut Street, 225 and 177 Harrison Street, 387 Quinn Street, 196 and 203 North Walnut Street. Observation on properties previously granted extensions for exterior property maintenance violations and at the Galena Commerce Center continue. Construction of the new home at 24 Front Street is well underway.

Mr. LaValle went on to discuss the status of existing development projects including follow-up inspections of concrete work at the Walnut Creek Subdivision. Mayor Hopper gave a further update on Arrowhead Lake Estates. Permits were issued for a new build home at 425 North Walnut Street, decks at 498 Zoar Street and 377 Nesting Court and an inquiry was handled for a pool at the Estates at Blackhawk. The zoning staff continues to make progress on the Subdivision Code revisions.

The zoning clerk had nothing additional to report.

In old business there was an update on the trail construction project.

There was no new business.

There being no further business before the Commission, a motion to adjourn the meeting was made by Mark Brooks, seconded by Stan Swisher, and passed unanimously. **The next scheduled meeting will be on Wednesday, September 21, 2016 at 7:00 PM.** The meeting was officially adjourned at 8:12 PM.

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Clerk

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Chairman

CERTIFICATION

I, Sally H. Hopper, 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.

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Sally H. Hopper, Clerk