



# PLANNING COMMISSION

Wednesday, July 9, 2025, 5:30 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

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## CLERK'S JOURNAL

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### 1. CALL TO ORDER

The meeting was called to order at 5:31 PM.

### 2. ROLL CALL

Present: Paul Ruppert, Christine Pirot, David Hopper, Mayor Brent Centers, Jason Hall

Absent: Dr. Sarah Nathan, Brain Rebholtz

Staff: Jonathan Westendorf, Keeghan White, Christina Barry, Eric Damian, Cindi Chibis

Guests: James Werline, Mary Werline, Sue Werline, Neil Hoffman, Daniel Patla, Bonny Gibbs, Chuck Doran, Kevin Filburn, Kim Crosen, Amanda Lamb, Drew Ransom, Tom Horner, Mike Huber, Mark Connor, Whitney Locker, Rick Snowden

### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Christine Pirot.

### 4. APPROVE THE CLERK'S JOURNAL AND ACCEPT THE TAPES AS THE OFFICIAL MINUTES

The Clerks' Journal was approved, and the tapes were accepted as the official minutes of the May 14, 2025, meeting.

Motion made by Ruppert, Seconded by Hall.

Voting Yea: Ruppert, Pirot, Hopper, Hall

Voting Abstaining: Mayor Centers

### 5. OATH OR AFFIRMATION

The Oath was issued to all guests.

### 7. OLD BUSINESS

### 8. NEW BUSINESS

#### A. PC 25-12 Conditional Use – Day Care Center

The applicant, First United Methodist Church's Bright Beginnings Christian Preschool, is proposing to open a day care center within the Kingdom Sports Center located at 440 Watkins Glen Drive.

The subject property is zoned C-1, General Commercial District, and day care centers are a Conditional Use in the C-1 zoning district.

White introduced PC-25-12 explaining that the day care center is proposed to utilize vacant space in the front of the Kingdom Sports Center which was previously used as a day care center. The day care would contain five classrooms and one office, staffed by 15-20 full-time employees, serving approximately 100 children from 6:30 a.m. to 6:30 p.m. Monday through Friday.

White reviewed the Specific Standards for Day Care Centers noting that day care centers are subject to the vehicle stacking requirements of Table 1111.07-2. He opined that access to general parking spaces available at Kingdom Sports Center will be sufficient for drop-off and pick-up purposes. As such, staff recommends that the Planning Commission modify the stacking requirement pursuant to Section 1111.07(n).

White noted that the outdoor play/recreation area will be enclosed by the current fence which fully meets City standards. However, the applicant has cited that in order to comply with state standards for day care facilities, the applicant will apply for a permit for enhanced fencing.

White then briefly reviewed the Conditional Use General Standards for Approval. No compliance concerns were noted.

White confirmed that staff supports a recommendation to City Council with modification of stacking requirement pursuant to Section 1111.07(n).

Hearing no request for public comment, the Chair opened and closed the floor on PC 25-12 at 5:39 PM and called for a motion.

Motion to approve with modification of the stacking parking space requirement made by Pirot, Seconded by Mayor Centers.

Voting Yea: Ruppert, Pirot, Hopper, Centers, Hall

#### **B. PC 25-13 Major Site Plan – Lee’s Famous Recipe Chicken**

The applicant, Alliance Engineering LLC c/o Whitney Locker, is requesting approval of a major site plan for the construction of a quick service restaurant on a vacant property on Commerce Center Drive. The proposed use will include a new 2,389 sq. ft. Lee’s Famous Recipe Chicken.

The proposed development includes the quick service restaurant located in the middle of the vacant lot with parking lining the north and southern boundaries of the parking lot. The applicant acquired an easement from Anderson Family Life Celebration center to provide access to the restaurant.

White reviewed the following details of the major site plan:

Landscaping Plan: Including side yard buffers, interior landscaping, building foundation plantings. White noted that the side yard buffers do not meet the buffering requirements of Table 1111.06-3, and lot interior landscaping do not meet requirements under Section 1111.06(k)(1)

Stacking Spaces: White stated that while it appears that stacking spaces are provided, the applicant has not specified the total number. As such, staff recommends as a condition of approval that the applicant submit an updated site plan demonstrating compliance with Table 1111.07-6.

Building Materials: White confirmed that staff recommends as a condition of approval that the applicant remove the EIFS on the building exterior (as under section 1115.08(h)(3)(c), EIFS is only

permitted above the pedestrian level) and replace it with a permitted material, or request a variance to be approved by the BZA.

White also reviewed the proposed Building Elevation and Design, Screening of Trash Receptacles, Tripartite Configuration, Building Articulation, Lighting, and Parking, with no concerns noted in these areas. He further explained that signs will not be approved as part of this Major Site Plan and will require the submittal and review of a Sign Permit at a later date.

