



## Bath Township Zoning Commission June 2, 2025 – Public Hearing Minutes

Approved: 7/17/2025

### ZC-25-01: Ghent Interchange Mixed-Use Overlay text amendment

Mr. Chairman called the meeting to order. Roll call was taken, the Pledge of Allegiance conducted, and the oath/affirmation was administered.

Members present: Chairman Richard Bradner, Vice Chair Marshal Pitchford, Joy Kosiewicz, Emily Hete, Kyle Craven, Kristin Sanchez, Legal Counsel Bob Konstand, Planning Director Bill Funk, Zoning Secretary Nanci Noonan and Envision Consultant Ryan Smalley.

Zoning Secretary certified that the public notice was posted on the Township website, per Ohio Revised Code 519, Thursday, May 19, 2025. The legal notice was read into the record.

Planning Director and Consultant's overview: Mr. Funk informed the Commission that we have been working with Mr. Ryan Smalley from Envision. Envision has helped us throughout our Comprehensive Plan process and through that we have now identified needed updates to our zoning code as well as key focus areas. Mr. Funk then introduced Mr. Ryan Smalley to present the proposed amendment for the Ghent Road Interchange Mixed-Use Overlay.

Mr. Smalley presented an overview of the 2025 Comprehensive Plan, highlighting the recommendations from the steering committee. He stated that the focus was on controlling the shape of future development in five key areas, including the Ghent interchange. Mr. Smalley noted that the parcel at the interchange went up for sale and that kicked the implementation into gear a little faster. The goal was to get the highest and best use out of the interchange parcels, while keeping subservient to the new Bath Comprehensive Plan. The proposed amendment aims to allow a mix of uses near the interchange, such as retail, commercial, office, and residential, while restricting more intense development further north to protect the Ghent Hamlet (and the rest of Bath).

Mr. Smalley reviewed the proposed map and packet materials, which detailed the bullseye approach for land use restrictions via the exhibits on screen. He identified the mixed-use overlay plan parcels, outlining two sub-areas: a mixed-use area allowing retail, commercial, office, and residential uses, and a residential area limited to single-family detached homes. The plan includes development standards such as lot sizes, setbacks, density variations (two units per acre, up to six units per acre), open space requirements, and architectural guidelines. Regarding architectural guidelines, he mentioned that a lot of the setbacks and lot widths mimic the current R-4 District in Subarea 2 and in Subarea 1 a lot of those setbacks mimic the current commercial districts' standards; however additional regulations were added for Subarea 2 to keep this more of a higher end development. Mr. Smalley emphasized the importance of buffers, exterior lighting (Dark Sky) compliance, and restrictions on accessory structures to maintain a high-quality development. Via the exhibits, Mr. Smalley went through the general development standards, architectural standards and permitted uses for both the residential and commercial subareas. He noted that all the homes will be fee simple ownership, so there will be no rentals, sublets, or leasing and that wording was included about there being no variances allowed.

Discussion ensued by the Commission and Mr. Chairman asked Mr. Smalley to comment on the riparian and steep slope setbacks in terms of how this plan respects the existing code. Mr. Smalley's stated that it is part

of the open space requirements with the 35% requirement. We calculated the site and deducted out areas that were steep slopes and a small wetland area that we included as minimum, only being part of the open space requirement plus the mandated buffers. Mrs. Hete asked, for the benefit of the public in attendance, for a general idea of the actual buildable space of the land. Using the exhibits, Mr. Smalley outlined the space. Mrs. Kosiewicz asked Mr. Smalley to summarize what the existing zoning is, and what is changing. He pointed out the parcels that are zoned B-1 and that are for sale, and said everything else is in an R-2 district, 2.5-acre minimum, single-family homes. Mr. Pitchford asked him to explain the difference in developing under the base zoning district versus development under the overlay district. Mr. Smalley explained that they wrote in this text amendment that developers must choose one approach, must pick one or the other. You cannot use base zoning for a portion and the mixed-use overlay for another. The difference being the residential use is allowed in Subarea 1. Some other differences are density, the additional standards like lighting and a few additional uses not allowed today. Mr. Chairman asked what the lifespan of the overlay district is, and Mr. Smalley stated it would remain until you choose to remove it from the zoning code. Mr. Bob Konstand, legal counsel, made a point for the audience and explained that the existing zoning is not being changed. Mr. Smalley agreed and said the overlay is on top of the existing zoning. So, if you live in a house in the area today you are still in the R-2 District. The overlay is something that is in addition to the base zoning, where if you chose to sell and/or were to redevelop it into a denser property you could. Zoning Commission Chair Richard Bradner clarified that the existing zoning for the parcels, B-1 business district (small-scale business, mixed use) for sub area 1 and R-2 residential (single-family housing) for sub area 2 was not changing, and the overlay district would be added over top. Developers must choose to follow either the base zoning or the overlay. Or you could do nothing and keep it as is.

