

PERKINS TOWNSHIP ZONING COMMISSION MEETING

Held By: Perkins Township Zoning Commission

Place: Perkins Township Service Facility, Meeting Room, 2610 Columbus Avenue

Date: February 13, 2023

Time: 4:00 p.m.

Board Members Present: Mrs. Cheryl Best-Wilke
Mr. Billy Criscione
Mr. John Lippus
Mr. Les Wilson

Board Members Absent & Excused: Mrs. Kula Hoty-Lynch, Mr. Greg Schmid.

Staff in Attendance: Ms. Angela Byington, Director of Community Development
Mrs. Casey Spark, Planner/Zoning Inspector

I. Call To Order

Mrs. Best-Wilke called the meeting to order and welcomed the audience and the Commission. Mrs. Best-Wilke led everyone in the Pledge of Allegiance.

Mrs. Best-Wilke was selected for Chair.

Mrs. Best-Wilke stated We need a Vice Chair – Billy would you like to be vice again?

Mr. Criscione stated yes.

Roll Call: Mr. Wilson, Yes; Mr. Lippus, Yes; Mrs. Best-Wilke, Yes

II. Roll Call

Ms. Byington took Roll Call: Mrs. Best-Wilke, here; Mr. Criscione, here; Mr. Lippus, here; Mr. Wilson, here.

Ms. Byington swore everyone in.

III. The approval of meeting minutes from October 11, 2022/ August 23, 2022

Mrs. Best-Wilke entertained a motion to approve the minutes from October 11, 2022. Approved October 11, 2022 & Table August 23, 2022.

Mr. Lippus made the motion. Mr. Criscione seconded. Roll Call: Mr. Lippus, Yes; Mr. Criscione, Yes; Mr. Wilson, yes; Mrs. Best-Wilke, Yes

IV. Chairperson's Welcome and Explanation of Public Hearing & Public Meeting

Mrs. Cheryl Best-Wilke welcomed everyone to the meeting. She stated that the purpose of the meeting is to consider a request to change an item in the zoning code. The responsibility of this commission was given to us by a zoning resolution to conduct this meeting. First, we will read the request then we will open a public hearing during which we will hear comments, questions, and any concerns from members of the audience. Then the public hearing will be closed, and the public meeting will open, during the public meeting commission members will discuss the request and vote on a recommendation to present to the trustees, whether to accept, decline or table. Then our recommendation will be forwarded to the trustees who will consider the request at a future trustee meeting.

V. Reading of the Application

Application ZC2023-1 was submitted by Kevin Didion on behalf of Primos GM LLC for a portion of the parcel located on Columbus Avenue and Industrial Parkway (32-00906.002). The applicant requests to amend the Zoning Map from "C-2"/ General Commercial to "I-2" Heavy Industrial.

VI. Staff Report

Mrs. Sparks stated as Ms. Byington stated the applicant is Primos GM LLC. It is located on Columbus Avenue and Industrial Parkway. The present zoning is "C-2"/ General Commercial District. The requested zoning is "I-2"/Heavy Industrial District. The proposed development is existing and future industrial businesses. On the map you will see the location, currently the applicant is only requesting a portion of the parcel to be re-zoned back to heavy industrial. You will see all the parcels around it are zoned heavy industrial. If you recall back in March 2022 the applicant came before this commission and requested that the portion of the parcel highlighted along with the portion to the north of that and the south of it, that is owned by the applicant all of that was owned was rezoned back to "C-2" General Commercial. Some of the interest he's gotten for uses of this property are all more industrial in nature, so he has requested that the portion of that property go back to industrial. So, our comprehensive plan does call for industrial in the area as the remainder of industrial parkway is industrially zoned.

- Staff has reviewed this application and has conducted a site inspection of the subject property and surrounding area. The property in question is located on the north side of Industrial Parkway.
- The subject property is approximately 1.7926 acres. The applicant was recently approved to split off this 1.7926 acres of the lot, however, to date it has not been recorded. In March of 2022, the property owner was approved for zoning amendment to the following parcels: 32-00906.002, 32-00906.003, and 32-00906.005 from "I-2"/ Heavy Industrial District to "C-2"/ General Commercial. The applicant is requesting to rezone a portion of parcel 32-00906.02 that is directly adjacent to the other industrial zoned property. The applicant has indicated that the interest in this parcel of property has been more industrial in nature.

- The lot is currently vacant land with a large amount of vegetation. There is currently a dog grooming business to the north of this parcel which is zoned as commercial. To the east there are commercial zoned properties and uses along Columbus Avenue. Staff does recognize that there is a residential property adjacent to this parcel, however it is the backyard of the residential property that currently abuts the parcel in question.

