



Planning & Zoning Commission
Tuesday, August 9, 2022 - 6:30 PM
MINUTES

1. Call to Order

Chairman Green called to order the Planning and Zoning Commission meeting for August 9, 2022 at 6:30 p.m.

2. Roll Call

Present - Ryan Green, Jesse Coppel, Charlie Campbell, Walter Raub, Steve Dyer
Absent - None

Staff present - Sean Staneart - Assistant City Manager, Bailey Morlan - City Planner, Thadeus Boggs - Frost Brown Todd, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - Jacob Shields, Todd Foley, Lewie Main, Glenn Ronken, Jeremy Severiver, Lyle Dotson, Mary Gamersfelder, Jan Ringnald, Kim & Ed Maher, James Estep, David Cool, Mary Queen Cool, Andy Bruney, Ron Paulchel, Kike Colins, Todd Huston, Shara Keyse, Terre Vacheresse, Glen Dugger, Travis McIntyre

3. Pledge of Allegiance

4. Public Comment

1. David Cool; 108 Maple Leaf Drive

- Representing the Villas at Leafy Dell; said what has been done so far on the Coughlin apartments project is really to their liking. They had a list of twenty-four things they thought were in error on the project originally, that has been cut down to ten.
- They have never liked the idea of a sidewalk all the way around the property, unfortunately Council voted 4-3 to give them a 356 foot sidewalk they don't want.
- His understanding is that the Fire Department will not allow any of their fire hydrants to be moved to the Coughlin property to meet the code; if Coughlin wants more fire hydrants they will have to pay for them.
- They have a sign that says no construction traffic, they have driveways, no city streets and heavy construction equipment would tear them up. Said Coughlin believes they have unrestricted easement that will allow them to bring anything they want to across their streets and his opinion is that is not true.
- They would love to have a traffic study
- They would love to have a perimeter fence, even a living fence
- He understands there is review of the pond for runoff

Ryan Green said he appreciated the feedback, he would like to get the entities on this project to release findings through the engineers and give everyone a chance to say their peace and go forward on this with the appropriate knowledge.

2. Lewie Main; 132 N. Main Street

- Recognized Bailey Morlan's last day on Thursday and wished her well.
- Noted that the Codified Ordinances were last updated in July 2021 and since then there had been seventeen ordinances passed that affect twenty-five chapters of the zoning code. Staff noted that this update will be on the coming agenda then updated online once Council passes it.

3. Andy Bruney; 204 Stonehedge Row Drive/Johnstown Tree Commission/Leafy Dell HOA- 1 Vice President

- Thanked Bailey Morlan for her service on the Tree Commission, Johnstown would not have Tree City USA status if it were not for her focus and follow up; she will be missed.
- Thanked Ben Lee for the Mental Health community discussion and would like to see more of that.
- Formally requests a meeting with Planning and Zoning or City Council where people from Leafy Dell and the School Board can meet with a Coughlin representative about the proposed apartment complex; traffic study, soil and water, EPA etc. noted that the HOA does not agree with the easements on the site plan.

5. Approval of Minutes

a. June 14, 2022

ACTION: Ryan Green moved to approve; Steve Dyer seconded and all were in favor.

AYES: Ryan Green, Jesse Coppel, Charlie Campbell, Walter Raub, Steve Dyer

NOES: None

ABSTAIN: None

Passed 5 - 0

6. Application # Z-22-159 Zoning Map Amendment

a. Application & Staff Report

Sean Staneart provided background on the request for rezoning, the front is GCC-2 and SR-1 in the back. Reminded the board that this is a request for rezoning, that the plans provided by Redwood tonight should not be a factor in the decision made on this application. Noted items to consider when looking at criteria one through five; touched on criteria two, compatibility of the proposed amendment to adjacent land use, adjacent zoning and appropriate plans for the area. Said that criteria one, three, four and five are speculative, there are a lot of unknown variables. Recommendation for the Board to refer to the future Land Use Map. Mr. Staneart added his endorsement of a denial recommendation to Council to be given for this zoning request.

