

ZONING COMMISSION

February 11, 2021

Public Hearing – 6:00 P.M.

Approved:4/8/21

Case ZC-21-01 – Timothy Pristas and Joyce Mock requesting to rezone the property, through a map amendment, from an existing R-2 Residential District to a B-4 Restricted Business District. Property is located at 1075 Ghent Road in the R-2 Residential District.

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 Maryellen Burnham, Joy Kosiewicz, Scott Meyer, Emily Hete, Jim Hower, Jeremy Rowan, Legal Counsel Bob Konstand, Planning Director Bill Funk and Zoning Secretary Nanci Noonan.

Zoning Secretary certified that public notice was published in the West Side Leader, Thursday, January 28, 2021 and read the notice into the record.

Mr. Bill Funk presented that the applicants are requesting a re-zone, through a map amendment, from an existing R-2 Residential District to a B-4 Restricted Business District. The following information was provided regarding the rezoning request:

- **R-2 Residential District:** The purpose of the R-2 Residential District is to establish areas for single-family dwelling units in portions of the township where there are limited public services and where there are concentrations of natural resources.
- **B-4 Restricted Business District:** The purpose of the B-4 Restricted Business District is to provide for office and institutional uses in locations adjacent to retail areas and in areas easily accessible to the major arterial system of roads. Carefully controlled site development is necessary to encourage a functional and aesthetically pleasing office environment and to protect the residential character of adjacent areas.

Location/Property: Property is located on the east side of Ghent Road to the east of the Ghent Road and N. Cleveland Massillon Road intersection. To the north, east and south there are single family residences, to the west is the former BP property which is now the Stonemill Realty commercial project site. Mr. Funk presented the surrounding property owner data via the Summit County GIS application.

Site Description: The site currently has a single-family residence built in 1948 and consisting of 2,058 square feet of living area and an accessory structure built in 1979 and consisting of 1,280 sq. ft in area. The site slopes down toward the north and west with the highpoint of the property at the southeast property line. There are no environmental restrictions on the property according to the Summit County GIS.

Proposal: The Applicant is to develop the site as a dental office which is classified as a permitted use in the B-4 Restricted Business District. The projected building is 10,000 square feet single story building with a proposed full walkout basement for an additional 10,000 square feet of usable space.

2011 Bath Township Comprehensive Plan Recommendation: Rural Estate Residential Use – The Rural Estate Residential areas of the township reflect the predominant use and character of Bath Township, which is agriculture and single-family detached residential uses on large lots. These types of low-intensity uses continue to be the long-term vision the Bath Township citizens have identified for the majority of the township where public services are limited and there is an abundance of natural resources and prime agricultural lands. The only exception to the large lot development form is the residential development on the Firestone estate that was developed under the concept of an open space

residential development, allowing for the clustering of homes on smaller lots with the remaining land maintained as open space by the homeowner's association.

This area lies almost completely within the township's sewer and water district where there are no plans to extend sanitary sewer. This means that any future development in this area will require on-site septic systems, or some alternative, that will require larger lots to accommodate the systems. This issue, along with the presence of significant natural resources (e.g., tree canopy, wetlands, floodplain, and topography) limits the amount of development of any type to maintain the health and safety of residents and property owners in this land use area. The vision of the rural estate residential use area continues to be for agricultural uses, single-family detached uses on large lots, and open space residential developments that protect large areas of natural resources. All of this should be undertaken with a maximum density of one unit per 2.5 acres.

Mr. Funk presented the Development Standards for Residential and Business Use Zoning Districts (via Table 504.1 in the Zoning Resolution) and permitted, permitted with standards and conditional use in the R-2 and R-4 Districts accordingly. A B-4 District would allow for general offices, and medical and dental offices.

Mr. Funk then proceeded with correspondence regarding this site's proposal. To date 14 letters or emails have been received in reference to 1075 Ghent Road. Seven of those have been in support of the rezoning, five have been in opposition and two were more comment oriented.

Regarding Summit County Planning Commission, Mr. Funk stated that he was hoping to have the minutes from the Planning Commission ready for this evening action. Unfortunately, he has not received them back from the County. Mr. Funk stated that Summit County Planning Commission goes over their staff's comments and then discusses it amongst the Commission members. He shared that he and Bob Konstand, Township legal counsel, were present on the Commission's Zoom meeting held on January 28, 2021. Mr. Funk read the staff comments and reported that the Planning Staff denied the proposed amendment, but the Planning Commission ultimately approved the rezoning after in-depth discussions, with due consideration to staff comments. Mr. Funk shared the county's concerns about a single parcel "B-4" use being classified as "spot zoning" and that it is not a best land use practice when it comes to planning. Therefore, the suggestion was brought up that it would be more advantageous for the Zoning Commission to look at this more wholly than just the one individual lot.

