



Bath Township Zoning Commission October 9, 2025 – Work Session Minutes

Approved: RJB 11/10/25

MEMBERS PRESENT: Chairman Richard Bradner, Emily Hete, Kristin Sanchez, Tyler Bolanz, Legal Counsel Bob Konstand, Planning Director/Zoning Inspector Bill Funk and Zoning Secretary Nanci Noonan. Kyle Craven, Marshal Pitchford and Joy Kosiewicz were excused. Sharon Troike, Sean Gaffney, James MacClellan, JoAnn Alexander and Micheal Ackermann were also present.

- I. Call to Order – Roll Call
- II. Pledge of Allegiance
- III. Approval of minutes: 8/6/2025 Public Hearing and Work Session and 9/11/25 Public Hearing. Motion to approve by Mrs. Hete; seconded by Mrs. Sanchez. All in favor, motion carried.
- IV. Zoning Report – Mr. Funk presented the report.
- V. Unfinished Business:
 - a. Ghent Overlay District – Mr. Chairman recognize the right up in the Fall 2025 Bath Township Quarterly magazine sent to all Township residents for being well-written and logical. Residents have given it good reviews. We then reviewed public comments and recommendations made for the Overlay language. Mr. Funk presented that he would walk through and highlight some of the areas that were changed. There is a significant section towards the end that Mr. Konstand will go through in a little bit more detail regarding the approval process for the Overlay District. First, we made a big change on page 2, under Section 604-C, Subarea 2 - Residential Area. Mr. Funk explained they had met a few times with the Board of Trustees to talk about the public comments and the units per acre. The Board wasn't necessarily comfortable with six units per acre and asked if we take a closer look. After Bill and Bob went over it and looked back at the development and what would make sense, and they changed the wording a little bit. Their recommendation is that it read that "Subarea 2 will allow residential uses only with an overall development density that shall not exceed three units per acre." Mr. Funk shared that that is also reflected on page 4, under the Site Development Standards, to say "Maximum of three units per acre." Mr. Konstand noted that we got good public comments and questions about that and it made us take a harder look at it. We appreciated the public input. Mr. Funk referred to page 2, (A) and (B), were mistakenly put there and said they should be on page 6, under number "5". WE have talked back-and-forth about the minimum development size and have stuck to the 12 acres. But it's caused

a little confusion; so, in looking at that we thought it was best to break out Subarea 1 and Subarea 2 and treat them differently regarding development size standards. Basically, we are saying that to develop, underneath the overlay, in Subarea 1, it is the entire Subarea 1. And that is essentially 5.1 acres. Subarea 2, if you include the road right away that goes to the highway, you're looking at 25.1 acres. They thought the best number for that would be 10 acres. So basically, you have to have a minimum of 10 acres, contiguous, in Subarea 2 to develop under the Overlay District. Mr. Funk stated this language is on page 2 but it should actually be on page 6, under "Development Size". He then gave a scenario you could do technically if we're just talking the U. H. property. If we're talking Subarea 1 on the U. H. property, it is 5.1 acres. Subarea 2 on the U. H. property is 10.7 acres. So, you could have a development just on that site with the appropriate restrictions. Mr. Konstand felt that he needed to add some language that says, essentially, all of the U. H. Property is either developed under the overlay or under the existing zoning. They can't pick and choose. We could say if you develop under Subarea 1 or Subarea 2 with the Overlay, the other parcel has to be developed pursuant to the overlay as well. Mr. Konstand noted that the other thing that is unique for the UH property is, after you take out Subarea 1, there is not a lot of land to develop for commercial retail because it all falls off. The prime land is the old furniture store site and if that goes, we cannot permit it to be mixed use. Bob will work on the language.

Mr. Chairman recognized JoAnn Alexander for a comment. She stated that her concern is that someone is going to come in saying, "Your allowing this density of housing, and even though you haven't change the underlying density, the appearances are that you did. And this is a taking, and I want to buy this property and an annex it to the overlay so that my property looks like the old property that's under the overlay." Much discussion was had and Mr. Konstand summarized to say it would be a rezoning request. Mrs. Alexander asked if we could just deny the rezoning request. Mr. Konstand stated that the Ohio Revised Code says that we have to take action on any proposed rezoning. And this will be a rezoning. Any property owner can make an application. It goes to this Zoning Commission, goes through the trustees, which is the normal. There's also a provision that says the trustees can modify it. So, he didn't think we could touch that legally, because we're taking away the right to rezone a property. He did think that besides having the graphic of where the overlay is we should also include the parcel numbers and include that on page 1 or 2.

