

New London Council Zoning Public Hearing  
August 14, 2017 @ 6:00 p.m.

Present: Janice Myers, Mike Willis, Bill Curtis, Marion Paramore, Stuart Cooke, Bob James, Sandy Sword, James Van Sickle, Joe Thomas, Paul Tecpanecati, Shawn Pickworth, Russel Sword, Marvin McCallister, Bernadette Fannin, Kenneth Fannin, William Given, Mark Chase, Jayne Carroll, Cathy Carpenter, Jennifer Hale, Eddie Shaver, Sally Staschke, Daniel Donnelly and Steve Bond

Stuart Cooke called the Public Hearing to order and asked anyone that has concerns to come up and voice their concerns. He also requested that anyone with concerns or objections to put them in writing to the village within two weeks. The village will send them to the engineer and they will respond to each concern with the reasoning behind their decision. All concerns will need to be put in writing within two weeks and that way they have written records and they can get the concerns to the engineer. Stuart Cooke stated that Mark Chase had talked to him and he needs to leave for the township zoning meeting so he allowed Mark Chase to go first.

Mark Chase stood and pointed to an area on the zoning map and stated that his questions and comments were primarily with regard to that specific light industrial part. He said he noticed it had been modified since the last drawing he had. He was questioning one specific little area on the map. He stated that Firelands Electric had just purchased most of the area but there is one small parcel left. He pointed out a portion that was zoned commercial and showed that there was more commercial across the street. There was an area that was initially for manufacturing but now is commercial. He stated it has the potential to be a decent commercial lot. He is wondering how do you go from industrial to commercial use when a perspective client comes in. He knew from previous codes that it was easy to go down the ladder but it's not easy to go up. He didn't see anything in the current code provisions that enables that. He stated if it requires a variance he is guessing it will take four to six weeks and that may taint a perspective buyers interest in the property if they don't know for sure that they can actually put a commercial use there. Secondly, often times the perspective buyer doesn't want their interest made public which is what would happen if you went for a variance. He questioned if there was anything wrong with identifying that parcel with a dual designation of manufacturing or general business.

Paul Tecpanecati from Poggemeyer answered that they could propose that parcel to be commercial and one of the rationales is 162 is a major material...very busy, a lot of traffic so commercial absolutely makes sense. They originally had it light industrial. One option would be to zone it commercial.

Mr. Chase replied that he did not want it to be limited to that. He wants it to have the option of either. That's why I want it to be able to do it in the event that we have one or

the other coming through. I don't want to have an uncertainty of whether or not it has the ability to be either.

Paul Tecpanecati then responded by saying at this point we are asking to move forward with the zoning change but as far as having a zoning district it was originally industrial.

Mr. Chase asked why can you not have M2 or C3?

Mr. Tecpanecati stated that you can probably have either one but ideally you want something that is one or the other like with a business or anything like that and then if you have an individual or a new property owner comes forward they can go to the village and request a zoning change.

Mr. Chase stated he understood that but that is an involved process. The village doesn't have enough draw here to make somebody arbitrarily do that. We have to be able to make a commitment to the perspective buyer.

Mr. Tecpanecati asked Mr. Chase what he would recommend as far as zoning.

Mr. Chase said he would recommend a dual designation of commercial and industrial.

Mr. Tecpanecati said he believed that where it is zoned light industrial you can also have commercial.

Mr. Chase replied that he did not see that and asked where he could find that at.

Mr. Tecpanecati replied that it was in the ordinance. He said if you look under M1 which is light industrial under permitted uses you can have commercial. Under all the zoning you are trying to at least label or have a district of the proper use of the property. So single family should be single family, a duplex would be two family. So if you look at the R1...*statement obscure*.

Mr. Chase said he didn't see that.

Mr. Tecpanecati asked about a particular parcel and verified that two parcels had the same owner. Once that was verified he stated that ideally you would want single zoning in the entire area of homes. At this point he would recommend this would be commercial.

Mr. Chase did not agree that it should all be under commercial. He stated currently it is all under manufacturing and industrialization. He thinks it makes sense for the benefit of the community to have an easy way for a good commercial use to come into this. He stated he sees zoning regulations and zoning maps all the time. He sees dual usage. He doesn't understand what the problem is about having a dual use here.