Comprehensive Plan Designation:

The Perkins Township Comprehensive Plan Future Land Use Map designates this area as industrial.

Land use:

Land use in the vicinity of the subject property is both commercial, residential, and industrial uses.

Proposed Development:

- If the property is to be rezoned to “I-2” Heavy Industrial the following uses would be permitted:
 - 1) Light, medium and heavy industrial uses including manufacturing, processing, metal stamping and automobile and truck assembly.
 - 2) Cleaning and dyeing plants.
 - 3) Underground bulk liquid storage.
 - 4) Transport terminals, including railway yards.
 - 5) Recycling depots and recycling operations.
 - 6) Concrete and paving establishments.
 - 7) Building or contracting yards.
 - 8) Industrially oriented offices.
 - 9) Material storage facilities.
 - 10) Warehousing
 - 11) Retail sales outlets accessory to the main industrial use.
 - 12) Equipment repair and servicing shops.
 - 13) Machine shops.
 - 14) Junkyards.

15) All principal permitted uses in the C-1 (local commercial district), C-2 (general commercial district) and I-1 (light industrial district)

- Prior to a new use and/or building on the property, a site plan review would be conducted by staff to ensure all zoning requirements, including buffers are met.
- As mentioned, the applicant has stated that the development interest for this parcel has been more industrial in nature. Understanding that this parcel is at the entrance of other industrial uses, staff believes that this zoning amendment would be in line with the Comprehensive Plan and surrounding zoning districts. Staff recognizes that the northern portion of parcel 32.00906.002 will remain zoned as “C-2”/ General Commercial and the parcel south of Industrial Parkway will remain zoned as “C-2”/ General Commercial. Both parcels are directly adjacent to Columbus Ave. and closer to residential areas which are more appropriate for the existing “C-2”/ General Commercial zoning district.
- Public Works, Building, Police and Fire Departments have all reviewed the zone map amendment and have no objections or have not responded to the proposed zoning map amendment.

This application to amend the Zoning Map has also been reviewed by staff from the perspective of the Zoning Resolution’s “standards” for evaluating such applications, and staff is of the opinion that it would comply as it is in line with the existing Comprehensive Plan. The Zoning Commission should, however, review this application from the perspective of those “standards” and make a determination on the same.

Subsequent to the determination of the Zoning Commission, this application will be forwarded to the Board of Trustees for consideration. The property lot split should be completed prior to consideration by the Board of Trustees.

This matter is hereby respectfully submitted for your consideration and a recommendation to the Board of Trustees on the same.

Mrs. Best-Wilke asked if any of the above listed uses would need more land on a lot.

Mrs. Sparks stated that a lot of that would come out in site plan approval, due to parking and so on.

VII. Open Public Hearing

Mrs. Best-Wilke opened the Public Hearing and said this is the time for anyone in the audience.

Kevin Didion – first I’d like to apologize for coming I thought it was 6 o’clock not 4 o’clock. We did get the lot split approved and it is recorded. So that requirement is met. As mentioned we were here about a year ago and you can hit the nail on the head, it was for lot sizes and setbacks. We decided to go commercial at that time a machine shop came in, which falls under industrial more, so that is why we are trying to get this done to help them out.

Barb List 4505 Columbus Ave. We live in a house over 100 years old on Perkins property. There are only 3 of those houses left. Maybe its time we start taking care of our older homes, because these are history. We do not want a heavy industrial company behind us, period. The noise the sound, would drive the dogs crazy. There are dogs all living in these back space, some of these people have small children, can you promise to protect them if they go out in that area? I don't think so, but we have a problem and its not going to be solved easily. The problem is that land is right at the front of the property/road that goes out to Columbus Ave. When was the last time this industrial time was, ok? Give me a date.

Ms. Byington stated that she couldn't give a date, it was long before I was here.

Mrs. List stated okay it was 1970 something, well Columbus Ave has grown to heavy driving. Come summer it is bump bump bump people don't want to go down 250, they're going up and down Columbus Ave constantly. As it gets now, we have Parker in the back and right now I'm thinking of them go thru the EPA because they're burning tires and heavy chemical. I can't even open my windows now, which means I got the contact the EPA on this, NOT GOOD. We need to think about what we are going to be doing here, you're going to be creating a lot of noise, I won't be able to open my windows and get fresh air. We don't have an air conditioning system, it's an old house. These people next door have dogs just like we do, he's got kids coming and going. It's not fair, its not right. We have been there a lot longer than this heavy industrial building, not a good situation. We're going to have the noise, extra cars, heavy trucks coming in and out, I don't appreciate it. We have been in that house for over 35 years its over 100 years old, plus. Not right, not good.

