



**Village of Johnstown  
Planning & Zoning Meeting Minutes  
Tuesday, January 15, 2019**

**CALL TO ORDER:** Chairman Joe Ethier called to order the Village of Johnstown Planning & Zoning Meeting for Tuesday, January 15, 2019 at 6:32 p.m.

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

**IN ATTENDANCE – STAFF:** Jim Lenner – Village Manager, Jim Blair – Zoning Inspector, Councilmembers Robertson, Block, Main and Dutcher, Teresa Monroe – Clerk of Council

**IN ATTENDANCE – PUBLIC:** Robert Miller Jr., Chris Smith, David Chrisman, Sean Stanearth, Bob Sturgell, Steve Rice, Andy Joseph and family.

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT:** None

**APPROVAL OF MINUTES:** December 5, 2018

**Motion:** Mayor Lee moved to approve as written; Ms. Hendren seconded and the vote was as follows:

Pat Schlagheck;	Y
Sharon Hendren;	Y
Joe Ethier;	Y
Ben Lee;	Y

Approved 4-0

**APPLICATION # 120618179:** Conditional Use – 150 Commerce Blvd.

Andy Joseph; President, Apeks Supercritical/Ohio Grown Therapies, LLC was present as the applicant and has received a provisional license from the State of Ohio for cultivation of medical marijuana and seeks conditional use approval to expand his building to accommodate the process; the application and Staff report are attached.

**Public Hearing**

1. Marvin Block, Councilmember

- Asked the Board to recommend to Council changing this process to make this use permanent not conditional.

There were no further public comments.

There was discussion on section 1131.08 of the Village Codified Ordinances and transfer of the permit in different scenarios. Mr. Lenner said the permit is issued to the business not the individual. Mayor Lee expressed concerns on making the use permanent relative to the emerging market and a learning curve.

Steve Rice; President, RBI Construction Management was also present with fencing samples for the Board. Mr. Joseph said the building will be completely fenced as required by the State; it will consist of fifteen hundred lineal feet of fence at eight feet high and therefore requests to install a different type of fence than previously discussed for cost savings; the State requires the fence but does not dictate style or material. Mr. Joseph and the Board discussed security, similar fencing styles in the village, looked at samples and the Board agreed to allow the coated chain link fencing style.

Questions by the Board revealed the following:

- There will be limited access with secure entrances between Apeks and Ohio Grown Therapies.
- Majority of employees will be first shift
- Will not be a high user of water as they have a system that recirculates
- Will be a high user of electric
- Discussion on a clean out or inspection box for water sampling
- Would like Law Director interpretation on Codified Ordinance Section 1131.08 and opinion on making the use permanent

**Motion:** Mayor Lee moved to approve with conditions discussed to include the fencing plan of 8foot chain link; and installation of an inspection box for testing wastewater. Mr. Schlagheck seconded and the vote was as follows:

Sharon Hendren; Y  
Joe Ethier; Y  
Ben Lee; Y  
Pat Schlagheck; Y

**Application #120618179 passed 4-0**

**APPLICATION # 2019-001-Z:** Certificate of Appropriateness – 39/49 South Main Street

Chris Smith – C.O.O. Crow Works, Robert Miller Jr. – Tekton Engineering and David Chrisman were present on behalf of applicant Ghost Town Management, LLC who seeks to renovate two buildings that will be used for a restaurant and office space. Main floor usage will be a working bar and restaurant that will double as a showcase for furniture they manufacture (Crow Works). The upper floor will be used as employee office space.

Mr. Miller presented the Board with building design renderings and reviewed proposed plans and materials to be used. There was discussion on asphalt removal and redesign of drive through area of the former bank as well as a new parking layout and dumpster location. They discussed the plan for the number of employees and they hope to have the restaurant open by July. Applicant plans to submit sign permits separately if needed. Application and staff report are attached.

**Public Hearing**

It was asked how the second floor bathroom would be handled; they said it will be a unisex employee restroom only.

**Motion:** Mayor Lee moved to approve with the condition that they receive an approved zoning certificate as stated in the staff recommendation. Mr. Ethier seconded and the vote was as follows:

Joe Ethier; Y  
Ben Lee; Y

Pat Schlagheck; Y  
Sharon Hendren; Y

**Application #2019-001-Z passed 4-0**

Mr. Lenner asked the Board to review a draft of Resolution 2019-04 to establish submittal deadlines for 2019 Planning and Zoning Commission applications based on meeting dates. This will give staff more sufficient time to review and properly evaluate applications and material prior to drafting the staff report for Planning and Zoning review. The Planning and Zoning Board was in favor of forwarding the resolution to Council for approval.

