



## Village of Galena ZONING AND PLANNING COMMISSION

### *MINUTES OF THE MEETING OF APRIL 16, 2014*

The Zoning and Planning Commission of the Village of Galena met on Wednesday April 16, 2014 in the Council Chambers of the Village Hall at 109 Harrison Street, Galena, Ohio. Present were members; President Tom Hopper, Nancy Feole, Stan Swisher, Mark Brooks and Jason Hillyer. Also present were Village Zoning Clerk Sally Hopper, Zoning Inspector David LaValle and visitors George Reiss, Darrell Kem, Brian & Anne Severs, Martin Hynes, John & Pam Kinkel and Dave O'Neil. The meeting was officially called to order at 7:10 PM.

Copies of the minutes from the meeting of January 15, 2014 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Nancy Feole, seconded by Mark Brooks and passed unanimously.

Copies of the minutes from the canceled meeting of February 19, 2014 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Nancy Feole, seconded by Mark Brooks and passed unanimously.

Copies of the minutes from the canceled meeting of March 19, 2014 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.

The Mayor swore in all those who wished to participate and testify in any of the hearings.

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A hearing was held on the application of Martin Hynes/Marley Park Company for an amended development plan to allow a change in signage at an existing building in a planned commercial and office district (PC) for The Mudflats Bar & Grille, 31 West Columbus Street. Current signage was approved under a previous development plan submitted by a former owner. The hearing was called to order at 7:12 PM.

Mr. Martin Hynes, representing himself and the Marley Park Company, made a presentation regarding the plans to replace the current two sided, wooden projecting sign with a one sided, flush-mounted sign of approximately 20 square feet above the doorways. He bought the business last fall and does not believe the current signage does an adequate job due to limited visibility. The application includes plans for three gooseneck lighting fixtures to downcast light the sign. The current sign would be removed and placed on the rear of the building in the deck area.

He has also very recently replaced the former green, round top, entrance doorway awning with a new peaked, brown one that includes the name of the establishment on both sides and the address on the end. He was not aware when he replaced the awing that approval would be needed, but was informed by the Zoning Inspector that since the new awning contained advertising that it qualified as a sign and so he has included in in the application. He also asked for approval to permanently place two flower boxes on the concrete wall in front of the building. They would be within the property line and would not protrude onto the sidewalk.

There were no audience comments.

Village Zoning Inspector Dave LaValle gave a review report and recommended the conditional approval of the application. He stated that the applicant is advised to consult with the Village prior to any future changes in exterior advertising.

The Commission had a brief discussion on the application. At the end of the discussion the following modification and/or conditions were added to the plan as submitted:

- a) The Zoning Inspector will administratively approve the final sign lighting after checking it against the application and applicable code sections.
- b) The two planter boxes as described in the addendum to the application are approved.
- c) Any temporary banners placed on the front of the building are to be kept in good condition and repair and removed after a period of 30 days.
- d) The old sign fixture will be placed flush-mounted on the rear of the building in the vicinity of the rear door in the deck area. It will not be lighted. Approval of the final installation will be by administrative action of the Zoning Inspector.

A motion to approve the application for an amended development plan to allow a change in signage to an existing building, subject to items in the zoning inspectors report and the above modifications, was made by Nancy Feole, seconded by Jason Hillyer, and passed 5-0 in a roll call vote as follows:

Swisher – Yes   Hillyer – Yes   Hopper – Yes   Brooks – Yes   Feole – Yes

The hearing was officially closed at 7:34 PM.

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A hearing was held on the application of Brian and Anne Severs for an amended development plan to allow alterations and a change in use for a planned commercial and office district (PC) for 39 Middle Street. The structure on the site has sat unused and in a state of disrepair for a number of years. The last known use was as a residence. The property was purchased by the Severs in late 2013 and they have been working to bring the property into compliance with the property maintenance and zoning codes since that time. The hearing was called to order at 7:34 PM.

Mr. Brian Severs made a presentation regarding the plans to restore the long vacant, but historic building, as close to the original design as possible. The intended use is the development of an art, craft and antique shop. Construction has already started on structure stabilization and construction of a new replacement porch on the original site. The interior has been gutted and is being completely renovated. A new concrete parking lot is being built behind the building that will have four parking spaces with an entry from West Street. There will be no parking in front of the building since there is a zero lot line set-back and they do not wish to intrude into areas used by the Post Office.

Mr. John Kinkel, of 51 West Street, asked about trash dumpster screening. The applicant stated there are no plans for any outside storage of trash but they would be open to screening if a dumpster was added later. Mr. Kinkel also asked why other businesses in the area did not have screening as required by the code. He was informed the businesses in question were in place before the screening requirement was added to the code and are therefore exempt.

