

Village of Lordstown Planning Commission

May 13, 2024

The Lordstown Planning Commission met on May 13, 2024, at 6:30 p.m. at the Lordstown Administration Building.

In Attendance:

Tim Rech, Chairperson
Richard Rook, Vice Chairperson
Robert Shaffer
Robert Bond, Councilman
Jackie Woodward, Mayor
Matthew Ries, Village Solicitor
Kellie Bordner, Planning and Zoning Administrator

Also Present:

Attorney Douglas Ross, 3843 East Market Street, Warren, Ohio 44484
Dan Cuckovich, 1250 Mary Drive, Warren, Ohio 44481
Jamie Moseley, 3538 Goldner Lane, Warren, Ohio 44481
Christopher Peterson, 1055 Salt Springs Road, Warren, Ohio 44481
Judy Urban, 8655 Tod Avenue, Warren, Ohio 44481
Carl Kovach, 8655 Tod Avenue, Warren, Ohio 44481

NEW BUSINESS

Case No. 01-2024, Petition for Zone Change by BHGH Properties, LLC on Parcel No. 45-189203 from Highway Business (B-2) to Industrial (I-1)

MR. RECH: All right, it's 6:30, I would like to call the Lordstown Village Planning Commission meeting to order. Can we please rise for the Pledge of Allegiance?

(WHEREAS, ALL PRESENT STOOD FOR THE PLEDGE OF ALLEGIANCE TO THE FLAG, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: All right, thank you -- can we have roll call, please.

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

MR. RECH: Here.

MS. BORDNER: Bob Shaffer?

MR. SHAFFER: Here.

MS. BORDNER: Mayor Woodward?

MAYOR WOODWARD: Here.

MS. BORDNER: Richard Rook?

MR. ROOK: Here.

MS. BORDNER: Robert Bond?

MR. BOND: Here.

MS. BORDNER: Solicitor Reis?

SOLICITOR RIES: Here.

MS. BORDNER: I'm Kellie Bordner. Dustin Hajnosz? (NO RESPONSE)

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MR. RECH: Okay, is there a motion to excuse Dustin as he is ill this evening?

MAYOR WOODWARD: I'll make that motion.

MR. BOND: I'll second it.

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

MR. SHAFFER: Aye.

MR. BOND: Aye.

MAYOR WOODWARD: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

(VOICE VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right. He is excused. Is there a motion to approve the agenda?

MR. SHAFFER: I'll make that motion.

MR. RECH: All right, Mr. Shaffer -- is there a second?

MR. ROOK: Second.

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

MR. SHAFFER: Aye.

MR. BOND: Aye.

MAYOR WOODWARD: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

(VOICE VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right, that passes. Approval of the minutes of March 11, 2024. Is there a motion to approve those minutes?

MR. ROOK: Motion to approve.

MAYOR WOODWARD: I'll second.

MR. RECH: Mr. Rook made the motion; Mayor Woodward made the second. All in favor, "aye?"

MR. SHAFFER: Aye.

MR. BOND: Aye.

MAYOR WOODWARD: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

(VOICE VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: Okay, moving on to Planning and Zoning Administrator's Report.

MS. BORDNER: No report.

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MR. RECH: All right, thank you. Is there a Solicitor's Report this evening?

SOLICITOR RIES: No report.

MR. RECH: Thank you -- is there any correspondence?

MS. BORDNER: No, sir.

MR. RECH: All right, thank you -- is there any Old Business?

MS. BORDNER: No, sir.

NEW BUSINESS: Case No. 01-2024, Petition for Zone Change by BHGH Properties, LLC on Parcel No. 45-189203 from Highway Business (B-2) to Industrial (I-1).

MR. RECH: All right, that moves us on to New Business, which is Case No. 01-2024, Petition for Zone Change by BHGH Properties, LLC, on Parcel No. 45-189203, from Highway Business (B-2) to Industrial (I-1).

