



Planning & Zoning Commission
Tuesday, September 13, 2022 - 6:30 PM
MINUTES

1. Call to Order

Chairman Green called to order the Planning and Zoning Commission meeting for September 13, 2022 at 6:30 p.m.

2. Roll Call

Present - Chairman Ryan Green, Jesse Coppel, Charlie Campbell, Walter Raub, Steve Dyer

Absent - None

Staff present - Sean Staneart - Assistant City Manager, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - Lewie Main, Jay Hilderbran, Travis McIntyre, Mary Queen Cool, Donria Lavalley, Terri Fetters, Brooke Schwass, Denise Blankemeyer, Dennis Blankemeyer, Brad Schwass, Gary Burkholder, David B, Glenn Ronken, Travis Van Deest

3. Pledge of Allegiance

4. Public Comment

1. Lewie Main

- Referenced GCC-1 and GCC-2 on tonight for council recommendation. Said there were two other chapters that were written specifically for downtown, VC and Village Commercial (chapters 1167 and 1169). His question is when will they rezone the downtown area for the two zoning classifications that were written and codified. If they are not going to be implemented then they should be removed.
- Says the current zoning map does not meet the code, he would like to see an official zoning map authorized by the Council and the Mayor that meets the criteria of the code.

Jesse Coppel said one of the issues they ran into trying to align the zoning code to the map was that there were legal questions on whether they could change someone's zoning unilaterally, because that changes their rights. Mr. Main said there are a number of zoning changes not reflected on the map, as a citizen, he would like to see the city get an official zoning map, he knows it will take money but it should be discussed for next year's budget.

ACTION: Jesse Coppel moved to recommend an official zoning map update to Council; Charlie Campbell seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 5 - 0

5. Approval of Minutes a. August 9, 2022 and b. August 23, 2022

ACTION: Ryan Green moved to approve both as written; 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. Tabled Applications

- a. Application # Z-22-159 Zoning Map Amendment TABLED AUGUST 9, 2022
No new materials have been submitted; application to remain tabled at the applicants request. Sean Staneart said that if the board intends to take the application from the table, the applicant should be notified.

7. Application # Z-22-191 Conditional Use Permit; 18 S. Main Street

- a. Application & Staff Report
The applicant has a property in the GCC-1 zoning district and would like to do a transient accommodation style of business. Sean Staneart said it was hard for him to make a recommendation on this particular application because there was not a lot of information given such as where the transient would be, upstairs or downstairs, how many units would there be and without prior knowledge of those things he was not comfortable giving a recommendation. Mr. Staneart reviewed his staff report, the GCC-1 zoning district code and the General Standards for Conditional Uses, all included with the packet. He specifically noted attention should be given to historic preservation with regard to building modifications and that no single or multi-family are allowed on the first floor in the GCC-1 zoning district.

Applicant Travis Van Deest was present, said he would like to convert the upper and lower floors to short-term rental units. He said he currently has two parking spaces, and does have trash service (two roll-offs). Applicant said he would not be making any major renovations; there is already a one-bedroom apartment upstairs and the downstairs has a kitchen, a bathroom and a loft where they would put another bed. Steve Dyer asked if this were approved, how many rooms would there be total; Mr. Van Deest said two to start, one up and one down. Mr. Dyer also expressed that the application was very vague. Charlie Campbell asked if this were approved, what would it do to the business on the right in the building he owns. Mr. Van Deest said if the barber left, he would consider adding another unit; Mr. Campbell stated if that were to happen, a new application would be needed. The applicant referenced the "Bed Tax" and other precedents set by another local transient business at 10 W. Pratt which is similar to what he is asking for. Continued with board member questions which were answered, applicant stated he would like to keep the window sign, it was noted that if the business is no longer there, it would not be allowed as an off-premise sign. Mr. Dyer asked if the applicant had any plans to show them on what

this would look like, Mr. Van Deest said no, that there is a kitchen upstairs and one downstairs, all he needs to do is add beds, that they are not building anything. Staff drew attention to 1131.02, the Conditional Use application requirement to provide a plan of the proposed site showing location of buildings, parking and loading areas, traffic circulation, open spaces, landscaping, refuse, service areas, utilities, signs, yards and other information the Commission may require to determine if the proposed conditional use meets the intent and requirements of the Ordinance. Sean Stanearth said there are a lot of unanswered questions, it is well within the Board's right to ask for the appropriate documentation, there is not much to go on for enforcement at this time. Board members agreed that they would like to have some visuals. Chairman Green asked Zoning Inspector Jim Blair if property owners were notified and if he heard from anyone. Mr. Blair said the only inquiry he had was from the Monroe-Township Fire Department. Mr. Green referenced the Comprehensive Plan which calls for mixed use in that area but heavier on the commercial. He also looked at the Design Review Standards which promotes ground floor commercial at seventy percent and residential/business on top at thirty percent. Mr. Green asked if the applicant has ownership of the property, Mr. Van Deest said yes. Mr. Green inquired on bathroom facilities and fire mitigation. Applicant stated there was a bathroom on each floor and he has met all the safety protocols and has been inspected. Walter Raub agreed that he too would like to see a plan and have a firmer idea of what the applicant is looking for on the first and second floors.

