



**COPLEY TOWNSHIP**  
*Zoning Commission & Board of Trustees*  
**MAP AMENDMENT APPLICATION**  
**\$500 NON-REFUNDABLE FEE DUE UPON SUBMITTAL**

Address/Parcel of Subject Site: 506 Rothrock Road - PPN 15-04432

Landowner: One Hundred Three, LLC

Applicant: Birch Group, LLC

Address of Applicant: PO Box 246, Bath, OH 44210

Email of Applicant: mattbirch60@gmail.com

Telephone of Applicant: 330-903-1185

Current Zoning Classification: CGR Proposed Rezoning: Overlay

- A map of the lot(s) and surrounding area must be included with this application.

The existing zoning of the land is unreasonable because: CGR does not permit mixed use compact development (MUCD).

The rezoning would be better because: The MUCD use will create neighborhoods where residential, commercial, and civil buildings can develop a live, work, and plan environment type of development.

List All Abutting Property Owners (name, address, city, state and zip code):

1. Copley Place, 528 Rothrock Road, Copley, OH 44321 (South abutting)
2. East Montrose, LTD, 444 Rothrock Road, Copley, OH 44321 (North abutting)
3. Treno Services, LLC, 483 Rothrock Road, Fairlawn, OH (East across Rothrock)
4. Interstate 77 (West)

Owner's Signature: Matthew J. Birch Date: 2/1/2022

Print Name: Matthew J. Birch, Managing Member

Applicant's Signature: Matthew J. Birch Date: 2/1/2022

Print Name: Matthew J. Birch, Managing Member

\*\*\*\*\*TOWNSHIP USE ONLY\*\*\*\*\*

Township Official Receiving Application: SLC

Date Received: 2/1/22 Fee Received: ✓



## COPLEY TOWNSHIP

*Zoning Commission & Board of Trustees*

### MAP AMENDMENT APPLICATION

**\$500 NON-REFUNDABLE FEE DUE UPON SUBMITTAL**

Address/Parcel of Subject Site: **444 Rothrock Road - PPN 15-01804**

Landowner: **East Montrose, LTD**

Applicant: **Birch Group, LLC**

Address of Applicant: **PO Box 246, Bath, OH 44210**

Email of Applicant: **mattbirch60@gmail.com**

Telephone of Applicant: **330-903-1185**

Current Zoning Classification: **CGR** Proposed Rezoning: **Overlay**

- A map of the lot(s) and surrounding area must be included with this application.

The existing zoning of the land is unreasonable because: **CGR does not**

**permit mixed use compact development (MUCD).**

The rezoning would be better because: **The MUCD use will create neighborhoods where**

**residential, commercial, and civil buildings can develop a live, work, and**

**plan environment type of development.**

List All Abutting Property Owners (name, address, city, state and zip code):

1. One Hundred Three, LLC, 506 Rothrock Road, Copley, OH 44321 (South abutting)

2. Polar Development, LLC, 400 Rothrock Road, Copley, OH 44321 (North abutting)

3. Thomas R. Briggle, 382 Rothrock Road, Fairlawn, OH (North abutting)

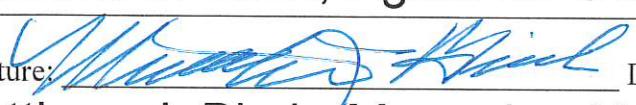
4. Treno Services, LLC, 447 Rothrock Road, Fairlawn, OH (East across Rothrock)

