Minutes Portage County Regional Planning Commission February 8, 2023

Portage County Regional Planning Commission dated February 8, 2023 at 4:30 p.m. The meeting was held at the former Portage County Regional Planning Commission office, 124 North Prospect Street, Ravenna.

Members Present:

Atwater Twp., Thora Green Freedom, Charlene Walker Mantua Vill., Tammy Meyer Randolph Twp., Sue White Rootstown Twp., Joe Paulus Sugar Bush Knolls Vill., Jim Beal Soil & Water, Anthony Lerch Brimfield Twp., Mike Hlad Garrettsville Vill., Rick Patrick Nelson Twp., Mike Kortan Ravenna City, Frank Seman Shalersville Twp., Ron Kotkowski Windham Twp., Joe Pinti PARTA, Amy Proseus

Franklin Twp., Joe Cicozzi Hiram Twp., Steve Pancost Palmyra Twp., Sandy Nutter Ravenna Twp., Jim DiPaola Suffield Twp., Adam Bey Water Resources, Tia Rutledge County Engineer, Larry Jenkins

Portage Park District, Allan Orashan

P.C. Commissioner, Sabrina Christian-Bennett

Staff Present:

T. Peetz

E. Beeman

L. Reeves

G. Gifford

Public Present:

J. Gadd

S. Babbey

M. Organ

S. Pennington

Members Absent:

Hiram Vill., Robert Dempsey Windham Vill., Nick Bellas Mantua Twp., Susan Lilley P.C. Commissioner, Mike Tinlin

Paris Twp., David Kemble

P.C. Commissioner, Anthony Badalamenti

The Regional Planning Commission meeting was called to order by Chairman, Jim DiPaola at 4:30 p.m.

PUBLIC HEARING – AMENDMENT TO THE PORTAGE COUNTY SUBDIVISION REGULATIONS

Todd presented a summary of the amendments to the Portage County Subdivision Regulations.

Location	Page	Modification Description
Throughout	All	Minor changes to grammar, spelling, punctuation, and spacing
180	1-3	Minor changes to wording

302.2	3-2	Removed reference to number of copies and submission time period.
302.4 B	3-3	Conditional approval of preliminary plan
302.5 B	3-4	Length of Validity of Preliminary plan Conditional Approval added
303.3 G.1 I	3-8	Removed alphabetical phase labelling requirement
304.2	3-8	Removed reference to number of copies to submit for plats
304.3	3-8	Corrected reference to section 302.3
306.1 E	3-17	Added conditional approval section
307.4 B3	3-19	Moved basis of bearings reference to item 3
310.1 B	3-22	Clarified language
Major Subdivision Development Guide		Procedure & Processes

The Commissioners will hold their public hearing on March 16, 2023. There being no comments from the public J. DiPaola closed the public hearing.

APPROVING AND ADOPTING AMENDMENTS TO THE PORTAGE COUNTY SUBDIVISION REGULATIONS (RESOLUTION NO. 23-01)

J. DiPaola presented Resolution No. 23-01, which is approving and adopting the amendments to the Portage County Subdivision Regulations.

A motion was made by R. Patrick to approve and adopt the amendments to the Portage County Subdivision Regulations. Motion seconded by R. Kotkowski. Motion carried with 19 Yeas.

APPROVAL OF JANUARY 11, 2023, MEETING MINUTES

The January 11, 2023 minutes were presented. S. Christian-Bennett made a motion to approve the minutes as presented. Motion seconded by T. Green. Motion carried with 22 Yeas.

SUBDIVISIONS

Replat of Sublot 8-R of "Hilltop Acres" on Hilltop Drive, Lot 59 in Brimfield Township, Lisa and Michael Douvikas, applicant – Report presented by Gail Gifford

The applicant is requesting approval to splitting Sublot 8-R in order to build a home. The Replat is located south of State Route 43 and south of Old Forge Road off Hilltop Road.

Sublot 8R-A has an existing single-family home. Sublot 8R-B is currently vacant.

The site is on sanitary sewer through P.C. Water Resources.

According to the National Wetland Inventory and Portage County Wetland Inventory, there are no wetlands on site. The FEMA Flood Insurance Rate Map shows no flood hazard areas on the site.

