

# COPLEY TOWNSHIP MAJOR SITE PLAN VARIANCE STAFF REPORT

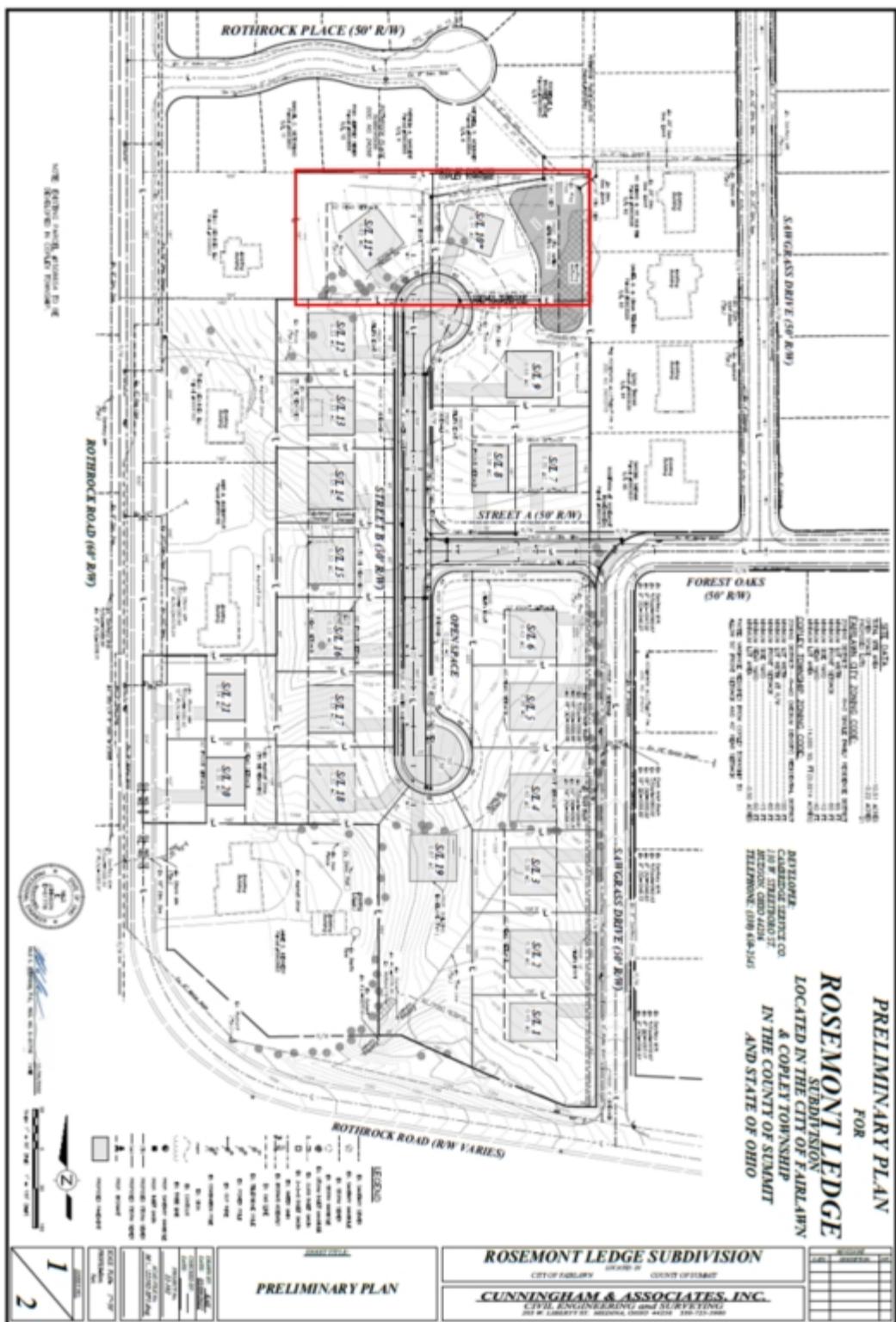
June 6, 2022



## APPLICANT SUMMARY

<b>PROJECT:</b> <b>Rosemont Ledges Subdivision*</b> <b>Parcel: 1508654</b> <i>*21 lots total. 2 Lots proposed in Copley Township.</i>	<b>APPLICATION TYPE: Major Site Plan &amp; Variance</b>
APPLICANT/LANDOWNER	APPLICANT: David M. Kolar-Cambridge Services, LTD LANDOWNER: Cambridge Services LTD
COMPANY PERFORMING WORK REQUESTED	TBD
INVESTMENT	2 Residential Homes (Valued \$400,000) per home
APPLICATION SUMMARY	<p>The applicant is proposing a new subdivision comprised of twenty one lots. Nineteen lots are located in the City of Fairlawn. Two lots are located in Copley Township.</p> <p>The proposed lots in Copley are located on Parcel 1508654. This parcel is zoned Residential-Medium Density. The parcel is 1.391 acres. The parcel will be split into two lots.</p> <p>Access for these lots will be located in the City of Fairlawn-Sawgrass Drive.</p> <p>The applicant will require the following variances for the proposed lot split:</p> <p>#6 Minimum Front Yard Setback from the Street Right-of-Way Line - Single and Two-family. Sixty (60) feet.</p> <p>#7 Minimum Rear Yard Setback - Single and Two-family. Fifty (50) feet.</p> <p>The applicant plans to retain three existing homes facing Rothrock Road. One of the existing homes is located in Copley at 447 Rothrock Road. These homes will be split off and platted onto three individual lots. The applicant plans to upgrade and sell those houses.</p> <p>City of Fairlawn-Subdivision Plan is under review.</p> <p>Rosemont Home Owners Association- Lots 1-19 will utilize Sawgrass Drive and will be part of the Rosemont HOA. Applicant to determine the status of lots 20-21 accessing Rothrock Road.</p> <p>The applicant is proposing a 60' reservation area for Storm Water Detention located in Copley. The Storm Water Plan will be facilitated</p>

