

PERKINS TOWNSHIP ZONING COMMISSION MEETING

Held By: Perkins Township Zoning Commission
Place: Perkins Township Complex, 5420 Milan Road
Date: December 10, 2007
Time: 7:00 P.M.
Appl.# ZC2007-0007

Board Members Present: Jeffrey Ferrell, Chairperson
William Spence
Jerry Baumgardner
Cheryl Best-Wilke, Alternate
James Laws
James Lamb, Clerk

Board Members Absent: Josephine Stovall

Mr. Ferrell called the meeting to order and welcomed everyone. Mr. Lamb read the application and correspondence from Timothy C. King, Senior Planner of the Erie Regional Planning Commission stating that the planning staff recommended approval of the request with the following three recommendations: 1) It is our opinion that the proposed building location on the property is inadvisable. The subject site should be utilized, to the greatest extent possible, to reduce the impact on the existing neighborhood. Planning staff recommends that the building be moved to the southeast (note the applicants site plan north arrow is incorrectly oriented) adjacent to the NASA fence. While the proposed landscape mound and screening will provide some screening for both buildings and lighting, moving the buildings to the southeast will allow for greater privacy for both the nursing home residents and the surrounding neighborhood. 2) The proposed landscape mound south of the nursing home should be extended north and west to provide screening to the Hudson residence, 5116 Ransom Rd. As proposed the mound stop at the Hudson's northern property line, providing little, if any, privacy. Planning staff recommends that the mound be continued north and then west to intersect with Ransom Road. 3) In addition, planning staff recommends relocating the refuse containers and loading area to reduce the impact on adjacent neighbors. An ideal location for loading/dumpster areas is in the rear of the facility.

Mr. Lamb introduced Mr. Ted Kastor, 404 Linden Way Drive, representing Janotta & Herner Inc., 3209 Monroe St., Monroeville, Ohio 44847, who made the presentation to the Commission.

Mr. Kastor said that Janotta & Herner had been retained to help the developer with the zoning change process. He explained that the request is for a PUD, which gives the Township tighter controls over the development of the land. Mr. Kastor stated that Mr. Biggs the present owner has a strong desire to sell his land and the residence should consider what would be the best possible use of the land. He stated nursing homes are traditionally very quiet and friendly neighbors. He said that nursing home co-exist on Atlantic Avenue at Park Place and on W. Strub Road. He stated that Atlantic Avenue has some of the highest valued property in the Township. He said that this development would not have any adverse affect on the property values. He said that the nursing home would not produce any more traffic that the residential subdivision that had been planned for the area.

Mr. Kastor introduced Mr. Roger Nash; Wither Design Group, 1250 Chambers Road, Columbus, Ohio 43212, who is representing Mr. Gary Hansen of the Firelands Development Co.

Mr. Nash displayed drawings of the proposed site and building incorporating the recommendations of Tim King, Erie Regional Planning Commission. He explained the design and displayed elevation of the building and how it would be constructed. He explained about the licensing from the state of Ohio and how the certificate of need for nursing home beds is obtained. He stated that they would be purchasing the beds from another facility in Erie County.

Mr. Ferrell asked the audience for comments in favor of or opposed to the zoning change.

Mr. Robert Blue, 1124 W. Bogart Road, asked it the nursing home was the only thing that was going to be built on the lot. Mr. Nash said that they only have fifty beds and that was all that was going to be built on the property. He explained that this is a PUD and any attempt to change the plan or add onto the plan would require them to go through the whole zoning process.

Tammy Snyder, 5011 Ransom Road, spoke in opposition to the project. She objected to the proposed entrance and questioned whether there would be security on the site and how they would prevent Alzheimer patients for leaving the facility. Mr. Nash said that they location of the entrance drive was selected because that was where the proposed street entrance was located. He said that they could relocate the entrance more to the north.

Mrs. Rhonda Vanness, 5109 Ransom Road, spoke in opposition to the project citing traffic concerns.

Carroll Walton, Concord Care Center, 620 W. Strub Road, spoke in opposition to the proposed development.

Brian Bohn, 5200 Ransom Road, spoke in opposition to the proposed development.

Bonnie Wuertz, 5123 Ransom Road, spoke in opposition to the proposed development.

Dominic Johnson, 5220 Ransom Road, spoke in opposition to the proposed development.

Anne Single, 5305 Ransom Road, spoke in opposition to the proposed development.