Village Zoning Inspector Dave LaValle gave a review report and recommended the conditional approval of the application with a list of items to complete within 30 days.

The Commission had a discussion on the application. The discussions focused on parking, trash screening and signage. At the end of the discussion the following modification and/or conditions were added to the plan as submitted:

- a) Sedimentation and erosion control as required must be in place during construction.

- b) The parking area will contain four (4) parking spaces. This is a divergence from the required number and is being approved subject to the expansion of the parking area if additional need is determined by the Zoning Inspector and/or the Commission.
- c) The parking area is being paved with concrete and care should be made to assure that storm water run-off onto adjoining properties is not increased. No engineering data has been presented regarding surface run-off controls. If such increases are determined to occur, according to the Zoning Inspector and/or the Commission, then the property owner agrees to remediate the problem at their sole expense.
- d) No parking will be permitted in front of the building and care should be taken not to interfere in the operation of the adjacent Post Office operations and loading dock.
- e) Since final signage detail could not be provided by the applicant at this time the Zoning Inspector will administratively approve the final signs subject to the following: The flush mounted sign being placed on the front of the building in the area above the porch as shown in the proposed development plan and being not more than 25 square feet in area and not to exceed more than 3 colors. It is to be lit by no more than 3 downcast lighting fixtures of a type similar to TMS Lighting Sign 32 Floodlights. The under porch sign is to be placed as shown on the proposed development plan and not to exceed 10 square feet per side and is to be similar in type and number of colors to the above porch sign. It is not to be lighted. Approval of the final installation will be by administrative action of the Zoning Inspector after checking it against the application and applicable code sections.
- f) Exterior lighting on the building will meet the lighting requirements as shown in the Zoning Ordinance to restrict the amount of light being cast on adjoining properties. Approval of the final installation will be by administrative action of the Zoning Inspector after checking it against the applicable code sections.
- g) Any area lighting placed in the parking lot at the rear of the building must be downcast and meet the lighting requirements as shown in the Zoning Ordinance to restrict the amount of light being cast on adjoining properties. Approval of the final installation will be by administrative action of the Zoning Inspector after checking it against the applicable code sections.
- h) Any outside storage areas created for trash cans, trash receptacles or trash dumpsters will be screened according to the requirements in the Zoning Ordinance. Approval of the final installation will be by administrative action of the Zoning Inspector after checking it against the applicable code sections.
- i) The hours and days of operation of the business must be submitted to the Zoning Inspector prior to the opening and are subject to the approval of the Zoning Inspector and the Commission.
- j) The property has now been switched to commercial use and all future building permits and approvals will need to go through the State of Ohio Building Department or other entity as may be contracted by the Village of Galena in the future. Copies of all permits will need to be filed with the Village. A copy of a State of Ohio approved occupancy permit and a final approval by the BST&G Fire Department are required before business operation can be commenced on the property.

A motion to approve the application for an amended development plan to allow a change in use to an existing planned commercial and office district (PC) for 39 Middle Street, subject to items in the zoning inspectors report and the above modifications, was made by Stan Swisher, seconded by Mark Brooks, and passed 5-0 in a roll call vote as follows:

Swisher – Yes   Hillyer – Yes   Hopper – Yes   Brooks – Yes   Feole – Yes

The hearing was officially closed at 8:00 PM.

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A hearing was held on the application of Galena Commerce Center LLC for an amended development plan to allow plan updates and changes in use for a planned industrial district (PI) for 72 Holmes Street. After public inquiry about a new occupant at the facility an inspection had been conducted by the Zoning Inspector on January 5, 2014. It was determined that the new occupant, Worthington Towing, was not an approved use and therefore the Commerce Center was in violation of the current development plan. Several other violations of the zoning and property maintenance codes were discovered during the inspection. The application for an amended plan is a direct result of this process and to bring the Commerce Center back into compliance. The hearing was called to order at 8:00 PM.

Mr. Darrell Kem, representing Galena Commerce Center, made a presentation in which he discussed the inclusion of Worthington Towing as a tenant at the site and went on to list the many accomplishments and improvements made at the site over the years. Since purchasing the facility in 1998 they have demolished three complexes consisting of more than 50,000 square feet of structures at a cost of over \$500,000. They have renovated and leased five buildings with a total of 21,000 square feet at a cost of approximately \$500,000 and they have updated the sewer system as proposed. The investment of over \$1MM into the property, they believe, has not only paid dividends to the Galena Commerce Center but also to the Village of Galena. Current tenants include Division 7 Roofing, Heavy Duty Service T.E., Inc., Matrix Technology, Inc., Worthington Towing & Auto Care and Facemyer Backhoe & Dozer Service, Inc.

