Planning & Zoning Commission
Tuesday, November 9, 2021 - 6:30 PM
MINUTES

1. Call to Order

   Chairman Ryan Green called to order the Planning and Zoning Commission meeting for November 9, 2021 at 6:32 p.m.

2. Roll Call

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

   Staff present - Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Abe Haroon - Chief of Police, Jack Liggett - Assistant City Manager, Marvin Block - City Council, Yazan Ashrawi - City Law Director, Teresa Monroe - Clerk of Council

   Public present - Thomas Henneberry, Bill Westbrook, Shane Jenkins, Helen Stacy, Jack Stacy, Jack Stacy, Tina Nelson, Beth Schmilick, David Leezer, James and Bonnie Estep,David Cool, Mary Queen Cool, Lisa Mickinas, Belinda Guard, Mark Keyse, Donny Barnard, Charlie Campell, Bill Johnson, Joe Ciminello

3. Pledge of Allegiance

4. Public Comment

   No comments

5. Approval of Minutes

   a. October 26, 2021

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

Passed 5 - 0

6. Application Z-21-187

   a. Certificate of Appropriateness; 539 E. Coshoscton St.

   City Planner Bailey Klimchak said this application is for a twenty-four hundred square foot addition to Tech's existing building at 539 E. Coshocton Street; there will be two phases to the project; this application is for phase one.

Bill Johnson was present for the application and provided a description of the planned project for phase one which is chemical production.

Chairman Green said nothing different will happen here than where they currently are; Mr. Johnson confirmed.
Mr. Danne confirmed the roof and exterior walls will match the existing building.
Mr. Lee said he appreciates the detailed application and explanation of what is happening within the building. Looking at the purpose in Chapter 1187.02, in addition to the design and aesthetics applications, for him it is an approval.

Public Comments: There were no comments either for or against the application.

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

Passed 5 - 0

7. Application 2021-143-Z

a. Preliminary Plat Concord Crossing East

City Planner Bailey Klimchak said since the agenda was sent out on Friday, an updated plat has been received with a lower number of lots, she has updated the Impact analysis to reflect the change; this morning a traffic study was submitted. Joe Ciminello present for the application.

Chairman Green asked Mr. Ciminello to provide background or what had changed since the last meeting.

Law Director Yazan Ashrawi swore in all those planning to give evidence or testimony on the application.

Joe Ciminello was present for the application and said what has changed is that the HOA requested changes on the lot sizes, wanted to see more seventy-foot lots and eliminated quite a few of the fifty-five foot lots; he has also provided a traffic study, counts were done in April and are adjusted for COVID, projected through 2032, the traffic engineer has deemed the existing intersection adequate through design year 2032. Mr. Ciminello said they have not had any success with the property owner to the north and granting access, so he is asking that the preliminary plat be approved as shown with the emergency access the city approves for safety. Stated that Section 1105 contains the criteria on which this Preliminary Plat should be judged and approved if met.

Ron Danne said they talked last time about getting rid of the name Cinelli Court because it

is connected to Cannondale and should be Cannondale all the way across. Mr. Ciminello they will make that change.

Ben Lee said the same for Catarga to Fondreist, also that sheet one of two continues to reference four foot sidewalks, should be five foot or at least reference ADA compliance based on when construction starts. Mr. Ciminello said they would comply with that. Mr. Lee noted the reduction in lots from the original submission, lot frontages have increased, he appreciates the traffic study complying with the condition but will reserve any specifics for the formal City Engineer review. Mr. Lee said he appreciates the constant conversation about dropping density and feels Mr. Ciminello has been very responsive to what has been asked. Encourages continued conversations on improvement of the entrance intersection to make it more compatible with the assumed increase in traffic. Asked if there had been any movement on an MOU with property owners for the pond; Mr. Ciminello said there had not been time since last meeting and he thought the final plat would detail that, Mr. Lee asked that to be a condition to keep on moving forward. Asked if there had been more conversation or resolution with the HOA on shared green space/active space; Mr. Ciminello said yes and provided a rendering showing the addition of a shelter house with fireplace and restrooms, additional pool area, pickle ball court, basketball court and said there are different ways they can work out their involvement with the HOA, either form their own and have an agreement with them or become members of the existing HOA. Mr. Lee said he would keep that as a condition for consideration moving forward, that if this gets to the final plat stage, there would be a firm answer on an HOA one way or the other. Mr. Lee asked if Mr. Ciminello knew what percentage of what they are entertaining tonight is green space relative to developed property; Mr. Ciminello said he does not but it is greater than when they had the 310 lots. Mr. Lee said relative to 1105 and what was plated previously, looks like a drastic drop in density and looks to be more beneficial to the overall area but would reserve the other couple conditions to bring back up at the end before a final vote is taken.

