



Planning & Zoning Commission
Tuesday, September 14, 2021 - 6:30 PM
MINUTES

1. Call to Order

Committee Chairman Ryan Green called to order the Planning and Zoning Commission meeting for Tuesday, September 14, 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: Joe Lamparyk - Pulte, Mary Queen Cool, Chyrel Cool, David Cool

3. Pledge of Allegiance

4. Public Comment

1. David Cool; Representing Leafy Dell Condos

- Regarding the Leafy Dell apartment complex plan; said their issues are still the same.
- setbacks
- building height is over thirty feet
- erosion control starts on their street, should be set back to protect it
- ...start of comment unintelligible...protection and power service uses their streets and property, they are not supposed to do that
- their private streets are presumed available for project use and they are not so they have blocked them off to the extent they can
- open space does not appear adequate
- pavement is greater than twenty percent and the structures appear more than thirty-five percent
- wet spots on Coughlin property, he questions the adequacy of the pond, don't want water runoff directed onto their property
- Three of their buildings closely view the property, don't want people on a second floor balcony watching them on their patios; would like shielding of trash, parking, vehicles, A/C equipment and a second floor overlook
- Said their project was originally intended to have thirty-six units, currently sixteen, is room for forty-three units on a single floor, would be happy to get from eighty units to forty-three

5. Approval of Minutes

- a. August 24, 2021

Chairman Green asked if all were in favor of approval; no objection, minutes passed 5-0.

6. Variance Application Z-21-126

- a. Pulte Homes 225 Whitetail Trail

Pulte Homes is requesting a variance to reduce the side setback from the original design to accommodate a ten foot underground easement and allow a house to be built on this lot. The reduced setback on one side will affect the overall square footage of the lot, the minimum lot size for UR-2 zoning district is 7500 square feet, this would reduce the lot by twenty square feet to 7480 square feet.

Joe Lamparyk representing Pulte Homes was present for the application. Ryan Green said there has been an issue with fire over there before and with the houses being very close together that is going to be an issue but not much can be done to solve that. Mr. Blair said Concord East has five foot setbacks, it is not unprecedented, it would be one house out of one hundred and ninety-two. Mr. Lamparyk said the storm easement drove the need because it ended up on the property line instead of closer to the back of the other lot.

Ryan Greene said he heard there were new designs brought in for that back half; Mr. Lamparyk said they are just a different version of the same, same footprint with some elevation and design element changes.

Ron Danne said he does not think we are allowed to move or change a side yard setback on a legally recorded Platt; said maybe another way to do this is to allow a variance for an encroachment, not changing the Platt itself, just allowing them to go over. Also asked if they can get a little closer on the number, that the email requested three feet, the survey shows five and the application says four and a half. Mr. Jamparkyk clarified that the ask is for a three foot encroachment into the side yard; instead of seven and a half, would be in a four and a half side yard. Mr. Danne said the side yard setback changes but the lot itself does not change.

Ben Lee reviewed the planning consideration questions and said for him it feels fine.

Mr. Danne said they just need to clarify that they are going to allow a thirty-six inch encroachment into the side yard instead of changing the side yard itself; Mr. Blair said he would change it.

Public Comment

1. Mary Cool

- Said she thought she read in the documents the whole reason was originally there was a plan for smaller homes and now those homes aren't offered anymore.

Dominion Homes had planned for smaller homes and platted accordingly then Pulte bought the property and is building larger homes.

Motion:	ACTION:	Ryan Green moved to Approve, staff to clarify language; Ron Danne seconded and the vote was as follows:
	AYES:	Jesse Coppel, Ben Lee, Ron Danne, Ryan Green, Jon Merriman
	NOES:	None
	ABSTAIN:	None

Passed 5 - 0

7. Legislation Draft Review & Recommendation

a. ORDINANCE 32-2021 AN ORDINANCE AMENDING CHAPTER 1195 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

This was already reviewed once by the Planning Commission and was forwarded to Council, Council asked the Police Chief to make some legal wording changes to the draft and send back to the Planning Commission for review of the changes.

Ryan Green said he would like screening removed, it could force people to create something quickly and the cure might be worse than the problem we currently have. Ben Lee said under 1195.051(f) just remove the word screen and have verbiage that it is on the side or the rear of the home.

ACTION:	Ryan Green moved to Approve; Benjamin Lee seconded and the vote was as follows:
AYES:	Ben Lee, Ron Danne, Ryan Green, Jon Merriman, Jesse Coppel
NOES:	None
ABSTAIN:	None

Passed 5 - 0

8. Legislation Draft Review & Recommendation

a. ORDINANCE 39-2021 AN ORDINANCE AMENDING CHAPTER 1155 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

This Ordinance was a request to add hotels to GCC-1; hotels and motels are permitted uses in the new zoning draft, the ask for passage now is to help with Economic Development in the downtown area.