The applicant obtained a variance from the Brimfield Township Board of Zoning Appeals to allow for lot sizes less than one acre in the R-2 zoning district. The variance permit was granted on November 30, 2022.

Sublot 8R-A and 8R-B have no environmental constraints on the site; however, by splitting the lot, the home on Sublot 8R-A will be splitting out the sewer lateral. It is possible that the location of the lateral will make Sublot 8R-B difficult to build on; however, an easement has been added to the survey to mark the location.

Staff recommends approval of the proposed Replat. A motion was made by M. Hlad to follow staff recommendation. Motion seconded by S. White. Motion carried with 22 Yeas.

Replat of Sublot 9-R in "Rootstown Estates" on Cook Road, Lot 22 in Rootstown Township, David Molnar, applicant

A motion was made by R. Patrick to approve an extension of time until March 8, 2023. Motion seconded by J. Paulus. Motion carried with 22 yeas.

Preliminary Plan of "Hickory Creek" on Meloy Road, Lot 11 in Brimfield Township, Hickory Creek, LLC., applicant

A motion was made by S. Christian-Bennet to accept the preliminary plan for review. Motion seconded by J. Paulus. Motion carried with 22 Yeas.

Replat of Sublots 644 – 649 in the "Clapp Subdivision" on Lincoln Street, Lot 35 in Franklin Township, Deirdra Pendleton, applicant

A motion was made by R. Kotkowski to approve an extension of time until March 8, 2023. Motion seconded by S. Christian-Bennett. Motion carried with 22 yeas.

ZONING

<u>Freedom Township Text Amendment</u> – Report presented by Todd Peetz

Amendment No. 1

Freedom Township is proposing to the following changes to Section 403.D (Signs): "The overall height of the sign shall not exceed six feet (6 ft.). If mounted from the ground level, the overall-height of the sign shall not exceed-six feet (6 ft.). ENTIRE SIGN ASSEMBLY SHALL NOT EXCEED SIX FEET (6 FT.) FROM THE GROUND LEVEL".

Staff recommends approval of the proposed amendment.

Amendment No. 2

Freedom Township is proposing the following changes to Section 403.C. (Billboard Signs): "C. The minimum height shall be twenty-five feet (25 ft.). The sign WIDTH area shall not exceed a length of thirty-five feet (35 ft.) and the sign area shall NOT EXCEED be limited to no more than two hundred fifty (250) square feet."

The length and area were being misused and the proposed amendment helps to clarify what area and length are including the total square feet of the billboard sign. Staff recommends approval of the proposed amendment.

Amendment No. 3

Freedom Township is proposing the following changes to Section 416.1B (Allowable Fuel Material): "B. Wood pellets made BY-PRODUCTS MUST BE MADE from clean wood."

Staff recommends approval of the proposed amendment.

Amendment No. 4

Freedom Township the following change to Section 402.1 and 402.3 (Nuisances Prohibited): "There shall be no dumping, storing, burying, reducing, disposing of or burning of garbage, refuse, scrap metal, construction and demolition materials and debris, TIRES, or carcasses of animals, unless these materials have been generated on one's own property and disposed of in accordance with all local, state and federal requirements. There shall, however, be no disposition of either commercial or industrial products which can be considered a public nuisance. There shall be no disposing of chemical wastes or industrial waste in any part of the Township."

Staff would agree that tires should be listed as a nuisance since used and discarded tires can collect water and serve as a breeding ground for mosquitoes. Staff recommends approval of the proposed amendment.

A motion was made by C. Walker to follow staff recommendations for Amendment No. 1-4. Motion seconded by J. Paulus. Motion carried with 23 Yeas.

Windham Township Text Amendment - Report presented by Todd Peetz

Amendment No. 1

Windham Township is proposing to amend Section 2.12 (Expansion of non-conforming residence on a substandard lot). The following is proposed to be added under substandard lot:

"A. EXPANSION OF NON-CONFORMING RESIDENCE ON SUBSTANDARD LOTS:

- 1. WITH APPROVAL OF THE BOARD OF ZONING APPEALS, A ONE TIME ALLOWANCE MAY BE MADE TO THE PROPERTY TO AN EXTENT NOT EXCEEDING 20% OF THE GROUND FLOOR AREA OF THE EXISTING RESIDENCE.
- 2. IN NO CASE SHALL THE SIDE YARD SETBACK BE LESS THAN 8 FEET."

