



## Bath Township Zoning Commission November 13, 2025 – Public Hearing Minutes

Approved:

### Untable 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, Tyler Bolanz, Legal Counsel Bob Konstand, Planning Director Bill Funk, Zoning Secretary Nanci Noonan.

Motion to untable Case ZC-25-01 by Mr. Pitchford; seconded Mrs. Hete. All in favor motion passed.

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

Planning Director and Legal Counsel Presentation: Mr. Funk presented that he wanted to take a step back to go through our current conditions and how we got from where we were to where we are today, and to explain the influences that impacted the decisions. He was also going to provide an overview of the Comprehensive Land Use Plan. He welcomed questions be asked by the Commission at any point in his presentation. He asked Mr. Konstand to join him so they could go through each slide. Using a couple aerals to show the Overlay location, Mr. Funk provided the current zoning for the parcels in the Overlay. What we refer to as the U. H. parcel, which would be the Dimitroff property, and what used to be a rug store at one point in time, all the way back to a hardware store prior to the zoning was in place, is B-1. The properties to the north, which are the residential properties, are R-2 single family properties in which the current minimum lot size for R-2 is two and a half acres. Mr. Funk presented the Permitted Use Table and stated some of the uses in the R-2 when you get into residential uses, it's specifically residential use, agriculture uses, some group homes, detached dwellings on lots of records. And then you get into park uses, some government uses, school uses, and things along those lines. The current B-1, which is our commercial district, is local commercial consisting of retail and office, and is a pretty broad commercial use mix. That same zoning is across the street and is what the Hamlet zoning used to be (B1) before we zoned for B-5.

Mr. Funk shared that we focused in on this area when drafting the Comprehensive Land Use P lan. This was because over the past few years we have had some developers who were interested in the properties here. He pointed out 1075 Ghent, which is the cookie lady property and stated that is adjacent to the intersection of Ghent and Cleveland Massillon. One was an owner who proposed to put a dental office in there and applied for a rezone from the current R-2 to a proposed B-1 for the dental office. That application was ultimately denied by the Board of Trustees. Another property is the U. H. Property, as we talked about. University Hospitals purchased that property probably about 10 years ago and never contacted us. We never really had any discussions with them; it was just some word of mouth as to what they were planning on doing there. Again, that property has been commercial, so that wasn't as much of a concern. Then at one point before the U. H. Property was bought,

we heard from the neighbors where a larger scale development was looking at all the land in there. Mr. Funk stated they talked to some of the neighbors and looked at pricing for the purchase of their property. Ultimately, it fell through and never made it to zoning. But that was one thing that was brought to us from the actual property owners in the area. So that's why we kind of felt that this area here was a concern. It was one of the focus areas that we looked at in the zoning and Comprehensive Land Use updates to see how we could address this area. The one thing we always heard was that we do not want to see growth of commercial in that area as the fear was that the commercial creep would go all the way down into Ghent. Mr. Funk stated we presented this to Envision while working on the Comprehensive Land Use Plan with the Comp Plan Committee and studied what our options would be to protect us from future commercial use. Mr. Konstand spoke to add that the residents made point clear when they tried to rezone for the dental office, that they did not want any commercial, i.e. retail or office use in that area, that is an R-2. The Trustees got that message, everybody got that message, and that's why the rezoning was denied. So, the issue that the Township faced was with is that the U. H. property is zoned B-1 currently. And we need to protect the rest of the land to the north from that commercial creep because it was clear that no one wanted to rezone for office further north. So that's the dilemma we were in. U. H. already had the zoning; it was B-1 when they bought the property. Therefore, we tried to come up with some way to restrict not only the use of the U. H. property, but any other properties to the north which might end up in the retail or commercial creep and prepare for that. The worst thing we can do is just sit back and wait for it to happen and then try to react. And that's never good in zoning. Mr. Konstand stated that we are trying to be proactive to preempt what could happen because U.H. had for sale sign on the property; so, we knew it was coming.

