

## **Zoning Commission Meeting Minutes June 14, 2010**

Chair 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, Sue Schultz and Matt Springer were also present. Colleen Ahern was absent.

Guests present included Mr. Mark Majewski and Ms. Helen Humphrys.

**Mr. Ernest Stein moved to approve the May 3, 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 9 (ADMINISTRATION AND ENFORCEMENT), PROPOSED TO BE NEW ARTICLE 13 OF THE ZONING RESOLUTION.**

Mrs. Scott opened the public hearing on the proposed Article 13: Administration and Enforcement. 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 13 titled, "Administration and Enforcement".

Ms. Schultz stated that the SCPC meeting was held on May 27, 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 requiring that a plot plan be submitted as part of applying for a Zoning Certificate. There is a zoning certificate application form for new home construction that includes a plot drawing; however, this requirement is not reflected*

*in the Zoning Resolution text. The following is a comprehensive list of what should be included on a plot plan for a zoning certificate for both new construction and remodeling. This will give the Zoning Inspector better information to use to ascertain whether the new or remodeled building will meet the provisions of the Zoning Resolution. If the following suggestions are adopted then 13.01 C. Zoning Certificate and Certificate of Occupancy Required, will also need to be revised.*

*Before constructing or altering any buildings, and before changing the use of any existing or altered building and/or lands, including accessory buildings, application shall be made to the Zoning Inspector for a zoning certificate. The application for a zoning certificate shall include a plot plan.*

*A plot plan shall be drawn to scale and include the following information.*

- 1) Exact dimensions and area of the lot to be built upon.*
- 2) Title, scale and north point (north shall be at the top).*
- 3) The location, dimensions, height of structures erected.*
- 4) The proposed use of all structures.*
- 5) Indicate areas within the 100 year floodplain*
- 6) Indicate the location of Riparian Setbacks*
- 7) Illustrate important natural features including streams, wetlands, ponds, steep slopes, etc. and proposed changes to existing natural features.*
- 8) Indicate location of oil and gas wells*
- 9) Show location of septic system*
- 10) Indicate location of water well(s)*
- 11) Any other pertinent data as may be necessary to determine and to provide for the enforcement of this Resolution.*

#### *SCPC & Staff Comments*

*Staff recommends adding the following "F. Site Plans Required" which contains a list of specific requirements to be submitted as part of a site plan. Currently, site plans are required for these uses; however, no list of requirements for the site plans is included in the Zoning Resolution. In the Bath and Richfield Township Zoning Resolutions both list site plan submittal materials. The proposed list below will give more guidance to those submitting plans as to what information they should be submitting. This site plan submittal list will also give the Copley Township Board of Zoning Appeals (BZA) and other reviewers enough information to ascertain whether the new or remodeled building will meet the provisions found in the Copley Township Zoning Resolution. If the following suggestions are adopted then the rest of "13.01 F. Site Plan Review for Certain Zoning Certificates" will need to be revised accordingly. The following are the suggested changes:*

#### *F. Site Plans Required*

- 1. An application for a Zoning Certificate for Non-Residential uses, Multi-family and Transient Residential Uses, and Uses Accessory thereto shall be issued only after site plans as specified herein, have been submitted for review and approval by the Copley Township Board of Appeals (with the exception of subsection 5. Modified Site Plan Review for Certain Zoning Use Certificates which may be approved by the Zoning Inspector). Likewise, all conditionally permitted uses proposed to be developed, expanded, modified, or otherwise established in any existing zoning district shall be permitted only after site plans, as specified herein, have been submitted for review and approval by the Board.*

After discussion amongst the Zoning Commission members, it was agreed upon that the following changes were to occur to 13.01 (F) 1. Site Plans Required:

#### F. Site Plans Required

1. An application for a Zoning Certificate for Non-Residential uses, Multi-family and Transient Residential Uses, and Uses Accessory thereto shall be issued only after site plans as specified herein, have been submitted for review and approval by the Zoning Department and applicable agencies ~~Copley Township Board of Appeals~~ (with the exception of subsection 5. Modified Site Plan Review for Certain Zoning Use Certificates which may be approved by the Zoning Department). Likewise, all conditionally permitted uses proposed to be developed, expanded, modified, or otherwise established in any existing zoning district shall be permitted only after site plans, as specified herein, have been submitted for review and approval by the ~~Board~~ Zoning Department and applicable agencies.

