Planning & Zoning Commission Meeting
Tuesday, September 8, 2020 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Minutes
   a. August 11, 2020
5. Public Comment
6. Discussion: Draft Ordinance for Large Vehicle Parking
   a. Draft Ordinance X-2020
7. Accessory Dwelling Units
   a. Accessory Dwelling Zoning
8. Zoning Inspector
   a. August 2020
9. Other Business
10. Adjourn

Planning & Zoning Commission
Tuesday, August 11, 2020 - 6:30 PM
MINUTES

1. Call to Order

   Chairman Ryan Green called to order the Planning and Zoning Commission meeting for August 11, 2020 at 6:34 p.m.

2. Roll Call

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

   Staff present - Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Jim Lenner - Village Manager, Marvin Block - Village Council, Cheryl Robertson, Teresa Monroe - Clerk of Council

   Public present - Kady

3. Public Comment on items not on agenda

   None

4. Approval of Minutes

   a. July 28, 2020

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

Passed 5 - 0

5. Interim Design Guidelines

a. Draft Resolution 2020-XX

Bailey Klimchak presented a draft resolution for design guidelines copied from the Strategic Plan to act in the interim until permanent design guidelines are completed by the third party. Mr. Lee noted his previous recommendations added along with two additional items he would like to incorporate; *objective number one: Policies and Recommendations* and *Utilization of Existing Vegetation and Topography.* Bailey said she would add in as long as OK with other commission members, there were no objections.

Chairman Green opened the floor to any public comments; there were none.

ACTION:	Ryan Green moved to Approve with the conditional addition of those two items ; Jesse Coppel seconded and the vote was as follows:
AYES:	Jesse Coppel, Ben Lee, Ron Danne, Jon Merriman, Ryan Green,
NOES:	None
ABSTAIN:	None

Passed 5 - 0

Ms. Klimchak said she would get the changes complete and send to Council next week.

6. Zoning Inspector

a. Inspector Report

Zoning Inspector report was sent out with the packet. Jim Blair answered questions of Board Members relative to his report; discussion on specific disabled vehicles and other property violations. Discussed allowance of "tent" style garages and writing legislation to prohibit. Jim to forward reports on garage addition at 105 Saratoga to Commissioners. Discussion on potential for assisted living home noted in report followed by further discussion on the former nursing home, behavior control patients, Conditional Use permits. Member of the public Kady asked about status of the old nursing home on Main Street. Mr. Block provided an update from a conversation with one of the owners; it is currently for sale and said he wants a million dollars for the building, it needs a lot of work inside and it is behind on property tax. Mr. Block asked if the signs at the old Coughlin building were in compliance; Mr. Blair said he approved temporary signs for the businesses until after ODOT gives US62 plans for that area, then the owner will install a permanent multi-tenant sign.

7. Other Business

1. Ryan Green would like to coordinate a meeting with the Parks and Rec committee to discuss Raccoon Creek Park, in the evening when his contacts could attend; Ms. Klimchak asked him to reach out to the committee Chair, Carol Van Deest.
2. Mr. Coppel asked about the property with the dumpsters on Track Street; Ms. Klimchak said that issue is currently with legal counsel and she is unable to comment publicly. Mr. Coppel asked if there was a commitment on when that would come out of legal; Ms. Klimchak said no. Mr. Coppel addressed Mr. Blair again on the property zoning and Ms. Klimchak said again, they are not able to comment on this publicly. Mr. Coppel said his understanding is if someone is in breach of a zoning violation, that is not something to normally go to legal about; Ms. Klimchak said that it was something to go to legal about. Mr. Coppel asked about the meeting between legal council and staff; Ms. Klimchak said village legal council is going to take action and she is not allowed to comment on what that action will be. Chairman Green said as long as the Board is kept updated and it is moving forward that is what they are looking for. Mr. Green asked if Village Council could get more information on this; Ms. Klimchak said if they have an Executive Session, yes. Marvin Block said he would request Executive Session with council for an update from the Law Director.
3. Ms. Klimchak noted the lot on US62 beside the Shell station is for sale; it would be great for commercial or office, not great for a drive through because of a stacking issue.

8. Adjourn

There was no further business.

ACTION:	Ryan Green moved to adjourn; Benjamin Lee seconded and all were in favor
AYES:	5
NOES:	None
ABSTAIN:	None
	5 - 0

The meeting adjourned at 7:30 p.m.

VILLAGE OF JOHNSTOWN
STAFF REPORT

Ordinance Number: 49-2017
Originator: Zoning Department
Property Address: Johnstown Village
Commission Date: September 8, 2020

Proposed change: adding language to Ordinance 351.14 to limit parking large commercial trucks or equipment in residential neighborhoods. This change will allow the Zoning Inspector the authority to address violations, first by using a notice attached to the vehicle notifying the equipment owner of the violation. If violations continue the Zoning Inspector will have the authority to take the violator to court.

