

RAVENNA TOWNSHIP ZONING COMMISSION

BEVERLEY KIBLER, CHAIRMAN, RUTH SCHELL,
JENNIFER COLLIER, LINDA FALTISCO, BOB VAIR

The Ravenna Township Board of Zoning Commission met on February 21, 2018 at 7:00 p.m., at the Ravenna Township Trustees Meeting Room at 6115 S. Spring St., Ravenna, Ohio.

Chairman, Beverley Kibler brought the meeting to order at 7:00.

In attendance were, Beverley Kibler, Linda Faltisco, Jennifer Collier, Ruth Schell, Bob Vair, Carolyn Chambers, Zoning Secretary, and Jim DiPaola, Zoning inspector.

On the agenda was to approve the minutes from the February 8, 2017 meeting and to review zoning Code changes.

Beverley: Has everyone had a chance to review the minutes? Is there any questions about them? Do we have a motion to approve?

Ruth: I make the motion

Linda: I second it

R/C: Bob Vair –yes, Ruth Schell – yes, Linda Faltisco –yes, Jennifer Collier –yes, and Bev Kibler – yes. Motion passed minutes approved

Beverley: Do we have any old business? No, then new business

Jim: One of the things that the two individuals have ask the trustees about was medical marijuana dispensary. Not the cultivation or anything, processing and cultivation that's already okayed with the Trustees. The dispensary, where people would go to get their prescriptions filled. The Trustees talked about it and the three of them do not want a dispensary anywhere in Ravenna Township. The one discussion we had was that they are more appropriate in medical community settings, like the hospital or out on Lovers Lane and Loomis parkway. Part of that is the township and part is the city and the Trustees basically said they don't want it in the township.

Beverley: It would make more sense in the City anyway than to have it out.

Jim: Yeah, the city zoning is going to go along with certain place, they have worked on that. The Ohio Revised Code give townships as well as the city the right to prohibit or link anything to do with medical marijuana, that's the second hand out you have. Since we have already got it as far as the cultivation goes, they have been awarded their processing license in the last six month I have learned more about medical marijuana than I ever wanted to know, but it is going to be a million dollar business in the State of Ohio shortly. We've talked to the Prosecutor and Mr. Meduri suggested that they put a moratorium on it for six months and in that six months amend the Zoning Code to reflect. No retail dispensary allowed, so that's what they did and the third part is Chapter 6, back on the last page is the wording that is all areas of the township. That is what the Trustees have ask that I bring to you folks, the wording to prohibit any of it.

Beverley: How legal does the wording have to be?

Jim: That's it. It prohibits medical marijuana retail dispensary

Beverley: I move that Ravenna Township Zoning Commission put in that we prohibit any medical marijuana retail dispensary.

Linda: I second it

Jim: I don't know if there's anything you want to discuss or questions you have about it. The wording follows the Ohio Revised Code, its references in retail dispensary.

Beverley: By doing it tonight it will give it enough time to get to the Trustees another thing on that six months' time.

Jim: They also have the option in that six months if it isn't, for some odd reason, to work its way through the process. So extending it for another six month, they can only do it twice like that.

Bob: How many are there trying to get a dispensary

Jim: I have gotten a couple of phone calls about people locating a dispensary either in Wal Mart or one of the store out there one of the store areas out there or a retail area around here.

Bob: So it would be like an individual

Jim: No, first the process for getting a license for the State of Ohio is very strict and very regulatory. The application that you have to fill out is just huge. The gentleman that has the facility here in Ravenna Township, he has to have 5 hundred thousand dollars in an escrow account in order for him to build a facility and he has to maintain that and his license is 100 thousand dollars a year. He has a substantial investment already in that building and right now all he's got is a, he hasn't got a permanent license, he's just got a temporary license. He has to be in by September, all that stuff has to be done by September. If he doesn't meet the State standards, they can yank his license and he's out of everything. So you won't just be able to throw up a store front or a building and do this, it is pretty expensive.

