

Village of Lordstown Planning Commission

July 13, 2020

(WHEREAS, THE LORDSTOWN VILLAGE PLANNING COMMISSION MET ON MONDAY, JULY 13TH, 2020, AT 6:30 P.M., VIA ZOOM CONFERENCE. DUE TO SOCIAL DISTANCING MANDATES, NO MORE THAN TEN (10) PEOPLE WERE PERMITTED IN THE VILLAGE ADMINISTRATION MEETING ROOM. DIAL-IN INSTRUCTIONS WERE GIVEN TO WITNESSES WHO WANTED TO CALL IN AND ASK QUESTIONS OR SPEAK IN REGARD TO THE SITE PLAN REVIEW FOR HARVEST POINT CHURCH OR MAKE OTHER PUBLIC COMMENTS, AND PROCEEDINGS WERE AS FOLLOWS:)

The Lordstown Planning Commission met on July 13, 2020 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 (Via Zoom Conference)
 Kellie Bordner, Planning and Zoning Administrator

Also Present: Ken Evans, Harvest Point Church

EXCUSE THOSE ABSENT:

MR. RECH: Mayor Hill made us aware that he was not going to be able to be here tonight. So is there a motion to excuse Mayor Hill -- and do we need one for Denise as well or do you just --

MS. BORDNER: No, I did not have her attend.

MR. RECH: Is there a motion to excuse the Mayor?

MR. REIDER: So moved.

MR. RECH: Mr. Reider -- second?

MR. ROOK: Second.

MR. RECH: Mr. Rook, -- all in favor, "aye"?

MR. ROOK: Aye.

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MR. RECH: Aye.

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

MR. RECH: All right, he is excused. Thank you very much. We like having that power over the Mayor, don't we?

APPROVAL OF AGENDA:

MR. RECH: Motion to approve the agenda for tonight.

MR. SHAFFER: I will make that motion.

MR. RECH: Mr. Shaffer, second?

MR. ROOK: Second.

MR. RECH: Mr. Rook -- all in favor "aye"?

MR. ROOK: Aye.

MR. REIDER: Aye.

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MR. SHAFFER: Aye.

MR. RECH: Aye.

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

APPROVAL OF MINUTES of June 8, 2020:

MR. RECH: Very good, thank you -- next item is approval of the minutes from the June 8th meeting, which were in your packets -- any questions, comments, corrections?

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

MR. RECH: Hearing none, a motion to approve?

MR. REIDER: So moved.

MR. RECH: Mr. Reider -- a second?

MR. SHAFFER: I will second.

MR. RECH: Mr. Shaffer -- all in favor "aye".

MR. ROOK: Aye.

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MR. RECH: Aye -- anybody opposed?

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

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

PLANNING AND ZONING ADMINISTRATOR'S REPORT:

MR. RECH: Next we have Planning and Zoning Administrator's Report. We have "History of the Rovnak Years." If everybody is in agreement, I would like to push that back, and do the Site Plan Review first.

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

SOLICITOR'S REPORT:

MR. RECH: Okay, everybody is in agreement -- any Solicitor's Report this evening?

SOLICITOR DUTTON: No report.

CORRESPONDENCE:

MR. RECH: Thank you -- any Correspondence?

MS. BORDNER: No, sir.

OLD BUSINESS:

MR. RECH: Any Old Business?

MS. BORDNER: No, sir.

NEW BUSINESS: Site Plan Review Not Involving New Construction for Harvest Point Church, 2121 Salt Springs Road, Lordstown, Ohio.

The Planning Commission followed this form that follows Section 1116.03 of The Planning & Zoning Code:

The Village of Lordstown Site Plan Review Not Involving New Construction

NAME: KEN EVANS on behalf of HARVEST POINT CHURCH

ADDRESS: 2121 Salt Springs Road SW, Lordstown, Ohio 44481

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1. **Existing zoning of the property:** Recently rezoned to be an entire B-1 (General Business) parcel. Final vote of Village Council to approve the zone change request to B-1 was June 15, 2020, such approval will take legal effect on July 15, 2020.
2. **Describe the floor plan of intended building for specific use:** Applicant provided two very detailed floor plans, along with a list identifying 26 rooms and providing room sizes and uses. Proposed rooms include but are not limited to:
 - A secretary/treasurer's office and a pastor's office (both of which will contain customary office furniture and equipment)
 - A work room (which will contain paper type supplies and a larger table and approximately 6 chairs for use in creating activity advertisement, church bulletins, things of that nature)
 - 3 Sunday school rooms (one will be designated a nursery with cribs, rockers, and a changing table; one will be for toddlers and have small tables and chairs, a play area on the floor, toys, and a mounted television for playing age and content appropriate videos; and one will be for kindergarten age children with two longer tables for activities and teaching, size appropriate chairs, cabinets for storage and a "store" for picking rewards when Bible verses are memorized)
 - A youth room (which is a larger open room and will hopefully house things such as a ping pong table, a couch, and chairs)
 - A coffee/donut room (which will have a 15' to 16' counter with overhang, refrigerator, four overhead cabinets for supplies, a large coffee urn, two round tables and four chairs per table)
 - Specific storage rooms, closets, or areas for things such as tables and chairs, kitchen supplies, building supplies, janitorial and cleaning supplies, seasonal/holiday supplies, church related material and supplies, and Sunday school materials
 - A commercial type kitchen for the preparation and cooking of food
 - Women's and men's restrooms
 - A multi-purpose room / basketball court area, which is where church services will be held and 100 stackable, padded seats will be placed for parishioners and left in place until the area is to be used for a basketball game or one of the other activities mentioned in the detailed church activity list (i.e. small wedding receptions, small graduation parties, backpack giveaways, dinners).
 - For basketball games, the retractable backboards/hoops can be let down and there is approximately 5' for spectators on the north and south sides. The Church is still working out possible seating arrangements for any future games, remaining mindful of the parking requirements of 1 space for every 3 seats.
 - For other activities, there are 24 tables and 150 chairs that can be made available for use and the church has provided some diagrams of how those could be set up for a particular event.
 - Two additional office spaces which have no designated purpose as of this time, one of which contains an additional small bathroom with toilet and sink (these areas may be offered to outside third parties in the future for rent, however, there is nothing of this nature planned at this time and Applicant is aware that should this occur, there will need to be an additional site plan review for such use)
3. **Location and dimension of all off-street parking and loading areas including the number of spaces:** Lordstown Codified Ordinance 1163.06 requires one parking space for every 3 seats. The church currently has a total of 75 parking spaces on site; however, only 62 are marked/striped as stalls, plus another 4 parking spaces are ADA compliant. These spaces are located in front of the building (to the north of the front entrance) and to the west side of the building. The church intends to increase its parking when the lot is repaired and resurfaced and will not only re-stripe or stripe the existing parking stalls but hopes to add more.
4. **Location, size, height, and orientation of all signs, both existing and proposed:** There is no existing signage as all previous signs from UAW use have been removed. A 15'9" long x 2' wide x 1/16" thick metal painted sign identifying Harvest Point Church is proposed to be located on the building to the left of the main entrance. A

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Zoning Permit is pending successful Site Plan approval. An additional 5' wide by 8' long double-sided ground sign, which will be approximately 4' in height from ground level, is proposed to be located midway between the driveways in the grass area, 33' back to the south from the centerline of Salt Springs Road to be mindful of the front setback requirement. This sign is to have a metal/cement base and will be similar in type and structure to the sign in front of and identifying New Covenant Baptist Church on Salt Springs Road. It will be illuminated with lighting of constant intensity. A Zoning Permit is pending successful Site Plan approval.

5. **Location of all streets project is fronting on:** Salt Springs Road to the north and Muth Road to the west.
6. **Other information required by the Planning Commission:** Building doors will open for Sunday school and church services each Sunday around 9:00 AM and are expected to close around noon following the conclusion of the service and fellowship time. Services will be held in the multi-purpose room as mentioned previously and this area will be used for all major events or activities so there is no anticipation of multiple events running at the same time. For Sunday school and church services, the front doors will be the way to enter/exit (although there are always emergency exits available throughout the building and parishioners and visitors alike will be aware of that). The facility will have security cameras in the front entry way, parking area and Sunday school rooms. Someone will also stand security during church services so that late comers may gain entrance to the service. All individuals who work with the children in the congregation are required by the church to submit to BCI testing. There is no fire load for the building because it is all cement block and brick. There is an Ansul system in the kitchen because it is considered to be a commercial kitchen, and there are 8 fire extinguishers on site. The Church will work with Lordstown Fire Department to ensure compliance with Fire Codes.

