



Planning & Zoning Commission
Tuesday, April 13, 2021 - 6:30 PM
MINUTES

1. Call to Order

Chairman Ryan Green called to order the Planning and Zoning Commission meeting for April 13, 2021 approximately 6:35 p.m.

2. Roll Call

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

Staff present - Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Jim Lenner - Village Manager, Abe Haroon - Chief of Police, Carol Van Deest – Village Council, Cheryl Robertson – Village Council, Marvin Block – Village Council

Public present - Robert Roberts, Lu Roberts, Nick Wrightsel, Lewie Main, Dan Haught, Molly Cromer, Philip Chew, Donald Barnard, Dave Douglas, Jim Dunno, Elizabeth Whipple, David Kessler, Beth Schmelick, David Leezer, Cameron C., Jack & Helen Stacy, Nancy Swanson, Bruce Barron, Shane Jenkins, Kim Jenkins, Drew & Beth Bialko, Greg Russell, Joe Ciminello, Brad Schwass, Suzie & Wendal, Richard & Jean Wolfram, R Ball, Laura, Logan Nelson, Juliette Pierce, Karin Lee, John Pavone, Cathy Kessler, Bill Westbrook, Brandon Cromer, Dennis Blankemeyer, Brad Schwass

3. Pledge of Allegiance

4. Public Comment on items not on the agenda.

Chairman Green opened the floor to public comments on items not on the agenda.

Elizabeth Whipple - 100 N. Main Street

- There is a lack of clarity and consistency that goes into zoning enforcement
- Trying to get documentation that neighbors fence is not in compliance with zoning; called Jim Blair to find out if it had been inspected, said Mr. Blair told her fences are not typically inspected and in order for him to come inspect the fence they would have to pay \$150 for a zoning appeals application.

Chairman Green said there is zoning on this and an initial inspection on postholes gets done, there is not currently a final inspection. Ms. Whipple noted the Village Ordinance on not to exceed height of six feet; Mr. Blair said that he did inspect those post holes, he does not return to measure the height of fences, said he did see the materials and the fence boards were six foot. Ms. Whipple asked what was the point of having a not to exceed height in the ordinance if it is not inspected afterward to determine whether or not it has exceeded six feet. Mr. Blair said the reason is to have the ability to deny a fence taller than six feet. Ms. Whipple said all she is looking for is documentation that says her neighbor's

fence is not in compliance and is it true she would have to pay \$150 zoning appeal fee to have someone come out and measure the fence and document whether or not it is in compliance. Chairman Green said if she were challenging the permit then yes she would; he knows that it was permitted. Mr. Blair asked Ms. Whipple how much over six feet was the fence; she said between three and four inches. Chairman Green said with grade some variance is expected, Ms. Whipple said all she wants is some type of documentation that it is not in compliance; Mr. Blair said that documentation does not exist. The only option is to challenge the permit itself, Mr. Green said if it's egregious they would be happy to take a look, just needs to go through the proper channels.

There were no further comments and Chairman Green closed the floor.

5. Approval of Minutes

a. March 23, 2021

ACTION: Benjamin Lee moved to Approve; Jesse Coppel seconded and the vote was as follows:

AYES: Jesse Coppel, Ben Lee, Jon Merriman Ryan Green, Ron Danne,

NOES: None

ABSTAIN: None

Passed 5 - 0

Chairman Green noted a change in agenda order to move up Application 2021-143-Z

6. Application 2021-143-Z Preliminary Plat - TABLED March 23, 2021

ACTION: Benjamin Lee moved to take Application # 2021-143-Z off the table for consideration; Ryan Green seconded and the vote was as follows:

AYES: Jon Merriman, Ryan Green, Benjamin Lee, Ron Danne, Jesse Coppel

NOES: None

ABSTAIN: None

Passed 5 - 0

a. Concord Crossing East

Village Planner Bailey Klimchak said that at last meeting there were questions surrounding this being zoned PUD and if that zoning had expired. She said historical research to this point indicates UR-2 zoning and that is what the Preliminary Plat appears to be approved under from 2004; recommended this to be considered as such; Variances approved have been included in the Staff Report. She added when the

application was submitted, it noted PUD zoning based on the zoning map however PUD zoning expires if the development has not been constructed upon within two and a half years; variances do not expire.

