

**Zoning Commission Meeting Minutes  
May 3, 2010**

Chairperson Jane Scott convened the Zoning Commission meeting at 6:00 p.m. Present members were Ernest Stein, Mark Wasick, Jane Scott, Jim Phelps and Bill Daniel. Alan Weinstein, Peggy Spraggins, Sue Schultz and Matt Springer were also present. Colleen Ahern was absent.

Guests present included Mr. Larry Fesler, Mr. Mark Majewski, Mr. Woodman, Mr. Lucota and Ms. Helen Humphrys.

**Mr. Wasick moved to approve the April 5, 2010 minutes as submitted, Mr. Phelps, second.**

**Mrs. Scott called for a vote.**

**Roll call on the motion:**

**Aye: Mark Wasick, Jane Scott, Ernest Stein, Bill Daniel, Jim Phelps**  
**Nay: None**  
**Abstain: None**  
**The motion carried.**

**NEW BUSINESS**

**PUBLIC HEARING**

**APPLICANT: COPLEY TOWNSHIP**

**TEXT AMENDMENT: AMENDMENT IS FOR A REWRITE OF CURRENT ARTICLE 10 (BOARD OF ZONING APPEALS), PROPOSED TO BE NEW ARTICLE 11 OF THE ZONING RESOLUTION.**

Mrs. Scott opened the public hearing on the proposed Article 11: Board of Zoning Appeals, Administrative Appeals, Variance Petitions and Conditional Use Permits. Ms. Scott asked the Zoning Department if the hearing was advertised in accordance with the Ohio Revised Code.

Mr. Springer stated that the public hearing was published in two newspapers of general circulation, posted on the Township's website and was made available for public inspection.

Ms. Scott swore in all individuals who wished to speak on the matter.

Ms. Scott asked the Zoning Department if a recommendation from the Summit County Planning Commission was received on the proposed text amendment.

Mr. Springer said, "Yes."

Ms. Schultz addressed the Zoning Commission and read into the permanent record the Summit County Planning Commission's (SCPC) comments and recommendations made to the proposed Article 11 titled, "Board of Zoning Appeals, Administrative Appeals, Variance Petitions, Conditional Use Permits".

Ms. Schultz stated that the SCPC meeting was held on April 22, 2010 to consider a text amendment to the Copley Township Zoning Resolution. Ms. Schultz stated the proposed text amendment was approved with the following recommendations:

*SCPC & Staff Comments*

*In Section 11.02 Organization and Operation A. the appointment or election of a*

*Recording Secretary should be added because references to the duties of a Recording Secretary are included in Section 11.05 Procedures for Variances and Appeals C.*

*In proposed Section 11.05 it states the Recording Secretary “shall immediately place the appeal or application upon the calendar for hearing...” In the current Copley Township Zoning Resolution it states under Sec. 1001-2 Organization that “the Board of Zoning Appeals shall elect a Chairman from its membership, shall appoint a Recording Secretary and shall prescribe rules for the conduct of its affairs.”*

*Another comment that Staff has is instead of referring to Chairman and Vice-Chairman would it be appropriate to use gender neutral terminology for the Chair and Vice-Chair Board positions (such as Chairperson, Vice-Chairperson, Chair or Vice-Chair).*

#### SCPC & Staff Comments

*It is unclear in Subsection B what can be considered “a reasonable time after the date of its hearing.” Twinsburg Township proposed text amendments for the BZA to make decisions within thirty (30) days after the public hearing. This seems like a reasonable time frame for a BZA to make a decision and one Copley Township may wish to consider adopting.*

#### SCPC & Staff Comments

*Subsection C. refers to “the Recording Secretary” but Section 11.02 A. does not. A reference to electing or appointing the Recording Secretary should be added to Section 11.02 A. In addition, the first sentence in C. should read “...mail addressed to the parties, not mail address to the parties...”*

*In addition, Copley Township Zoning Commission may also wish to add a stipulation voiding a variance if construction has not commenced and made continual progress towards completion within 12 months after the BZA grants a variance to permit the erection or alteration of a building.*

Mrs. Scott asked if there were any comments, questions, or concerns from the public that would like to speak in favor of the proposed amendment.