Chairman Green said going back to all this, this is an approval for a Preliminary Plat not a PUD. He appreciates the paperwork sent but nobody has had a chance to review it, that it came through today before the meeting, paperwork they had asked for months ago. The traffic study was done in April but they are just receiving it now; Mr. Ciminello said that was provided as a courtesy, it is not required for Preliminary Plat approval. Mr. Green noted some setback issues, that sidewalks still show four foot and would need to be ADA compliant, said right now a lot of what they talked about with UR-2 is not compliant, talked about the SR-1 and 2 density, but the bottom line is that if this came to Johnstown today as an annexation or another neighborhood, it would not get passed, especially with the neo-traditionals in there. As far as conditions he would have; he would like to see nothing under sixty-five, no neo-traditionals, needs a second entrance, or mitigate the density so one entrance can handle it. He understands they may be over what zoning says for green space but there is an EPA issue back there and that is not going to be mitigated with Johnstown, will either deal with it at a Federal level, which does not come back to Johnstown, so he thinks they owe something to Johnstown on that. Said we need a significant traffic study, sidewalks as mentioned, that green space factored in cannot be part of the existing development, need road widths able to accept the traffic inside the neighborhood and fire equipment getting through, also resolution on the pond and MOU with the HOA. Said he knows PUD is not a basis for this decision but it is important to note that after a year the Preliminary Plat can die, the PUD can die after two and a half years and the neighborhood should be completed within five years, also does not think the

condition of providing a public benefit is met and does not think the system is able to handle the neighborhood; so with all those things added up it is hard for him to support this.

Mr. Ciminello said most of all the things mentioned are not a consideration for a Preliminary Plat; they have all the variances in the zoning as were spelled out, there are no more neo-traditional lots, they have worked out the lot sizes with the neighbors, and it is a substantial density decrease since the traffic study; stated again that they are here for a Preliminary Plat approval.

Jesse Coppel noted that 1105.02 says a copy of the plat shall be in possession of the Planning Commission for five days, they have not had it for five days; it is frustrating to do this last minute and he is not sure how this meets that requirement.

Chairman Green opened the floor for Public Comment.

1. Shane Jenkins; lives near green space

- Eighty five percent of everyone in the development wants a second entrance and feel it should be tied to the industrial park; could solve the cut-through concern with a private gate.

2. Donny Barnhard; President Concord Crossing East HOA, 313 Fondriest

- Came to express desires of their homeowners
- The proposed development is not something they wanted but knows Johnstown is growing and they cannot stop development or growth, their only hope is that the leaders in place will ensure the growth is sustainable.
- Have met with the developer on numerous occasions and are encouraged that he is collaborating with them on many of their concerns.
- Main concerns were lot size and traffic
- Concerns for the additional traffic that doubling the number of homes would add.
- The majority of the lots in Concord East are seventy feet wide, there is one section where they are fifty feet wide for the idea of neo-traditional homes. Because these lots have not been as successful as the larger lots, they are on their fourth builder in twelve years and there are still quite a few of those lots available which was why they objected to the new lots being the same size. They asked the developer to expand the lots, many have been reduced decreasing the density from 165 to 157 home.
- Another item discussed was the creation of a second entrance as was promised with the original plan; a survey sent out said eighty-two percent of homeowners expressed a desire a second entrance. At this point no one has to wait long to get out of the neighborhood or turn on SR 37 but this is the current situation and not the one in the future. If 157 more homes are added as proposed, it will add over 320 cars a day. In the hypothetical future the Rice property is developed and Concord Crossing East and this new development still only have one entrance, how busy will Concord Road be then; show foresee problems and plan accordingly.