Background: Within the Village of Johnstown in residential neighborhoods the streets, driveways and parking areas are primarily designed for passenger vehicles and small trucks such as pick-ups and delivery vans. Neighborhood sidewalks are built with 4" of concrete, driveway approaches are built with 6" of concrete reinforced with rebar or wire. These areas not designed to support large commercial trucks other than occasional deliveries. Large heavy trucks such as flatbed trucks with dual wheels, single axle or multiple axle 18 wheel dump trucks or semi-tractors used to pull 55' trailers. The Zoning Inspector receives complaints about these heavy duty large trucks parked in residential neighbor hoods. Ordinance 351.14 Parking of Large Vehicles Prohibited already exists and is enforced by the Johnstown Police Department as needed. The Zoning Department is proposing adding new language to Ordinance 351.14 to include "Residential or used as residence" as shown in the attached copy.

Staff Recommendation: approving the additional language to 351.14 as shown in the example.

Village of Johnstown
Administrative Offices
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VILLAGE OF JOHNSTOWN

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ORDINANCE X-2020

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF JOHNSTOWN SECTION 351.14 REGARDING PARKING OF LARGE VEHICLES

Whereas, Section 351.14 of the Codified Ordinances of the Village of Johnstown regulates large vehicle parking on streets and alleys within the municipality; and

Whereas, the Village desires to amend Section 351.14 to include regulation of such vehicles on property zoned or used as residential; and

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Johnstown, Licking County, Ohio as follows:

Section One Additions to Codified Ordinance Section 351.14 are shown in grey.

351.14 PARKING OF LARGE VEHICLES PROHIBITED.

(a) No person shall park any truck (with the hauling capacity more than five tons), tractor, trailer, bus, or camper upon the street and alleys of the Municipality, or on property currently zoned Residential or used as a residence, for more than two hours. However this section shall not apply to trucks or trailers used in conveying of the necessary tools and materials to premises where labor using such tools and materials is to be performed during the actual time of parking such trucks or trailers. Nor shall it apply to motor trucks or buses conveying passengers to any public meeting, assembly, church, convention or entertainment during the actual session of any such public meeting, assembly, church, convention or entertainment, not to the actual time during which a motor truck, tractor, trailer or semi-trailer is being loaded or unloaded or used to deliver or hoist property or merchandise for the completion of a delivery.

Section Two It is found and determined that all formal actions of this Village Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this Village Council and that meetings resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN

Date of Introduction:
By: _____

_____
Chip Dutcher, Mayor

Date of passage: _____
Effective Date: _____

ATTEST TO:

_____
Teresa Monroe, Clerk of Council

APPROVED AS TO FORM:

_____
Yazan Ashrawi, Law Director

DRAFT

Accessory Dwelling Zoning - Examples and Further Comments

Hudson, Ohio

Located in Summit County, Ohio, north of Akron; Population: 22,000

Accessory dwellings are regulated as *Residential Accessory Uses* within their Accessory Use chapter (Ordinance 1206.03)

Ordinance Text

Residential Accessory Uses. Residential uses shall include the following accessory uses, activities, and structures:

1. Accessory dwelling units only in District 4 and District 5 when incidental to a principal single-family detached residential use and subject to the following conditions:
    A. Accessory dwellings shall consist of living quarters integrated within single-family dwellings, or those located in detached accessory buildings, such as carriage houses or garages, that are located on the same lot as the single family dwelling.
    B. Accessory dwellings shall be at least 500 square feet in total gross floor area, but no more than 850 square feet in gross floor area, and shall contain at least two rooms and private sanitary facilities with hot and cold running water, and cooking and food storage facilities.
    C. For the purposes of calculating residential density, each accessory dwelling shall count as one-half dwelling unit.
    D. There shall not be more than one accessory dwelling on a lot in addition to the principal single-family dwelling.
    E. A permitted accessory dwelling unit shall comply with all other applicable site and building design, height, access, and other standards for principal dwelling units in the zoning district in which the accessory dwelling will be located.

Yellow Springs, Ohio

Located in Greene County, Ohio, east of Dayton; Population: 3,700

Accessory dwellings are regulated under *residential conditional uses* within the Conditional Use chapter (Ordinance 1262.08)

Ordinance Text

Residential

(1) Accessory dwelling units.
    A. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.
    B. The accessory dwelling unit shall share all public utilities (water/ sewer/electric) with the principal dwelling unit. Accessory dwelling units will not be separately metered.

