

Franklin Township Trustees  
Tuesday, April 25, 2023  
Special Hearing for Zoning Commission

At 6:00pm Chairman Glenn Russell called the meeting to order. The purpose of the special hearing was stated as two discussions. The first discussion was regarding a zoning map amendment proposed by Battaglia Construction who was representing the Beck Family Trust. They have applied to rezone approximately 5.5 acres of their 24 acre parcel #12-036-00—00-008-000 R-1 residential to C-1 commercial

**PUBLIC COMMENT**

- Sheryl Batch – 6270 Edmund Drive – shared concerns about the possible rezoning. There is a church across the street and there are many kids around that area a good deal of the time. This zoning map amendment would likely result in a business being put there and she is concerned about what would happen to the value of the neighborhood properties. She also has concerns about storm runoff and well water drainage and contamination. She stated for the record that she does support further residential development.
- Raymond Beck – 11372 Lisbon Street St., Paris, OH – addressed the trustees as the owner of the above-mentioned property. He stated that he has no plans currently to ask for any changes to the remaining chunk of the property north of the residential properties. That piece goes all the way back to Brady Lake Road. The goal is to match up the boundary lines and have that front parcel all be the same, commercial. Mrs. Kapusta asked Mr. Beck why it is important to him that this sliver be commercial. He responded that the angle of the road would be more efficient (squared up) and more conducive to commercial development.
- Nick Battaglia – 4230 Marx Ave., Rootstown – asking the trustees for this amendment to the zoning map seeking consistency. The map was drawn back in the 1970's and he is looking to have it updated and consistent with the other 20+ acres of the property. Joe Ciccozzi stated that back when the lines were drawn they were done so by the standard at that time which was 1,000 feet from the center line.
- Mary Organ – 5876 Horning Road – mentioned that there is an existing gas well on the property that would need closed and referenced that there would be specifications that need followed.

Mr. Swan responded that common sense seems to point toward leaving that sliver as residential and attaching it to the larger residential part of the land would be appropriate. Residents in that area appear to want residential development, not commercial. Mr. Swan then asked if any potential developer has mentioned a plan about water, storm runoff as well as provision of water such as the installation of a well. The answer was not at this time. Mr. Beck also stated that the 5.5 acres of area could be used potentially for landscaping and parking, making any development less crowded. Mr. Swan responded with the question of why couldn't those residential acres be attached to the existing residential chunk and serve as a residential buffer?

Both the Franklin Township Zoning Commission and the Portage County Regional Planning have recommended the zoning map amendment. Public comment was closed at this time as no further comment was offered.

Mr. Russell commented that he recognizes that split zoning doesn't make sense and agrees with the recommendation. He stated that he believes that if that 5.5 acres is used as a residential buffer it would reduce the commercial use ability.

Mrs. Kapusta stated that if the 5.5 acres were to stay residential that it would leave 22 acres to be used commercially and it would be sufficient. Mr. Miles, a resident living adjacent to the parcels in question is concerned about the effect this amendment would have on his property.

Resolution 2023-14 – authorizing the zoning map amendment as proposed by Battaglia Construction to the above-mentioned parcel was not approved by a motion made by Kellie Kapusta; 2<sup>nd</sup> Glenn Russell. Mr. Russell voted yes, Mrs. Kapusta voted no. Mr. Swan voted no. The resolution did not pass.

**DISCUSSION 2**

Pertains to zoning resolution text amendments relating to medical marijuana facilities.

**PUBLIC COMMENT**

- Mary Organ – 5876 Horning Road – spoke as a member of the Zoning Commission and provided some background. In 2022 the trustees lifted the moratorium on medical marijuana facilities in the township and the commission was tasked with finding places located within the township where faculties could be placed. The issue was sent back to the commission after their first finding was not specific enough. The end result is the recommendation in front of trustees today.

Mr. Swan asked Mrs. Organ what areas in the township would be available for a facility. Her answer was that according to the language proposed there would be no places available. However, the Board of Zoning Appeals could issue variances for properties asking for them. Mr. Swan then asked how many places would have been available prior to the restrictions being proposed. Mrs. Organ responded nine. Mr. Ciccozzi stated that the BZA did grant a variance for a dispensary on a property last year and the variance runs with the property so it would be possible if the owner of that property wanted to put in a dispensary. Mr. Russell stated that while he was in agreement with some of the amendments proposed he was not in agreement with all of them.

Resolution 2023-15 – authorizing the proposed text amendments was not approved by a motion made by Scott Swan; 2<sup>nd</sup> Kellie Kapusta. All three trustees voted no. The resolution failed.

At 7:05pm a motion to adjourn the hearing was made by Scott Swan; 2<sup>nd</sup> Kellie Kapusta. All three trustees voted yes.

Date \_\_\_\_\_ Fiscal Officer \_\_\_\_\_

Chairman \_\_\_\_\_