



Village of Johnstown
Planning & Zoning Meeting Minutes
Tuesday, January 23, 2018

CALL TO ORDER: Joe Ethier called to order the Village of Johnstown Planning & Zoning Meeting for Tuesday, January 23, 2018 at 6:30 p.m.

ROLL CALL: Pat Schlagheck; present, Matt Lyons; present, Sharon Hendren; present, Joe Ethier; present, Mayor Benjamin Lee; present

IN ATTENDANCE – STAFF: Jim Blair-Zoning Inspector, Marvin Block – Village Council, Teresa Monroe – Clerk of Council

IN ATTENDANCE – PUBLIC: Daniel Swick, Joyce Evans, Lawrence Evans, Regina Pasini, Don Litterini, Terry Scovell, John Sadinsky, Dave Dicks, Sean Staneart, Chuck and Ruth Ann Booher

APPROVAL OF MINUTES: January 9, 2018

Motion: Mayor Lee moved to approve the minutes as written. Sharon Hendren seconded and all were in favor. Minutes approved 5-0.

PUBLIC COMMENT

1. Terry Scovell; came to inquire and ask questions about the potential development of the Rice property, Zoning Inspector Jim Blair answered the questions that were known to him. Mr. Blair said that no formal application has been presented at this time; Wilcox communities will be at the February 6th meeting of Council for presentation of their concept development.

APPLICATION #121217154 Zoning Map Amendment: 296 W. Coshocton Street

The applicant lives at 296 W. Coshocton and is requesting a Zoning map amendment change for his property from Urban Residential (UR-1) to Village Commercial (VC). Staff report recommends approval and is attached to these minutes.

Questions from the Board answered: Ammunition types are standard hunting and civilian ammo such as .22 caliber, the powder is limited to 50 pounds and is smokeless and non-explosive, there will be no shooting of the ammunition on site, inspections are completed by the Bureau of Alcohol Tobacco Firearms & Explosives (BATFE), the only waste generated would be recycled cardboard boxes, there will be no traffic generated as there will be no public sales out of the residence.

Public Hearing:

1. Lawrence Evans; 297 W. Coshocton St. across the street from applicant. Said he has no issue with the small scale ammo reloading in the basement as long as it is regulated and inspected but he is opposed to the property being zoned commercial.

Mr. Blair explained some differences between Commercial and Village Commercial.

2. John Sadinsky; owns property beside the applicant on W. Coshocton. Asked if the 50 pound limit applied to commercial as well as residential; applicant said yes in a residential setting and this property would not be anything other than a residential setting. Mr. Sadinsky inquired on the permitted uses for Village Commercial; Mr. Blair reviewed uses allowed and directed him to zoning ordinance 1169.02. Mr. Sadinsky said if the zoning is changed and the applicant moves in five years, his concern is that there are a lot of businesses that could go possibly go in and he is not necessarily open to that. Mr. Blair said the property would stay Village Commercial but anyone moving there for a business purpose would be starting from scratch and explained the formulas for parking etc. and that requirement for each business type are different.

The applicant stated he would not have retail customers at the house, this is online sales only.

3. Marvin Block; Council member. Said that as a matter of courtesy he should notify the local Fire Department.

The applicant stated that he would and that this would not be anything unusual for the fire department to be prepared for in a residential setting as he would be allowed to have the same 50 pounds for personal use even if he were not selling.

4. Joyce Evans; 297 W. Coshocton St. Said she likes to try and preserve historical areas and asked why he can't have a variance or an occupational permit -rather than changing the zoning. Mr. Blair said the future land use map shows both sides of the street as Village Commercial so the zoning change would be the best direction.

5. Sean Stanearth; 345 Buena Vista. Asked if residential was an allowed use in Village Commercial; Mayor Lee pointed to dwellings listed as a permitted use. Asked if the Board permits this, as a business would it require a certificate of appropriateness? Specifically to add any restrictions that the village would mandate.

