

Village of Lordstown Planning Commission

May 8, 2023

The Lordstown Planning Commission met on May 8, 2023, 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
 Arno Hill, Mayor
 Matthew Ries, Village Solicitor
 Kellie Bordner, Planning and Zoning Administrator
 Debbie Bracken, Assistant Planning and Zoning Administrator

Also Present: Ryan Engelhardt, Owner, Jackson RR Park, LLC
 Joe Cetor, Owner, Jackson RR Park, LLC
 Robert Bond, Councilman, Lordstown, Ohio
 Jamie Moseley, Councilman, Lordstown, Ohio

EXCUSE THOSE ABSENT:

MS. BORDNER: Bob Shaffer let me know that he was not going to be able to attend tonight. He had an emergency that came up.

MR. HILL: I make a motion to excuse Bob Shaffer.

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

MR. ROOK: Second.

MR. RECH: All right, Mr. Rook, thank you -- all in favor, say "aye."

MR. HILL: Aye.

MR. LIMING: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

MR. RECH: Anybody opposed?

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

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

MR. RECH: Thank you, Mr. Shaffer is excused.

APPROVAL OF AGENDA:

MR. RECH: All right. That is passed. Can we have a motion to approve the agenda for this evening.

MR. LIMING: So, moved.

MR. ROOK: Second.

MR. RECH: All right, I heard Mr. Liming and second by Mr. Rook. All in favor, "aye."

MR. LIMING: Aye

MR. HILL: Aye.

MR. RECH: Aye

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MR. ROOK: Aye.

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

APPROVAL OF MINUTES - MARCH 13, 2023

MR. RECH: All right -- approval of the minutes from the March 13, 2023, meeting, that was in your packet -- is there a motion to approve those?

MR. ROOK: I'll make that motion.

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

MR. HILL: Second.

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

MR. HILL: Aye.

MR. ROOK: Aye.

MR. RECH: All right—any abstentions?

MR. LIMING: Yes, I abstain.

MR. RECH: I also abstain because I was not here.

(VOICE VOTE: 2, AYE; 0, NAY; 2, ABSTAINED.)

PLANNING AND ZONING ADMINISTRATOR'S REPORT

MR. RECH: Thank you very much. All right -- so we have that. We'll go on to Planning and Zoning Administrator's Report.

MS. BORDNER: Before I do that, Chairman, I believe the Mayor would like to have a moment.

MR HILL: Yeah, I'd like to -- I found out yesterday, and I notified all the Council and everything -- that our long-time Village Solicitor passed away -- pancreatic cancer, and then it spread -- and he worked up 'til the day before he passed. He was at work on Friday. His wife said he wrote his own obituary, and he had -- he had told me, probably, when I talked to him three or four days before that, he said, "I won't be around for the end of the year." Well, I guess it came along pretty fast so -- let's just have a motion of silence for Paul because he represented the Village very well.

(WHEREAS THERE WAS A MOMENT OF SILENCE BY THE BOARD AND ALL THOSE PRESENT FOR VILLAGE SOLICITOR PAUL DUTTON. PROCEEDINGS WERE AS FOLLOWS:)

MR HILL: Thank you.

MR. RECH: All right, thank you, Mr. Hill -- Kellie, Planning Report?

MS. BORDNER: Yes, sir, I would just like to speak about the Dirando proposed replat involving 2860 Pleasant Valley Road and Parcel Number 45-903847.

Our last update to the Planning Commission on this matter was on December 12, 2022. At that time, it was decided to put this matter on hold until we heard something in a final sense, at least from the U.S. Army Corp of Engineers.

To provide everyone with just a brief history on this matter -- on October 11, 2022, following a presentation and discussion, Planning Commission continued the matter of the proposed replat for the Dirando properties at 2860 Pleasant Valley Road and

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Parcel Number 45-903847 for a period of sixty (60) days, to allow for one or both of the following:

One (1) -- a time for the Dirandos to seek the advice of legal counsel and follow the proper procedure to obtain a sufficient number of resident signatures in the platted subdivision to waive the plat restrictions contained within agreement and amendment documentation filed with the Trumbull County Recorder.

And two (2) -- time for the Dirandos to seek a U.S. Army Corp of Engineers' permit to install a culvert, along with filling and seeding around and above the culvert as was their desire.

During the balance of October 2022, the Lordstown Planning and Zoning Office heard from legal counsel for the Dirandos. He asked questions about the matter of the replat and also indicated that the Dirandos would be seeking a zoning permit to build a detached garage on the 2860 Pleasant Valley parcel, upon which the single-family dwelling was located. The last contact from such legal counsel was by e-mail on November 9, 2022; and since that time, the Planning and Zoning Office has not received any further documentation relative to the proposed replat -- nor relative to the Dirandos obtaining a zoning permit for a detached garage.