Staff felt this was a complex and more of a case-by-case scenario to determine how any expansion of a non-conforming residential structure or substandard lot would work in a specific area. The Board of Zoning Appeals would need to decide if the expansion is compatible and in keeping with the area. Expansions are limited to 20%.

Amendment No. 2

Windham Township is proposing to add the following to Section 3.3 (Home Renewable Energy Systems):

"A. GROUND MOUNTED SOLAR SYSTEMS

- 1. GROUND-MOUNTED SYSTEMS ARE SUBJECT TO THE SETBACK REQUIREMENTS IN SECTION 3.1.C. THE REQUIRED SETBACKS ARE MEASURED FROM THE LOT/PARCEL/PROPERTY LINE TO THE NEAREST PART OF THE SYSTEM. NO PART OF THE GROUND-MOUNTED SYSTEM SHALL EXTEND INTO THE REQUIRED SETBACKS DUE TO A TRACKING SYSTEM OR OTHER ADJUSTMENT OF SOLAR PV RELATED EQUIPMENT.
- 2. NO SYSTEM SHALL BE PERMITTED TO BE LOCATED IN THE REQUIRED FRONT YARD SETBACK.
- 3. GROUND MOUNTED SOLAR SYSTEMS REQUIRE A PERMIT FROM THE TOWNSHIP. AFTER A REVIEW AND ACCEPTANCE OF SITE PLAN AND REQUIRED INFORMATION, A PERMIT AUTHORIZING CONSTRUCTION SHALL BE USSED."

The intent is to follow setback requirements for ground mounted solar systems. Staff believes the intent is to not allow ground mounted solar systems in the front yard, especially since all ground mounted solar systems need to be out of any setback.

Staff recommends approval of the proposed amendment with the adjustment in 3.3.A.2 removing the word "required" and "setback".

A motion was made by T. Green to follow staff recommendations for Amendment No. 1-2. Motion seconded by J. Paulus. Motion carried with 23 Yeas.

Brimfield Township Text Amendment - Report presented by Todd Peetz

Brimfield Township is proposing to remove the following under section 600.04(2)(a):

"ALL PARKING AREAS SHALL BE LOCATED ON THE SIDE OR REAR OF BUILDINGS IN COMPLIANCE WITH THE CORRESPONDING DISTRICT REQUIREMENTS."

Several variances were requested for the Maplecrest Development to allow buildings to be closer to the street in order to create a more walkable human scale to the built environment. Staff's suggestion is to limit this to only the Town Center District new development to hopefully create that walkable community that are associated with Town Center Districts.

Staff proposed the following to be added to Section 600.04(2)(a): "All parking areas IN THE TOWN CENTER DISTRICT shall be located on the side or rear of buildings in compliance with the corresponding district requirements."

A motion was made by C. Walker to follow staff recommendation. Motion seconded by J. Paulus. Motion carried with 23 Yeas.

Franklin Township Text Amendment - Report presented by Todd Peetz

Amendments No. 1 and 2 are being recommended because Medical Marijuana Dispensaries are similar to pharmacies or drug stores. The Zoning Commission is recommending these facilities be added to the Conditional Use Section of each district where drug store is currently permitted (anywhere within C-1 or C-2 Districts). The Zoning Commission also added specific zoning conditions for these facilities in Chapter 601.01.B.61. These conditions come directly from the Ohio Revised Code as well as reflecting the Commission's concerns for current residential properties in the Township.

Amendment No. 1

Franklin Township is proposing add the following to each section:

"E. MEDICAL MARIJUANA DISPENSARY AS DEFINED IN THE ORC 3796 AND SUBJECT TO THE PROVISIONS OF SECTION 601.01.B SUBSECTION 61."

Staff recommends approval as submitted.

