

Franklin Township, Portage County  
Zoning Commission Hearing  
November 18, 2021

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

**Others:** Joe Ciccozzi, Zoning Inspector, and Jenny August, Zoning Commission Secretary.

**Call to Order:**

Mrs. Organ called the meeting to order at 7:01 pm.

**Minutes:**

Mrs. Geist moved to accept the minutes from the October 21, 2021 meeting. Ms. Banyasz seconded. Mrs. Spencer abstained. All other commission members voted yes. The minutes were approved.

**Discussion Topics:**

Proposed Map Amendment for a proposed rezoning map amendment for 5.264 acres on Powdermill Rd. known as Parcel # 12-019-00-00-005-001 currently zoned R-1 to R-O:

At the August 19, 2021 meeting, Mrs. Organ moved to pass the proposed amendment to Portage County Regional Planning for their input. Unfortunately, somehow this topic did not get on the PCRPC agenda and they were not able to discuss it until their November meeting. Mrs. Organ introduced Jason Thigpen and Michael Kohn, partners of Back Nine Holdings. Mr. Thigpen explained that the area that they would like to rezone consists of 5.2640 acres currently zoned R-1 in the southwest corner of their 39 acres. They would like to change the zoning of that small 5.2640 acres to R-O. Their intent is to construct an office for their land survey company, Titan USA. In R-1 areas they plan to build two homes, one for each of the partners. They have considered the terrain and also the impact on the neighborhood. They estimate that it will have less impact on the neighborhood than the KSU training facility did because their employees work remotely. They bought this property with generational purposes and plan to pass the business down to their kids. Mr. Thigpen said he is aware of storm water concerns and they are addressing this. They have already begun drainage improvements on Powdermill Rd. There may be ten vehicles per day coming to their office, and they do not foresee selling their property.

Mrs. Organ asked what Titan USA does. Mr. Thigpen said they provide surveys for the commercial real estate market. This includes zoning and environmental reports, and they are working in eight states.

Mrs. Spencer asked how many employees they currently have. Mr. Thigpen said there are eight, but they hope to expand to twenty-five. Most will work remotely. The administrative office will have a maximum of ten to fifteen employees. Mrs. Spencer asked if their business will involve any heavy equipment. Mr. Thigpen said it will be small equipment such as surveying equipment. The plan for this building will be for office space and storage for inventory. There will also be a small area for servicing equipment. The original building plans are for 2400 square feet, but there is a potential for an increase up to 3600

to 4000 square feet. This will be a commercial steel structure, gray and black with stone, and nicely landscaped

Mrs. Organ asked if the property is big enough that they won't need to remove many trees. Mr. Thigpen said there is a big front yard setback with the drive being southwest and curving up and in. They are looking into developing a private road on the 5.2640 acre lot with a cul-de sac to allow access to their home sights.

Mrs. Geist wondered if they would need to be zoned commercial. Mr. Thigpen said the drafting makes it "Research". Mrs. Geist asked if the private road will be paved. Mr. Thigpen said yes, and the parking area as well. They are planning to put in a sizeable buffer as well as create a berm along Powdermill Road. Mrs. Geist asked if clients come there. Mr. Thigpen said very few, and there are no heavy trucks. There will be maybe ten to fifteen cars per day.

Ms. Banyasz asked if there will be any delivery trucks. Mr. Thigpen said no.

Mrs. Organ asked if all of the work will take place inside the building. Mr. Thigpen said they may be outside to train new surveyors or calibrate equipment. Mrs. Organ asked about noise. Mr. Thigpen said there won't be noise. There is a lot more noise from the KSU games. Mrs. Organ asked if they will be using any chemicals. Mr. Thigpen said no. Mrs. Organ asked why they chose that corner. Mr. Thigpen said they originally were planning to use the northwest corner but decided they could enjoy more of the property for personal use by keeping the office space by the KSU training center. Mrs. Organ asked how many homes they are planning to build. Mr. Thigpen said originally, they were looking to build eight to ten homes, but now they are thinking of just building two homes, one for each partner. Mrs. Organ asked if they plan to request any variances. Mr. Thigpen said no. The building is within code with 16-foot sides and a 4-foot pitch in the roof for a total height of 20 feet. Mrs. Geist asked if they are planning for any other structures on the 5-acre lot. Mr. Thigpen said they are not planning anything else.

