



Village of Galena ZONING AND PLANNING COMMISSION

MINUTES OF THE MEETING OF JUNE 19, 2013

The Zoning and Planning Commission of the Village of Galena met on Wednesday June 19, 2013 in the Council Chambers of the Village Hall at 109 Harrison Street, Galena, Ohio. Present were members; President Tom Hopper, Nancy Feole, Stan Swisher and Mike Bragalone. Also present were Village Solicitor Ken Molnar, Zoning Inspector David LaValle, Fiscal Officer and Acting Clerk Marty Mazzie and visitors: D.J. Young, Eddy Ambrose, Rhonda Skaggs, Jason Bentz and two additional Pizza Burg staff members. Member Mark Brooks and Zoning Clerk Sally Hopper were absent. The meeting was officially called to order at 7:05 PM.

Village Fiscal Officer Marty Mazzie was present as Acting Zoning Clerk and took the minutes. Copies of the minutes from the meeting of May 15, 2013 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Nancy Feole, seconded by Mike Bragalone and passed unanimously.

A hearing on the application of Edward Ambrose, DBA *Sambuca's Italian Greenhouse*, for a change in zoning district classification from Farm Residential (FR1) to Planned Commercial and Office District (PC) for 577 North Walnut Street, PIN numbers 41742003001000 and 41742003002000 had been continued on May 15 until this meeting.

Solicitor Ken Molnar advised the Commission on procedure. The court reporter swore in everyone wishing to testify. A motion to un-table the application and reopen the hearing was made by Nancy Feole, seconded by Stan Swisher, and passed unanimously.

Attorney Mr. D.J. Young of the firm Firestone & Brehm, of Sunbury, spoke on behalf of the applicant. He stated that having reviewed the recommendation of the Zoning Inspector, and because there were not five members of the Commission present, that they were requesting that the application be tabled again until the next regularly scheduled meeting, which would be July 17. There followed a discussion between Mr. Molnar and Mr. Young concerning engineering review of the property, especially on the issue of storm water. Mr. Young also asked if the Village would entertain de-annexation of the property. Mayor Hopper advised him that the Commission would not be handling that issue. That would go before Council and he could not see that happening.

A motion to table the application and continue the hearing until the next scheduled meeting, was made by Nancy Feole, seconded by Stan Swisher and passed 4-0, with one absent, in a roll call vote as follows:

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

The hearing was adjourned at 7:15 PM.

A hearing was held on an application by CDP Properties Inc., for an amended development plan for 317 Harrison Street, PIN 417431020550000 to allow a change in use for a commercial carryout for pizza, subs and salads. All

witnesses that wished to testify were sworn in.

Ms. Rhonda Skaggs, Vice-President of CDP Properties, spoke on behalf of the application. She introduced the matter to the Commission and described how a *Pizza Burg* store would operate out of 317 Harrison Street, the former location of *Sharon's Craft Shop*. The shop will be managed by Jason Bentz. Mr. Bentz also has stores in Centerburg and Johnstown.

No signage is requested except those painted on the windows. There will be no additional outdoor lighting. There will be a small dumpster behind the building. All cardboard and cans will be recycled so there will not be a lot of trash.

Mr. Dave LaValle, Village Zoning Inspector, then gave a summary of his Staff Review; Dated June 19, 2013, and further introduced the application.

Mr. LaValle reported on the background leading to this application: The applicant CDP Properties, Inc. desires to amend their current development plan to permit a commercial venture known as: *Pizza Burg Pizza*. The property's current zoning classification is Planned Commercial and Office District (PC). The proposed pizza shop, restaurant facility will occupy about 1000 square feet of space formerly occupied by *Sharon's Village Craft Shop*. The pizza shop is to be managed by Jason Bentz, and will sell pizza, subs, salads for carryout and delivery. Mr. Bentz has a shop in Centerburg. *Sharon's Village Craft Shop* was permitted under an Amended Development Plan in 1996.

Changes in use within this existing Planned Commercial (PC) zoning district require the submittal of an amendment to the Development Plan. A Plan Modification was submitted on May 29, 2013 requesting the change in occupancy. This change is not a *Conditional Use* as it is a plan modification under the jurisdiction of the Zoning and Planning Commission as regulated-under Section 14.04. The Commission has 30 days to make a decision on the amendment. The amended plan does not go before Council.