Ruth: I wonder what incentive he had to want to do this.

Jim: There is money to be made, it's kind of like the casinos there is money to be made out there.

Ruth: Wouldn't you think you would have some kind of residue coming out of that?

Jim: No, they dry it. They don't do any kind of process where they burn it or get any of the chemical that is in marijuana that makes you high is THC and there is nothing done to produce that it's grown just like a plant and they're going to grow it in a green house. They are going to do the same thing that Battiglias does, they're going to grow it in a green house, they take it into a room, they dry it and then they cut it up and package it and send it out. That is all there is to it.

Linda: Do they have guard dogs and all these other.....

Jim: They have put a double 8 foot fence around the whole facility. They have to have pretty strict security, it's going to be tough to get in. It's a very non-descript building, but it is just going to be tough to get into it.

Ruth: Now whereabouts is it located?

Jim: West of State Route 44 on Lake Rockwell.

Bob: Right on the Township border

Jim: That is zoned industrial that is why they put it up there. These were the people that told us a couple years ago that they would rather have a factory next to their house than a housing development. So in that meeting we told them to be careful what you wish for. Most of places that are allowing them to come in are industrial area.

Beverley: Is it in that sand and gravel area?

Jim: No, it's just next to the farm. If you make a left hand turn off of 44 and head west, you go past Giulitto's farm market it will be in there, there is a little green house and it is right on the other side of that little green house on five acres.

Beverley: So it will be on the right hand side of the road?

Jim: No left hand side. The right hand side of the road is Shalersville. Their process is real strict.

Bob: What will the township realize out of this?

Jim: Well, they are in the JEDD, so whatever their profits are there will be a percentage of their profits that goes into the JEDD, the Joint Economic Development District, actually it is split between the city and the township. Right away 10% comes off the top and it is put in a fund that is for infrastructure improvements, sewer, water lines, road improvements, that 10% comes off right away and goes into a fund and the township uses it for road improvements and water and sewer purpose and the balance is split evenly between the city and the township. So it is kind of a win, win situation for everybody. The biggest thing is to try to improve the road and get water and sewer to the areas don't have it before the EPA gets to carried away.

Bob: Water's not too far away, but I don't think the sewer is. Water is up on Infirmery

Jim: And county sewer is up through there too. I think it runs down through Infirmery and that. But, it would be nice to get sewer and water up that way. So that's how the money is used in the JEDD on that. For now it's a 1% and in 4 or 5 years it goes up to 2%. My wife works in Franklin Township and they are in the JEDD with Kent and she never pays attention to her check, her paycheck and there is a 1% on it and she ask me what is was and I told her that's you JEDD tax dear.

Bob: They are trying to get one down in Rootstown too. The last I heard it was still in the works.

Jim: We are going to have a battle. They did it wrong in the first place. Neomed wants the high school and wants the school property and they were trying to basically talk to the school board about moving with buying land someplace and building a new high school, because they could do it like Ravenna did. But, the people that own businesses along there said wait a minute we're not going to do that, that's not a way you do a JEDD. Under the laws in Ohio you have to do it by either signing people up or putting in the ballot and that's why the trustees have to do a big step backward and recent everything they did, because they didn't do it the right way. So that left a bad taste in a lot of people's mouth and that is why when every time you mention the word JEDD in Rootstown you better be ready for a fight. We are hoping to get ours up and running by late summer, we are signing people up now. Anything else on medical marijuana?

Linda: As long as it is medical marijuana instead of the opium.

Beverley: Roll call on the vote. R/C: Jennifer Collier – yes, Linda Faltisco –yes, Ruth Schell – yes, Bob Vair –yes and Beverley Kibler –yes.