Amendment No. 2

Franklin Township is proposing to add the following to Section 601.01.B subsection 61, Conditionally Permitted Uses:

"61. MEDICAL MARIJUANA DISPENSARIES:

- A. AS STATED IN ORC 3796, DISPENSARIES SHALL BE LOCATED AT LEAST 500 FEET FROM ANY SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR OPIOID TREATMENT FACILITY.
- B. PARCELS USED FOR SUCH FACILITIES SHALL BE LOCATED AT LEAST 500 FEET FROM ANY PROPERTY LINE (FRONT, BACK OR SIDES) OF A PARCEL OF LAND IN ANY DISTRICT IN WHICH RESIDENTIAL USE, OF ANY DENSITY, IS A PERMITTED USE.
- C. PARCELS USED FOR SUCH FACILITIES SHALL BE LOCATED AT LEAST 500 FEET FROM ANY PROPERTY LINE (FRONT, BACK OR SIDES) OF A PARCEL OF LAND CURRENTLY BEING USED FOR RESIDENTIAL PURPOSES, EVEN IF THAT USE IS A NON-CONFORMING USE."

The proposed change for amendments No. 1 and 2 follows the Ohio Revised Code for clarity and provides direction. "B" and "C" go beyond the Ohio Revised Code and includes residential property lines for conforming and non-conforming uses. Going beyond the Ohio Revised Code is allowed, but at some point, the Township may face a challenge to those requirements. Ultimately it is the Township who decides how they want their community to be established and maintained.

Staff recommends approval of the proposed amendment.

Amendment No. 3

Franklin Township is proposing to add the following to Sections 323.02.B.5.h; 330.02.B.3.h, 331.02.B.2.f, 332.02.B.4.h pertaining to Medical Marijuana Cultivators, Processors and/or Testing Facilities:

"H. MEDICAL MARIJUANA CULTIVATOR, PROCESSORY OR TESTING FACILITY AS DEFINED IN THE ORC 3796, AND SUBJECT TO THE PROVISIONS OF SECTION 601.01.B, SUBSECTION 2."

Because medical marijuana cultivators, processors and testing laboratories are more "manufacturing" or "industrial" in nature and may have more intense impacts on the residents and the environment than a dispensary, the Zoning Commission is recommending that these facilities be added to the Conditional Use section of each Industrial District (anywhere within I-1 or I-2 Districts). The Zoning Commission added specific zoning conditions for these facilities in Chapter 601.01.B.62. These conditions come directly from the Ohio Revised Code as well as reflecting the Commission's concerns for current residential properties in the Township and the potential for environmental impacts and industrial hazards of these medical marijuana industrial facilities.

Staff recommends approval of the proposed amendment.

Amendment No. 4

Franklin Township is also proposing to add the following:

- A. "AS STATED IN ORC 3796, CULTIVATORS, PROCESSORS AND/OR TESTING FACILITIES SHALL BE LOCATED AT LEAST 500 FEET FROM ANY SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR OPIOID TREATMENT FACILITY.
- B. PARCELS USED FOR SUCH FACILITIES SHALL BE LOCATED AT LEAST 500 FEET FROM ANY PROPERTY LINE (FRONT, BACK OR SIDES) OF A PARCEL OF LAND IN ANY DISTRICT IN WHICH RESIDENTIAL USE, OF ANY DENSITY, IS A PERMITTED USE.
- C. PARCELS USED FOR SUCH FACILITIES SHALL BE LOCATED AT LEAST 500 FEET FROM ANY PROPERTY LINE (FRONT, BAC OR SIDES) OF A PARCEL OF LAND CURRENTLY BEING USED FOR RESIDENTIAL PURPOSES, EVEN IF THAT USE IS A NON-CONFORMING USE.
- D. THE OPERATION AND MAINTENANCE OF SUCH MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND/OR TESTING FACILITIES SHALL BE SUCH THAT THEY WILL NOT BE HAZARDOUS, NOXIOUS OR OFFENSIVE DUE TO THE EMISSION OF ODOR, DUST, SMOKE, CINDERS, GAS, FUMES, NOISE, VIBRATION, REFUSE MATTERS OR WATER-CARRIED WASTES."

The proposed change uses the Ohio Revised Code for clarity and provides direction. Parts "B" and "C" go beyond the ORC and includes residential property lines for conforming and non-conforming uses. Nuisance was also added and may be addressed in the Conditional Uses Section or in the Industrial Districts Section. Going beyond the Ohio Revised Code is allowed, but at some point, the Township may face a challenge to those requirements. Ultimately it is the Township who decides how they want their community to be established and maintained.