MS. BORDNER: Yes, sir -- on April 4, 2024, the Planning and Zoning Office received a Petition for Zone Change packet from Attorney Douglas W. Ross, as agent for the property owner, BHGH Properties, LLC.

Reviewing the Petition and attachments, we provide the following information for the record:

The mailing address for BHGH Properties, LLC, is 6624 Hollis Boulevard, Hudson, Ohio 44236.

The property in question, for which the zone change is being sought, is located on Tod Avenue, which is also State Route 45 -- and is known as Parcel ID No. 45-189203.

The phone numbers for the property representatives are as follows: Dan Cuckovich 330-883-3902 and Gerald Henn 330-646-3541.

The petition describes the property as being plus or minus (+/-) 99.38 acres, located east of State Route 45, Lordstown, Ohio. I believe that the property in question is actually located west of Tod Avenue, State Route 45, and the zoning designation on only a portion of the approximate 99.38 acres is sought to be changed as follows: It would be comprised of an approximate 832,000 square foot, which is a 19.1 acre portion, of Parcel No. 45-189203, owned by BHGH Properties, LLC, having approximately 1,664 feet of frontage on Tod Avenue, State Route 45, and 500 feet of depth, running west from the front property line, and being situated in Lordstown, Ohio.

Identified as Attachment No. 1, the Petitioner and its agent have provided a copy of the Deed and complete legal description for the entirety of Parcel Number 45-189203.

For the area described, the Petitioner and its agent are requesting a change of zoning classification from Commercial Highway Business (B-2), to Industrial (I-1), and they report the existing use of the property to be vacant, unimproved.

Identified is Attachment No. 2, the Petitioner and its agent have provided a map showing the property lines, adjacent properties and roadway.

Identified as Attachment No. 3, the Petitioner and its agent have provided a statement of why the zone change is necessary for the preservation and enjoyment of a substantial property right as follows:

Presently, the property is mixed zoned as (B-2) Highway Business District, and (I-1)

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Industrial District. The eastern portion of the property bordering State Route 45, Tod Avenue, a distance of 500 feet from the right-of-way to the west, is currently zoned (B-2). The remainder of the property is currently zoned (I-1). A map approximately showing the existing zoning line is attached. The rezoning of the property, in its entirety to (I-1), will allow the Applicant to market, sell or develop the property. Mixed zoning, two (2) zoning classifications on one (1) parcel of property, is problematic from a use, sale or development prospective. The rezoning is necessary for the Applicant's enjoyment of a substantial property right and to maximize the suitability for sale, use and development and its value. Given the property is currently mixed zoned as (B-2) and (I-1), the most inclusive zoning district, for future development, would be I-1, as it encompasses the uses of both (B-1) and (B-2) Districts. Without the requested rezoning, the property's present mixed use zoning would likely lead to uncertainty regarding development and regarding the Village's application of the rules of two (2) different zoning classifications to one (1) parcel.

Identified as Attachment No. 4, the Petitioner and its agent have provided a statement of how the proposed zone change will not be detrimental to the public welfare or the property of other persons located in the vicinity as follows:

The proposed zone change will not be detrimental to the public welfare or to property of persons located in the vicinity. The property to the north, south and west, except where bordered by I-80, is generally zoned (I-1) Industrial District. It is the Applicant's understanding that the Village of Lordstown's position is that mixed zoned parcels are not desirable within the Village, as the Village would have uncertainty in applying rules for two (2) different zoning classifications to one parcel, leading to difficulty for the Village and its various departments when working with the Applicant, its engineers or professionals concerning review of potential development of the property and site plans for the property.

Further, the Village of Lordstown recently approved an identical rezoning request for the property directly to the north in Case No. 02-2023, titled "*In re: Jackson RR Park, LLC, et al.*," with Ordinance No. 43-2023 passed by Council on July 17, 2023. The Village's approval of the Applicant's request, herein, will be in harmony with the public welfare, considering the Village's recent action in rezoning the parcel to the north from mixed zoning of (B-2), Highway Business District and (I-1) Industrial District, to Industrial (I-1) in its entirety, just as requested by the Applicant herein.