5. Rothrock Place Land Co., Rothrock Place, Copley, OH 44321 (East across Rothrock)

6. JTF Holdings, LLC, 405 Rothrock Road, Copley, OH 44321 (East across Rothrock)

Owner's Signature:  Date: 2/1/2022

Print Name: Matthew J. Birch, Agent for Owner

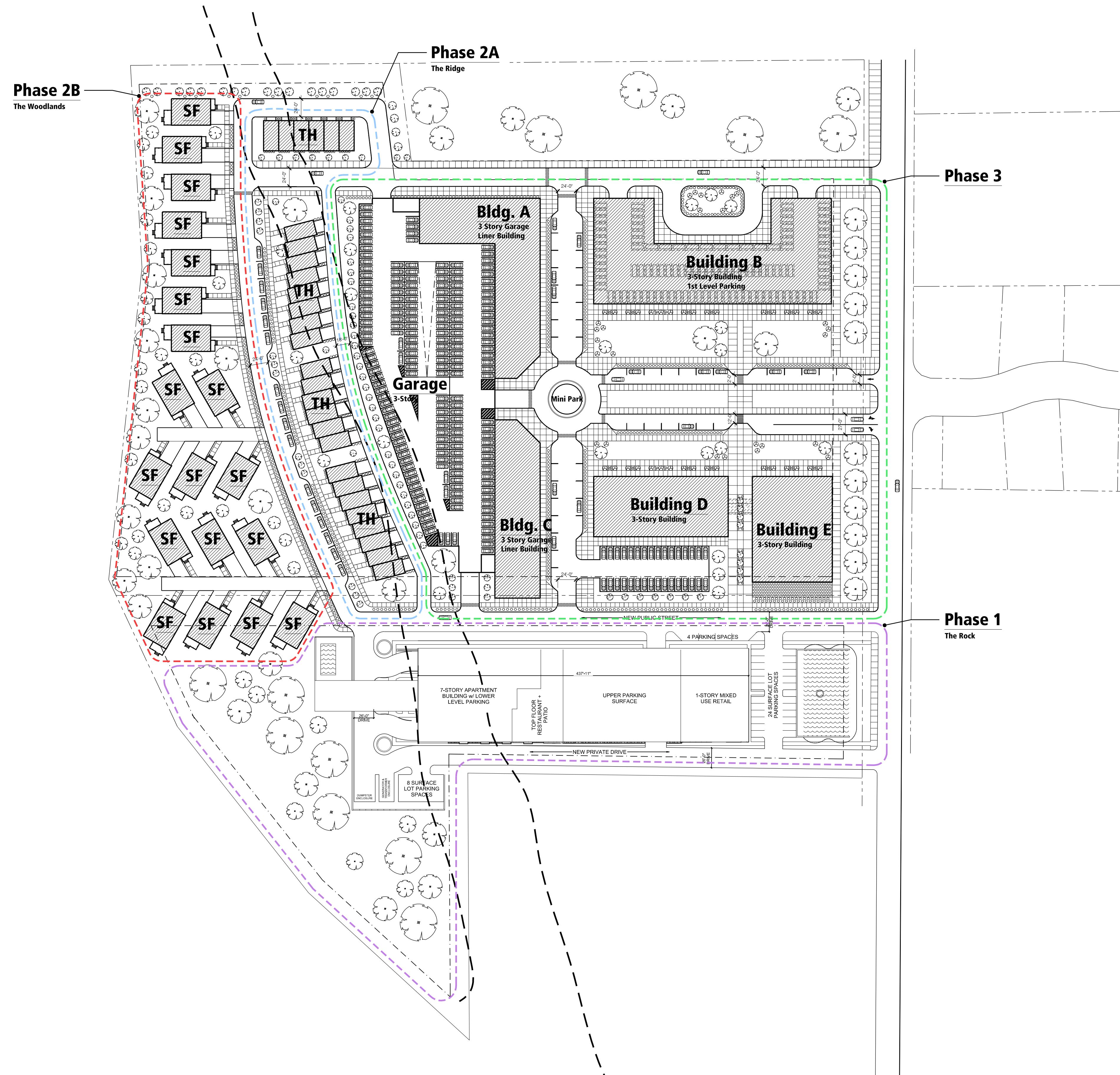
Applicant's Signature:  Date: 2/1/2022

Print Name: Matthew J. Birch, Managing Member

\*\*\*\*\*TOWNSHIP USE ONLY\*\*\*\*\*

Township Official Receiving Application: Ski He

Date Received: 2/1/22 Fee Received: ✓



*Rothrock Road Masterplan*  
Copley, Ohio

## Rothrock MUCD Final Development Plan

0 50 100 200 400 feet

MASTER PLAN AREA & YIELD SUMMARY		
Yield by Use		
Phase 1:		
Multi-Family:	80 Units	80 Units
Retail:	9,250 G.S.F.	9,250 G.S.F.
Restaurant:	6,000 G.S.F.	6,000 G.S.F.
Phase 2A & 2B:	47 Units	47 Units
Total Residential:	19 Units	19 Units
Single Family:	28 Units	28 Units
Phase 3:	76 Units	76 Units
Multi Family:		
Retail/Restaurant (Ground Floor):	62,650 G.S.F.	62,650 G.S.F.
Building A:	19,850 G.S.F.	19,850 G.S.F.
Building B:		
Building C:	13,700 G.S.F.	13,700 G.S.F.
Building D:	14,250 G.S.F.	14,250 G.S.F.
Building E:	14,850 G.S.F.	14,850 G.S.F.
Office (Second Floor):	97,450 G.S.F.	97,450 G.S.F.
Building A:	19,850 G.S.F.	19,850 G.S.F.
Building B:	34,800 G.S.F.	34,800 G.S.F.
Building C:	13,700 G.S.F.	13,700 G.S.F.
Building D:	14,250 G.S.F.	14,250 G.S.F.
Building E:	14,850 G.S.F.	14,850 G.S.F.
Apartment (Third Floor):	97,450 G.S.F.	97,450 G.S.F.
Building A:	19,850 G.S.F.	19,850 G.S.F.
Building B:	34,800 G.S.F.	34,800 G.S.F.
Building C:	13,700 G.S.F.	13,700 G.S.F.
Building D:	14,250 G.S.F.	14,250 G.S.F.
Building E:	14,850 G.S.F.	14,850 G.S.F.
Parking Totals:		
Building B Ground Level	105 Spaces	105 Spaces
On Street Parking	101 Spaces	101 Spaces
Garage Parking - 3 Levels	577 Spaces	577 Spaces
Surface Parking Lots	32 Spaces	32 Spaces
Total Parking Spaces	815 Spaces	815 Spaces
Total Acreage per Phase:		
Phase 1:	6.7 Acres	6.7 Acres
Phase 2A:	3.5 Acres	3.5 Acres
Phase 2B:	4.75 Acres	4.75 Acres
Phase 3:	6.3 Acres	6.3 Acres
Total Greenspace Acreage Per Phase:		
Phase 1:	3.4 Acres	3.4 Acres
Phase 2A:	0.8 Acres	0.8 Acres
Phase 2B:	1.5 Acres	1.5 Acres
Phase 3:	1.8 Acres	1.8 Acres
Summary:		
Phase 1:	6.7 Acres	6.7 Acres
80 Multi-Family Units		