Public Hearing: No comments

Board members expressed a desire to table the application in order to get more information from the applicant. Mr. Dyer recommended tabling, Mr. Raub said he would like to table as well, he would like more information, he does not feel comfortable right now, it is just a lot of verbal, he would like a more concrete plan.

ACTION: Steve Dyer moved to table the application; Walter Raub seconded and the vote was as follows:
AYES: Ryan Green, Jesse Coppel, Walter Raub, Steve Dyer
NOES: None
ABSTAIN: Charlie Campbell; related to the applicant

Application Tabled 4 - 0

Chairman Green told the applicant if he wanted to come back in with a plan that matches more closely with everything requested they would take another look at it.

8. Board Request for Reconsideration of Application # Z-22-178 Variance; 20 Pratt Street

a. Application & Staff Report

Chairman Green provided background; this application was seen at the last zoning meeting, not all members were present and a tie vote failed, applicant has requested an appeals process. Mr. Green said as a member of the prevailing side of a vote he would like to bring the application back. Sean Stanearth reviewed the three options for appeal: 1) the decision rendered by the board could be appealed to the county, 2) the applicant could continue to file another variance, 3) Motion to Reconsider; the Planning & Zoning Rules of

Order 9.05 provide the option for a member who voted on the prevailing side of an issue to move for a reconsideration of any action of the board, provided the motion is made by the next regular meeting after such action was taken.

ACTION: Ryan Green moved to reconsider application # Z-22-178; Jesse Coppel seconded and the vote was as follows:
AYES: Jesse Coppel, Ryan Green, Walter Raub, Steve Dyer, Charlie Campbell
NOES: None
ABSTAIN: None

Passed 5 - 0

Applicant Dennis Blankemeyer said that the alley gets a tremendous amount of traffic, for them an eight-foot fence is a matter of safety and security. A six-foot fence is not much when you have people walking behind the building, he and his wife Denise will be living there, it will be their back yard, they would appreciate the board's reconsideration. Mr. Blankemeyer answered board member questions and provided an update on the project. They have renovated the second floor of the building for their personal residence and there is an entry area that faces Pratt Street. They look for the eight-foot fence for privacy and security of their back patio. Discussion on utility meter access for servicers.

Public Hearing: Chairman Green opened the floor for public comments. Lewie Main said it sure will make it look better. No further comments.

ACTION: Jesse Coppel moved to approve the variance application; Steve Dyer seconded and the vote was as follows:
AYES: Walter Raub, Steve Dyer, Charlie Campbell, Jesse Coppel
NOES: Chairman Green
ABSTAIN: None

Passed 4 - 1

Application approved.

9. Legislation Review & Recommendation to Council

- a. **ORDINANCE xx-2022** AN ORDINANCE AMENDING CHAPTER 1155 (GCC-1) OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES
- b. **ORDINANCE xx-2022** AN ORDINANCE AMENDING CHAPTER 1157 (GCC-2) OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES
- c. **ORDINANCE xx-2022** AN ORDINANCE AMENDING CHAPTER 1141 (Districts Generally) OF THE CITY OF JOHNSTOWN CODIFIED ORDINANCES

d. **ORDINANCE xx-2022** ORDINANCE ESTABLISHING AN AGRICULTURAL ZONING DISTRICT

Some discussion on the history of the GCC-1 and VC zoning districts, Sean Stanearth provided context around the adoption of Village Commercial and Village Center. Review of the GCC-1 ordinance draft, edits noted by staff.

Walter Raub left the meeting at 8:11 pm

Discussion on the GCC-2 zoning code draft and allowable and conditional uses. Edits noted by staff.

Review of Agriculture ordinances. Some editing is necessary to separate definition from district establishment, staff to edit into separate ordinances.

ACTION: Jesse Coppel moved to forward the recommendation of passage of GCC-1, GCC-2 and Agriculture to include definitions, and with all edits discussed tonight to council; Ryan Green seconded and the vote was as follows:
AYES: Steve Dyer, Charlie Campell, Jesse Coppel, Ryan Green
NOES: None
ABSTAIN: None

Passed 4 - 0

10. Zoning Inspector

- a. August 2022 Summary Report
Jim Blair highlighted items in his report.

11. Other Business

1. Ryan Green said he investigated the trees being cut down in Leafy Dell, it is just gas line right of way maintenance.

12. Adjourn

ACTION: Ryan Green moved to adjourn; Steve Dyer seconded and all were in favor.
AYES: Ryan Green, Jesse Coppel, Walter Raub, Steve Dyer
NOES: None
ABSTAIN: None

Passed 4 - 0

Meeting adjourned at 8:49 pm.