Mr. Didion stated that he would like to address her concerns. He stated that he can see where she is coming from. I can address the noise issue, its not really a zoning thing but the commercial against industrial, it would take a machine shop. It is very quiet environment. Commercial can be a car shop, could be something that is a lot nosier.

Mrs. List stated a car shop? I'm well aware of a cars shop is and I've heard one. It's not a good thing, paints being put on cars, machinery being used to replace car parts.

Mr. Didion stated that he's not arguing he's just stating under commercial, they'd be allowed to do that.

Mrs. List stated should they though?

Mr. Didion stated yes that's what were here to change the zoning to industrial, which in your eyes is probably any better, btu the intended use is a machine shop which is intended to go in there which is a pretty quiet shop. The operation is existing and has been in Perkins Township.

Mrs. List stated that her concern is that Columbus Ave in the summer is like a freeway. People are driving over there because they don't want to be on 250 because of the traffic. They're coming and going so that means Columbus Ave is busy, we can hardly get in and out of our driveway now, but if you add in another company and right up to our backdoor almost, were going to have more traffic.

Mr. Didion stated that he can't argue or disagree with you but with all respect we are going to generate some kind of a company that can have some employees, whether or not if it's a pizza shop and people are coming and going from getting pizza or. It just can't be empty land for forever.

Mrs. List stated I can recommend cross off the heavy industrial part of it and find something to put on that property that isn't heavy industrial. There are other people living next to me that couldn't come today because their baby sitting their grand kids, they don't want that noise either.

Mr. Didion stated I agree I get that; I think a machine shop I think should fall under a commercial instead of heavy industrial, but I go by the rules of zoning commission puts down. I think a machine shop going in there would be the least worry of any neighbors.

Mrs. List stated why would that be the least?

Mr. Didion stated that it is a quiet operation with very little traffic.

Mrs. List stated if you have heavy machinery in a building, it is NOT quiet.

Mr. Didion stated that it's a stamping plant or a welding shop, I just can't argue with it. Go stand outside now and see what kind of noise is coming from there now. The garage door going up and down is probably the most noise in the operation unless they're getting a delivery.

Mr. List stated oh okay or cars and trucks coming in and out loading and unloading. We also have that problem with Parker, and he's going to see the EPA. You people need to show up when they start burning stuff. I bet none of you ever knew that did you, that it's burning back there. It smells like tires; it smells like chemicals. You can't open your doors or your windows, you can't even go outside to garden it smells so bad.

Mrs. Best-Wilke stated again that doesn't fall something under us.

Mrs. List stated something you should be aware of.

Mrs. Best-Wilke stated yes, I understand its something that we should be aware of, but it's not something we would have authority over, like you said it would have to be through the EPA.

Mrs. List stated that you need to be cognizant of this fact.

Mrs. Best-Wilke stated that doesn't have anything to do with this application.

Mrs. List stated you represent this community, you represent zoning. This is old zoning, you're responsible for it, there is nothing to it.

Mrs. Best- Wilke stated that up until last March this was already zoned heavy industrial.

Mrs. List stated we had no idea that it had been zoned, we just got this letter, and it says January 26th, but it wasn't January 26th.

Mrs. Best-Wilke stated that it used to be industrial, and they changed it and now they are asking for a portion of that to be back to industrial, not all of it but a portion of it.

Mrs. List stated that she has already explained that there are problems back there as it is now, and you want to create more noise, more sound and more cars going in and out. I would like you to consider this and think about it.

Mr. Wilson stated that he grew up in that area, and when I was a kid, this was an air landing strip and there was a strip club down there, Golden Rail I think it was called. I hear that what you're saying with that, my biggest concern is that list. What he is asking for that heavy machine shop, has brought up to the fact that its only an acre and a half, some of those businesses that I'm concerned about, I know they need more than an acre and a half. On the other side of Columbus Ave, there is a big hole. I knew when they hit sulfur pockets, or just the smell of the grimy concrete and limestone does that not bother you too?

Mrs. List stated yes it does.

Mr. Wilson stated that that has been there for over 100 years.

Mrs. List stated that she is aware her house is over 100 years old, we can live with that. There is a point we have traffic SEVERE traffic up and down Columbus Ave. We have heavy trucks, big ones coming down into that area. Do we want to add to that?

Mr. Wilson stated its one of our main streets in the township, I mean where would you want to add it to?