If the church uses or rents out the multi-purpose room for things such as graduation parties or wedding receptions, for example, there is a strict no alcohol on premises policy. There are also back doors which separately lead to the multi-purpose room, along with a single door, so that if this area is ever rented, there will not be any access to the rest of the building except for bathrooms and the kitchen area.

Outside of the building there exists a 30' x 60' covered pavilion area with approximately 16 commercial, heavy-duty picnic tables that stay in place year-round. There is also a playground area for the children and a baseball/softball field with 2 benches to hold players and 2 bleachers with at least 3 levels which can hold 6 people per level comfortably (resulting in approximately 40 spectators in the bleachers total). The church hopes to revitalize this area and use it for church team practices and games, along with in the future, offering it for rent to third party teams.

The church wishes to maintain its good relationship with Lordstown Village Administration and community and will seek advice before any type of new development or renovation.

MS. BORDNER: Yes, sir. This is a Site Plan Review Not Involving New Construction on behalf of Harvest Point Church. Mr. Ken Evans is here, on behalf of the church, and this is located at 2121 Salt Springs Road, Lordstown -- and this is the old UAW Hall. It was previously before us for a zone change, which was successful, and successfully went through Council as well.

So they are now here on a recently rezoned parcel that was rezoned entirely to B-1 General Business. The final vote of Village Council to approve that zone change request to B-1 was on June 15th, 2020. Such approval will actually take legal effect on July 15th -- so two (2) days from now.

Mr. Evans has worked tirelessly to provide us with a great deal of information. So this is, actually, quite a comprehensive Site Plan Review Not Involving New Construction as opposed to what we normally see; and Mr. Evans has identified 26 rooms that will be used with their sizes and their uses; and those rooms, I'm going to run through for you. They are kind of lengthy, but I am just going to give you an idea of what is going to be contained within the building, and he also provided a floor plan.

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A secretary/treasurer's office and a Pastor's office, both of which will contain customary office furniture and equipment.

A work room which will contain paper-type products and a larger table, and approximately six (6) chairs for use in creating activity advertisement, church bulletins, things of that nature.

Three (3) Sunday school rooms. One will be designed as a nursery, with cribs, rockers, a changing table; one will be for toddlers and have small tables and chairs, a play area on the floor, toys, a mounted television for playing age and content-appropriate videos; and one will be for kindergarten-age children, with two larger tables for activities and teaching, size-appropriate chairs, cabinets for storage, and a little store for picking rewards when Bible verses are memorized.

A youth room, which is a larger open room, and will hopefully house things such as a ping-pong table, a couch, chairs for the older children.

A coffee and donut room, which will have a 15' to 16' counter with an overhang, refrigerator, four (4) overhead cabinets with supplies, a large coffee urn, two (2) round tables, and four (4) chairs per table -- things of that nature.

Specific storage rooms, closets, or areas for things such as tables, chairs, kitchen supplies, building supplies, janitorial and cleaning supplies, seasonal and holiday supplies, church-related material and supplies and Sunday school materials.

A commercial-type kitchen for the preparation and cooking of food.

Women's and men's restrooms.

A multi-purpose room, which also has a basketball court area, and this is also where the church services will be held; and there will be 100 stackable, padded seats that will be placed for parishioners, and those will be left in place in that area unless a basketball game or something of that nature comes in, or one of the other activities that the church details that could be happening on their activity list -- like small wedding receptions or small graduation parties, backpack giveaways, dinners -- things like that. Those chairs will remain in place for the church services unless one of those activities take place, and then they will remove those; and, of course, plan accordingly for that other activity.

For basketball games, there is a retractable backboard and hoop that can be let down on both sides, and there is approximately five feet (5') for spectators on the north and south sides of the room. So the church is still trying to work out some possible seating for future games, and they will definitely remain mindful of the parking requirements of one (1) space for every three (3) seats, and they will allow accordingly for that.

For other activities, there are 24 tables and 150 chairs that can be made available for use, and the church has provided some diagrams, also, of how those could be set up for any particular event that they've noted would be available in that room.