White referred Commission members to the **Major Site Plan Standards for Approval** and concluded by confirming that if the Planning Commission approves the proposed Major Site Plan, staff recommends the following conditions be considered:

- 1) The applicant submit an updated landscaping plan for staff approval in conformance with Section 1111.06.
- 2) The applicant submit an updated site plan demonstrating compliance with Table 1111.07-6.
- 3) The applicant meet the building material requirements of Section 1115.08(h)(3)(C) or request a variance from the BZA.
- 4) The applicant shall comply with the comments from the City of Franklin Engineer and Fire Inspector.

The Chair opened the floor for public comment on PC 25-13 at 5:51 PM and invited the applicant to speak first.

Whitney Walker of Alliance Engineering approached the podium, stated her name and address, confirmed that she had been sworn in, and thanked the commission for an opportunity to speak. She explained that although not yet shared with the City, the applicant has provided an updated landscaping plan to ensure full compliance with the UDO. She agreed to providing updated plans to show adequate stacking spaces and will comply with comments from the City Engineer and Fire Inspector. She further stated that the applicant will likely request a variance from the BZA to allow use of EIFS on the exterior of the building at the pedestrian level, as the parent company does not want to stray from the prototype design.

Rick Snowden approached the podium, stated his name and address, and was sworn in. He introduced himself as the owner of a nearby property located between McDonalds and the Holiday Inn Express. He requested and received clarification on the location of the proposed Lee's Restaurant.

Hearing no additional comments, the Chair closed the floor for public comment at 5:57 PM and called for a motion on PC 25-13.

Motion to approve with the four conditions outlined above made by Hall, Seconded by Pirot.  
Voting Yea: Ruppert, Pirot, Hopper, Centers, Hall

### **C. PC 25-14 Final Planned Unit Development Phases 1-3 | Shaker Farms Property Information**

The applicant, Charles E. Baverman III, Dinsmore & Shohl LLP on behalf of Forestar (USA) Real Estate Group, Inc. is requesting final development plan approval for the first three phases of the Shaker Farms Planned Unit Development located at 5764 Shaker Road within the PUD Overlay District.

The final development plan is the final step in the Planned Unit Development approval process and is designed to build off the preliminary development plan approval by providing a detailed, fully engineered site plan which includes exact lot lines, road alignments, infrastructure details, landscaping, etc. Pursuant to Section 1109.05(g), the final development plan may be submitted either for the entire project, or for each construction phase.

White briefly reviewed the Planned Development Process and explained that the submitted development plan includes the following three phases. He stated that each phase must be reviewed by the Planning Commission and recommended to City Council for final approval. The applicant will submit final development plans for the remaining phases at a later date.

- Phase 1: Development along Manchester Road to the south of the site along the newly created Shaker Way will include 22 single-family lots with two open space lots, encompassing 6.05 acres.
- Phase 2: Development to the east of Phase 1, connected by Harvest Glen Road will include 46 single-family lots with two open space lots, encompassing 15.51 acres.
- Phase 3: Development to the north of Phase 1 and to the west of Phase 2 along Shaker Way and Wheatfield Way will included 38 single-family lots, encompassing 6.10 acres.

White next reviewed the **Final Development Plan General Standards for Approval** and the **Residential PUD Overlay District Specific Standards for Approval**.

White concluded by requesting that if the Planning Commission recommends approval of the Final Development Plan for Phases 1-3 of the Shaker Farms PUD the following conditions be considered:

- 1) Revise the landscape plan to address screening and buffering along Manchester Road, to be reviewed and approved by staff.
- 2) Street name approval and verification to be completed by the City Engineer.
- 3) Forestar(USA) Real Estate Group Inc. shall prepare and execute a declaration of covenants setting forth terms and conditions governing the architectural, design, size, and other physical requirements applicable to all dwelling units to be developed on the property, which terms and conditions shall be consistent with the drawings and renderings presented to the City during the preliminary plan stage. The aforementioned declaration of covenants shall be a document separate and apart from the HOA declaration, expressly state that is made for the benefit of the City of Franklin, and be recorded against all real property which is the subject of the Final Development Plan. City of Franklin zoning staff and the City Manager shall review the declaration, and ensure it is fully compliant with this condition, prior to its recordation.

The Chair opened the floor for public comment on PC 25-14 at 6:00 PM. and invited the applicant to speak first.

Mike Huber of Forestar Group Inc. approached the podium, stated his name and address, and confirmed that he had been sworn in. He thanked the Commission for an opportunity to speak and expressed gratitude to City staff and subcontractors who have worked with them on the project. Huber then confirmed the applicant's agreement to add screening and buffering along Manchester Road and agreement to work with the City Engineer on street names.

