

**ZONING COMMISSION MEETING  
MINUTES  
SEPTEMBER 2, 2010**

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

Guests present included Mark Majewski, Larry Rubens, Kathleen Butler, Victoria Sabino and Don Yoder.

Mrs. Scott welcomed the Zoning Commission's newest appointed alternate, Dwayne Groll.

**NEW BUSINESS**

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

Mr. Weinstein stated no substantive changes have been made to proposed Articles 6 (General Regulations) or Article 9 (Parking and Loading Requirements) since the August 2, 2010 meeting. Mr. Weinstein stated that these two Articles are before the Commission this evening for action.

Mr. Phelps stated that he would like the Summit County Planning Staff to provide examples of what other communities are doing with discarded automobiles and heavy machinery.

Mr. Weinstein stated that we could request the Summit County Planning Staff rewrite Section 6.01 (W) and draft language and provide examples of what other communities do to handle this blighting effect.

**Mr. Wasick moved that Article 6: General Regulations, dated September 2, 2010 be forwarded to the Summit County Planning Commission for their recommendation and to set a public hearing for November 4, 2010 at 6:00 p.m. and for the Zoning Department to advertise for the public hearing as required by law, Mr. Daniel, 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. Phelps moved that Article 9: Parking and Loading, dated September 2, 2010 be forwarded to the Summit County Planning Commission for their recommendation and to set a public hearing for November 4, 2010 at 6:00 p.m. and for the Zoning Department to advertise for the public hearing as required by law, Mr. Daniel, 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 stated that minor changes have been made to Article 7 Standards for Conditional Uses, which included adding language to large-scale retail establishments that have gasoline stations, which only allows members to purchase gasoline and at a cost similar to other like businesses.

Mr. Weinstein stated that a second change was in the form of deleting Strip Mining as a Conditional Use from Article 7 since there are no mining operations within the Township.

Mr. Weinstein stated that in past Zoning Commission meetings, Mr. Mark Majewski has requested that the Commission consider removing large scale retail as a Conditional Use and list it among the permitted uses in the C-GR District regulations. The primary reason given for this proposed change is that no potential tenant would agree to lease a proposed site if the property owner must obtain discretionary approval, such as a Conditional Use permit. While I am not expressing an opinion on whether that representation is or is not accurate given the current economic conditions regarding development of large-scale retail, I will note that an online search indicates that several large-scale retail establishments have applied for an approval through a conditional use process in various parts of the country.

Mr. Weinstein continued by saying that the major difference between treating large-scale retail establishments as a Conditional Use rather than a permitted use is that approval as a Conditional Use requires the Board of Zoning Appeals (BZA) action at a public hearing to consider the general standards for granting a Conditional Use, found in 7.02 as well as specific standards for large-scale retail found in 7.10. If large-scale retail were changed to a permitted use, there would be no BZA hearing and the only standards that would be applied are those in 7.10. Further, the standards in 7.10 would need to be modified to some degree to eliminate any discretion in the permitting process.

Mr. Daniel asked if a future builder or tenant exceeded a 35,000 square foot footprint and wanted to expand or make exterior modifications, would they be required to receive conditional approval prior to the expansion or modifications occurring.

Mr. Weinstein said, "Yes", the tenant or building would be required to comply with the new standards being adopted and receive approval through the Board of Zoning Appeals.

Mr. Wasick stated that he would like to see the Conditional Use language regulating large-scale retail establishments remain in the proposed language.

Mr. Daniel asked if language regulating large-scale retail establishments is adopted, are developers negatively affected.

Mr. Weinstein stated that many factors come into play when developers consider locations to build or redevelop. Mr. Weinstein stated that developers certainly look at local regulations but they primarily will look at the locations that are able to maximize profits.

Mr. Mark Majewski stated that he would like to suggest that Article 7 be sent forward to the Summit County Planning Commission for a recommendation but that the Zoning Commission reserves the right to make future changes and specifications about the more contentious portions of the proposed language.

Mrs. Victoria Sobina asked if a proposed Wal-Mart wanted to build a lube express as they have in many of their stores, would they need to receive a permit.

