

Village of Lordstown Planning Commission

August 12, 2019

The Lordstown Planning Commission met on August 12, 2019 at 6:30 p.m. at the Lordstown Administration Building. The meeting was called to order by Chairperson Tim Rech, followed by the Pledge of Allegiance to the Flag. Roll call was taken.

In Attendance: Tim Rech, Chairperson  
Richard Rook, Vice Chairperson  
Don Reider, Council Member  
Bob Schaffer

Paul Dutton, Solicitor  
Kellie Bordner, Planning and Zoning Administrator

Also Present: Robert Bond, Council Member  
Karen Jones, Council Member  
Martin Jones, Lordstown, Ohio  
Dave & Vanessa Carpenter, Bruner Land Company  
Larry Tura, Lordstown, Ohio

**APPROVAL OF AGENDA:**

MR. RECH: All right, thank you. Is there a motion to approve the Agenda?

MR. ROOK: Motion to approve.

MR. RECH: All right -- I have a first. Is there a second?

MR. REIDER: Second.

MR. RECH: All right -- all in favor, say "aye".

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

(VOICE VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

**APPROVAL OF MINUTES of June 10, 2019:**

MR. RECH: All right, approval of the minutes of June 10th, 2019, that was in your packets -- any questions, comments?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: Hearing none -- go ahead?

MR. ROOK: No comments.

MR. RECH: Okay -- is there a motion to approve?

MR. REIDER: So moved.

MR. RECH: All right, we have a first. Is there a second?

MR. SHAFFER: I second.

MR. RECH: All right. We have a first and second -- all in favor, say "aye".

MR. REIDER: Aye.

MR. SHAFFER: Aye.

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MR. RECH: Aye.

MR. ROOK: Aye.

(VOICE VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

**PLANNING AND ZONING ADMINISTRATOR'S REPORT:**

MR. RECH: Planning and Zoning Administrator's Report?

MS. BORDNER: Mr. Chairman, I do have some issues or some things to discuss, but they're probably best served -- accomplished under Old Business if we may?

MR. RECH: Very good, thank you.

**SOLICITOR'S REPORT:**

MR. RECH: Any Solicitor's Report this evening?

SOLICITOR DUTTON: No report.

**CORRESPONDENCE:**

MR. RECH: Thank you. Is there any Correspondence?

MS. BORDNER: No, sir.

MR. RECH: Okay. With the Commission's approval, I would like to switch Old and New Business so we can move into the New Business and not keep the people that are here to see us waiting longer than necessary -- any objections?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**NEW BUSINESS: 1. Replat for Bruner Land Company for property located on Palmyra Road.**

MR. RECH: Okay. All right, let's move on to New Business, then -- replat of Bruner Land Company for property located on Palmyra Road. Kellie?

MS. BORDNER: Yes, sir. Mr. Chairman, on July 23rd, 2019, Dave Carpenter, from Bruno Land Company, presented a replat request for Parcels 45-904146 and 45-904147, located on Palmyra Road, to the Lordstown Planning and Zoning Office. Mr. Carpenter is here this evening, and he will be able to answer any questions that you might have after I give this short synopsis.

It is our understanding that the parcels will be purchased by Paul and Kimberly Whitfield, and that they wish to have them joined as one (1) -- so as to construct a single family dwelling on the proposed, combined parcels. This area is within the Bruner Land Plat on Palmyra Road; and therefore, would require the approval of Planning Commission prior to filing in Trumbull County.

A survey was conducted by AES Surveying and Land Planning, and a replat map was prepared, along with a new legal description combining referenced parcels. I have reviewed the documents submitted and find everything to be accurate, in order, and in accordance with Lordstown Codified Ordinance 1103.05 and other related Codes addressing replats.

Therefore, the Planning and Zoning Office will join Bruner Land Company, Mr. Carpenter, and the Whitfield's in requesting that a motion be made by Planning Commission to approve and accept this request.

MR. RECH: Mr. Carpenter?

MR. CARPENTER: Yes.

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MR. RECH: Would you like to step up to the mic and introduce yourself?

MR. CARPENTER: David Carpenter, Bruner Land Company.

MR. RECH: Good evening. Thank you for coming -- questions for Mr. Carpenter? The only question I have in what Kellie just read is -- well, the survey photo you show a -- I guess it's the Hess -- the Hess property, and then the one next to it says, "Bruner property."

MR. CARPENTER: Uh-huh.

MR. RECH: It looks like there's already a house on the Hess property?

MR. CARPENTER: Just the GIS looks like it's a little bit off there or whatever -- but certainly not there. I think I've included one (1) picture to show you kind of --

MR. RECH: Okay, so there isn't any dwelling on it?

MR. CARPENTER: No, sir.

MR. RECH: Okay. I just wanted a clarification because Kellie Bordner read about putting a house on it, and I didn't know how it was going to work out or whatever.

MR. CARPENTER: Just a little skewed map.

MR. RECH: Very good, thank you -- any other questions?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

MS. BORDNER: And just for the record, Mr. Chairman.

MR. RECH: Yes.