C. A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
D. The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet of the total living area of the principal dwelling or 800 square feet, whichever is less.
E. The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven and/or stove, and sink) and may contain not more than one bedroom.
F. No more than two adults shall occupy the accessory dwelling unit.
G. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

Other Comments

- Current ordinance states that each detached dwelling must have its own tap.
- The Village has had issues in the past (before current ordinances) with people renting our multiple units in a converted garage and traffic issues related. Requiring one off street parking spot for the unit may be helpful as is shown in the Yellow Springs example (C).
- Village attorney comments on limiting those who live in ADUs to people who are related to the primary owner: *"it is possible, but it can get very tricky. Basically, the Village would need to define "family" in a certain way, then restrict certain residential districts to families and not "unrelated" people. But the fact that we would try to restrict this for ADUs – rather than the primary residential structure – it could get very complicated. And the restriction is not without risk. Local government get sued pretty regularly any time there are these types of restrictions"*
    - This is something that will be very hard to enforce and if the Village does implement a rule like this, it is not without risk - on both the administrative side and legal side
- Most lenders don't offer ADU mortgages, so payment tends to be with cash or with a home equity line of credit.
- Previous comments from P&Z:
    - Consider requiring ADU's to have permanent foundation, bathroom, kitchen and ingress/egress
    - Parking requirements and roof pitches
    - Owner occupancy requirements - owner must live on lot
    - Permitting and inspection
    - Continuing upkeep
    - Fitting in w/ surrounding environment, architecture and design review

Next Step

Should staff move forward with putting together a draft ordinance for auxiliary dwelling units in the Village? If so, please consider where in the Zoning Code you might like to include these.

VILLAGE OF JOHNSTOWN, OHIO

August 2020 Zoning Inspector Report

August 1, 2020 through August 31, 2020

330 Raccoon Ave issued permits for another new Pulte Home value $299,685.

285 S Oregon issued a Zoning Permit for a 20x22 garage/workshop.

287 S Williams after receiving a certified letter about the property conditions and overhanging trees on Elm the property has been cleaned up.

60 S Williams met with the homeowners to discuss replacing their driveway approach, widening the drive, adding an additional parking space at the side and concreting all surfaces.

162 E Pratt an RV trailer has been parked in the side yard. This is a rental house. Contacted the property owners and they had the trailer removed.

205 Red Fox met with the homeowners to discuss drainage issues in their yard this is a new Pulte home. Update: Pulte has made improvements to the area.

Inspected and approved forms for new sidewalks and driveway approaches.
118 Bigelow
124 Bigelow
127 Bigelow
329 Raccoon Ave.
323 Raccoon Ave.

72 Williams at W Pratt ongoing issues with this neglected rental property, overgrown trees and bushes overhanging into the street. Partially cleaned up.

312 Central Station Drive issued a shed permit.

218 Weeping Willow Run inspected post holes for a new fence.

83 E Pratt new complaints about this property from a neighbor, this home is currently being painted and cleaned up.

44 N Main there are issues with a shared driveway, the homeowner has contacted me looking for help. They are new to the property; their barn that had been converted to a large two car garage. At the rear of

52 N Main is a shed with a carport attached plus a privacy fence. At 44 N Main the large barn that has been converted to a two car garage has two individual roll up doors one side of the garage cannot be used; there is not enough room to turn in. I am in contact with the driveway owner at 52 N Main, were a new garage is in construction, once it is completed the existing shed carport will be removed, with it removed along with a section of the privacy fence this should allow access to the garage for the owners at 44 N Main. The 52 N Main owners have been very cooperative.

Mastodon Trail received a call about adding some signage at the Trailhead to identify the Mastodon Trail. The signs will be ordered through the Village Service Department.

59 Yardner contacted the property owner of the apartment building about two disabled vehicles after first tagging them for ZVN. One of the vehicles is a large 1960 something flatbed truck with no license tags, junk in the bed and under the truck setting in the weeds. The property owner contacted the two renters that owned the vehicles. The other vehicle was an older Chev Blazer with up to date tags and two flat tires setting in the weeds. The Blazer owner contacted me and was very cooperative he immediately took care of his SUV. The owner of the flat bed put a blue tarp over it after calling me, the language was so bad I hung up on him so he spray painted "F- Jim Blair" on the tarp. Bottom line the truck is gone.

405 Fox Drive new Pulte home valued at $361,226.

508 Pheasant Ct new Pulte home valued at $325,860.

Jersey and Williams's vacant lot contacted the property owner about a small patch of ornamental grass on the corner obstructing the view. He was very cooperative it was removed.

670 W Coshocton met on site to approve the location of a temporary wood sign for Thrope Garage, they are relocating to this address.