Ms. Scott stated that any type of new construction or exterior modifications which would change or alter the footprint of an existing large-scale retail establishment would require the approval of the Board of Zoning Appeals as a Conditional Use.

Mr. Larry Rubens stated that the proposed language allows for gasoline service stations to be permitted on thoroughfares and collector roads but questioned if Rothrock Rd. could meet this standard. Mr. Rubens also questioned the setbacks for gasoline service stations to environmentally sensitive pieces of land. Lastly, Mr. Rubens asked who would be

responsible for the removal of underground gas tanks in the event that a tenant goes out of business and leaves the building vacant.

Mr. Wasick stated that any inspections or installations relative to gas tanks are handled through the State of Ohio and the installation and maintenance is held to an extremely high standard.

Mr. Rubens stated that the proposed site plan for the Rothrock Rd. development posted on the Township website does not meet the list of permitted Uses within the existing Commercial-3 zoning district.

Ms. Scott asked if anybody else in attendance wished to speak or inquire about the proposed language before the Zoning Commission. No additional questions, comments or concerns were voiced.

Mr. Weinstein stated that no changes had been made to the proposed Article 8 Sign Regulations since the previous Zoning Commission meeting. Mr. Weinstein continued by saying that he did not think it would be wise to send additional information to the Summit County Planning Commission in fear of overloading them with additional drafts.

Mrs. Scott stated that the images shown in the proposed Article 8 Sign Regulations made the language much easier to understand since the reader is able to see examples of signs illustrating a point.

Mr. Weinstein said that the images would actually be replaced with clearer and more modern images when the final draft is put together.

Mr. Daniel stated that he did not agree with the language in 8.10 (D) which prohibited the use of portable signs that could be manually changed.

Mr. Weinstein stated that although this type of sign would be prohibited, it encourages businesses to use electronic message signs as an alternative.

Mrs. Scott asked how quickly an electronic message sign could change messages.

Mr. Weinstein pointed to Section 8.09 (B), 3 states that the message area displayed on an electronic message center must be static or depicted for a minimum of eight (8) seconds.

Mr. Weinstein stated that he has also prepared draft language for Article 3 titled Conservation Development. Mr. Weinstein continued by saying the present language would not designate a specific zoning district for conservation developments to be located.

Mr. Wasick asked what downfalls exist for conservation developments.

Mr. Weinstein said that he believed there were no downsides to conservation development but rather difficult to convince the public that this type of development isn't just higher in density but rather a higher concentration of density in one area while preserving open space and the natural environmental features. Furthermore, the requirements that are established for conservation developments are so stringent that this type of development tends to be very nice for the communities in which they are built.

Mr. Weinstein stated that it is possible that the only downside that one could argue is that there is not a density bonus to encourage conservation development. As a result, a typical developer plans and builds a typical development in which individual lots are much larger and large tracts of the natural environment are destroyed as a result. Awarding density bonuses would encourage a developer to keep houses much closer and confined rather than spreading out and building large sprawling subdivisions.

Mr. Phelps asked if there were examples of conservation developments in the area.

Mr. Weinstein said that he would speak with Ms. Kirby Date who is an expert on conservation developments and would find examples in which the Commission could review or even visit.

**Mr. Phelps moved to approve the July 2, 2010 minutes as submitted, Mr. Stein, 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. Stein moved to approve the August 2, 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.**

Ms. Scott asked if there was any business from the Zoning Inspectors.

Ms. Schultz stated that a resident has inquired about the use of a temporary detached garage to place a camping trailer beneath when not in use. Ms. Schultz continued by saying that the resident described the temporary detached garage as being open on all four (4) sides. Ms. Schultz contacted several local municipalities and spoke with other zoning inspectors to see if this is something they allow. Ms. Schultz stated that some communities prohibit them while others allow them with certain requirements.

The Zoning Commission collectively decided that a temporary detached garage should be held to the same standard as detached garages. Furthermore, all minimum setbacks must be met for a temporary detached garage.

The next regularly scheduled Zoning Commission meeting will be held on October 7, 2010 at 6:00 p.m.

With no further business to come before the Commission, the meeting was adjourned at 7:40 p.m.

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Mrs. Jane Scott, Chair

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Matthew Springer, Zoning Insp.