

MINUTES
Village of Versailles Planning Commission Meeting
January 2, 2019

Chairman Mayor Subler called the meeting to order at 6:00 p.m.

Mayor Subler stated that the Recording Secretary for this Planning Commission meeting is Village Fiscal Officer, Kathy Ordning.

Roll call found the following Commission Members present: Mayor Jeff Subler, Mr. Mike Darnell, Mr. Eric Paulus, Mr. David Subler, and Mr. Jeff Beasley.

Mr. Beasley made a motion, seconded by Mr. Subler to approve the agenda. Vote: all yeas. Motion carried.

Mr. Beasley made a motion to approve the minutes from the November 5, 2018 meeting. Mr. Paulus seconded the motion. Vote: all yeas with Mr. Darnell abstaining from vote. Motion carried.

For new business, the Planning Commission reviewed Case # 19-01, an amendment to the Village's Zoning Ordinance to rezone the properties located at 706 East Main Street, 732 East Main Street, and 45 Maple Street, all within the Village of Versailles, Ohio to B-1 classification as an emergency, filed by Council of the Village of Versailles.

Chairman Mayor Subler stated that any interested party may appear in person or be represented by legal counsel or other agent. A recommendation of this Commission to grant the zoning re-classification as requested, recommend a modification to the requested re-classification or recommend the re-classification be denied shall be provided to the Village Council in a reasonable time, which will not exceed sixty days from the receipt of a certified copy of Resolution No. 18-66 by the Planning Commission or adopt some modification thereof. Any person adversely affected by a decision of the Village Council has the right to appeal to the Darke County Common Pleas Court on the grounds the decision was unreasonable and unlawful. It is within the jurisdiction of this Commission to hear specific zoning requests. In granting a request for re-zoning, the Commission shall make a determination the re-zoning will not be contrary to the general public interest, nor compromise the spirit or intent of the planning regulations. An economic hardship alone will not qualify for an approval or denial of a re-zoning request. A re-zoning recommended by this Commission and confirmed by the Village Council shall be valid and permanent until a subsequent change by the Planning Commission is approved by the Village Council.

Chairman Mayor Subler continued by stating the procedure for the meeting and testimony of this Case will be as follows; Village Administrator Rodd Hale, on behalf of the Village of Versailles, shall be granted the opportunity to first present what information on behalf of the Village he would like the Planning Commission to consider and shall be granted 5 minutes to do so. All other speakers will be provided two minutes to state their position. Additional time for all persons may be granted at the discretion of the chair.

Village Administrator Hale explained that on December 26, 2018, the Versailles Village Council passed Resolution No. 18-66, a resolution initiating an amendment to the Village of Versailles Zoning Ordinance to rezone three properties with those three properties being 706 East Main Street, 732 East Main Street, and 45 Maple Street all to a B-1 classification. The Council initiated this amendment under the authority of Article 11, Section 1102 of the Village Zoning Ordinance whereby a zoning change can be initiated in one of three ways; by the Planning Commission, by the Village Council, or by a property owner. The resolution was initiated after a recent election in which the citizens of the Village voted 753-420 to uphold the previous Village Council vote to approve the rezoning of these same parcels. All Planning Commission members have been provided copies of the resolution passed by Council and a map of the properties being considered for rezoning.

Chairman Mayor Subler asked the Commission members if they received a certified copy of Ordinance No. 18-66 along with the map of the properties being considered for rezoning. All members confirmed that they had received a certified copy of Ordinance No. 18-66 along with the map for their review prior to the meeting.

Chairman Mayor Subler then provided an opportunity for any proponents of the rezoning in attendance to state their position to members of the Planning Commission. He explained that each speaker would be allowed two minutes and asked that they state their name and address for record. Supporters of the rezoning of the properties declined to speak.

Next, Chairman Mayor Subler offered the opponents of the rezoning to state their position. Opponents to speak were Mr. Tom Jokerst of 663 East Wood Street, Mr. Bob Luttmmer of 740 East Main Street, and Mr. Nick Timmerman of 668 East Main Street.

After those in attendance had the opportunity to speak, Chairman Mayor Subler addressed each Planning Commission member to state their position. Mr. Beasley said that he supported the vote of the people. Citizens are in favor of rezoning the three properties.

Mr. Darnell stated that he felt the same. The majority of citizens voted for the rezoning of the properties.

Mr. David Subler said that he was in favor of rezoning the three properties.

Mr. Paulus said that he voted against the residential property being rezoned the last time and that he was leaning against it this time. He stated that he had no problem with Casey's, only the rezoning of the residential property.

