

## PERKINS TOWNSHIP ZONING COMMISSION MEETING

Held By: Perkins Township Zoning Commission  
Place: Perkins Township Service Facility, Meeting Room, 2610 Columbus Avenue  
Date: August 14, 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  
Mr. Adam Panas, Planner/Zoning Inspector  
Mrs. Jessica Gladwell, Administrative Assistant

### 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.

### II. Roll Call

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

Mrs. Gladwell swore everyone in.

### III. The approval of meeting minutes from July 18, 2023.

Mrs. Best-Wilke entertained a motion to approve the minutes from July 18, 2023.

Mr. Criscione motioned, and Mr. Wilson seconded.

Mr. Criscione; Yes, Mr. Wilson; Yes, Mr. Lippus; 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 ZC2023-05** was submitted by Joshua Decker for a Zoning Map amendment for the parcel located at 3009 Campbell Street. Currently, the property (PPN 32-00853.000) is zoned "R-1"/ Single Family Serviced Residential. The applicant is requesting this amendment to have the entire parcel rezoned to "I-1"/ Light Industrial District.

**VI. Staff Report**

Mr. Panas said as Jessica stated Joshua Decker applied for a re-zoning for 3009 Campbell St (PPN:32-00853.000). The current zoning is "R-1" / Single Family Serviced Residential and the requested zoning is "I-1" / Light Industrial.

The proposed development is undecided, but the owner is considering the following:

- Warehousing
- Wholesale distribution centers
- Building supply yards
- Truck and machinery rental, sales, and servicing.
- Contractor's yard
- Equipment repair and servicing shops
- Assembly of manufactured products
- Light machinery, truck, and automobile rentals

The subject property is approximately 3.14 acres. From the late 1970s until 2003, this property operated as a Crane Rental Service. Then, it was used as a mechanic shop until the previous owner passed away. Currently, the lot has a 60' x 98' pole barn structure on the property, set back from the road about the same distance as the fire station.

**Surrounding Land Uses:**

- o North: Perkins Township Fire Station, Zoned R-1; Agricultural, Zoned R-1B
- o East: Medical Office Suites, Zoned PBO; Residences, Zoned R-1A.
- o South: Keller Medical Practice, Zoned R-1; Residences (Stonewood Estates), Zoned R-1; Agricultural, Zoned C-1; Buckeye Stripe LLC, Zoned PUD
- o West: Agricultural, Zoned R-1.

The Perkins Township Comprehensive Plan Future Land Use Map designates this parcel as residential. The applicant incorrectly noted that it was designated for industrial use in their application, citing page 56.

Page 56 contains the *current* land use map that includes 3009 Campbell St.  
Page 57 contains the *future* land use map that indicates residential future use.

**Proposed Development:**

If the property is rezoned to “I-1” Light Industrial, the following uses would be permitted. Highlighted uses are those that the applicant directly expressed interest in performing.

- 1) Light and medium industrial uses including manufacturing, processing, automobile and truck assembly and manufacturing.
- 2) Metal stamping.
- 3) Processing or semi-manufactured products.
- 4) Warehousing.
- 5) Wholesale distribution centers.
- 6) Professional or industrial oriented offices.
- 7) Data processing centers.
- 8) Research and development facilities.
- 9) Building supply yards.
- 10) Truck and machinery rental, sales, and servicing.
- 11) Contractors’ yards.
- 12) Transport terminals.
- 13) Equipment repair and servicing shops.
- 14) Recreational uses.
- 15) Dyeing or cleaning plants.
- 16) Machine shops.
- 17) Retail outlets accessory to the main industrial use.
- 18) Assembly of manufactured products.
- 19) Light machinery, truck, and automobile rentals.
- 20) Automobile dealerships.
- 21) All principal permitted uses in the C-1 (local commercial district) and the C-2 (general commercial 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.

**Public Works staff comments**

- The Public Works Department has reviewed the zone map amendment and we have not received objections at the time of writing the report.

**Building staff comments**

- The City Building Official has reviewed the proposed zone map amendment and we have not received objections at the time of writing the report.

**Police Department comments**

- The Police Chief has reviewed the zoning map amendment and we have not received any objection at the time of writing this report.

**Fire Department comments**

- The Fire Chief has reviewed the zoning map amendment and we have not received an objection at the time of writing this report.

### **Erie Regional Planning Commission comments**

- The Erie Regional Planning Commission has reviewed the zoning map amendment and we have not received an objection at the time of writing this report.