Mrs. Spencer said she thinks of steel structures like railroad cars. She was concerned that this building would look like a railroad car. Mr. Thigpen said they will have dark grey vertical lines with black trim, about a dozen large windows and three doors. He plans to make it look nice.

### Public Comment

Mrs. Organ opened the meeting up to public comment and reminded the public guests to address all comments and questions to the commission.

Mr. Tom Clapper of 5699 Powdermill Road said they all wanted homes, and now there is commercial activity. Mr. Thigpen is using residential property for business and saving money. Mr. Clapper said using "Research and Office" hides commercial. What if other businesses do this with other parcels in the area. Powdermill Road is a residential area. There are other areas he could do this besides a residential area.

Mr. Tony Gosmer of 5950 Powdermill Road asked if Mr. Thigpen has explored low emission security lighting. Mr. Thigpen said they have not looked into that, but they want to be good neighbors and he will definitely look into it. They do plan to deflect light by using lights from the ground up, not on poles.

Laura Davis of 5699 Powdermill Road asked the commissioners what kind of conceptualizing did they consider for this. Last year 40 people from this area showed up. The will of the people is to keep this area residential. Mrs. Organ said the commission looks at each proposal individually. They listen to everyone who speaks. Last year the request was an R-4 application. Mrs. Davis said the will of the people was very clear last year. Ms. Banyasz said the point she would make is that it is never over. The commission must consider any proposal brought before them. She will never forget her experience with the Redwood Development a year ago, or the sense of community these neighbors have. Mrs. Geist said she lives in this neighborhood and has to listen to what is presented and look at it objectively. Mrs. Davis said there are more residents in attendance tonight with opposition to this than there are owners. The owners have been vague and she keeps hearing "future growth" of business, not families. The case is not clearly laid out.

Mrs. Debby Parshall of 5711 Powdermill Rd said she loves her neighborhood and has lived there for 21 years. They look to the zoning commission to protect them.

Mr. Kenneth Parshall of 5711 Powdermill Road said he is concerned that if this zoning amendment is approved, what stops someone else doing this. Mr. Thigpen has been talking about growth, and plans to expand. Schneller was there 50 years ago because they needed the railroad. He is concerned that things will continue to turn towards commercial.

Mr. Tom Clapper said R-O, Research-Office is administrative, financial, clerical, and drafting. It sounds like a processing center.

Mrs. Spencer said she wants to preserve open land, but can't go around buying it all. Realistically, there are acres! Most people want to buy land for homes or offices. She said the Davey Tree R-O area is beautifully landscaped and open. There is no harm done.

Mr. Reed Havel of 2371 Monaco asked Mr. Thigpen what kind of acreage he is building the two residential properties on and if he will move there. Mr. Thigpen said each partner will have about 14-15 acres with a home for each partner. He said they will impact the neighborhood, but in a positive way. They could potentially have put in more homes and sold them for big money. They decided their two homes and a small office were the best fit for the neighborhood.

Mrs. Organ closed public comment and asked the commission if there was any more public comment. Mrs. Geist asked if Mr. Thigpen can put an accessory building on one of the properties. Zoning Inspector Ciccozzi said he would be able to with a variance. Mrs. Davis asked if the accessory building would require a zoning change. It would not. Mrs. Organ said R-1 zoning can have a home business but the size of the accessory building may need to be considered. Mr. Parshall asked if there is a limit to the number of buildings. Mr. Ciccozzi said the limit is two with a maximum height in Research Office district of 40 feet. Mr. Thigpen said he has lived in this area a long time. This is home to him. He will be rational and logical. They must plan for growth now, and if he outgrows the building, they would consider another site. They will be residents of this neighborhood. Mr. Parshall said if they grow out of it and sell it in 20 years, what will the next owner do? Mrs. Organ said they consider that with every change. She said they are only a recommending board. The Trustees will make the final decision.