Mark Conner of Forestar Group Inc. approached the podium, stated his name and address, and confirmed that he had been sworn in. Connor stated that he wanted to clear up any misunderstanding about open space versus parklands explaining that the City the 15 acres dedicated to the City may be used by the City for any purpose at their discretion.

Pirot asked and received confirmation that sidewalks are planned for the neighborhood. Pirot also asked what steps if any could be taken to ensure that administration of the neighborhood HOA remains with a Board of Directors selected by the community homeowners, as opposed to an outside HOA management company who may turn the homes into rentals. She explained that she is concerned that management companies may not have the same level of respect for the homes that the homeowners do.

Connor acknowledged her concerns and reassured her that the developers would look into ways to implement strategies to address these concerns.

Neil Hoffmann approached the podium, stated his name and address, and was sworn in. He inquired about landscape buffering between his neighboring property and future planned development at Shaker Farms.

Huber approached the podium to respond to Hoffman's concerns and confirmed that Forestar will agree to additional landscape buffering along his property, as requested.

Rick Snowden reapproached the podium and asked if there were plans for an ingress/egress on Shaker Road.

Snowden was reassured that with future phase of development the need for an easement will be reviewed.

White noted that Chris Walther of WEIMC Company, LLC, submitted written notice of objection to the proposed residential development adjoining his industrial zoned property.

Huber reapproached to ask for reconsideration of condition #3 which states that the terms and conditions governing the architectural, design, size, and other physical requirements of the dwellings be consistent with the drawings and renderings previously presented to the City to be declared in a document separate from the HOA declaration. He stated that condition #3 was a last minute unexpected revision and not in keeping with market considerations. He expressed his continued commitment to using quality building products and exceptional design standards.

Mayor Centers asked the intent of the language and why the proposed condition was not shared with the applicant in advance.

Westendorf explained that the intent of condition #3 is to ensure that the City is able to hold the developer accountable to the highest possible standard of excellence.

Huber stated that the developers were not presented with an opportunity to discuss nor negotiate the revised condition prior to tonight's meeting. He confirmed that the developers do not want to sell to a discount builder and that negotiations with the preferred builder, D.R. Horton, are on-going.

Connor concurred and stated that such language is typically included in the HOA, not in a separate document.

Huber offered a possible compromise suggesting that as a condition of approval these standards will be agreed upon before the City issue the first building permit for a new home in the plat.

After further discussion, Planning Commission members agreed to the suggested approach.

The Chair closed public comment at 6:44 PM.

The Chair called for a motion for recommendation to Council for approval of PC 25-14, subject to design standards agreed upon by the applicant and City prior to the issuance of the first building permit, also to include the proposed landscaping screening and buffering along Manchester Road and along Mr. Hoffman's property, and subject to street name approval and verification.

Motion made by Ruppert, Seconded by Pirot.

Voting Yea: Ruppert, Pirot, Hopper, Centers, Hall

#### **D. PC 25-15 Preliminary Plat – Shaker Farms**

The Applicant, Forestar (USA) Real Estate Group, Inc. is proposing to establish a Planned Unit Development Overlay on 109.5 acres located east of Shaker Road and north of Manchester Road on Parcel #0835200001 (5764 Shaker Road). The Applicant is requesting an approval of the preliminary plat to establish 282 single-family detached and attached townhome units.

The preliminary plat review and approval is the first step in establishing individual lots for the subdivision development. This step allows the applicant to present an overall concept and parcel layout for the Planning Commission to review. Major Subdivisions require approval of a Preliminary Plat by the Planning Commission, approval of a Final Plat by the Planning Commission, acceptance by Council, and recording of the Final Plat prior to transfer of ownership for individual parcels.

Chrsitina Barry explained that the applicant proposes to create a new subdivision, Shaker Farms. The applicant has identified 20.47 acres as open space to be maintained by the subdivision's HOA, and 25.81 acres as parkland, including preserved natural space, a walking trail, a dog park, a tot lot, and sports courts to be dedicated to the City. Combined, the open space and parkland is 46.28 acres, approximately 42.3% of the total area.

Barry confirmed that the City prefers that all amenities and open spaces be maintained by the HOA, with the applicant paying a fee in lieu of parkland dedication in an amount of \$500/unit payable in phases as the subdivision is developed.

Barry explained that if the Planning Commission approves the Preliminary Plat, the applicant will then provide additional details and address any comments for development of the Final Plat for Planning Commission approval and City Council acceptance. She confirmed that staff recommends that Planning Commission approve the preliminary plat with the following conditions:

- 1) The HOA is to maintain all open spaces associated with the subdivision.
- 2) Planning Commission forward a recommendation to City Council to consider a fee in lieu of parkland dedication of \$500/unit.
- 3) The fee in lieu of parkland dedication will be paid to the City as the subdivision is developed.