Ron Danne said this would apply right now to GCC-1 zoning, where would it apply in the new zoning. Ms. Klimchak said in the new zoning it would apply to General Commercial,

which is a combo of GCC-1 and GCC-2, new zoning General Commercial/Central business. Ron Danne said there is some historical precedent, there was at least one or two hotels downtown.

Ryan Green said he is not in favor of doing this right now, thinks they should come back to this later, does not see a pressing need to do it right now. Jesse Coppel added that the section draft they have for approval has other uses he does not agree with, some outdated.

Mr. Greene said they should just take care of this as they go through the new zoning document, doesn't think they need to take care of it right now.

Ben Lee said there have been other things within the current code that we have passed that make sense in the here and now, it was noted the use is listed under permitted in the new zoning code. Looking at the Comprehensive Plan and Central Business space, a hotel or short term stay would fit and preserve historical aspects and promote walkability; under built environment the plan talks about infill and business development which fits; also talks about marketing the village center to the region as an attractive location, he thinks promoting the downtown space for visitors would be achieved by having some kind of hotel or motel in that space relative to the precedence that has already been set. Mr. Lee said the fact that it fits within those discussions and is already in the updated zoning code, he does not see the harm in updating what we have right now.

Jon Merriman recalled past conversations on short term rentals, Air B&B etc. and that he does not feel like the discussions they had line up with the language they put in. Discussion on hotel and motel definition, Bailey Klimchak noted in 1169.03 it is allowed under conditional.

Ryan Green said he would be more in favor of a conditional use but more in favor of tabling this for a larger conversation; if he was in favor of a hotel it would be under conditional use, he doesn't want to see just any hotel built wherever, it would have to fit. Mr. Lee said he would be in favor of conditional if that is what moves this forward.

Discussion on the former bed and breakfast, bed limits as well as some other uses that should go under conditional. Chairman Green again said he was OK with tabling to have the conversation later.

ACTION:	Ryan Green moved to table; Jesse Coppel seconded and the vote was as follows:
AYES:	Ron Danne, Ryan Green, Jon Merriman, Jesse Coppel
NOES:	Benjamin Lee
ABSTAIN:	None

Passed 4 - 1

A member of the public asked to make a comment.

Chairman Green opened the floor to the public.

1. Mary Queen Cool

- Said she was looking at Ghostwriter Public House Facebook page that says "we are ready to book your rooms, come on in, giving tours and are ready to be rented October 2nd" posted several days ago so she thinks we have a hotel and nobody seems to know that.

Jim Blair said no, we know that, it was not originally planned to be a hotel and as they developed it and finished off the building they changed their position on what they wanted to do with it. Ms. Cool said, knowing that we don't allow hotels currently? Mr. Blair said apparently so, it was not discussed as a hotel.

Chairman Green said currently it is not allowed, if you wanted to have a hotel you would have to come in for a variance or conditional use; there is a mechanism for that, so currently it would not be allowed to operate. Currently it comes down to enforcement.

9. Zoning Ordinance Draft – Article 34 Signs

Bailey Klimchak said they have discussed incorporating the sign section that Kim Littleton wrote into the Design Guidelines that we had him remove. Ben Lee was very helpful in bringing the two sections together; he provided an edited red line version of Article 34 and said that he incorporated pieces taken out of the design reg from Kim Littleton, the current sign code and the proposed sign code; said the intent of his review is to narrow down the focus of what the village is looking for and what is not wanted. Commission review of sign types and styles; began review of Mr. Lee's draft beginning with Section 34.01; Ms. Klimchak edited as reviewed. Discussions on building murals, artwork, signs posted for garage sales etc. Commission worked through Section 34.08; draft will be forwarded to commissioners for individual review. Agreement to ask Kim Littleton to provide some visual examples for the sign section, Ms. Klimchak to reach out.

10. Zoning Inspector

a. August 2021

Review of zoning summary report. Mr. Coppel brought up sidewalk maintenance, Commissioner discussion on how it could be enforced equitably, biggest issue is capital expense and how to recoup. Mr. Lee noted that the topic is still in Safety and Service Committee.

Mr. Blair reviewed new businesses opening in Johnstown.

Mr. Green asked if there were updates on Concord, Ms. Klimchak said the HOA and

developer have a meeting this week, may see application at next meeting.

11. Other Business

1. Dog Park is about sixty percent complete.

2. Jesse Coppel said since it has now come to their attention that there will be hotel operations happening, he would encourage the owners to apply for a variance, said we have been very supportive of their businesses and he would be happy to approve a variance for a hotel. Mr. Green said he would encourage any business that wants to come to town and is a non-conforming use to file a variance and they can look at it.

12. Adjourn

ACTION: Ryan Green moved to Adjourn; Ben Lee seconded and all were in favor.

AYES: Ryan Green, Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman

NOES: None

ABSTAIN: None

Passed 5 - 0

Meeting adjourned at 8:34 pm