Mr. Funk presented that part of the Comprehensive Plan is part of the recommendation from Envision to utilize an Overlay District for this area. In looking at the existing commercial area going north, allowing for some mixed use commercial area to the south of the district, and then as you go north, allowing for a denser residential and some increased buffering. Originally, they talked about sort of stepping down that residential use as you go north. But as we went through this process, we thought it might be better to increase that buffer level instead of dropping down the residential density as you go on. Again, making that buffer stronger and larger as you hit the northern portions of the development. Mr. Funk presented a rough drawing showing what the existing zoning is, and then the outline of that Ghent Interchange Overlay. With the Overlay, the existing zoning is still in place so the existing landowners can continue to use their property as is currently zoned. Future users can choose to use that property as is currently zoned or they can opt in to the Overlay District. So, property owners that are zoned R-2 single family can continue to use their property as R-2 single family, never have to opt into the overlay district, and that property can remain R-2 single family. Likewise, with the B-1 property owners. Property owners can continue to use that property as B-1. It has been zoned and used for several years as B-1. Mr. Funk shared that all those uses, and going back 20 years, the so called rug store, was commercial prior to zoning Dimitroff's Furniture that was rezoned to B-1 in 1987. It has been commercial for a long time. Referring back to the base zoning versus the overlay, you can still, again, opt utilize the base zoning. We are not changing or rezoning that base zoning; it continues as is today. Users could come in today with a permitted use or seek a conditional use through the board of zoning appeals, not go through the overlay process, but again, develop as typically they would under a B-1. Mr. Konstand noted that if an applicant did that, the only property that would qualify for B-1 under the existing zoning would be the U. H. property, nothing further to the north. Using the exhibits on screen, Mr. Konstand and Mr. Funk clarified that part of 77 is subject to the easement to the state. The "GI-O" boundary is the Overlay. It is the northern area that they are proposing for the Overlay, starts at to the south, at the exit ramp off of 77 and that's the old Dimitroff Furniture store property. It then extends all the way to the blue line. Mr. Funk stated that's basically the northern property of the cookie lady house. Most people know the cookie lady's is the White House right at the intersection of Ghent and Cleveland Massillon and kind of sits back up on the hill a little bit. So that northern property line is the extent of that Overlay District. That is the property that we talked about few years ago that came through the rezoning process for the dental office that was ultimately denied. So University Hospitals is the white boundary line and actually going all the way back through the highway. It is

one parcel, and there is another parcel, and they own both those parcels. So, Ryan from Envision put this together for that Overlay District. Within that Overlay District there are two subareas Subarea 1 and Subarea 2. Subarea 1 is mixed use and Subarea 2 is residential which is denser, cluster style homes.

Mr. Funk presented the draft of the Permitted Use Table for the Overlay District that has been talked about talked about. So again, Subarea 1 lists the uses and those standards. Subarea 2 is basically just agricultural, conventional residential subdivisions and single family dwellings. Mr. Konstand stated that the easiest way to remember this is Subarea 1 is pretty much the footprint of what the furniture store was. And then Subarea 2 is everything else. Mr. Funk continued and shared that one of the reasons that the Township felt the Overlay was advantageous was the increased regulations that an overlay allows through the Ohio Revised Code. Typical base zoning through Ohio Revised Code is limited. However, when you get into an overlay district, it gives the Township more rights to control architectural standards, some additional lighting features and some more in the process. So, it gives us more teeth, some more regulations that we can do than typical zoning. Mr. Funk broke down the two subareas using his exhibits. He pointed out Subarea 1, the commercial side, and stated it's basically taking that southern point of the district. It's a 500 foot radius to the north.; that would be Subarea 1. He noted the one portion of the U H property and the northern portion of the U H property line. He stated that only a small portion is zoned B-1 and is 5.1 acres and the rest of the U. H. property that is within the overlay is 10.7 acres. Mr. Funk stated that the draft Overlay Use Table language kind of mirrors what the existing B-1 is; permits with standards, you can actually do mixed use so we do attach dwellings in that one, banks, gas station is a conditional use, which is similar to B-1. Offices permitted are dental offices and medical offices are permitted. Mixed use are permitted with standards; personal service establishments are permitted. Restaurants permitted with standards, retail service, commercial uses and veterinary offices are all permitted uses. It is similar to what the existing B-1 but is a little narrower in scope and allows for that mixed use development. An example of mixed use would be a restaurant on one floor and an apartment on the next floor. In other words, retail on the first level and living on the second or third floor.

Regarding Subarea 2, it is the northern boundary of Subarea1, all the way to I keep on saying the cookie lady's house at 1075 Ghent. So that would be the northern boundary line of Subarea 2. This is for the residential and again, permitted uses are conventional residential subdivisions and single family dwellings. When we say single family dwellings, these are all unattached, all freestanding, all owner occupied, single family dwellings.

