



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF SEPTEMBER 12, 2007

The Zoning and Planning Commission of the Village of Galena met on Wednesday September 12, 2007 in the Council Chambers of the Municipal Building at 9 West Columbus Street, Galena, Ohio. Present were members; President Tom Hopper, Nancy Feole, Denny Morris, Stan Swisher and Mark Brooks. Also present were Zoning Inspector David LaValle, Zoning Clerk Sally Hopper, Village Solicitor Ken Molnar and visitors Dick Brahm, John Bain, Jim Lipnos, Scott Liston, Bill Schalanger, Carol Wood, Jane Jackson, Art Hergatt, Phil Howitz, Joyce Howitz, Greg Murphy, Howard Bucher, Jeff Gill, Robert Kriech, Violet Carpenter, Kelly Jackson, Charles Chandler, Wilbur Vanhouten, Everett W. Stover, Perry Sarle, Karen Ambrose, Helen Stone, T.J. Salgia, P.J. Allen, Gwen Moor, Matthew Moor, Chris Underwood, Dave O'Neil, Melissa Richeson-O'Neil, Hal Lescinsky, Travis Eifert, Jeff Strung, Nancy Murphy, David J. Brehm, Jim Dietz, Jean Kelly, Vanessa Blaylock, Diane Anderson, J.B. Anderson and some others that did sign in or had unreadable names. The meeting was officially called to order at 7:09 PM.

The new representative from Village Council, Nancy Feole, was welcomed to the Commission.

Copies of the minutes from the last meeting of August 8, 2007 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Mark Brooks, seconded by Stan Swisher and passed unanimously.

All parties wishing to speak or provide evidence in any of the three hearings were sworn in before the court reporter.

A hearing was held on an application for a conditional use permit to allow construction of a "shade pagoda" at Sambuca's Italian Greenhouse, 577 North Walnut Street, by Edward J. Ambrose. The property is zoned Farm Residential District (FR). David J. Brehm, Mr. Ambrose's attorney of the firm of Firestone and Brehm, spoke on behalf of the applicant.

The applicant will finish the installation of a wooden post structure with a nylon mesh stretched over it in order to provide shade to protect the plants sold by the business. The applicant acknowledges that this is a permanent structure under the zoning code and wishes to obtain the required conditional use permit. He had been cited for beginning construction without such a permit. A petition of support signed by a number of nearby property owners was presented to the Commission. Mr. Dave LaValle, the Zoning Inspector, presented his report on the matter and recommended approval.

After a brief discussion a motion to approve the conditional use permit for 577 North Walnut Street was made by Mark Brooks, seconded by Nancy Feole and passed 5-0 in a roll call vote as follows:

Swisher - Yes Morris - Yes Hopper - Yes Brooks - Yes Feole - Yes

A hearing was held on an application for an amended development plan for 13-19 West Columbus Street by

Nancy, Marvin, Greg and Tonya Murphy. The property is zoning Planned Commercial and Office District (PC). Nancy Murphy spoke on behalf of the application.

Mrs. Murphy explained that her group had recently purchased the buildings and plan to open Murphy and Associates Real Estate in the former toy store at 19 West Columbus. That office would also include the former apartment, (19 ½), on the second floor. Jule's Java and Grill would continue to occupy the remainder of the storefronts and operate the same as it currently does.

Mr. LaValle gave his report on the application. He reported he had granted a temporary occupancy permit for the real estate office pending Commission approval. The application is in compliance with the code. The applicant does wish to put up projecting, two sided signs, like those granted for the Mudflats Bar, for both the real estate office and Jule's. After a brief discussion the Commission said that plan could be revised to allow the two signs as long as they were the same size as that at the Mudflats. Colors, etc., will require final approval by the Commission or Mr. LaValle.

After a brief discussion a motion to approve the amended development plan for 13-19 West Columbus Street, with the amendments allowing for the two new signs, was made by Stan Swisher, seconded by Denny Morris and passed 5-0 in a roll call vote as follows:

Swisher - Yes Morris - Yes Hopper - Yes Brooks - Yes Feole - Yes

A hearing was held on an application for a change in zoning district classification from Berkshire Township Agricultural (AG) to Planned Residential District (PRD) for the area known as "the Miller Farm", and bounded by Trenton, Sunbury and Van's Valley Roads, by Homewood Corporation. The approximately 192+/- acres is currently in the process of being annexed to Galena.

Village Solicitor Ken Molnar gave a brief talk about how the hearing would work. Mayor Hopper laid out a three minute time limit on presentations. Mr. Dick Brahm, attorney for Homewood Corporation, spoke for the applicant.

Mr. Brahm explained that the proposed development would consist of 385 units. These would be of three different types. 139 would be single family homes on a minimum of 10,000 square foot lots measuring approx. 80 ft. by 140 ft., 178 would be larger lot single family homes on lots of approximately 90 ft. by 140 ft. and there would be approximately 68 condominium units grouped near the future location of the Galena United Methodist Church. All single family homes will be a minimum of 1600 sq. ft and the condos will be a minimum of 1400 sq. ft. in floor area. The overall gross density of the development will be approximately 2.0 dwelling units per acre (du).

Primary access will be from entrance roads off Sunbury and Vans Valley Roads with a secondary entrance from Trenton Road and a stub street to be built in the southeast corner of the development. The project will take a number of years until build out and there will be multiple phases. The applicant envisions multiple builders. There will be approximately 33 acres of open space, all of which will be made available if the Village wishes to take ownership. Mr. Brahm pointed out the open space is far in excess of that required in the code and the density is far less than what could be requested. At this point the applicant is only seeking zoning approval, final plans will be drawn up during the platting phase which will occur at a later date.