Mr. Tecpanecati replied that usually it's....*statement obscure*.

Mr. Chase stated he understood but this is logical rational and explainable why this is appropriate and proper usage.

Mr. Tecpanecati suggested they take a look at the existing zoning districts - R1, R2, R3, R4, Downtown Business District, General Commercial in the red and then you have M1's light industrial, M2 Heavy Industrial and Public Park and Open Space so again the rationale can be for both commercial and industrial but as far as having a zoning district...*statement obscure*.

Mr. Chase replied that he still does not understand why it can't be dual zoned.

Bill Curtis asked Mr. Chase if he was asking if that designation of dual usage could be added to the zoning map.

Stuart Cooke asked if we had any dual use zoning on this map?

Mr. Tecpanecati replied that no we do not.

Mr. Bond stated that if you have an M2, anything that is allowed in M1 could go in an M2. So to that extent that would be a dual.

Mr. Tecpanecati said that usually you try to separate the uses. If it's Light Industrial, you may expect additional truck traffic. Heavier trucks and warehousing type operations are especially with M2.

Mr. Chase stated he also knows that when White Screw Products went from a Manufacturing to a Commercial it changed the whole complex and the area there to the point where commercial may be ideal. He is actually pursuing some commercial considerations here that he thinks might be perfect. You can't go to them and say I can't tell you if you can go there yet. Let's say we have been approached by several manufacturing entities that he thinks could possibly go here so he said he has yet to hear an argument why there can't be a dual designation.

Bob James then replied that Mr. Chase is requesting that commercial be added to the light industrial with the stipulation that.....*statement obscure*.

There was a discussion about combining C3- General Commercial and M1- Light Industrial. Which most everyone thought would be a good solution.

Mr. Tecpanecati stated that right now Light Industrial is any type of manufacturing or assembly, jewelry, drugs, musical instruments, sporting goods, small household appliances, processing household goods, electronics, lumber storage, contractor's yards and offices, warehousing, printing, publishing, carting and hauling, grain, feed dealers, bottling, canning plants, automotive and other repair, temporary storage, furniture, office equipment, clothing goods, apparel, glass products, parks, recreational and sporting facilities, nurseries, horticulture, utility. Then under conditional you have railroad yards,

stone monuments, manufacture of pottery, laundry, cleaning, wireless telecommunications facilities, metal cans and manufacturing and building materials. This is all under M1. One thing with zoning, its anticipating future development and again nobody has the ability to forecast the future. That's why there is the ability to request a change.

Mr. Chase stated that was exactly why he wanted to bring it up. It's logical and rational to do it right now.

Mr. Tecpanecati answered that he would recommend it be zoned a C3.

Mr. Chase replied that he did not want a C3. He said Mr. Tecpanecati had just mentioned that they needed to keep those options available.

Mr. Tecpanecati stated that the whole point of zoning is having districts and different uses.

Mr. Chase stated he got it. He wasn't asking to put an R in there. He was asking to put one or the other.

Mr. Tecpanecati replied that originally M2 that is adjacent to it, you are looking at heavier types of assembly, more noise, dust and things like that. That's why you want it passed.

Mr. Chase commented that he understood that. He is asking for General Commercial also to be listed under M1 but it could still be listed as M1.

William Given pointed out that he thought what Mr. Chase was eager to propose and what a lot of people were having a problem with was what's being proposed and that's anything that facilitates movement without having to go through the whole appeals process. Our old zoning ordinance allowed some flexibility within those commercial and industrial criteria and this new one is very restrictive, greatly more so than the old one. He understands what they are after, but the restrictions are also taxing our community which we have some people who are trying to move some things ahead and its really restricting our abilities to sell our product which is our town. He then stated he thinks a mechanism within our ordinance to facilitate this without the whole appeals process or expediting even in a way that is not so cumbersome would really help out a lot. Dual use is one way to do that.

Mr. Chase then added that dual use is appropriate. If they go on your website, they are not going to spend the time to look in the book. They will see dual use and that they are in a possible category.

Stuart Cooke requested that Mr. Chase put his concerns in writing. Drop them off to the Village Office. His concerns will then be passed on to the engineers to look over. It will

be addressed after the engineers give their opinion. Mr. Cooke then asked if anybody else had anything.