Two (2) additional office spaces which have, currently, no designated purpose right now -- these offices have a separate entrance, with no access to the main part of the building. So there's a small bathroom with a toilet and sink between the offices, and these areas may be offered to outside third parties in the future for rent; however, there's nothing planned for right now, and Mr. Evans -- as well as the remainder of the church -- is aware that should this occur, they would have to come back for additional Site Plan Review just to approve the use.

Lordstown Codified Ordinance 1163.06 requires one (1) parking space for every three (3) seats, as I mentioned. The church currently has a total of 75 parking spaces on the site; however, only 62 are marked and striped as stalls, plus another 4 parking spaces are ADA Compliant. These spaces are located in the front of the building, to the north of the front entrance, and to the west side of the building.

The church intends to increase its parking when the lot is repaired and resurfaced -- and will not only re-stripe or stripe the existing parking stalls -- but they also hope to add more. So

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they are compliant. They are good to go, but they are indicating that they are going to do more, and they are going to make that a little bit nicer in that area as well.

There is no existing signs -- as all previous signs from the UAW have been removed. There is a 15' 9" long x 2' wide 1/16" thick metal painted sign that's identified as Harvest Point Church. They had this, previously, at their location in the Lordstown Plaza, and they would like to propose that that be used on this existing building to the left of the main entrance. A Zoning Permit is pending successful Site Plan Review tonight.

An additional 4' x 8' double-sided ground sign -- very similar to what you see in front of the Baptist Church on Salt Springs Road across from the Fire Station -- very similar to that. They are proposing that that would be located midway between the driveways and the grassy area, which will be 33' back from the south -- to the south from the centerline of Salt Springs Road -- to be mindful of that front setback requirement.

The sign is to have a metal/cement base and will be similar in size and structure, as I said, to that one at New Covenant Baptist Church on Salt Springs. It will be illuminated with lighting of a constant intensity. So no problem there, and again, a Zoning Permit is pending successful Site Plan approval.

This location is fronting on Salt Springs Road to the north, and Muth Road to the west.

Just some information, additional, that Planning Commission members might want to know and has been provided by Mr. Evans -- the building doors will be open for Sunday school and church services each Sunday around 9:00 a.m. They are expected to close around noon following the conclusion of service and fellowship time. The services will be held in that multipurpose room, as I already mentioned; and this area will be used for all major events or activities, so there is no anticipation of multiple events running at the same time.

For Sunday school and church services, the front doors will be the way to enter and exit; although, there are always emergency exits available throughout the building, and the parishioners and visitors, alike, will be made aware of those.

The facility will have security cameras in the front entry way, parking lot and Sunday school rooms. Someone will also stand security during church services so that late comers can gain entrance to the service. All individuals who work with the children and the congregation are required, by the church, to submit to BCI testing.

There is no fire load in the building because it is all cement block and brick. There is an Ansul system in the kitchen because it is considered to be a commercial kitchen, and there are eight (8) fire extinguishers on site. Mr. Evans is a retired fire officer, and so we are very excited that he knew exactly what was needed; and the church will continue to work with the Lordstown Fire Department to ensure compliance with all Fire Codes.

If the church uses or rents out the multi-purpose room for things such as graduation parties or wedding receptions, for example, there is a very strict No Alcohol on Premise policy. There are also back doors which separately lead to the multi-purpose room, along with a single door so that if this area is ever rented, there will not be any access to the rest of the building except for the bathrooms and the kitchen area. So this makes it very nice, and they can keep it real nice and easy and compact.

Outside the building, there exists a 30' x 60' covered pavilion area, with approximately 16 commercial, heavy-duty picnic tables that stay in place year-round. There is also a playground area for the children, and a baseball and softball field with two (2) benches to hold players, and two (2) bleachers with at least three (3) levels which can hold, approximately, six (6) people per level comfortably. This would result in approximately 40 spectators in the bleachers, total. The church hopes to revitalize this area and use it for church team practices and games along with, in the future, offering it for rent to, perhaps, third party teams.

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The church wishes to maintain its good relationship with Lordstown Village Administration and community, and will seek advice before any type of new development or renovation -- and Mr. Evans, as I have said, is here in case you would like to ask him any questions.

MR. RECH: Welcome, Mr. Evans.