Summit County Planning Commission recommendations: Mr. Funk reported that the Summit County Planning Commission took action at their last meeting held on May 29, 2025. Recommendation from the Staff to the County Planning Commission was to approve the request. After proper review and due consideration, the Summit County Planning Commission voted to approve. Mr. Funk shared that Staff comments were with consideration for parcel splitting.

Public comment:

Proponents – Mr. William Snow, 3960 W. Bath Road, spoke to say he appreciated the opportunity to speak. He thanked the Comprehensive Plan Committee and the consultant, and the Board of Trustees for bringing a change about. It is time to bring down the Dimitroff furniture building. It is time to move forward. Thank you.

Opponents – Mr. David Kelly, 713 N. Cleveland-Massillon Road. He referred to the map and now understands in Subarea 2 it will be 2 to 6 units per acre. He stated that there are approximately 30 acres so we could potentially have 180 homes in that area if a developer produces a plan. That is five percent of the homes in Bath Township. Potentially, let us say that 60 percent of those people have two children, you are potentially looking at 260 new students coming into the area, living in that area. The problem is not necessarily with the plan; it is just when you look up compact residential lots, it is 6 to 10 acres. We are now on the border of compact residential; this isn't a rural, it's not even moderate. This is Parma. That is .16 acres per house. He has a problem with that. Mr. Kelly also noted that under Section 604 – D, Section 2 that talks about open space in the HOA section for Subarea 2, the chart on page 3 shows the residential subdivisions column blank, which means they are not permitted.

Mr. Smalley spoke to say that on Page 3, Table 604-1: Permitted Use Table, the residential subdivision column has a typo and it should have been checked as an allowed use. Regarding the density, he explained the calculation of the developable land and said it is about 14.5 to 15 acres and the potential number of homes that could be built ranges from 30 at 2 per acre, to 88 at six per acre. Mr. Smalley attested that once the developer lays this out, he doesn't think they will be able to get the 88 homes here, it'll be more towards 20 less than that. He also noted that not all the parcels in Subarea 2 may want to be part of it and only a couple of them may. In addition, we've added in the language that anything within this overlay, a developer has to develop at least 12 contiguous acres at one time. Mr. Bradner commented that this was a balance point of

view to protect the Township as well as to allow everyone to be able to benefit from land use. Mr. Konstand added to it to say that the trade-off was that we will stop the commercial by limiting it to only Subarea 1.

Mrs. Kathy Damitz SirLouis, 1063 Ghent Road, and she pointed her parcel out via the exhibits and noted the back of her property running to Yellow Creek. She thanked the Board for the opportunity to speak and recognized the effort that has gone into this overlay. But she was very dismayed that we would compromise our long-standing, 70 years of residential zoning restrictions. In her opinion this is compromising the exceptional character of Bath Township. Mrs. Damitz was concerned this would promote cluster homes and multiple family units, which is contrary to Bath's long-held legacy. She felt this is not in the best interest of conserving our beautiful Township.

The Ghent Road intersection interchange should be the welcoming gateway to Bath Township; the last thing we need or want is for our residents and other folks to be greeted and welcomed by commercialism and cluster housing. She mentioned how granting variances can bend, stretch and nearly negate the original guidelines standards and intentions. The recent developments of the Ghent interchange have created havoc, and she can barely get in and out of her driveway at certain times of the day. She expressed strong opposition to the proposal, emphasizing the negative impact on the community's character and property values. Mrs. Damitz formally stated that she would like to be excluded from the overlay and would like to see the residential district remain under the current zoning, one home per 2.5 acres.

Mrs. JoAnn Alexander, 1070 Harmony Hills Drive, raised issues with the "steered" committee that essentially was supposed to have brought you this overlay. Without going into detail, she attested that many things occurred in that committee that were invisible to the active steering committee members. Decisions were made. Theoretically, answers were compiled that came up with a certain resolution. So, I'm here to tell you that I wasn't really comfortable with the way that the steering committee was handled, nor do I want you to be under the impression that the overlay that you see was agreed to by a plurality of the people who were on the commission. There was a lot of resignation. I got a lot of telephone calls after meetings saying, "What is going on."