**Recommendation:** Denial, as the amendment would not coincide with the existing Comprehensive Plan.

### **Discussion (1 of 2):**

#### Staff Correspondence with the Applicant:

1. The applicant is requesting 3009 Campbell St to be rezoned to I-1 to be able to provide the opportunity to legally operate an I-1 permitted use, which would match in nature with its historical uses.
2. Staff explained to the applicant that based on the Comprehensive Plan Future Land Use Map and the probable impact that I-1 uses may have on the residents in the area, we would be recommending denial.
3. Staff provided alternatives to consider which included requesting a rezoning to Commercial versus Industrial or applying to the Board of Zoning Appeals for a substitution of nonconforming use. The applicant declined and provided the Township with a list of highlighted uses from the I-1 principal permitted uses section that he may entertain. The applicant would prefer to either re-zone the parcel to I-1, or C-2, with the previously highlighted uses granted as conditional uses.

### **Discussion (2 of 2):**

#### Comprehensive Plan

1. Seeing that the Comprehensive Plan designates this parcel and many others surrounding it to be for residential use, staff doesn't believe that this zoning amendment would be in line with the Comprehensive Plan and surrounding zoning districts.
2. Staff recognizes that this area's current character is mixed land uses. However, the non-residential uses are for Professional, Business, and Medical Offices produce less impact on noise pollution and traffic.

This matter is hereby respectfully submitted for your consideration.

Mrs. Best-Wilke asked if there were any other recommendations as far as zoning.

Mr. Panas stated that the applicant was given other alternatives to consider. Which included having the re-zoning go to commercial instead of industrial, or applying to the board of zoning appeals a substitution of a non-conforming use which if the applicant

were to want to do that their burden of proof, was that whatever they're putting in, that use had to be equally or less intensive, which that is a different board. The final thing on the table, which legally were not entirely sure, on how feasible it is. C-2 + highlighted. We often don't see that type of approach with properties, I mean honestly that's where a PUD is, but for those the use has to be extremely specific, and everything is customized.

Mr. Criscione stated that he was going to ask if he was verified with a PUD.

Mr. Panas stated the applicant, and I did discuss that, and he didn't want to go that route.

Joshua Decker - My great uncles have owned it since the late 70's. My family-built Sandusky speedway.

Mrs. Best-Wilke asked how the crane rental business was able to operate if it is zoned residential?

Ms. Byington stated that it was a legally non-conforming use. I'm not sure if zoning was in place, then, but no complaints.

Mrs. Best-Wilke stated that one of the comments she read was about sharing a driveway. Do you share a driveway with the Dr's office or something?

Josh stated that yes, Doc has always used that driveway since I was a kid. Its my driveway but there is no easement or nothing else, he's just always used it. I know there is some criteria for industrial was that it had to be 12.5 foot off the property line for a driveway but its right ot the property line because he uses it.

Mrs. Best-Wilke stated that wouldn't have any impact on his business?

Josh stated no, only if I were to get rid of it.

Mrs. Best-Wilke asked if there were any complaints or comments from any residents nearby.

Mr. Panas stated no, there have not been any complaints.

Mrs. Best-Wilke stated Im assuming they were notified?

Mr. Panas stated that was correct, they were notified just not any complaints.

Ms. Byington stated that the only thing she had received questions from an employee's father lives across the street was about industrial but nothing in writing and nothing official.

Josh stated that he would be blatantly honest, I don't blame you guys on industrial but the problem I have is per the code those uses that I need are listed in industrial, which are different than what I've seen in other communities. I just don't want to open it up to

whatever, but I need those uses. Perhaps we talked about C-2, and a side approval of those uses out of industrial, if it were more comforting and went with industrial and said all of these are approved, except these items which are conditionally approved. Open to work however it can work.

Mr. Wilson stated that you've had it for sale for quite a while.

Josh stated that everyone that he has interested in falls between those 5 uses. As for the noise and traffic comments. Noise-wise I'm next to a 24/7 fire department, I'm sure it's the least of their worries. Thor works is down there, and its use is right in that area. Thor work/Thor Sports and the realtor who all sit next to residential. I have a doctor next to me that is a business, who I don't see going back to residential. So, then you have two residents across from there that have been there forever.

Ms. Byington stated that she just had a couple comments on while we discussed what is the right path to take. For clarification, if it's re-zoned its straight re-zoned there's no you can't do this use, you can only use these uses. It's the whole use that anyone can put in at any time. If it was re-zoned to commercial, we have talked about can that intersection at some point be commercial. So were looked at somewhat down the road to amend that. Those highlighted uses do require a conditional use permit, so if you were to say were not going to approve industrial were going to approval C-2, just know he will have to go to the board of zoning appeals for a conditional use permit for any one of those. So, he couldn't go and say he wants a conditional use permit for those 5 things, it must be tied to one specific thing. Lastly, the easiest route would be the substitution to a nonconforming use, now the thing I don't know is if the board would consider more than one thing at a time for that, but if he had a use that someone wants to lease the property you just go to the board of zoning appeals and say you want a to request a substitution and explain it's a less intense use than what is was before and not worse.

Mr. Criscione stated even without rezoning it?

Ms. Byington stated that yes without rezoning it. So, then you're limited to those lists of things that he wants to do, but then he would have to go to the board of zoning appeals to get approval for those specific things.

