

Franklin Township, Portage County
Zoning Commission Hearing
October 21, 2021

Members Present: Chair Mary Organ, Mekal Banyasz, and Beth Geist.

Others: Jenny August, Zoning Commission Secretary.

Call to Order:

Mrs. Organ called the meeting to order at 7:15 pm slightly late due to unforeseen issues relating to a weather event.

Minutes:

Mrs. Geist moved to accept the minutes from the August 19, 2021 meeting. Ms. Banyasz seconded. All Commission members voted yes. The minutes were approved.

Discussion Topics:

Proposed Map Amendment for 41.88 acres at the southeast corner of Powdermill Rd. and SR 59 which was part of the former KSU Golf Course:

At the August 19, 2021 meeting, Mrs. Organ moved to pass the proposed amendment to Portage County Regional Planning (PCRP) for their input to help in calculating the maximum housing units on this property as an R-2 district, also an R-2 district with a PRD designation, to request that an updated traffic study be done, and to ask about potential storm sewers as opposed to detention ponds. Mrs. Organ said PCRP has responded and does support this development.

Mrs. Organ introduced Mr. Rob Benjamin, President of Heritage Developers. He presented the Commission with some drawings about his proposed development and invited questions. Mrs. Geist asked if there has been another traffic study done. Mrs. Organ said PCRP has recommended doing a traffic study at the time of development. PCRP said this proposal is less houses than the previous proposal, so the current traffic study should be sufficient. Mrs. Geist is concerned that more people will be coming out onto Powdermill Rd while construction and water-sewer lines are going in. Mrs. Organ asked the board if they want to recommend right turn in/right turn out on SR 59. That may eliminate some short cutting. Mr. Benjamin said he and his engineers have been working on this also, and he is pretty sure they are planning to have right turn in/right turn out only for SR 59.

Ms. Banyasz said she is not comfortable with water runoff issues and potential flooding for downstream residents. The undeveloped golf course stores a lot of water. Changing the landscape will have effects that we wouldn't know until it is done. Mr. Benjamin said they plan to design expandable water retention ponds to lessen the flow. He added that Portage County is going to provide sewer service, and is working with them on water. Mrs. Organ asked if the small pond by Powdermill Rd will stay. Mr. Benjamin said yes. They are trying to avoid the wetlands, but will still need the EPA and Army Corp of Engineers to visit the site. Mrs. Organ asked how he will address the retention pond and mosquitos. Mr. Benjamin said they will either put in a fountain or an aerator.

Mrs. Geist asked how many trees will have to be removed from individual's properties? Mr. Benjamin said they try not to lose any trees. They will do an Indiana Bat study. They will take out any trees that are within 20 feet from the house construction. Mrs. Geist said

PCRCP said there was the potential of a yield of 200 homes. Is there any possibility of adding more homes to the current plan of 84? Mr. Benjamin said no, they have no plans to expand.

Mrs. Geist said in a prior meeting there had been talk about three different developers interested in contracting to build here. She does not want to see all of the houses look identical. Mr. Benjamin said there are "HOA Lookalike Clauses" to prevent them from looking the same. Their plan is to have a variety of plans, color palettes etc.

Ms. Banyasz asked if the price points are still the same as discussed in the last meeting. Mr. Benjamin said yes. She then asked if there will be any starter homes in the development. He doesn't anticipate any starter homes. Most will range between \$375,000 and \$425,000. Mrs. Geist asked if people can have the option to buy two parcels so they can have a bigger yard. Mr. Benjamin said he has heard that it happens sometimes. Mrs. Organ asked if the size of house as compared to the lot size are all per code. Mr. Benjamin said they tried to design this so no variances would be needed. He added that there may be one property that sits close to the setback line.

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, not the developers.

Mr. Tom Clapper of 5699 Powdermill Road said he is speaking for a lot of people that are not able to attend. There was miscommunication between himself and Jenny about PCRCP recommendations, and as a result, he did not walk the neighborhood to let the neighbors know this was going to be discussed. There are a lot of people that may have had something to say, and he doesn't think it is fair to move forward on this tonight. Also, he asked if there will be sidewalks on Powdermill and SR 59. Mr. Benjamin said there are plans to put sidewalks internally within the development. Mr. Clapper said he likes this proposal and it is quality work. He thinks the lots have been reduced down a lot. Mrs. Organ said they are discussing smaller lot size for R2 so they can move towards a Planned Unit Development, which allows for smaller lot sizes, and frees up land for walking trails and open space. Mr. Clapper said the water issues are serious and need to be looked at closely.

Mr. Merle Laney of 5440 Powdermill Rd. said he does not want to see the code changed to multi family. He wants it left as single family. He bought in Franklin Township because they have stiffer codes. The water problem can be changed but never cured.

Mrs. Geist moved to recommend to the Board of Trustees to approve the zoning request from C-1/R-1 to R-2, with a second from Ms. Banyasz. Mrs. Geist and Ms. Banyasz voted no, and Mrs. Organ voted yes. The Zoning Commission does not recommend the zoning amendment to the Trustees.

Proposed Map Amendment for 5.264 acres on Powdermill Road of the former KSU Golf Course:

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 will not be able to discuss it until their November meeting. Mrs. Organ moved to continue this discussion until the next meeting. Beth Geist seconded the motion. All voted yes.

Medical Marijuana:

Mrs. Organ explained to the commissioners that the state has a deadline of November 18th for proposals to be considered in the drawing for opening a medical marijuana facility. Mrs. Organ said the letter from the developer was very informative and provided a link to the Ohio Revised Code section relating to medical marijuana. The Trustees would like the Zoning Commission to discuss where facilities can be located.

The Board of Zoning Appeals heard a request from this developer and moved to allow a medical marijuana facility at 2108 S.R. 59. More licenses will be issued, so the Zoning Commission is basically establishing something for the zoning resolution for future facilities. Ms. Banyasz did not understand why the Board of Trustees would lift the moratorium without giving the Zoning Commission a chance to establish the parameters. Mrs. Organ said she was under the understanding that the Trustees needed to lift the moratorium before the Zoning Commission could discuss it. Ms. Banyasz said as far as she is aware, medical marijuana is legal, but has only been proven to assist with nausea. Medical marijuana follows the same neurotransmitters in the brain as addiction. The state's deadline should not make this our emergency. She questioned how any actions taken by the commission would matter since important decisions have already taken place by the Board of Zoning Appeals. Mrs. Organ said it matters because more licenses may eventually be issued, and we will have established where the facilities can be located. Mrs. Organ said the commission could even recommend that there is no place in the township for these facilities, and if the Trustees approve the language nobody can even ask. If the facility on S.R. 59 wins the lottery and opens a dispensary, they are grandfathered in.

Mrs. Organ said the commission may want to discuss three different sets of rules for the three different facilities: cultivation, processing, and dispensaries. Mrs. Organ moved to continue this discussion at the next meeting, with a second by Mrs. Geist. All eyes on vote.

New Business:

None

Next Meeting:

The next meeting is to be held November 18, 2021 at 7:00 pm.

Adjournment: Mrs. Geist moved to adjourn at 9:00 pm with a second from Ms. Banyasz. All Commission members voted yes.

Respectfully submitted by Jenny August, Zoning Commission Secretary.

Approved:

Mary Organ, Zoning Commission Chair