



## Village of Galena ZONING AND PLANNING COMMISSION

### *MINUTES OF THE MEETING OF MARCH 12, 2008*

The Zoning and Planning Commission of the Village of Galena met on Wednesday March 12, 2008 in the Council Chambers of the Municipal Building at 9 West Columbus Street, Galena, Ohio. Present were members; President Tom Hopper, Nancy Feole, Stan Swisher and Mike Bragalone (arrived 7:19). Also present were Zoning Inspector David LaValle, "soon to be" Zoning Inspector Scott Jamison, Zoning Clerk Sally Hopper, Village Solicitor Ken Molnar and visitors Scott Liston, Rob Smith, Donavon Campbell of The Big Walnut News, Marvin Murphy, Kathy Fountain and Norm Fountain. Member Mark Brooks was absent due to work commitments. The meeting was officially called to order at 7:15 PM.

Copies of the minutes from the last meeting of February 13, 2008 had been distributed to all members by the Clerk. A motion to approve the minutes, with a correction of the first "had" in the last paragraph of page 1 to "he", was made by Nancy Feole, seconded by Stan Swisher and passed unanimously.

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A hearing was held on a resubmission and major modification of an application for an amended development plan to allow a change in use and construction of additional commercial use buildings at 46 West Columbus Street by Zoar Developers, LLC.. The property is zoned Planned Commercial and Office District (PC). Mr. Scott Liston and Mr. Rob Smith spoke on behalf of the application. This application replaces the previous application and is a new hearing. Witnesses were re-sworn.

The existing house will now be removed and the originally proposed drive through will be eliminated. Additional commercial buildings will be added for a total of about 5000 square feet on the first floor and about 1100 square feet on the second floor which could be commercial or residential. The look of the buildings will be very much like the previous application and tries to replicate the look and feel of the current downtown. There will be seven parking spots in the rear, three new parallel spots on West St. and two additional spots on Columbus Street.

Zoning Inspector Dave LaValle explained that a new application fee had been waived but that the applicants had agreed to reimburse the Village for advertising and mailing costs.

Mr. Norm Fountain brought up that he understood that there was an easement along the property line between his insurance office and the Zoar property granted by former owner Willie York but he has not been able to find a copy of this easement or to find where it was filed. He will do more research. He also brought up issues concerning the area between the buildings and possible conflicts with using it as a walkway because of his sign location. It was explained that the area is not intended to be a walkway but a separation between the structures. Issues of visibility of the Fountain Insurance sign were discussed and an offer by Zoar Developers to get a replacement sign to mount on the front of the Fountain building was declined. Mr. Fountain also raised concerns with the location of the dumpster and the possible negative effects on the rear of his building due to odors and animals, especially if there is a food service provider located in the new construction. Possible alternate locations were discussed but rejected as impractical. In the end a compromise of a change in the fencing of the enclosure from the proposed shadowbox design to one that does not allow air transmission was accepted. He also asked, and received permission, to place posts, bollards or chain fencing along his West St. right of way line to control parking at the rear of his property.

Kathy Fountain raised a concern about the lighting in the passage between the buildings. It was clarified that it will be sconce type downcast lighting.

Mr. Ken Molnar, speaking for the owner of his building at 21 Middle St., stated that the Village would have issues with parking along West St.. It will need to post the area opposite the new building as a no parking zone so that people will not park in front of the proposed bollards and block the street. He will also be adding a chain fence and no parking signs behind his building to control parking up into his yard. The Commission agreed.

Mr. Molnar, speaking as Village Solicitor, spoke about the agreements needed with the City of Columbus for the parking area on the south side of Columbus Street and the phasing of the project. There may be multiple phases taking two years from the starting date. The possible use of the existing house as a residence until a later phase of the project was brought up. This had not been included in the application and provision for that must be added. The Village needs to see a full blown plan from AEP for moving the electric service.

Marvin Murphy, of Murphy and Associates Real Estate across the street and the listing agent for the development, stated that he was excited and looking forward to the proposed development.

Member Nancy Feole asked for clarification that the State Building Code applies and that the proper fire wall construction is used. Also there was some discussion of the proposed parking spaces.

That led into a discussion of the parking issues and the proposed lot on the south side of Columbus Street on property owned by the City of Columbus, especially the cost. A formal lease must be obtained and the Village will need to follow-up on that. Also, per the City of Columbus, the lot will need to be posted as no overnight parking, with a 2 – 4 hour limit. The applicants will agree to pay their “fair share” of the construction costs but do not believe they should be responsible for the full amount since the lot will be used by all the businesses on the square. They will talk to the Greater Galena Civic Association to see if they would be able to offer financial or other assistance. Other options for parking were discussed.

It was decided by the Commission that the three new parking spaces along West Street must be paved in asphalt and not the permeable granular material that will be used in the new lot behind the building. This is due to concerns related to snow plowing. The number of marked spots in front of the new buildings will be kept at the current five and not increased to seven as proposed in the application.

After the discussion a motion to conditionally approve the amended development plan for 46 West Columbus Street, with the following amendments and conditions:

1. The existing residence may be utilized as a residence until it is moved or razed in accordance with the amended development plan.
2. Regardless of any inconsistent provisions of the Galena Zoning Code, the premises may not be utilized as either a dog kennel or cattery.
3. The shadowbox fence, which shall run along the entire rear perimeter of the property, shall be adjusted around the depicted location for the dumpster such that air cannot pass through the fence. The rest of the fence will remain, however, a shadowbox fence.
4. The Village will pursue permission from the City of Columbus to utilize property in proximity to the Zoar Developers' property for parking. Upon obtaining that permission, the developer/owner agrees to pay the Village its fair and equitable share of the cost of creation of such parking area.

In accordance with Village ordinances, this approval constitutes an amendment to the development plan and zoning for the subject premises. Such amendment, however, does not relieve the property owner from compliance with all other Village regulations and ordinances, including storm water drainage regulations, zoning compliance, and construction regulations.

; and subject to any further conditions specified in the minutes above or in Mr. LaValle’s report, was made by Nancy Feole, seconded by Mike Bragalone and passed 4-0, with 1 absent, in a roll call vote as follows:

Swisher - Yes    Bragalone - Yes    Hopper - Yes    Brooks - Absent    Feole – Yes

A temporary break in the meeting was taken at the conclusion of the hearing at 9:09 PM. The meeting resumed at 9:12 PM.

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. The Berkshire Lake Campgrounds is moving forward with their annexation to the Village. They have been having discussions with Scott Jamison concerning their proposed improvements to their internal sanitary sewer collection system. The Village's law firm, Rich, Crites and Dittmer, is working with Ken Molnar on the impact fee study and Poggemeyer Design Group continues to work on the revisions to the Village Land Use Plan.

The Clerk had nothing additional to report.

There was no old business.

There was no new business.

This being Zoning Inspectors Dave LaValle's last meeting of the Commission before his retirement, a few minutes were spent thanking him for his many years of service and contributions to the Village. He will be greatly missed.

There being no further business before the Commission, a motion to adjourn the meeting was made by Stan Swisher, seconded by Mike Bragalone and passed unanimously. **The next scheduled meeting will be on Wednesday, April 9, 2008 at 7:00 PM.** The meeting was officially adjourned at 9:27 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