Mr. Blair said tonight's focus is the zoning change and that he would follow up with the Law Director to get a legal opinion on the Certificate of Appropriateness.

Mayor Lee said he thinks the Certificate of Appropriateness is a good call with the two-pronged approach; he agrees the Village Commercial fits what is designated on the strategic land use map for this parcel as far as consideration tonight and also agrees with preserving the historical aspects.

There were no further public comments and Chairman Ethier closed the public hearing.

Motion: Joe Ethier moved to approve Application 121217154; Sharon Hendren seconded and the vote was as follows:

Matt Lyons	Y
Sharon Hendren	Y
Joe Ethier	Y
Ben Lee	Y
Pat Schlagheck	Y

Pass 5-0

ORDINANCE 01-2018: Review and recommendation to Council

This legislation stems from a need to update the criteria for Variance approval. The Village Manager has drafted new legislation with criteria based on the Ohio Supreme Court’s practical difficulties test for variances used in the Duncan vs. Middlefield case; this is the criteria most communities use currently. This Ordinance was tabled at the January 16, 2018 Council meeting pending Planning and Zoning recommendation.

Public Comments: Mr. Blair, Councilman Block, Mr. Stanart and Mayor Lee all spoke to concur that this will be a much more consistent way to consider variances for approval.

Motion: Joe Ethier moved to recommend Ordinance 01-2018 to Village Council for approval; Matt Lyons seconded and the vote was as follows:

Sharon Hendren	Y
Joe Ethier	Y
Ben Lee	Y
Pat Schlagheck	Y
Matt Lyons	Y

Pass 5-0; the Ordinance will be forwarded to Council

OTHER BUSINESS


1. Mr. Blair provided an update to the Board on the CRC metals second building.
2. Mr. Blair provided the Board with updates on the potential annexation of the Rice property; Wilcox Communities will be presenting their concept for development at the February 6, 2018 Council meeting. No formal applications have been received by the village at this time.
3. The village previously put a moratorium on building in Concord Crossing East because the pond had been out of compliance since it was built; it was fixed last week and the moratorium has been released.

ADJOURNMENT


There being no further business, Mr. Ethier moved to adjourn; Ms. Hendren seconded and all were in favor **motion passed 5-0**. Thereupon, the meeting adjourned at 7.51 p.m.

Respectfully submitted

APPROVED AS PRESENTED



 Teresa Monroe, Clerk of Council



 Joseph Ethier, Chairman

VILLAGE OF JOHNSTOWN

STAFF REPORT

Application Number: 121217154
Property Address: 296 W Coshocton
Commission Date: January 23, 2018

Applicants: Daniel Swick
Current Zoning District: UR-1
Zoning Amendment Application

Background:

The applicant lives at 296 W Coshocton; he is requesting a **Chapter 1137 Zoning Map Amendment** change from UR-1 to VC (Village Commercial). He has applied to the BATFE (Bureau Alcohol Tobacco Firearms and Explosives) under the US Department of Justice for a license. He currently loads ammunition in the basement of his home and he plans with a partner to start selling his ammunition retail online. Part of the BATFE requirements for a class 7 FFL license is to show proof that the zoning district is approved for commercial use prior to issuing the license. He is requesting the Map Amendment in order to comply with the BATFE zoning requirement. The Village Future Land Use Map shows this area as Village Commercial. There are three existing commercial business in view across the street to the left and right of this property.

Chapter 1169.02 Permitted Uses for Village Commercial:

(a) Retail stores engaged in selling merchandise or rendering services incidental to the sale of the goods, including the buying and processing of goods for resale or repair.

Chapter 1169.04 Village Commercial Development Standards.