Glen Dugger, attorney with Smith-Hale, representing the applicant Redwood. Provided a

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brief overview of the 33.9 acre site which is presently vacant agricultural land zoned SR-1 and GCC-2. Said the intent of this rezoning request is to build a Redwood Apartment development; there is one currently in Johnstown.

Todd Foley with POD Design said they have had several meetings with the city and provided an overview of the conceptual site plan to help all to understand the proposed land use. The proposed rezoning is for AR-1 Multi-Family Residential for 178 single-story multi-family units between four and eight dwellings at five dwelling units per acre. Said they are confident they can comply with the AR-1 zoning requirements.

Jacob Shields provided an overview of Redwood, the company and their products and touched on the current Redwood apartments currently in Johnstown.

Chairman Green opened the floor to public comments:

1. Lewie Main

- Concerned about the traffic and the line of sight, the elevation is approximately five feet above the roadway, the width of the opening onto US 62, there is a need for a deceleration lane/third lane.
- Concerned about water and sewer capacity, can supply of public utilities be guaranteed.
- Should give direction to the developer on amendments to the ordinance, exclusion of hotels/motels
- Should make the developer aware of the Tree Ordinance requirements
- Should make the developer of the Buffer zone requirements

2. Molly Gamersfelder; 7449 Harmony Church Rd.

- Happy that the developer is giving consideration to preservation of the natural resources in place
- Says that a majority of the community is upset about the way development is progressing. A major concern is the preservation of habitat for wildlife and maintaining Johnstown to stay the charming community that it always has been. Asks that in future planning, please give consideration to people who have lived here for decades.
- Also concerned for traffic, sounds like it is being addressed.
- Was impressed with the developer's presentation, although would not like a development at all, but thankful they are taking into consideration what the community is looking for.

3. Todd Huston; 104 Benedict Drive

- Reviewed how he found out about this proposed rezoning change, said the developer has a good product but said ultimately cannot support the rezoning.
- Provided some statistics from the city Comprehensive Plan relative to renter versus home ownership and said this project does not help this, thinks this rezoning goes in the wrong direction. Provided some surrounding city rental percentages.

- Would like to see another development like Raccoon Creek Estates; thinks Johnstown has done a good job with providing rentals and affordable housing and would like to see Johnstown push numbers on home ownership.

4. Jan Ringnald; 10485 Duncan Plains Road

- Concerned about density, does not believe this plan is low density
- These units each have a double garage, two cars per unit, that is 350 cars looking to access US 62, concerned for the effect on traffic.

5. Ron Paulchel; lives off of US 62

- Agrees with the last two speakers and also has traffic concerns getting out onto US 62; especially in light of Intel coming.

Chairman Green closed Public Comments

Glen Dugger said their access is onto US 62 and their engineers have a conceptual plan they say can work; talked about how the State of Ohio warrant system for traffic analysis and improvements. Noted that capacity was discussed previously with staff and they were assured that what the city has now and coming on line is sufficient for this project. Referenced the tree preservation ordinance and their plan to leave and preserve tree groves. Thinks this proposed development does take current residents into consideration, this is an empty nester product, who are renters by choice, that would give another option to those currently in the community. Disagrees with the public comment referencing affordable housing, said current rents are \$1,700 - \$1,800 per month; these are higher end rental communities and are in no way "affordable housing". Said he disagrees with the comment that this is high density, five units per acre is relatively low especially for a rental community. Noted they had numerous meetings with city staff and were encouraged to submit as this could be a good product for the community.

Sean Staneart said there have been a lot of discussions tonight but wants to bring this back to what it is, a straight rezoning request, and that this board did not get to determine outcome, that this will be a recommendation to Council. Reiterated that his recommendation to council would be for denial. Council will take the application and board's recommendation under review and make their determination.

Chairman Green said this does come down to a simple change in zoning, what we had is one of our higher end housing projects and he would not want to see it change its current status.

