



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF NOVEMBER 16, 2016

The Zoning and Planning Commission of the Village of Galena met on Wednesday November 16, 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 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, Village Solicitor Ken Molnar, Village Engineer Mike Murray and visitors Dave Walker, David Blakemore, Gene & Joan Fuller, Bob Long, Aaron Glass, Karl Billisits, Greg Comfort, Heather Adams, Jane Jackson, David O'Neil and Court Reporter Cathy Cathell of Spectrum Reporting. Member Mark Brooks was absent. The meeting was officially called to order at 7:08 PM.

Copies of the minutes from the meeting of October 19, 2016 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Dave Adams, seconded by Alison Cherubini Hillyer and passed unanimously.

The Mayor introduced that the 30 day tabling period was up for 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.

All witnesses were sworn in by Court Reporter Cathy Cathell of Spectrum Reporting and the hearing reopened at 7:09 PM.

Mr. Greg Comfort, representing Arrowhead Lake Ventures, LLC, made a presentation summarizing the changes to the project since the September meeting and what they have done to satisfy the issues brought up in the staff reports. New submissions have been made of both the text and drawing sections of the proposed development and subdivision plans. These changes include removal of the access road from SR 3, new HOA documentation, a listing of proposed divergences from development standards, correspondence with the Del-Co Water Company and the Delaware County Engineer's office as well as architectural standards for the condominium portion of the development.

Zoning Inspector Dave LaValle then distributed copies of his staff review report and the engineering report prepared by IBI Group. These reports are attached and included as a part of these minutes.

Mr. LaValle read his lengthy report into the record. The report detailed his findings that the submission is still lacking in detail as required under Section 10.09 of The Zoning Ordinance for items one through twelve. Sanitary sewer treatment is still incorrectly shown as being provided by Sunbury, the plan attempts to hold the Village to an agreement for sanitary sewer service with the Village of Sunbury which does not exist, does not give architectural information on the single family section of the development, the ability to bond the project needs to be clarified, a number of utility and other regulator sign-offs are still missing and the developer has

attempted to place conditions on cooperating with the Big Walnut Local School District and the Village on creating a new community authority (NCA) which are not possible.

Mr. LaValle's recommendation stated that while this submission was an improvement over the last hearing submission, the subdivision does not meet the minimum standards for a Zoning District Reclassification as specified under Article 10 of the Zoning Code. As detailed in his report the plans have errors and omissions including, but not limited to, incomplete data, conflicting data, unspecified divergences and questionable legal constraints. Under the current review and findings he respectfully recommends the Commission should deny this application for a Planned Residential Development by Arrowhead Lake Ventures, LLC. He went on to state that in the event corrections are made as noted, the divergences found acceptable and the two onerous conditions removed the rezoning would receive a conditional approval from the planning staff.

After Mr. LaValle finished his report Mr. Mike Murray of IBI Group, the Village Consulting Engineer, read his engineering review of the application. He listed 7 items which needed corrected or were incomplete. While most of the items were technical in nature the alternate sanitary sewer connection to Sunbury needed to be removed before he could recommend conditional approval.

Mr. Greg Comfort responded to the staff and engineering reports. He stated that the drawing mistakes such as the incorrect placement of the Sunbury-Galena line will be fixed. The road section and width issues will be revised. The bike trail issues on the plans will be clarified. Issues on the tree line along the golf course property line will be revised. An approval for the connection to Fescue Drive will be obtained from Sunbury. No renderings were provided for the single family homes because the end builder is not known at this time but they will attempt to put something together that includes the requirement for natural materials. Issues with the bonding will be clarified and fixed. The additional approvals from the electric and gas companies will be obtained. The storm water report will be finished later. They have met with the Heathermere HOA and believe that issue is resolved. Engineering issues with landscaping and entrance feature will be resolved.