MR. EVANS: Thank you.

MR. RECH: Would you like to just introduce yourself -- maybe just your name and -- just for the record.

MR. EVANS: Yes, my name is Ken Evans, and I represent Harvest Point Church. I am the Chairperson of the Board of Elders. We have put a lot of time into the building, and it is not completed yet, but it is getting there. It was a union hall, so we have renovated it into how we want it as a church, but there is still progress to be had right now. So we are hoping to have our first open church service this Sunday; but right now, the multi-purpose room is set up to where there is two (2) chairs vacant between -- every other space. So we only set up 50 chairs at this point in time; and the first chair is probably 12' feet away from where the Minister is. I don't think there will be singing going on right now -- but they'll be about 12' feet back and we're going to -- I really stressed that we follow the CDC guidelines right along; and the problem is we're not Police, but we're going to try and enforce that everybody wear a mask; but if they choose not to, we can't knock them down and force them to -- or boot them out.

MR. RECH: Right.

MR. EVANS: We have hand sanitizers mounted on the walls everywhere. So we are doing everything that we can to try and stay on top of this. And as Kellie said, I have tried to remain open with her, and we have a very good working relationship. She has been very pleasant to work with. I commend her, highly, and I hope that everything will go fine in the future.

MR. RECH: Yeah, it is a tough time to be opening a church, I guess, with Covid; and I know -- I go to a small church in Austintown, and we have not gone in the building yet. We are still doing parking lot services and stuff like that so -- yeah.

MR. EVANS: We've had our services on Zoom.

MR. RECH: Yes.

MR. EVANS: So far -- I am going to guess -- 18 people, so far, have contacted me and said that they will not be there. They are still afraid.

MR. RECH: Sure -- yes, yes.

MR. EVANS: And I understand, wholeheartedly. So, like you say, it is a tough time right now.

MR. RECH: The good news is I find with our church -- I'm our Financial Chair -- and I found that people are being extremely generous during this time, too, which has been just a blessing because you figure people aren't in church -- they're probably not giving or whatever -- but it's really been the opposite is what I've seen. They have been very generous --

MR. EVANS: Same here.

MR. RECH: -- as far as giving. Any questions? I do not want to monopolize the conversation, here.

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

MR. RECH: Okay, hearing not -- I just want to thank you for your packet. It was very detailed and very put together and very complete. It does not look like we need any waivers -- correct?

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MS. BORDNER: I do not believe so.

MR. RECH: Okay, very good. At this time, then, would anybody like to make a motion to accept the Site Plan Review Not Involving New Construction for Harvest Point Church at 2121 Salt Springs Road?

MR. ROOK: I make a motion.

MR. RECH: Mr. Rook.

MR. SHAFFER: (MOTIONED TO SECOND)

MR. RECH: Mr. Shaffer's seconding. I saw his hand -- okay, any other discussion?

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

MR. RECH: Hearing not, can we have roll call on this then, please.

MS. BORDNER: Yes, sir -- Don Reider?

MR. REIDER: Yes.

MS. BORDNER: Richard Rook?

MR. ROOK: Yes.

MS. BORDNER: Bob Shaffer?

MR. SHAFFER: Yes.

MS. BORDNER: Tim Rech?

MR. RECH: Yes.

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

MR. RECH: Very good. All right, sir, thank you for coming in. We appreciate it -- and best of luck to you, and we hope that you do well and grow.

MR. EVANS: Thank you. Thank you very much.

MR. RECH: That's all you can hope for a church, right?

MR. EVANS: Yes, exactly -- you know, if you ever have any questions, you have my phone number.

MR. RECH: All right.

MS. BORDNER: Absolutely -- thank you so much, Ken.

MR. RECH: Thank you very much. Have a good night.

MR. EVANS: You, too.

PLANNING AND ZONING ADMINISTRATOR'S REPORT: History of 6730 Tod Avenue – Rovnak Years.

MR. RECH: All right, do you want to talk about --

MS. BORDNER: So, I just wanted to make the Planning Commission aware that this has been a difficult season of zoning violations, and we have a process in our office that we've developed over the last several years, Denise and I, where we attempt to -- not be so aggressive with people out the gate because people get angry then, and you can't get compliance, so what we want is people to understand what the Codes say, and that you have to comply with the Code -- and please do that, rather than make us have to issue a zoning violation.