Secondly, Mrs. Alexander stated that the overlay description in the planning statement does not comply with the picture presented. One of them needs to change and go back to the Trustees so that they match. She also suggested showing all the setbacks, overlays, and everything else so that someone who is thinking about developing this property knows what they have to work with. Mrs. Alexander attested that she was unable to get a commitment that the zoning appeals would not loosen or change setbacks, riparian corridors or anything that would keep the limit on the number of units that would be built there. It was her understanding that if you went with the overlay, you go with the restrictions that we gave it, and you could not appeal anything.

Lastly, she spoke on the lighting restrictions implemented to say that they are not dark sky compliant. Conversations about having no lighting that went up from the ground and that it would be down lighting, since we were talking about new construction that did not show up in the final regulations for this area. Mrs. Alexander would like to see that change and would like dark sky regulations to actually be complied with.

Mr. Chairman asked Mrs. Alexander for clarification regarding her initial comments on the comprehensive plan development. Mrs. Alexander stated often there was a jump from the meeting where we left it at a point A, and when we came back to the next meeting, we were at point B, where it looked like decisions had been made and choices had been made, and maps had been generated that were really still in the conversation stage when we left the first meeting. There were objections brought up to both overlays that were generated. It was that "we can't do that," "let's move on" or "nobody's interested in that." There were alternatives that were not given due consideration.

Mr. Chairman asked to discuss the Overlay District and Board of Zoning Appeals and how that will change or not change. Mr. Chairman rephrased the question to ask if the Board of Zoning Appeals can override what

we put in the Mixed-Use Overlay District of Ghent Interchange? Mr. Funk stated that he believed in applicant can seek a variance per the Ohio revised code, as long as they could show some kind of practical difficulty. Mrs. Sanchez asked Mrs. Alexander for clarification on the two documents whereby the maps were not matching. Mrs. Alexander stated she is talking about the map that is showing right now on the screen and the map that is actually on the Comprehensive Plan that was approved by the Trustees. Mrs. Alexander added that another concern was we keep talking about "taking", that we have to make all these adjustments and these compromises because we can be sued for a "taking." My concern is we try and create these buffers, but it is a t factor rezoning, no matter what our base is, if somebody looks at a pile of cluster homes there, that is not R-2 zoning and they're going to use that as an additional taking and go all the way up Cleveland-Massillon Road.

Commission discussion:

Mrs. Kosewicz asked to discuss the changes that we might need to make, i.e., making sure the maps have better alignment between the map presented and the Comprehensive Plan map. Mrs. Hete was inclined to table the case so that the Commission could review further. Mr. Funk agreed and stated there were some good points throughout this evening. He recommended tabling and bringing it back to a Work Session to rework the document and then the Public Hearing. The Zoning Commission agreed to review some of the language and Table 604-1 to make sure everything corresponds correctly and review any differences in the maps. After discussion of available dates, it was decided that the Work Session will be moved from July 10<sup>th</sup> to Thursday, July 17, 2025 at 6 PM and the Public Hearing will be held on Wednesday, August 6<sup>th</sup>, 2025 at 6 PM.

The hearing was closed with no further information or questions by the Commission or applicant.

Motion and vote:

Motion to postpone the Public Hearing for application ZC-25-01 to Wednesday, August 6, 2025 at 6 PM to allow rescheduling of a Work Session, in the interim, for Thursday, July 17, 2025 at 6 PM by Mr. Pitchford; seconded by Mrs. Hete. All in favor; motion carried.

Mr. Chairman adjourned the hearing and convened the Work Session.



## Bath Township Zoning Commission June 2, 2025 - Work Session Minutes

Approved 7/17/2025

MEMBERS PRESENT: Chairman Richard Bradner, Vice Chair Marshal Pitchford, Joy Kosiewicz, Emily Hete, Kyle Craven and Kristin Sanchez, Legal Counsel Bob Konstand, Planning Director/Zoning Inspector Bill Funk, and Zoning Secretary Nanci Noonan.

- I. Call to Order – Taken in the Public Hearing.
- II. Approval of 4/21/25 and 5/8/25 minutes: Motion to approve the 4/21/25 minutes by Mrs. Hete; seconded by Joy Kosiewicz. All in favor, motion carried. Motion to approve the 5/8/25 minutes by Mrs. Kosiewicz; seconded by Mr. Pitchford. All in favor, motion carried.
- III. Unfinished Business:
  - a. None
- IV. New Business:
  - a. None
- V. Miscellaneous: None
  - a. Committee discussion – none.
- VI. Next Meeting – Work Session on Thursday, July 17, 2025 at 7:00. Note that this meeting is replacing the July 10th meeting.
- VII. Adjourn