Mr. Chase stated he had one more comment. This isn't necessarily that he has a horse in this race but it seems strange to him. He wanted clarification on page 21-1 under nonconformities, paragraph 1121.01 sub paragraph f. It says "When a non-conforming building or structure has been damaged by fire, explosion, act of God or the public enemy to the extent of more than 75 percent of its fair market value, it shall not be restored or reconstructed except in conformity with regulations of the zoned district in which the building or structure is located." Our market values here aren't very high and it wouldn't take much of a storm or a fire or anything to exceed 75 percent. If there is somebody who has been in business for x number of years but he's not conforming if he has damage that exceeds 75 percent are you saying he is basically out of business? He can't rebuild?

Mr. Tecpanecati replied that he could rebuild but with the zoning. ....*statement obscure.*

Mr. Chase commented that he knows what he is saying. He is not conforming. He probably isn't in the category....*statement obscure.*

Mr. Tecpanecati stated Mr. Chase was right but that is typical language for nonconformance especially with destruction. It is usually 50%, this one gives a little more leeway.

Mr. Chase stated he understood what it says. He just wants to make sure everybody understands because it is pretty restrictive. He would not be happy if he had a nonconforming and all of a sudden he had a fire and lost everything. He would be out of business and he would have to go across the street and pay three times that in order to....*statement obscure.*

Stuart Cooke asked if that would be nonconforming if they had come to council and gotten a Variance for that business and then they ended up having a fire and...

Mr. Tecpanecati cut in saying that when Mr. Cooke says Variance that is a little different. They are a nonconforming use in other words....*statement obscure.*

Mr. Cooke then replied that they would have had to have gotten a Variance for a nonconforming.

Mr. Tecpanecati confirmed Mr. Cooke was right.

Mr. Chase said that was all he had.

Kenneth Fannin then stated he just wanted to know why his address was in the paper for light industrial. He added that he doesn't know much about that mumbo jumbo but they put his address in there, 116 Ledgett Street and that's his address.

His address was found on the zoning map and it was proposed to be zoned Light Industrial.

Mr. Fannin wanted to know why it was being changed from Residential to Light Industrial.

Mr. Tecpanecati stated that he had left it what it was previously zoned. In 1990, Mr. Fannin's property had been zoned Industrial. Pretty well all the uses around there are also Light Industrial and to the West also.

Mr. Given pointed out that the previous Ordinance, however, allowed you to step down from Industrial and now he would be nonconforming.

Mr. Tecpanecati again stated that the 1990 Zoning Map had that property as Industrial.

Mr. Given stated he understood, but the previous Zoning Ordinance had a mechanism by which you could step down.

Mr. Tecpanecati was not aware of that.

Mr. Given continued to say if you had Commercial you could use it as Residential etc. Before in our zoning that was the way it was written in our zoning. This is not that way. If you had the more-for lack of a better-harsh or potential exposure, you could step down to whatever. This doesn't have that. That's what he is getting at.

Mr. Tecpanecati did not see that in the 1990 zoning.

Mr. Given stated that was the way it was for years. He even spoke to some of the council members and that was the way they had interpreted it as well. If you had Business you could go to Residential. There was just a hierarchy to it and you could step down.

Stuart Cooke stated that you could step down without going before zoning or the council. He did that with the property he had 23 years ago. It was all Commercial and he plotted off a residential lot and he didn't have to get a Variance and he didn't have to go before zoning and council. He went from Commercial to Residential.

Mr. Given explained that is why it wouldn't have mattered to Mr. Fannin before whether his property was zoned Industrial because he could have stepped down and he would have still been conforming.

Mr. Chase then added that the other point with nonconforming if he does have a fire and more than 75 percent of the market value has been damaged, he can't rebuild.

Mr. Tecpanecati verified that was correct.

Bob James stated that what Mr. Fannin needed to do was submit a letter to council requesting his property be zoned Residential.