MS. BORDNER: I've been told -- as I believe was Mr. Carpenter -- by Tim Totten at the Trumbull County Auditor's -- that once this new survey is submitted, that they will correct that skew in the Trumbull County Map system to make sure that it doesn't look like the Hess house is over on their property. The parcels that we are speaking about tonight are, in fact, vacant.

MR. CARPENTER: Correct.

MR. RECH: Okay, thank you. All right, very good -- Mr. Carpenter, thank you for your time.

MS. BORDNER: Mr. Carpenter, if you will come right over here to me, everything is all signed up for you.

MR. CARPENTER: Okay, good.

MR. RECH: All right. So at this time, is there a motion for the Replat of the Bruner Land Company for property located on Palmyra Road?

MR. REIDER: So moved, Mr. Chairman.

MR. RECH: Thank you -- is there a second?

MR. ROOK: Second.

MR. RECH: All right -- we have a first and a second. Could we have roll call on this now, please?

MS. BORDNER: Yes, sir -- Tim Rech?

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MR. RECH: Yes.

MS. BORDNER: Don Reider?

MR. REIDER: Yes.

MS. BORDNER: Richard Rook?

MR. ROOK: Yes.

MS. BORDNER: Bob Shaffer?

MR. SHAFFER: Yes.

(ROLL CALL VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right, thank you. That passes. We're good with that. Any other New Business that we need to know about?

MS. BORDNER: No, sir.

**PLANNING AND ZONING ADMINISTRATOR'S REPORT:**

MS. BORDNER: Let me just quickly do the issue that deals with the Cassens Transport and Site Plan from August 7th, 2017.

On August 7, 2017, the Planning Commission voted to approve a Site Plan Not Involving New Construction for Cassens Transport. That's at the corner of Tod Avenue and Hallock Young -- and they were changing the use of their building and expanding their truck parking lot, and the address was 8290 Tod.

As part of that approval, Cassens was given specifically two (2) months, until October 1st, 2017, to fully asphalt or concrete the parking lot located in front of and around the building structure, which was going to be their new dispatch office, and which was formerly used for -- I believe it was an auction site by a different company.

I was directed to report back to the Planning Commission about this issue. Since that time, the Planning Commission has spoken with Dan Cuckovich a couple of different times who, at that point in time, appeared on behalf of Cassens; and each time that I spoke with him, he indicated that Cassens would be completing the parking lot very soon.

So, unfortunately -- two (2) years later, because I got a little busy with TJX -- so I will take the hit on that one -- and say that this wasn't quite as quickly done as it should have been -- but the parking lot has not been completed. So I am looking to the Planning Commission to direct me on what would be your pleasure on this issue?

MR. SHAFFER: What's our options?

MS. BORDNER: Well, I guess we should direct that to Mr. Dutton because -- I guess in my opinion we could fall back and say that Site Plan was not approved because they didn't complete a condition that was required; but obviously, there's got to be a better solution.

SOLICITOR DUTTON: What's the end game here? Is Cassens still in business?

MS. BORDNER: Yes, sir.

SOLICITOR DUTTON: Were they dependent upon the GM plant?

MS. BORDNER: I don't know that that was necessarily true. I don't know exactly what percentage of their business was involved with GM.

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SOLICITOR DUTTON: They will continue in business independent of General Motors?

MS. BORDNER: As far as I know -- I've heard nothing different.

SOLICITOR DUTTON: Then your options are what the normal options are -- and that is to cite them, give them the required notice, and then file an action to bring them into compliance and fine them.

Our problem in the past is that these matters are not embraced by the Prosecutor's Office -- and even though we have a contract with an Assistant County Prosecutor to prosecute criminal actions -- or quasi criminal actions in the Newton Falls Municipal Court -- I hate to be critical, but he doesn't seem to embrace that as part of his responsibility.

So that's your option -- and go forward.

MS. BORDNER: Well --

SOLICITOR DUTTON: Our firm doesn't prosecute these actions; and specifically our contract excludes that, and that's why the Village has a separate contract with them.

MS. BORDNER: And so I'm very mindful of that.

SOLICITOR DUTTON: Yes.

MS. BORDNER: And with that in mind, I guess I would like to perhaps take a three-step approach -- that being, sending a letter to Cassens, and letting them know.

SOLICITOR DUTTON: That would be number one, yes.

MS. BORDNER: Correct, let's start there -- send a letter, and let them know that we have discussed this matter again, at this Planning Commission meeting, and that they have not complied with a condition that was given to them when they received Site Plan approval back in 2017.

SOLICITOR DUTTON: Right.

MS. BORDNER: And give them 10, 15 days to comply, once they received the letter; and if they have not complied within that time, to issue a Zoning Violation.

Obviously, then, if they don't reply to the Zoning Violation within the described period of time, we have the option of fines, and then me moving forward with going to the Prosecutor. I would like to show that I've made every effort to negate any other options.

SOLICITOR DUTTON: And I would elevate this to the corporate headquarters -- not just the local office.

MS. BORDNER: I agree.

SOLICITOR DUTTON: And, in fact, you could copy the corporate head -- try to find the highest level person, the general counsel, the vice president in charge of these operations; and then maybe cite the Code section -- or send a copy of the Code section because you might get more interest out of town than in town.