Jim: That will be resolution number 1. The next thing is site plan review and that is on hold until I can look at some more stuff, but we used to have a site plan review process where the Board of Zoning Appeals looked at anything that was conditionally permitted and you folks looked at anything that was permitted. When we did the Zoning Code in 2009, we did away with anything site plan review pretty much and dropped it into my lap. I don't think that is enough check and balance. I think there should be more input from the board on the site plan review. Mainly, because it's another set of eyes and ears to look at things and I would like it to be able to where the site plan review is pretty much a conditionally permitted use where the Board of Zoning Appeals hears the bulk of it. There needs to be more there. We have people out there that are doing things to buildings that are taking single family homes and chopping them up into apartments and we are not finding out about it. We have people that are doing things inside businesses and they are just not telling anybody that they are doing it. Also when they had a site plan review in place for any future developments as they come in. I pulled out the old

Zoning Code from before and it's pretty extensive on site plan review, it has a good long check list and it gives the people on the board a chance to ask questions and look at it. That's how it was originally done, the zoning connected the permitted uses and then the Board of Zoning Appeals did the site plan review for the conditionally permitted uses and that. I hope by next month to have some more wording on that. A lot of the stuff I am running by the Prosecutor just so that we have his opinion before we sit down and tear it apart. Do you folks have any questions about site plan reviews and what they are used for or anything like that?

Beverley: No, but I agree with you, there could be more eyes on it.

Jim: Yeah, it's becoming too critical anymore and the other thing we are looking at is what they call an impact fees. When a development comes in, there is a potential impact on the road, there is a potential impact on emergency services. Brimfield has an impact fees. Like the big Rubbermaid place that came in over there, that potential impact on the roads, emergency services, the Zoning Commission and the Zoning office itself, so there is an impact fee on that and it is perfectly legal in the State of Ohio. So I have to sit down with Todd with Regional Planning sometime within the next week or two weeks and talk about impact fees. We are trying to set this up so that when we do get development around here we're kind of covered and the one thing that the old site plan review had was people that were doing a development or building on that had to post a bond, they had to get a performance bond so that if the building or something wasn't completed the bond kicked in and rather than the township getting stuck with an eye sore the building got completed. That's the one thing that we're taking out and because of this guy out on 59 with his storage business that is one of the reasons we want the fees brought back and the problem that gentleman ran into was Portage Count Water Resources. He ran a water line from the business back to the county water line that runs along the railroad tracks, but he didn't get it inspected when he did, he just went out....somebody sent me an email that he posted on Facebook of him digging the water line that he installed. I copied the photograph and took them up to Water Resources and they were very happy to see that he got caught. He's got a lot of problems on this. The problem is if he walks away from the mess, we are going to be stuck with an eye sore.

Beverley: If you had the site review in place, you wouldn't have the problems with the cemetery that you do now.

Jim: Yeah

Bob: Well, he had a problem with the driveway too didn't you?

Jim: Yeah, well that is still going on and that's still in court. I think it has been 8 years. I think it was 2008 or 09 we got stuck with that. When they started that law suit.

(everyone talking on the storage units)

Bob: What if that Missile place goes in out there what kind of impact are we going to see here?

Jim: I think we are going to see a little bit of growth. There is going to be a need for businesses, there is going to be a need for support industries to go along with that.

Hopefully, Newton Falls won't get it all, that some of it comes this way. There will be need for more housing.

Ruth: How certain is that going to be happening?

Jim: That is getting really close. The good thing about that site it is already cleaned up. There is no hazardous problems with zoning. They paid to have it cleaned up and it's all good land all the problems are gone and they are getting water from Windham. Its prime land and they don't have to clean it up. When the arsenal was here, the reason it was here was because of the cloud cover. Now under definitions, (passes out flyers) one of the

problems we run into and this came from my meeting with the gambling place was the definition of the use variance and area variance and nowhere in our book does it define exactly what a use variance and an area variance is. These are the definitions and I forwarded them to Chris Meduri, but this would just get stuck in the definition section of the Zoning Code and that is the best definition I could find of use variance and area variance. The use variance should be, as Chris Meduri put it, all but impossible to get in order to satisfy the six or seven things that are in there, because one of the things it says that if this is the only use for this property or building and most of it 99.9% of the time it's going to be other uses and so that is not a hardship case and so there is a question on what exactly is a use variance and what exactly is an area variance. The area variance spells it out good by saying dimensional or physical requirement of the code. So that's the two things about getting a little bit more definition of use and area. Do you folks have any questions on this?