- Understands that Council does not want Douglas Street as entrance/exit as in the original plan but there are other alternatives that need to be explored such as Jersey Street, industrial park or Sportsmans Club. Believe traffic study and its data are an essential next step and that the traffic report given tonight is not actually a traffic study but a trip generator. Need to know how this traffic will affect not only Concord Crossing East but the City of Johnstown; it would be negligent of Council to approve this proposal without seeing a traffic study of Concord Road and SR 37. They respect Police Chief Haroon's opinion on a single entrance but would like a third party opinion of the traffic patterns with regard to their neighborhood.
- Provided the survey results sent out to residents.

Testimony/Evidence from those sworn in

1. Bill Westbrook; he and his partner are building the traditional neighborhood lots and houses.

- Thinks it is critical to have a full public street outlet, not an emergency access. Has been successful in putting over eight thousand lots in Central Ohio and has never seen a subdivision of this size only have one way in and out.
- The traffic study provided is not a traffic study, it is traffic projections; compared to a similar neighborhood which received a Traffic Impact Study. Strongly advises getting that study and should hire a traffic engineer to review it. Critical to include at least one intersection other than the one for the development, at Concord and SR 37.

2. Bob G.; resident of the Concord East subdivision

- Took the survey and thinks they all agree the second entrance is necessary but that can mean a lot of things; maybe a second entrance or exit is required but not certainly through a major thoroughfare that is going to create additional traffic, more than the residents will bring.

3. Marvin Block; 225 Edwards Road

- Asks how this compares to Johnstown's Comprehensive Plan
- On the HOA negotiation of lot size with the developer, not their job, that should be for zoning
- Which part of this Preliminary Plan is the new Preliminary Plan and which part is the old plan.
- Is spacing between houses adequate; have already had fire in a subdivision in town and lost three houses, are we going to build the same here?
- Green space is another thing
- Was a storm sewer line that ran through the property. At one time they knew it was broken, was never fixed. There was 5,700 dump truck loads of dirt dumped on top.
- Listed projects the city has had to fix, problems left by developers; asks what makes us think that if given any stipulations tonight that they will do it. Developers should not make money on the backs of the citizens of this town, should not let history

repeat itself.

- Comerce Drive is for the businesses, there are semi-trucks in and out of there all day, do you want teenagers driving in and out of there? That was built for the commerce park, not for residential.
- Tired of developers coming in and giving us their problems, they take their profit and leave and Johnstown has to pick up the pieces.

Mr. Ciminello said a lot of points were made. Addressed Mr. Block saying it was a farm tile that was damaged, nobody damaged a storm sewer. He got with the city, they tried to cut a swail in the low spots, that didn't work so they filled with more dirt, a lot of the runoff is caused by the commerce park. They are compensating the right people on the wetlands, the ground was not wet in 2007 before 84 Lumber developed it and broke the tile, it was never wetland in Johnstow. They are preserving a lot of the existing wetlands back in the woods reducing the lots. All the things Mr. Block mentioned about costing the city money is not because of this development; he is not a part of the historical problems and have lived up to the obligations they have made to the village. This is a Preliminary Plat to be judged under Section 1105, this is not PUD or any zoning at all that requires a traffic study. There are ways to get County money from this development to improve intersections and they want to work with the city and will stand behind any commitment made to the village. Added that there are plenty of neighborhoods where over 260 lots are served by coming down one drive. This is a traffic study, not a Traffic Impact Study, again this was done as a courtesy for trip generation specific to the neighborhood and the concerns that one entrance would not be adequate. Addressed Mr. Copells comment, agrees the new material was given late so if more time is needed to meet that requirement, he requests tabling if that would be a reason for denial but if there are other criteria of 1105 needed he would like those to be brought to his attention so if they need to table and address, if not he believes this should be approved based on the criteria for Preliminary Plat.

