



Village of Johnstown
Planning & Zoning Meeting Minutes
Tuesday, April 24, 2018

CALL TO ORDER: Matt Lyons called to order the Village of Johnstown Planning & Zoning Meeting for Tuesday, April 24, 2018 at 6:32 p.m.

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

IN ATTENDANCE – STAFF: Jim Lenner – Village Manager, Jim Blair-Zoning Inspector, Lewie Main – Village Council, Marvin Block – Village Council, Chip Dutcher – Village Council, Cheryl Robertson – Village Council, Teresa Monroe – Clerk of Council

IN ATTENDANCE – PUBLIC: Doug Shull, Terry Scovell, David Pontia, Monica and Brian West

APPROVAL OF MINUTES: April 10, 2018

Motion: Mr. Lyons moved to approve the minutes as written. Mr. Lee seconded and the vote was as follows:

Matt Lyons; Y
Sharon Hendren; Y
Ben Lee; Y

Minutes approved 3-0

Motion: Mr. Lenner asked for a motion to amend the agenda tabling item number eight, work session and moving item nine, Rural Residential discussion up to number seven. Ms. Hendren moved, Mr. Lyons seconded and all were in favor 3-0

PUBLIC COMMENT: None

VARIANCE – 738 W. Coshocton; reduction of parking spaces

Doug Shull was present as a representative for applicant Bill Emery who owns the 738 W. Coshocton Street building. Currently Dr. Vargo’s medical practice occupies one side of the building and Cornerstone Physical therapy proposes a five year lease of the other side. Village parking ordinance would require 68 parking spaces between the two practices; the applicant requests a reduction of parking spaces from 68 to 19. The staff report is attached; recommendation is to approve the variance.

Public Hearing

1. Monica West; All Things Old.
 - Asked for clarification on the parking formulas. Mr. Lenner reviewed.
2. Sean Stancart; 345 Buena Vista Blvd.
 - Asked if Dr. Vargo had to go through the variance process. Mr. Blair said no because he had access to all the parking spots when he moved in.
 - Asked who filled out the variance application. Mr. Blair said he did.

- Asked how many spaces currently get used. 8-12 for staff plus patients.
- Asked how many spaces do like businesses use. Mr. Blair said he did not know off the top of his head; Sean said he had the numbers as follows: LMH has 42, Dr. Bright has 24 but uses street parking for a total of 32-36, Power Ahead Physical Therapy has 12 on site but access to 16 on the street.
- Asked what are the criteria or formulas used to determine required parking if not using the code. Jim Lenner said that many times with infill you must balance the need for the business versus parking available; he said he would be comfortable adding a condition to this variance that would add parking to the rear lot upon growth of the business if ever needed.
- Asked what recourse would there be if current property owner sells. The village could mandate an access easement to the vacant rear lot also owned by the applicant.
- Asked if the businesses would be able to utilize the surrounding streets for parking. Mr. Lenner said certainly not on US62 and undetermined for Cheery Hill, it is a private drive.
- Asked if Power Ahead Physical Therapy went through the variance process. Mr. Blair said no they increased their office space without the knowledge of the village.

3. Dave Pontia – 5760 Johnstown-Alexandria Rd.

- Said the County would require an ADA parking spot.

4. Marvin Block – Village Council.

- Said he believes the parking requirements need to be changed anyway and also thinks the owner would be agreeable to expand the parking lot if it becomes necessary.

There were no further comments from the public and Mr. Lyons closed the Public Hearing.