Staff recommends approval of the proposed amendment.

Amendment No. 5

Definitions were added for each step of the medical marijuana process and facility. The definitions were taken directly from the Ohio Revised Code Section 3796.

Staff recommends approval of the proposed amendment.

A motion was made by C. Walker to follow staff recommendation. Motion seconded by J. Paulus. Motion carried with 22 Yeas and 1 Nay (S. Pancost).

Shalersville Township Text Amendment – Report presented by Todd Peetz

Amendment No. 1

Shalersville Township is proposing to amend Section 363 (H), Minimum Project Area:

- A. A minimum of 25 acres in an A/R-R District
- B. A minimum of 20 acres in an R-2 1 District.

The types of dwelling units that may be included as part of a PRD are listed in Table 6.1. Shalersville Township is proposed to remove Column A/R-R.

The proposed change is consistent with removing A/R-R and R-1 Zoning Districts from the PRD overlay zoning.

Staff recommends approval of the proposed amendment.

Amendment No. 2

Shalersville Township is proposing to amend Section 640.5(C), Density and Open Space Requirements by removing A/R-R, L-R and R-1 Zoning Districts from the PRD Overlay Zoning and adding R-2.

Staff recommends approval of the proposed amendment.

Amendment No. 3

Shalersville Township is proposing to amend Section 640.6 – Table 6.3 Minimum Standards by removing the A/R-R, L-R and R-1 Zoning Districts from the PRD Overlay Zoning and also adding R-2.

Staff recommends approval of the proposed amendment.

Amendment No. 4

Shalersville Township is proposing to amend Section 640.7, Open Space Requirement Tables 6.4 and 6.5 by removing the A/R-R, L-R and R-1 Zoning Districts from the PRD Overlay Zoning and also adding R-2.

Staff recommends approval of the proposed amendment.

A motion was made by R. Kotkowski to follow staff recommendation for Amendment No. 1 - 4. Motion seconded by J. Paulus. Motion carried with 23 Yeas.

EXECUTIVE COMMITTEE

WORK PROGRAM

January 2023 Work Program Report

Todd presented the January 2023 Work Program Report.

- Update of Portage County Subdivision Regulations The Commissioners have scheduled their public hearing for March 16, 2023.
- <u>Brimfield Township</u> Continued working on their Historic Structures Story Map. Staff is also assisting them with several zoning related requests.
- Deerfield Township Staff is assisting them with grant information for their fire department.
- <u>Freedom Township</u> Staff is looking into grant opportunities for a community center and a park. Staff needs to set up a meeting.
- Hiram Township Staff is looking into grant opportunities for their community.
- Mantua Township Staff is looking into grant opportunities for a community center and a park. Staff needs to set up a follow-up meeting.
- Mantua Village Assisting them with a CDBG project for ADA sidewalk improvements. Staff is looking into a variety of grants to help the Village. Staff will be looking into resubmitting a pre-application for a Targets of Opportunity grant as well as submitted a pre-application for a Residential Public Infrastructure Grant. A portion of the LMI Income Survey was updated for the Village and the Village was 54.5% LMI.
- Nelson Township Staff is discussing possible zoning/text amendments.
- Ravenna City Working with the City on their Critical Infrastructure Grant.
- Shalersville Township Staff has started updating the Township's Land Use Plan. Several community meetings have been scheduled.
- Windham Village Working with the Village on their Critical Infrastructure Grant.
- Quarterly Zoning Inspector's Meeting The next meeting will be held on January 19, 2023 at the Ravenna Township Townhall. The next meeting will be held on April 27, 2023 and the topic is yet to be determined.
- <u>P.C. Storm Water Program Home Sewage Repair and Replacement Program</u> Currently there are two septic systems in process, and one is pending owner information.

