

Franklin Township, Portage County
Zoning Commission Hearing
March 23, 2023

Members Present: Chair Mekal Banyasz, Mary Organ, Beth Geist, Glenn Luttner, and alternate Judy Spencer.

Others: Zoning Inspector Joe Ciccozzi, Secretary Jenny August and local residents.

Call to Order: Ms. Banyasz called the meeting to order at 7:01 pm.

Approval of Minutes from February 23, 2023: Mrs. Geist moved to approve the February 23, 2023 meeting with a second from Mrs. Organ. All commissioners voted yes. The minutes were approved.

Discussion Topics:

CONTINUED DISCUSSION ABOUT THE APPLICATION FOR A MAP AMENDMENT ON PARCEL #12-036-00-00-008-000 TO CONVERT THE ENTIRE PARCEL TO C-1 COMMERCIAL ZONING:

Ms. Banyasz explained that this is a continuance of last month's hearing to consider a map amendment which would change a portion of the above parcel number from R-1 to C-1 so the entire parcel will be C-1. The zoning commission has received recommendations from the Portage County Regional Planning Commission (PCRPC) to consider.

Ms. Banyasz opened public comment:

Mr. Raymond Beck of 11372 SE Lisbon St. Paris, Ohio 44669 said that he is the property owner. For this parcel, they would just like to make the entire parcel C-1. Mrs. Organ asked him which properties surrounding this parcel are owned by him. The radio station and storage units' properties are on one side. Along Cox Avenue the properties are all his except two houses on Cox Avenue. One is in the commercial district and one is in the residential district.

Mr. Luttner asked about the two "ghost roads". He noted that they are not dedicated roads, but are also not vacated roads. He asked if the parcel were to be sold, can the new owner ask the township to open those roads? Mrs. Organ said they can ask but it would be up to the Trustees. Mr. Beck said they have no plans to do anything north of this parcel where the ghost roads are. It has not even been cleared yet.

Mr. Frank Reed of 6245 Cox Rd. asked where they came up with the 1000 feet from SR 59. Looking at the map lines, he thinks it is more like 500 feet. It looks more like 15 acres of residential rather than 6 acres. Zoning Inspector Ciccozzi said the lines came from the Portage County GIS tax maps. Mr. Reed is concerned about water run-off.

Sharon Batsch of 6270 Edmund Dr. said she wants it to remain residential. She is concerned about the residential area with kids playing. She wants to keep that residential buffer between residential and commercial. She is concerned that it will make their property values go down. She said Brady Lake residents have well water and she has concerns about them taking water from their water tables. Mrs. Organ said she thinks there are water lines close enough to service this location once developed.

Mrs. Organ said there is a gas/oil well head in the center of this property. She is not sure about setback requirements relating to the residential portion. Mr. Beck stated that he is the owner of the well and it is no longer producing. When the weather cooperates, they plan to cap this well.

Ms. Banyasz closed public comment.

Mrs. Organ noted that in the Portage County Regional Planning Commission (PCRPC) report it states that there are some wetland features in that strip of property.

Mr. Ciccozzi asked what PCRPC recommendations are for this matter. Ms. Banyasz said they recommended approval.

Mrs. Organ moved to recommend approval of the map amendment request for parcel #12-036-00-00-008-000 to convert the 5.5 acre portion of R-1 zoned property to C-1 making the entire parcel C-1 commercial zoning to the Franklin Township Board of Trustees, with a second from Mrs. Geist. Ms. Banyasz and Mrs. Spencer voted no. Mrs. Geist, Mr. Luttner, and Mrs. Organ voted yes. The motion passes.

TEXT AND MAP AMENDMENT OPTIONS FOR MEDICAL MARIJUANA FACILITIES IN FRANKLIN TOWNSHIP:

Mrs. Organ said she attended the PCRPC when Franklin Township medical marijuana options were on their agenda. One comment was made that was interesting. They asked "If you are going to have a 500 ft setback, why not just deny it?" Mary informed them that with the 500 ft setback, there are no parcels available, but that doesn't necessarily mean that it won't be available in the future. Mr. Ciccozzi said they would have to ask for a variance. Mrs. Organ said they could also request a map amendment making the area industrial and then could be issued a permit. The zoning commission could either do a map amendment, or applicants could apply for a variance. Mrs. Spencer noted that PCRPC said any time an entity goes above the setbacks that are allowed under state law, we could be setting ourselves up for challenges. The Prosecutor's office said we cannot limit the number of facilities, but you can kind of get around that with zoning. PCRPC recommended approval on all of the zoning commission's recommendations. The Trustees can either recommend approval, disapproval, or make an amendment.

Mrs. Organ moved to forward all of the medical marijuana recommendations to the Franklin Township Trustees for consideration. Mr. Luttner seconded the motion. All commissioners voted yes.