12 Units / Acre		
Phase 2A:	3.5 Acres	3.5 Acres
28 Single-Family Attached		
8 Units / Acre		
Phase 2B:	4.75 Acres	4.75 Acres
19 Single-Family Detached		
4 Units / Acre		
Phase 3:	6.3 Acres	6.3 Acres
76 Multi-Family Units		
12 Units / Acre		
Phase 1 & Phase 3:	C-OR, C-GR, C-NR Permitted and Conditional Uses Per the Copley Township Zoning Resolution	



1. Adult Entertainment.
  2. Gun and firearms sales.
  3. Automotive service stations and motor vehicle repair garages.
  4. Sale of alcoholic beverages; except when the sale of alcoholic beverages is an incidental use to the operation of a restaurant or dining establishment.
- ix. Live/Work Uses and the structures in which they are located must comply with any additional requirements imposed by the County Building Department, Health Department or Ohio EPA; the Township Zoning Inspector, Fire, Police and Service Departments; and any other appropriate governmental agency, intended to protect the public health, safety and welfare.

2. Conditionally Permitted Uses. Uses that are conditionally permitted in the underlying zoning districts shall continue to be conditionally permitted in the Copley Road/Jacoby Road MUCD District.
3. Accessory Uses. Uses that are permitted as an accessory use in the underlying zoning districts shall continue to be permitted as an accessory use in the Copley Road/Jacoby Road MUCD District, provided, however, that single-family residential uses permitted under Section 4.06 D 1 shall be limited only to those accessory uses allowed in other single-family residential districts in this Resolution.
4. Offices of governmental agencies at the federal, state, county or local level whose primary purpose is to serve the residents of Copley Township and surrounding communities.

#### **4.07 Mixed-Use Compact Development District**

##### **A. Purpose**

The Mixed Use Compact Development (MUCD) District and its regulations are established in order to permit compact, mixed use neighborhoods where residential, commercial and civic buildings could be within close proximity to each other. More specifically, the MUCD District would:

1. Permit mixed use development in appropriate areas of the Township as

suggested by the Copley Township Comprehensive Land Use Plan.