Dave Speer, 802 W. Bogart Road, spoke representing his mother who lives at 5107 Ransom Road, spoke in opposition to the project.

Jason Bennett, 305 Michigan Avenue, spoke in opposition to the proposed development.

Rosalyn Ahner, 5214 Ransom Road, spoke in opposition to the proposed development.

Mr. Barry Vermeeren, Attorney, 114 Cleveland Road, said that he represented the Ahners' who live at 5214 Fox Road. He gave a presentation opposing the project. He stated that approving the request would allow a commercial business to exist in a residential district. Mr. Vermeeren discussed the criteria that are in the zoning book that needs to be taken into consideration to approve a zoning change. He stated that the developer has not met that criteria.

Mr. Baumgardner moved to close the public hearing and to open the public meeting. Mr. Laws seconded the motion. Roll call vote: Mr. Baumgardner, yes; Mr. Laws, yes; Mrs. Wilke, yes; Mr. Spence, yes; Mr. Ferrell, yes. Motion passed the public hearing was closed and the public meeting was opened.

Mr. Ferrell said that he could not see a nursing home in this location. He thinks it would fit better in another location.

Mr. Spence said that the Comprehensive Plan is the guide and the plan call for this area to be residential.

Mr. Baumgardner asked who was going to own and run the nursing home? Mr. Nash said he did not know who was going to run the home.

Mr. Laws said that too many times a developer comes before the Commission and receives a zoning change to build a building and then they sell it. The new owners do not do what the developer promised and the Township is stuck with the building. He said that the Commission does not want something like that to happen now.

Mr. Baumgardner said that he wanted the audience to be aware that this property is going to be sold and something is going to be built there. Whether it is residential, commercial, or a PUD at some point in time this property will be developed.

Mr. Baumgardner said it bothers him that not one person other than the representatives of the developer has spoken in favor of the project. He said that a zoning change should not do harm to the neighbors. He said that all the people who live on Ransom Road have a

drainage problem and he did not know if the retention ponds installed by the developer would help the people on the south end of Ransom Road. He said that the driveway does not meet the requirements of the Erie County Access plan. He said that he could support the project.

Mrs. Wilke that at first she did not think that the project would be that detrimental to the area but after hearing the comments made at the meeting she is not sure. She said she wonders what kind of impact this project would have on the rescue services. She said that the zoning code for PUD's say that the proposed uses shall not be hazardous or disturbing to existing or future neighboring uses. She said that she has not heard a positive comment even from people who work at nursing homes.

Commission member Jerry Baumgardner moved the adoption of the following recommendation:

WHEREAS, the Zoning Commission has relied upon information provided and reviewed by Erie Regional Planning Commission members and Perkins Township Staff, and

WHEREAS, pursuant to O.R. C. 519.12, at least one public hearing on the proposed change to the zoning map was held on the 10th day of December, 2007 pursuant to notice, and

WHEREAS, the Zoning Commission believes that the following changes in the Township zoning map is not beneficial to the public health, safety, and morals, and such change will be materially detrimental to the property of persons located in the vicinity thereof,

THEREFORE, it is hereby moved that:

The Zoning Commission of Perkins Township does not approve changing the zoning from R-1 (single family) to P.U.D. (planned unit development) and amending the Zoning Map adopted July 2, 2002 as requested on zoning amendment application ZC2007-0006 for parcel # 3200016000 located on West Bogart Road.

Commission member Will Spence seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

Jerry Baumgardner yes

William Spence: yes

Cheryl Best-Wilke yes

James Laws yes

Jeffrey Ferrell Abstain

The Clerk shall certify a copy of the recommendations to the Board of Trustees of Perkins Township, Erie County, Ohio.

New Business: Jerry Baumgardner was nominated to be Chairman of The Perkins Township Zoning Commission for the year 2008. Will Spence was nominated to be Vice-Chairman of the Perkins Township Zoning Commission for the year 2008. The Zoning Commission cast a unanimous vote for the nominees.

Jeffrey Ferrell announced that he was resigning from the Perkins Township Zoning Commission effective after tonight's meeting. Jeff has been elected as a Township Trustee. Jeff's resignation was accepted and the Commission thanked him for his years of service on the Commission and wished him well as he begins his service as a Township Trustee.

The public meeting was closed.

Jeff Ferrell, Chairperson

James C. Lamb, Secretary