



## Village of Galena ZONING AND PLANNING COMMISSION

### *MINUTES OF THE MEETING OF FEBRUARY 28, 2007*

**This special meeting was held to replace the regular meeting of February 14<sup>th</sup> which was cancelled due to a winter storm which caused a level 3 emergency to be declared.**

The Zoning and Planning Commission of the Village of Galena met on Wednesday February 28, 2007 in the Council Chambers of the Municipal Building at 9 West Columbus Street, Galena, Ohio. Present were members; President Tom Hopper, Jim Slifko, Denny Morris and Stan Swisher. Also present were Zoning Inspector David LaValle and visitors Jane White, Jeff White, Larry Edwards, John Harpst, Susan Laudick, Sam Sanfillipo, Matt Pomeroy, Sandy Pomeroy, Michelle Parsons Hood, Susie Kossmann and Zachary Hopper. Member Mark Brooks and Zoning Clerk Sally Hopper were absent. The meeting was officially called to order at 7:06 PM.

Copies of the minutes from the last meeting of January 10, 2006 had been distributed to all members by the Clerk. A motion to approve the minutes, as presented, was made by Jim Slifko, seconded by Denny Morris and passed unanimously.

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A hearing was held on an application for an amended development plan by River Mill Decks, Inc. and Jeff & Jane White of Not Spectators Anymore, LLC. dba Mudflats Bar & Grill, fka Donovan's Pub of Galena. Jane White spoke on behalf of the application and stated that she and her husband Jeff were the new owners of the Mudflats Bar & Grill and wished to amend the 1995 plan for the property, then known as Donovan's Pub of Galena, to allow construction of a rear deck, new signage and some other changes to fencing and landscaping. She explained the deck would be added to the rear with a new access door coming out of the east side of the current ding room. It would help out with smokers so that they could comply with the new state law banning it in the interior areas. The new deck would not come near the rear lot line.

She stated several items from the 1995 plan had never been completed. The dumpster had not been enclosed and the 6 ft. privacy fence had not been placed along the rear of the property. They intend to complete the dumpster enclosure but want to replace the planned 872 ft. of privacy fence with landscaping for screening and buffering. She believes that some holly bushes and ornamental grasses around the base of the deck would control the sound better than the original plan and add some color. They want to make the site a destination spot. There would be no speakers on the deck, no service after dark with only smokers on the deck after dark.

In answer to questions from neighbor Susan Laudick she stated the deck would be 748 SF, would be 45 ft. from the rear lot line (not the 40 shown on the survey), would have some landscaping on the deck, was not sure of the total seating but about 30 with not more than 6 per table.

In answer to concerns expressed by neighbor Larry Edwards, Jane and Jeff (just arrived) White stated about property values of the neighbors that smokers could not use the front of the restaurant due to the new 25 ft. from the entrance rules. That they want it to be more of a family dining atmosphere and less of a bar, need to grow to serve the area now having 31,000 homes within 5 miles not just the locals. They want to beautify the rear which is not too good now and do not want it to be a detriment to the neighbors. They are using about 10-15% of the available parking. Mr. Edwards went on to comment that noise, smoke and other things do not stop at the property line. Smoke could travel into homes. He does not question their intentions or motives but they may

change or the property may be sold.

In response to concerns by Mr. Edwards and John Harpst there was a discussion about sound ordinances and the light code. Jane White stated that the deck lighting could be put on timers and they do not want to ruin the neighbors. Mr. Edwards stated that they would need a taller than 6 ft. fence to control the noise. Jane responded that is why they want to use landscaping and Jeff added that the idea was to beautify, not enclose the deck in a box which would lower property values. There was more discussion about who determines property values. Jane stated that they could leave the property as is which would do nothing to improve the adjoining property values. Mr. Edwards still had problems with light, sound and noisy people after drinking.

Neighbor Susan Laudick stated she liked the Pub as well as anybody but was concerned by the deck because of privacy. She does not want fencing but feels it will interfere with her family being on their deck and invasion of privacy concerns. Jane responded that they do not want to infringe on their space either. To a certain extent it will not be the same but they will try to minimize the impact.

Neighbor Sam Sanfillipo has small children. He enjoyed last summer and wants it to stay the same.

Adjoining property owner John Harpst stated that he supports the Pub but has concerns about the application of the smoking law and if the 25 ft. rule applies to the new deck entrance in addition to the front entrance. He also has concerns about light, noise, flammables, side yard set-backs, urination, trash, cussing, etc.. He believes Mr. Edwards and Mr. Sanfillipo have good points. He also has concerns about a flammable wooden deck and smokers.

Resident Michelle Parsons Hood stated that she believes that property values will only increase with the improvements. Susan Laudick disagrees stating that the noise will cause problems for the adjoining properties.

Mr. Edwards stated that he wants a daytime tour to review the changes. Mr. Harpst asked about 3 season enclosures. He states that the owners of the building to the east need protection from vandalism to their deck. Mayor Hopper pointed out that that deck was actually on the White's property.

Local business owner Susie Kossmann asks what the zoning on the entire area is and how does that effect property values. She is told that the entire neighborhood is zoned Planned Commercial and Office District (PC) and any of the houses could be sold for commercial use.

Zoning Inspector Dave LaValle presents his report on the application. A copy of which is attached and is a part of these minutes.

The Commission held a discussion on the application starting with the sign change requested that would allow a projecting sign instead of the required flush mount signs. Signs in the neighborhood were reviewed. Most of the signs that do not conform to the code predate the adoption of the code and are therefore grandfathered in under the old rules. The issues brought up by the neighbors were discussed. It was pointed out that any approval would require signoffs by the Department of Liquor Control, State Building Code Regulation, the fire department and the County Health Department. Many of the problems brought up are under their jurisdictions and are not controlled by the Commission.

In the end the Commission also thought that a daylight inspection was a good idea. They also stated that they would like to see more detail and concrete planning added. They requested an inspection and suggested that the White's conduct a separate inspection with the neighbors.

In the spirit of cooperation Jane White requested that the application be tabled until the next meeting to allow the Commission to conduct a daylight inspection and to revise the plan. A motion to table the hearing until the next meeting was made by Denny Morris, seconded by Stan Swisher and passed unanimously. An inspection was set for Saturday afternoon at 1 PM.

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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. He went over the idea of a stone lighthouse being built in the

cemetery by John Bland and the Commission had no problems with the idea. The Commission also supported his suggestion that Council should establish emergency snow removal restrictions on the streets in Heathermere and all new subdivisions. It should also look at expanding the restriction to the downtown area as well.

There was no Clerk's 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 Jim Slifko, seconded by Denny Morris and passed unanimously. **The next scheduled meeting will be on Wednesday, March 14, 2007 at 7:00 PM.** The meeting was officially adjourned at 9:13 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