2. Permit, in these areas, a pedestrian oriented mixture of uses including civic uses, offices, limited retail, and higher density residential in a manner that reinforces existing compact development.
3. Expand and diversify housing opportunities to meet current and future needs.
4. Ensure that new development and/or redevelopment will occur in a manner that provides adequate transition between more intense retail uses and lower density residential.
5. Ensure that new development and/or redevelopment comply with these objectives by requiring a development plan and establishing a review process to ensure that all phases of a development are consistent with these regulations.
6. The Mixed Use Compact Development (MUCD) District and its regulations are intended for development that mixes residential use(s) with at least one other type of use. This district is not intended for solely residential use, nor shall it be used primarily to increase residential density by failing to provide for a substantial amount of non-residential uses in the proposed development. These regulations are established under the Authority of O.R.C. §519.021(C), Planned Unit Development.

**B. Establishment of a MUCD District**

Mixed Use Compact Development (MUCD) Districts may be established under the Authority of O.R.C. § 519.021(C), Planned Unit Development. The boundaries of a Mixed Use Compact Development District shall be indicated on the Official Zoning Map with the symbol MUCD.

**C. Application of the MUCD District**

The Mixed Use Compact Development (MUCD) District shall be in addition to and shall overlay all other zoning districts where the MUCD district is established. Therefore, any parcel of land lying in the MUCD district shall also lie in one or more of the other zoning districts provided for in this Zoning Resolution. The district designation of MUCD shall be superimposed over the existing zoning designations on the Zoning Map.

**D. Project Development Requirements**

Effective Date: March 16, 2012

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Amended Date: April 18, 2014; March 12, 2019;  
October 14, 2021

In order to accomplish the purposes set forth in Section 4.06 A. The Mixed Use Compact Development (MUCD) District and its regulations are intended for development that mixes residential use(s) with at least one other type of use. This district is not intended for solely residential use, nor shall it be used primarily to increase residential density by failing to provide for a substantial amount of non-residential uses in the proposed development. The uses permitted in a Mixed Use Compact Development (MUCD) District shall be developed in a manner that achieves some or all of the following:

- 1. Includes a variety of housing types that results in a cohesive development which may have a higher density in some areas provided that the density in that portion of the MUCD District that abuts existing lower density residential development is no greater than the density in that residential development.**
- 2. Provides for convenient pedestrian circulation among the uses to create a more traditional neighborhood development in the community by including wherever possible given the size of the particular MUCD District:**
  - a. A network of interconnecting streets and blocks;**
  - b. Well configured squares, plazas, landscaped streets, and parks woven into the pattern of the neighborhood;**
  - c. Connections to community facilities, offices and retail centers within and adjacent to the MUCD District.**
- 3. Conforms to a set of design guidelines approved at the time of rezoning to ensure that:**
  - a. Buildings, open spaces and other visual features that act as landmarks are included in the MUCD District;**

- b.** Buildings and other improvements are compatible based on their architecture, massing, orientation and arrangement; and
    - c.** A cohesive environment is created.
- 4.** Reduces the impact between the MUCD District and existing and future development adjacent to the MUCD District by providing adequate transitional features such as:
  - a.** Primary uses in a MUCD District that are similar in intensity to existing and/or expected uses in the abutting districts.
  - b.** Placing the lower intensity uses in a MUCD District adjacent to the lower intensity uses and zoning districts that are outside the MUCD District, and
  - c.** Including adequate screening and buffering around the perimeter of the MUCD District.
- 5.** Is located adjacent to areas zoned for either Commercial or Industrial use and where central sewer and water services are available or will be made available by the developer as a condition of project approval.

#### **E. Minimum Project Area and Ownership**

The gross area of a tract of land proposed to be developed as a MUCD District shall be at least twenty (20) acres.

- 1.** The Architectural Review Board (ARB) may waive this requirement when it determines that, because of unique circumstances, this minimum cannot be achieved and the development of the property at a lesser standard will not have any material adverse impact on the adjacent property or the Township provided that in no case shall the area of the MUCD District be less than five (5) acres. Unique circumstances may include but are not limited to:
  - a.** The proposed MUCD District is adjacent to and thus becomes an extension of an existing or separately proposed MUCD District; or
  - b.** Because of existing uses, natural features, or ownership patterns there is no, or little, likelihood that contiguous land area can be acquired and consolidated to achieve the requisite 20 acres.