Beverley: Do you need a motion for us to add this to the book?

Jim: Not right now, wait until I see what I get back from Chris Meduri and see if he wants to add anything. I just wanted us to talk about to you.

Jennifer: Is this what you are talking about in chapter 2?

Jim: Yes, chapter 2. Right now there is just variance in it, it's like a sub category on variance would be used variances and area signs. On Hotels, we are still looking at language on that so I have kind of put that on hold until I can find something. What I was looking for was something that more defines hotels and motels. Sometimes they get lumped in with boarding, houses, boarding rooms, group homes and things like that. I would like to work on spelling it out. In going through some of the code stuff today, in our zoning resolution we have the word some group homes are permitted. I would still like to see those kind of things go before the Board of Zoning Appeals that they would be conditionally permitted and I have a meeting with Regional Planning and that is one of the things that I have to bring up to them. I don't think we are amiss or legal in making them conditionally permitted, but I think there should be some more regulation as far as they are coming into an area. They ran into a problem in Franklin Township where there was a huge number of squad calls at this one residence and everybody else, it looked like a single family residence. Here they had people staying in there with special needs and they did not have a person there watching over them 24/7. Somehow or another the people that owns this property owns a lot of property's in the Kent, Ravenna, Brimfield area and we think there is one down in Rootstown now too where they just brought thee people in and their not able to be on their own totally and the problem they ran into was with the fire department. In being able to get out of the house on their own without assistance. So that was one of those things that they start looking at the number of squad calls at this house and then Franklin Township does have Fire Inspector because they don't have a fire department. The Fire Inspector went out and looked at it and brought it to our attention through the Building Department that they were doing this. They just brought these people in they kind of said they are self-sufficient, but they conducted a fire drill and they weren't able to get out on their own. There needs to be more over sight for places that are group homes and the like.

Linda: They call their selves a group home

Jim: It's another one of those things where they found a loop hole that they were able to skirt the law and these people are getting assistance money subsidies for renting these places out.

Beverley: And not giving the assistance.

Jim: Yes, that is one of things that I went back through and there is a few sections in the code where it says it permits uses of group homes and the like are permitted. That is what happened in Franklin Township, because most of our Zoning Codes now, in the county, pretty much mimic each other.

Beverley: Wasn't there a group home type thing out on Freedom? Actually 88, because it's out on beyond, that they take in older people.

Jim: There is the assistant living place out on 88. I haven't run across it yet. It was Brookside at one time.

Ruth: It's Brookdale

Jim: Brookside is out on 88 and that's in the City limits. The one on Chestnut St. is in the City limit too.

Linda: Are they supposed to be Board certified?

Jim: Yes, and they are. Those places are, but it's the little single family homes that get converted, because you can have, under the State of Ohio law, there is places that can have five or less in there, but you have to have somebody there 24 hours to manage it on these things. So whatever they found on this place, they found a loop home and we are going to have to watch that and I need to make a note of that. Next one is temporary buildings which it goes along with model homes, that the sub divisions come in and we have one in the township that did this and the two Zoning Inspectors before me allowed them to occupy a model home and the model home did not have all the requirements that they had to have for a home. What they do is put up a model home for a subdivision and they use it as their sales office and really what it is it's a commercial office and it shouldn't be converted. It was converted into a residence then it should be made into a residence like it should be. The one we have, happens to be across the street from me. That used to be, it used to be for Westwood Village, the home sits right on the corner of Westwood Drive and Summit Road and it was the model home at the time, it did not have a basement or crawl space under it, it was just put on blocks and has some skirting put around it. Didn't have attached or detached garage.

