Planning & Zoning Commission
Tuesday, April 9, 2024 - 6:30 PM
MINUTES

1. Call to Order

   The Clerk of Council called to order the Planning and Zoning Commission meeting for April 9, 2024 at 6:32 p.m.

2. Roll Call

   Present - Ryan Green, Jesse Coppel, Steve Dyer, Benjamin Lee, Kristen Hurst
   Absent - None

   Staff present - Sean Staneart - City Manager, Trevor Traphagen - City Planner/MKSK, Yazan Ashrawi - City Law Director/Frost Brown Todd, Terry Wymer - City Zoning inspector, Teresa Monroe - Clerk of Council

   Public present - Dan Paul, Michael Rush, x2 not signed in

3. Election of Chair & Vice-Chair

   ACTION: Steve Dyer moved to nominate Jesse Coppel as chair and Ryan Green as Vice-Chair; Jesse Coppel seconded and the vote was as follows:
   AYES: Steve Dyer, Jesse Coppel, Ryan Green, Kristen Hurst
   NOES: Benjamin Lee
   ABSTAIN: None

   Passed 4 - 1

4. Pledge of Allegiance

5. Public Comment

   1. Michael Rush

   - Said that he lives on Duncan Plains, by Enterprise Drive. He said the concern is that property owners in his area have been in contract with someone else besides New Albany Company and they are hearing that the city will not hear proposals that this developer is putting together for the properties. Because of that, the properties have fallen out of contract and the property owners are still there not getting the offer they had. He said the concern is that for some reason, true or false, that if it is not New Albany Company buying their properties and coming forward with a development plan, that Johnstown will not consider the developer and the plans they have so they back out. Where that concerns him, is that he has fifteen acres and talking to his neighbors, if they pool their property together, they will have a good chunk of land and they want to market it nationwide. He said if New Albany Company wants to buy his property, they can open their checkbooks, what they want to do is to be able to have full competition for their property so that they can get the maximum value for their land. He asks if this is true and was New Albany Company the only player out here.

Chairman Jesse Coppel said that they have not had any applications for zoning changes that have been denied. The process would start with annexation and that comes before City Council. It would not come before Planning & Zoning until council approved the annexation of the property. Staff discussed the PD district and the 350 acre requirement and that New Albany Company met the acreage threshold to request the annexation with PD zoning. Some discussion on city planning, Mr. Staneart said he could get with Mr. Rush for further discussion.

6. Approval of Minutes

a. March 26, 2024

ACTION:	Steve Dyer moved to approve as written; Ryan Green seconded and the vote was as follows:
AYES:	Steve Dyer, Jesse Coppel, Ryan Green, Benjamin Lee, Kristen Hurst
NOES:	None
ABSTAIN:	None

Passed 5 - 0

7. TABLED Application # 10-10-1 Conditional Use Permit; 795 W. Coshocton St. (US 62 Car Wash)

Applicant has not provided anything new, application remains tabled.

8. TABLED Application # 3-18-10 Zoning Appeal; 56 S. Main Street

a. Application # 3-18-10

ACTION:	Benjamin Lee moved to take from the table; Jesse Coppel seconded and all were in favor.
AYES:	Jesse Coppel, Ryan Green, Steve Dyer, Benjamin Lee, Kristen Hurst
NOES:	None
ABSTAIN:	None

Passed 5 - 0

City Law Director Ashrawi said this is an appeal under city code 1125.06 from a determination made by the Zoning Inspector; narrative included in the packet for this appeal, wherein the applicant submitted a zoning certificate application for personal laundry service use. The application was denied, and the applicant is exercising his right to appeal to this board. Today, the Planning & Zoning Commission will sit as a quasi-judicial decision-making body. There will be a presentation of facts and evidence from individuals who will be sworn in and under oath. Testimony and documents will be reviewed, the board will have the opportunity to ask questions, and will determine if conditions have been met in order to grant a reversal of the denial. The commission does not have to make a decision today, but it does have to make a decision no later than forty-five days from the date of this hearing. Some procedural questions of the board were answered.

Chairman Jesse Coppel said that since he owns the property next door, and upon the advice of the city attorney, he would recuse himself from discussion on this application to avoid any appearance or conflict of interest that might arise. Mr. Coppel handed the meeting over to the Vice-Chair.

The Law Director swore in those planning to give testimony; Dan Paul and Terry Wymer.

Applicant Dan Paul said he was looking to offer a laundry service in Johnstown because there isn't one, he added that there was one but went out of business, or closed down, it was where Ghostwriter is now.

Ben Lee referenced the Council rules of order that state if a member is abstaining, they should remove themselves from the board table, Mr. Ashrawi concurred and Mr. Coppel stepped down and had a seat in the audience in order to abstain from any discussion and vote.

