

The Milan Township Board of Trustees met for a public hearing on Thursday, January 9, 2020 at 6:00p.m in the Trustees Room of the Milan Township Hall to consider the request of Robert & Helen Schoen for a change of zoning district classification from General Commercial (C-2) to Agricultural (Ag) for property located at 12211 Milan Road, Milan, Ohio at 6:00 p.m. and identified as parcel numbers 50-00105.000 and 50-00269.001.

ATTENDANCE: In attendance at the meeting were Zoning Commission Chairman Bill Muthig, F.O. Zachary Rospert, Z.I./Sec. Colleen Arthur, Appellant Robert Schoen, Annette Wilcox, C.J. van Wingeren (owner of Green Circle Growers) and Dan Prugar.

Chairman Gerald Nickoli called the meeting to order a 7:00 p.m.

Mr. Rospert called the roll: Mr. Nickoli, present; Mr. Shover, present; Mr. Frederick, present.

Mr. Nickoli read the purpose of the hearing and noted that the Milan Township Zoning Commission held a public hearing on the matter on November 25, 2019, which was extended to Dec. 9, 2019. The Zoning Commission's recommendation is to deny the request.

APPELLANT: Mr. Schoen addressed the Board stating that he purchased the property in 1997 for hotel. Since that time it has returned bed tax to the township. However, after many years with the addition of new hotels being built in the area, revenue has declined. Mr. Schoen noted that he had been gradually changing rooms over to apartments. Mr. Schoen talked about the amount of hotel tax which the Township receives from the hotels. His belief is that the hotels are not using 250 rooms at all times of the year and therefore the proposed use would result in greater tax income to the Township. Furthermore, he noted that Green Circle Growers would be a great asset to the community as they are proposing two million dollars in improvements, which he believes should increase tax revenue from property taxes. Mr. Schoen also noted that the workers that would be housed there would be spending money in the community. Without a change of zoning to an Ag District and the resulting housing of seasonal workers, he feels the property will decline.

OATH: At this time, the oath was given. All took the oath.

AUDIENCE TESTIMONY: Mr. C.J. van Wingeren, owner of Green Circle Growers, presented a brochure to the Trustees and explained that his father started Green Circle Growers in Kipton 50 years. It is a family run business with him and his brother now at the helm. They have experienced great growth in the last ten years as "indoor farmers of flowers." Although they have 250 full time employees; due to the rapid growth of the business they have experienced a shortage of worker for general labor that is needed seasonally.

They have employed some migrant workers in the past, but the State of Ohio informed them of the H2A seasonal worker program. The H2A work program utilizes individual workers (not families) from all over the world to come to the U.S.A for 6-10 months and then return to their home countries. A similar program is used by Cedar Point, Mucci Farms, and Will-o-way Nurseries. H2A is Federal Government program which requires the Ag zoning district for farm related employment. Mr. van Wingeren noted that his company has a work ethic policy which the employees must agree

to which emphasizes “respectful, diligent, integrity, intentioned, innovative behavior.” Green Circle Growers used this H2A program for one year and it worked well for them.

Mr. van Wingeren addressed the specific aspects of the property that meet their needs. Milan is a 23 minute drive to the farm in Kipton where the workers will be bussed. The existing hotel building, with renovations, lends itself well to the proposed use. Since plants are their business, they will improve the landscape around the three existing buildings. They also intend to build a mess hall for self-cooking for the employees. The location is close to both Norwalk and Sandusky which gives the worker convenient access to shopping and banking. It is their intent to provide a comfortable home environment for the workers.

Mr. van Wingeren referred to the brochure which showed example of bunk rooms, bathrooms and a laundry. The workers understand it’s a privilege to work here and there is a no alcohol policy. He noted that five (5) acres in the rear of the property will be planted with pumpkins and/or apples. The brochure shows a soccer field. Star Builders will be doing the renovations.

In closing Mr. van Wingeren stated that he feels working together with the Township would be beneficial to both parties. This worker program is being done in Washington State and Oregon.

#### TRUSTEES’ QUESTIONS:

Mr. Shover asked how many workers would be housed. Mr. van Wingeren stated that they would have 215 workers at present and 250 in the long term.

Mr. Shover further inquired as to how many per room. Mr. van Wingeren stated two, four or six, depending on room size.

Mr. Shover asked how many would be in the mess hall at one time. Mr. van Wingeren stated that it would be set up for 215, although not all will be there at once. He went on to explain how the transport will work. Green Circle Growers will rent Student First buses. Four busses pick up the worker and take them to Kipton and bring them back at the end of the work day. There are no families; no children. All of the workers are male seasonal workers. The season is November 15 through June 1. When vacant, the property will be maintained.

Mr. Nickoli noted that what is proposed is very nice; however, it does not fit into the Comprehensive Plan of a commercial district along the U.S. Route 250 corridor.

Mr. Frederick noted that the Township chose to adopt zoning in 1975 to create districts for compatible uses. This area was set aside as a General Commercial District in keeping with that zoning plan. The proximity of U.S. Route 250 to other state routes and the Ohio Turnpike exit makes the area vitally important to commercial uses. It is designated for commercial use on the Erie County Comprehensive Plan and it is for this reason that Erie Regional Planning also gave a recommendation to deny.