Zoning Inspector David LaValle went through what had been presented as part of the application and what the Village had done in the way of notifications and postings. The floor was then opened to public comment. Some are summarized or partially presented below.

Ms. Jean Kelly of 2845 Sunbury Road spoke about the Village Comprehensive Plan calling for this area to be Low-Density Residential (R2) not PRD and the lack of adequate landscape buffering. There is also a lack of architectural features for the condos and inadequate information on traffic control, school impacts and drainage.

Mr. Jim Dietz, an attorney representing Jimbo Ltd, LLC, spoke on concerns with the landscape buffer, the need for a traffic study, roadway improvements and inconsistencies as he saw them with the Village Master Plan and

land use plans. He stated the use was not suitable next to the surrounding 1 unit per 5 acre uses and was this really what the Village wanted?

Mr. John Anderson of 5085 Red Bank Road presented his concerns about the condition of the Sunbury Road Bridge and when will it break. Will Homewood pay for a new bridge?

Mr. Matt Moore of 9999 Vans Valley Road stated he had lived there for 7 years and had issues with the legacy issues and impacts on the schools. In answer to a question Mayor Hopper informed him that the school district had given him no information on the impacts. He also cleared up a misconception that the Village did not have sewer lines on the east side of Big Walnut Creek.

Mr. Hal Lescinsky of 5319 Red Bank Road presented concerns about the need for impact fees and the fact that residences cost more tax dollars than they bring in.

Ms. Vanessa Blaylock of 314 Heathermere Loop talked about the Village feel and impacts on the schools. She just moved here and is concerned about taxes and traffic issues at Walnut Street and SR 3. Mayor Hopper responded that the intersection was outside of the Village's jurisdiction and that he had expressed his concerns to the Ohio Department of Transportation after the last fatality there. He received no response. He and the Village share her concerns on that intersection.

Mr. Bill Schalanger of 11370 Trenton Road expressed his desire for more buffering and additional controls on exterior material. He also extolled the virtues of Sage Creek with its two entrance roads and large building sites.

Mr. Brahm responded to some of the concerns.

The Commission then brought up some concerns. These were primarily with architectural standards. They wanted snout house prohibited and the minimum natural material on the front exterior to be raised from 35% to 50% which would be the same as required at the Estate at Blackhawk. Also they want the condo area to come back for final approval to make sure it fits with the Village vision for the empty nester community. Mayor Hopper also encouraged additional landscape buffering along the entire southern and eastern property lines.

A five minute break to discuss their response was requested by the applicants. The break began at 8:48 PM and the meeting restarted at 8:54.

After a brief discussion the following conditions are to be attached to the application as a condition of approval. It is understood that there will be some further refinements before the final wording is presented to Council.

- 1) No snout houses, no houses will have a garage that extends more than 8 ft. from the front elevation.
- 2) All single family houses will have at least 50% natural materials on their fronts.
- 3) The Village may take ownership of any or all open spaces at no charge to the Village.
- 4) The condominium area will be subject to final approval by the Commission after details about layout, architectural standards and street plans are known.
- 5) All roadway improvements and curb cuts will be subject to the requirements by the governmental body with jurisdiction. A traffic study, if required by one of those entities, must be presented.
- 6) Before this application goes before Council the applicant agrees to revise the landscaping plan to show enhancements to protect surrounding properties.
- 7) The applicant agrees to provide, at the time of platting, any items required by Village code such as deed restrictions, homeowner's association regulations, roadway dedications, easements and lot lines.

The hearing was then closed.

There was a discussion by the Commission about the application. The point was clarified that the Land Use Plan of 2004 is only a draft document and that it does not call for any areas to be zoned R2. After the discussion the Commission felt that acceptance of the application was in the best interest of the Village and its long term goals.

A motion to recommend approval by Council of the application for a change in zoning district for the property to PRD, with the above conditions, after acceptance of the annexation of said property was made by Mark Brooks, seconded by Denny Morris and passed 5-0 in a roll call vote as follows:

Swisher - Yes Morris - Yes Hopper - Yes Brooks - Yes Feole - Yes

Commission member Mark Brooks had to leave the meeting at 9:14 PM.

There was an informal discussion with Mr. Scott Liston, the new owner of the former Susie Kossmann property at 46 West Columbus Street. He presented some concept drawings about a three unit commercial development on the property. The architecture would mimic that on the south side of the square and add a new building with a clock tower on the corner of Middle and Columbus Streets.

Mr. Liston will do some further study and may return at the October meeting with a plan amendment.

Zoning Inspector David LaValle had issued a written report which is attached and incorporated as part of these minutes. He has been approached by Planet Aid about a possible drop box location at the school administration building. He reported the house at 177 Harrison has been sold to Fannie Mae. The home has had several exterior maintenance citations. He also reported that he had received complaints about manhole covers on Heathermere Loop. Scott Jamieson will be following up on the matter.

The Clerk had nothing additional to report.

There was no old business.

There was no new business.

A thank you was given to Officer Charley Chandler for his attendance at the meeting

There being no further business before the Commission, a motion to adjourn the meeting was made by Denny Morris, seconded by Stan Swisher and passed unanimously. **The next scheduled meeting will be on Wednesday, October 10, 2007 at 7:00 PM.** The meeting was officially adjourned at 9:47 PM.

Clerk

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.

Sally H. Hopper, Clerk