Joe Ciminello was present for the application, reiterated comments from last time that from the Preliminary Plat they could continue to develop, that this would be better, reduces the number of lots from 195 to 175, eliminated the neo-traditional lots, thought traditional homes would be better. Stated that over a year ago they had a meeting with the Homeowners Association and told them they were getting ready to commence development on the future phases of Concord Crossing. Spoke with them at the time about the need to upgrade the Community Center and four acres, said there was good dialogue, they proposed to the HOA that they would pay \$100,000 when development commenced on the future phases to be used for the Community Center. Mr. Ciminello added that the additional 175 lots at the current HOA rate would bring in an additional \$70,000 per year without increasing the amount of common areas to maintain, most areas are wooded and have wetlands that would stay natural; could also be additional funds to help pay for more improvements to the Community Center site. Addressed previous statements and concerns on traffic saying that when they originally did the plat they were asked to put in a second access that they do show on the Preliminary Plat, they will put in a public road up to the bike path if desired to fill their requirement; added that the reason the access was requested is not because one entrance cannot serve the 275 homes (plat was 313), it was for emergency vehicle access and could double as a leisure trail. Additionally, there is also a couple acres that could be donated if requested, it could be a nice entrance to the path; could also extend sanitary sewer over there for restroom facility. Cited their Pinnacle development and noted the heart of the community is the seven hundred acre golf course and in this case the heart of the community is the community center. Noted conversations with Schlachach builders on purchase of some of the lots.

Mr. Ciminello said he would like to hear comments and concerns; he would like to reserve the right to table this again after comments.

Commissioner comments

1. Ron Danne

- Inquired on some streets shown on the plat map.
- Asked if all of the lots meet the UR-2 zoning; Ms. Klimchak said they all meet UR-2 zoning except for some in the middle that do not meet the square footage requirement however in 2004 a variance was approved that decreased the lot area from 7,500 square feet to 5,000 square feet for the neo-traditional lots. Mr. Ciminello said if they need to widen the frontage on those lots they will.

2. Ben Lee

- Noted the four foot sidewalk on the plan, ADA requirement is now five foot; Mr. Ciminello said they will change that to five foot.
- Asked if the basins shown were wet or dry; said from a safety standpoint and design of the basins, if they are wet would they be step down so if somebody were to slip they would have the ability to get out and it's not just a shear drop, it would just be good information to know. Mr. Ciminello said unsure if that has been determined yet, would work on that in final engineering, could see them being designed as dry.
- Asked if the expectation that at completion or certain percentage that this entire project would blend into the current HOA; Mr. Ciminello said that is what they envisioned from the beginning, has documentation when they transferred the ground to 84 Lumber, the occupancy permit for the pool would not be granted unless this property was annexed in to the HOA. Added that the remainder of the neo-traditional lots were purchased; they have the right to say whether the lots become part of the HOA; would like the neighborhood to speak on that and they can develop it without access to the pool, without helping improve the pool and community center; said they would hate to do that, it goes against what the vision for the neighborhood was but are prepared to do it either way.
- Called out active open space; does not see where it is reflected on the blueprints. Mr. Ciminello said he would get the exact acreage; reviewed some of the areas, added some thoughts on how they could be improved.
- Noted that the plan may look like a lot of homes but density is close to surrounding communities. Also, despite variances allowed, seems the lots are above the five thousand square foot threshold which is appreciated.
- Said if there is only going to be a single ingress/egress he would call out the safety of the area in general where it exits onto Concord Road and if there was opportunity to improve that intersection knowing that with an additional 174 homes there will be a tremendous amount more traffic coming out at a single point. Mr. Ciminello said that is a point well taken and they will look at that.
- Said on the North side of this property is Light Manufacturing; noted the Western Licking County Accord and encouragement to preserve any tree stands and green space along the natural buffer to help mitigate noise.
- Called out the importance of having a solid Storm-water Management Plan and asked if they had reviewed the ordinances. Mr. Ciminello said this is all subject to final engineering and approval but don't want to start that until they know what they are engineering. Mr. Lee referenced Ordinance 1197.01 A2.
- Asked about a traffic study; Mr. Ciminello said their engineers would be doing some evaluation on traffic.

Public Hearing: Chairman Green opened the floor for comment.

1. Marvin Block; 225 Edwards Road - Council member

- Stated that when we don't pay attention to history we get in trouble; when Concord Crossing originally went in, Concord Road was to be finished but the village had to spend two and a half million dollars that the developer was supposed to pay. The village

spent fifty thousand dollars on a ditch the developer was supposed to pay for.

