

Franklin Township, Portage County
Zoning Commission Hearing
July 16, 2020

Members Present: Chair Mary Organ, Teresa Mullet, and Mekal Banyasz.

Others: Ken Penix, Township Administrator, and Jenny August, Administrative Assistant.

Call to Order:

Mrs. Organ called the meeting to order at 7:00 pm.

Discussion Topics:

Maximum Height Discrepancies in section 315 for R-3 Districts.

The Commission considered specific changes to ensure consistency in an R-3 district that the maximum building height is thirty-five feet.

Mrs. Organ told the Commissioners that, during the hearing on the Burnett Road request for re-zoning, Portage County Regional Planning discovered a few discrepancies in the multi-family conditional use section in the R-3 District, which Mrs. Organ reviewed.

Ms. Banyasz moved to recommend the following text amendments to the Franklin Township Board of Trustees:

Amend 315.03 C. 8. Maximum Building Height –Thirty-five (35) feet.

Amend 315.03 D. 8. Maximum Building Height –Thirty-five (35) feet.

Mrs. Mullett seconded the motion. All Commissioners voted yes. The motion passes.

Redwood proposed Zoning Map amendment, Powdermill Road.

The Commission next considered an application by Redwood USA LLC to rezone approximately 25.06 acres to R-4 (Multi-Family Residential). Currently the properties are zoned C-1 (Local Commercial) and R-1 (Low Density Residential). The specific parcel numbers under consideration and their owners are:

Parcel Number	Owner
12-019-00-00-002-000	Kent State University
12-019-00-00-002-001	Kent State University

These parcels are located on the south side of St. Rt. 59, east of Powdermill Road and north of the railroad tracks.

The developer, Redwood USA LLC, was there to present. Ms. Organ stated that this is a public meeting, however, due to the pandemic protocol established by the Board of Trustees, guests are limited. Therefore, the Commission agreed to move the developer's presentation to the parking lot where approximately 30 people waited to join the meeting. After the presentation, guests would be divided into two groups and invited to the meeting room to ask questions or make comments.

Mrs. Banyasz made the motion to move the meeting to the parking lot, with a second from Mrs. Organ. All eyes on vote.

Once outside, Mrs. Organ reviewed the procedures of the meeting and explained how the meeting will be conducted. Mrs. Organ introduced Mr. Kevin Kwiatkowski representing Redwood USA LLC. Mr. Kwiatkowski described their proposal of 4- and 6-unit single story buildings totaling 110 new residential living spaces targeted for empty nesters/active adults. The average age of their tenants are typically 61 years old. Applicants are screened for felonies. Rental units are cottage looking. They average 1.65 people per unit, and they usually stay 3-5 years. They are not student housing, and they do not accept subsidized housing vouchers. The area Redwood would like to develop is approximately 25 acres. The request is to amend the zoning map from C-1 and R-1 to R-4 which is Multi-Family Residential. This is a low-density project, but Redwood thinks R-4 is the zoning they need. Mr. Kwiatkowski said there are some wetlands and streams on the property which will assist with drainage. There will be no impact on flood plains or endangered species which are governed by the Army Corps of Engineers and the Ohio EPA. Water and sewer service will be provided by Portage County Water Resources. Regarding traffic, there will be access from both SR 59 and Powdermill Rd. They will do a traffic study in the next step, which is required by ODOT and the township. Within the development, the roadways are private so Redwood will take care of plowing and landscaping.

Mrs. Organ read out loud for the record nine letters that were emailed to her. (Copies are attached to the official minutes). Mrs. Beth Geist read a letter that she had submitted and Mrs. Laura Davis read the letter she had submitted. After all letters were read, the Commission and some of the citizens returned to the township hall meeting room.

Mrs. Organ asked Mr. Kwiatkowski about the traffic study. Mr. Kwiatkowski said they use the Portage County traffic signal data which will provide a sampling of more accurate traffic data. Because Redwood is asking for R-4 zoning, that does not necessarily mean their proposed project is high-density. The traffic study will be done for the number of units that Redwood is proposing.

Mrs. Mullett asked if there are potential buyers for the additional acres. Mr. Kwiatkowski said Kent State is keeping the remaining 13.7 acres of property north of the railroad tracks where the pro-shop is located.