MR. RECH: What's the actual relationship to Mr. Cuckovich and Cassens? I mean, he doesn't own that building or anything does he? Or are leasing from him or --

MS. BORDNER: I wish I could explain that to you.

MR. RECH: Okay.

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MS. BORDNER: I don't have a very good explanation. The Mayor might have a better one -- unfortunately, he's not here to advise but he might have a better idea of what Mr. Cuchovich's relationship is with Cassens. I'm sorry, but I don't know.

SOLICITOR DUTTON: I would also check the title -- the Recorder's Office, to find out who is the record title owner to the property.

MS. BORDNER: Yes, I can do that.

SOLICITOR DUTTON: They may have transferred ownership. It may be in a partnership or something like this -- and arguably, that would be the ultimate responsible person if we could get fines -- a Judgment, we could lien the property, which would make it difficult for them.

MS. BORDNER: Yes, I can do my homework.

SOLICITOR DUTTON: Even if you're not going to collect the fines now, you put a lien on the property. It places an impediment that they couldn't sell it without satisfying the liens.

MS. BORDNER: Correct, okay.

MR. SHAFFER: Well, obviously they're in violation. What if they no longer have the intention to pave that?

MS. BORDNER: I guess my feeling was that if I send a letter and tried to go -- for lack of a better term -- the kind route first -- rather than coming out the gate rather harshly with a Zoning Violation; and explain to them -- giving them a copy of our previous hearing, at least, as it related to that section, where they were specifically directed to have it done by a certain time; and explain that this was a condition that Site Plan approval was based on -- just because they might not be aware; and giving them a certain time, like, 10 to 15 days -- because it's not that big of an area to pave; but again, it was required. It's required by our Code, too, so --

MR. RECH: Do you have a map or something that shows what area it is that they're required to pave?

MS. BORDNER: I can have at least a picture or something that I can show them, and I will include, I'll do my homework, and I could include that; and again, I just felt that was a more workable approach. I think sometimes it's better to drop back and present yourself as being workable to a positive solution, than to jump out the gate with a Zoning Violation. That's my only reason in wanting to send the letter first.

MR. SHAFFER: Just one more question -- so the paving of that area was the Site Plan for all the other work that they've already done over there? That was part of that?

MS. BORDNER: When they expanded, right.

MR. SHAFFER: Okay.

MS. BORDNER: When they expanded, they took over that building that the old auction used to be.

MR. SHAFFER: Right.

MS. BORDNER: And they were now going to make that their dispatch office, so that -- plus there's actually a driveway that comes off of Tod Avenue; and so -- yes, that's a requirement. Anytime that you change a use, you come under the purview of our rules as they exist today; and our rules, as they exist today, require asphalt pavement

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when you're doing something like that and they did not comply. It's just really something I feel like I can explain better in the letter, and try to give them a chance to rectify something that, as Mr. Dutton said, perhaps the corporate office isn't aware.

MR. REIDER: Right, I agree. And I would like -- and I know you mentioned it about -- make sure that the corporate headquarters gets a copy of that letter, you know -- our Planning Commission meeting from 2017.

MS. BORDNER: Yes, I sure will. Well, I guess I just would like -- since that seems like the direction you agree with me on going on, I would just like a motion directing me to do that so that they don't believe that I'm coming after them unfairly. You guys are -- you tell me what to do. I don't tell you, so --

MR. RECH: Okay, so we --

SOLICITOR DUTTON: I have a question.

MR. RECH: Sure.

SOLICITOR DUTTON: Have we had contact with anyone, other than Dan Cuckovich, in connection with that project?

MS. BORDNER: We have not.

SOLICITOR DUTTON: So we don't even know the Cassens' person?

MS. BORDNER: We do not.

SOLICITOR DUTTON: Okay -- that's strange.

MS. BORDNER: Yes.

SOLICITOR DUTTON: In the future, we need to make sure we have something in writing where someone is authorized, by a corporate officer -- other than someone who lives down the street.

MS. BORDNER: I agree.

MR. RECH: Okay. So we want a motion to the effect that Kellie will follow up with Cassens, in the form of another letter, and also to the local -- as well as whichever she can find, from a corporate standpoint -- including any documentation, photos, minutes from that original August 7th, 2017, Planning Commission meeting -- and direct all that to them. Is that sufficient?

MR. REIDER: So moved.

MR. RECH: Okay. We have a motion. Is there a second?

MR. SHAFFER: I'll second it.

MR. RECH: All right. I guess we should probably do a roll call on that.

MS. BORDNER: Yes, sir.

MR. RECH: Okay.

MS. BORDNER: Don Reider?

MR. REIDER: Yes.

MS. BORDNER: Richard Rook?

MR. ROOK: Yes.

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MS. BORDNER: Bob Shaffer?

MR. SHAFFER: Yes.

MS. BORDNER: Tim Rech?

MR. RECH: Yes.

(ROLL CALL VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

**OLD BUSINESS: 1. Suggested repeal of Chapter 1180 PUD Planned Unit Development District.**

MR. RECH: Thank you. Okay, that takes care of Cassens, and now we can move on to Repeal of Chapter 1180 PUD, Planned Unit Development District.

