

Response to Village Meeting Public Comment:

Dear Ms. Klein,

Thank you for sharing your thoughtful concerns at the recent public meeting. Your questions reflect a strong commitment to Perry Village, and we are committed to answering them in a clear and transparent way.

1. Impact Study

A formal third-party Environmental Impact Study (EIS) has not been completed for this property at this stage. However, any future development—such as a data center—must comply with a layered framework of federal, state, and local regulations, including:

- Ohio Environmental Protection Agency (EPA) – for water discharge, stormwater, and air quality.
- U.S. Army Corps of Engineers – for wetland disturbance permits, if applicable.
- Lake County Utilities and Stormwater Management – for waste treatment and runoff.
- Public Utilities Commission of Ohio (PUCO) and FirstEnergy – for electrical grid safety and capacity.

While an EIS is not required before selling Village-owned land, the due diligence process and later permitting phases require detailed technical evaluations before any construction could occur.

2. Zoning Status and Due Diligence

The property in question is already zoned in a way that allows for its sale and potential development. The prospective buyer—the data center developer—is currently in his due diligence period to determine whether the land is suitable for his project.

During this period, the Village has been:

- Removing inactive gas wells
- Correcting and consolidating mineral rights
- Completing the title transfer process
- Updating zoning regulations and ordinances to ensure appropriate protections for residents.

These actions are necessary for the sale of the property to any buyer.

Under the purchase agreement, if the developer decides not to proceed by the end of his due diligence period, the Village will keep a portion of deposits made by the developer, and the property will return to the open market.

This land has always been intended for sale and has been listed since it was purchased by the Village, marked with two extremely large red “For Sale” signs with examples of businesses that the property is zoned for listed on the sign.

3. Rendering and Project Details

No site-specific rendering or detailed project plans have been provided because the process has not yet reached that stage. The developer is only determining whether the property can be developed for his intended project.

If he chooses to proceed after due diligence, he will be required to submit a full site plan application for Village review.

4. The Zoning and Site Plan Approval Process

It is important to understand that zoning approval and site plan review for a project of this size is a long, multi-step process under Ohio law and Perry’s zoning code. The process typically includes:

- Formal Application Submission – Detailed architectural and engineering plans must be provided, including building footprints, elevations, landscaping, stormwater systems, lighting plans, and traffic circulation.
- Engineering and Environmental Studies – Required reports often include stormwater management plans, traffic impact studies, acoustic/noise analysis, environmental assessments, and utility connection plans.
- Planning/Zoning Commission Review – Public meetings are held to review compliance with zoning and development standards, and residents may provide comments.
- Council Review and Approval – After Commission recommendation, Village Council holds legislative hearings before approving or denying the site plan. Again, more public meetings to review all plans and studies- and seeing actual project details- before approval.
- Permitting and Inspections – Multiple permits must be issued by the Village, County, and State. These include building permits, utility connection permits, and environmental permits.
- Ongoing Compliance – Developers must maintain compliance throughout construction and operation, with enforcement authority under ORC §§ 713.13–713.15.

This ensures that no construction can occur without extensive review, public input, and compliance with all safety, environmental, and design requirements.

5. Closing on the Land Sale

A major step occurs after due diligence: the legal closing on the sale of the property.

According to the Village's purchase agreement, closing may only occur if:

- The buyer completes due diligence to his satisfaction within the allowed period (Purchase Agreement, § 4.3).
- All title conditions have been satisfied or waived (Purchase Agreement, § 4.6).
- All required approvals and permits for the intended use are either obtained or the buyer accepts the risk of obtaining them post-closing.

At closing, the buyer pays the full purchase price (minus any deposits already paid) to the Village, the deed is transferred, and the sale is recorded with the Lake County Recorder's Office in compliance with ORC § 317.08.

If the buyer chooses not to close after due diligence, the Village retains a portion of deposits received (dependent on a variety of circumstances) as liquidated damages. This protects the Village from unnecessary delays and ensures readiness to market the property to other buyers, if conditions for closing are not met as agreed.

6. Cemetery, Traffic, Noise, and Aesthetic Impacts

We acknowledge the sensitivity of the cemetery property line that borders this site. The Village recognizes that this is a place of personal and community significance, and the dignity and peaceful environment of the cemetery must be preserved. Buffering, landscaping, and building placement are common tools used in modern site planning to protect adjacent properties of special significance (Uptime Institute, 2023).

Currently, since Ordinance 2025-2 was repealed at the request of the community, there are no Village-level regulations for sound limits, lighting restrictions, landscaping requirements, or berms on this property. The Zoning Commission will be preparing recommendations to Council to establish appropriate regulations to protect residents—and sensitive properties like the cemetery—from future development impacts.

Regarding traffic, data centers typically generate significantly less daily traffic than manufacturing facilities, warehouses, or retail centers. Most trips involve a small number of employees, occasional maintenance crews, and periodic deliveries (NAIOP, 2023).

Regarding sound, the primary source is cooling equipment. With proper design, sound can be reduced through building orientation, acoustical walls, vegetative berms, and equipment selection. Modern design standards can reduce operational noise to levels comparable to background environmental sound at property lines (ASHRAE, 2022).

7. Alternatives and Community Role

While other proposals could emerge in the future, this is currently the only active purchase offer for the property that meets the Village's economic development goals while minimizing high-

traffic or high-density impacts and having very minimal impact on our community services such as education, police, fire, roads, parks, and EMS.

Next Steps

The Village will continue posting a Q&A section on the website with answers to questions raised by residents and updates on economic development. Council members also remain available for individual or small group meetings to review information and documents.

We value your participation and your commitment to keeping Perry a strong and vibrant community.

Sources:

- ASHRAE. Sound and Vibration Control for Mechanical Equipment. ASHRAE Handbook, 2022.
- NAIOP Research Foundation. Impact of Data Centers on Local Ecosystems. NAIOP, 2023.
- New Albany, OH. Technology Campus Development Standards. Revised 2022.
- Ohio Environmental Protection Agency. Stormwater and Air Quality Permitting Overview. 2024.
- Ohio Revised Code. §§ 713.12–713.15, 317.08.
- Perry Village. Townhall Presentation: Champion Farm Development. July 2025.
- Perry Village. Purchase Agreement: Champion Farm Property
- U.S. Fish and Wildlife Service. Federal Compliance Guidelines for Data Centers Near Habitat Areas. 2024.
- U.S. Army Corps of Engineers. Clean Water Act Permitting Process. 2023.
- Uptime Institute. Data Center Site Selection: Environmental and Community Factors. 2023.