



PLANNING COMMISSION

Wednesday, February 14, 2024, at 5:30 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

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CLERK'S JOURNAL

1. CALL TO ORDER

The meeting was called to order at 5:32 PM.

2. ROLL CALL

Present: Paul Ruppert, David Hopper Christine Pirot, Brian Rebholz

Absent: Dr. Sarah Nathan, Jason Hall, Mayor Brent Centers

Staff: Jonathan Westendorf, Liz Fields, Cindi Chibis

There were no guests in attendance.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brian Rebholz.

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

The Clerk's Journal was accepted as the official minutes of the January 10, 2024, meeting.

Motion made by Ruppert, Seconded by Pirot.

Voting Yea: Ruppert, Hopper, Pirot, Rebholz

5. OATH OR AFFIRMATION

6. OLD BUSINESS

FURTHER DELIBERATIONS IN PC 23-13 – Conditional Use Application – Planning Commission originally heard PC 23-13 on May 18, 2023, during an open, public hearing. The applicant, Lou James Afana, sought conditional use approval to open a consumer retail (smoke shop) establishment in an existing commercial building located 1012 E. 2nd Street. The application was denied by Planning Commission, in part due to Planning Commission's finding that the proposed smoke shop is inconsistent with the City's comprehensive land use regulations/plans. The applicant appealed Planning Commission's decision to the Warren County Common Pleas Court (Case No. 23CV096489 – *Lou Afana v. City of Franklin, Ohio Planning Commission*). On January 31, 2024, the Court issued an order remanding PC 23-13 back to Planning Commission for the issuance of further findings of fact as to the general or specific objectives of the City's comprehensive land use regulations/plans with which Planning Commission originally concluded the proposed smoke shop does not comport.

The Chair announced that further deliberations on PC 23-13 would not occur as scheduled, as the issue has been appealed. Accordingly, PC-13 Conditional Use Application was struck from the February 14, 2024 agenda.

7. NEW BUSINESS

PC 24-03 Amendment to Municipal Code - The City of Franklin is proposing a text amendment that would allow for the use “Essential Services and Utilities, City Owned” to be permitted in each zoning district and exempt such essential services and utilities from the application of the UDO.

Ms. Liz Fields confirmed that the City’s proposed text amendment would permit City owned essential services and utilities, in each zoning district. The language also exempts such services and utilities from application of the UDO.

The Chair asked if the proposed language was routinely found in other City UDO’s and requested clarification on the reason behind the requested amendment.

Westendorf explained that the immediate reason for the request was a desire by the City to build a solar farm on City owned property to be located on the Water Treatment Plant site. The solar panels would be used to capture solar radiation and turn it into renewable electrical energy. This energy would be sent to the electrical grid, resulting in significant financial savings for the community. The amendment also prevents having vacant industrial land taken over by a huge solar array.

Rebholz questioned the impact on community members if the City owned property was adjacent to private property such as residential property. Since the text amendment exempts essential services and utilities from Zoning, the proposed change negates the need to go to Planning Commission to get approval for such development.

Fields responded that the possible impact on private property would be a priority consideration before moving forward with any City development project, on City property.

Pirot stated that she can foresee situations where residents may have some opposition to a proposed project and asked if the proposed language restricts a community member’s right to have their say and voice their concerns to the Planning Commission.

Westendorf explained that the proposed amendment does not automatically remove the option for residents to provide input, as such development projects would still require Council action.

Pirot asked if there was another way to permit this specific solar farm without making the proposed change to the Municipal Code-a different avenue to achieve the same results.

Fields explained that there are a number of changes needed in the UDO, including zoning restrictions, use sections, definitions, and terms. She stated that this month’s proposed amendments will contribute to, and are consistent with, the upcoming comprehensive review and are considered the preferred option at this time.

Hopper asked if the amendment had any relation to HB 501 and was reassured that HB 501 gives Counties the authority to ban solar fields, so does not likely apply.

Hearing no additional deliberations, the Chair made a motion to recommend the amendments as proposed to Council. Seconded by Ruppert.

Voting Yea: Ruppert, Hopper, Pirot

Voting Nay: Rebholz

Recommendation passed.

8. DISCUSSION

Fields explained that staff will present recommended comprehensive Code revisions in zoning districts, allowable uses, terms, and definitions etc., to the Commission in the near future. Staff will also review parking, landscaping, and signage rules in the Code for possible needed amendments.

Westendorf confirmed that the Warren County Regional Planning Commission will provide an update on the Reinvent Franklin 2040 Plan at the March Planning Commission meeting. The updated Plan will be revisited at the April Planning Commission meeting with a formal request to amend it or move it forward with a recommendation to Council for adoption. Westendorf announced that the City is engaged in an effort to complete a formal merchandising plan for the downtown business district that will identify available land and development opportunities. Westendorf also shared that the City will likely hold a Town Hall discussion on April 9th to review the Downtown Streetscape Project and the Riverfront Development Project.

Ruppert recommended that the City invite Congressman Landsman to the Town Hall event. Westendorf fully supported the recommendation.

9. ADJOURNMENT

Hearing no additional discussion, the Chair called for a motion to adjourn.

Motion made by Pirot, Seconded by Rebholz

Voting Yea: Ruppert, Hopper, Pirot, Rebholz

Meeting adjourned at 6:02 PM.