A summary of Mr. LaValle's findings and recommendations follows:

Review of Zoning Compliance:

1. The existing building and lot of record and appear to be well suited for the intended commercial use.
2. Based on information provided by the applicant, the facility will have operating hours from 3 pm to 9 pm Monday through Saturday and will be closed on Sunday.
3. The facility will be basically carry-out and delivery with no inside seating proposed.
4. Parking for a restaurant, as required under Section 21.01, part (11) requires one space for each two (2) seats plus one for each employee on the largest shift. Not less than 25 parking spaces shall be provided. The Plan Amendment includes 8 spaces all existing at the front and the rear of the building. The Commission should consider the parking impact likely to be encountered with the proposed take-out and delivery facility. It does not include any interior seating and will have only two employees. The 25 space requirement seems excessive in this particular case. The Commission should evaluate if 8 spaces will be sufficient and reasonable. It is suggested that under the circumstances of the intended operation that 8 spaces appears to be sufficient. Future changes in the operation including inside seating may be cause need for additional required parking. It is suggested that employees might use the rear lot for parking. It is also noted the existing commercial facilities will share the parking. With the hours of operation as stated, parking should not overlap to a great extent since the normal operating hours for the pizza shop are in the afternoon and early evening after the closing of the adjoining commercial facilities.
5. The facility will employ 2 people.
6. Sign(s) needs to be better defined and the application has no sign information. Sign(s) and sign illumination is not indicated but if signs, illuminated signs are to be included all should be respectful of the surrounding residential neighborhood.
7. The facility will require inspection and approval by the Board of Health for a food license. Additionally the facility will require plan submittal and inspection by the State Board of Building Standards. The Village should request copies of all required permits from the State and County prior to the issuance of a Village Certificate of Zoning Compliance.
8. No information is presented about outdoor lighting. The Commission should inquire about lighting intentions, if any.
9. Solid waste storage and disposal have not been addressed. This issue needs to be addressed. The Village

has requirements for screening of solid waste containment areas.

10. Currently, the building exterior condition is serviceable and the modifications necessary for a pizza parlor will take place inside the building as shown on the floor plans.

Recommendation:

The pizza restaurant is permitted in the (PC) district. Generally with the business plan submitted the shop should be compatible with residential and commercial uses in the area. The property has a long history of commercial usage. The pizza shop will continue this trend without the property converting to a more intensive type of use such as light manufacturing or heavier processing. The shop will be a good fit in the neighborhood and a good use for this building. Parking capacity and times of operation will help to mitigate conflicts with surrounding uses. Some issues do need to be worked out and remain unanswered by the proposed plan amendment including: signs, outdoor lighting, and solid waste.

Based on the information currently available, and after addressing the above concerns the Commission should approve the Amendment to the Development Plan for the Pizza Burg Pizza shop.

Mr. Jason Bentz of Pizza Burg arrived and had nothing further to add. He did bring sample pizza for everyone in attendance.

Following Mr. LaValle's report the floor was opened for questions from the Commission. The floor was then opened for questions from the audience. There were none. The applicant was advised that the proposed signage painted on the windows is covered under the sign code and application for the signage will be required.

A motion to approve the application for an amended development plan by CDP Properties for 317 Harrison Street, subject to staff recommendations as shown in Mr. LaValle's report, was made by Nancy Feole, seconded by Mike Bragalone and passed 4-0, with one absent, in a roll call vote as follows:

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

The hearing was adjourned.

Zoning Inspector David LaValle issued a written report which is attached and incorporated as part of these minutes. He gave a brief summary of the report.

He has been working with the owner of 114 North Walnut to bring the property up to code. The owners have requested a 60 day extension so that they may comply. A motion to grant a 60 day extension was made by Stan Swisher, seconded by Mike Bragalone, and passed unanimously 4-0.

Mr. LaValle has also spent a good deal of time with Coldwater Consulting as they are finishing bringing their property at 46 W. Columbus Street into compliance with their approved development plan. He reports that good progress is being made and the Coldwater folks are very good to work with. He is working on issues regarding the need for a plumbing permit and sidewalk issues at 217 Harrison Street.

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 Stan Swisher, seconded by Mike Bragalone, and passed unanimously. **The next scheduled meeting will be on Wednesday, July 17, 2013 at 7:00 PM.** The meeting was officially adjourned at 8:16 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 Ordinance No. 2013-13 enacted by the Council of the Village of Galena on March 18, 2013.

Sally H. Hopper, Clerk