Mrs. Geist said the Portage County Regional Planning Commission said this could lead to others coming in and doing the same thing. It is her concern that Mr. Thigpen is opening a pandoras box. Mr. Thigpen said knowing the neighbors' concerns, if "down the road" he thinks their company will outgrow the building, they would consider petitioning to rezone back to R-1 if they were going to sell and move out. Mrs. Davis said R-1 is defined to preserve the neighborhood.

Mr. Ciccozzi said he would like to comment. He said the Zoning Resolution permits and provides for changes. Mr. Thigpen is following the zoning resolution to the letter. In his opinion, this will not affect the neighborhood. There is already commercial property in the area. Trustees do not want student housing. This property could have had 60 homes. The applicant is asking for two homes and one structure. Mr. Ciccozzi thinks this is a great solution.

Mr. Parshall said it would be fine if he left it R-1 and built a building.

Mr. Gosmer said that when the golf course closed in January 2016, he is front and center of the 17<sup>th</sup> fairway. He likes the green space and nature and he would have to move if it became a big development. He has met with Mr. Thigpen and he has observed his family out cleaning up the property. He does not think Mr. Thigpen would do anything to screw up this property. They appear to be using the beautiful property as it should be used. It's a nice piece of property and he hopes they maintain the integrity of it.

Mrs. Organ moved to change the 5.2640 acres currently zoned R-1 to R-O. Ms. Banyasz seconded the motion. The vote was as follows: Mrs. Geist- yes, Mrs. Spencer- no, Mrs. Organ- no, Ms. Banyasz- no. The motion fails and the zoning request is not recommended. The Trustees will make the final decision probably at the January 11, 2022 meeting.

#### Medical Marijuana:

Mrs. Organ explained to the commissioners that more licenses are opening up in the state and the Board of Trustees would like the zoning commission to determine where these facilities would be allowed in the township. The Board of Zoning Appeals has approved one request for a dispensary in the commercial district of SR 59.

Mrs. Geist said she has reviewed the Rootstown medical marijuana documents and they are tied into their code similar to pharmacies. In Franklin Township, pharmacies are commercial, so she thinks the medical marijuana facilities should go in commercial areas.

Mrs. Organ said the commission needs to look at cultivation and production facilities as well as dispensaries.

Mr. Ciccozzi said the dispensary that was granted approval was located at 2108 SR 59, which is zoned C-1/I-1. Schneller is I-2/C2. Mrs. Organ said drug stores can be located in any C-1, R-1/C-1, C-1-B, C-1/R-3, I-2/I-2/C-2 districts, or as a conditional use in any of those districts. The state has outlined many restrictions in the Ohio Revised Code. Mrs. Organ would like to make sure there is a 500 foot setback to any residential boundaries. She said she had an opportunity to watch the "Herbology" store in Akron, and it had no more traffic than a small business. All were normal looking people, and all wearing masks.

Mr. Jason Thigpen said he, as a caretaker, has been in these facilities and they look very nice. They have displays that include edibles, vape pens, salve, etc. He explained the process of being able to access the facility. He said there are cameras and surveillance, along with very strict protocol.

Mrs. Organ said as long as the commission only has medical marijuana on the next agenda, they could possibly get everything worked out. Mrs. Organ moved to continue this discussion at the next meeting, with a second by Mrs. Geist. All ayes on vote. Mrs. Geist said she will not be available for the next meeting.

**New Business:**

None

**Next Meeting:**

The next meeting is to be held December 16, 2021 at 7:00 pm.

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

Respectfully submitted by Jenny August, Zoning Commission Secretary.

Approved:

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Mary Organ, Zoning Commission Chair