MS. BORDNER: So just by way of a little bit of background -- on October 9th, 2018, the Planning Commission voted to approve a zone change from R-1 to PUD for a 117- acre parcel at the north end of Woodridge Way, and to approve a preliminary plan for the development of the PUD. Upon that approval, the developer and property owner, Mala Properties, had one (1) year within which to come back to Planning Commission to seek final approval pursuant to PUD Code 1180.

On June 6, 2019, the 117- acre parcel in question was sold by Mala Properties to Ron and Karen Krisher. Mrs. Krisher subsequently came into the Planning and Zoning office and stated that they would not be seeking the final PUD approval, and she sought to have the zoning reverted to R-1 status. I advised her that pursuant to 1180.16, if no final PUD plan is submitted within one (1) year, the PUD zone change would become null and void. That's mandatory -- and the property would revert to its former zoning classification.

She was concerned how this would take place, and I advised her that I would bring this to the attention of the Planning Commission when the time has passed; and that would be, basically -- I think it was December 17th would be the cutoff date for that final PUD.

In any event, I encouraged Mrs. Krisher to wait until the end of 2019, at which time the Planning Commission would be able to revisit this issue and declare the recommendation to Council for the zone change to be null and void; and that Council find, likewise, and reverse the zoning back to the original R-1 status. So it's a little confusing, but there's a process, and we'll make sure it all gets done.

In the meantime, this development would also be asked to be able to revisit and fully address the March 20th letter that came to Planning Commission from five (5) members of Council -- that requested that 1180, which is the PUD Code, be repealed in its entirety; and so it's probably time to have that discussion, so that we can clear it off of our books one way or the another.

SOLICITOR DUTTON: With respect to Mrs. Krisher, she could send a letter -- or whoever now owns the property -- if it's in a partnership, a family trust, whatever -- but whoever the record owner is now should send a letter and formally acknowledge that they have taken Title, and that they no longer wish to proceed with a PUD; and they would like the Planning Commission to either nullify or cancel it or -- that way you got a paper in the file that documents that.

MS. BORDNER: Yes, I will -- I'll direct her that.

SOLICITOR DUTTON: Yes.

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MR. RECH: Comments -- okay, so we're not causing the Krisher's any harm, as it stands right now, as a PUD; correct?

MS. BORDNER: No, we are not.

MR. RECH: Okay, very good. Then, in my mind, just let it revert back at the end of December whenever -- unless they, from your indication of a letter, Mr. Dutton --

SOLICITOR DUTTON: Well, but in December, on the trigger date -- or at the next meeting on that, Kellie should report in the minutes that the one (1) year had expired, that we also have a letter from the Krisher's saying -- Title transfer, they were no longer interested and therefore, there would be an acknowledgment in the minutes that the PUD was no longer alive -- the proposed zone change was no longer alive.

MR. RECH: Okay, makes sense -- and then as far as the actual language of 1180, we kind of went back and forth with this with some emails between you, Mr. Rook and myself. I can't remember who all else, but my personal opinion is that I still don't feel that it's bad language or a bad section, or whatever, to have a plan for something like this in the future. You know there's -- not to my knowledge, there's nobody busting down the doors to Lordstown to build houses anywhere; but if someone did get a parcel, and if they wanted to do something other than single family homes, then - I still think this was a good alternative for them. So that's just how I feel about it, but I'm one (1) person so --

MR. ROOK: I agree. I don't think it was a bad idea. I do think we need to go back and revisit it when that one came up with a lot of push back about the size of the lots.

MR. RECH: Uh-huh.

MR. ROOK: Maybe we need to go in and change that part of the PUD -- but I think this is a good opportunity to grow the community -- other than just single family homes and the stuff that we already have in it now. This may bring in a lot of activity. Hopefully, if things turn around, and the economy comes back, and the kids come back into the school and all that, we're going to need stuff like this.

MR. RECH: Yes.

MR. ROOK: But I think it's a good idea. I just think perhaps it would be better to review all of the qualifications involved in the PUD.

MR. RECH: Anybody else?

MR. REIDER: So our decision -- well, we're not going to make a decision -- are we going to discuss this come December, then?

MS. BORDNER: Well, there's really no discussion in December.

MR. REIDER: Okay.

MS. BORDNER: The discussion in December would be specifically related to the PUD zone change which was approved.

MR. REIDER: Okay.

MS. BORDNER: And all I'm going to say to you is that the time has passed, and I'll have a letter, hopefully, from Mrs. Krisher stating that she doesn't want to go forward with the PUD, and that we need to make a motion to recommend to Council that they declare it null and void, and revert it back to R-1.

MR. RECH: Uh-huh.

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MS. BORDNER: That can be accomplished by a simple letter from our office -- after the Planning Commission. So that's just something I wanted to bring to your attention, that we're just, I think -- at this point, I think it's important to discuss this letter that we received from Council because at this point in time, we do not have any interest in someone coming in at the moment to create a PUD anywhere here in the Village. So I think that we have as Mr. Dutton would like to say -- a little window of opportunity to discuss it without creating a problem --

SOLICITOR DUTTON: -- without a lawsuit.