Bob: Which house was this?

Jim: It's the opposite corner from me on Westwood Road and Summit Road, it's on the Northwest corner, the house that sits up on the hill. George let them convert that place, because when I was on the Board of Zoning Appeals we allowed them to put it there as an office, but we told them it could only be used as an office, George let them convert it to a house, because they came out and dug a crawl space under this thing and put blocks and stuff under it but it wasn't 1100 sq. ft. which is our minimum sq. footage, it's about 800 sq. ft. so George let them convert this place and then they never put a garage in, they had agreed to it and they never did it and when I got the job here I caught it and basically went to the guy and told him look you said you were going to put a garage and do all this and he said sue me. I was going to do it, but he said he didn't have enough money to do it

Bob: This is the one just to the left of you, right on the corner of the intersection, where they have the railroad ties all that stuff in front?

Jim: Yes, what we wanted to do is put something in the code, if people didn't mess up we wouldn't have to make a code, we need some language in there and it wouldn't have to be decided on tonight, because I'm going to give you several ones to look at. We are trying to cut down on temporary stuff as much as possible to get turned into permanent stuff. (Hands out several handouts) This is a definition what I found on the search on the State of Ohio. Some of this may have other uses and stuff that doesn't pertain to the model homes, it's just some language to go through. This is another thing that I want to

talk to Todd at Regional Planning. The one that is temporary uses and that has the table on it states that the real estate sales model home can only be used until 80% of the subdivision is reached. Once 80% of the subdivision occupancy is reached, that has to be dealt with. It also addresses things like construction trailers, construction dumpsters, real estate homes it is not necessarily the agriculture stuff, but it deals with all temporary and that is why I like the Board of Zoning Appeals to look at this stuff, because when they set their conditions, we can say ok, you need to remove the dumpster, remove the constructions offices, the trailers and that.

Beverley: We still have Wal Mart with their temporary storage and a portable container

Jim: Well, Wal Mart has violated their permit that we gave them. So that is one of the other honors that I get to do this week is to go talk to Wal Mart. We are trying to get them to be in the JEDD and luckily their corporate policy is that they participate in the JEDD, so I can tick them off enough.

Beverley: They have their portable containers out all year.

Jim: Before they used to buy the temporary permit from us and they would move them in and then they would unload the Christmas stuff, put it in the store and bring it back out and put it in the containers.

Beverley: It used to be only at Christmas, but anymore they are there all the time.

Jim: When they redid their store they came and got temporary permit for storing stuff in the containers so then when they got done remodeling they could put it back in. I need, when I go out and drive the Township, I need to take a second person with me so they can write stuff down.

Bob: I told you to call me, I'll go with you. Is it legal for me to do something like that?

Jim: Yes, you are on the Board.

Bob: That's why I wondered if I could ride with you and we could go out looking at all these places.

Jim: One of the things we are working on is have Chris Meduri come and do a workshop with this Board and the Zoning Commission and then you can ask him question there is a program that he puts on for Boards and it tells you what the Ohio Revised Code is and what you can do and what you can't do, might do, shouldn't do and those kinds of things we are trying to set that up for some time in April. It would be the first or second week in April. The Prosecutor's office likes to do that about every five years and they also put stuff on for Trustees too. So that they can go and find out how you're supposed to do things, not how you want to do things. Any questions on temporary stuff? The next thing is fences and I think we are going to end with this, but we are getting a lot of issues with fences. We are one of the last townships to regulate fences. We have people that are putting fences up that are beyond the height and there is no permit required for it and there is no setback from a property line required for it so we have people putting fences right up to the property line and then they get less than desirable person for a neighbor and they say they are trespassing on my property you can't do that. Stay off my property, plus we have an old arcade law called a fence line law it dates back to farm and cowboys and free range and there are two old farmers on Peck Road that do this fight every single year. They had a field next to each other and they could not agree on taking care of the fences and the grass that grew and the weeds that grew and the maintenance of it. So Ohio had this old law in the books that says if you get into a dispute like this Township Trustees settle it. Well, these two gentleman got impatient and decided they didn't want the Township Trustees so they took it to court and the fence line law says that if you go the private route the Township has no jurisdiction on it. Township doesn't have to solve your problem you have to take it back to court and that's what they did, they went to