Josh stated that and that would be resetting the clock from past use. People going to get financing or any other conversation, it's detrimental at best. That's my struggle with this.

Mrs. Best-Wilke asked if you get this rezoned do you have a buyer for the property or are you going to lease it?

Josh stated that he has people that are interested in leasing and then someone interested in buying it. I don't have a deal on the table for either, I honestly was going to just leave it residential, but it doesn't fit for me.

Mrs. Best-Wilke stated that she has heard there has been talk of a new fire station. If there is a new fire station, then what happens with that property?

Ms. Byington stated that it is down the road, and if there is a new fire station it won't be at that location because that's not the most ideal way to get around the township. So that could be a property that one of two things, either the township would sell or hold onto for down the road 10 years from now if they needed a satellite station. I don't know what they would want to do with the property.

Mr. Wilson stated that it's not like they would tear it down and make it residential again, I don't see that happen.

Ms. Byington stated that she agreed. We have talked about amending the comprehensive plan for commercial in that area, were not there but we have talked about it.

Keith Ott - 3106 Campbell St. I would be in favor of approving the zoning change.

Mrs. Best-Wilke said okay, that is good to know

Mr. Ott stated that he has known his dad Keith and him since he was little, always been good neighbors and have never been a problem.

Mrs. Best-Wilke stated that the business that you would put in there, would you anticipate a high volume of truck traffic.

Josh stated that no, it's a contractor type yard. I don't think it'll fit in that type of area, I think it'll be more contractor type yard scenario.

Mr. Ott stated that if I can add to that, what you people fear going in there, that property isn't big enough for that.

Mr. Wilson stated that was true. There's not a whole lot they can do with that, at least industrial wise.

**VII. Close Public Hearing/Open Public Meeting**

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

Mr. Criscione made the motion. Mr. Wilson seconded.

Mr. Criscione; yes, Mr. Wilson; yes, Mr. Wilson; yes, Mrs. Best-Wilke, yes.

**VIII. Discussion from Commission**

Mrs. Best-Wilke stated that so are we tabling it or are we making another motion to disapprove, I will entertain.

Mr. Wilson stated that basically they want to do what they've always done, but just make it legal, is what it sounds like to me. I don't have a major problem.

Mr. Criscione stated that well that and it goes against the comprehensive plan and whoever owns it in the future can do whatever they want because you can't restrict it.

Mr. Wilson stated well that and the lot size only being 3 acres in industrial, some of those place's won't be able to go in there because it's not big enough, I don't like th word industrial. I understand construction equipment and stuff sitting there not bothering anyone. I kind of struggle just because I do feel like he's just trying to do what he is doing but make it legal.

Mrs. Best-Wilke asked John if he had anything to say.

Mr. Lippus said no, Les said what I was going to say.

Mrs. Best-Wilke stated she'd entertain a motion.

Mr. Wilson stated that the part he likes is the C-2 but allowing him to do the highlighted things. I do worry there are some other items there are on industrial I wouldn't want to see go in there.

Mrs. Best-Wilke stated so if we go with C-2 he'd have to go to the appeals board to get non-conforming, am I understating that correctly, or not?

Mr. Panas stated sort of, Angie correct me if I'm wrong. If he did come back to get C-2 zoning for every use that is listed and highlighted in I-1, he would need to come back to the board of zoning appeals for each one of them.

Ms. Byington stated yes, for each one. But what might be beneficial for him is if he needed a financing letter. We could say it's zoned C-2 but these uses are permitted by way of a conditional use permit, I don't know if its helpful or not.

Josh stated that no bank is talking to you dependent on a conditional use permit. I deal with a fair share of banks; they want to know its approved.

Mrs. Best-Wilke stated that we already agreed that the chances of this being used for residential is basically not going to happen.

Ms. Byington stated that I don't know if we had that discussion here, we said that about the fire station because we'd have to knock it down.

Mr. Lippus stated that we have worked hard as a community to look into the future and how we structure and redevelop it into a community so to speak. Now we're looking into something that is going to go backwards on what our future needs. It's like saying we made all these great plans but for this one piece we're going to make an exception then what happens for the next exception and the next one. I'm not saying it's not the right thing to do, it just goes against what we worked so hard to do and to fix.



Mrs. Best-Wilke asked if any of this is in a flood plain, I know the land north of the fire station is very low.

Mrs. Best-Wilke made the motion to approve. Mr. Wilson seconded.

Mrs. Best-Wilke; yes, Mr. Wilson; yes, Mr. Criscione; no, Mr. Lippus, no.

**IX. Old Business**

**X. New Business**

Groff on East Perkins, the property to the left used to be a church, they have come under same ownership to zone the same as Groff which is C-2

**XI. 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.

*Cheryl Best-Wilke*  
*Chairperson*  
*9/11/2023*