335 Green Acres issued a shed permit.

661 W Coshocton two new businesses are moving into a 14,500 square feet section of the shopping center next to TSC they are sharing the same entrance but will have two separate wall signs. The space will be divided equally. One is Binmania the second business sells pallets of new returned merchandise from stores like Wall Mart and Amazon. The building is being readied for the new stores and they should be open the first week of November. This information was provided by Alterra the shopping center owner and the owner of Binmania.

422 Fox Drive received an email from the realtor involved in the sale of this Pulte property to the current owners. She was asking about the drainage issues; I assured her that Pulte is working with the property owners to correct the issue. Some of the work will be postponed until fall so they can replant the grass.

W Coshocton O'Reilly's Auto Parts received a complaint about the neglected grass and landscaping, stopped in and told one of the employees, he passed it on to the manager.

90 S Main Pizza shop, the empty building has been rented to the owner of Dirko's Pizza after much new equipment and some building renovation the owner plans to open in October. He has three other Pizza Shops.

Occupancy permits issued for new Pulte homes. Several needed final grading, landscaping and connectors completed, all in process work.

332 Raccoon Ave.
123 Bigelow
325 Raccoon Ave.
409 Fox Drive.
431 Fox Drive

221 Kyber Run Circle inspected and approved post holes for a new privacy fence.

Kyber Run Shopping Center 8 months after my first request and going through two shopping center management companies the white privacy fence that was blown down early last winter has been repaired. I now have a new dependable contact for issues with regards to the center.

104 Parkdale received a call asking specific questions about shed sizes, HOA and were they can be located.

290 Central Station the property owner installed a fence earlier this year the post and wire are completed but the rails have not been installed. Contacted him and asked when the fence will be finished, he expects to have the rails added late September. Circumstances related to Covid 19 have been an issue for the family.

112 Parkdale received questions about fencing and an existing easement, the owners are planning to install an in ground pool.

Signs removed 7 miscellaneous signs throughout the Village many were screwed onto poles or wire tied to street signs.

133 Saratoga left a ZVN on a Chev Blazer parked in the center of the front yard, the driveway was empty. The owner called to tell me he would park where he wanted to it was his property and he would not remove his car. I explained to him that parking in front yards was prohibited and sent him a certified letter as a backup. The problem has been solved.

Inspected and approved forms for new sidewalks and driveway approaches.
322 Raccoon Ave
328 Raccoon Ave.
433 Fox Drive
423 Fox Drive

311 Mandaric issued permits for another new Schlabach home value $379,000.

E. Pratt Cantrell Plumbing inspected the new blacktop parking area at the rear of the building; this was done to eliminate water drainage from the property onto surrounding residential property. Mark Cantrell always concerned and being a good neighbor delivered on his commitment.

670 W Coshocton approved a wall sign permit and inspected the planned location prior to installation for Thrope Garage.

Kyber Run Circle the HOA representative emailed asking about adding additional no parking signs to the inside of the Kyber Run Circle. With the Fox Trail street connection to Kyber Run Circle traffic has

increased in the development. Part of the Circle already has no parking signs. The goal is to slow down some of the traffic in the area and to improve the view from the sidewalk were the kids are playing.

107 E Jersey issued a shed permit.

72 S Main discussed with the property owner major renovations to several of his properties at S Main and E Pratt between S Main and Post Office Alley. He has provided sketch prints. The proposed design structural changes and ingress and egress points are acceptable; the changes will require a Certificate of Appropriateness and a Zoning Permit once the construction prints are submitted with building material samples. This is a Major improvement project for the S Main area.

31 Greenscape issued the Zoning Permit for building number three. Excavation has started on the 32,000 square feet building. The water line and sanitary sewer was previous installed at the edge of the site when building number two was build. No COA is required. The building construction costs are estimated at $1,700.000.

Trailhead: inspected post holes for the new shelter house, number 3. Returned to inspect the rough framing. The building is 24 x 32, with a metal roof.

Trailhead: met with a contractor to discuss grading the area adjoining the existing parking lot. The plan is to double the amount of parking spaces and provide a second entrance from E Jersey. He would level out the area add number 2's and 3's stone for the base and top it off with rolled 304. We then walked through the wooded area. I asked for a quote for removing most of the trees, all the brush and grading the area. We identified between 6 and 10 trees worth saving that would offer shade for the Dog Park. He has provided me with three separate estimates.

336 Raccoon Ave another new Pulte Home valued $323,525.

301 Green Acres another new Maronda Home valued at $301,165.

8 W Coshocton two political signs in the ROW one on N Main one on W Coshocton. Contacted the business owner he said he did not put the signs there and he removed them.

Removed 10 miscellaneous yard signs screwed to telephone poles.

266 S Main received prints for a 1,675 square feet two story addition with a two car garage and covered rear porch. Pending.

670 W Coshocton discussed with the business owner at this address he plans to have a car show with a food truck, we discussed the Village Food truck application process.

Jim Blair