MS. BORDNER: -- yes. So that's a good time. I mean, as to some of the comments about changing the Code wording, I mean, this Commission has the ability to issue waivers and has done so on many different projects. We have subdivision rules -- which if you're going to create an R-1 or whatever subdivision -- that is the 100-foot frontage by 200 deep. The PUD was designed, specifically, with those smaller lots in mind because that's what a PUD is supposed to have; but some of the other characteristics that, while they are delineated in the Code, don't really seem to exist in reality, and certainly did not exist in reality in the former one, which was proposed most recently, so -- and by that, I mean things like green space areas.

MR. RECH: Uh-huh.

MS. BORDNER: And I think the idea, back in the day, as I understand it -- and again, I wasn't here so I can only go by what I have heard and understood -- was that it was to be perhaps with a hall that the residents could use specifically to them and perhaps a pool and perhaps a basketball court and a playground, and those things were specific to that development and that community, which is a community within a community.

So we are the main community, and this was like a sub-community of its own, and there really hasn't been anything presented like that, here, to the Village. So I don't know that it's necessarily -- if you're going to choose to continue with the language as is -- or continue with the Code, let me say it that way -- I don't know that it's something that we need to change the language. You just need to be more strict with compliance. If someone is going to come in with a proposed PUD, I think that we need to more strictly live by that Code section and require that they do the certain things that they've promised to do.

The other problem was that 10% Commercial. You can have 10% Commercial within that development, and you can leave that area for Commercial, but that doesn't mean that they're ever going to develop that Commercial.

MR. RECH: Uh-huh.

MS. BORDNER: It would be left for that, but you would need to -- I mean it would be good for somebody to come to the table with a firm plan --

MR. REIDER: Right.

MS. BORDNER: -- otherwise, it just simply -- again, it doesn't really meet the overall idea of a PUD; and I think that in my research -- and I'm just giving you my thoughts -- in my research, I have not found one locally that really meets that ideal.

Down south, they have them -- that meets that ideal, and I've seen them down south. Perhaps you have even yourself, Mr. Dutton -- but not here. You don't see the clubhouse for the community. You don't see the pool. You don't see the basketball courts, and you don't see the Commercial being utilized at some appropriate location to that PUD District.

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So again, I just think that if we're going to move forward with keeping this on the books, that for future reference, we should be mindful of trying to follow that Code to its letter a little bit more.

I'm not saying that certain things can't be waived or allowances given, as you have the authority to do, but there's no point in -- you can do that under a subdivision as well. If you -- if someone is going to have -- come in and want to develop into a subdivision, you would certainly have the ability to do that in that way as well.

You have the authority to give waivers. So if someone says -- well, we can't meet the 100' X 200' frontage and depth requirement for each parcel in this subdivision, you can say -- well, where are you having the problem at? They can show you, and you can say -- no, that's fine. You can have 90' x 175' in this section. You can have the 100' x 200' in this next section -- and so on. You have ability to do that -- and yet, you don't have to deal with some of these other nuances that are particular to a PUD. Those are my thoughts.

MR. ROOK: But if we do that -- basically, leave it in place and then variances around it, I don't believe we have the buy-in from Council. Council, supposedly, represents what the people want; and without their buy-in -- I'm in favor of the PUD, but without the buy-in -- without Council going along with it, I say I don't even want the PUD; but if you can present to Council and say -- here is the way we think it should be --

The biggest objection then was the size of the lots. It seemed like once we got past that, it was going in the direction -- okay, we'll go ahead with it. So all I'm trying to do is get their buy-in, so that we can say -- yeah, the people of Lordstown really want this, and we don't get into a big pushing match like we had the last time.

MS. BORDNER: Well, I mean I can't speak for Council. We have two (2) members here that I'm sure would be very willing to speak and give you their thoughts; however this was particular to this issue. When the only other PUD that came before the Village was presented, it was not presented in a forum where there was a debate over the size of the lots. In this particular case, the reason why there was a debate over the size of the lots was -- I'll stand up, and I will say it was because of me wanting to protect the folks on Woodridge Way because I had them all coming into my office. There was only maybe -- in the entire -- I think it's 18 or 19 homes on Woodridge Way -- there were only two (2) that did not come in and speak to me and say -- "We do not want these small lots right next to us." So it was really my fault and my idea that these lots should be a little bigger --

MR. ROOK: That's what you should do.

MS. BORDNER: -- to protect the people that were already existing here, so that they could transition in. Beyond that, I could care less.

MR. ROOK: Right.

MS. BORDNER: I was only protecting the people that already lived here.

MR. RECH: And we were -- we were in line with that as well.

MS. BORDNER: I know you were.

MR. RECH: And they came back and, I think, eliminated, two (2) or three (3) lots from that original 21.

MS. BORDNER: And I appreciate that.

MR. RECH: Yeah.

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MS. BORDNER: And as I'm saying, I don't believe that, in reality, it was a big issue for those people that already exist; but in the grand scheme of a PUD District, it would not be an issue for me anyway nor should it be. I mean that's what makes it a PUD is that size lot with that frontage and that depth.