*Site Plan Requirements – All submitted site plans shall include the following information:*

1. *The Site plan shall be drawn to a legible scale, shall be dimensioned and shall show:*
  - a. *Property boundaries and existing and proposed topography with contours no greater than two (2) feet.*
  - b. *Ownership and applicant contact information*
  - c. *Zoning of existing and abutting properties and County parcel numbers.*
  - d. *Structures and conditions on the site including existing buildings, driveways, parking areas, and landscape features.*
  - e. *Structures and existing conditions on the portion of all adjacent parcels within one hundred fifty (150) feet of the site including buildings, parking areas, driveways, other existing facilities, landscaping screening.*
  - f. *Location of both front, side yard and rear yard setbacks.*
  - g. *Proposed principal and accessory buildings and uses including building plans, front, side and rear elevations and architectural and engineering construction information for the buildings and site development.*
  - h. *Vehicular circulation, access and parking plan including surface material, striping and signs related to parking and traffic control. Provide information on how the number of parking spaces was calculated.*
  - i. *Location and size of all loading and unloading areas.*
  - j. *Location and design of all sidewalks, walkways, bicycle paths and areas for public use.*
  - k. *Storm water drainage plans for the property when developed.*
  - l. *Storm water Pollution Prevention Plan.*
  - m. *Landscaping plan, including plant types, number and sized at planting.*
  - n. *Location and type of existing trees on the side with a diameter of ten inches (10”) or more at breast height (DBH). Including with the location of tree (s) should be associated “drip line.” Also indicate other existing wooded areas.*
  - o. *Identify any Riparian Corridors on the parcel (s) and label the required setback accordingly.*
  - p. *Location and elevations of existing watercourses and water bodies, including drainage ways, flood*

- plans and wetlands.*
- q. *Location of utility lines on the site and all easements.*
  - r. *Location and layout of all proposed outdoor storage areas including storage of waste materials and location of trash receptacles.*
  - s. *Proposed signs.*
  - t. *Proposed screening fences and walls.*
  - u. *Exterior lighting locations and are of illumination and foot candle readings illustrated, as well as the type of fixtures and shielding to be used.*
  - v. *Number of employees.*
  - w. *Location of septic system.*
  - x. *Location of water wells (s).*
  - y. *Location of oil and gas wells.*
  - z. *Statement of supporting evidence that the proposed use will be harmonious with, and in accordance with, the objectives of the Zoning Resolution and will not be detrimental to existing or future uses in the immediate vicinity or the community as a whole.*
  - aa. *Any other pertinent data as may be necessary to determine and to provide for the enforcement of this Resolution.*

*SCPC & Staff Comments*

*The current Section 901-6 Site Plan Review for Certain Zoning Certificates has good criteria; it just needs to be updated. Staff recommends adding the following site plan review criteria:*

- vii. In parking areas of thirty (30) or more spaces, traffic channelization shall be provided through the use of tree-planted and landscaped dividers, and/or bio-retention swales and cells, islands and walkways.*
- viii. Parking and loading provisions shall meet the requirements of Article VI. (or new Article number for Parking Chapter).*

Ms. Schultz stated that currently when a site plan is submitted, complete construction drawings are required so that the Fire Department is able to perform their review.

Mr. Phelps stated that architectural drawings should be sufficient for the Fire Department to conduct an initial review. Mr. Phelps continued by saying that if a full set of construction drawings were submitted along with the site plan and during the review process it is discovered that a structural change is required to meet a setback, then the developer would be reproducing an entirely new set of construction drawings which is significant in terms of time and cost.

Mr. Phelps stated that it should be sufficient for a developer to submit workable drawings with the site plan and then finalize the construction drawings prior to receiving the approval from the Fire Department and a zoning certificate.

The Zoning Commission discussed the SCPC & Staff comments and collectively decided that (b). should read, "After review by the Copley Township Fire Department and finding that the site plan, and completed building plans, and working drawings adequately provide for the following...."

*SCPC & Staff Comments*

*Staff recommends adding the following to the Summit County Engineer site plan review criteria. Since the County Engineers staff is reviewing the site plans, it would be appropriate to add traffic flow pattern criteria. Currently the only applicable County Engineer review criteria pertains to storm water management.*

C. After review and recommendation by the Summit County Engineer and finding that the grading plan, drainage plans, **traffic circulation patterns**, and provisions for maintenance of the public drainage facilities adequately provide for the following:

- i. The maintenance of the surface waters in their natural courses where the water enters and leaves the subject premises.
- ii. Acceptance of upstream drainage.
- iii. Future development of upstream properties.
- iv. Storm water management facilities, **water quality practices** and drainage easements which minimize the impact of storm water on abutting or downstream properties and minimize increased storm water flows from the site to the greatest extent possible.
- v. Grading and surface drainage designed to minimize any adverse effects on abutting properties and public streets.

