



Planning & Zoning Commission  
Tuesday, September 12, 2023 - 6:30 PM  
MINUTES

1. Call to Order

Chairman Green called to order the Planning and Zoning Commission meeting for September 12, 2023 at 6:33 p.m.

2. Roll Call

Present - Chairman Ryan Green, Jesse Coppel, Benjamin Lee

Absent - Walter Raub, Steve Dyer

Staff present - Sean Staneart - Acting City Manager, Thadeus Boggs - City Law Director/Frost Brown Todd, Trevor Traphagen - City Planner/MKSK, Chris Hermann - City Planner/MKSK, Mayor Donald Barnard - City Council, Nicole Shook - City Council, Officer Jeremy Pache - Johnstown PD, Teresa Monroe - Clerk of Council

Public present - Adam Wheeler, Glenn Ronken, Mary Queen Cool, Manon Van Schoyck, Brian Marsh, Paula Wolff, Will Coppel, Philip Wagner, Dave Ward, Andrea Ford, Franz Stein, Andrew Masciol, Cyndi Duke, Dave Selan, Molly Gamertsfelder, Noah Fishman, Andrew Theophilus, Dave Pontia, S Clark, Todd Huston, Tom Ruby, Jamie McNally, Aaron Underhill

3. Pledge of Allegiance

4. Public Comment

No public comments on matters not on the agenda.

5. Approval of Minutes

**ACTION:** Chairman Ryan Green moved to approve in a block; Benjamin Lee seconded and all were in favor:

**AYES:** Benjamin Lee, Ryan Green, Jesse Coppel

**NOES:** None

**ABSTAIN:** None

**Passed 3 - 0**

a. August 9, 2023

b. August 22, 2023

6. Application # Z-23-175 Zoning Map Amendment / Preliminary Development Plan

a. Application materials

Acting City Manager Sean Staneart said that they have all been well aware that Johnstown

would have some development pressures and they have worked to stay in front of it. They adopted a PD (Planned Development) District into the code effective in July, which allowed for a different way to view development, on a larger scale, at a master planning level. They are also going through the Comprehensive Plan which is typically a twelve month process, and is not yet complete. The Growth Framework Plan was adopted about a month ago as a complement to the current Comprehensive Plan along with a Future Land Use Map.

Trevor Traphagen, City Planner with MKSK, provided an overview of the Planned Development (PD) District, which is the mechanism being requested to be used to rezone the property subject to this request, about 407 acres adjacent to the southern border of Johnstown. He said this is a request to rezone, not directly tied to the annexation, although a request has been submitted. This is a request to rezone and apply a new zoning district to the properties. Planned developments are used to facilitate developments that have multiple uses or are large scale and allow flexibility to be able to negotiate development standards and uses in a public and open setting. If the request is ultimately approved, the zoning text and associated master plan become a unique zoning district, only applicable to these properties included in the PD. Before any development can actually happen, the applicant must come back and request a final master plan for each specific area they want to develop within that overall master plan. This is not the end-all for this request, they will have to come back for a similar process like tonight. Mr. Traphagen reviewed procedures for consideration of the application for the board.

Chris Hermann, City Planner with MKSK, said this is the first step in the Preliminary Development Plan, the Planning Commission serves as a recommending body, it is their understanding that the applicant wants to have this meeting and conversation and is not asking for action tonight, which means they assume there will be a request to table, and there will be a follow up meeting of this body. At some point, this body must make a recommendation, of approval, of approval with conditions, or denial to City Council. City Council will have a public meeting and will have the final say on approving the rezoning. While the applicant set up for presentation, Mr. Hermann invited the public to the next meeting on the city Comprehensive Plan, September 27, 2023 at 6:00 pm.