- Portage County Vision and Comprehensive Plan The Commissioners approved the Vision Plan on December 1, 2022. A meeting has been scheduled with the Commissioners for February 9, 2023 to provide a summary of the Comprehensive Plan. Staff has met with a number of departments and nonprofit organizations to help wrap up the project. Draft implementation schedule is available for review. Those departments or agencies that do not respond, we will set up appointments with them to make sure we have their input.
- Portage County Water Resources GIS Assistance Staff has been working with Water Resources to
 provide GIS mapping assistance and the goal is to provide 80+ hours pers month. We are hoping to hire
 a planner to help with it.
- <u>Brimfield Township Historic Structures Story Map Project</u> Todd met with Mike Kostensky to discuss
 goal setting and options; Staff is working on a community survey for input; Worked on creating an
 outline for potential creation of a historical district; Staff is also working with Kelso House and related
 community members to help support information gathering related to this project.
- Brimfield Township Comprehensive Plan Update A kick-off meeting was held on January 12, 2023.
- Shalersville Township Land Use Plan Staff met with the Zoning Commission at their December meeting. Staff has scheduled a community meeting for February 16, 2023 and for March 25, 2023. A Community Survey has been prepared for review. Much of the existing conditions have been compiled. Online web presence has also been prepared. Post cards with community meetings and survey information has been mailed out.
- S. White from Randolph Township reminded Todd about information requested grant opportunities for their fire department as well as a park grant.

January 2023 CDBG Report – Report presented by L. Reeves

2021 Critical Infrastructure Grant – Windham Village

The engineer has completed the field survey and have started the in-office computer design and are currently placing the existing utility information on the plans.

2021 Critical Infrastructure Grant - Ravenna City

Construction has stopped until the asphalt plants re-opened. Construction is anticipated to be completed by the end of May 2023.

2021 CDBG Target of Opportunity Program CARES Act (CDBG-CV)

Contract has been signed by the contractor and the funds have been certified/appropriated at the County The contract can now be circulated to the County Auditor, Prosecutor and the Commissioners. A notice to proceed will be issued once the contract is in place.

An extension has been approved and all construction must be completed by April 30, 2023.

2022 Community Development Allocation Grant

Fair Housing

Two requests for assistance were received in January 2023.

Public Service – Streetsboro Senior Assistance Program

Seventy-Nine (79) applications have been received for the Senior Assistance Program. All income has been verified for each household and a letter has gone out to all households who applied for the program.

The project is currently out to bid, and bids are due by 2:00 p.m. on February 15, 2023.

Fair Housing

Staff received 14 fair housing

Staff received 14 fair housing calls in the month of December.

2022 Residential Public Infrastructure Grant – CHINN Sewer Construction

We have received the Permit to Install from EPA and a full application will be submitted as soon as it is available in 2023.

2022 Residential Public Infrastructure Grant - Mantua Village

We have enough LMI surveys at this time to justify the area to be LMI and are working with the State for their determination. The Office of Community Development (OCD) has recommended we wait until the next available cycle in 2023 to submit a full application.

2022 Downtown Revitalization Target of Opportunity Program

A full application is being prepared and anticipate it being submitted by mid-March.

FINANCE

January 2023 Financial Statements

J. DiPaola stated that the Executive Committee reviewed the January 2023 financial statements and recommends acceptance.

R. Patrick made a motion to approve the January 2023 financial statements as presented. Motion seconded by S. Christian-Bennett. Motion carried with 23 Yeas.

2023 Appropriation Adjustment for the Portage County Regional Planning Commission (Resolution No. 23-02)

Todd presented Resolution No. 23-02 which is to transfer \$2,500 in appropriations to fix a clerical error. A motion was made by J. Paulus to approve the appropriation adjustment as presented. Motion seconded by R. Kotkowski. Motion carried with 21 Yeas.

OTHER BUSINESS

Next Meeting

T. Peetz announced the next Regional Planning Commission meeting will be held on March 8, 2023 at 4:30 p.m. located at the Reed Memorial Library, Jenkins Room, 167 East Main Street, Ravenna.

DIRECTOR'S REPORT

<u>Planner</u> – Staff is still trying to hire a planner and Todd said he has reached out to Ohio State University, and they have a Job Fair coming up that he is planning on attending.

ADJOURNMENT

A motion was made by S. Christian-Bennet adjourn the meeting at 5:11 p.m. Motion seconded by J. Paulus. Motion carried with 22 Yeas.

Minutes approved at the March 8, 2023, Meeting.

Jim DiPaola, Chairman

Todd Peetz, Secretary