Ms. Humphrys addressed the Zoning Commission and stated that she resides at 1294 Briggie Rd. in Copley Township. Ms. Humphrys stated that she is a member of the Summit County Planning Commission and would highly recommend that the Zoning Commission adopt the recommended changes to the proposed Article 11 text amendment.

Ms. Scott asked if there were any comments, questions, or concerns from the public that would like to speak in opposition of the proposed amendment. None were offered.

Ms. Scott asked the Zoning Department if any comments were received relative to the proposed text amendment and if so please read into the record.

Mr. Springer said, “The Zoning Department did not receive any comments in favor or opposition to the proposed text amendment.”

The Zoning Commission discussed the recommended comments from the Summit County Planning Commission and collectively agreed to include the following proposed changes to Article 11:

- *To remove gender related terminology such as “Chairman” and “Vice-Chairman” to read “Chair” and “Vice-Chair”.*
- *To include a sentence in 11.04(B) which states, “In no event shall any decision be made later than the next regularly scheduled meeting.”*
- *To create an 11.05(F) which states, “If construction has not commenced and continual progress made toward completion within twelve (12) months of a variance being granted, the variance is voided or invalid.”*

**Mr. Wasick moved to close the public hearing, Mr. Phelps, second.**

**Mrs. Scott asked Mr. Springer for a roll call.**

**Roll call on the motion:**

**Bill Daniel – Aye  
Mark Wasick – Aye  
Jane Scott – Aye  
Ernest Stein – Aye  
Jim Phelps – Aye**

**Nay: None  
Abstain: None**

**Mr. Wasick moved approval to the Board of Trustees of Article 11 titled Zoning Board of Appeals, Administrative Appeals, Variance Petitions and Conditional Use Permits as amended, Mr. Phelps, second.**

**Mrs. Scott asked Mr. Springer to conduct a roll call.**

**Roll call on the motion:**

**Bill Daniel – Aye  
Mark Wasick – Aye  
Jane Scott – Aye  
Ernest Stein – Aye  
Jim Phelps – Aye**

**Nay: None  
Abstain: None**

The motion passed and the proposed text amendment will be sent to the Board of Trustees to schedule a public hearing on the proposed text amendment for Article 11.

## **NEW BUSINESS**

### **PUBLIC HEARING**

**APPLICANT: COPLEY TOWNSHIP**

**TEXT AMENDMENT: AMENDMENT IS FOR A REWRITE OF CURRENT ARTICLE 11 (ZONING COMMISSION & ZONING AMENDMENTS), PROPOSED TO BE NEW ARTICLE 12 OF THE ZONING RESOLUTION.**

Mrs. Scott opened the public hearing on the proposed Article 12: Zoning Commission and Zoning Amendments. Ms. Scott asked the Zoning Department if the hearing was advertised in accordance with the Ohio Revised Code.

Mr. Springer stated that the public hearing was published in two newspapers of general circulation, posted on the Township's website and was made available for public inspection.

Ms. Scott swore in all individuals who wished to speak on the matter.

Ms. Scott asked the Zoning Department if a recommendation from the Summit County Planning Commission was made for the proposed text amendment.

Mr. Springer said, "Yes."

Ms. Schultz addressed the Zoning Commission and read into the permanent record the Summit County Planning Commission's (SCPC) comments and recommendations made to the proposed Article 12 titled, "Zoning Commission and Zoning Amendments".