MR. RECH: Uh-huh.

MS. BORDNER: I mean that's unique with the PUD design. So if you were going to change -- or your idea is, in the future, to change the language to change the size of these lots -- then why have a PUD? You can do the very same thing by allowing waivers, under the regular subdivision section. That's all I'm saying.

MR. ROOK: Well, do you think if this was packaged as a PUD, maybe the developer would come in better? I don't know if you get a developer to come in and put up 50 homes -- just, you know, basically a development. Whereas, if he can come in with a PUD, he may say -- well, now I've got a little bit better control over it. I don't know. It's just a lot --

MS. BORDNER: I don't know. I guess my bigger concern would be that I have a letter in front of me with five (5) Council members' signatures. So when you recommend a PUD, you have to recommend a PUD zone change; and if the vast majority of Council does not want to see that here in the Village, then you're not -- you're going -- you're going to have controversy and debate every step along the way with the next one. Again, these are just my thoughts.

MR. ROOK: Right.

MR. RECH: Mr. Reider, I don't want to put you on the spot, but you told me beforehand that the reason why you signed this is because you wanted to, basically, have --

MR. REIDER: -- to get discussion, right.

MR. RECH: -- discussion on it, yeah. I'll offer to Mrs. Jones or Mr. Bond, there -- is there anything you want to say this evening about this?

MRS. JONES: Do you want me to go to the microphone?

MR. RECH: Yes, come up. You know how this works.

MRS. JONES: I guess I do. The letter that was written to you folks described the R-1, R-2, and R-3. R-1 is only for single family homes, but then you get into the R-2 -- you can do a single family home or you can do a duplex or triplex.

If you get into the R-3, you also add apartments into that. So our zoning does allow for that -- the current -- without the PUD. It does allow for multiple family dwellings and so forth.

Mr. Rook, you said that you thought maybe this would entice more coming in -- or more families -- more homes coming in; but the minimum size of a PUD is 100 acres. Not everybody is going to go out and develop 100 acres into a PUD -- where if they've got the opportunity to buy smaller acreage and do the R-2 or the R-3, they can do that with a smaller amount of property.

MR. ROOK: But don't you think if you have the PUD on the books, that it gives, whatever developer, two (2) options now? He can go either direction.

MRS. JONES: You could do -- well, if they want to buy 100 acres and do it, they can do it that way, too -- with the R-1, R-2 and R-3. They don't need a PUD.

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The other thing is -- there was a lot of concern about no green space. You can't use a detention pond or retention pond -- whatever you want to call these things -- as green space.

SOLICITOR DUTTON: They're different.

MRS. JONES: I know -- but whatever it was called over there --

SOLICITOR DUTTON: There are two (2) of them, but they're different.

MRS. JONES: -- whatever it's called over there -- you can't use that as green space. That has to be fenced in because, man, if there's water in there, you've got a problem with a kid running around in that area. There was -- I saw no playground on any of those plans. I saw nothing that I would consider green space. So that was an issue for me as well that -- you know, that it requires green space. It should have green space.

Now, I know that there are PUDs around Cleveland. My mother-in-law lived in Arizona for years. There were lots of them out there -- and all of them, where they had Commercial, was developed. I mean it wasn't -- it didn't just sit there. They built Commercial buildings and rented them -- or whatever they did; but there was -- the Commercial was available there as well.

So I really think that -- well, you've got the R-1. You've got the R-2. You've got the R-3. You've got the B-1. You've got the B-2. We've got the right zoning here without the PUD, I believe.

MR. RECH: Okay, thank you. Mr. Bond -- anything else?

MR. BOND: Yes, please -- Karen, is that the letter?

MRS. JONES: Yes.

MR. BOND: May I see it, please -- thank you.

MR. RECH: Don't read it, Mr. Bond.

MR. BOND: I beg your pardon?

MR. RECH: Don't read it to us. We've got it in front of us.

MR. BOND: No, I'm not going to read it to you. Robert Bond, 5092 Highland Avenue, Lordstown, Ohio.

You know, I remember this PUD thing here -- and one of the things I found interesting about it, as all of you mentioned, was the green space. You look at a lot of them -- some of them require as high as fifty percent (50%) green space. Now that is probably excessive. When we saw this thing with a little strip running this way, it just wasn't usable. What are you going to do with something 15 feet wide or so? It's basically a gas well road. I mean it's --

MR. ROOK: Can you get around that by changing the way the PUD is written -- saying we don't allow a 15-foot wide strip.

MR. BOND: Another thing is a lot of these places, PUDs start at like ten (10) acres. You know it's a major investment for any developer to come in and purchase 100 acres and turn it all into one thing. Purchase that same 100 acres, you can come in there, if you wanted to, for a zoning change and have a section R-1, R-2 and R-3, and I think that would make better sense.

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MR. ROOK: But doesn't he, then, have to fight through this Commission to get that -- where if you give him the PUD, he's got it.

MR. BOND: No, he doesn't have it. We saw this last time --

MR. ROOK: Once he gets the PUD, he does -- yes.