2. To be eligible for an MUCD District, such tract of land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations provided that an application must be filed by the owner or jointly by owners of all property included in the project area. In the case of multiple ownership, the approved final development plan and related conditions, including the phasing of development, shall be binding on all owners.

#### **F. Permitted Uses**

It is the intent of these regulations that a Mixed Use Compact Development District may contain a mixture of uses and a variety of building types not otherwise allowed in a given underlying zoning district and that such deviations may be allowed under circumstances where the Architectural Review Board determines it to be sufficiently advantageous and appropriate to grant such permission to depart from the normal requirements of the applicable zoning district. The Mixed Use Compact Development (MUCD) District and its regulations are intended for development that mixes residential use(s) with at least one other type of use. This district is not intended for solely residential use, nor shall it be used primarily to increase residential density by failing to provide for a substantial amount of non-residential uses in the proposed development. As a guide to the Architectural Review Board in making such determinations, a Mixed Use Compact Development District may contain, but is not strictly limited to, one or more of the uses specifically enumerated below in Table A.

(see next page for Table A)

**Table A Permitted Uses**

1. Residential:	
a. Single-family detached dwellings	P
b. Cluster single-family dwelling	P

c. Attached single-family dwelling with not more than 4 units attached	P
d. Townhouse with not more than 6 units attached	P*
e. Multifamily dwellings	P*
f. Assisted living facility	P*
g. Congregate living facility	P*
<b>2. Offices:</b>	
a. Offices including administrative, medical, business and professional	P
b. Sales offices with only samples of products	P
<b>3. Retail/Services:</b>	
a. Retail establishments in completely enclosed buildings	P
b. Banks	P
<b>P = use is permitted; P* = use is permitted subject to 4.06 I.</b>	

1. **Conditionally Permitted Uses.** Uses that are conditionally permitted in the underlying zoning districts and are not listed in Table A above, may be conditionally permitted in any location in the MUCD subject to the criteria established in Section 4.06 I. In addition, a Live/Work Use may be permitted as a conditional use in any MUCD District.
2. **Accessory Uses.** The following uses that are accessory to an establishment in a MUCD district shall be permitted when they are clearly incidental to and subordinate to, meet the setbacks of, and are located on the same lot as the principal building or use.
  - a. **Off-street Parking.** Off-street parking as regulated in Section 4.06 H 3 and Article 9.
  - b. **Fences and Walls.** Fences and walls may be erected in a MUCD District in compliance with this Resolution.

- c. **Accessory Facilities for Residents of Development.** Community centers, pools, tennis courts, and other indoor and/or outdoor recreational and/or community gathering places typically associated with single-family detached dwellings, two-family dwellings, single-family attached dwellings and/or multifamily dwellings, for use by residents of the MUCD District.
- d. **Signs.** Signs as regulated by Article 8.

## **G. Density**

The maximum number of dwelling units permitted in any Mixed Use Development shall be determined by the Architectural Review Board to assure compliance with the purpose and intent of these regulations and to adequately protect the public safety and welfare, but shall not exceed the maximum number of dwelling units per acre set forth below. The availability of public sewer shall be a major factor in the Architectural Review Board's determination of the permissible density.

- 1. **Density for Residential Development.** The density of each area of a MUCD project devoted to a specific dwelling unit type shall not exceed the maximum number of dwelling units per acre set forth below:
  - a. Single-family Detached Dwellings - Maximum density shall be four (4) dwelling units per acre.
  - b. Two-family Dwellings and Single-family Attached Dwellings - Maximum density shall be eight (8) dwelling units per acre.
  - c. Multifamily Dwellings - Maximum density shall be twelve (12) dwelling units per acre.
- 2. **Maximum Number of Dwelling Units.** The maximum number of dwelling units permitted for a particular MUCD project shall be calculated by multiplying the total area devoted to each dwelling unit type, as identified and delineated on the general development plan, by the maximum density per acre permitted above.