There was a discussion about Mr. Fannin's property and it was noted that his property could really be zoned either way since it was next to both Light Industrial and Residential areas. Different scenarios were discussed including property values and what would happen down the road when the property is sold. The bottom line was if Mr. Fannin wanted his property to be changed, all he would need to do would be to submit a request to have his property changed to Residential. Since Mr. Fannin is adjacent to a Residential area it would be easy to make the change. It would not have to stay Residential forever. If down the road they would want to change it back to Light Industrial, all they would have to do would be to come before the zoning board and request it and it can be changed back because it adjoins Industrial property. This property could go either way. Mr. Fannin seemed satisfied with this solution.

William Given pointed out an area that had a lot of R1 and spotty R2 designations. He would love to see some rhyme or reason to utilize the R2s to give incentive to further develop areas. Right now an R1 designation will freeze a dilapidated property in its current state. He suggested maybe splitting it off and getting two units out of one. He is afraid that the R1 designations will hinder people from trying to develop dilapidated properties.

Mr. Tecpanecati stated he believes the properties are listed how they are currently being used. He believes if a developer would come forward before the zoning and planning commission and council and want develop a property, they would allow them.

Mr. Given agreed and said he was sure they would but when you look at the rules... You don't enter into something wanting to fight right off the bat. You want to be able to come up with something fluid that you can work through. Now with that said too, is there any reason that we could not develop these zones like with Heavy Industrial, Light Industrial and Commercial in such a way that there is mobility within those zones without exposing ourselves further to...you know Heavy Industrial will be the maximum of exposure that that property can have. It is recognized that that would be the worst possible condition that the neighbors would put up with next door. Light Industrial would be the next step down. If we could get some mobility between Heavy Industrial, Light Industrial and Commercial that would take care of almost all of our problems concerning all of the Industrial Properties.

Bill Curtis asked Mr. Given if what he was saying was you can go down but you can't go up.

Mr. Given said yes. Don't have it to were your Light Industrial can become Heavy Industrial or your Commercial can become Light Industrial. You wouldn't want that of course but to be able to go down to develop. Right now they will take any development they can get. They are at that point.

Bob James replied that he believes the way it is written now you can go from M2 to M1 but you can't go to General Commercial.

Mr. Given asked if there was a reason it was being prohibited. He isn't sure if there are legal reasons.

Mr. Tecpanecati answered that you can go from a higher intensity to a lower intensity but not the other way around. So in other words you could have a Light Industrial in a Heavy Industrial but you aren't going to want Heavy Industrial in a Light Industrial. You are trying to kinda separate the uses.

Bob James stated all they were concerned about was Commercial.

Mr. Given replied that he didn't see if there were stepping stones within the ordinance.

Mr. Tecpanecati stated that normally you try to separate the Commercial from Industrial. There are some new zoning categories and those are called Home Based Codes which does away with....it is supposed to give the appearance or the façade of a ...*statement obscure*.

Mr. Given stated that with ours being a rural community, agricultural based, most of our businesses are..... just like with White Screw Product's property. It's kinda Commercial, it was Industrial. It needs some flexibility to move back and forth because it might not be tractor sales next time. The way it is now with Heavy Industrial it really is not zoned for its purpose.

Mr. Tecpanecati answered that the properties along 162 were zoned because of their location. There is a lot of traffic. It is the same with North Main. Some of those parcels could be Commercial.....

Mr. Given then stated that some of the dead end streets like East Street and etc. should have some R2 zones in some of these places that might make sense to have R2 homes.

Mr. Tecpanecati said sure. They would not presuppose anyone coming forward to converting a single family into a two family or maybe summing a couple parcels together.....*statement obscure*.

Mr. Given replied that he would rather it didn't get done piecemeal. That's what he was getting at. There are some areas that we really should be pushing.

Mr. Tecpanecati stated that was one of the reasons that the districts varied. Previously the village only had one Residential district. It had a Residential and Trailer district and a Trailer Park and that's it. Now we have changed that into Single Families, Two-Family, Multi-Family so you have a little more separation. A lot of it is the fact that a lot of the property values and parcels are down. It's a fine balance.

Mr. Given replied that was part of what he was speaking to when he came before. Sometimes what we are trying to protect we are placing a tax on. Right now with the foreclosures spotted all over town and a lot of them are to the point where they are going to end up being tear downs. The ability to do something with those is prohibited right now unless we find a way to get some of those R2 zones in place. Because right now with the way the R2s are arranged he thinks it is very susceptible to spot zoning.