Mrs. Organ said Portage County Regional Planning Commission did not mention the visible wetlands in their report, just a manmade pond. Mr. Kwiatkowski said the stream will be crossed twice by their development road, and the other wetlands will be avoided. The stream drains from the Pebblebrook apartments towards the railroad tracks. This is part of the site plan for the BZA to review. Mrs. Organ asked if there is a need for a detention or retention pond. Mr. Kwiatkowski said the soil borings show groundwater tables and they do not impose any issue to the development. The area that has questionable soils is the headwater area of the peanut shaped pond. The stream that crosses ahead of that are pretty silted in, which is why they do not have any units in that area. They show a private drive crossing it, so they will need to mitigate the soil there to support their driving lane. Mr. Kwiatkowski said their product is built on slabs. There are no basements.

Ms. Banyasz asked the citizens in attendance to raise their hands if they have wells and septic systems. They all raised their hands to show that they do.

Mrs. Mullett asked about the size of the units. Mr. Kwiatkowski said they are 1300 and 1400 square foot units and they will rent for \$1400 and \$1600 per month.

Mrs. Organ opened the meeting for public comment and questions.

John Rusanowsky of 5875 Powdermill Rd. asked if there were sound barriers for the train tracks. Mr. Rusanowsky said if a variance is granted and the developer backs out, the variance stays with the property. Another developer could come in and build a massive apartment complex. He asked if there could be stipulations made to a granted zoning change in the event that the developer backs out. Mrs. Organ said no, once the zoning is changed, that zoning stays with the property. Mr. Kwiatkowski said there will be no fencing or sound barriers. The train is higher in grade and also Portage County Water Resources does not want a fence on their property where the sewer line is in case they need to do repairs or maintenance. He said all of the township's R-4 areas about a train track.

Mr. Douglas Bjerre of 5905 Roc Marie spoke next. He has lived there for 27 years and is against this proposal. He agrees with the letters that were read. The trains run all night long. Nobody wants to rent next to those tracks. He is mostly concerned about storm water. He gets water in his yard every year from Breakneck Creek. This development sends water to Breakneck Creek. He said the township is not remediating this problem considering how bad it is already.

Monique Bennett of 5971 Powdermill Rd. agrees with everything that has been stated. She is concerned with traffic. There are already trucks from Schneller. The water issue is a major concern that will impact the environment. They already have flooding concerns and their neighbor's home was destroyed by flooding last year. Property values will go down. This is not the right location for this development.

Kevin Bennett added that he has issues with going from an R-1 to an R-4. He thinks they should just build some single family homes.

Ron and Linda Wills of 2278 Willyard Ave. said they have lived there 40 years. He said that putting in an R-4 will increase the amount of traffic. They have had at least three fatalities on Powdermill Rd. They are concerned about safety and the children's bus stops. They were also concerned with the noisy trains.

Mrs. Mullett said she is a Franklin Township homeowner and she hears the concerns and she hears their frustration, and she does not take them lightly.

Mr. Doug Dewall of 5228 Powdermill Rd. said neighbors put flyers in his mailbox. How should he have been notified? Ken Penix, Township Administrator said the code requires notification of any abutting properties or those across the street. We also publish a notice in the Record Courier and on the township website. Because of so many people interested, Mr. Penix said the township would notify all residents on Powdermill, Roc Marie and Willyard Avenue of any new hearings on this issue.

Mr. Joe Casamento of 5895 Roc Marie said there was no water problem 60 years ago, and construction of more buildings will compound the problem.

At this time, the first group of citizens were finished with comments and questions. They left the meeting and the remaining citizens came in.

Mr. Kwiatkowski explained that they are not proposing a high-density project, so they will be doing the traffic study for an R-4 district using historical data even though he considers their project low-density. Mrs. Mullett asked if they would consider changing to an R-3 district instead. Mr. Kwiatkowski answered that if they asked for an R-3, it would be a conditional use and he would have to ask for between 4 and 7 variances. R-3 is for three unit buildings and Redwood's are four unit and six unit buildings.

Mr. Tom Clapper of 5699 Powdermill Rd. asked about the traffic study, and if there will be sidewalks or bike lanes added on Powdermill Road. Mr. Kwiatkowski said it might be considered. Mr. Clapper asked about the lighting and wondered if it could be dimmed. Mr. Kwiatkowski said each property will have coach lamps and these will be controlled by the tenants. Other than that, there is only one light with a photo sensor, no development-wide or street lighting.

Ms. Beth Geist said recycling has been changed. Will there be visible bins out all of the time? Mr. Kwiatkowski said aesthetics will be monitored. Ms. Geist asked about additional Sheriff patrols for the increase in traffic. Mr. Penix said to call the township because the Trustees pay for additional Sheriff patrol in our township when a problem is identified.