Board discussion

Mayor Lee said he would not like to see any more parking than is necessary and thinks the current formula needs to be revamped; he added that just thinking about 68 required parking spaces seems like a lot but that he understands the black and white aspect of how the code is written and the formula as it is presented and also understands the verbal agreement to use the lot space next door at 744 W. Coshocton as well as the vacant lot behind it when additional parking becomes a necessity; he would like to see easements granted to those properties for the 738 building to ensure it is recorded and that the space is set aside when and if needed. He added that he just does not like to see the blacktop if it is not necessary and would like to see the parking requirements change within the zoning code to better reflect a more realistic approach to what is required so a variance for things like this are the exception. Mr. Lee said the historical precedence with having one in place with Crossfit makes it difficult to say no for this type of variance and the requirements could only be changed going forward but again he would like to have the easement in place for the record to say the space is available when and if needed; also a conditional aspect that if there are consultation rooms added that would change the need for more parking on an hourly or daily basis they would notify us. Mayor Lee asked Mr. Blair if he filled out the applicant question portion of the form with Mr. Emery there with him, Mr. Blair said no, he told Mr. Emery he would do it as an exercise since this was the first time using these considerations to learn as he went through it. Mr. Lenner said Mr. Blair still would have filled those questions out as they are under planning considerations in the Staff Report, at this time the application is only lacking the opinion of Mr. Emery to those questions; Mr. Blair said he did talk about those seven questions with him.

Mr. Lyons prompted further parking discussions by mentioning the tremendous amount of asphalt at the Kroger plaza and said ultimately doesn't the market dictate how much parking is needed. Mr. Lenner said that he will be asking staff to track parking lot vacancy rates at different businesses throughout the village as new formulas are considered.

Mayor Lee said not necessarily a condition of the variance but he would like to see retroactively, an answer to the practical difficulties questions by the applicant attached to the application for the file; he believes it an important part to have submitted by the applicant as a part of the variance application process. Mr. Lenner asked Mr. Shull to get the answers to the questions in the application submitted, he said he would.

Motion: Mayor Lee moved to approve the variance application with the following conditions:

1. Village requires notification upon buildout of any additional consultation rooms within Cornerstone that would necessitate additional parking requirements.
2. Easement must be granted by the adjoining property for additional parking in the rear and must be recorded.

Matt Lyons seconded the motion and the vote was as follows:

Sharon Hendren; Y
Ben Lee; Y
Matt Lyons; Y

Variance approved 3-0

Mr. Blair told Mr. Shull that Bill Emery could email him his answers to the application questions and it would be made part of the variance.

DISCUSSION: Rural Residential zoning district/Buffer Zone discussion

Mayor Lee said he had conversation with Mr. Lenner earlier about a Rural Residential (RR) Zoning District and the incorporation within the Western Licking County Accord (WLCA) as an additional, less dense option for the village to utilize and within that district, the addition of a buffer along the outside; however further discussion reveals that it makes more sense to talk about the buffer zone independently of any zoning district; so tonight's discussion should be about just the buffer zone and its application within the zoning code as it relates to development.

Mr. Lenner referenced David Pontia's buffer zone material previously given to the Planning and Zoning Commission and said within it are a few things he thinks we as a community should enact to protect the surrounding agricultural lifestyle as well as to protect the suburban residents from the agricultural activities such as spray drift, farm machinery or animals. The proposed buffer ordinance would require any property with a development on the fringe of the community abutting an agricultural operation to have property within it reserved for buffer uses; there would need to be discussions on the amount and type of buffer required. Mr. Pontia said the Ohio Revised Code says if there is an incompatible use then a buffer zone needs to be invoked and in his research he found there are different levels of incompatible use so he focused specifically between residential and agricultural as he believes that will be the majority of what will happen; the buffer is imposed on the land being annexed in.

Mr. Block spoke about his previous conversation with Sarah Wallace (President, T.J. Evans Foundation) and the proposed Concord Trails development (Rice property) saying she was upset with some of the details of the bike path connections and the annexation and the lots being right up against the bike path as the bike path is private property and a separate parcel that would not be annexed. Mr. Blair said he has talked with Ms. Wallace since then and everything is fine; he said the bike path has a natural sixty foot right of way, from the middle of the path thirty feet on each side is owned by the Evans Foundation and Ms. Wallace is fine with the lots going up to that point just as they do in Concord Crossing East and

West, Mr. Blair said in fact she said they encourage paved entrances to the bike trail from developments because they want people to have access to it when they want to use it. Mr. Lenner said he spoke with her as well and the misunderstanding was that she did not want a road for vehicular traffic crossing the bike path. Mr. Lenner said that if anything goes on or connects to the private property of the T.J. Evans bike path, she will be made aware of it. Mr. Blair said at Concord East they are currently working on a new connection that has been discussed with Ms. Evans and she is fine with it; she said they will do an easement and once paved will be the responsibility of the Concord Crossing East HOA to maintain.