Ms. Schultz stated that the SCPC meeting was held on April 22, 2010 to consider a text amendment to the Copley Township Zoning Resolution. Ms. Schultz stated the proposed text amendment was approved with the following recommendations:

SCPC & Staff Comments

*Staff recommends adding the following to the above list of Submission Requirements:*

- 1. A vicinity map drawn at a scale of approximately 1" = 2,000 feet, showing the property lines of the area to be rezoned, thoroughfares, existing and proposed zoning.*
- 2. Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 500 feet outside the proposed site, and including property lines, easements, street rights-of-ways, existing structures, oil and gas wells, streams, wetlands, ponds, trees, and landscaping features existing thereon.*

SCPC & Staff Comments

*To enhance public comprehension staff recommends including the provisions of the ORC§ 519.12 in the text instead of simply referring to the ORC§ 519.12. This will eliminate the need for the public to consult the ORC in order to understand the Zoning Resolution. This is not the most user friendly solution. See at the end of the staff report how Northfield Center Township handles Amendments in their Zoning Resolution and references the ORC§ 519.12. Northfield Center Township both refers to and elucidates the provisions of the ORC§ 519.12.*

SCPC & Staff Comments

*Staff also recommends adding a section "Guidelines When Considering Amendments to the Zoning Map." Northfield Center Township includes such a section and Summit County Planning (SCPC) Staff utilizes these guidelines when reviewing map amendments. The following items are suggested Guidelines:*

- 1. Is the proposed Map Amendment in conformance and consistent with the objectives and goals of the Comprehensive Land Use Plan?*
- 2. Is the proposed Map Amendment reasonable given the nature of the surrounding area?*
- 3. Can the property reasonably be used as currently zoned?*
- 4. Is the proposed Map Amendment consistent with the stated purpose and intent of the zoning resolution and applicable districts?*
- 5. How will the proposed Map Amendment impact public services and facilities, especially centralized water and sewer facilities?*
- 6. How will the proposed Map Amendment impact traffic, especially traffic safety?*
- 7. Will the proposed Map Amendment adversely affect adjoining properties?*
- 8. Is this an appropriate location for the proposed use or are there other available locations better suited for it?*

9. *Will the proposed Map Amendment change the character of the neighborhood?*
10. *Has there been a change in conditions that renders the original zoning inappropriate?*

Mrs. Scott asked if there were any comments, questions, or concerns from the public that would like to speak in favor of the proposed amendment.

Ms. Humphrys addressed the Zoning Commission and stated that she resides at 1294 Briggie Rd. in Copley Township. Ms. Humphrys stated that she is a member of the Summit County Planning Commission and would encourage the Zoning Commission to adopt the SCPC recommended changes to the proposed Article 12 text amendment. Ms. Humphrys continued by saying that when considering a rezoning, it is extremely important to see at least 500' to all other properties and this holds true especially when dealing with impervious surfaces.

Ms. Scott asked if there were any comments, questions, or concerns from the public that would like to speak in opposition of the proposed amendment. None were offered.

Ms. Scott asked the Zoning Department if any comments were received relative to the proposed text amendment and if so please read into the record.

Mr. Springer said, "The Zoning Department did not receive any comments in favor or opposition to the proposed text amendment."

The Zoning Commission discussed the recommended comments from the Summit County Planning Commission and collectively agreed not to include the recommended changes to Article 12.

Mr. Phelps stated that the Commission respects the SCPC recommendations but believes that a scaled map showing a vicinity of 500 feet should be in a development guide rather than the Zoning Resolution. Mr. Phelps continued by saying that if this information is in a separate document, changes can be made as needed without going through the text amendment process.

**Mr. Wasick moved to close the public hearing, Mr. Phelps, second.**

**Mrs. Scott asked Mr. Springer for a roll call.**

**Roll call on the motion:**

**Bill Daniel – Aye  
Mark Wasick – Aye  
Jane Scott – Aye  
Ernest Stein – Aye  
Jim Phelps – Aye**

**Nay: None  
Abstain: None**

**Mr. Wasick moved approval to the Board of Trustees of Article 12 titled Zoning Commission and Zoning Amendments and not include the recommendations from the Summit County Planning Commission, Mr. Phelps, second.**

**Mrs. Scott asked Mr. Springer to conduct a roll call.**

**Roll call on the motion:**

**Bill Daniel – Aye  
Mark Wasick – Aye  
Jane Scott – Aye**

**Ernest Stein – Aye**  
**Jim Phelps – Aye**  
**Nay: None**  
**Abstain: None**

The motion passed and the proposed text amendment will be sent to the Board of Trustees to schedule a public hearing on the proposed text amendment for Article 12.