Present for the application were Aaron Underhill, a zoning attorney with Underhill & Hodge, as well as Tom Ruby and Jamie McNally with New Albany Company/Johnstown Land Company. Mr. Underhill said this application was seen informally two weeks ago by the Planning Commission and on this formal application, they do not expect a vote tonight, especially as there are two members absent. Since last meeting they have met with city staff, MKSK, Dr. Philip Wagner and a couple of school board members to provide some data to support what they believe will be the impact on the school district from this proposal, both financially and from an enrollment standpoint. They have continued to collect data in support of their project. Mr. Underhill continued with the presentation saying that when one of the biggest projects that Ohio has ever seen and one that America rarely sees, ends up in your back yard, it can be startling, they understand that. A strange mix of emotions comes to the local community, fear of the unknown, optimism about a once in a generation opportunity, and skepticism about whether promises, predictions, and projections are too good to be true. Mr. Underhill said the land we are talking about tonight is one of the most uniquely positioned in the entire country, an ecosystem of suppliers, businesses and mixed use development is more than just appropriate at this location, it is necessary and essential to support Intel, its campus and its employees. He added that these uses and developments are going to happen in this area, it is an incredible

opportunity that Johnstown has in front of it, influence and control over uses and development standards as part of a master plan over hundreds of acres. Choreographed correctly, the financial impacts to this community will be overwhelmingly positive and possibly transformational. For example, their projections based on actual data and experiences in the New Albany Business Park right next door, are that a 25 acre Light Industrial development can be expected to generate \$5.6 million of annual payroll in today's dollars. A 35 acre data center site will generate over \$310,000 per year in New Community Authority (NCA) assessment revenue on its own, even in conjunction with an abatement of taxes or otherwise. Some ask when Johnstown and the school district will reap the benefits of this development. Currently, 4,500 acres of the New Albany Business Park is located within the Johnstown-Monroe School District, even though it is within the City of New Albany. Through a longstanding agreement between the school district and the City of New Albany, the district is receiving a significant revenue stream from projects today and as tax abatements burn off, the numbers will be staggering, this planned district will only add to these financial benefits. Mr. Underhill reviewed the proposed plan which includes 407 acres divided into five sub-areas showing use for Office, Manufacturing, Production and Industrial, Data Centers, Warehousing, Community Institutional, Neighborhood Commercial, Multi-Family Residential, Mixed Use and Parking Structures. Jamie McNally spoke on the proposed apartments saying that the target demographic for the residential will be geared toward young professionals at Intel, these apartments would be in the 600-700 square foot range and they would most likely be willing to commit to limiting the number of occupants per bedroom. Mr. Underhill said the investigation in to student yields for other similar uses were Bridge Park in Dublin, in 700 rental units there are 13 students. Similarly, Grandview Yard has 1300 rental units and 22 school aged students. They are committing to 95% of the units being one to two bedrooms, they estimate 0.06 students per unit and they anticipate a seven to ten year build out. Mr. Underhill continued to review the plan and subarea screening, mounding, greenspace and streetscape. He said they have tried to look at every angle of this plan to address the neighbors and to ensure they are doing this in a way that is responsible for the school district. He said they think there is a ton of opportunity for the Johnstown community as a whole, not just the city but its other partners, to have a project that will be a game changer in terms of its future.

Chairman Green opened the floor to the public.

**Public Comments:**

1. Todd Huston

- This is an opportunity for the city and the area, it is one that is not going away. As a city, Johnstown has a say in how the planning will take place.
- Sub area 2 which is already in the City of Johnstown was originally zoned for light industrial not warehouse & distribution, he as a resident does not think it fits well in that area. It is too close to the city area for truck traffic, he doesn't know what Huntington Solutions is or what the Port Authority might have promised but if it is distribution and warehousing, he doesn't think that is a good fit.
- He is in favor of planned development for large areas like this.

## 2. Jeff Barr

- This plan only allows for fourteen acres of park space but we are in critical need of large parcels to develop for active recreation. A half-acre pocket park with a bench or small playground is not what we need. This will be spread throughout the development, and that does not allow a child to play soccer, baseball or lacrosse. He encouraged the board to keep this in mind for negotiation because the \$15,000 per acre fee in leu of will never get enough land, asks them to use that negotiation tool.

City attorney Mr. Boggs corrected Mr. Barr's \$15,000 statement and said it is \$45,000 per acre fee in leu of.

## 3. Dr. Philip Wagner

- The Board of Education has been working closely with the city officials, they appreciate all the attention on this. They did meet with New Albany Company and representatives once and look forward to future meetings.
- The school district has long-range planning but is reviewing these potential developments and the impact upon the student enrollment.
- The school board members universally do not want to have multiple schools as some communities, only one high school/middle school etc.
- In addition to student enrollment considerations, the school district is looking at financial modeling, working closely with city officials on economic development and compensation models and could potentially have a council and school board joint meeting in October to vote on a compensation agreement. The financial impact is important because they do not want to raise taxes during this growth process.

