



Planning & Zoning Commission
Tuesday, August 24, 2021 - 6:30 PM
MINUTES

1. Call to Order

Committee Chair Ryan Green called to order the Planning and Zoning Commission meeting for August 24, 2021 at 6:30 p.m.

2. Roll Call

Present - Chairman Ryan Green, Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman
Absent - None

Staff present - Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - Geoffrey Dopp, Patricia Dopp, Jim Hill, Chyrel Cool, Bonnie Estep, James Estep, David Cool, Mary Queen Cool, Lohn Luke, Carolyn Fallon

3. Pledge of Allegiance

4. Public Comment

1. David Cool; 108 Maple Leaf Drive

- Has prepared a letter to send by email to PZ, Council and the Administration regarding communication
- Received copies of the new site plans for the Coughlin Leafy Dell apartments on August 18th, they were dated June 29th
- Noticed there are no material changes in the plans; issues are still the same: 1) Private property lines are being ignored, seems there is misunderstanding on where lines are, buildings are being planned very close to their property lines and they don't like that 2) Their private streets are being incorporated into ingress/egress access 3) utilities being interfered with, there are plans to move fire plugs 4) Have not seen any plans for fencing or screening, if there are any, maybe could make them available 5) Issue about noise abatement and industrial air conditioners 6) No construction traffic is permitted on their property, have already blocked them off with concrete barriers, if they find somebody on their property that does not belong they will prosecute them
- The buildings do not fit on the site plan, they want proper setbacks, their street is private and they expect setbacks from that direction not from the front or Stonehedge.
- None of their issues have been taken seriously and it's ticking them off. They have association members who are very skilled in construction, law and other aspects, they do not appreciate being ignored, think there is a place where they can talk and negotiate.

2. Mary Queen Cool; 120 Maple Leaf

- Some of their comments are not directed at the Commission
- Has looked at the plans submitted, has the same concerns mentioned
- Asked if zoning has authorized a curb cut on Leafy Dell Drive for this project.

Chairman Ryan Green said they as a board have not authorized or reviewed any of this, this is happening internally so far; staff applies zoning as written to the project. Officially he understands the argument is "official" versus "unofficial" on what's been applied and what has come in, some have been caught unaware, whether right or wrong that is a different argument, he can see different sides, if there is nothing official, he gets that but things were submitted on a certain level, questions were answered and submitted on a certain level and that is being hashed out internally.

Jesse Coppel asked where the Commission fits into this process of approval because they have not seen a single thing on this property yet, asked for an overview of when or if they will ever see this and if there will be a form to negotiate things. Bailey Klimchak said this will not come to Planning and Zoning for their approval and curb cuts do not get approved by Planning and Zoning, they get approved by the Village Manager.

- Said she thought she read something that the Zoning Inspector was involved also.

Jesse Coppel said his duties are not overseen by this commission, his duties are overseen by the Village Manager, Jim Lenner.

- Said there is no misunderstanding, they have repeatedly asked questions of this commission, they never asked for official documents, they asked for any documents, they were all lied to.

Ryan Green said this is an ongoing investigation, there are things being looked at. As it goes for them, they do not get a say in this as things are currently written, this doesn't go in front of Council either. Further discussion on procedure; Jesse Coppel said they would love to help negotiate this but the plans are never going to come before this board, maybe they need to look at the code to see what procedures they can implement to put another step in the process. Village staff is accountable ultimately to Council so council may be the best public forum to voice concerns.

- Building structures, believes zoning ordinance still calls for thirty foot height even though working toward thirty two. Current code says thirty, new draft not in effect says thirty two. Fire Department might have an issue with a thirty six and a half foot tall building; there are eight of them that high.

Jesse Coppel asked what the process would be if building height is above code. Mr. Blair said they would need a variance. A variance would come before the Zoning Commission.

- Have an Ordinance that says paved portions of a property are limited to twenty percent, did not see anything in the new stuff that says they are trying to change that, assumes they wouldn't. Ryan Green said they have addressed pavement and

parking, as far as percentages he would have to look up. Ms. Cool said Coughlin's response is that they are at twenty two excluding all of the roads, sidewalks etc. so that puts them at forty percent paved, twice the village standard. Ben Lee said again, that would need a variance, and all depends on definition of what is a paved surface, whether or not roads and sidewalks count as a part of that.

- On a piece of ground like Coughlin is looking at, can a building be put right on the street with no space between the street and the building, clarified private street; Ryan Green said he would think not. Ben Lee said he would hazard against a guess, they would have to look up, private streets are a gray space, does not know off hand.
- Said she knows how wide that lot is and it is impossible to fit the buildings onto that chunk of land behind the condos.
- Referenced paving and parking spot requirements; discussion on space and two-way drive size, said they have reduced them.

3. Carolyn Fallon; 106 Maple Leaf Drive

- Asked who determines whether a variance is needed. Ryan Green said if a project is outside of our zoning a variance would be needed.
- Asked if zoning requirements are not being met on the plat, who determines that. Bailey Klimchak said the engineers, then the applicant would have to decide if they want to fix it or apply for the variance.
- Said that Bailey Klimchak should have responded and asked that the applicant submit a plat that adheres to village zoning. Ms. Klimchak said it has not been submitted and she has not reviewed it. Carolyn said apparently she had because twenty three questions were asked. Ms. Klimchak said they have not had the engineers review anything. Jesse Coppel asked who sent the questions, Bailey said Jim (Blair) and her.
- Asked why they did not ask for a plat map that adhered to current zoning.