Mr. Tecpanecati answered that the R2s are there because there are Two-Family homes there now.

Mr. Given stated that he understood that. It is reflective of what is there right now.

Mr. Tecpanecati answered exactly.

Mr. Given stated that is just an appeasement. Mr. Given then said thank you and that he would write up something. He ended by thanking everyone for their time.

Jayne Carroll then stood and stated that first of all she would like to thank the council for trying to bring our village up to date. It's something that has been needed for a long time and although change may not always be welcome by everyone it is a needed necessity as such. Mrs. Carroll said she had one quick question and she was the spokesperson for the New London Avenue area and their area of concern would be the Sword property which is near the school. With that being said she said she would like to make a point that she is not good at math. First of all, she had a really quick question before she gave their thoughts and comments. Who are the members of our zoning committee? She was online trying to find them. She asked who are the members?

Janice Myers listed Sandy Sword, Jim Van Sickle, Marion Paramore and Cheri Raphael.

Mrs. Carroll then said that her next question was if there was an exception asked for who would be the people allowed to vote for said exception?

Mr. Bond explained that the commission has already made a recommendation to council so now it is up to council to decide what to do with the recommendation.

Mrs. Carroll replied that that answered her question. She began by saying zoning protects our village not only in the present moment but also to promote growth and safety of the future and of those generations to come. Mrs. Carroll continued by saying the future is why she was here tonight to support the necessary changing in zoning as recommended by the experts but asked for by exception by the Swords, one of the properties noted in the June 26 council meeting notes. The property is located next to our school as well as a residential only area. The perfect contracted expert said and she quoted "This property is not compatible to have property zoned industrial by the school. If zoned Residential it should be and should have been, the Sword farming can continue without anything changed." Although the Swords are good stewards of the land and they say they have no intentions of industry, this zoning still needs to be changed. It needs to be changed to

protect the majority, not just a chosen few. As they say, the road is paved with good intentions. With correct Residential zoning in place, in this case, those good intentions are guaranteed. A council is correct in following the rules and not allowing spot zoning. Spot zoning which is only to satisfy a few at the expense of the majority. By doing your due diligence and protecting the majority and investments in our future generations. When she began researching what type of industry could be placed on this parcel she was shocked. She read the correct definitions on file for our zoning and without corrected zoning we are subjecting ourselves to many unforeseen problems and or dangers. While reading the Light Industrial allowable under our current zoning its noted as you said, electrical components, warehousing, manufacturing, and yes even though I know it wouldn't happen, sexually oriented business is even mentioned. Although higher government rules, regulations supersede those allowable businesses near our school, it still amazed me what this can and what it could potentially be used for. Heavy Industrial, if it was that, can also include but not be inclusive such as industry, such as chemical, petroleum refineries, or waste disposal amongst others. Are these the sordid types of businesses that we want near our children, near our schools? She sought the advice of others who are more suited to answer those questions and point out areas of concerns. One is a lead chemist with a background in FTAPPA Industrial Regulations and Hazardous Waste Management. Another is a Health, Safety and Environmental Manager with a background in EPA regulation, hazardous material regulation and is also a certified ODOT Dangerous Road Transportation. After reviewing the types of industry allowable per the zoning as defined by our village, she found that any company that could be built could have the potential for hazardous materials, products or waste. For instance, electronics, they have high lead levels in their waste, petroleum as well. All industrial facilities, whether light or heavy, they share a certain amount of pollution and emission allotment. If the facility is located by itself as this property would be, it does not. What that means is whatever is built there can be significantly worse than an industry group and industrial facility while other industry is appropriate so as Mr. Given and Mr. Chase, in the proper zoning area, not in the middle of a residential area, they are safe and that is what it is for – not in the middle of a residential area. If we do not correct this error in zoning, what are we doing for our village's future? How would potential hazardous waste that could affect our residents, our children, be handled? Toxic fumes, even from light industry, could be allowed – could potentially hurt our elderly, our children such as a sensitive asthmatic. These are problems we can avoid with corrective and protective zoning. Zoning that will not stop the farming - Mrs. Carroll stated she believed in farming – or residential development. So if you want to build houses there or you want to farm, you are safe. We all want growth. That's what we want in our village. We want new industry. We want growth. We want to be able to promote that growth, but it must be in the appropriate area, an area zoned industrial, not adjacent to our school surrounded by residential homes. Mrs. Carrol then said she agreed with Mr. and Mrs. Sword on one important thing. We all should be good stewards of the land. We should be good stewards of our residents, our children and our village and the only way that we can guarantee this is with correct and appropriate – no exceptions – zoning of residential on this property. Mrs. Carroll concluded that she hopes that our council will protect the majority verses the few.

