

ZONING COMMISSION MEETING MINUTES
September 9, 2008

Chairman Mark Wasick convened the Zoning Commission meeting at 6:00 p.m. Present were Ernest Stein, Colleen Ahern, Jane Scott, Walter Benson and Mark Wasick. Bill Frye was absent. Matt Springer, Alan Weinstein and Sue Schultz were present.

Chairman Wasick asked the Board to review the Zoning Commission minutes from August 4th and August 14th.

Mrs. Ahern moved to approve the minutes from August 4th and August 14th as submitted, Mrs. Scott, second. Mr. Wasick called for the vote. Mr. Benson, aye, Mrs. Scott, aye, Mrs. Ahern, aye, Mr. Stein, aye. The motion carried.

Applicant: **Robert Holland / Paul Thomarios**
Landowner: **Hardy Investment Associates**
PPN: **1503870**
Location: **3895 Copley Road**
Acreage: **8.93 acres**
Utilities: **(onsite septic)**
Existing: **I-1 Industrial**
Proposed: **C-4 Commercial**

Chairman Wasick opened the public hearing.

Chairman Wasick swore in all persons who wished to speak.

Chairman Wasick swore in Asst. Zoning Inspectors Matt Springer and Sue Schultz.

Ms. Schultz read the recommendation made on behalf of the Summit County Department of Community & Economic Development: Staff recommended that the Summit County Planning Commission **approve** the proposed map amendment change. In addition, Summit County Economic Development Staff recommended Copley Township consider amending parcel number 1501035 from I-1 Industrial to C-4 Commercial within the proposed map amendment.

Ms. Schultz also read the Summit Count Planning Commissions decision which stated: **"approve"** the staff recommendations for the map amendment and rezoning of I-1 Industrial to C-4 Commercial and advise Copley Township to consult the Summit County Engineers office to examine the traffic impact from the proposed map amendment.

Mr. Paul Thomarios stated he was interested in buying the property located at 3895 Copley Road for the use of retail and assembly. Mr. Thomarios stated he would lease the property to "Rex Store", which sells unclaimed freight and merchandise from companies such as Roadway and United Postal Service (UPS). Mr. Thomarios stated the outbuildings would be taken down and the existing facility would be repainted. Store hours will be Tuesday noon until 4:30pm, Wednesday

noon until 4:30pm, Thursday noon until 4:30 pm and Saturday 11am until 3:30pm.

Chairman Wasick asked Mr. Thomarios if this was the full extent of the planned activities for this location.

Mr. Thomarios said "yes, although I'm not the owner of the store, I don't expect them to expand the hours of operation."

Chairman Wasick asked Mr. Thomarios if the nature of the business was unclaimed freight.

Mr. Thomarios said "yes."

Mr. Benson asked Mr. Thomarios if he had any idea what the traffic impact would be.

Mr. Thomarios stated the Rex store located on Arlington Road does approximately 200 transactions per day which could be equivalent to 400 customers. Mr. Thomarios also stated that a large portion of the transactions would come through the use of E-Bay and online sales.

Mr. Stein asked Mr. Thomarios what his plans were for the large sheds located on the property.

Mr. Thomarios stated they would eventually be torn down.

Mr. Stein asked Mr. Thomarios what he planned on doing with the extra land once the sheds were removed.

Mr. Thomarios stated the extra land could be used for parking.

Chairman Wasick stated that his interpretation of Section 430-1 "Purposes" appears to support the planned use which has been described by Mr. Thomarios in his statements.

Mrs. Ahern asked Mr. Thomarios if his primary interest was as landowner.

Mr. Thomarios said "yes, I will be the landowner and this will be a 10 year lease with a strong company who does almost \$40 million dollars worth of sales annually."

Chairman Wasick asked for additional comments from the floor. None were offered.

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

Chairman Wasick said, "The Summit County Department of Economic Development and Summit County Planning Commission were both making recommendations based upon incorrect information. Furthermore, although their recommendations listed C-4 Commercial

zoning as being appropriate, they also stated that keeping the current I-1 Industrial zoning would also be appropriate. For this reason, I don't believe it is necessary for the applicant to request a map amendment for the described uses planned."

Mr. Benson asked Mr. Thomarios if the Board found that his intended use fits under the I-1 Industrial classification, would he withdraw his map amendment application.

Mr. Thomarios said "yes, I withdraw my application so long as I can purchase the property and lease to Rex for the stated purposes earlier discussed".

Mr. Benson moved to declare the proposed usage be allowable under the I-1 Industrial use, Mr. Stein second. Chairman Wasick called for the vote. Mr. Benson, aye, Mrs. Scott, aye, Mrs. Ahern, aye, Mr. Stein, aye. The motion carried.

DISCUSSION ON THE RE-WRITE OF THE ZONING RESOLUTION:

Mr. Alan Weinstein discussed two proposed issues within the Copley Township Zoning Resolution: "Signs" and "Sexually Oriented Businesses".

Mr. Weinstein suggested that the rewrite of the Resolution would allow for a more liberal usage of sign displays within the Township. In particular, Mr. Weinstein suggested allowing for larger wall signs within the C-4 commercial districts along Rt. 18 for better identification. Mr. Weinstein stated that since this particular area is well distanced from residential neighborhoods, property values would not be in jeopardy.

Mrs. Ahern expressed her concern over tall signs and suggested that a greater number of ground level signs be used due to their visually appealing nature. Mrs. Ahern stated that she would like to see this type of language within the re-write of the Resolution.

Mr. Weinstein explained that "ground signs" are often associated with increased traffic accidents due to individuals scanning from one side of the street to the other rather than focusing on the road ahead. With larger wall signs, identification becomes much easier; thus traffic accidents are reduced.

Chairman Wasick asked Mr. Weinstein if he would work on a comparison between the nature of the Fairlawn and Bath signage regulations compared to that of Copley Township.

Mr. Weinstein said "yes, I would be happy to do that."

Mr. Stein asked Mr. Weinstein about the monitoring of political signs.

Mr. Weinstein stated that it is very difficult to limit political signs for a private homeowner due to first amendment rights. However, it is possible to include a removal provision within the Resolution which would mandate that homeowners remove political signs within a reasonable timeframe once a campaign has ended.

Mr. Weinstein discussed "Sexually Oriented Businesses" and the importance that Trustees adopt the Ohio Attorney Generals Regulations on the allowance of such businesses. If the Trustees from Copley Township adopt these Regulations, the Township would be defended by the Summit County Prosecutors Office and the Ohio Attorney General's office at no charge in the event that a lawsuit was filed by a Sexually Oriented Business.

Mr. Weinstein discussed secondary negative effects that Sexually Oriented Businesses often cause within communities. Secondary negative effects include:

- illicit sexual behavior/prostitution
- robberies
- drug activity

Mr. Weinstein stated that his analysis of Copley Township's current zoning does not adequately provide enough space for a Sexually Oriented Business to operate within the Township. Mr. Weinstein suggested changing the current sexually oriented businesses from "conditional use" within a C-4 District to a "permitted use" within a C-4, I-1 and I-2 Districts. In addition to this change, Mr. Weinstein also suggested reducing the distance requirements from 1,000' to 500' for a sexually oriented business to be located near "sensitive uses". Mr. Weinstein stated that these changes would greatly strengthen the defense of the Township if challenged legally.

Chairman Wasick set the next Zoning Commission meeting for Monday, October 6, 2008 at 6:00 pm.

With no further discussion the meeting was adjourned at 8:05 p.m.

APPROVED BY:

SUBMITTED BY:

Mark Wasick, Chairman

Matt Springer, Assistant Z.I.