That being said, we initially attempt to contact someone by phone. If I have a telephone number, I promise I will do that. I think it is probably the fastest and easiest way to get

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something resolved, and I found that people respect and appreciate that a little bit more, by making a personal telephone call -- just letting them know. Sometimes they do not know that they are in violation, and that helps.

If I do not have a telephone number, then I send a letter so that we can start the dialogue in that way, rather than have to issue a zoning violation right out the gate. And there's exceptions to every established protocol; and one of those would be that if, year after year, we have to see the same entity or resident that comes before us with a zoning problem; and believe me, we don't go searching for these. The trouble usually finds us. We do not have to look for it.

There are many people that will complain, for a variety of reasons, and I appreciate all of them. They have a right to. They have a right to quiet enjoyment of their property, and they have a right to contact us -- and I never have any problem with that; and that's, generally, how things come to us. It is not to say that we do not go out and look. We do -- but we try to be very lenient and fair when we go out; but we have had a couple of situations where these have been repeat violators.

That being said, one of those repeat violators is the old grocery store at 6730 Tod Avenue, and that came in for Site Plan Review back in July of 2012 and I gave you a history of that parcel. And at that time, the Planning Commission said yes, you can go ahead and operate.

It was very similar to tonight in that it was a Site Plan Review Not Involving New Construction and that this gentleman explained that he would have four (4) full-time employees, that he was working at another location or two (2) in Austintown -- that those would be closing. Those employees would be coming here. He would have an open public, counter where the public can go in and buy used or --

MR. RECH: -- refurbished.

MS. BORDNER: I guess I want to say gently used or refurbished, right -- equipment, restaurant equipment and stuff like that. That never really happened. So basically, he stores that equipment there.

What has happened since about last -- oh, gosh, it was in the winter, maybe November -- is that his business in Austintown -- and maybe both of them because it's very difficult to understand exactly -- I get a different story every time; but I have spoken with Mr. Edward Rovnak. He is the owner.

And Mr. Chaney previously owned that grocery store, and he had to go through a process in the Court with filing a Civil suit on a land contract. Because Mr. Rovnak did not pay, Mr. Chaney was successful. The property then went for Sheriff's Sale. Mr. Rovnak's attorney then filed a Motion for Redemption, which then allowed Mr. Rovnak to put the money into an escrow account with the Court, pay off Mr. Chaney all the money that he owed him, and then Mr. Rovnak was to file this Judgement Entry with the Trumbull County Recorder's Office to evidence the fact that Mr. Rovnak now owned the property.

First of all, Mr. Rovnak never did that -- and Mr. Chaney has explained to me that he spoke with his attorney, and that his attorney said -- look, we cannot do that on his behalf. Mr. Rovnak must do that or his attorney. So that never happened.

That being said, at some point Mr. Rovnak closed his businesses down in Austintown according to him; and that is why we see this influx of equipment and trailer beds and restaurant equipment and pay loaders -- or whatever you call them. I'm not very good with some of those words and what some of those things are -- but there's just a lot going on on that property, and he has no more room inside the building to be able to get some of these things in.

So, at first, I issued telephone calls because I'm familiar with him -- and promised me he would get 'em done. That did not work. We issued a Zoning Violation.

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He started to clean it up a little bit with the first Zoning Violation. So, once he is made some effort, I feel like that Zoning Violation was not quite accurate anymore. Well, so I wait -- and then he just loads it up again.

So the most recent Zoning Violation that I issued was on June 23rd. I believe that is when it was.

MR. RECH: June 15th, maybe?

MS. BORDNER: June 15th, thank you -- and, I mean, he really has not done much.

I spoke with Attorney Dutton on that whole situation -- and unfortunately, I had to also cite Glen Chaney, who was the original property owner -- only because he is still showing as the property owner with Trumbull County Records.

I mean, it does not show that Mr. Rovnak owns the property, even though that Judgement Entry in November of 2019 shows that it should have transferred to him. He never actually filed it.

So one of the suggestions that -- so I did issue that Zoning Violation to Mr. Chaney; and what ended up happening with regards to that is his attorney now has filed an appeal on that Zoning Violation, saying that he doesn't own the property.

