

**Zoning Commission Meeting
June 4, 2007**

Chairman Bill Frye convened the Zoning Commission meeting at 6:00 p.m. Present were Jane Scott, Colleen Ahern, Bill Frye, Walter Benson and Mark Wasick (alternates) were present. Kim Ferencz, Zoning Inspector, and Sue Schultz, Zoning Secretary, were present. Ernest Stein arrived at 6:07 p.m., and Patrick Craig arrived at 6:10 p.m.

Mr. Frye moved approval of the May 7th minutes as written, Mrs. Ahern, second. Mr. Frye called for the vote. Mrs. Scott, aye, Mrs. Ahern, aye, Mr. Wasick, aye, Mr. Benson, aye. The motion carried.

APPLICANT: **JOHN PAUL PAXTON**
LANDOWNER: **JOHN PAUL PAXTON**
APPLICATION: **MAP AMENDMENT**
PARCEL NUMBER: **1503565**
ACREAGE: **.4031**
LOCATION: **1386 N. JACOBY ROAD**
CURRENTLY: **R-1 RESIDENTIAL**
PROPOSED: **C-3 COMMERCIAL**

Mr. Frye opened the public hearing.

Mrs. Ferencz read the following into the record:

SUMMIT COUNTY STAFF DISCUSSION: **EXISTING ZONING:** The subject site is located on Jacoby Road, approximately 400 feet north of Copley Road. The parcel has a single-family home and is currently zoned R-3 Residential. The property is bordered to the south by a C-3 Commercial District. The C-3 zone includes a non-conforming single-family home and a home-converted medical office. The property is bordered to the north by a single-family home in the R-3 Residential District. To the east is a large commercial building in a C-4 Commercial District; this former bowling alley is currently for sale. This building is actually unnoticeable from the requested rezoning property as it is nearly twenty (20) feet below Jacoby Road and concealed by landscaping.

REQUESTED ZONING: The applicant is requesting a rezoning to the C-3 Commercial District. The C-3 District permits convenience retail and personal services, business and office, community and regional retail, restaurants and bars, lodging, and educational and religious uses. It is unclear at this time the future plans the applicant has for the property. The applicant notes that the parcel's odd triangular shape and presence of commercial districts on two of its three sides makes the existing zoning unreasonable. The applicant also states that a rezoning would make a larger septic system possible and afford the bordering Copley Road parcels better access to city water.

EXISTING ZONING & LAND USE:

Specifically, the surrounding uses and zoning include the following:

- East: zoned C-4 Commercial – former bowling alley

- West / South: zoned C-2 / C-3 Commercial – medical office, house (non-conforming)
- North: zoned R-3 Residential – single family home

SEWER / WATER:

- Septic system
- We// - site has access to water but has not tapped into waterline

COPLEY TOWNSHIP COMPREHENSIVE PLAN: It appears that the proposed rezoning would conflict with goals and policies outlined in the Copley Township Comprehensive Plan (1999). Goal 7, Objective 1, of the Copley Township Comprehensive Plan warns of the “consequences of creeping commercialism when considering a rezoning.” This Objective also stipulates that high-intrusive commercial uses should not be adjacent to residential neighborhoods. The C-3 District should be considered a high-intrusive commercial class since it permits all forms of retail, restaurants, bars, and other facilities that may have more impact on bordering residential area than the C-2 District, which permits primarily offices and professional buildings.

Goal 7, Objective 2 of the Copley Township Comprehensive Plan advises to “promote commercial or industrial development when necessary infrastructure is sufficient to accommodate the development.” This particular property lacks central sewer. At 0.4 acres, the site is not large enough to support an onsite sewage disposal system that a commercial building may require. The property has access to a community water supply, but is not connected at this time.

STAFF COMMENTS: Staff believes the subject site is not disadvantaged because it is surrounded almost entirely by commercial zones. The surrounding commercial structures are either low-intrusive, modified homes, or unseen. It appears unlikely that the current owner would encounter any difficulty selling the site as residential.