#### SCPC & Staff Comments

Staff also recommends adding the following to the County Engineer review criteria:

- vi. *On-site traffic circulation shall be designed to make possible adequate fire and police protection and to minimize interference with the traffic carrying capacity of adjacent streets.*
- vii. *Curb cuts, internal drives, parking areas and pedestrian walkways, and bicycles lanes shall be arranged to promote safe and efficient movement within the site, between adjacent sites, and between the site and the adjacent thoroughfare system.*
- viii. *The number and location of openings from the site to adjacent thoroughfares shall be designed to maintain the traffic movement function of arterial and collector streets.*
- ix. *All utilities on site shall be located underground.*
- x. *Applicant will sign an agreement to submit "As Built" Drawings of all Storm Water and Water Quality features to the Township upon site completion. The Township will then send the "As Built Drawings" to the County Engineer's Office.*

#### SCPC & Staff Comments

The current criteria included in Section 901-6 Site Plan Review for Certain Zoning Certificates are adequate but should be updated. Staff recommends making the following changes to the Summit Soil and Water Conservation District (SSWCD) site plan review criteria:

- d. After review and recommendation by the Summit Soil and Water Conservation District and finding that **the Storm Water Pollution Prevention Plan (SWPPP) and Structural and Non-Structural Post Construction Practices** ~~erosion, sediment control and water management plans~~ adequately provide for the following:
  - i. Adhere to the requirements of the Ohio EPA/Summit SWCD Checklist and NPDES Phase II regulations.
  - ii. Provide for a Long Term Maintenance Agreement between the Township, property owner and County Engineer for all post construction practices.
  - iii. Retention of unstable soils as open land.
    - ~~i. Temporary or permanent sediment retention basins.~~
    - ~~ii. Temporary diversions.~~
    - ~~iii. Surface water management.~~
    - ~~iv. Seedlings appropriate to the season during which protection is required.~~
    - ~~v. Subsurface water management.~~
    - ~~vi. Retention of unstable soil as open lands.~~
- f. *The Service Director will also review the site plan to provide that lighting shall be directed away from adjacent streets or roads so as not to impair safe movement of traffic. No lighting shall shine directly on adjacent properties.*

SCPC & Staff Comments

*Pursuant to § 519.99 of the Ohio Revised Code (ORC), the maximum penalty for a violation is \$500.00. Ohio Revised Code § 519.99 Penalty states- “Whoever violates sections 519.01 to 519.25 of the Revised Code shall be fined not more than five hundred dollars for each offense.” It is appropriate to revise the existing amount of \$100 to \$500.*

The Zoning Commission collectively agreed with the SCPC and Staff comments and recommendations.

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. None were offered.

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.”

**Mr. Phelps moved to close the public hearing, Mr. Wasick, 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 13 titled Administration and Enforcement 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 13.

**NEW BUSINESS**

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

Mr. Weinstein stated that he has met with Zoning Department staff and clarified proposed language to Article 7 "Standards for Conditional Uses", Article 9 "Parking and Loading" and Article 10 "Nonconformities".

Mr. Weinstein stated that Article 7 now has proposed language governing the use of wind turbines. Mr. Weinstein stated that the language is common throughout the country and was recently adopted by the City of Green. Mr. Weinstein stated that the regulations do not govern large scale energy producing systems but rather smaller stand alone units used for a single family houses.

Mr. Phelps asked why all wind turbines were considered a Conditional Use.

Mr. Weinstein stated that due the nature of this type of accessory use, it allows for all abutting property owners to be aware of what may be installed near their property.

Mr. Phelps asked that additional criteria be developed on wind turbines so that the Board of Zoning Appeals knows how to evaluate a case that may come before them as a conditional use.

Mr. Weinstein stated that he would draft additional language to help the Board of Zoning Appeals in their review process.

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 because of a concern that was addressed at the May 3, 2010 meeting regarding regulating large scale commercial operations. Mr. Majewski stated that per the Zoning Commission's request, he has drafted language that he would like considered prior to the adoption of Article 7 "Standards for Conditional Uses".

Mrs. Scott stated that the Zoning Commission has not received his proposed language but would be willing to consider implementing.

Mr. Weinstein discussed Article 10 titled Nonconformities briefly and stated that additional work has been done on this Section and believes that it is ready to be sent to the County Planning Commission for review and recommendation.

The Zoning Commission reviewed the proposed language for Article 10 "Nonconformities" and agreed that the material was ready to be sent to the County Planning Commission.

**Mr. Wasick moved that Article 10, dated June 14, 2010 be forwarded to the Summit County Planning Commission for their recommendation and to set a public hearing for August 2, 2010 at 6:00 p.m. and for the Zoning Department to advertise for the public hearing as required by law, 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.**

With no further business to come before the Commission, the meeting was adjourned at 8:15 p.m.

---

Mrs. Jane Scott, Chair

---

Matt Springer, Asst. ZI