Mayor Subler explained that the Planning Commission is an advisory board, just as is the Cemetery Board, Park Board, etc. They can make recommendations, however, the elected Council members are to make final decisions. He went on to explain that within the Village's Zoning Ordinance, there is a process that they can go through to make changes. The ordinance can be changed and has been changed over the years. The citizens voted for the change.

Chairman Mayor Subler then requested the Planning Commission to vote separately to recommend or not recommend the amendments to rezone the 3 properties mentioned above.

Mr. David Subler made a motion in regards to the 706 East Main Street property to recommend to Versailles Village Council that the amendment be granted. Mr. Beasley seconded the motion. Vote: all yeas. Motion carried.

Mr. Beasley made a motion in regards to the 732 East Main Street property to recommend to Versailles Village Council that the amendment be granted, seconded by Mr. David Subler. Vote: Mr. Beasley: yea; Mr. David Subler: yea; Mayor Subler: yea; Mr. Darnell: yea; Mr. Paulus: nay.

Mr. Beasley made a motion in regards to the 45 Maple Street property to recommend to Versailles Village Council that the amendment be granted. Mr. David Subler seconded the motion. Vote: all yeas. Motion carried.

In regards to Versailles Village Council Resolution No. 18-66, Mr. Beasley made a motion to recommend to Versailles Village Council that the Resolution move forward with the rezoning of the 3 properties listed and the changing of the zoning map to reflect the new zoning changes in an emergency manner. Mr. Darnell seconded the motion. Vote: Mr. Beasley: yea; Mr. Darnell: yea; Mayor Subler: yea; Mr. Paulus: nay; Mr. David Subler: yea.

Chairman Mayor Subler stated that a written recommendation from the Versailles Planning Commission to the Village of Versailles Council regarding the request initiated by the Village Council to re-zone the properties located at 706 East Main Street, 732 East Main Street, and 45 Maple Street, all within the Village of Versailles Ohio will be submitted as the following:

On December 26, 2018, Versailles Village Council passed Resolution Number 18-66 which initiated an amendment to the Village's Zoning Ordinance to rezone the properties located at 706 E. Main Street, 732 E. Main Street and 45 Maple Street to B-1 Classification.

A Certified copy of Resolution 18-66 was forwarded to the Versailles Planning Commission for review. The Versailles Planning Commission met on Tuesday, January 2, 2019 to review the request to rezone the 3 properties mentioned above. After a public meeting the Planning Commission voted as follows:

In regards to the 706 E. Main Street Property, the Planning Commission voted 5-0 to recommend to Versailles Village Council that the amendment be granted.

In regards to the 732 E. Main Street Property, the Planning Commission voted 4-1 to recommend to Versailles Village Council that the amendment be granted.

In regards to the 45 Maple Street Property, the Planning Commission voted 5-0 to recommend to Versailles Village Council that the amendment be granted.

In regards to Versailles Village Council Resolution #18-66, the Planning Commission voted 4-1 to recommend to Versailles Village Council that the Resolution move forward with the rezoning of the 3 properties listed and the changing of the zoning map to reflect the new zoning changes in an Emergency manner.

With respect to approval of the rezoning of all three properties the Planning Commission has determined the following based in part on their personal knowledge of the situation, consideration of comments from citizens, and the history of the rezoning of these parcels:

The proposed amendment is consistent with the comprehensive plan of the Village of Versailles in regards to retail growth in that area of the Village.

Versailles Village Council previously unanimously voted to rezone all three properties.

Versailles Village Council previously passed Ordinance 18-01 to direct the Village Administrator to effectuate a change to the Village's Zoning Map.

A referendum for Ordinance 18-01 was initiated which resulted in the electorate of the Village of Versailles approving the passage of Ordinance 18-01 by a vote of 753 Yes to 420 No.

All 3 owners of the subject properties are in favor of changing the zoning to B-1.

Changing of the zoning would allow for the construction of a new business that would provide the Versailles community more retail options and create additional employment as well as tax revenue.

Mr. David Subler made a motion to approve the written recommendation from the Planning Commission to the Versailles Village Council as stated, seconded by Mr. Paulus. Vote: all yeas. Motion carried.

With no further business to conduct, Mr. Beasley made a motion to adjourn the meeting. Mr. Darnell seconded the motion. Vote: all yeas. Motion carried.

Chairman Mayor Subler adjourned the meeting at 6:26 p.m.

Mayor Jeffry Subler, Chairman

Kathy Ording, Fiscal Officer