Jesse Coppel asked if, at a future meeting, Dr. Wagner could provide more detail about what the capacity is now with projects already approved and what the capacity looks like with this proposal, so they have in mind what would be needed immediately or within the seven to ten year buildout period.

## 4. Molly Gamertsfelder

- She has always felt like Johnstown council has worked with the public and listened to them on how Johnstown would grow.
- She has lived here a long time, knows a lot of people in Johnstown, Newark, Alexandria, Sunbury and Heath and said from her perspective, 98% of people she knows are not happy about what is happening here. The white fences are a very sore point, we are Johnstown, not New Albany, if we are going to grow, we want to be an individual.
- Greenspace is important for wildlife, there is growing concern about where they will go.
- Is an employer, there are plenty of jobs, shops, restaurants etc., we don't need more.

## 5. Will Coppel

- Asked if there was a dedicated medical area in any of this, it is a good haul to a real emergency room from here.

## 6. Mano Vanskoyk

- Moved here from Dublin to get away from the city. Things that are important to her are wildlife and wildlife habitat.
- Sub area three and four have no appeal to her
- She plans to come on September 27th, this plan is not what she wants for Johnstown

## 7. Troy Hendren - Monroe Township Trustee

- The developer has been very good at communicating with them
- We need land for schools, need to look 25-30 years down the road
- Trying to get \$10,000 for a pickleball court
- Nothing wrong with asking for things we want

## 8. Linda Peck

- We are Johnstown, not New Albany. We do not have to accommodate New Albany and Intel employees. Implores the board to consider what residents want not what New Albany Company wants.

## 9. Dave Ward

- Thinks the plan is great but when he sees areas that have rapid growth, residents get moved out because they can't afford it, doesn't think residents will be able to afford to stay
- Since we have a strategic chip company coming into our area, is there anything being developed, added or enhanced to monitor what is going on in our general region, any security planning from a National defense standpoint.

Mr. Green thanked the public for speaking and closed the floor. He gave the applicant the floor to answer some questions that were asked.

Jesse Coppel noted that the plan does not separate park land from green space and would like the acreage not the money in lieu of. Added that they can control what is in Johnstown but the school district is so much larger than the Johnstown borders, that when people say they don't like this project, "go take a hike", that doesn't mean they will still not build this project in our school district, they may just annex it to New Albany and they would get the revenues. It is more complicated, it is important to come up with a plan that works for everybody. Not everyone will like every aspect of this plan, but if we can come to an

agreement through this negotiation process, it is not their decision alone that makes this stay or go.

Chairman Green said there will be a lot to come with this project, there is a lot to examine, even though we have this project coming in and it is something we have to work with, it does not mean that we have to lose our identity in the process. Our schools have got to be able to digest this, they will continue to work hard with the schools. There are other entities that will develop that property if we don't and they may or may not have our best interests at heart and there will be a lot of opportunities that we may miss out on and may lament later on. There are a lot of things here to examine to make sure we get a product that we can be happy with.

Jeff Barr asked them to talk some about the New Community Authority. Mr. Stanearth asked the applicant to review what they had in mind for that. Mr. Underhill said where he has seen this work well is areas where they have big infrastructure needs. They are proposing a voluntary, perpetual, 9.75 mill community authority assessment charge, it is an annual charge added to the real estate tax bill for the properties within this district. It would not go away if there were an abatement granted to a major economic development project. City legal counsel, Mr. Boggs, elaborated on some of the organizational processes.

Chairman Green said Board member comments will be kept higher level tonight in the absence of two members and asked commissioners to give their feedback.