Dan Paul continued. He stated that he and the owner of 56 S. Main, (Chip Cox), discussed using 1800 square feet of the space to offer laundry service. He said he did learn that there was a possibility that under GCC-1 zoning, it may or may not be allowable. He said they reviewed the GCC-1 ordinance and after reviewing, came across 1155.02 permitted uses, and found section 3(c) personal services; involving the care of the person and the care of his or her personal effects, including consumer services generally involving the care and maintenance of tangible personal consumption. Mr. Paul further read the Websters Dictionary definition of personal effects, specifically, items that are carried or worn. He said according to the revised code, personal effects normally include jewelry, clothing, toiletries and other such items. He said he thinks laundry service is the definition of that. He said he put a lot of time and effort into designing the area and he really wants to offer a needed service to Johnstown.

City Law Director Ashrawi asked Mr. Paul if when he mentioned offering a laundry service and the business that had ceased where Ghostwriter is, what kind of business that was. Mr. Paul said it was a laundromat. Mr. Ashrawi then asked if when Mr. Paul refers to laundry services at the new location, was he referring to a laundromat? Mr. Paul said that there will be areas where people can come and do their own laundry but he also planned on hiring someone to work during the day, people could drop off laundry, then she would do their laundry for them and they could come pick it up at night. Mr. Ashrawi asked how much of the 1800 square feet mentioned would be exclusively laundromat. Mr. Paul said probably 1600 square feet.

Commissioner Ben Lee asked Mr. Paul how he was invested with this project. Mr. Paul said he entered into a lease for the property three or four months ago, he has purchased some washers and dryers to be used at this location and now they are sitting in a warehouse.

Vice-Chairman Green asked Terry Wymer, the city Zoning Inspector, to take the board through the events in this case up to now. Mr. Wymer said as he recalled, on or around December 19th, he received two phone calls, one from Dan Paul who identified himself as a tenant and one from Chip Cox who identified himself as the landlord, inquiring about a laundromat or laundry service (Mr. Wymer said that he does not recall which wording was used at that time). Mr. Wymer said that he told both of them that this was a GCC-1 district and that laundromats were not permitted in that area. He stated that in the first part of January, Mr. Paul came in to the office and wanted to drop off an application for laundry service. He and Mr. Staneart spoke with him for about fifteen minutes and then Mr. Wymer said he handed the application and fee back to Mr. Paul and said he was not declining this, but giving it back so he could reconsider. Then on January 18th, he said he received an envelope at the office, with the Zoning Certificate application and payment from Mr. Paul

for a personal laundry service. Mr. Wymer said he took some time to review the city's codified Ordinance 1155 and the amendment of Ordinance 25-2022, he conferred with city staff, the Manager and the attorney and then mailed Mr. Paul a letter with the decision to deny the application.

Vice-Chairman Green asked City Manager Sean Staneart for his testimony. City Law Director Ashrawi swore in Mr. Staneart.

Sean Staneart said that he concurred with Mr. Wymer's summary, from a staff perspective, they did check with the city attorney. Mr. Staneart said that one of the definitive factors that came back from the attorney, was the fact that in a previous GCC-1 document, Laundry Services and Laundromat had been stricken from the allowable uses. He also noted that in the prior GCC-1 document, Laundromat and Laundry Service were not under Personal Services, they were under the Miscellaneous category. Mr. Staneart said they looked at personal service in the sense of someone dropping something off, the service would be done by someone else, and then someone would come back to pick it up, and no other activities were happening on site from a self-service situation. He said staff interpretation was that laundromat/self-service is no longer a personal service, that became a different variety of use in that specific area. Mr. Staneart said that when staff reviews city ordinances, they try to interpret the will of council, not the will of staff.

Mr. Lee requested some further procedural instruction which Mr. Ashrawi provided. Mr. Ashrawi reviewed procedure options for the board.

Vice-Chairman Green closed the Judiciary portion of the hearing.

ACTION:	Ben Lee moved to enter Executive Session for deliberation, with the four board members present and the City Law Director; Kristen Hurst seconded and the vote was as follows:
AYES:	Steve Dyer, Ryan Green, Ben Lee, Kristen Hurst
NOES:	None
ABSTAIN:	None

Passed 4 - 0

The Planning Commission entered Executive Session at 7:15 pm and returned to Regular Session at 7:30 pm.

ACTION:	Steve Dyer moved to deny the appeal, for the reason that the board finds the Zoning Inspectors interpretation of Personal Services to be correct and they believe this applications primary service is self-service, where they may have someone on site instead of a business providing the service; Kristen Hurst seconded and the vote was as follows:
AYES:	Steve Dyer, Ryan Green, Benjamin Lee, Kristen Hurst
NOES:	None
ABSTAIN:	None

Motion to deny the appeal Passed 4 - 0

Jesse Coppel returned to his seat at the table and resumed his position as Chair.

9. Zoning Inspector Report

    a. March 2024
    Report included with the packet materials, Terry Wymer present to answer board member questions.

10. Other Business
    1. Planner Trevor Traphagen said that a draft copy of the Johnstown Comprehensive Plan has been provided to the board for their review, a digital link will also be provided for their comments and then MKSK will plan to attend a meeting for discussion. Sean Staneart said he would recommend a special meeting to discuss the comments on the plan.

11. Adjourn
    With no further business, Mr. Coppel moved to adjourn, Mr. Green seconded and all were in favor. Motion passed 5-0.

    The meeting adjourned at 7:52 pm.