Mr. Lenner said the question tonight for the Planning and Zoning Board is which direction is preferred; a standalone buffer regulation which he would draft or a Rural Residential Zoning District that has buffer built into it. Mr. Lenner said he is favorable to the first that way it is not up for negotiation in a PUD discussion, it affects all communities that surround us that have incompatible uses. Mayor Lee referenced the buffer zone standards in the WLCA and said when looking at the land around the village that would be developed, agricultural adjacency is probably the most prevalent but there are different applications with respect to industrial buffering if there were development near the business park or any commercial; but use agricultural as a base line for having a conversation about a buffer zone specifically within its own right as opposed to a less dense district with a buffer zone application is probably the best route and his suggestion.

Board member Sharon Hendren said the open buffer is what has been discussed all along and she is for going with that.

Council member Cheryl Robertson in the audience said this is really important and it is needed especially because most new building would be bordering a farm; she said she grew up on a farm, farms are there for a hundred years, generations own them, work them and then next thing there is a housing development right beside and they don't like things blowing in their yard or the smells etc.; a buffer would help the residents in the housing development as well as the farm to help keep their work the way it is supposed to be.

Council member Lewie Main asked who would hold title to the buffer zone, Mr. Lenner said probably the HOA or portions would go with the single family lots and be controlled with the deed restriction, Mr. Main asked who would monitor the buffer zones, Mr. Lenner thought it would be a civil matter among themselves whether HOA or deed restricted. Mr. Main then asked what happens to the buffer when the next adjacent property is annexed; Mayor Lee said there was actually wording in the WLCA for some cases, Mr. Main said these are just some of the things that are running through his mind. Mr. Lenner said there are many things to define. Mr. Staneart mentioned incorporating conservation design, Ms. Scovell expressed her concern for children's safety and her pond, and there were continued discussions on what adequate buffer zones could look like.

OTHER BUSINESS

1. Mr. Blair updated the Board on Ohio Pack and the building addition; they will also be tearing out the large parking lot added by Thirty One because they will never need it and do not want to maintain it. There was discussion on checking into using the crushed asphalt as a base for the pathway to the mastodon site and/or for walking pathways through Raccoon Creek although would need EPA approval if in a flood plain.
2. Mayor Lee called for a joint work session between Council and Planning and Zoning on Wednesday, May 9, 2018 prior to the scheduled Zoning meeting. The purpose is for coordination of goals.
3. Agenda topic Priority ranking of P&Z Commission goals will be added to next agenda

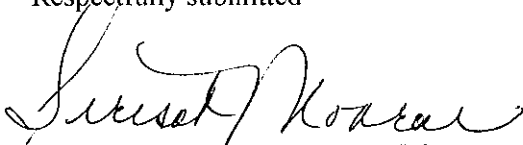
ADJOURNMENT

There being no further business, Mr. Lyons moved to adjourn; Mr. Lee seconded and the vote was as follows:


Sharon Hendren; Y
Ben Lee; Y
Matt Lyons; Y

Thereupon, the meeting adjourned at 8:17 p.m.

Respectfully submitted


Teresa Monroe, Clerk of Council

APPROVED AS PRESENTED


Matt Lyons, Vice-Chairman

VILLAGE OF JOHNSTOWN

STAFF REPORT

Application Number: 040918037
Property Address: 738 W Coshocton St
Subdivision:
Commission Date: 04.24.2018

Applicant: William Emery
Zoning District: GCC2

Background:

The applicant, Bill Emery owns the 738 W Coshocton building Bill also owns the vacant adjoining property behind the 738 building and the building to the West at 744 W Coshocton. The 738 building is divided into two sections, with a main entrance foyer and shared hallway to each side. The building size is 4500 square feet. Medical Doctor Vargo leases approximately 2500 square feet on the westside of the building. Cornerstone Physical Therapy a National Company has rented the 2,000 square feet on the eastside of the building. Cornerstone will operate with four employees and schedule therapy appointments at a maximum of three patients per hour. There are 19 existing striped parking spaces. Doctor Vargo normally uses 8 to 12 spaces. Johnstown Village Ordinance 1175.10 (4) requires one parking space for every 75 square feet of gross leased building space. For this building 68 spaces are required using the formula. The 744 building to the west is unoccupied and currently only used to store collector cars. Additional parking spaces to the rear of this building would be available if ever needed. The applicant is requesting a reduction of parking spaces from 68 to 19.