Looking ahead, over the next five years, the Galena Commerce Center intends to continue site improvements by demolishing the remaining steel structures along the west boundary by July 2015, demolish or rehab the 12,000 square foot metal "Airplane Hanger" building by July 2016, demolish the brick "Sample Building" visible from Holmes Street by September 2014, and demolish the Gas Meter Building by September 2014. Additionally the property will be brought back into compliance with regards to the "junk vehicles" and other unsightly materials that have slowly accumulated by September 1, 2014.

In regards to other items brought up during the inspection, there is currently no operation of any charged vehicle storage and there will be no cars stored on the facility without future approval. The only vehicles on the facility will be those of employees and that are properly licensed. Worthington Towing and Heavy Duty Service will not be storing towed vehicles on the property. The unmarked office trailers will be removed from the property by June 1, 2014. They are working to clean up the area around the power drop but that requires coordination with an outside group. The three (3) RV's and other recreational vehicles on the property are all registered and owned by Mr. George Reiss, a principal of Galena Commerce Center LLC, and are in no way related to any commercial storage business.

In regards to questions from the Commission and audience member Dave O'Neil of 241 Harrison Street the "proposed new north entrance" shown on plans is shown by mistake according to Mr. Kem.

There were no additional audience comments.

Village Zoning Inspector Dave LaValle gave a lengthy review report and recommended the conditional approval of the application contingent upon Galena Commerce Center LLC responding to the various concerns listed in his review and report within 30 days. He again stated that the applicant is advised to consult with the Village prior to any future changes in use or the addition of new tenants.

The Commission had a discussion on the application. At the end of the discussion the following modification and/or conditions were added to the plan as submitted:

- a) The color coding on the property map will be revised so as to make the distinction, between buildings being renovated and those being removed, clear.
- b) All reference to a proposed new north entrance will be removed from the map. No new entrances are being approved with this application.
- c) The "Sample Build" will be shown on the map and designated as being on the removal list.
- d) The electrical service drop needs to be shown on the map. The applicant is to enter into discussions with AEP and report back to the Commission by September 1, 2014 on the progress of such talks and the proposal for clean-up in the area.
- e) The map is to be corrected to properly show the area on the east side of the concrete parking area that is not paved.
- f) The map is to be corrected to properly show the drive and parking areas just to the north of the "Butler Building".
- g) The Development Plan is to be modified to show that all truck traffic, regardless of which tenant, is to use the north entrance for ingress and egress. This was agreed to on the original 1998 Development Plan.
- h) The plan is to be revised to show that there are no rented or leased areas for outside storage. This includes Worthington Towing.

- i) Worthington Towing is not to have an “impound lot”.
- j) The applicant is to make a proposal with defined areas for each tenant on size and location for their outside parking for employee and work vehicles. Sizes and limitations are to be described in text and on the map. The Commission will review the proposed areas and make comments back before final approval will be granted.
- k) The number of RV’s or other recreational vehicles stored outside on the property by the owners or others is not to exceed the current number. There are currently 3 RV’s stored outside on the property by Mr. Reiss.
- l) Revisions and additions are due back to the Commission within 30 days.

A motion to conditionally and temporarily approve the application for an amended development plan to allow plan updates and changes in use, subject to items in the zoning inspectors report and the above modifications, and subject to subsequent approval of required revisions to be made within 30 days, was made by Stan Swisher, seconded by Jason Hillyer, and passed 5-0 in a roll call vote as follows:

Swisher – Yes   Hillyer – Yes   Hopper – Yes   Brooks – Yes   Feole – Yes

The hearing was officially closed at 8:37 PM.

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Zoning Inspector David LaValle issued a written monthly activity report which is attached and incorporated as part of these minutes. He spent much time on review of the three development plan applications on the agenda for tonight’s meeting and on a lot split on Alexander. He issued a citation to Mr. Eddy Ambrose for violations of the sign code and the approved development plan at Sambuca’s Nursery and Greenhouse at 577 North Walnut Street. The Commission held a brief discussion about the nature of the citation and possible legal ramifications. He is awaiting further action on several properties and issued a new build permit at 496 Hawking Drive in the Blackhawk Subdivision. The Zoning Map has been amended by the Delaware County Regional Planning Commission and new copies were handed out to the members.

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 Nancy Feole, seconded by Stan Swisher, and passed unanimously. **The next scheduled meeting will be on Wednesday, May 21, 2014 at 7:00 PM.** The meeting was officially adjourned at 8:51 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 Ordinance No. 2013-13 enacted by the Council of the Village of Galena on March 18, 2013.

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Sally H. Hopper, Clerk