

Franklin Township, Portage County  
Zoning Commission Hearing  
February 16, 2017

**Members Present:** Acting Chair Judy Spencer, Marilyn Sessions, and Frankie Tadsen. Chair Doug Hiestand observing.

**Others:** Zoning Inspector Sam Abell, Administrative Assistant Jenny August.

**Call to Order:** Mrs. Spencer called the meeting to order at 7:00 pm. This is a continuation of last month's Zoning Commission meeting. The purpose of the hearing tonight was for the Commission to consider recommendations by Portage County Regional Planning Commission (PCRPC) regarding the rezoning of between 168 -175 acres from the current designation of O-C (Open Space Conservation) to I-1 (Industrial Research and Office District). The specific parcel number under consideration is #12-049-00-00-012-000 and the owner is Oak Knolls Golf Club Inc. This parcel is located at 6700 State Route 43, Kent, Ohio. Mrs. Spencer reviewed some of the concerns that were expressed at last month's meeting which were mainly the possibilities of mini storages or truck terminals within the proposed zoning map change. She also acknowledged that letters were received from Robin Lechliter, and Rebecca Ellsworth who both oppose the rezoning. Letters were also received from Mr. John Flynn, and Mr. and Mrs. David Hansford in support of Davey Tree purchasing the property but against rezoning the property.

Mrs. Spencer noted that PCRPC is in support of the rezoning request and suggested making text amendments changing I-1 to eliminate truck terminals and storage units. Truck terminals could be moved to I-2. This is not something that can be done at this meeting. However, Davey Tree is presenting a Declaration of Restriction that would be binding upon all future owners of the property. Mrs. Spencer asked for Davey Tree to elaborate. Molly Senter, Davey Tree Property Manager, said this would be a deed restriction drafted as an agreement. This declaration stated that no space in or portion of the property shall be leased or occupied by or conveyed to any other party as a mini/self storage facility offering storage to the general public, or a truck terminal provided the foregoing shall not prohibit storage or truck parking that is ancillary to a use that is otherwise permitted by all applicable zoning ordinances. Ms. Senter said this is what Davey can offer since they do not have a site plan at this time. Mrs. Spencer said that our legal counsel would have to review this agreement. Mrs. Spencer opened the meeting to public comment.

Mr. David Hansford said we all like Davey Tree, but there are other uses in the code for I-1, such as medical facilities. Are we changing the zoning to fit the buyer, when it is supposed to fit all? We have run into this with businesses that we had never heard of before. Now we are seeing businesses coming in that we never knew existed and are not addressed in the code. Mrs. Spencer said the zoning code is kind of like a living document that does change as new businesses come in and different needs come up.

Mr. Scott White spoke next. He is in favor of Davey Tree buying this land, but would like to know how much of the land will remain green space. Mr. Abell said there are requirements for landscaping and buffering between their property and residential properties. This would all be part of the site plan review. Mr. White thought that would be a crucial part to be determined before making such a change to the zoning map.

Laura Ellsworth, the property owner across the street asked if the township has the ability to require larger buffers. Mr. Abell said the Board of Zoning Appeals would review the site plan and have discretion. The site itself provides a lot of buffering.

Mrs. Sessions said she has heard concerns about who would maintain the property that is not being utilized. Ms. Connor, legal counsel for Davey Tree said if Davey owns the property, they would maintain it. Ms. Senter said they would not disturb the woods. Prior to the site plan, they would maintain the buffers.

Mrs. Tadsen asked if the zoning change could be made conditional on the purchase. Mr. Abell said that is not likely. Ms. Connor said if the zoning is changed and Davey were to back out, the Commission could meet again and change it back.

Rebecca Ellsworth asked if it were I-1 zoning, couldn't it become a hospital? Mrs. Spencer said yes. Mrs. Spencer thought maybe we could consider getting rid of the word "Industrial" and just have "Research and Office District". Ms. Senter said Davey Tree is not asking them to change the code on their behalf, but the declaration would take those concerns off the table.

Eric Leichter of 6772 Hudson Road asked why the property can't be zoned the same as their property across the street. Ms. Senter said the property across the street is located in the City of Kent, and the zoning names actually are the same.

Rebecca Ellsworth asked if there is a way to leave the zoning as O-C and have then request a variance. Mr. Abell said it would be a use variance. The PCRPC looked at our code and thought this was the best fit for Davey. Anything can be varied, but the BZA could say no. This offers more levels of protection.

There were no other members of the audience asking to comment, so Mrs. Spencer moved that the zoning map is changed from OC to Research and Office contingent on review of the Declaration of Restrictions by our legal counsel. Mrs. Sessions seconded the motion. Mrs. Tadsen- yes, Mrs. Sessions-yes, Mrs. Spencer- yes. Mr. Abell said the recommendation now goes forward to the Board of Trustees within 30 days.

**Minutes:**

Mrs. Spencer said she would like to wait to approve the December minutes until the next meeting, but would like to approve the January minutes from the first part of this meeting at this time. Mrs. Sessions moved to approve the minutes from the January meeting. Mrs. Tadsen seconded. All Commission members voted yes.

**Next Meeting:** Mrs. Spencer said the Zoning Commission meets the third Thursday of the month, so the next meeting will be March 16. At that time they will consider a number of topics as well as looking at what falls under I-1.

**Adjournment:** Mrs. Tadsen moved to adjourn the meeting at 7:47 p.m. with a second from Mrs. Sessions. All Commission members voted yes.

Respectfully submitted by Jenny August, Administrative Assistant

Approved:

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Judy Spencer, Zoning Commission Chair