Mrs. List stated I asked do we want to add to the problem.

Mr. Wilson stated that it is a main street in the Township.

Mrs. List stated correct, I know its not changing.

Mr. Wilson stated its just like Bogart Road, or Route 4.

Mrs. List stated yes, and we are building houses and subdivisions like never before and yet you want to impose on us, the people on Columbus Ave to have to live with a heavy industrial building. Is that what you want?

Mr. Wilson stated what were trying to get you to understand is that it's always been that way.

Mrs. List stated does it have to be that way?

Mr. Wilson stated no it doesn't have to be that way. If nothing changes today, and they put and auto body shop in that same spot, you're going to be unhappy with that. But you can't do

anything about it, its how it is already zoned. I agree with everything you're saying but a lot of this has been intact long before the 35 years you have been there.

Mrs. List stated that doesn't make it right now. So, you're saying right now just because it been there for a long time it makes it right? That's like saying slavery was wonderful, and we didn't go with that because it was right. I mean you must face up to what's going on now, not then. You can change things, and that's what were expecting you to do. If you can't do that.

Mr. Criscione stated we can. We're providing a recommendation or a not recommendation to the trustees. They make the final decision.

Mrs. List stated that she understands that but just because it's been there for 50 – 60 years makes it good, does not.

Mr. Wilson stated that if you moved into an area that was already like that, you can't expect people to change just for you.

Mrs. List stated I'm not expecting everyone to change it just for me, but what I'm expecting is that I don't have to deal with burning tires and chemicals, and I don't have to put up with a lot of noise Kiddie corner from me with cars coming and going. It's bad enough the way it is, and its different than what it was when it came in 30 years ago. Just a small group of people coming and going, no problem. That has changed, we have a lot of traffic issues sometimes out there on Columbus some days. I don't recommend we keep that up, and we have heavy duty trucks coming out of there. It's a lot different than what it was 30 years ago, things must change. I'm sure you can find a way to change it.

Mrs. Best-Wilke stated I'm asking Mr. Didion. I want to understand. You have a business there now that wants to use that property. Is that correct?

Mr. Didion stated the business is not there now. The business existing is renting down behind universal equipment. They've outgrown it and wanted to expand and build a building they can own, pass on to the family. It's just a convenient location for them and right size.

Mrs. Best-Wilke stated okay so it's a new tenant.

Mrs. Best-Wilke stated anyone else have anything to say? Yes Ma'am.

Sara – 4509 Columbus Ave – Thank you for your time. The map you put up; we are the back yard it bumps up to. The going into the red is our back yard. For years, we have had utilized that back part, ever since he moved in there in 06. Made some nice trails for the kids and the dogs. Were wondering where the buffer is at. I know we use that part and when you talk about where you want to put it in right now, is it where the creek that comes thru? It's a beautiful creek, that's where we take our dogs out all the time. I know this isn't relevant to this, but recently there has been buckets and bucks of roofing tar. I have pictures. Just dumped from whomever dumped it. People are literally just coming into that parking lot and throwing their trash, its just rough down there. Its such a beautiful area.

Mr. Didion was showing Sara on the map where stuff is going.

Sara stated that they are the ones that have been taking care of it, it's your property you can do what ever you want with it. We have a coyote den back there; we hear them all the time. Parking and all of that would be right where the property line is. So, you're going to tell me when I go out for coffee there is going to be a building right there?

Mr. Didion stated there are setback requirements that they must meet.

Ms. Byington stated that there are 3 options I can go over for buffers. One is a yard at least 100 ft in width to include improved landscape materials. Second is a yard at least 50 ft in width with a solid fence 6 ft in height abutting the adjacent property line. Including approved landscaping materials. Third option is at least 25ft in width a solid masonry wall 6ft in height abutting the property line or within the yard including approved landscape material. So, before they build anything they would have to come to us with a site plan showing exactly how they plan on buffering. There is some sort of safeguard in the resolution.

Sara stated because where that line is at, I understand the other side of the fence, we understood the whole time we were utilizing that property because no one else did. It's just a little section of our back yard. If it goes where that line is at depending on where the buffering is it is literally smack dab where our whole entire existence is at.

Mrs. Sparks stated here's a bigger ariel view.

Sara stated that she was just kind of wondering if they need to move or not, just wondering.

Sara was showing things on the screen, explaining their property.

Mr. Lippus continued to discuss property line and areas of what are Saras and what is not, understanding where it would go.