MR. BOND: We had a lot of arguing about it. I think it would be a lot easier just to do it the other way; and if you noticed, this was signed by five (5) Councilmen.

The last thing was probably significant -- is the last paragraph -- "Please consider these reasons and make the recommendation that Council repeal 1180, Planned Unit Development, from our Zoning Ordinances." This was signed by all Councilmen except Ron Radtka -- asking for it to be removed.

I think you ought to take that into consideration. I think also, as Karen has said, your existing zoning districts are sufficient for any type of perceived development here.

We got to realize we're kind of a unique community. We're sort of what you call a rural village? How many villages do you know that have this big a geographic footprint -- not very many.

We have areas of industry, which we need. We have various, different types of Residential available, and it is not -- is there not existing land that can be developed in each one of these regions -- each one of these classifications?

MS. BORDNER: Are you asking me, Mr. Bond?

MR. BOND: Yes.

MS. BORDNER: The answer is yes.

MR. BOND: Okay. Let's work through that, taking -- avoid having these hassles in the future. People can come in -- if a developer buys a piece of land, the zoning travels with the land. If he wants the zoning changed, let the current owner come and try to get it changed, and then he purchases it.

You seen this with TJX and other type of developments. It's not up to a new landowner -- or perceived want-to-be landowner -- to have to buy it and have the risk of not being able to do what he wants -- or he can look at it -- say, well, I want to do some B-3. This is already zoned that way. Here is some R-2, R-3, R-1 -- it's all available.

That's why we have zoning. Zoning is enacted by a community to protect what it already has and to cause orderly development. That's what was attempted to be done here in Lordstown. I think it just makes sense to stay with our existing types and not put the community through this again. Thank you.

MR. RECH: Thanks, Mr. Bond.

MS. BORDNER: If I may, Mr. Rech?

MR. RECH: Yes, please -- go ahead.

MS. BORDNER: I don't know -- maybe this might answer Mr. Shaffer's question because sometimes I can anticipate, but maybe not.

One -- a couple of Village officials had come to me and said -- do you know why they sold and/or do you know why they chose not to promptly move forward with the final PUD development? I do not know why they sold. I was not given a reason -- nor am

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I necessarily entitled to one; but I do know why they did not move forward with the final PUD development in a prompt fashion was because it was costly.

In fact, as I said, we really did not follow our Code to the letter -- to the "T". We gave them very wide and very kind allowances, in my opinion, to present to us something that was conceptual, which is not what the Code really calls for. What the Code really calls for is -- coming in, even preliminarily, if you take a look at it -- they have to have an idea of the entire layout of the PUD; and in this case, with Spring Creek just most recently, what they were trying to do was compartmentalize it. Do one (1) section, and then see how that went and then move forward but that's not what our Code calls for. What the PUD Code calls for is the entire plan -- and so were they to have come back to get final PUD approval, they would have had to present a final and full plan, which would have been green spaces that this Commission found acceptable.

So for them, my understanding was -- is that that was a lot of work to get to that point, for a final PUD presentation, and a lot of money. That's the only answer I have.

MR. RECH: Okay.

MR. SHAFFER: And my question is -- so you said the PUD has to be like 100 acres minimum -- right?

MS. BORDNER: That's what our Code calls for.

MR. SHAFFER: Okay.

MR. RECH: Yes.

MR. SHAFFER: So if somebody has 100 acres, and they want to put a PUD on it, it has to have -- it can't have the R-1, R-2, R-3. It has so much Commercial space set aside, Business space set aside, and so much green space set aside -- and you're telling me that if somebody has 100 acres and just wants to put a subdivision in, they can do all of that? They can put Business in a subdivision if they wanted to -- or anything else?

MS. BORDNER: So if someone has a parcel of land available --

MR. ROOK: I know what you're saying.

MS. BORDNER: -- I understand what you're saying, too. If someone had a parcel of land available -- anything other than R-1 -- if it's existing in its R-1 form, which is its original form -- anything other than that -- R-2, R-3, B-1, B-2, I-1 and PUD would require a zone change request.

SOLICITOR DUTTON: Yes.

MR. SHAFFER: So if it's R-1, and somebody wants to put R-2 on there, they would still have to --

MS. BORDNER: That's correct.

SOLICITOR DUTTON: You would have to carve out -- you would have to carve out where you want the R-2 structures, and then you would have to rezone that portion; and then if you wanted multiple family units as part of this, you would have to rezone that part; and if there was a Commercial area, you would have to rezone that part.

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That's one of the attractive features of a PUD. You can take 100 acres of land and put different structures in there without having to go through -- like carving it up like a jigsaw puzzle with different zoning classifications.

MR. SHAFFER: And also, if you just want to keep coming back for zoning changes over and over, you don't have to put a green space in, period. So at least with a PUD, they're still required to put in a certain amount of green space.

MS. BORDNER: I see what you're saying.

MR. SHAFFER: And I would prefer having requirements that say -- if you've going to develop 100 acres, we require 20%, 30% green space, and not using retention or detention ponds -- and, you know, I kind of like the idea of a one (1) package kind of thing instead of just somebody constantly coming back -- I want to put this in now. I want to put that in now -- I mean, if they come to the Planning and Zoning Board with a site plan that meets all those requirements -- and I totally agree with Kellie that we just need to be more strict on our -- you know, sticking to our guns about what's allowed and what's not allowed; and I think, with the Mala Properties, I kind of came here at the tail-end of that thing, but they could never come before the Board with anything solid.