- The property has changed hands eight times and he questions whether the property was ever zoned. Bailey Klimchak said a final plan was never approved.
- Noted there could be an additional 2270 cars per day onto SR 37 from the 285 homes going in.
- He called the EPA; said he doesn't know why we are even talking about this until he gets the problems straightened out there. Said he (Mr. Ciminello) is in mitigation with creating another wetland, that he paid a down-payment but has not paid the other \$205,000.00.
- Said the reason it was transferred back and forth and never filed was taxes, they have gone quite a few years without paying what they should to the village and school district.

2. Don Barnard; 313 Fondriest Road - President of Concord Crossing East Homeowners Association

- Read a [statement from the Concord Crossing East HOA](#) which will be entered into this record.
- Addressed the question about joining the HOA; said statement was correct, they do not control that, there was a document signed many years ago with 84 Lumber when they gave the four acres for twenty thousand dollars, that document was never filed with the county therefor it is not recordable; a second agreement was entered into with the current developer which would supersede any document not file. Said it is their wish that they do not enter their HOA at this time.

3. Bruce Barron; 311 Mandaric Street

- Seconded the HOA statement
- Said there are at least four entrances at Pinnacle
- His house and others are custom, looked for a year before moving here, looked at production homes such as MI and Ryan; chose this neighborhood specifically not to be in one of those.
- Knows development can't be stopped but have to fix the traffic issues coming out on SR 37.

4. Jack Stacy; 315 Fondriest Road

- With regard to the examples given on the Pinnacle development; Concord Crossing East does not have a seven hundred and seventy acre golf course, a clubhouse, a restaurant or million dollar houses.
- This plan is smaller lots, lesser quality and once this is sold the buyer can do what they wish.

- The number of lots has been decreased and that is good but the reduction in lots has a lot to do with what they can build on and what they can't.
- Some lots are 37 1/2 feet wide, some 40 feet wide and driveway is 20 foot; half of everybody's front yard will be driveway, the houses will have to be stacked on top of the garage. This is not increasing the aesthetics or value of the neighborhood.
- Asks why they would be the only place in town that had one entrance to the development; this would be a lot of traffic to Concord Road and across the bike path.

There were no further comments and Chairman Green closed the floor.

Commissioners continued debate and comments as follows:

1. Jesse Coppel

- Asked if a bike path bridge or tunnel had been considered.
- Said East Douglas Avenue could create a second entrance.
- Asked if Mr. Block could provide the documentation of the information he read off from the EPA for the record and the Board's review (Mr. Block's response could not be heard on the recording).
- Asked likewise for any documentation the HOA had to be provided by the President.
- Asked what the extent of the traffic study would be. Ms. Klimchak said traffic studies are normally completed by an engineering company, any engineering company that works with these kinds of plans knows how to do them; they are hired by the developer not the village. That they would study the entrance at Concord Road and the surrounding area and put findings in a report for the village.

2. Ben Lee

- Regarding frontages; specifically on the half circles, does not see where they are maintaining a fifty foot frontage, examples on lot 7, 8, 9. Explanation on measurements by Mr. Ciminello; Mr. Blair confirmed the lots conformed.

Mr. Ciminello said new ideas have come up tonight, they will look at the entrance; would like to request tabling tonight. Would like more opportunity to work with the HOA to see if adjustments can be made so as to not end up with a divided community and would like to make every effort. Stated that a lot of Mr. Block's comments are flat out false, that Roger Hatch and Steve Potter did have Johnstown Development Co., they did develop Concord Crossing, said he came in on this piece as a partner and bought in in 2004 and their property never changed hands, it has always been under Johnstown Development Co. Said he has provided documentation of where they are with the wetlands permit to the Village Planner. Added that before you can get the permit you need to show you have a deal with the Wetland Bank, which is a private entity, you purchase mitigation credits from them, the requirement is a ten percent down payment which they have made and are keeping to the payment schedule; stated that before any development of

the site, the permit and mitigation will be paid in full. Provided some further details on permit submission and involvement of EPA; said the wetlands have been verified by the Army Core of Engineers per this plan and there is nothing "fishy". Added that they have the right to develop, they have a preliminary plat that is approved, elaborated on some options, and that they have gone under the direction of the village planner and staff. Said that he used Pinnacle as an example of different housing styles and types and that they all have a heart to the community and open space.

Chairman Green made a statement that the Public Comment was closed at this point and need to keep moving on with the meeting.