Mr. Lippus stated what we are here for today is a request to change zoning. Like it was mentioned earlier, there are far worse commercial businesses that could be going in compared to what he is proposing. As we sit here today, we couldn't stop that. Ultimately, what we decide today is not the conclusion, that is the trustees that have the final decision.

Discussions continued about the heavy traffic on Columbus Ave between the board and Mrs. List.

VIII. Close Public Hearing/Open Public Meeting

Mrs. Best-Wilke asked for a motion to close the Public Hearing & open the Public Meeting.

Mr. Lippus made the motion. Mr. Wilson seconded. Roll Call: Mr. Lippus, Yes; Mr. Wilson, Yes; Mr. Criscione, yes; Mrs. Best-Wilke, Yes

IX. Discussion from Commission

Mrs. Best-Wilke stated during the Public Meeting portion is where the commission discusses any questions.

Mr. Criscione made the motion to approve the zoning change on Application ZC2023-1, Mr. Lippus seconded the motion. Mr. Criscione, yes; Mr. Lippus, yes; Mr. Wilson, yes; Mrs. Best-Wilke, yes.

X. Old Business

XI. New Business

Ms. Byington stated that we can go over a few things that we were going to be bringing.

Mrs. Sparks stated that in the back of your binders there will be 3 different articles that Arielle and myself kind of have been researching some different municipalities and what they are doing regarding Smoke and Vape Shops. We've had some questions and concerns come up so I think that what we are going to do is start a preliminary discussion with our law director regarding these and how we would address them in our code. Three of the articles in the back are three different ways that municipalities have handled them. One being a moratorium, one being a license that they issue for these types of uses and the last is making it a conditional use for these types of uses. So, if you would just take a look over those, we just wanted to get the conversation started and the next coming meetings/weeks we will maybe have something to present to you. If you would have any thoughts, feel free to email myself or Angie and we will take that into consideration when we decide what to do.

Mrs. Best-Wilke stated that so basically, we are combining smoking/tobacco shops and vaping together?

Ms. Byington stated yes.

Mrs. Best-Wilke stated what about tattoos, were not considering that at this point?

Mrs. Sparks stated no, that is just how they have that article and headline is how its read.

Someone stated does that include the dispensaries?

Ms. Byington stated so that is the next thing on our list. So, as you know the medical marijuana dispensaries are already regulated in our zoning resolution by a conditional use permit. So, we have been talking about getting ready for recreational marijuana dispensaries if they should be approved by the state. So, we have been talking to our legal on and the process on if it should be a conditional use permit as well. That would be separate from the vape shops.

Mr. Wilson stated that he thinks before the Township decides and says yes to this stuff, maybe we should visit some towns that have done this.

Ms. Byington stated that she doesn't know if anyone is/isn't saying yes to this. We don't have a definition, we have absolutely nothing. So, who can say this could go into a residential district, so there just needs to be some sort of regulations for this.

Mr. Wilson stated that it's happening everywhere else, I bet its coming. In a tourist area we need to be careful what we let go around. Guarantee all the tourists are going to bring their stuff once Ohio says yes. I don't know if anyone has been to Monroe Michigan lately but there are 17 dispensaries.

Ms. Byington stated that I guess Ohio will have a lot to do with that also, because if they're licensing them like they do the medical, there are only so many they are going to allow in a geographic area.

Mr. Wilson asked what happens to medical once/if recreational is approved?

Ms. Byington stated we would have to see what the state says about those.

Mrs. Best-Wilke stated isn't the one from the city coming here as well?

Ms. Byington stated yes in the old Pier One and the new one is going in across from Manny's.

Mrs. Best-Wilke asked if they started building?

Mrs. Sparks stated that they just got their building permits.

Ms. Byington stated that they got their building permits as of today.

Mrs. Best-Wilke asked Angie what is going in next to Culvers?

Ms. Byington stated that it's the carwash. We have two carwashes coming in.

Mr. Criscione stated I seen the RV started across from Kalahari.

Ms. Byington stated that she did have something else that we are going to be looking at to put into the resolution and that is gambling, or as they would call them is games of skill. That is something were going to investigate them in other places to see how we can deal with them in Perkins.

Mr. Criscione stated that he registers with the department of casino control.

Ms. Byington asked if he had games of choice.

Mr. Criscione stated that he has type b and type c.

Ms. Byington stated she feels like it's a C one.

XII. Adjournment

Mrs. Cheryl Best-Wilke entertained the motion to adjourn. Mr. Criscione made the motion; Mr. Lippus seconded. Roll Call: Mr. Criscione Yes; Mr. Lippus, Yes; Mr. Wilson Yes; Mrs. Best-Wilke, Yes.