MS. BORDNER: Uh-huh.

MR. SHAFFER: And they told them what our requirements were, and they'd come back with the same thing they had before. So, I mean, just -- you know, this is what our Codes called for, and that's what's required; and if you don't have that, don't bother coming back.

MR. BOND: That's all that transpired.

MR. SHAFFER: But if we need to change any wording in the PUD, I kind of like having the PUD on the books for -- that's just another tool for somebody to use if they so desire. We just might need to clean up some wording so those requirements are more solid.

MS. BORDNER: The process for doing that would be for this Commission to take a look at the PUD Code and discuss that in a meeting, and then present that to our Village Solicitor, who will put together legislation; and you would make a motion to recommend that Council change the verbiage where you want it changed. Am I correct, Mr. Dutton?

SOLICITOR DUTTON: Yes, it's another version of an amendment to the Planning and Zoning Code. It starts here, goes to Council, and it takes a super majority of Council to reject the Amendment.

I want to add a contribution -- not on the PUD so much; but this topic has come up over the years that we've been representing Lordstown. You have probably one of the best enforcement offices -- not just you, but your predecessors -- in enforcing the Code.

In fact, most developers complain that we put them through too much, and we do; but where we have a problem is -- we don't have a comprehensive zoning plan. We've attempted that when Ron Barnhart was around; and for some reason, we got into -- you know, not in my back yard, etc. etc. -- or I've got this property, and I don't want to lose the -- you know it's already, you know, for sale; and I don't want to lose the opportunity; but we have, as you know -- I'm telling you what you know -- Industrial zoned property next to Residential zoned property, and this is where the rook comes in; and then you have an infrastructure where we have sewer lines -- some of which

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are old -- that are of a certain diameter. CT will tell you this -- and then we put in an Industrial facility that needs a sewer line like this or -- and then we need pumps.

We need out here -- you need out here, a plan. Now, maybe we don't have the money for that now. Maybe it should have been done five (5) years ago; but you really need to look at the Village as a comprehensive whole.

As some -- as Bob has said, we have enough Industrial land out here. Yes, let's look and see where it is and make sure it has the utilities there to support it, and whether or not you can develop that -- not just say because it's zoned Industrial, it's good for Industrial -- or say we've got enough Residential property; but if the Residential property sits next to an Industrial plant, you're not going to develop that as a Residential property.

So you really need to have a comprehensive plan, and there are a lot of communities that have comprehensive plans, and then you enforce the comprehensive plan. Somebody comes in and says we want to invest in this kind of a project. You say -- well, these are the areas where this would be conducive, and you have the utilities in place. You have the right size sewer lines. You have water in place. You have water pressure in place.

So I don't know how you would go about doing that now, but somebody should pursue this, Kellie.

MS. BORDNER: Yes, sir. I have a copy of the old plan. I actually do.

SOLICITOR DUTTON: The old one, yeah.

MS. BORDNER: I actually did -- I found it. I do have a copy of that. I don't disagree with you, and I know it has been discussed among some of the Village Administrators and Council members. Again, you're right. The problem right now is the financial constraints with GM gone.

SOLICITOR DUTTON: Yes.

MRS. JONES: If I might, I would like to interject something here. We did discuss this years ago when I was on Planning Commission, and we had looked at YSU because they had an Urban Planning Department over there. They could do it, and they were willing to do it at a reasonable price back then; and then Kent State comes in and says -- oh, no, you're in our jurisdiction, and you have to use us. So that's why it got dropped. That's why it didn't happen.

MR. RECH: Did you want to say something?

MR. TURA: It's long passed. It's not worth saying.

MR. RECH: All right, thank you. All right -- anybody else have any thoughts on this?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: All right. So your homework assignment is to go back and read this language in the green book, and see if you have any new thoughts, and we'll bring it up again, and we'll discuss it further.

**PUBLIC COMMENTS:**

MR. RECH: All right -- any other public comments this evening?

MRS. JONES: It might be a good idea, when you discuss this, to make sure you invite Council members because they will have to vote on it.

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MR. RECH: Sure. We can do it as a work session.

MRS. JONES: So there might be some input, one way or the other, on what you decide.

**MEMBER COMMENTS:**

MR. RECH: Okay -- any additional member comments this evening?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**ADJOURNMENT:**

MR. RECH: Any other business?

MS. BORDNER: Mr. Chairman, do you want to excuse the Mayor?

MR. RECH: No. All right, motion for adjournment? Okay, I got it -- we're adjourned. Thanks.

(WHEREUPON, THE MEETING BEFORE THE LORDSTOWN VILLAGE PLANNING COMMISSION, IN THE ABOVE-CAPTIONED MATTERS, CONCLUDED AT 7:24 P.M.)

Submitted by:

Approved by:

Kellie D. Bordner  
Planning & Zoning Administrator

Tim Rech  
Chairperson