**WORK SESSION** – Planning and Zoning Code Review

The Board and staff began review with Part Five – Subdivision Development and reviewed Article XXXVII Section 37.01 through Article XXXVIII Section 38.14. Mr. Lenner made edits and notes as the sections were reviewed.

**ZONING INSPECTOR REPORT:** Mr. Blair reviewed highlights of his December 2018 report; report attached.

**OTHER BUSINESS:** None

**ADJOURNMENT:** There being no further business, Mayor Lee moved to adjourn; Chairman Ethier seconded and all were in favor; motion passed 4-0.

Thereupon, the meeting adjourned approximately 8:45 pm

Respectfully submitted



Teresa Monroe, Clerk of Council

APPROVED AS PRESENTED



Joe Ethier, Chairman

JOHNSTOWN, OHIO

DEC 06 2018

P A I D



**PAID**

CK. NO. 8057  
DATE 12-6-18

150 Application for a Conditional Use Permit

Application Number: 120618179 Date: Dec. 7, 2018

<b>Fees:</b>		
Number of Certified letters to contiguous property owners:	_____	@ \$6.70 = _____
Newspaper advertising, for two weeks: Fee:	_____	
Application fee:	\$150	
Total fee amount:	Paid: _____	Check/cash: _____

Applicant Name: Ohio Grown Therapies, LLC Phone: \_\_\_\_\_

Mailing Address 150 Commerce Blvd City: Johnstown

Email address: \_\_\_\_\_

Johnstown Conditional Use Property address: 150 Commerce Blvd

Zoning District: LM

Ordinance(s) the Variance Applies to: \_\_\_\_\_


Description and nature of Variance request: Operate a licensed medical marijuana cultivation facility

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 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.
3. Attach a separate narrative statement demonstrating that the requested variance conforms to those conditions answering the following, bullet points.

- Special conditions and circumstance exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures in the same district in question.
- That is literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.
- Special conditions and circumstances, which create the need for a variance, do not result from the action of the applicant.
- Granting the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance, to other lands or buildings in the same district.

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

Applicant's signature:  Date: 12/05/18

*Office use only*  
 Date received in office: 12 / 6 / 18 by: Lom  
 Planning and Zoning Commissioners hearing date: 1 / 15 / 2019  
 Permit was approved issued on date:       /      /        
 Permit was denied on date:       /      /        
 Commission Chairperson Signature: \_\_\_\_\_  
 Additional comments or requirements: \_\_\_\_\_  
 \_\_\_\_\_



Andy Joseph  
Apeks Supercritical  
150 Commerce Blvd  
Johnstown OH 43031

September 24, 2018

To whom it may concern

Ohio Grown Therapies will operate a state licensed medical marijuana processing facility in such a manner that will not cause additional traffic, generate noise, or create other nuisances and will be generally compatible with adjacent land use. The operation will employ 5-10 people, and shipping in/out will be infrequent. Noise levels will be no more than ambient from the surrounding business park. The processing operation does not produce or release any fumes. A fence will be erected around the facility for security and restricted access.

Respectfully,

A handwritten signature in cursive script that reads "Andy Joseph".

Andy Joseph  
President  
Apeks Supercritical

# STAFF REPORT

**TO:** PLANNING & ZONING COMMISSION  
**COPY:** JIM BLAIR, ZONING INSPECTOR  
**FROM:** JIM LENNER, VILLAGE MANAGER  
**DATE:** JANUARY 11, 2019  
**SUBJECT:** CONDITIONAL USE PERMIT FOR MEDICAL MARIJUANA CULTIVATION  
**APPLICATION #:** 1200618179

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PROPERTY ADDRESS: 150 Commerce Boulevard  
AUDITOR PIN #: 053-172644-00.012  
APPLICANT: Andy Joseph, Owner  
ZONING DISTRICT: LM  
COMMISSION DATE: 01.15.2019

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## BACKGROUND

On May 25, 2016, the Ohio General Assembly passed Substitute House Bill 523 (“H.B. 523”), which, among other items, authorizes the Ohio Department of Commerce to issue licenses to medical marijuana cultivators, processors, and testing laboratories (collectively, “Medical Marijuana Businesses”). H.B. 523 also explicitly authorizes municipal corporations to prohibit, or limit the number of, cultivators, processors, or retail dispensaries. A resolution was passed by Village Council on August 16th that simply iterates we will not be “opting out” as allowed by the State law.