Mr. Comfort went on to say they would cooperate on the NCA issue and would go along with the final form agreed to by the Village and the schools. They understand the need for an NCA will apply to all future developments but cannot be retroactively applied to those previously approved. They have had a number of discussions with the Village on the matter of sanitary sewer service and feel it is a serious issue. Village Solicitor Ken Molnar became involved in the discussion. It was explained that the issue was premature to deal with at this time and it was inappropriate to try and include requirements for the Village to agree to enter into an agreement with Sunbury for possible service at a future date when no such agreement was in place or even a proposed one on the table. The Village has no problem using Sunbury as a back-up but the developer will need to provide an agreement acceptable to both Sunbury and Galena at a later date.

There were no questions from the public.

The Commission then had a period of comment and questions.

It was pointed out the language for the dedication of the trail property to the Village needed to state that the timing of the dedication would meet any requirements from the trail construction grant programs.

A discussion was held about the concerns of the developer on sanitary sewer service. It was pointed out that the applicant would need to provide an acceptable agreement for Sunbury to provide sanitary sewer service to Galena as a back-up plan. If such a plan was crafted it should be part of a development agreement between the Village and the applicant, not part of the development plan. The development plan is for showing how the applicant is meeting the zoning and subdivision requirements. Engineering studies continue on the amount of service currently available and will not be complete until sometime in the spring of 2017.

Stan Swisher questioned the requested divergence of an 8 ft. side yard setback from the required 12.5 ft. requirement. He is very against such a reduction since it does not meet the look of the Village that has been long established and specified in the zoning code and master plan. Such a divergence has never been granted before.

Mr. Comfort responded that buyers today do not want much yard and that is why they have requested only 70 ft. wide lots with the 8 ft. side yards. Galena should be looking at it more like Sunbury does and allow the requested set-backs. That drew several responses from Commission members. A compromise of 10 ft. was suggested as

being appropriate with the reduction in lot width from 80 ft. to 70 ft. but Mr. Swisher still opposed any reduction from 12.5 ft. Mr. Comfort restated the applicant's desire to have the 8 ft. request granted. Mayor Hopper pointed out that it did not appear the applicant had the votes to get 8 ft. and that this had been pointed out since the preliminary meetings with the Village a year ago.

Mr. Comfort then asked for the hearing to be continued and tabled 30 days to allow time to work out the various issues.

After a suggestion by Mayor Hopper that additional time beyond 30 days may be needed a motion to table the application and continue the hearing for 60 days or until the January 18th meeting, was made by Dave Adams, seconded by Stan Swisher and passed unanimously. The hearing ended at 8:42 PM. The court reporter was dismissed.

The Commission took a brief rest break until 8:54 when the meeting resumed.

Mr. LaValle then presented the first part of 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. Mr. Koehler gave a summary to the Commission.

He reported that the Sambuca's Nursery and Greenhouse sign, at 577 North Walnut Street, has been removed from the public right-of-way and placed behind the white picket fence. Additional violations continue and a new notice of violation has been prepared but has not yet been served.

Mr. Koehler reports the staff is monitoring exterior property maintenance citations at 225 and 177 Harrison Street, 387 Quinn Street and the Galena Commerce Center. Observation on properties previously granted extensions for exterior property maintenance violations continue. Construction of the new home at 24 Front Street is complete.

Mr. Koehler went on to discuss the work on the staff review of Arrowhead Lake Estates. The zoning staff continues to make slow progress on the Subdivision Code revisions. No new permits were issued but one sidewalk inspection was completed.

The zoning clerk had nothing additional to report.

There was no old business.

There was no new business.

There being no further business before the Commission, a motion to adjourn the meeting was made by Alison Cherubini Hillyer, seconded by Stan Swisher, and passed unanimously. **The next scheduled meeting will be on Wednesday, December 21, 2016 at 7:00 PM.** The meeting was officially adjourned at 9:08 PM.

Clerk

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.

Sally H. Hopper, Clerk