Village Planner Bailey Klimchak said they have looked at the road crossing over the pedestrian path onto Douglas Road, have also looked at connecting through to the Commerce Park and would prefer the Commerce Park connection, does not feel very comfortable with the Douglas connection mostly due to some direction from the Village Manager and members of Village Council; would also need to get permission from the T.J. Evans Foundation to do a trail crossing; said to keep in mind the village does not own the trail, we just maintenance our part of the trail within the village. Discussions on how the village would go about getting permissions and the Douglas Street extension in the 2004 preliminary plan.

Chairman Green said he was glad for all the conversation tonight, when this first came in as a PUD, a lot of people were of the opinion this had run its course and was done, and a lot of people who were involved at the beginning of this are gone. Said this started out with a developer that was going to do a lot of things that just flat out didn't happen and that is what a lot of people are mad about, they have seen time and time again Johnstown left holding the bag and no-one wants to see that here. Still need to investigate things lost in translation, the zoning, UR-2 or PUD, said there are still a lot of things that have to happen here; the HOA piece is in limbo, there are questions on traffic, drainage, open space, lot sizes etc., and sounds like there are still discrepancies with the EPA. Asked Mr. Ciminello to be prepared to address issues discussed tonight when he comes back.

Jesse Coppel asked Mr. Ciminello how long he had been working on the EPA aspect; Mr. Ciminello said over a year and a half, probably two or three years and have started to work out a solution with them. Mr. Ciminello said a consultant went out and identified the wetlands and sent to the Corps of Engineers who came out and verified; then worked with EPA on mitigation of the wetlands, they cannot apply for permit until they have a mitigation deal, which they now have, and have paid a deposit with the mitigation bank. Said that last week they were able to refile their permit with the EPA, it is with them and if need be he can have the consultant come to the next meeting to verify; so they are in the process and will have resolved before they break ground. Added that drainage will be a final engineering issue and as far as developer promises, if it was in the preliminary plat, they can improve Douglas up to Kasson, anything before that on Concord Road is not anything his development company had a part of.

Prior to the roll call vote below, Mr. Lee noted for the record Ordinance 1105.05 under Preliminary Plat states that a decision is made within thirty days; said as they are entertaining tabling at Mr. Ciminello's request, asked if he was aware that this puts us outside of the thirty day window. Mr. Ciminello said correct, they know that action would not be taken within thirty days; tabling gives the Planning Commission and applicant an extension to operate outside of the thirty day requirement as what is codified.

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

Passed 5 - 0

7. Application #2021-171-Z Zoning Map Amendment

a. 450 S. Main Street

Ms. Klimchak said this a Zoning Map Amendment for the Johnstown Baptist Church; previously the church requested a variance for an electronic sign and the Commission gave direction that a map amendment would be a more suitable avenue for them. This requests to change the lot from SR-1 to GCC-1; the lot follows along with GCC zoning and would allow for the electronic sign.

Commissioner comments

1. Ben Lee

- Said this meets all criteria for review in Chapter 1137.06 and the standard for the future land use map (based on the adjacent properties) and to zone this Commercial as is being requested. Suggested updating the future land use map in kind and move this to GCC-1. Said he heard concern about the future use for this property if it were to be redeveloped as GCC-1, suggested 1155.02 (h)(1) Retail Motor Vehicle Fuel Sales move to a conditional use to take into account the environmental impact and the health and safety impact that use might have. Confirmation by Ms. Klimchak that in GCC in general, gas station would become conditional use.

Public Hearing: No comments were heard either for or against.

ACTION: Chairman Green moved to Approve as is; Jon Merriman seconded and the vote was as follows:

AYES: Ryan Green, Jon Merriman, Ben Lee, Jesse Coppel, Ron Danne
NOES: None
ABSTAIN: None

Passed 5 - 0

Bailey Klimchak said before moving on to the next item, she did write up an ordinance amending the Future Land Use map; she was reminded this should be done any time there is a zoning map change. She included properties done earlier in the year and reviewed for the Board.

8. Application #2021-167-Z Certificate of Appropriateness

a. 49 1/2 S. Main Street

This is for an added patio behind Ghostwriter Public House; Dennis Blankemeyer and Brad Schwass were present for the application. Mr. Blankemeyer reviewed plan drawings and answered questions of the Board. Discussion on the patio roof, enclosure, parcel lines, parking spaces and the project in general.

Commissioner comments

1. Ben Lee

- Said for him, the fact that this is in the back lends itself to a different interpretation of patio and thinks it is great that it's covered. Outside seating is phenomenal, it will add a different look and is similar to what was done with a previous restaurant and a second floor outside patio. He added that from a COA perspective it checks all the boxes and thinks it will only enhance the downtown space and add to an already welcomed business in the village, he is all for it.