- No minimum lot area is require
- Lot Width: lots shall be a minimum of 60 feet in width with a minimum frontage of 60 feet.
- Front yard: all lots shall have a minimum front yard of 2 feet and frontage of 60 feet along a public street.
- Side yard: all lots shall have a minimum side yard of 0 feet with a total of side yards of five feet. Minimum side yards for parking with direct access onto an alley shall be 10 feet.
- Rear yard: all lots shall have a minimum rear yard of 5 feet and maximum of 12 feet; except a rear yard of 40 feet is always required should such Village Commercial District lots rear abut any residential lot.
- Lot coverage: combined square footage of all primary and accessory structures and impervious surfaces shall not exceed 80% of the lot area, unless otherwise, approved by Planning and Zoning Commission.
- Parking: A traffic and parking system plan shall be required that details points of ingress and egress into the property, parking areas with the number of parking spaces, access drives and pedestrian walkways, shown. The plan shall be so

designed as to minimize conflict points between pedestrians and vehicular movements.

- Outdoor trash system: shall be sufficient to prevent any overflow and screening shall be provided to enclose such as containers and hide them from view. Trash systems must be located at the rear of the building to prevent a negative impact on pedestrian travel.
 - Storm drainage and runoff collection shall be sufficient to prevent any standing water.
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Chapter 1137.06 Criteria for reviewing zoning Amendments

The Planning and Zoning Commission shall, at the minimum, consider the following factors in review of the application:

- (a) Relationship of the amendment to public health, safety and general welfare.
 - (b) Compatibility of the proposed amendment to adjacent land use, adjacent zoning and to appropriate plans for the area.
 - (c) Effects of the proposed amendment on access and traffic flow.
 - (d) The relationship of topography to the use intended or to its implications.
 - (e) Relationship of the proposed use to the adequacy of available services and to general expansion plans.
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Staff Recommendation: For approval

Application# 121217154

Application for Zoning Amendment (MAP)

Village of Johnstown, Ohio

RECEIVED
12.11.17

Fees:
 Certified letters to contiguous property owners: 5 @ \$6.70 Total: 33.50
 Newspaper advertising, for ~~one~~ two week: Fee: 189.10 (2 SATURDAYS)
 Application fee: \$500
 Total fee amount: 722.60 Paid: _____ Check/cash: _____

1. Name of Applicant Daniel Swick
 Mailing Address 296 W Coshocton St Johnstown Ohio 43031
 Phone Numbers: Home _____ Business() JOHNSTOWN, OHIO

2. Name of Owner if applicant is lessee _____ JAN 16 2018
 Mailing Address _____
 Phone Numbers: Home() _____ Business() PAID

3. Current and accurate description of the property to which amendment would apply if enacted. (Attach legal description if not platted.) 296 W Coshocton St Johnstown Ohio 43031 - Parcel ID# 053-180624-00.000

4. The text of the proposed amendment to the Zoning Ordinance: Attach

5. Present use of land in question Residential - My home

6. Present Zoning District UR-1

7. Proposed Zoning District Village Commercial

8. A vicinity map in a reasonable scale that shows property lines, streets existing and proposed, existing and proposed zoning and whatever additional items as required by the Planning and Zoning Commission.

9. A statement of the relation of the proposed amendment to the general welfare of the community, to appropriate plans for the area, and to the changed or changing conditions behind the request for the amendment. Attached

10. Any deed restrictions, easements, covenants and or encumbrance to be used to control use, development, and maintenance of land, and proposed uses shall be fully denoted by text and map N/A

11. A list of owners of property within, contiguous to, and directly across the street(s) from such area proposed to be rezoned. Accompanied by the addresses of such owners.

I certify the information contained in this application and attachments is true and correct.

Date 12/08/17 Signature of Applicant Daniel Swick

Date received 12.11.17 by _____

Date of Hearing JAN 23, 2018 (minimum 20 days after application)

Date Approved / Denied _____ Commission Chairperson: _____

Advertise Dates 1-13-18 & 1-20-18 in NEWARK ADVOCATE Signature _____ (at least 7 days before hearing)