Mr. Funk explained that Ryan from Envision kind of put together a sample site plan that to show what this would look like if everybody opted in under the overlay district and sold off to the developer to develop a residential subdivision. So we kind of put in what our minimum setbacks were, some of the buffering. Again, this is sort of quick by hand. So, you know, an engineer or somebody might be able to get a few more lots out of this, right? But this shows 55 to 65 homes on his drawing. Here, it's 56 homes. Again, this is if everyone sold their property. Now, there's property owners in that district who have come out and said that they do not want to sell their property, property owners that are in the middle of that district who do not and would not want to ever sell their property, and have want their property to maintain it as is so if you pull out half that property in there, it really reduces the amount of homes that you would be getting. So again, this is worst case scenario. Say, if everybody sold out, and you had a developer come in here and develop it to the max extent possible, that's what you would get.

19:2018:07 12/3 STOPPED DCTN

No, that would be the zoning. They'd have to, Oh, you mean the owners, yeah, they sold it. Here's our problem legally, is this, we've got the U H property that's currently zoned for business, and our concern is, if they went ahead and used the full 14 acres for some business use, we know that there's a couple properties immediately

to the north that would want to sell and convert their residences to business use. There's one in particular, it's about an acre that they've wanted to rezone the business for a long time. So then what we see as a township that is this creeping of the business use. My concern as.

20:00

Legal counsel for the township is that if we have residential on one side and we got the U H property on the other, and someone sues us for a taking saying, Well, wait a minute, why can't I have business zoning? Because it's right next to me, then we could have a problem. So the whole point of the overlay was we're going to give them an alternative. The alternative. It's not a business use, but we're going to give them, we're going to allow them to have more density. Because right now, under the r2 it's one home for two and a half acres. So if you elect to go under what we're proposing with the overlay the density, I think we've changed that to one home for three acres now, correct? Or, I'm sorry, three acre, 300 per acre, yes. So you get that density bonus,

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but you don't get any business use, and I feel comfortable that's defensible and important. And with that, you also get the buffering. So the buffering to the north, the buffering along

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right. Basically you have a 50 foot buffer and a 50 foot set back for the homes, then you have a 15 foot buffer, a long gent road. All the buffers are 100% opacity, so it's completely hidden. So when Brian did this from Envision, because to look at some other examples, I threw in another one here as well. So Sparrow pond, which is basically crossed the b1 all over on North Cleveland Madison road. So again,

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these are attached. So this would be a little bit different, but they're attached in the township. The buffering on them is great, because you really don't notice them as you drive by on Cleveland Madison. But there is 3.6 units per acre. So that's what's going in there. Now,

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what, what year did that happen in Sparrow pond? It's, yeah, I'm not sure the exact year, but 80s. So it's, it's, it fits the character of the community

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Crystal Lake, the condo association there, which is going off Crystal Lake Road, just north of embassy. So you're looking at 2.8 units per acre. This is in the township as well, and it's very similar, because these most part are detached. I think there are, I don't know if there are. I think I have a client. Okay, maybe there's a couple. There's a majority of them are detached. So this is so that's something be really similar to something that you would see again, the buffering along Crystal Lake Road. They have the mound, they have the trees. So it's really is a well hidden subdivision from the road.

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This is one that's just off historic. It's actually an Akron but it kind of gives you an idea of what more of a typical suburban resident would look like residential subdivision. So rising meadows, which is 2.4 units an acre.

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And then this is one that was brought forward to us by one of my other board members, who brought this as a good example of what we could use for a subdivision, which is Glen Karen forest. So this is 2.1 units per acre. I

believe these have actually attached housing as well. So little bit different, but a nice example of a cluster subdivision. This is the part of Glen Karen not the big homes, but before you pull back there, you make a left, and they have condos. And

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that's another one,

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and the overlay is, say, three per acre, three per acre. So, I mean, that's always that's a big difference.