Public Hearing

1. Lewie Main, 132 N. Main

- How will water runoff be collected, has a concern that in the winter water would run off and freeze causing a hazard.

Dennis Blankemeyer said they have low planting beds, going to take the concrete over to organic material, water will be filtered to there not just sloped into the parking lot.

2. Marvin Block, Council member

- When Dennis and Denise came here, they took bunch of junk buildings and

everything they have done has been first class, everything they have done has been through engineers and permitted. They have spent tons of money here and he has not seen anything that has not been done first class.

There were no further comments and Chairman Green closed the Public Hearing.

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

Passed 5 - 0

9. Application # 2021-172-Z Certificate of Appropriateness

a. 231 Commerce Blvd.

Jim Blair provided background saying when Ohio Pack originally built the addition on to the former Thirty-One Corporation building they poured a pad at the back of the building for future installation of silos; he said the original silos would have needed a variance for height, they ultimately withdrew their initial proposal. Mr. Blair said they have come back with this proposal for three tanks that will end up at almost thirty seven feet tall; the height is acceptable, it is just a matter of approving what the tanks look like.

Nick Wrightsel, Engineer with Ohio Pack was present for the application; said currently they receive all of their resin in on cardboard Gaylord boxes and they are looking to streamline with the silos and bulk trucks. The silos will hold 340,000 pounds of resin at one time and said with their current volumes are looking at thirty trucks per year. If approved, timeframe to installation is approximately nine to eighteen weeks.

Discussion with the Board on process for filling the silos, noise, safety, location; it was noted that the silos will be below the roof line and blend with the building.

Commissioner comments

1. Ben Lee

- Said he was hoping for a more complete application but said for him, from a COA perspective, this does not feel like anything significant above and beyond what is already there especially knowing the tanks are not going to be any higher than the building itself, it's not a massive addition; said the noise continues to be a concern of his because of what is going on there now but sounds as if the noise will be minimal relative to the infrequent usage of the containers.
- No real historical application to apply considering it is a new building and the pads

are already there so other than installation of the containers there is no additional exterior modification. For him, this checks all the boxes on the criteria for review on the COA.

2. Ron Danne

- Said he agreed that the application is a little light on information; asked how far away these tanks will be from the mastodon wetland area to the southwest; Mr. Wrightsel said he did not have that number on hand. Mr. Danne said that would be his only concern, that we are promoting the mastodon area and having visitors come in, it looks like it would be within fifty to seventy five feet but it is an industrial building so not going to try and dress those up too much.
- Asked if they would be painted the same color as the building and then maintained, said sometimes silos tend to get neglected and end up with rust stains .

Mr. Blair said distance is 312 feet; discussion on screening by the village if needed in the future.

Public Hearing

1. Lewie Main

- Said silos are not new to the village, named some former businesses that had them. Mr. Blair noted a current company that had them.

There were no further comments and Chairman Green closed public comments.

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

Passed 5 - 0

10. Zoning Ordinance Draft

Bailey Klimchak said she drafted Ordinance 15-2021, an Ordinance amending the Future Land Use Map of the Village of Johnstown. Upon review, Commissioners were in favor of forwarding to Council for approval.

ACTION:	Jesse Coppel moved to send to Council; Jon Merriman seconded
----------------	--

and the vote was as follows:

AYES: Jesse Coppel, Jon Merriman, Ryan Green, Ron Danne, Ben Lee
NOES: None
ABSTAIN: None

Passed 5 - 0

Chairman Green said in light of time they will have to forgo working on the draft.

Work session for zoning code draft rescheduled for Thursday, April 22nd.

11. Zoning Inspector

a. March 2021

Jim Blair's report was sent out with the packet, noted the new format. Some discussion on complaint versus appeal process. Updates on some items in Inspector report.

Mr. Lee asked if the Right of Way vacate has been completed for the former Oregon-Adams site; unknown, said he would email Bailey with background.

Mr. Green noted high grass in areas of town.

12. Other Business

1. Ms. Klimchak said the online permit portal went live last night at 5:00 pm; have already received and permitted the first application. Mr. Lee thanked Mr. Blair and Ms. Klimchak for their time and energy in getting trained and bringing the program online.

13. Adjourn

ACTION: Ryan Green moved to Adjourn; Ben Lee seconded and all were in favor.
AYES: Ryan Green, Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman
NOES: None
ABSTAIN: None

Passed 5 - 0

The meeting adjourned at approximately 9:30 p.m.