TEXT AMENDMENTS:

Section 204.03(j)

In our requirements list for the Contents of a Zoning Map Amendment application number (J) requires a statement on the ways in which the proposed amendment relates to the Township Comprehensive/Land Use Plan. It was recommended to remove this from the application because we do not have an official Comprehensive Land Use Plan. PCRPC said the change is appropriate, however, they recommended that the township develop a land use or comprehensive plan.

Mr. Ciccozzi said that he spoke with the prior zoning inspector and he said that in our Zoning Resolution there is a section in each zoning district titled "Purpose" which serves as our land use plan. The zoning commission agreed that no changes are necessary at this time. Ms. Banyasz moved to table this proposed amendment until the Trustees can consider creating a Comprehensive Land Use Plan. Mrs. Organ seconded the motion. All commissioners voted yes.

Section 204.03 (A)

This is regarding "spot zoning". Mrs. Organ proposed making the following paragraph 204.03(A):

"Applications for amendments to the official Zoning Map shall create districts of no less than 10 total acres. In order to comply with this, an amendment may be proposed for 10 or more acres in itself. A proposed amendment to re-zone an amount of land less than 10 acres may be permitted if it is located contiguous to a parcel(s) of the same zoning district, thus creating a district adding up to 10 or more total acres."

Mrs. Organ said a minimum of 10 acres would be a good idea. If it is less than 10 acres it would need to be attached to the zoning they want changed.

Ms. Banyasz said that a healthy community will have variability in zoning for mixed income. That will also give character to neighborhoods. Mrs. Spencer said a walkable neighborhood will have houses and then maybe a little store. Mrs. Organ said it is considered "Best Practices" in townships especially because of the rural feel. Mr. Luttner said segregating 10 acres or more might cause less diversity, and by not having spot zoning at all could create a situation that we don't want either. What is the middle ground? Once the Trustees have a comprehensive plan we can look at this further. Mrs. Organ moved to table this discussion until there is a comprehensive plan. Mrs. Geist seconded. All commissioners voted yes.

Section 204.08 (B)

Mrs. Organ said this is one of those weird timing things that usually happens in the short month of February. It happens when someone submits an application for a map amendment and we only have so many days to meet about it. Mr. Ciccozzi said he thinks it is dictated by the ORC. When this happens at the county, they are granted an extension of time. Mr. Ciccozzi recommends getting an opinion from the Prosecutors office. Mrs. Organ said once PCRPC reviews it, they will check with the Prosecutors office. The proposed amendment is:

204.08 B (recommend making the initial paragraph letter A)

Applications should be certified at least 15 days prior to any regularly scheduled monthly meeting of the Zoning Commission. Any application that does not meet this 15-day window shall be granted an "extension of time" and the Zoning Commission shall meet for the public hearing at its following regularly scheduled monthly meeting.

Mrs. Organ moved to forward this amendment to PCRPC for consideration. Mr. Luttner seconded the motion. All commissioners voted yes.

New Business

Mr. Ciccozzi said in a PUD there are no setbacks for a deck. In Germaine Reserve the decks can go right up to the property line. Mrs. Organ said in Chapter 6 page 50 of 58 section 5(b) of the Zoning Resolution it refers back to the residential setbacks in 405.06. Mr. Ciccozzi said it is referring to an accessory building. The commission decided that it might make sense to change the definition of accessory buildings to add sheds, decks, sunrooms/sunporches, outdoor hydronic furnaces, residential wind energy systems, solar energy systems, and handicapped ramps. Maybe the definition of accessory building should be changed to accessory buildings/structure, or maybe Accessory Uses. Mrs. Organ said if you change it in the definitions chapter, you do not have to change it all over the code.

Mrs. Geist said Accessory Use could stay the same in definitions, but in 405.06 where it says accessory buildings, it could say “accessory buildings/structures” or even “accessory uses” so it is uniform with our definition.

In the definitions section, we could add to the Accessory definition; sheds, decks, sunrooms, gazebos, etc., or just change Accessory Buildings to “Accessory Uses” throughout the code.

Mrs. Organ said in 405.06.A.9 it needs to be clarified if the setback is for attached or detached accessory structures.

The commission decided that due to recent confusion and subsequent interpretations by the BZA it would make sense to investigate options on how to define accessory buildings, which might include specifying sheds, decks, sunrooms/sunporches, and outdoor hydronic furnaces, residential wind energy systems, solar energy systems, and handicapped ramps.

Ms. Banyasz moved to table this amendment until more research is done on the appropriate wording. Mrs. Organ seconded. All commissioners voted yes.

Next Meeting: The next meeting will be held April 20, 2023.

Adjournment: Mrs. Geist moved to adjourn at 9:02 pm with a second from Mrs. Organ. All Commission members voted yes.

Respectfully submitted by Jenny August, Zoning Commission Secretary.

Approved:

Mekal Banyasz, Zoning Commission Chair