Well, in the meantime, as I was explaining to a few of you before the meeting, Denise took a big packet of information on this Zoning Violation over to our Prosecuting Attorney, Joe Fritz, in Newton Falls -- and asked him to proceed on this and another one that we had in the Village at the same time; and he indicated to her that he would do the research, and let us know.

Well, that has been a week tomorrow, and we do not have a decision from Mr. Fritz, but I do not know where else we go from here? I asked Attorney Dutton if there wasn't something that the Planning Commission could do since we issued the Site Plan Review to begin with and gave him approval; and basically -- and I'm sure that Paul, since he's still on-line -- I'm sure can explain it way better than me; but storing equipment is part and parcel of what he does. It would be inventory at best.

One of the other suggestions was to have the Fire Chief get in there and see how he is with regards to Fire Code compliance; and Chief Eastham has tried doing that -- and, of course, we're meeting with a brick wall with trying to get in there and do that as well.

So I guess, basically, we are just in limbo -- I guess I just wanted to offer this for the reason that -- I think we really need to be careful when we start giving these Site Plan approvals.

Harvest Point was -- I believe, in my mind -- a very big exception. They provided a lot of detailed information. We do not always see that kind of detailed information, and I think that we need to start asking questions and maybe not allow this to happen because this business never happened.

MR. RECH: Yeah.

MS. BORDNER: It really never happened -- and so he's now used this, basically, as his personal dumping site; and I cannot tell you how many people have complained -- from Village officials, to Village residents -- and rightfully so; it is an eyesore, and now we're in between a rock and a hard place -- and that's basically what I wanted to let you know.

Paul, do you have anything else that you might want to offer?

SOLICITOR DUTTON: I think you explained it correctly -- but to maybe add to the nuance here -- from what I can gather, he was approved for Site Plan -- or granted Site Plan approval for what would be characterized as a retail/wholesale restaurant equipment business --

MS. BORDNER: Yes.

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SOLICITOR DUTTON: -- that would require parking, buffering -- to the extent that it abuts residential property -- everything that we do for that classification.

Now, I don't know what that would be classified -- probably Business 2, maybe -- but what he's running is a warehouse, with no retail activity, and some of the equipment is stored outside; and I don't know if we have a separate classification for a warehouse. So assuming that we do not distinguish between a retail/wholesale restaurant equipment business -- hard goods, as opposed to perishable goods, versus a warehouse -- there is not a lot we can do.

Now, you can make sure that if the equipment stored outside violates one of our provisions about junk material or --

MS. BORDNER: -- open storage.

SOLICITOR DUTTON: -- things like that -- you can cite them for that. If there is a combustible material in there, you can probably get the Fire Chief to go in and see what's going on; but -- yeah, the Site Plan approval needs to be more penetrating in terms of demanding the Applicants provide detailed information about what they're going to do and when they're going to do it; and we might tweak the language in the Resolution for Site Plan approval and condition the approvals on what the testimony is as to the nature of the business that they are going to conduct -- and so that, literally, almost every Site Plan becomes a Conditional Site Plan based upon what they're doing.

Now, someone might argue -- well, what if they are required to alter the business and change it a little bit? You know, you opened as a barber shop, and now you are going to do hair styling -- is that a distinction without distinction?

Well, you just come back -- and you don't want to jack people around -- but you have them come back and file something, and then just have the Board of Zoning Appeals approve that or Planning Commission approve it -- but we do have some issues, here, with this particular situation.

MR. RECH: Okay -- any thoughts, comments?

MR. REIDER: No, I do not know what, like Kellie said -- we are just -- we are in the hands of the (INAUDIBLE) --

SOLICITOR DUTTON: I cannot hear.

MS. BORDNER: Mr. Reider said that he feels that right now, we are in the hands of the Prosecuting Attorney to see what he decides to do.

And I think also that we've had a lot of complaints -- and I think that this happens when someone is in violation, then they want to tell you about how ridiculous that our Codes and rules are; and who made these rules?

And I explain to them that the rules are created by our Legislative Body -- and that would either be by recommendations of Planning Commission or it could be from the Committees that work to serve Council; and then all of that, ultimately, gets before Council, and Council approves those changes.