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We cut it down. We got public comment originally we said six, so that we could try to make it more attractive for developers. And the public comment we got was that was too dense when we cut it back and it's three per acre. But when we do this sample site plan, we take into consideration you have some wetlands down here. You have some slopes with our buffering setbacks and the lots and everything. Realistically,

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two and a quarter games per acre

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is what you would most likely get. Again, could you get somebody in, an engineer here, who can figure that site plan a little bit better and rearrange it a little better? So maybe you're getting two and a half minutes breaker. And the one thing we're requiring with the overlay is that one developer do it all. We don't want to see a piecemeal where one developer does five homes and then a developer does, you know, four it's got to be one consistent residential developer that goes in and does this, whatever land they acquire, they just bought the U H land, then obviously they've just developed the U H land. If they buy the U H land and maybe the one acre that's for sale, then they could develop that. But we don't want to see it going piecemeal with different builders that that hasn't worked in that because, again, this is if everyone sold,

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if everyone sold developer came in, all the current owners, all the current owners, sold developer came in and did to what our maximum extent for the overlay district and.

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That's typically what you're going to get. Bill, I see Kathy shaking her head back there. I know you do not want to sell.

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Bill, would you talk about the buffer? Go back to the

25:13

worst case scenario. Talk a little bit about the buffer in the northern side. So our northern portion of it, we had, in the language, a 50 foot buck. So this would be 100% buffer all year round, natural natural vegetation. Yes. And then we had the building set back. We increased the building set back to 50 feet, so you could not do anything within that 50 foot from the building. So we feel like that gives a nice the backyard setback, which allows for that buff there, we added the buffer along gent Road, which, again, 100%

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throughout the whole year, natural. And that's a 15 foot buffer.

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Did you guys add a path back there? I know there was discussion, if a developer wants to do a path, they'd have to come back to us, because technically, that's not leaving it natural, unless it's,

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there's nothing put down the buffer on

26:11

Cleveland that some road is only 15 feet, when likely this, I'm guessing, you have to widen the road. Well, that's, that's the whole point. The buffer is on the private property, the right of way for an extra lane. It's already owned by the county, right? So if you look at it from the curve, yeah, it would probably be 30 or 45 right? But we can't do anything with what the county right away is. We can only do what, what's on that property. So when you add, there's 30 feet right now, plus we're adding another 15. If you go from the end of the curve to the end of the buffer, and you're probably looking about 45 feet. And where does

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the entrances into

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that develop? That would be up to the county. Yeah, to grant cuts. Yeah. It depends too, what properties go in

27:04

the current Summit County subdivision regulations require, if your streets longer than, I think, 900 or 1000 feet, you need to have a second means of exit out of the development. So say, hypothetically, a tree blew down right at the entrance to your development, and we had to get an EMS vehicle back there. There should be another way to get in there, if you could access so we're looking at the residential and

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sub area. One go, there's probably going to be two curb cuts, minimally, those are all on septic and well water. No, no, there is. That was our other concern with u h, I'm glad you brought that up. There is sanitary sewer and Akron water. There Summit County sanitary sewer and Akron water. So that's another thing, those of you that have been around for a while on that one of the ways we control the zoning is by limiting sanitary sewer and water. But because this area is in the jet, it's been in the jet since 1997

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it's got full water and sewer.

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That sewer has a capacity of limitations to it. So realistically, a lot of these homes and whatever develops on that sub area one, unless they make improvements to that sewer line, are going to be severely restrictive to what they can do. They could probably do what that we have outlined now, but that actually ran that sewer and paid for it, and we made it a very it's only a two inch pressure line. And the reason we did that, we knew that u h owned the property, and our fear was, if they were going to build a satellite hospital there, that this thing would

be huge, and we didn't want to give them the sewer to do it. They never inquired. They don't know what's out there for sewer, but

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right now, we'd be lucky to get 35 or 40 homes in there with the sewer capacity we have, and that's a limitation they don't know about, but it is there. Has anybody looked at the roundabout? This is gonna blow up the roundabout. The roundabout is too expensive. It's been looked at by the county. It's much too expensive to do. And then topography, they already reconfigured the intersection. None of us are happy with that, but they're done with that. It seems like the existing one we get kind of blown up with the traffic. What's existing around about,

29:33

Public Comments:

Proponents -

Opponents: -

Commission Discussion - Mr. Chairman

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 – Ghent Interchange Mix-Used Overlay, to November 13, 2025 at 6:00 P.M.; by Mrs. Hete; seconded by Mr. Pitchford. Roll Call: Mr. Pitchford, Mrs. Hete, Mr. Craven and Mrs. Sanchez. Vote: 4 – 0 approved.

The next meeting will be a Work Session on Thursday, January 8, 2025 at 6:00 P.M.

Mr. Chairman adjourned the hearing.