Sandy Sword asked if she could respond.

Mrs. Carroll answered yes please.

Mrs. Sword stated that she owns that property.

Mrs. Carroll answered that she knew that and that they take good care of the property.

Mrs. Sword replied that they also are responsible basically for the school being built there.

Mrs. Carroll stated that yes the school had purchased it from them.

Mrs. Sword continued by saying they had talked to other people and she thinks they are good stewards, however the people that do live around them, they have compost bins that are actually on their property. They have people who take their refuse, their trees, their grass, their whatever and throw it on theirs. They actually had a trailer last year that was parked on their property.

Mrs. Carroll responded by saying "Trust me. We were with you on that."

Mrs. Sword said it was like "Hello! Do you pay taxes on this?" They would not put anything... She then stated that actually Firelands Electric had come to them and asked because they wanted to build back there. They said no because they didn't feel that was appropriate. School buses and big trucks on that back road? No. Mrs. Sword continued by saying they had bought it Industrial and she feels that is taking rights away from them. She is sure it will end up residential someday but right now all they want to do is farm it.

Mrs. Carrol then replied that here is the thing. She believes her. She totally does. Mrs. Carroll explained that she is just protecting the future because Mrs. Sword won't be there forever. She could sell it tomorrow and nobody is protecting us. And though she understands they are fighting for rights like anyone else it is also our right to protect our residential area and our students. And that being said, zoning is in place to protect the future. Mrs. Carroll stated she doesn't know who they are going to sell it to. She doesn't know who they are going to give it to. So therefore, she would like to make sure that our children and our residential area is protected. There should not be Light Industrial in the middle of a residential area with nothing around it and if she needs EPA or other information she would be more than happy to provide it because she does have it. We need to protect our residential area to entice the people we want to come here. Commuting workers today is what is building this city. The first thing that a family that comes to the area looks at is your school zone. Our school zone, and not because of you doing it, because it is not an attack against you, it's who you sell it to - who you give it to, whatever. Who is behind you that doesn't have the same moral or ethical values. What we want is to entice the type of people that want their children in our school. They want to go to these industrial areas. They want to invest. Mrs. Carroll noted that she drives an hour and ten minutes every day for a very good job. She pays her taxes in this town and she lives in this town for our community. One of the things that is great about our

community is our school. We have one of the best schools. It is a great school. She has successful daughters who graduated from there. That being said, let's protect our school. Let's protect our residents and really protect you and your family because you're not losing anything. You can farm til the cows come home. Nobody is changing that with residential. What we are saying is protect us because she doesn't know what they are going to do if somebody happens to decide to build something.

Mrs. Sword answered that if they lot that off it is going to cost them. They have to count each line and they have to get approval for each lot.

Mrs. Carroll suggested they build residential. If it's zoned residential you can put residential. You want Light Industrial. That is what you are zoned in.

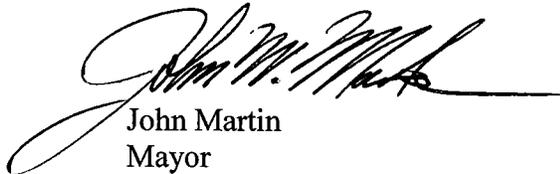
Mrs. Sword stated she didn't think they were Light Industrial.

Mrs. Carroll said yes you are. Look it up. You are light purple. You are M1 and that is per the design group. You are M1 in the middle of a residential. And all we are asking is keep doing what you are doing. Just make it residential so we are all protected including our future.

Stuart Cooke asked if anyone else had anything. He also asked Jane to send something to the Village Office so they could send it to the engineer. Since no one else had anything, he closed the meeting.



Nancy Howell  
Fiscal Officer



John Martin  
Mayor