Hopper requested and received clarification on open spaces versus parkland, and on the purpose of parkland dedication. Additionally, he asked for clarification on calculation of the fee in lieu of parkland dedication as currently written in the UDO.

Barry confirmed that a formula exists in the UDO for this purpose. She also confirmed that the proposed \$500/unit fee is significantly lower than it would be if the formula were to be applied.

Westendorf explained that the lesser amount is proposed for ease of calculation, and to be sensitive to the fact that the cost is being passed through to the homebuyer. He stated that collected fee in lieu of parkland dedication dollars would be budgeted for use by the Franklin Parks and Recreation Department.

The Chair opened public comment at 7:01 PM.

Huber reapproached saying that this is the first time the developer has seen the fee in lieu of provision which will add \$100,000 to the bottom line. He stated that the additional unexpected costs are incongruent with previous City incentives to encourage development. He also said that he sees this as a double burden, in that the City is asking the HOA to maintain the parklands, while at the same time charging the homeowners for land. He voiced agreement to maintenance of the parklands, but asked that the fee be removed.

Connor reapproached expressing an understanding that the additional cost would not have a financial impact on the developer's bottom line, as the cost would be passed through to the home buyers. He asked for clarification on when the fee would be due.

Discussion ensued on appropriate timing of payment.

Mayor Centers shared that he completed a comparison of fee in lieu of option with neighboring jurisdictions and found that this approach is not unusual and that the proposed \$500 fee is significantly less than comparable communities.

Snowden reapproached and asked if a traffic impact study had been completed or if Shaker Road would be widened to accommodate the increased traffic.

Westendorf reassured him that traffic study to ensure any roadway issues are appropriately mitigated has been completed and reminded him that Shaker Road remains the property of Warren County, not the City of Franklin.

Hearing no further discussion, The Chair closed public comment at 7:18 PM and called for a motion.

Ruppert made a motion to recommend approval to City Council of the preliminary plat conditional upon the three conditions noted above, with the additional condition that an agreement be reached between all parties on the timing of payment of the fee in lieu of parkland dedication of in the amount of \$500 per unit.

Motion made by Rupert, Seconded by Hall.

Voting Yea: Ruppert, Pirot, Chair Hopper, Mayor Centers, Hall

#### **E. PC 25-16 Amendments to Municipal Code**

The proposed amendment would increase the notification distance to 250 feet from any part of the parcel or lot. Text Amendment Review Criteria: Section 1115.04(b)(2) requires all text and map amendments follow the same procedure. As the applicant is requesting Planning Commission to adopt a motion to initiate a text amendment to the UDO, the standards for approval under 1115.04(e) would only apply after the text amendment has been initiated, when the City Council and Planning Commission are determining whether a text amendment shall be approved. Since there are no standards for requesting Planning Commission to initiate a text amendment, the standards in 1115.04(e) were used to demonstrate that the text amendment as proposed would meet all of the criteria set for the approval, if it were to be initiated.

White briefly reviewed the Text Amendment Standards for Approval confirming that the Planning Commission can recommend approval, approval with modifications, or denial, of the proposed text amendments to the City Council for their review and decision.

Westendorf pointed out that based on the comparison of neighboring jurisdictions, the proposed 250 feet notification radius is at the upper end of the comparables.

Pirot expressed support of the increased notification distance and commended staff for addressing public concerns regarding notification so quickly.

Hearing no further comments, the Chair opened and closed public comment at 7:27 PM and called for a motion.

Motion to adopt initiation of a recommendation to City Council of the proposed text amendment to the UDO without modification made by Mayor Centers, Seconded by Pirot.  
Voting Yea: Ruppert, Pirot, Hopper, Mayor Centers, Hall

## **9. DISCUSSION**

Westendorf briefly discussed the City's commitment to consolidating the permit process and invited Commission comments. Comments received were fully supportive.

Westendorf introduced newly hired City Engineer, Eric Damian and recognized Barry Conway for his continued service and for mentoring Mr. Damian during the transition period.

Westendorf praised staff for a successful July 4th event and commended the Commission's contributions to the City's revitalization project, making the event backdrop memorable.

Mayor Centers expressed appreciation to Commission members for finding the right balance between the application of Robert's Rules of Order and open discussion.

Motion made by Hopper, Seconded by Ruppert.  
Voting Yea: Ruppert, Pirot, Hopper, Mayor Centers, Hall

## **10. ADJOURNMENT**

The meeting was adjourned at 7:33 PM.