Mr. Funk noted the new section on page 7. He had asked Ryan, under the "Buffering" section, to add some buffering language from Subarea 1 to Subarea 2. Basically, Ryan's standards call for a 10 foot landscape buffer between the two areas, 100% opacity all year round. Mr. Funk read the section for the Commission: "The buffering between Subarea 1 and Subarea 2 shall meet the following standards: "One, the buffer area shall be located along the full length of the side and rear between the proposed use and the adjacent residentially zoned property." When he says side or rear, it doesn't mean "front yard setback." So, say you have a 60 foot front yard setback, you don't need to have buffering there. Once you hit the side yard setback, you'll have buffering. That way you're not buffering right up to the road right away, because a commercial use is going to say well, you can't see me except in this one area. "Buffer areas shall be placed on the

property being developed or constructed regardless of ownership. Minimum width of the buffer areas shall be ten feet running the full length of the applicable side and rear yards. For buffering along the side that buffer shall begin, at a minimum, at the front yard building setback line (60'). No structure shall be permitted within a required buffer area, other than a wall, fence, mound or earth berm. Driveways may cross perpendicularly across a buffer area, disturbing the least amount of buffer. The required buffer area shall consist of maintaining living and vegetative materials, such as evergreen trees, shrubs, earth mounding or fencing made of wood that results in 100% opacity all year, to a height of six feet or more within one year of planting. Fences and walls shall not exceed a maximum of six feet.

Mr. Funk went to the next set of changes starting on the end of page 18 – Section 6.04-G, Ghent Interchange Mixed Use Overlay (GI-O) /Review and Approval Process. Mr. Konstand shared that he and Mr. Funk discussed this at length to figure out the right procedure for a developer to go through to implement the Overlay. There is basically three phases they would have to go through to get approved. The first would be an informal review with Bill and the township of what their preliminary plan is. They would present it to Bill, Bill would review it, Bob would review it and then they give comments back to the developer. The second step is the developer would do a preliminary site plan approval process that initially would go to the Appearance Review Commission. The Appearance Review Commission would review the preliminary site plan and see if it complies with everything that's in the Overlay document. At that preliminary review, they make a recommendation to the Zoning Commission. It goes to the Zoning Commission for preliminary site plan approval. The approval given by the Zoning Commission basically is a review to make sure that everything complies with what we have in the Overlay. This is assuming if they go into the Overlay, obviously. If they comply with everything in the Overlay, then Zoning Commission gives preliminary site plan approval. The reason we're doing it this way is because a developer is not going to go through the expense of engineering and final plans and to get rejected. Mr. Konstand thought it better to bifurcate it, let them do a preliminary, get all of our input, and really the preliminary is going to be the key because we're going to outline to them that this is how we want it done. The final approval is going to actually show what we want with specifics, then that's where they're going to have their engineering. They're going have to bring their plan back once they've got it engineered. Mr. Konstand stated he has laid out, is what needed and it is quite extensive, and then that goes back to the Appearance Review. He and Bill felt the Appearance Review Commission has the expertise to review that everything they said they were going to do in the preliminary is done and that it is spelled out accurately. He noted that the Appearance Review and Zoning Commission meetings will be public hearings.

Mrs. Alexander stated that what she was reading was that this was what the Comprehensive Plan Implementation Committee was going to produce. How is their function going to be different from what is described here? Mr. Funk said that they will basically be looking at working just with the Comprehensive Plan; helping implement certain things within the Comprehensive Plan. This language will be in the actual zoning resolution. Mr. Gaffney spoke to clarify his understanding was that the trustees approve