**Commissioner comments as follows:**

1. Ben Lee

- Said he is using the Growth Framework, Comprehensive Plan, Active Transportation Plan, the current code, Western Licking County Accord and public feedback for his review of the plan.
- Noted the density, page 11. Asked about the logic of the formula being used to determine the right to build number of homes, he understands the three units per acre, his curiosity is around utilizing the entire 407 acres within the proposed district to determine what the density is. Mr. Underhill said they recognize there are consequences to single family homes, they see the need with the young professional market to provide multi-family. There is a maximum of five units per acre in the city code so they split it down the middle; in order to make these mixed unit components work, you have to have critical mass of the residents to be there after working hours. Mr. Lee said it feels off, like double counting.
- With respect to density, talking about the target being young professionals, limiting the number of individuals per bedroom, feels like it may be setting up for a transient type population when the two people in that development expand and then have to move. Mr. Underhill said they are not looking to get people to move in and out quickly, they are trying to touch all the bases of what is important to the community, school district and city. They thought that by limiting the number of occupants per bedroom it would help to target the young professionals.
- How will they have a valid proposal with a unit bank type approach when they are moving units between subareas based on demand as they are phasing this in, how will they be able to understand what their number is from a student effect. Mr. Underhill said the guardrails are the commitments in the zoning text to the number

of bedrooms, discussion on the unit bank concept and a vetting process. Mr. Lee said he wants to be protective of what we have to offer and not use this tool to solve a regional housing problem on 150 acres that now becomes Johnstown. He still has concerns about connectivity, walkability, having this development on an island, whether or not intentional. It is facing Intel and the back yard feels like it is pointing toward Johnstown. He understands providing housing for work force and density, he continues to call it out because this will be a precedent setting type of development.

- Pages 8 and 16, on the max building height of 85 feet, asked if there had been any conversation with the fire department on how high they can reach and who would service this area. Jamie McNally said those are details they need to get into.
- Page 17, asked if there was any consideration of solar outside of attached to structure, Mr. Ruby said yes.
- Page 24, traffic analysis, asked if there was a contingency if the TID funded improvements do not happen. Mr. Staneart elaborated on the state funding rollouts for the area, there will be a coordination with the TID, he does not have specifics at this time other than to say everyone is aware and all the players in the planning and funding conversations are in the same room. Not to keep Johnstown Land Company off the hook, there is a definite expectation that they will be a participant in traffic signalization, turn lanes and round-a-bouts. Mr. Staneart added that it goes without saying that all of these roadway improvements are not because of this development.
- Page 26, how much consideration is being given to open space buffering against parcels outside of the defined subareas. Mr. Underhill said they have made a lot of strong commitments in the text for mounding, landscaping and plantings to buffer neighbors from lights and sound.
- General callout specific to design and architecture. Mr. Ruby said he has heard from many residents that "they want Johnstown to be Johnstown", they know they don't want Johnstown to look or feel like New Albany, that message has been delivered loudly and clearly. What that means as it relates to the built environment is yet to be determined, they will need to work with staff on what that means. They know what they don't want it to be but it is not entirely clear what they do want it to be. Something that feels and looks of quality and is unique and typical of Johnstown is the target and that is what they tried to do in the text with language that is fairly unclear or nebulous, that was intentional so they have the opportunity to work with the staff.
- Open space, he would add a third definition into that, open space, park land, usability. They have had instances where open space has been proposed but its usability has been negligible and was not a community best.

## 2. Jesse Coppel

- Feels like it would be helpful to the plan to separate park land and open space into two separate categories.
- Would like to see some park amenities, tennis courts for example.
- Connectivity, would like to see a plan for how everything will tie together in the future
- Understands the apartment living but thinks it would be stronger for our community if some of those units were for sale multi-units
- In Section B(3), Major Industrial uses, there is an allowance for alcohol, drug

treatment and rehab facilities. He thinks that should be removed and put in the not allowed category with the adult entertainment venues.

- In the Manufacturing and Production Use district, thinks there should be some safeguards added for hazardous material and things that could be environmentally impactful to the community. Trevor Traphagen cautioned against developing regulations against hazardous materials because there are a lot of other Federal and State regulations that change over time and his fear would be that the city would adopt something and then it is immediately superseded and out of date. Could say that all development has to comply with Ohio EPA regulations, but they would have to anyway.
- Only the Neighborhood Commercial use has a maximum square footage for an occupant, discussion on the 20,000 square foot maximum to prevent big box stores in that area. Community Commercial allows two 75,000 square foot, would love to have a grocery store.
- Multifamily residential, questioned the minimum of six or more living units permitted, no option for less. Mr. Underhill said it was meant to cater to the target market, if they want it less, they can make it less. Jesse said he would like to talk about it being a minimum of three.
- For Similar Uses, section under Multi-family, section 2.4; would like what a similar use is to be better defined.
- Further discussion on rental versus for sale units and possible mechanism to require a percentage of the multi-family to be owner occupied. Potential for a developer agreement.
- Under Article 4, Major Economic Development, it says it goes to a CODA administrative board, he is not sure that jives with the city charter, it says this shall go to the Planning & Zoning Commission