Chairman Green moved to approve Application Z-22-159 Zoning Map Amendment; Walter Raub seconded. Ms. Morlan asked that the motion be changed to a recommendation for approval or denial. Thadeus Boggs asked that the motion be made in the affirmative, so a yes vote would recommend it and a no vote would not.

Glen Dyer said he is a bit blindsided by this and asked for clarification on Mr. Staneart's

denial recommendation. Mr. Staneart said his determination was based on the 2012 and 2020 Future Land Use Maps, the current zoning is SR-1, GCC-2; the applicant wants to rezone to AR-1, the 2020 Future Land Use Map identifies the front half as GCC-2 and the other portion is mixed use. The 2012 map shows GCC-2 in the front and the rest as office.

Mr. Dyer said he understood that mixed use included this density of multi-family development. Mr. Green said that is not the case. Mr. Boggs noted that Mr. Staneart's articulation is a recommendation to the Commission and it may be helpful to the applicant to set forth what their basis is. Mr. Green said in this case going from SR-1, one of the better housing stocks, and turning it into multi-family is not where he wants to go. Mr. Dyer said the reason they are perplexed is that until Mr. Staneart said his recommendation was to turn this down, they had no idea that was the case. He said that they were encouraged to go forward with this in their meetings with the administration, and then to come tonight and find out that one of the board members has taken a position in opposition is like a blindside and on that basis requests tabling for thirty days to have additional consideration and conversation with administration because what they are hearing from the manager and what they have heard previously are at odds. Planner Bailey Morlan said she told Mr. Shields multiple times that it was staff's opinion this would not pass. Mr. Dugger said he was in a meeting where the Mayor said he was for it; Ms. Morlan noted that he was only one vote. Mr. Dugger again requested that the application be tabled for at least thirty days in fairness to the time and work they have done and for an opportunity to consult with the administration, again they were not aware this would get a denial recommendation from the Assistant City Manager. Some conversation between staff and the board on procedure, Mr. Boggs said tabling is a sensible route, if they return and have a commitment to a plan, it can be evaluated on its merits then; either way it will back in front of this body.

Chairman Green withdrew his motion to approve the application.

ACTION:	Ryan Green moved to table application # Z-22-159; Steve Dyer seconded and the vote was as follows:
AYES:	Steve Dyer, Charlie Campbell, Jesse Coppel, Chairman Green, Walter Raub
NOES:	None
ABSTAIN:	None

Passed 5 - 0 TABLED

Staff question to legal counsel Thadeus Boggs; Mr. Staneart asked if because the application was tabled and our ordinance states that the board has thirty days to make a decision, does it being tabled extend the timeline or do we still need to make a recommendation within thirty days. Mr. Boggs said they requested the tabling, it tolls the time.

7. Legislation Review & Recommendation to Council

a. ORDINANCE 16-2022 AN ORDINANCE AMENDING CHAPTER 1141 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

Bailey Morlan said Chapter 1141 is districts generally, it outlines the purpose of zoning districts and designation of those districts. There is recommendation of a new section for

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the rules of application. Commission and staff review of the ordinance draft, discussion on "similar use" and "shall" versus "should", variance definition (direction to check with legal); edits noted. Recommendation to review this chapter at the same time as reviewing GCC-1 and GCC-2.

b. **ORDINANCE 17-2022** AN ORDINANCE AMENDING CHAPTER 1155 OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

Commission and staff review of the ordinance draft. Discussion on permitted and conditional uses, wording "should" versus "shall"; edits noted.

8. Other Business

1. Lewie Main provided some comments on items he believes are issues with the Tree Ordinance that affect Chapter 1183; also noted Title Nine, said there are errors that need to be reviewed and corrected. Recommended checking with the Law Director on questions about the Tree Commission and Title Nine authority.

2. Jessie Coppel said everyone should review how GCC-1 fits in with the Design Review Standards, a portion is in a corridor district.

9. Adjourn

With no further business, Mr. Green moved to adjourn, Mr. Coppel seconded and all were in favor.

Meeting adjourned at 8:58 pm