Mr. Wasick stated that a development guide separate from the Zoning Resolution be developed which would incorporate many of the SCPC recommendations and may be distributed upon request in the Zoning Department.

**Mr. Phelps made a motion to begin the process of assembling a Developers Guide in which the Zoning Department staff could distribute upon request for those interested in the process of a map amendment within the Township, Mr. Wasick, second.**

**Mrs. Scott called for a vote.**

**Roll call on the motion:**

**Aye: Mark Wasick, Jane Scott, Ernest Stein, Bill Daniel, Jim Phelps**  
**Nay: None**  
**Abstain: None**  
**The motion carried.**

Mr. Weinstein continued the discussion of the re-write of the Zoning Resolution.

Mr. Weinstein stated that he has drafted additional language to be considered with Article 7 titled Standards for Conditional Uses. Language includes applying conditional use classifications to large scale commercial offices.

Mr. Mark Majewski stated that he resides at 3091 Mayfield Rd. in Cleveland Heights, Ohio and is a member of the American Institute of Certified Planners. Mr. Majewski stated that he is present this evening along with Mr. Woodman and Mr. Lucota from the Levey Company. Mr. Majewski stated that he is working with a couple individuals who own commercial property within the Township and have some concerns about the proposed Conditional Use regulations. Mr. Majewski stated that he is not opposed to having conditional use language, but recognizes that conditional uses will decrease land value on commercially zoned lots. Mr. Majewski stated that he would like to offer his suggestions to Township staff and the Zoning Commission and make minor revisions to the proposed conditional use language.

Ms. Scott stated that she appreciates Mr. Majewski concerns and asked that all comments and suggestions be put in writing so that his ideas could be appropriately reviewed.

Mr. Weinstein stated that additional language has been drafted to the proposed Article 9, Parking and Loading section which includes additional details on landscaped islands within parking lots.

Mr. Phelps asked that green technology with regards to lighting be explored. Mr. Phelps stated that light pollution in a serious issue and too often parking lots have lighting that far exceeds that of the property lines.

Mr. Weinstein stated that he would draft language to address this concern.

Mr. Weinstein discussed Article 10 titled Nonconformities briefly and stated that additional work is needed within this section.

Mr. Stein asked if Residential uses would be permitted within all districts.

Mr. Weinstein said that this is possible and that he would look at this when drafting the cumulative zoning/mixed use section.

Ms. Scott asked if there was any business for the Zoning Department.

Mr. Daniel asked of the status at 1660 Collier Rd and stated that he was troubled by the possibility of garbage and ground water contamination.

Mr. Springer stated that the Zoning Department was aware of the situation and will look into the matter by conducting a site inspection and making contact with not only the Ohio Environmental Agency (OEPA) but the Summit County Health District (SCHD) to determine if environmental or health concerns were present.

Ms. Scott asked if there was any business from the floor.

Mr. Larry Fesler stated that he lives at 2775 Park Place and is troubled by the trap shooting facility on Jacoby Rd. and the current number of hours that firearms are being discharged. Mr. Fesler stated that a group from outside Summit County have begun using the facility and are shooting five (5) to six (6) times per week. Mr. Fesler stated that the noise created is becoming troublesome.

Mr. Schultz stated that the Zoning Department would begin looking into the matter.

With no further business to come before the Commission, the meeting was adjourned at 7:45 p.m.

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Mrs. Jane Scott, Chairperson

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Matt Springer, Asst. ZI