As Paul said, if we are going to tweak the language or whatever, that can come from here. That can come from Committees seeking to tweak the language or change it a little bit; but at the end of the day we all should just think about whether or not we feel that our Codes are ridiculous, so to speak, in certain ways; and if we do think that, any one of you is welcome to contact me, and let's explore that and determine what we could do to change the language, improve the language, delete the language -- whatever it is that you feel may be appropriate.

I serve you. So when I am trying to help the residents or -- because there's residents that complain. There's businesses that complain -- and I serve them and try to explain to them how -- but at the end of the day, my masters are all of you and Council. So, I explain to them -- do not shoot the messenger. I did not create the Codes. I merely must enforce them.

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So I guess, it has just been a difficult season. I think that there's a lot of people with a lot of time on their hands as a result of the Covid restrictions, and I think that they think a lot about these things; and we may be getting caught in the crosshairs, and that's fine.

It is my job, and I have no problem with it -- but I really would urge all of you to consider our Code language and let me know if you have concerns very seriously. If you would like to see something changed, I can always work with Attorney Dutton on that -- or I can hear your thoughts, and try to fashion some language myself, and run it by Attorney Dutton. There's always options.

So I'm just wanting to make you all aware of -- it's kind of reached a little bit of an epic proportion this year, and I wanted to make you aware of that -- and just ask you all to please give it some serious thought and consideration as to whether or not that you feel that we're good or we're not good.

SOLICITOR DUTTON: I want to make another comment, here. I mean, I assume everyone knows this, but if someone does not, I want to state it. Our office does not prosecute Zoning Violations -- or for that matter, Criminal Citations, such as the Police Department would issue -- or for that matter, Fire Code Violations. Those are prosecuted in the Newton Falls Municipal Court.

The Judge is a resident of Lordstown and does a very good job, but the Judge only hears violations or criminal complaints that are brought before him; and the most that Kellie's office can do is to refer it to the Prosecutor, and Mr. Fritz works for the Village.

He's a Trumbull County Assistant Prosecutor -- but as a separate contract, he's engaged by the Village, and they renew that contract every year -- January, February, something like that; and when that review comes up -- and this is directed to Arno, who isn't on the call -- and Don Reider, who is the Council representative -- Council should seek input from the Zoning Administrator and the Planning Commission -- but they really don't have the information as much as the Zoning Administrator and the Police Chief and the Fire Chief -- about how happy they are in terms of --

MR. REIDER: They're not.

SOLICITOR DUTTON: -- you know, how energized our Prosecutor is. Because this is not the first time that -- not only you, Kellie, but your predecessor -- in fact, the last two (2) predecessors, Zoning Administrator's, have complained that some of these citations just sit in a black hole over there and nothing happens.

So then it sort of renders your enforcement moot -- and some of these property owners can just blow it off and say, well, nothing is going to happen there; but if the Prosecutor knew that the Village was serious -- because there are a gazillion lawyers, who would love a contract to do that kind of work in Newton Falls Municipal Court.

It is not difficult work. It is not rocket science -- and this is not intended as a criticism, generally, of Mr. Fritz. He has other things to do there, but I am just saying we need to get our monies worth from that.

MS. BORDNER: Thank you.

MR. RECH: Thank you, Mr. Dutton -- any other comments?

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

PUBLIC COMMENTS:

MR. RECH: Is there any Public Comments this evening? I do not know if anybody else jumped on the call. If there is, *6 your phone, please.

(WHEREAS, THERE WAS NO RESPONSE FROM THE PUBLIC, VIA ZOOM CONFERENCE CALL, AND PROCEEDINGS WERE AS FOLLOWS:)

MEMBER COMMENTS:

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MR. RECH: All right, hearing not -- are there any additional Member Comments this evening?

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

ADJOURNMENT:

MR. RECH: Do I have a motion for adjournment?

MR. ROOK: Motion to adjourn.

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

MR. SHAFFER: Second.

MR. RECH: All right, we are adjourned -- all right thank you, everybody.

(WHEREUPON, THE PUBLIC HEARING BEFORE THE LORDSTOWN VILLAGE PLANNING COMMISSION, IN THE ABOVE-CAPTIONED MATTERS, CONCLUDED AT 7:05 P.M.)

Submitted by:

Approved by:

Kellie D. Bordner
Planning & Zoning Administrator

Tim Rech
Chairperson