	<p>by the City of Fairlawn and the Ohio EPA. The Summit County Engineer's Office has reviewed the Site Plan and provided general comments as well.</p> <p>Landscape to be determined. Applicant requests to utilize the Rosemont Subdivision landscape standards</p> <p>Copley Township and the City of Fairlawn to coordinate response for the following services: Police, Fire/EMS, Service (See Comments).</p>
INITIATED BY	Applicant
DECISION TYPE	<input type="checkbox"/> Informational <input checked="" type="checkbox"/> Direction  <input checked="" type="checkbox"/> Action
CODE REFERENCES	Article 13-Administration and Enforcement; Section F-Site Plan Review for Certain Zoning Certificates
GENERAL LOCATION	The proposed project is located at 447 Rothrock Road. East of I77, North of I77, South of SR18.
LAND AREA	Parcel 1501281
ZONING	Residential-Medium Density (R-MD)
STAFF RECOMMENDATION	<p>Approval conditioned upon Minor Subdivision Application from Summit County Planning and the Final Site Plan from the City of Fairlawn.</p> <p>Approval to apply the Subdivision Regulations from the City of Fairlawn to make the subdivision harmonious and uniform in design and landscape inclusive of the City of Fairlawn's Landscape Chapter 1296</p>



## PROPERTY LOCATION

SITE	ZONING	LAND USE
North	City of Fairlawn	Residential
South	City of Fairlawn	Residential
East	City of Fairlawn	Residential
West	C-GR	Vacant Commercial Land



## Department & Agency Comments

Copley Township Fire Department	<ul style="list-style-type: none"> <li>Copley will work with Fairlawn on mutual aid for this subdivision. Mutual Aid Agreement in place.</li> </ul>
Summit County Engineers Office	<ul style="list-style-type: none"> <li>The lot sizes appear to be reasonably sized. The lots have adequate access. Recommend a mutual services agreement.</li> </ul>

<b>Copley Township Service Department</b>	<ul style="list-style-type: none"> <li>• No major issues anticipated.</li> <li>• Require that Fairlawn maintain the portion of the road inside Copley Township for snow, ice control, stormwater and road maintenance</li> <li>• Trash Collection-Copley Township utilizes Republic for Township wide collection service. Requirement for this portion to be determined.</li> <li>• Further information required regarding maintenance and ownership of basin and sidewalks.</li> </ul>
<b>Copley Township Police Department</b>	<ul style="list-style-type: none"> <li>• No major issues anticipated.</li> <li>• One immediate concern is that the response to the homes in Copley could be delayed due to the closing of Rothrock Road. Fairlawn officers responding to that development would most likely travel there via Rothrock Road (and would have access before the delineators) or through Rosemont Blvd. Copley officers could come from those areas, as well. However, since our officers spend a significant amount of time in Montrose, our response to an emergency in that area would often be quicker via Rothrock Road, only after traveling through the delineators, or via Rosemont after activating the gate. The gate would delay our response slightly because the gate must first be radio activated, which sometimes takes a couple tries, and then the officer would have to wait for the gate to rise. Responding through the delineators can cause damage to police cars as well.</li> </ul>
<b>Summit County Planning –Review for Minor Site Plan Approval</b>	<ul style="list-style-type: none"> <li>• While my office has not yet received an official application for the Minor Subdivision we have been in touch with the applicant and their surveyor, and have seen preliminary drawings of the proposal. My office does not have any opposition to the proposed minor subdivision based on the preliminary PDFs we have received.</li> </ul>

## Community & Economic Development Department Review Criteria

Do plans adequately provide for the following:

a) The relationship between thoroughfares, service roads, driveways and parking areas shall encourage pedestrian and vehicular safety on both public and private lands.

- Access to the parcels in Copley Township are restricted due to the road closure on Rothrock Road.
- In the City of Fairlawn, the installation of sidewalks are the responsibility of the homeowner.

b) All of the development features including the principal building, open spaces, service roads, driveways and parking areas shall be located to minimize adverse effects upon adjacent development.