## **H. Development Standards**

1. **Setbacks and Separations**. Setbacks and separations for new buildings, structures and parking areas shall be as established on the approved final development plan. In establishing said setbacks and separations for particular use areas within a MUCD, the Township shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no case shall the approved setbacks and/or separations be less than, and when specified, not more than, the following:
  - a. **Minimum and Maximum Building Setbacks from Project Boundaries and Streets:** All new buildings and structures shall comply with the minimum and maximum setbacks specified in Table B.

**Table B**

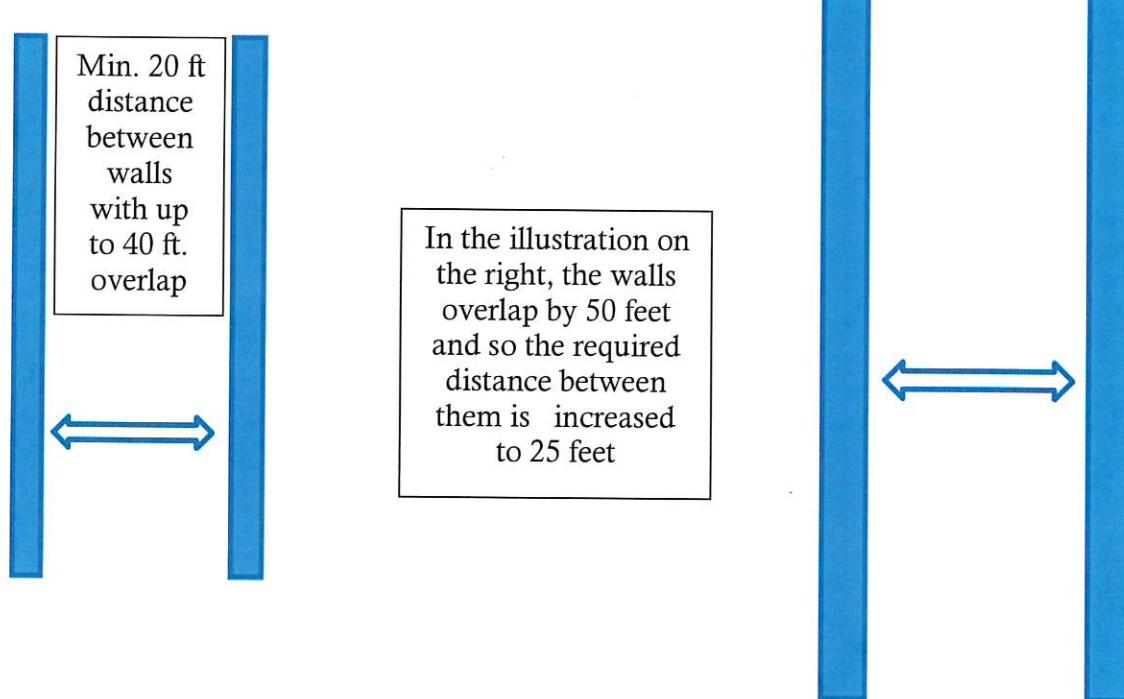
a. Minimum Setback of New Buildings from Project Boundaries	40 feet
b. Minimum Setback of New Buildings from Existing Public Street Rights-of-Way dedicated as of the date the MUCD general development plan application is submitted	40 feet
c. Setback of New Buildings from proposed public street Right-of-Ways within the MUCD	
1) Minimum	10 feet
2) Maximum	20 feet

- b. **Minimum Separation Between New Buildings:** In order to ensure reasonable privacy and separation of buildings, individual buildings located within the MUCD shall be separated by the minimum distances specified below:
    - i. **Single-family detached dwellings:** All new single-family detached dwelling units shall be separated from each other by a minimum of 15 feet, except that when two walls facing each other both contain windows of living areas, or adjacent patios or decks, the minimum separation shall be 40 feet. For the purposes of this Section, living areas shall include: living room, family room or dining room.

- ii. Single-family detached dwellings adjacent to other uses: The minimum separation between new single-family detached dwelling units shall be 40 feet from attached single-family dwellings and 60 feet from all other buildings other than accessory buildings and detached garages associated with each single-family detached dwelling.
- iii. All new attached single-family dwellings, multi-family dwellings, and non-residential buildings: Between two walls facing each other, the distance between two such walls shall be a minimum of 20 feet plus one foot of additional separation for every two feet of building wall overlap greater than 40 feet. The maximum separation required shall not exceed 60 feet when neither of the two walls contains windows and 100 feet when one or both walls contain windows.