The potential commercial development for this particular parcel would be extremely limited, given the small size of the property. Although there are no area requirements for commercial lots, there are building placement requirements. If rezoned to commercial, the building would be required to have a front setback of fifty (50) feet, a side setback of ten (10) feet, and a side setback on the north of fifty (50) feet (adjacent to residential district). The potential building envelope would only permit a small, irregularly shaped commercial building.

As mentioned previously, the applicant believes a rezoning would provide the abutting Copley Road parcels with improved accessibility to city water and larger septic systems. Staff does not comprehend this logic; the applicant does not express any intention to consolidate the property in question with one of the contiguous parcels.

It appears that most of the commercially zoned parcels in this general vicinity from Copley Road. If the existing commercial zone at the Jacoby Road intersection were to expand, staff would be concerned of commercial land use “creeping” north. If the site were to be rezoned, this could spur future rezonings along Jacoby, thus potentially altering

Copley Township's desire to remain a suburban, residential community.

Staff is opposed to this rezoning for the following reasons:

1. The parcel is too small for commercial development.
2. The property lacks central sewer and would need to tap into waterline.
3. The C-3 Commercial District permits a number of uses that would be compatible with the adjacent residential neighborhood.
4. The proposed rezoning contradicts the Copley Township Comprehensive Plan.
 - a. C-3 Commercial Districts should not be adjacent to residential areas.
 - b. C-3 Commercial Districts should have access to central water and sewer.
 - c. Property not large enough to support onsite water and sewage disposal systems.
 - d. Could promote "creeping commercialism" along Jacoby Road.
5. The proposed rezoning would create substantial hardship to the bordering residential property.

RECOMMENDATION: Staff feels the existing zoning should not be changed, as it best fits the surrounding area. Staff recommends to the Summit County Planning Commission that the proposed rezoning be **disapproved** with due consideration of comments.

ACTION: The County of Summit Planning Commission **disapproved** the proposed rezoning per the Staff recommendation.

Mr. Paxton went before the Board and was sworn in.

Mr. Paxton stated that his idea was to adjoin his parcel to two parcels of land that abut Copley Road that he believes have been sold. Mr. Paxton's parcel could be used as a drive entrance off of Jacoby Road if someone wanted to build a commercial building on Copley Road. The property to the north of Mr. Paxton's parcel is a rental property.

Ms. Schultz stated that if the property were rezoned it could continue to be utilized as residential. If the property was not utilized as residential for a period of two years, the property could only be used as a commercial use.

Mr. Frye asked for additional comments from the floor. None were offered.

Mr. Frye moved to close the public hearing, Mrs. Scott, second. Mr. Frye called for the vote. Mr. Stein, aye, Mrs. Scott, aye, Mrs. Ahern, aye, Mr. Wasick, aye. The motion carried.

Mr. Frye stated that he was persuaded by the Summit County Staff comments.

Mr. Wasick stated that without adding Mr. Paxton's parcel to another parcel, and the points made in the Summit County Planning write-up, moved to recommend disapproval of the

rezoning request of the property located at 1386 N. Jacoby Road (PPN 1503565) to the Board of Trustees, Mrs. Scott, second. Mr. Frye called for the vote. Mr. Stein, aye, Mrs. Scott, aye, Mrs. Ahern, aye, Mr. Wasick, aye. The motion carried.

Mr. Ahern moved that the Zoning Commission not have a meeting in the month of July, Mr. Frye, second. Mr. Frye called for the vote. Mr. Stein, aye, Mrs. Scott, aye, Mrs. Ahern, aye, Mr. Wasick, aye. The motion carried.

NEXT MEETING DATE: August 6, 2007.

With no further business to come before the Board, the meeting was adjourned at 6:28 p.m.

Bill Frye, Chairman

Sue Schultz, Secretary