#### Ryan Green

- Page 2, Regulatory; "certain baseline zoning rights will be applied throughout the district", he will send an email on this. There are some different things already in zoning that apply to a lot of this, it probably doesn't make sense to reference our zoning code, but he thinks we should start there. He said he thinks they will start with our zoning on a lot of this then expand on it.
- Some of the uses that may or may not be right, he wants to keep uses that will benefit us, needs to be scaled back.
- Likes the wording for hotels, lodging accessed by interior doors, gives a higher end hotel, no motels.
- Referenced "written determinations by Zoning Inspector", his callout is that we need to have staff in place to police this adequately, to go through a document this large with a Zoning Inspector that works three days a week, he wants to make sure we are adequately staffed.
- Residential uses and density needs some revision, he is more pro home ownership and less rental
- Would like to fit some murals on blank walls
- Would like to see significant architecture in the area
- Would like to see tree preservation ordinances referenced
- Would like to see a smooth transition into areas already built out, wants to make

- sure there is a plan for connectivity
- Would expect to see a standard of walkability

Chairman Green said they want to see a good product here, this could be developed by several other entities who may or may not have Johnstown's best interest at heart so they want to make sure they get this right, don't lose our identity and it is something we can absorb.

Mr. Green opened the floor back up to the public.

**Public Comments:**

1. Cyndi Duke

- Asked what the metrics were for figuring the amount of open space in the residential area.

Ben Lee noted it was 1500 square feet per residential unit, or \$45,000 per acre.

- Asked about working around the natural wet areas, streams and bogs.

It was noted that this will be discussion for further in the process.

2. Andrea Ford

- Asked for a recap on how this process works.

Trevor Traphagen with MKSK said this is the first of a several step process. This process is designed to be a Preliminary Master Plan with a zoning text, which is what is being reviewed this evening, and then before any development can occur, for areas intended to be developed first or whatever phase they propose, that plan with much more detail, will come back in the same setting to be heard in a public forum. After that is approved, the applicant can move forward with development of the land under that final master plan. While there is only one Preliminary Master Plan that we see here, there may be one Final Master Plan or there may be ten Final Master Plans, that is up to the applicant to decide the timing of when and how the different pieces need to come on line. The finer details of where buildings are located or what streetscapes look like are determined as part of the Final Master Plan. He added that the Final Master Plan has to be consistent with this Preliminary Master Plan. The Planning Commission will make a recommendation to City Council.

3. Franz Stein

- Asked if the New Community Authority has the ability to issue debt for infrastructure.

Jesse Coppel said the City of New Albany issued a bond that was backed by the NCA so they got a better bond rating. Added that it was complex and not able to be explained in detail at this meeting. Chairman Green said they have had presentations that he will send

to him.

The applicant requested that the commission table the application.

**ACTION:** Chairman Green moved to table the application at the applicants request.; Benjamin Lee seconded and the vote was as follows:  
**AYES:** Ben Lee, Jesse Coppel, Chairman Green  
**NOES:** None  
**ABSTAIN:** None

**Passed 3 - 0 TABLED**

7. Zoning Inspector

a. August 2023

Report attached, no review, any questions to be directed to the Zoning Inspector by email.

8. Other Business

1. Mr. Staneart said that at the last council meeting, staff was directed to modify GCC-1 to remove Transient use. He is also looking at further modifications to GCC-1 to make it more consistent with the uses down there, potential to add in Bed & Breakfast, or an allowance for gathering spaces, he will try to have a draft at the council next meeting.

9. Adjourn

With no further business, Chairman Green moved to adjourn, Mr. Lee seconded and all were in favor; motion passed 3-0.

The meeting adjourned at 10:00 pm