Pat Watson of 5903 Powdermill Road asked if there will be signs at each entrance to the development and will it be fenced in. Mr. Kwiatkowski said there will be a backlit sign at each entrance, on Powdermill Road and SR 59. It will not be fenced in. Mr. Wilson asked if there will be topographical changes and will the tree line that separates this property from the Pebblebrook Apartments remain where it is. Mr. Kwiatkowski said some dirt may be moved around to control storm water runoff, and there will be three slow release ponds to remove silt. Most of the trees will remain but a few may need to be removed. Regarding the turning lane, Mrs. Organ said if the traffic study warrants it, there may be a deceleration lane coming into the development on 59 eastbound similar to the one going into Pebblebrook. There will be no on-street parking in the development. Each residence will have a 2-car garage and outside space enough for two more cars. Additionally, there will be areas throughout the development for visitor parking. The drive lane is 22 feet wide and there is a 4-foot sidewalk, so the road functions as a 26-foot road for emergency vehicles. Not having a curb makes it ADA compliant. The sidewalk is denoted by a color change in the concrete. Mr. Watson said if the zoning change goes through and Redwood decides not to build, someone else with less standards could come along and build. Mrs. Mullett said they would still have to go through the site plan process with the township.

Mr. Clapper is concerned that the development internal road will become a shortcut to avoid the traffic light at Powdermill and SR 59. Others agreed. Mr. Kwiatkowski said it is a private road, and it could be considered trespassing.

A resident of 5953 Roc Marie asked about the time frame of this project. Mr. Kwiatkowski said phase 1 will start in 2021. They lease as they build, approximately 6 per month, so it will take about two years.

Mr. David Byerly of 5740 Powdermill Road asked about the rent. Mrs. Mullett said the rent will be between \$1400 and \$1600 per month plus utilities. He said we are opposed. This offers a whole different complexion to the neighborhood and home we invested in. He would prefer the land become a park.

Ms. Geist asked if any studies were done to protect endangered birds. Mr. Kwiatkowski said the Army Corp of Engineers will come out and verify, then make a plan. This would be done before approval of the site plan.

Mrs. Laura Davis of 5699 Powdermill Rd wanted to say that so many issues have been brought up. Everyone here tonight and everyone that wrote a letter opposes this development. It is a small neighborhood that will be negatively affected by this project. There will be a big increase in lights, and even more when trees are removed near Pebblebrook. This affects wildlife. We have a micro climate and you can feel a 5-10 degree temperature drop after you turn off SR 59. She thinks leveling the property will be like making a bunch of parking lots. She asked about landscaping. Mr. Kwiatkowski said they landscape every building and maintain it better than some homes. They plant flowers annually, and the coach lamps are downward shining which will help reduce the lights.

Mrs. Organ moved to continue this hearing until a traffic study has been submitted. Mrs. Mullett seconded. Ms. Banyasz voted no, Mrs. Mullett and Mrs. Organ voted yes.

Ellsworth proposed Zoning Map amendment, SR 43.

The Commission next considered an application by Laura Ellsworth to rezone approximately 7.5 acres from C-1 (Local Commercial) to R-R (Rural Residential). The specific parcel number under consideration and its owner is:

Parcel Number	Owner
12-049-00-00-001-001	James C. Ellsworth (Trustee)

The parcel is on the west side of St. Rt. 43 immediately north of the City of Kent boundary.

Ms. Laura Ellsworth of 6743 SR 43 told the Commissioners that there is a parcel of land on SR 43 of the Ellsworth property of about 9.5 acres that is currently zoned C-1. Ms. Ellsworth is looking to split the lot leaving approximately 2 acres C-1. The Corral Party Center will remain on the C-1 portion. The remaining acreage which was the former Corsair model airplane club will become R-R with the intent of building one single family home.

Eric Leichliter, who operates the Corral Party Center was in attendance and he fully supports this lot split and zoning amendment.

Ms. Banyasz moved to recommend to the Board of Trustees to rezone the remaining C-1 parcel at 6689 State Route 43 to Rural Residential. Mrs. Organ seconded. All Board members voted yes. The motion passes.

Minutes:

Mrs. Organ moved to accept the minutes as presented from the February 20, 2020 meeting. Mrs. Mullett seconded. All Commission members voted yes. The minutes were approved as presented.

Next Meeting:

The next meeting will be scheduled for a future date when needed.

Adjournment: Mrs. Mullett moved to adjourn at 10:33 with a second from Mrs. Organ. All Commission members voted yes.

Respectfully submitted by Jenny August, Administrative Assistant

Approved:



Mary Organ, Zoning Commission Chair