Planning Considerations Additional District Development Standards:

Johnstown Ordinance 1175.02 requires all parking spaces to be paved. In this situation the property owner could provide additional parking spaces if deemed necessary to operate both medical businesses. He owns the property that ajoins the rear of both the 738 and 744 buildings.

Planning Considerations:

The Variance application will be reviewed using the Ohio Supreme Court Duncan vs. Middlefield Variance practical difficulties test. Respond to the following seven questions.

1. **Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;** 19 striped parking spaces are available. The existing Doctors office uses approximately 8 to 12 spaces per day.
2. **Whether the variance is substantial;** the owner of the property also owns the adjoining building to the west and the vacant ground to the North behind the building additional parking if found to be necessary can be added.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; the new business would share a building that is already used as a Doctor's office. The two businesses would be a very good match.
4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer, garbage); does not pertain to this location, all service are currently provided.
5. Whether the property owner purchased the property with knowledge of the zoning restriction; this is family owned property and the existing buildings were built by a family member.
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; yes, the property owner could make an investment to expand the existing parking areas, less parking whenever possible is encouraged, much better for the environment.
7. Whether the spirit and intent of the Code would be observed and substantial justice done by granting the variance. When codes are written in the spirit that their purpose and guidelines are necessary, not all guidelines can fit every situation. Often common sense or understanding of the circumstances should prevail.

Id. "No single factor controls in a determination of practical difficulties."

Id at 86. Weighting and balancing the different factors outlined in Duncan allows courts more flexibility in deciding whether to grant an area varianc

Recommendation: The staff recommendation is to **APPROVE** the application to allow the amount of reduced parking spaces.

JOHNSTOWN, OHIO



APR 09 2018

P A I D

Variance Application

Application Number: 040918037

Fees:
 Number of Certified letters to contiguous property owners: 2 @ \$6.70 = 13.40
 Newspaper advertising, for two weeks: Fee: 166.00 (EST)
Circle one:
 Base fee Single Family Residence: \$200
 Base fee All Other Uses: \$500
 Total fee amount: 679.00 Paid: 4.9.18 Check/cash: 1148

The undersigned is applying for a Variance for the following use; said permit to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct and agrees to follow all applicable regulations, refer to Ordinance 1181.

Applicant Name: WILLIAM EMERY Phone: [REDACTED]

Mailing Address: [REDACTED] City: [REDACTED]

Email address: [REDACTED]

Property address: 738 W. COSHOCTON Johnstown, Ohio

Zoning District: G-GC-2

Ordinance(s) the Variance Applies to: 1175.11

Description and nature of Variance request: REDUCE PARKING SPACES FOR NEW BUSINESS

In addition, the following items must accompany this application:

1. A set of to scale plans and plat showing all dimensions of lot, building and improvements.

2. Attach a separate list of property owner's names and addresses contiguous to and directly across the streets(s) from the property for which the Variance is proposed or desired and the mailing addresses of all such persons.

Attach your response to the following practical difficulties test questions.

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer, garbage)
5. Whether the property owner purchased the property with knowledge of the zoning restriction;
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
7. Whether the spirit and intent of the Code would be observed and substantial justice done by granting the variance.

"No single factor controls a determination of the practical difficulties test."

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

Applicant's signature: *Susan Kenney Emery* Date: 4 / 9 / 18

<p><i>Office use only</i></p> <p>Date received in office: <u>4 / 9 / 18</u> by: <u>J. BLAIR</u></p> <p>Planning and Zoning Commissioners hearing date: <u>4 / 24 / 18</u></p> <p>Permit was approved issued on date: <u> / / </u></p> <p>Permit was denied on date: <u> / / </u></p> <p>Commission Chairperson Signature: _____</p> <p>Additional comments or requirements: _____</p> <p>_____</p>
--

Easement granted to rear

OnTrac Property Map



April 23, 2018



Licking County Auditor GIS