Additionally, the hotels & motel in the area comprise a large number of the business there. There has been much said about bed tax in the Township. This does not drive the decision about zoning. Mr. Frederick stated that he would prefer to see changes to reflect commercial use. The presence of

the Ohio Turnpike exit is an asset to tourism and commercial district and the area continues to evolve with commercial use.

Mr. Schoen responded to Mr. Frederick's comments saying much of what he says is true, except this property would still be used as commercial property even if it were zoned Ag. Still feels it would benefit the area and reiterated much of what he said earlier in the meeting.

Annette Wilcox commented that the hotel business is a dying industry and that no more hotels are being built.

Mr. Schoen asked why CertainTeed was changed to Heavy Industry. Mr. Frederick stated that it was to keep over 150 jobs in the community that would have been lost if the factory closed. Mr. Schoen asked if there was any opposition to that proposal. There was none.

ZONING INSPECTORS COMMENTS: Mrs. Arthur noted that although the proposed use is well planned and Green Circle Growers is a company of excellent reputation, the proposed use does not fit in the with the surrounding uses in area along Route 250. She pointed out that she has received plans for several new businesses planning to begin construction this year in the area, including a new four story hotel, an indoor shooting range, two new retail establishments and a wedding/party venue.

MOTION: Mr. Frederick moved for the adoption of the following resolution.

#### **RESOLUTION #2020-01**

#### **RESOLUTION ON PUBLIC HEARING AND DECISION OF THE MILAN TOWNSHIP BOARD OF TRUSTEES PURSUANT TO OHIO REVISED CODE SECTION 519.12 ON APPLICATION FOR ZONING AMENDMENT INITIATED BY MILAN TOWNSHIP RESIDENTS, HELEN AND ROBERT SCHOEN.**

The Milan Township Board of Trustees, Erie County, Ohio met in an open public meeting on January 9, 2020 with trustees Daniel Frederick, Jerry Nickoli, and Mike Shover present. The Board of Trustees proceeded to hear the matter of an Application for Zoning Amendment filed by Helen and Robert Schoen seeking approval of a re-zoning of Permanent Parcel #50-00269.001 and #50.0015.000 from its current C-2 General Commercial classification to an Ag-Agricultural zoning district.

Upon concussion of the information, statements and evidence heard on the Application, the Board of Trustees proceeded to deliberation. Thereafter, Trustee Frederick moved for adoption of the following Resolution:

#### **FINDINGS OF THE MILAN TOWNSHIP BOARD OF TRUSTEES:**

**WHEREAS**, Section 519.12 of the Ohio Revised Code grants the authority to a board of township trustees to make amendments to the township zoning resolution and map,

**WHEREAS**, Property owners Robert & Helen Schoen filed an Application to change the Milan Township zoning map to re-classify property located at 12211 Milan Road and identified as Parcel #50-00105.000 and Parcel #50-00269.001 from the current zoning district of General Commercial (C-2) to an Agricultural (Ag) zoning classification,

**WHEREAS**, the Milan Township Zoning Commission has provided the Board of Trustees with written notice of its recommends that this re-zoning request be denied,

**WHEREAS**, the Erie County Regional Planning Commission recommends that since the application seeks a change contrary to the Erie County Comprehensive Plan and appears to lack supporting documentation this re-zoning request should be tabled,

**WHEREAS**, the Erie County Comprehensive Land Use Map provides a basis with which officials can make pertinent decisions concerning the orderly development of the area and shows these parcels as being commercial,

**WHEREAS**, the Milan Township Trustees have determined that the C-2 Commercial District is designed to accommodate types of businesses whose uses are intended to serve passing motorists,

**WHEREAS**, the property owners identified above own hotel businesses, a principally permitted use, which have been continuously operating on these Commercial zoned parcels since Milan Township originally adopted a zoning resolution,

**WHEREAS**, the Milan Township Trustees have determined that denying the re-zoning request and encouraging continued hotel use allows for a reasonable economic use of the land,

**WHEREAS**, the Milan Township Trustees have determined that denying the re-zoning request advances the public interest by providing substantial benefit to public health, safety and general welfare of the township by promoting continued orderly development of appropriate and compatible uses within the C-2 Commercial District,

**WHEREAS**, The Milan Township Trustees have complied with ORC Section 519.12 regarding procedures to properly consider requests for amendments to the Zoning Resolution and Map,

**WHEREAS**, the Milam Township Trustees have determined that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action were taken in meetings open to the public in full compliance with applicable legal requirements including ORC Section 121.22,

**DECISION OF THE BOARD OF TRUSTEES:**

**NOW THEREFORE BE IT RESOLVED THAT** the Board of Trustees of Milan Township, Erie County, Ohio hereby denies the application by property owners Robert & Helen Schoen to change the Milan Township zoning map to re-classify property located at 12211 Milan Road and identified as Parcel #50-00105.000 and Parcel #50-00269.001 from the current zoning district of General Commercial (C-2) to an Agricultural (Ag) zoning classification,

Trustee Shover seconded the motion to adopt the Resolution. Upon roll call, the vote was as follows:  
Frederick-Yes, Shover-Yes, and Nickoli-Yes

Resolution #2020-01 was adopted by a unanimous vote on January 9, 2020.

As there was no further business, Mr. Nickoli declared the meeting adjourned.