Ben Lee said for him, relative to the five day requirement, did not influence his decision. The conditions he would have still have to do with the overall platting itself; 1) a resolution to the HOA question, whether they will combine or be separate. 2) a traffic study as reviewed and accepted by the City Engineer or a third party they deem to be an appropriate expert to give feedback on Botteccia and Concord Road and Concord Road and SR 37, the need for a second entrance and/or an opinion on the one entrance being able, as designed, to hold the additional traffic, for him whatever is reviewed by our engineers would be a major influencer in the final plat peice. Mr. Lee said he continues to agree that under 1105 this meets the criteria for approval; he would add the conditions as a part of it.

Chairman Green re-opened the floor for Public Comment

1. Don Barnhard

- Said based on the review of legal documents by their attorney, the HOA current owners have no say if he joins the HOA, that decision is up to Mr. Westbrook so no matter how much he negotiates with them, they cannot make that decision. Mr. Lee clarified that it would just be a resolution to the question whether a yes or no

whereas a no would influence a density conversation at the final Plat phase.

Jon Merriman said it is hard to want to approve something when the basic details have not been changed on the prints. Mr. Ciminello said that is his error and requests to table so they can get the street names right and fix the sidewalks.

Ron Danne asked for Law Director opinion on Preliminary Plat expiration. Mr. Ashrawi said the city's code does have a one year expiration for Preliminary Plats. Mr. Danne said because there was discussion last time about if this is not approved, will go back to the old one; that is moot now. Mr. Danne asked if there should at least be an easement for a stub road heading east to the undeveloped property so if a second entrance is needed in the future it can be had. Mr. Ciminello said they could look at that option. Mr. Danne said he disagrees with Ben on the need for a more detailed traffic study because the entrance to the subdivision is not necessarily the problem, it will be the intersection, a light may be needed. Mr. Ciminello said they can work with the city on that.

2. Marvin Block

- When (Mr. Ciminello) talks about other public monies from the county, that is taxpayer money he is talking about, to subsidize his development, is that what we want.

Mr. Ciminello said they are not asking for that to subsidize their development, commitments for off site traffic improvements are made at the time of zoning not at Preliminary or Final Plat; what was presented was a TIF that could make the village and school district whole, Johnstown would receive the county's tax from these new homes to spend as long as it is deemed a benefit to this neighborhood; improvements to SR37, US 62, 310 etc. He has worked with this in Grove City, Reynoldsburg, Obetz; every municipality does it, utilizes municipal tools available to them. They ran calculations, when density was higher, but it was close to $300,000 per year, in ten years would be three million dollars, from this community, from a TIF that could be spent in this area.

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

Failed 2 - 3

Ben Lee moved for conditional approval with 1) A resolution to the question about joining the HOA or having a separate HOA 2) A traffic study that is accepted, reviewed and contextualized by the city engineers at Boteccia and Concord Road relative to the need for a second exit and/or the design of the current single exit to the projected traffic. Ryan Green added conditions for no lots under 65 feet of frontage, ADA Sidewalks, and MOU on the pond, MOU for the HOA.

Law Director Ashrawi said an easier way to do this, take a roll call vote for each condition and then move forward to the actual application.

Clerk asked to read Mr. Lees conditions:

1. Get a resolution to the HOA, whether to join together or keep separate.
2. A traffic study relative to Boteccia and Concord Road.

Mr. Ashrawi asked what were the other conditions to be voted on, Ms. Monroe continued:

3. No lots under 65 foot frontage.

Ryan Green said he would like the ADA sidewalks in there, Mr. Blair said that is a part of the individual zoning application for each lot. Mr. Green said we need a second entrance going to the North or East, on the Northeast side either heading North to Sportsmans Club Road or East to applicable areas. Ms. Klimchak said she needs to make the board aware that the property to the North and to the East are private properties, that the village cannot force a public crossing. Chairman Green said they could require a stub; going through Douglas is a non-starter; he is not a fan of going through the business park because there would be business and residential traffic mixing.

Motion: Mr. Green said he would make a motion for those; was there a second. Law Director Ashrawi said it would be a motion to take a roll call vote on each independent condition and then will take them one by one.

