



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF MAY 16, 2012

The Zoning and Planning Commission of the Village of Galena met on Wednesday May 16, 2012 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 Mark Brooks. Also present were Zoning Inspector Scott Jamison, Zoning Clerk Sally Hopper, Village Solicitor Ken Molnar and visitors Norm & Kathy Fountain, Kristen Risch, Chad Kettlewell, Rob Smith, Grace Piper, Chris Underwood and Jane White. Member Mike Bragalone was absent. The meeting was officially called to order at 7:05 PM.

Copies of the minutes from the meeting of April 18, 2012 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 special meeting of May 9, 2012 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Mark Brooks, seconded by Nancy Feole and passed unanimously.

The Commission returned to the matter of an application by Zoar Developer LLC and Kingfisher Cape LLC for an amended development plan to allow a lot split and changes to a previously approved plan for the property along West Columbus Street from West Street to Middle Street and known as 46 West Columbus Street. This application had been heard in a hearing which was closed at the May 9 special meeting with no decision by the Commission at that time. The Commission has 30 days from then to make a decision on the matter.

Village Solicitor Ken Molnar introduced the Commission to the procedures they needed to follow. He told them four affirmative votes would be needed for passage. He also stated that while the Commission may choose to allow citizen comments tonight, they would not be considered part of the public record on the matter since the hearing has been closed.

Mr. Rob Smith was present representing Zoar Developers LLC and made some remarks addressing some concerns with the plan expressed at the last meeting. Mr. Scott Liston, who had represented Zoar at all previous meetings, was not present. Ms. Kristen Risch was present representing Kingfisher Cape LLC.

Mrs. Jane White of the Mudflats Bar & Grill spoke to the Commission about the need to welcome new business to town and her feelings that the procedures required are cumbersome. Mr. Norm Fountain spoke stating the Commission needed to protect the interests of the Village of Galena. He had gone before the Village himself and did not feel the process was unfair.

After public comment there followed a lengthy period of comments and questions by the Commission. At the end of that and after some back and forth negotiations with the applicants the following findings and conditions for approval were established:

FINDINGS:

1. The applicant seeks both a lot split and amendment to *Development Plan* for two parcels after the split.
2. That there is an existing *Development Plan* for the parcel which was approved by the Galena Zoning and Planning Commission in 2008 but has not been implemented.
3. That the proposed amendment seeks to retain the former residence and utilize the former residence as an office. That the existing plan had proposed razing the former residence.
4. That retention of the former residence eliminates the former proposed access of the rear of the property from West Street.
5. That the remaining vacant parcel is smaller in size and not as adaptable to all permitted uses of the planned office and commercial district (PC).
6. That the applicant has no specific plan or identified use for the vacant parcel and seeks approval for the use permissible in the zoning district but as yet to be identified.
7. That not all uses permitted in a Planned Commercial and Office District are adaptable to the vacant site and the existing *Development Plan* as approved had already made significant concessions on the issue of parking due to its location in the "old village".
8. That the proposed amendment seeks further concessions for parking by elimination of the approved parking behind the proposed structure and proposes a contribution from the developer to parking elsewhere in the Village to help alleviate parking problems.
9. Modification to the existing plan eliminates the ingress and egress for trash removal behind the proposed building or buildings on the vacant lot.

DECISION AND APPROVAL WITH SUPPLEMENTARY CONDITIONS:

1. The plan amendments and lot split are approved by the Galena Zoning and Planning Commission with the supplementary conditions stated herein.
2. The existing residence real estate noted as the existing commercial structure shall be utilized for office space.
3. That the area to be leased between King Fisher Cape, LLC property (the existing commercial structure) and Zoar Developers, LLC (the vacant abutting property) and the *Lease* must be approved by the Mayor and Village Solicitor prior to any occupancy or commencement of construction and shall not be modified without the expressed, written approval of the Galena Zoning and Planning Commission.
4. The size of the trash receptacles shall be either two (2) cubic yards or ninety six (96) gallon containers for either property at the discretion of the property owner.
5. All of the parking spaces designated on the *Plan* shall be public parking spaces and those parking spaces on West Street shall be installed and improved within one (1) year of occupancy of the existing building. There shall be no parking on West Street beyond the property boundaries of the existing building. The loading zone designated on the *Plan* is contingent upon engineering and approval and absence of interference with the curb cut of the abutting property owner.
6. That any new construction shall have exterior water faucets in an amount no less than one (1) per unit.
7. That Zoar Developers, LLC or their successors in interest agree to assist in improvements of the parking on Harrison Street as shown on the *Plan* with a contribution of one half (1/2) of the cost of such improvements not to exceed sixty five hundred dollars (\$6,500.00) by Zoar Developers, LLC or their successors in interest. Payment of the contribution by Zoar Developers, LLC or their successors in interest shall be made promptly

when Zoar Developers, LLC or its successors in interest seek a *Certificate of Occupancy* for buildings on the now vacant land. At the time of commencement of construction on the now vacant land, Zoar Developers, LLC and the Village of Galena shall enter into a written agreement regarding the issue of parking improvements on Harrison Street.

8. Many of the uses permitted in the P.C. and Office District have been eliminated by the resulting reduction in parking spaces on the site and elimination of access points along the rear of the property. The Village therefore determines that any future use of the property will require approval from the Galena Zoning and Planning Commission. Approval of this *Plan* amendment shall not be construed as an approval of any or all uses set forth in the zoning district. Based upon the facts and circumstances available now, the Galena Zoning and Planning Commission would be inclined to approve use of the Zoar Developers' existing vacant parcel and the building constructed thereon for professional services such as:

- a. An attorney's office, insurance office, accountant's office, mortgage originator, real estate office, *et cetera* or,
- b. Health related services such as dentistry, medical, optical or,
- c. Unique retail businesses such as "buy/sell shop", clothing, home fixtures, or
- d. The sale of products or services which are consistent with the public traffic in the general area such as biking, fishing, bird watching, and nature related services.

Any use of the currently vacant property including the foregoing uses must be approved by the Galena Zoning and Planning Commission based upon facts and circumstances which exist at the time of the request and are set forth in a proposed plan.

9. Zoar Developers, LLC or their successors in interest shall install a six foot (6') shadow fencing as specified in the *Garbage Enclosure Section* of the *General Development Standards* of the *Zoning Code* along the rear of the Zoar Developers' (currently vacant) property and the King Fisher Cape (existing commercial structure) property commencing at Middle Street and extending to West Street. At the commencement point on Middle Street, there shall be an inward opening gate.

10. That this approval is contingent upon execution of a *Development Agreement* between Zoar Developers, LLC and the Village of Galena at the time it commences use of its currently vacant property.

11. That the Zoar Developers, LLC shall have a *Plan* submitted and implemented within four (4) years of the date of this approval.

12. This *Plan* amendment with supplementary conditions and lot splits shall become effective on the 31st day after approval, it being the intention of the Commission that the lot split and *Plan* amendments are approved as a unit rather than individually. This amendment supersedes any prior zoning approvals.

A motion to approve both the Zoar Developers LLC amended development plan and the Kingfisher Cape development plan based on the terms and conditions above, and approve the lot split was made by Mark Brooks, seconded by Stan Swisher and passed 4-0, with one absent, in a roll call vote as follows:

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

Zoning Inspector Scott Jamison had issued a written report which is attached and incorporated as part of these minutes. He gave a brief summary of the report. An application for a new home build in the Estate at Blackhawk Subdivision was received. The owner of 37 High Street has been cited for violations of the exterior property maintenance code and has not been served notice because he still has not been located.

He updated the Commission on the approval of Phase 3 of the Walnut Street Reconstruction Project grant application by the Ohio Public Works Commission. Funding agreements will not be mailed out until after the first of July. Construction is expected to start until after Summerfest in late August. He also updated them on the repair project at the Galena Village Hall.

The 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 Mark Brooks, seconded by Stan Swisher, and passed unanimously. **The next scheduled meeting will be on Wednesday, June 20, 2012 at 7:00 PM.** The meeting was officially adjourned at 8:30 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