the zoning code changes to the zoning code, and they will approve this Overlay. In a normal zoning situation, the trustees, once an overlay, zoning code or change, is done it goes through the three zoning boards and never comes back to the trustees. Mr. Konstand said he was correct; the role of the trustees is to approve changes to the zoning map or the zoning resolution. That's where it stops. Once that's done, then it's in the zoning board's hands. There is also the potential for a variance or conditional use request as part of the development plan so we will have to keep the Board of Zoning Appeals separate for that and have it come back to the Zoning Commission. Mr. Konstand shared that he also added something he came across in another zoning resolution. It was called "crucial features" and is on page 21. Either the Zoning Commission or the ARC, if they deem something crucial, and he tried to limit what they could, to make sure it gets done and they recommend it, then that's got to be dealt with. If you look at page 21, at (6) Crucial Features, go down to c) "The Appearance Review Commission may include a recommendation on a list of crucial features as part of the recommendation to the Zoning Commission and the Zoning Commission may adopt within their decision." And of course, with the word "may", they can deny it as well. It is more work for the developer but it gives us more protection. Mr. Chairman stated that this is quite a bit more than what we were thinking four weeks ago but it is a great job. He suggested we spend detailed time with this and we will discuss it at the next meeting. Being that this is our first Overlay District he was of the opinion we need a full quorum here including Marshall, Kyle and Joy. We will get a corrected document and get into further detail in November. Mr. Funk reminded the Commission that we have already announced that we will have a Public Hearing in November. It was then suggested to have the Public hearing and put it to a continuance. We can then go into a Work Session to resume editing. .

Mrs. Sanchez commented relating the three major citizen concerns from the Public Hearing. One was the visual buffer, which we covered. Another was the acreage question, which we also covered. And the question regarding oversight, this is what we are working on here. She just wanted to make sure the questions were addressed. Mr. Funk and Mr. Chairman confirmed that they were. Discussion on attached dwellings and the word "mix" in Section 604-C. for Subarea 1. Mr. Funk stated that the intention is if you have residential, it is part of mixed use. You cannot have just residential. Bob and Bill noted that we have an issue with Akron on the JEDD; the U. H. property is in the JEDD and if we turn it all to residential, we will have a lawsuit. Mr. Konstand said we will have to strengthen the language to require commercial with an option of adding residential in Subarea 1. He will work on the language and Table 1 for next month and an updated document will be ready for November.

VI. New Business:

- a. None

VII. Miscellaneous:

- a. Commission discussion – Mrs. Hete asked if we need to write anything into the code to limit the number of gas stations, the number of Dollar Stores, the proximity of gas stations,

things like that in the township in general. What precipitated this is that we potentially have a Sheetz going in at this property that we're talking about, and there's a gas station right down the street. Are they too close in proximity, is it going to end up going out of business? Mr. Konstand shared that Emily send an email in advance and he has thought about this. He compares it to the adult bookstores in the way you limited. We cannot say that you can only have two bookstores in the Township. But what we do have is specially zoned districts where they are specifically allowed. So, we cannot say only two Dollar Generals or two gas stations, but we can limit where they can be. For purposes of the Overlay, we can limit it and also have gas stations as a conditional use requirement. Townships do not have that kind of zoning power like cities.

- VIII.** Citizens' Comments – Mr. Mike Ackermann spoke to say he was surprised at the last meeting when Bob said we are going to get a Sheetz. Today he was pleasantly surprised with the three units per acre and the development plan review. Good work, thank you. He then said in an Overlay District, you're trying to entice the developer to use that rather than the zoning that's there because you don't like the zoning that's there, right? The Township, people who live here, they really understood what the B-1 was and what could happen. So, you're trying to entice a developer to use this, and to do that, you have to obviously make it worthwhile. Which is where we come up with the residential, more density zoning and so forth. But anything that we put in here could be seen as down zoning someone's property, because the underlying zoning is already there and they can utilize that. Mr. Konstand asked if he was saying this for purposes of a taking claim? Mr. Ackerman said yes, it's a free pass for the Zoning Commission. You can write anything in here and it's their choice to use it. Mr. Konstand stated for purposes of a taking, yes. There could be legality issues outside of the taking but if you're limiting your comments to just the taking you are absolutely correct. Mr. Konstand outlined the JEDD requirement for the Commission. The agreement says that if we rezone any property or change the use of any property to residential that we have to provide Akron and Fairlawn with the same amount of acreage and add it to the JEDD. While we did not have overlays back when the JEDD began, he's looked at the language and been in contact with Akron. He is working with them on taking a broader look at it for other alternatives. Mr. Konstand wanted to make everybody aware that the Ghent Hamlet has issues with water and sewer for the property owners. We had two individuals down there regarding sewer. One owner was being forced by the EPA and the other one just wanted to have it and we had to include them into the JEDD.
- IX.** Next Meeting – reconvene the Public Hearing on Thursday, November 13, 2025, at 6:00 P.M. A Work Session will be held following the hearing.
- X.** Adjourn