Additionally, some of the members of the Summit County Planning Commission suggested that Bath take a comprehensive look at this site all the way back to Route 77. We should look at the corridor through there and see if some of the recently made changes in development still meet the intention of our current land use. Even though the Commission recommended this site for approval, there was quite a bit of discussion to look at this in a more comprehensive view. Mr. Konstand agreed with everything Mr. Funk said. He believed that the real issue was that the Comp Plan did provide for this and the issue with the Summit County Planning staff was that they had ignored it. But it does, as a Township, get us thinking about looking at the entire area, and amending our Comp Plan to come up with a way to zone the land in that area, starting from the former Hammond Rug and Dimitroff properties, going north and including this parcel. From a planning standpoint, this area is very important to Bath; twenty years ago, we were very careful to control development in that area. Mr. Konstand stated we need to look at the big picture, even as we think the applicants have a good use for the property, as to how the other properties in the area will be developed. He believed we needed an outside consulting firm take a look at it and make some recommendations. If we as a group agree with the recommendations, then we amend our Comprehensive Plan and bring this back before this Commission for consideration. It merits looking into the future and at other properties and bringing it back to the Zoning Commission. Mr. Funk was in agreement

Mr. Konstand brought up a minor point from the Summit County Engineer's representative during the Summit County Planning Commission meeting. The representative attested that the engineer would agree to the driveway be relocated so that the driveway on this property would enter and exit right at the traffic light on Ghent and Cleveland-Massillon Roads. Obviously, the applicant would have to pay the cost of that. Then on a separate call Mr. Konstand had with the engineer, Mr. Brubaker, was emphatic that he didn't think the

driveway could go in there. So mixed signals were given from the County Engineer. Obviously, if you could bring the driveway to the light that would make it a whole lot safer for traffic in regards to ingress and egress. But that doesn't really affect the Commission for what you approve or disapprove. There are just problems with the site and we need to have a long-term solution.

Discussion ensued from the Commission with Mr. Rowan stating he completely agreed with the conclusion of the Summit County Planning staff. In looking at the Comprehensive Plan, the statement on page 38 regarding "Cleveland-Massillon Mixed Use", really stood out to him. It reads, "The Township does not envision the expansion of this area outside of the boundaries illustrated on Map 9: Future land use plan." Mr. Rowan also agreed with Mr. Konstand that it makes sense to take a step back and look the entire area and really think about what the future of this corridor looks like. We should make a wholistic change versus just changing zoning on one parcel. Mr. Meyer concurred completely and noted if you look at the definitions of the future use of this area, on Map 9, for small-scale commercial and office uses it limits the size of the building to 3,000 square feet and is limited to a single user. So, at this point in time he did not see this as being consistent with the Comprehensive Plan and agreed looking at the corridor all the way to Yellow Creek Road. Mrs. Burnham agreed long-term planning is what we want to do because this is the gateway to Bath and she sees a lot of retail across the street. She also sees a lot of beautiful homes and wooded areas there. It is difficult to imagine a business property in between two residential properties at this location. Mrs. Hete commented that when the Commission was out there walking the property, the applicants are good people and she really hopes they can do is this in Bath and envision them running a successful, family dental office in our area. However, when she started to research the area and looked at the overheads, she had the same concerns that Summit County Planning Commission had, that we would creating a B- 4 island. When she looked at what is all is there and at how much land this covered, she had grave concerns about approving it without a long-term plan for the amount of land that the corridor covers. Mrs. Hete felt that a better plan needs to be in place before we start spot zoning. Mrs. Kosiewicz concurred with everything everyone had said thus far. She too would be concerned with spot zoning and what would happen with the adjacent properties if we don't plan going forward; zoning should be consistent with Comprehensive Plan. Mr. Hower stated he agreed with Mr. Meyer said about the Comprehensive Plan and looking all the way down to Yellow Creek to see the feasibility and/or impact a rezoning would have. He also commented that on this property you could put hedges and/or something that would tend to block the car lights coming off of the road.

In summary, Mr. Chairman stated he is hearing from everyone that we should not continue the hearing and suggested a motion to table and move forward with a corridor study. Mr. Konstand stated to go forward with a motion and then allow for the applicants' further comments regarding tabling the application. He also believed that it would make no sense to get public comment until we come back, and present our plan and the outside consultants results.

Citizens comments: to be heard when the case continues.

Motion to table the rezoning application until an outside study of the corridor can be compiled, by Mrs. Hete; seconded by Mrs. Burnham.

Mr. Bill Snow, representing the applicants, stated that they would like to table the application for 60 days to allow the Township to go through a planning exercise. Mr. Konstand informed Mr. Snow that he was not sure this could be done in 60 days. Mr. Snow understood that. He shared that he was in attendance when Summit County Planning Commission approved the application, while also asking that it be looked at on a broader scope. He looks forward to working with Bath in that perspective. Mr. Konstand thanked the applicants for being willing to work with the Township on this. Dr. Tim Pristas and his wife, being Bath residents, also thanked the Commission for taking the time to be comprehensive and seeking the best for everybody. Dr. Pristas attested that their goal is to make this property really nice for the community and to help build the community in a way that everyone can be proud. They definitely want to support one another and he thanked the Commission for taking the time and for being responsible.

Roll Call: Mrs. Hete, Mrs. Kosiewicz, Mrs. Burnham, and Mr. Meyer. Vote: 4 – 0 motion approved.

Mr. Chairman closed the meeting and adjourned.