Additionally, the Planning and Zoning Office has stayed in contact with Abby Uhler of the U.S. Army Corp of Engineers since October of 2022, relative to the Dirando's request for a permit to place a culvert in the existing riverine and 20-foot drainage easement on their properties. Miss Uhler recently stated on April 18, 2023, that the U.S. Army Corp of Engineers has not received any response from the Dirandos regarding the scheduling of a site visit, which Ms. Uhler has been trying to secure since December of 2022. Therefore, Ms. Uhler has stated that the U.S. Army Corp of Engineers has no application for work on site and no ongoing action for these properties. If the Dirandos decide to proceed with a culvert installation in the future, they will need to apply for a permit through the U.S. Army Corp of Engineers.

Given this, and the fact that the Dirandos have been afforded 209 days to finalize their request for a proposed replat by following the directives of Planning Commission, we would request that the Dirandos' proposed replat on Pleasant Valley, involving 2860 Pleasant Valley and Parcel Number 45-903847, be dismissed.

SOLICITOR'S REPORT:

MR. RECH: All right. Thank you, Kellie. We will discuss that under old business. Is there any Solicitor's Report?

SOLICITOR RIES: No report.

CORRESPONDENCE:

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

MS. BORDNER: No, sir.

OLD BUSINESS:

MR. RECH: All right, then Old Business -- we have what Kellie just explained, with the Dirando replat -- no response or activity per directives of October 11, 2022.

At this time, does -- would anybody care to make a motion to -- how do you want to say this -- dismiss --

MS. BORDNER: -- to dismiss the proposed replat of the Dirando properties located at 2860 Pleasant Valley and Parcel Number 45-903847, subject to re-filing at some point in the future.

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MR. RECH: All right, thank you -- is there a motion for that?

MR. ROOK: I'll make the motion.

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

MR. HILL: I'll second.

MR. RECH: Mr. Hill, okay -- do we have any further discussion?

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

MR. RECH: All right, hearing not -- could we have roll call on this, please.

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

MR. RECH: Yes.

MS. BORDNER: Lamar Liming?

MR. LIMING: Yes.

MS. BORDNER: Richard Rook?

MR. ROOK: Yes.

MS. BORDNER: Arno Hill?

MR. HILL: Yes.

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

MR. RECH: All right, thank you. That passes and is dismissed pending future filing. Moving on to new business.

NEW BUSINESS: Case Number 02-2023 Petition for Zone Change by Jackson RR Park, LLC, Ryan Engelhardt and Joseph Ceter, on Parcel Numbers 45-022150 and 45-039200 (currently being consolidated) from Highway Business B-2 to Industrial I-1.

MS. BORDNER: We have Mr. Ryan Engelhardt and Mr. Joseph Ceter here – both on behalf of Jackson RR Park. Their mailing address is 11715 Mahoning Avenue, Suite A, North Jackson, Ohio, 44451. The address of the property being affected is 8436 Tod Avenue. There are legal descriptions for the property known as being 8436 Tod Avenue for street numbering purposes – and the property is more fully described in that attached legal description. It also provides a history of how it came to Jackson RR Park from the Loree Group.

This is a request to change the zoning classification from B-2 Commercial Highway Business to I-1 Industrial. This is a mixed zoned parcel currently—being part B-2 and part I-1.

The land is currently vacant. Petitioners have provided a legal description for the land which is within the requested area to be rezoned, showing an acreage in that area of 5.609 acres. Petitioners also provided a Rezoning Map which specifically shows the area that is B-2 and being requested to be rezoned to I-1.

Along with that, we also have a statement of why the change is necessary for the preservation and enjoyment of a substantial property right which states -- Applicant will seek to market or develop the property in question and has been advised, by the Lordstown Planning and Zoning Department, that prior to any development, a zone

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change would be required as mixed zoned parcels are not desirable within the Village of Lordstown; and that upon any proposed development, Codified Ordinances and Regulations relating to a specific zone district, including permissible uses, must be met. The most inclusive zone district for future/prospective development would be Industrial I-1, as it encompasses the uses of Commercial General Business B-1 and Commercial Highway Business B-2. Applicant is seeking a zone change to be proactive in allowing future development. Applicant has also sought to combine the two (2) parcels making up the property in question, so that the parcel requirements for an Industrial I-1 Zone District will be met. Additionally, the value of this property will be maintained and enhanced by accomplishing a consolidation and zone change.