Finally, the acreage directly across the street will remain buffered by the frontage on Route 45 zoned (B-2).

Identified as Attachment No. 5, the Petitioner and its agent have provided a list of names and addresses of the adjacent property owners to the within-described property. Petitioner and its agent have also provided a \$500 dollar deposit as required.

Three (3) additional maps were included identifying transmission lines, gas wells, and some wetland areas on Parcel No. 45-189203.

That is all I have. Attorney Douglas W. Ross is present along with Mr. Cuckovich.

ATTORNEY ROSS: Okay, good morning, Members of the Commission. Doug Ross, here, with Mr. Cuckovich -- and first of all, thanks for the catch on its west of Tod Avenue -- not east of Tod Avenue.

I think Miss Bordner's summary of our application speaks for itself. The property is vacant land. There is no current intended use of the property. It's no longer under contract, but we're looking at rezoning it to (I-1), in its entirety, for the reasons stated,

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herein.

If there's any questions for me or my client, we'll be glad to answer them -- or we can enlighten you all -- so, anything, fire away.

MR. RECH: Okay, thank you. Are there any member comments on this?

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

MR. RECH: Okay, are there any public comments? Please stand and say your name and address for the record.

MR. KOVACH: My name is Carl Kovach. I live at 8655 South Tod Avenue -- and there were five (5) attachments and maps mentioned. I have not seen any of those. Is there any way I can be provided a copy of those?

(WHEREAS, MR. KOVACH WAS GIVEN A COPY OF THE ATTACHMENTS AND MAPS, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. KOVACH: Oh, thank you.

MR. RECH: Any public comments? Yes, sir?

MR. KOVACH: This is to be on the west side of Route 45 -- the zone change?

MS. BORDNER: Yes, correct -- west side.

MR. KOVACH: Okay.

MR. RECH: Additional public comments?

(WHEREAS, THERE WAS NO RESPONSE FROM THE FLOOR AND PROCEEDINGS WERE AS FOLLOW:)

MR. RECH: Okay, hearing none, we need a motion to recommend to Lordstown Village Council that the requested zone change for BHGH Properties, LLC, on Parcel No. 45-189203, from Highway Business (B-2) to Industrial (I-1), be approved for the portion of the property described as being a frontage running north and south on Tod Avenue for approximately 1664 feet, by a depth, from the front property line to the west for approximately 500 feet. Does that capture it?

MS. BORDNER: Perfect.

MR. RECH: All right, very good -- does anybody want to make that motion?

MR. ROOK: I'll make that motion.

MR. RECH: Mr. Rook -- is there a second?

MR. SHAFFER: I'll second it.

MR. RECH: Mr. Shaffer, all right -- does anybody else have anything to say before we vote?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD NOR THE FLOOR, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: No? Okay. Can we have roll call on this, then, please?

MS. BORDNER: Yes, sir -- Mr. Bond?

MR. BOND: Yes.

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MS. BORDNER: Mayor Woodward?

MAYOR WOODWARD: Yes.

MS. BORDNER: Mr. Shaffer?

MR. SHAFFER: Yes.

MS. BORDNER: Mr. Rech?

MR. RECH: Yes.

MS. BORDNER: Mr. Rook?

MR. ROOK: Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right, thank you very much -- any other comments this evening?

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

MR. RECH: Hearing none, is there a motion for adjournment?

MAYOR WOODWARD: I'll make that motion.

MR. RECH: Mayor Woodward made the motion. Is there a second?

MR. BOND: I'll second.

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

MR. SHAFFER: Aye.

MR. BOND: Aye.

MAYOR WOODWARD: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

(VOICE VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right, we are adjourned. Thank you everybody.

(WHEREAS THE LORDSTOWN VILLAGE PLANNING COMMISSION MEETING, IN THE ABOVE-CAPTIONED MATTER, CONCLUDED AT 6:42 P.M.)

Submitted by:

Approved by:

**Kellie D. Bordner
Planning and Zoning Administrator**

Tim Rech, Chairperson