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## APPLICABLE ORDINANCE - 1131 CONDITIONAL USES

Certain uses not otherwise allowed under Title Five of this Zoning Ordinance may if properly controlled be compatible with the nature and spirit of the district regulations. This Zoning Ordinance calls those uses conditional uses and lists the conditional uses that may exist within a specific district. Upon proper review and approval by the Planning and Zoning Commission the conditional use may be granted the status of permitted use with respect to the property concerned.

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## CONDITIONAL USE PERMIT REQUEST

The applicant wishes to conduct medical marijuana cultivation within a proposed expanded facility per Johnstown Codified Ordinance 1159.04.

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## MEDICAL MARIJUANA CULTIVATION OPERATIONS & PROCEDURES (per OAC)

Please see Exhibit “A”



JOHNSTOWN, OHIO

JAN 08 2019



## Certificate of Appropriateness for Design Review

### Codified Ordinance Chapter 1187

Application Number: 2019-001-Z Date app. submitted: Jan 8, 2019

Fee: \$ 300.00 Paid: check number: 1098 Cash: \_\_\_\_\_

Business Name: GHOST TOWN MANAGEMENT, LLC

Principal Business Activity: OFFICE, BAR

Business Address: 39:49 S. MAIN ST.

Business Owners Name: DENNIS; DENISE BLANKENMEYER Phone: \_\_\_\_\_

Applicant's name: DENNIS BLANKENMEYER Phone: \_\_\_\_\_

1. Property address: 39:49 S. MAIN ST. Johnstown, Ohio

2. Existing Use of Property: VACANT

3. Square footage of proposed building: 9,500 S.F.

4. Zoning District: GGC-1 Number of Off-Street Parking proposed: Public

Date of Planning and Zoning Commission Meeting: JANUARY 15, 2019

Date approved or denied by Planning Commission: \_\_\_\_\_

Chairperson Planning Commission: Print: \_\_\_\_\_

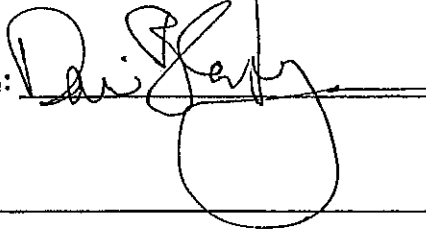
Signature: \_\_\_\_\_



In addition, the following items must accompany this application:

Eight full sets (11x17) of to scale plans and dimensioned drawings showing the property, with all elevations and the location of existing and proposed buildings and alterations are required. Attach any requested, supplemental or necessary documentation.

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

Applicant's signature:  Date: 01 / 02 / 19

Denials:

Date: \_\_\_\_\_ denied by the Planning Commission for the following reasons.

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# VILLAGE OF JOHNSTOWN

## STAFF REPORT

Application Number: 2019-01-Z

Applicant: Ghost Town Management, LLC

Property Address: 39 & 49 S. Main Street

Zoning District: GCC-1

Commission Date: 01.15.19

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### **Background:**

The applicant wishes to conduct an exterior remodel of the two buildings. The buildings are getting a new roof, new interior and exterior windows and doors, a new storefront, the brick is to be tuck pointed, all new plumbing, mechanical, and electrical, and structural upgrades. All existing interior walls and ceilings have been removed.

The buildings will be used for a restaurant and office space.

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### **Materials:**

Materials used for the renovation include a grey metal roof, painted brick in the color white and iron ore, black doors, black metal awning and black aluminum finish windows. The existing dormers will be removed.

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### **Planning Considerations:**

In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Board or Village staff member shall consider the following, as a part of its review:

- (a) The compliance of the application with the Design Guidelines and Requirements. The proposed environmental change is to comply with the Design Guidelines and Requirements of the Village, incorporated by reference.
- (b) The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.
- (c) The distinguishing original qualities or character of a building, structure, site and/or its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or environmental features should be avoided when possible.
- (d) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance inconsistent or inappropriate to the original integrity of the building shall be discouraged.
- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be created with sensitivity.

- (f) The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials. Cleaning methods that will damage building materials should be avoided.
- (g) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired. Additions to the least significant and least visible of historic properties should be given priority over other designs.

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Staff Recommendation: Staff would recommend **approval** of the certificate of appropriateness with the following conditions:

1. Conform to all other applicable sections of the zoning ordinance through an approved zoning certificate



## December 2018 Zoning Inspector Report

### December 1, through December 31, 2018

Address change: the new owners of the building at 49-55 S Main requested an address change. The second floor will be known as 49 S Main and used as offices for the Crow Works Company and the first floor will be known as 49 ½ S Main. The second floor apartments have been eliminated. All the appropriate County agencies were notified by mail.

53 E Coshocton a certified letter to the property owner was returned they refused to accept it. A second letter was sent through the regular USPS. The original certified letter was hand delivered to the property owner and left in his back door. He has failed to respond.