#### **Illustration of Development Standard H. 1. B. iii**

“Between two walls facing each other, the distance between two such walls shall be a minimum of 20 feet plus one foot of additional separation for every two feet of building wall overlap greater than 40 feet.”



2. Building Height: The maximum height of any principal building shall be 35 feet unless a greater height is specifically authorized by the Architectural Review Board and with the approval of the Fire Chief.
3. Parking and Roadway Setbacks: Off-street parking areas and roadways shall be screened according to Articles 9 and 14 and shall comply with the following setback requirements:
  - a. Off-street parking areas shall be located to the side or rear of buildings and shall not extend into a front yard.
  - b. All off-street parking areas shall be set back from an existing or proposed right-of-way a distance not less than 20 feet.
  - c. All off-street parking areas and roadways shall be set back from all other boundaries of the MUCD project a distance not less than 20 feet.
4. Sidewalk and/or Shared Use Path – New buildings, structures, and parking areas shall include the installation of a sidewalk and/or shared use path. The sidewalk and/or shared use path shall connect to similar facilities on adjacent property. In special cases, such as if no adjacent property sidewalk or shared use path exists, the facility type(s) and location shall be approved by Copley Township Community and Economic Development Staff via Site Plan review. See Section 13 of this document.
5. Ownership: Any ownership arrangement, including fee simple lots, condominiums, and zero lot line parcels, is permitted in a residential development proposed as part of a MUCD provided the arrangement of the dwelling units shall comply with the spacing requirements of this section. Within any such sublot, the applicant shall depict the maximum parameters, or building envelope, which indicates where the buildings shall be located and demonstrate that such building locations will be in compliance with the spacing requirements of this section. Alternatively, if such building locations are not depicted on any such sublots, the Architectural Review Board may establish on the development plan the appropriate front, side, and rear yard dimensions for each sublot.

## **I. Supplemental Requirements**

Each proposed MUCD shall comply with the following supplemental requirements:

1. Similar land uses should face across streets, and dissimilar land uses should abut at rear lot lines or across alleys.
2. The vehicular circulation system shall be designed to ensure that the entire MUCD is a cohesive development, and to promote inter-connection among individual projects. All streets shall be public and shall comply with the construction standards set forth in the Summit County Subdivision Regulations.
3. All activities except off-street parking, accessory recreation, and refuse storage shall be conducted in completely enclosed buildings.
4. All proposed developments, in addition to the requirements specified in Article 14 (Landscaping/Buffering), shall provide and maintain the following landscaping, screening, and privacy requirements:
5. Screening through the use of walls, fences, and/or landscaping shall be provided to minimize potential incompatibility between contrasting uses within a MUCD.
6. All open areas, including required yards, shall be landscaped according to an approved landscape plan. All pervious areas of the MUCD shall be permanently protected from soil erosion with grass or other suitable ground cover.
7. Dwelling units shall be grouped or clustered to maximize privacy and preservation of open space.
8. The Architectural Review Board may impose additional conditions on uses to ensure the uses are consistent with the intent of these regulations.

**J. Modifications**

Modifications may be granted by the Township Architectural Review Board only when it determines that certain standards set forth in this Section do not or should not apply specifically to the circumstances of a particular project and when the alternative method proposed to achieve the objectives of the numerical standard is equal to or better than the strict application of the

specified standard. The Township Architectural Review Board may modify such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.

A modification shall only be considered by the Architectural Review Board during the review and approval procedures for a development plan.

## **K. Development Plan Review**

- 1.** The establishment of a MUCD district requires that the following steps shall be completed concurrently:
  - a.** Application for zoning map amendment is submitted, pursuant to this Resolution.
  - b.** Application for review of the general development plan, pursuant to this Resolution.
- 2.** Additional development requirements, whether standards or criteria, formulated to achieve the objectives of the MUCD District may be established during the Architectural Review Board's review of the General Development Plan. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed development.
- 3.** After a General Development Plan is approved for a MUCD project, the applicant shall prepare and submit a Final Development Plan for either all or a phase of the development.
- 4.** After approval of the Final Development Plan has been obtained from the Architectural Review Board, a Zoning Certificate may be obtained.