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

Passed 5-0

Ms. Monroe read each condition and took a roll call vote:

1. A resolution on whether the HOA will combine or be separate
   Ryan Green; Yes
   Jon Merriman; Yes
   Jessi Coppel; No
   Ben Lee; Yes
   Ron Danne; Yes

   Condition passes 4-1

2. A Traffic Study, accepted by the city engineers as applicable to address the questions that were posed, at Botteccia and Concord Road
   Ryan Green; Yes

Jon Merriman; Yes
Jessi Coppel; Yes
Ben Lee; Yes
Ron Danne; Yes

Condition passes 5-0

3. No lots with frontage under 65 feet
Jon Merriman; Yes
Jessi Coppel; Yes
Ben Lee; No
Ron Danne; No
Ryan Green; Yes

Condition passes 3-2

4. Ability to create a second entrance or stub on the northeast side of the property
Jessi Coppel; No
Ben Lee; No
Ron Danne; Yes
Ryan Green; Yes
Jon Merriman; Yes

Condition passes 3-2

Condition # 5, MOU on the pond, carried over from last time. Mr. Ciminello asked that the condition would be that on the final plat, the maintenance of the pond is spelled out, whether it's an MOU with property owners or whether self-imposed. Chairman Green said that is fair and what they want, an avenue for maintenance of the pond.

Motion: Chairman Green moved to approve the Preliminary Plat with all five conditions; Ron Danne seconded.

Prior to the roll call vote Mr. Ciminello asked for consideration on #3 and allowing 60 foot lots, because they have worked extensively with the HOA. Chairman Green said he's a no. Mr. Lee said for him it's a yes, it is a concession being made, the 65 foot is counter to the variances already out there so the 65 feet is a non-issue in his opinion, it doesn't make sense to him, variances don't expire.

Motion: Ron Danne moved to change the 65 foot to 60; Chairman Green seconded and the vote was as follows:
Ben Lee; Yes
Ron Danne; No
Ryan Green; No
Jon Merriman; No
Jessi Coppel; No

Motion failed 4-1; lot frontage to remain 65 foot

ACTION:	Chairman Green previously moved to approve the Preliminary Plat with all five conditions; Ron Danne seconded. **
AYES:	Ron Danne, Ben Lee
NOES:	Chairman Green, Jon Merriman, Jesse Coppel
ABSTAIN:	None

Failed 2 - 3

Mr. Lee asked where this leaves us at this point. Law Director Ashrawi said there is no approval of the Preliminary Plat. Chairman Green said it is a no for today, they can come back and reapply, it does not go to Council.

8. Legislation Draft Review & Recommendation

   a. Ordinance 34-2021 Tree Preservation Ordinance

   Bailey Klimchak said the Tree Preservation Ordinance was tabled by Council and sent it back to Tree Commission, it was edited by the Tree Commission at their last meeting; she highlighted the edits. Jesse Coppel left the meeting at 8:12 pm. Planning Commission review; edited section 1183e to downgrade wooded sites from sixty percent to forty percent.

ACTION:	Chairman Green moved to approve with the one change and recommend it to Council; Ben Lee seconded and the vote was as follows:
AYES:	Chairman Green, Jon Merriman, Ben Lee, Ron Danne
NOES:	None
ABSTAIN:	None

Passed 4 – 0

9. Zoning Ordinance Draft

   Commissioners continued review of the draft beginning with Section 35 and worked through Section 37.

   Section 35 discussions on alcohol; Section 36 discussions on performance bond, warranty; Section 37 discussions on land and building relative to flooding and wetlands, street classification and Impact Study requirements. Questions to be posed to Service Director noted; Ms. Klimchak noted all comments and edits to the draft.

10. Zoning Inspector

a. October 2021 Summary

Mr. Blair's report was included in the packet; Board member questions were answered. Next meeting will have a Variance for an infill lot on Payne Street.

11. Other Business

1. Ron Danne said he is leaving the board at the end of the year.
2. Bailey Klimchak said Ace will be bringing something forward soon.

12. Adjourn

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

Passed 4 - 0

Ms. Klimchak reminded that December 1st is Design Review training, Kim Littleton is coming in, starts at 5:00 pm

Meeting adjourned at 9:05 pm