Redwood Living the Greens of Kyber Run will now be known as Redwood Living, installation of a new monument sign should be completed in January.

129 E Coshocton met with a potential new business owner at this location to discuss zoning, parking, variances, signs and processes for zoning approvals. She had already signed a three year lease prior to the meeting.

Picked up numerous yards signs around the Village all from one company for Epoxy Floors had 12 signs stuck in the ground at various locations.

701 W Coshocton received a complaint about an accumulation of broken pallets and miscellaneous junk being stored behind the TSC store. I had recently addressed these issues recently with the store manager she is always very cooperative. Actually the area was in good shape no issues.

129 E Coshocton contacted the property owner again about his wall sign it was lit again, once again it was turned off.

E Coshocton Shell Station the business owner asked to met and discuss the Circle K sign variance. We met and went over what changes were denied with regards to the signs and

canopy surround. The variance was tabled, they plan to return after making changes from their original request.

150 Commerce received another Conditional Use application from Apeks, the request is to allow cultivation of marijuana. The public hearing to hear the application is scheduled for January 15, 2019.

Laundry Mat had a phone conversation with an interested party about installing a new laundrymat in Johnstown. He has several locations he is considering.

219 Weeping Willow Way received a complaint and asking for help from a Leafy Dell HOA board member. The HOA has been dealing with an dual axle lawn equipment trailer left on the street for over one month and commercial lawn care equipment left in the front yard. The trailer had expired and the wrong tags on it. JPD had it impounded. A certified letter was sent to the property owner about the lawn equipment in the front yard. The equipment has been removed.

103 Bigelow Pulte/Centex permitted the first home for the Preserve at Raccoon Creek. This will serve as the model home. The lot on the Northside of the model will be paved for parking with a connecting sidewalk. Home value \$250,000.

129 E Coshocton the person that had plans to open a bakery at this location has decided to cut her loses and is moving to the former Curves location in Monroe Township on W Coshocton.

336 Green Acres Place issued a temporary certificate of occupancy. Exterior work is incomplete.

28 S Main the property owner ask if he could set a large dumpster off the edge of the alley to do some renovating.

Pratt and Ford provided more information for the property owner about constructing a new building on his five lots. We discussed zoning, parking requirements, setbacks, green space and sidewalks for the type business that would occupy the building.

Concord Crossing East contacted Schlabach Builders about installing street signs at Fondriest and Bottecchia.

119 W Jersey a new garage was permitted at this address. The contractor hired to build it is delayed I received a request to see if the permit time could be extended if necessary.

Ohio Pack received an inquiry about fencing requirements for a generator.

267 N Main received information request from another realtor asking what type Zoning could be permitted in the former Northview Nursing facility. Another Addiction Recovery company has interest in the property; this is the fourth Addiction Recovery Company to inquire about the property.

Received a call from the Architectural Company designing the Crow Works buildings exteriors and parking lot. We discussed eliminating the former PNC driveway entrance from Phalen and removing the landscape area. We also discussed ways to separate the Crow Works Parking area from the Municipal parking lot. My recommendation was to build a brick wall with a single entrance/exit surrounding the Crow Works parking lot. We also discussed were to locate the dumpster enclosure. It was recommended constructing a new enclosure that would house both the Old Horseshoe and Crow Works dumpsters using the current Old Horseshoe dumpster location in the Municipal lot. This location would require Council approval.

Discussed the new Johnstown Village street lighting standards with Bill Newton at CT Consultants. One small change needs to be made to the final document.

18 W Coshocton approved an application for a new for sale sign for the empty lot.

212 Blueberry Hill issued a temporary occupancy permit for another new Maronda home.

Received a call from a Columbus Commercial Roofing company, they have been hired to replace the roof on the Village Shopping center.

327 Green Acres issued a temporary occupancy permit for another new Maronda home.

134 Tyler Place permitted a new home for the last buildable lot available in Concord Crossing West. Value \$330,000.

Villa Pizza provided a detailed letter to the owners of the Villa listing the steps and the process for expanding his parking area and making major improvements to the property. The letter was due diligence for their bank.

Johnstown Monroe Fire Department has created a new position, know as Johnstown Monroe Fire Inspector. Brian Bemiller is now the Johnstown Monroe Fire Inspector. He will take over the duty of inspecting all Commercial Businesses and Manufacturing in the Johnstown Monroe Fire fire districts. We met to discuss how his position will fit with Village Zoning Department and how to handle the flow of information between the Village and Fire Department.

Concord Court and Concord Crossing, received a request to replace a rotting 6x6 sign post at the intersection.