Mr. Blair said he is not an engineer, it is not up to him to determine how much fits on a space, that is done by engineers; they just did a quick "down and dirty", looked at what they thought were good questions and submitted them. Jesse Coppel said part of the confusion is if they were submitted a plan, looked at it, and returned questions back that means they have reviewed it, it seems dishonest to say they have not reviewed it. Ms. Klimchak stated that they have not reviewed the plans; applicant has not paid for the plans, and they have not sent them to engineering. Mr. Coppel said but they have been looked at and were asked questions back so plans have been looked at. Ms. Klimchak said she looks at a lot of things all day and asks questions all day and gets millions of plans like these. Mr. Coppel said it would be more accurate then to respond saying plans had not been reviewed but had been looked at, they might feel that was more honest. Some further back and forth on procedure once plans are submitted.

- Said apparently there is a lack of communication between the board and staff.
- Will bring up to Council that right now Zoning Commission has no power, they are just figure heads; asked if once something is zoned multi-family, do they have no say so on the plat. Further explanation on procedure...Ben Lee said he would call what was submitted a site plan, offered some correction on terminology.

- Asked Ms. Klimchak if she works for the village not for Coughlin, Ms. Klimchak said she works for Council; asked if Ms. Klimchak was being paid or subsidized by Coughlin in any way, Ms. Klimchak said absolutely not. Carolyn said then she would expect (Bailey) to represent the village and zoning, when she looks at stuff, be above board let people know what is going on, she will go to City Council, thinks she has been deceptive, should represent the village, put Johnstown's interest above any developer in the area.
- Asked for contacts for the Village Engineer
- Asked if they can get a copy of the site-plan once approved. Ms. Klimchak said they can go through the clerk and a public records request.

Some further back and forth explanation on staff and engineering procedure.

4. Mary Queen Cool; 120 Maple Leaf

- Said if you guys had not asked any questions, you'd have an argument, you asked questions but missed the big ones, when questions were answered you started this, by given them and us the indication you reviewed them.
- Are they going to see what comes into this office regarding this project or does she need to do a public records request every single week. Chairman Green said other than coming to council meetings and asking questions, they may need to go the public records request route. Public Records request procedure explained.
- Said they are being pretty generous because they have been lied to, there are other steps they could be taking, thinks they can do everything possible that some people don't stay with the Village of Johnstown because their performance is horrible.

Chairman Green said they want to work with them, there is more discussion that will happen on this, he welcomes them to come in and ask questions, submit emails, submit public records requests, he welcomes their opinion and statements and want to work with them to make sure he and they are getting the most up to date information.

There were no further comments and Chairman Green closed the floor.

5. Approval of Minutes

a. August 10, 2021

ACTION:	Ryan Green moved to Approve as written; Jon Merriman seconded and all were in favor.
AYES:	Ryan Green, Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman
NOES:	None
ABSTAIN:	None

Passed 5 – 0

6. Zoning Ordinance Update

a. [Article XXXIII](#) Sections 33.01 - 33.04 Off Street Parking

Zoning Commission continued review of the Zoning Ordinance draft beginning with Section 33.01, working through 33.04.

Discussions on parking spaces and maneuvering lane dimensions; Residential District parking limitations with larger discussion on campers/RV's and trailers restrictions.

John Luke; 6 Westview Drive

- Referencing the discussion on parking and trailer and recreational vehicle weight limits on residential property, asked what was the harm to the village on upping to 10,000 pounds from 5,000.

Jesse Coppel said for him it is aesthetics and the size of the vehicle. Ryan Green said some of it is aesthetics, some of it is weight and wear and tear on the driveway, can affect infrastructure, that is why they stopped massive semis coming through. Ben Lee said his point in initially equivocating the two was that the conversation around commercial trucks was aesthetics to a point but also talked about daily wear and tear, effect on infrastructure, usage, curbs, sidewalks etc.; the frequency of use absolutely affects how that is going to impact infrastructure, so the lower weight limit makes sense in that case. A recreational vehicle wherein the frequency may be less but the impact to the infrastructure is still there, the wiggle room in his opinion is more relevant to the frequency of use and type of vehicle but if it is not something that is causing a major issue at the moment he does not see the need to increase it by two times. Some further board discussion and decision to separate commercial vehicles from recreational vehicles and limit recreational vehicles to thirty-foot length and remove the weight limit.

Discussion around the required number of off-street parking spaces schedule along with consideration for mobility hub, shared spaces, electric vehicle chargers etc.

Bailey Klimchak noted all edits to the draft.

Jim Hill; 49 Concord Court

- Referenced landscaping and property owner maintenance thereof; would like the zoning code to give an allowance for an adjacent property owner to have the ability to cut limbs of trees etc. that impede onto their property, at the property line without the owners O.K.
- Reports his neighbor has a trip wire going down the property line with a metal stake next to the sidewalk.

Village Planner to come up with verbiage on landscaping extending across a property line and ask Law Director for a legal opinion.

- Said PUD does not have a lot of “muscle”; said there are site plans that look very dense and if there could be something in the PUD section citing a side setback it would space out the dwellings; there is a way of handling density before a plan is submitted.

Ben Lee said the mechanism they landed on to address density in PUD is a percentage of required open space to promote a conservation type design which limits infrastructure.

7. Other Business

1. Jim Blair said the Curaleaf building in the commerce park will be expanding by 45,000 square feet.

8. Adjourn

Chairman Green moved to adjourn; Ben Lee seconded and all were in favor, motion passed 5-0. Meeting adjourned at 8:36 pm.