We further have a statement detailing how the proposed zone change is not detrimental to the public welfare or to property of other persons located in the vicinity which states as follows:

The property in question is currently vacant land. Applicant states that this is a proactive request for a zone change since the property is mix-zoned as both B-2 and I-1. Changing the full zoning of this property to Industrial I-1 will be in keeping with the surrounding properties in the area. Additionally, there are operational businesses surrounding this property which will not be negatively affected by the requested zone change. The applicant fully understands that in terms of any future development, they will be required to go through the Site Plan Review process and seek approval from the Lordstown Planning Commission prior to the beginning of any construction. Therefore, all due consideration will be given to meet the best interests of the public welfare, now and in the future, concerning the use of this property.

They have also provided the names and addresses of the adjacent property owners to the north, south, west and east -- a total of seven (7) adjacent property owners.

MR. RECH: All right, thank you. We have Mr. Engelhardt and Mr. Cetor here, co-owners of Jackson RR Park. Would the applicant like to say anything this evening?

MR. ENGELHARDT: Kellie has been awesome, I mean, that's all we can --

MR. CETOR: Definitely a learning experience. We're trying to be compliant with everything and trying to help the cause for everyone.

MR. RECH: All right, thank you -- any questions?

MR. HILL: I don't have any. I think it was explained very well.

MS. BORDNER: If you don't mind, Mr. Chairman I have one.

MR. RECH: Go ahead.

MS. BORDNER: Gentlemen, how are you doing with the consolidation? I know that I signed the paperwork.

MR. ENGELHARDT: It's at Trumbull County.

MR. CETOR: Yep.

MS. BORDNER: It is at Trumbull County, currently?

MR. ENGELHARDT: Yes.

MS. BORDNER: So, to explain -- one (1) of the parcels did not have the required frontage of 300 feet necessary to meet Industrial zoning. I don't even think it had the required frontage to meet B-2 zoning. So, it was recommended to the gentlemen that

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they consolidate it this way -- again, they would be proactive, and it would be ready for development.

They have done that. I have signed that paperwork. They have it, currently, before Trumbull County; and what we're seeking to rezone here is, quite literally, a 486-foot wide by 500-foot deep portion of the property, considering it all together -- however, because we do not have it fully consolidated at this time and that is currently pending, we would still want to do that zone change request as it related to both parcels and identify them both.

MR HILL: We will have to have a Public Hearing on this.

MS. BORDNER: Yes, sir -- and we've already established that the Public Hearing will be held on June 20th, and that will also be at the point in time when the Council will give it its first reading.

MR. RECH: All right, are there any public comments? Being none, do I have a motion to approve the requested zone change?

MR HILL: Okay. I'll make that motion, Mr. Rech.

MR. RECH: All right. Mr. Hill made a motion. Is there a second?

MR. ROOK: Second.

MR. RECH: Okay, Mr. Rook has the second. Any other comments before we vote? May we have roll call on the zone change, please?

MS. BORDNER: Yes, sir -- Lamar Liming?

MR. LIMING: Yes.

MS. BORDNER: Richard Rook?

MR. ROOK: Yes.

MS. BORDNER: Arno Hill?

MR. HILL: Yes.

MS. BORDNER: Tim Rech?

MR. RECH: Yes.

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

MR. RECH: Okay, that passes. Thank you very much. Thank you, gentlemen, for coming this evening.

MR. ENGELHARDT: Thank you.

MEMBER COMMENTS:

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

MR HILL: There will be a Public Hearing. Although very few people come unless it's controversial -- and then this will go one (1) reading in June. If we go down to one (1) meeting in July, which we do on occasion, you'll have a second reading in July -- unless we have two (2); and then a third reading, and it will take effect thirty (30) days after that if we don't -- we do not pass zone changes under emergency.

MR. ENGELHARDT: All good.

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MR HILL: So just to let you know. I'm sure Kellie told you that.

MR. CETOR: She told us all that, yes -- thank you, though.

MR. RECH: All right, thank you, Mr. Hill. Any additional member comments this evening?

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

PUBLIC COMMENTS:

MR. RECH: Any public comments?

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

ADJOURNMENT:

MR. RECH: All right -- hearing none, is there a motion to adjourn?

MR. HILL: So moved.

MR. RECH: Mr Hill. Is there a second?

MR. LIMING: Second.

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

MR. HILL: Aye.

MR. SHAFFER: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

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

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

(WHEREAS THE PUBLIC HEARING BEFORE THE LORDSTOWN VILLAGE PLANNING COMMISSION, IN THE ABOVE CAPTIONED MATTER, CONCLUDED AT 6:45 P.M.)

Submitted by:

Approved by:

Kellie D. Bordner
Planning and Zoning Administrator

Tim Rech, Chairperson