court to solve it. Every year before one gentlemen decides to go to Florida, the other one gentlemen decides to become an idiot and comes in here and complains to Carolyn and I about this guy's not taking care of his fence or the other one is complaining the guy leaned over the fence and cut his grass and weeds down. The fence line law says the person can go 10 feet on to this property and take down trees and weeds and grass and the person on this side can do likewise. Well, this one guys went on that property and cut down weeds and whacked a branch off a tree and fixed the fence that was falling apart and the law also says that this guy spends money to fix the fence, this guy pays half. I much would rather deal with fire code, but this is the problem we run into with that fence so what Townships have started to do is to regulate fences and take that law out of the mix. We're going to work at regulating fences.

Bob: We can override some state laws then?

Jim: No you can't, but, I read it in here some place that it reverences the fence line law. We can make things stricter, but we can't make things less than the State law says. That's the same way it was with the fire code too. You can make things stricter, but you can't make them less.

Bob: You can come off to a foot of the property itself?

Jim: Yes, that's pretty much what it is. (handing out pamphlets) This is Brimfield, there is a fee with that so we will get some money for our heartaches. We have some places that have put fences up that are in a commercial area and they have junk vehicles behind it, but our Zoning Code doesn't say that they have to have the slates and stuff to make it not livable.

Bob: Do you have any laws that restricts the amount of junk cars that can sit in a place like that?

Jim: If it's a junk yard

Bob: If they put up a fence?

Jim: Yeah, zero

Bob: You can't store no cars back there?

(Inaudible, other Board members talking over the microphone)

Jim: If they want to store a vehicle they have to be inside or tarped. I don't like the tarped part because, if you notice on Spring St. tonight there is a burnt car over there and they have a tarp over top of it. That's another go round I have tomorrow, the landlord of that place doesn't want that either, so when I called her and told her about it, she was very thankful we called, because Carolyn found her number in the phone book of all places.

(handing out pamphlets) These are the fees from other townships.

Bob: The fence across from me that fence was not supposed to be any higher than 3 feet in the whole development.

Jim: Yes, and that is in their home owners association.

Bob: How that guy got away with it I'll never know.

Jim: Well, the home owners association didn't want to pursue it in court and if you walk down and look at the front of that guys house, where the fence is and look between the two houses, the first one and the second one there's a retaining wall that is falling in and right now they are arguing over whose property is the retaining wall sitting on.

Bob: They right on the corner?

Jim: Yep

Bob: Well that guy just bought that place I guess, somebody moved in and I think he is a foreigner and he has cleaned up the back yard.

Jim: He cleaned up the whole place.

Bob: There is still stuff to clean up, but at least he cleaned it out.

Beverley: Yeah, our neighbor down the road finally cleaned up most of their stuff too, the one that you had to sight a couple time. It looks must better when we drive by now.

Jim: There are some that are improving then others just don't. (hands out more pamphlets)

Jim: Any questions on anything? If you do, you know where you can find me for the next 3 or 4 weeks until we meet again. So I will just stop right there, because that is a lot of stuff.

Beverley: Ok, so we need to set out next meeting the 21st of March? Do I have a motion for adjournment?

Bob: I make a motion

Ruth: I second it.

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Meeting adjourned at 8::05 p.m.

Respectfully submitted by

Carolyn Chambers
Zoning Secretary

cc: Trustees (Coia, Artz, Gibson)
Zoning Inspector (DiPaola)
Zoning Commission (5)
File