- Proposed development is complimentary to surrounding residential neighborhood and serves as an appropriate buffer to commercially zoned land.

c) Buildings and structures shall be sited to minimize the removal of trees and alteration of topography and to protect and maintain significant natural features including water courses.

- Tree removal is required for the proposed development. The topography of the land is challenging and requires adequate storm water management to mitigate water runoff.

d) Maximum visual and auditory privacy for surrounding properties and occupants through the design of the relationships among buildings, fences and walls, landscaping, topography, and open spaces.

- *Request to apply the Subdivision Regulations from the City of Fairlawn to make the subdivision harmonious and uniform in design and landscape inclusive of the City of Fairlawn's Landscape Chapter 1296*

e) The fencing, screening or landscaping of refuse storage and pick- up areas shall be designed to prevent the blowing or scattering of refuse and to visually screen the refuse from view from adjacent properties.NA

f) All mechanical equipment, transformers, and similar equipment, whether on the ground or on a roof, shall be screened from view from adjacent properties.NA

g) 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. NA

h) Parking and loading provisions shall meet the requirements set forth in the Copley Township Zoning Resolution. NA

i) A well-defined landscape plan has been provided and meets the requirements set forth in the Copley Township Zoning Resolution.

- *Request to apply the Subdivision Regulations from the City of Fairlawn to make the subdivision harmonious and uniform in design and landscape inclusive of the City of Fairlawn's Landscape Chapter 1296*

## DEVELOPMENT STANDARDS REVIEW

Zoning Requirement Area & Height Regulations R-MD	PROPOSED	NOTES
Minimum Lot Area ½ acre	Lot 10: 0.71 Acre Lot 11: 0.62 Acre	MEETS REQUIREMENT
Minimum Lot Width at the Building Setback Line 100'	Lot 10: 200' Lot 11: 176'	MEETS REQUIREMENT

Minimum Lot Width from the ROW continuing to the building setback line: 60'	Lot 10: 63' Lot 11: 62'	MEETS REQUIREMENT
Minimum front yard setback: 60'	Lot 10: 50' Lot 11: 50'	10' VARIANCE REQUIRED  What is the required front yard setback for this development in the City of Fairlawn
Minimum rear yard setback: 50'	Lot 10: 40' Lot 11: 40'	10' VARIANCE REQUIRED  What is the required rear yard setback for this development in the City of Fairlawn
Minimum side yard setback: 15'	Lot 10: Lot 11:	Please indicate setback on plan

## PER THE APPLICANT

### Please Explain the Practical Difficulties or Unnecessary Hardship that Justifies this Application:

The strict application of these two setback requirements of the RMD District will prevent the development of this parcel as part of a residential single family subdivision. Certain constraints related to the geometry of the parcel make it unique. These variances are the minimum required to facilitate the practical economic development of the parcel.

### How Would the Granting of a Variance(s) Affect the Immediate Neighborhood and Community In General?

The granting of the requested variances will facilitate the development of the property as part of a single family residential development in conformance with the Township Master Plan. That development will provide a buffer between the Townships Commercial development west of Rothrock road and the existing residential development to the east.

## VARIANCE REVIEW

- Can the property in question yield a reasonable return or can there be a beneficial use of the property without the variance? **No. Per a lot split approved by Copley Township 9/2021, this parcel can only be used in conjunction with the development of Parcel 0904184.**
- Is the variance substantial? **No. The variances will be compatible with the remaining lots in this proposed subdivision as approved by the City of Fairlawn.**
- Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance? **No. The proposed lots are compatible with the existing residential developments in this area.**
- Does the variance adversely affect the delivery of governmental services (i.e. water, sewer, garbage)? **No. Shared service agreements will be established as part of the subdivision approval.**
- Did the applicant purchase the property with knowledge of zoning restrictions? **Yes.**

f) Can the property owner's predicament be obviated through some other method than a variance? **A variance will be required for this project.**

g) Would the spirit and intent behind the zoning requirements be observed and substantial justice done by granting the variance? **Yes.**

## SUGGESTED MOTION AND APPROVAL TO PROCEED

The Copley Township Architectural Review Board recommends approval contingent upon final approval of the Minor Subdivision Application from Summit County Planning and the Final Site Plan from the City of Fairlawn.

Approval for applicant to apply the Subdivision Regulations from the City of Fairlawn to make the subdivision harmonious and uniform in design and landscape inclusive of the City of Fairlawn's Landscape Chapter 1296.

- City of Fairlawn Planning Commission Approved Motion below:
  - *Mr. Sisler-I Move that the Fairlawn Planning Commission recommend to Fairlawn City Council the rezoning of real property located at 483 and 511 Rothrock Road from R-1 Zoning classification to R-3 Single-Family Zoning classification for the purpose of developing a single-family detached residential subdivision as proposed by the proponent, David Kolar, Cambridge Services Limited. ....This recommendation is contingent upon an agreement with the Rosemont Ridge Homeowners' Association to incorporate the rezoned parcels into the Rosemont Ridge development and subject to all of their by-laws and conditions, as well as all City department approvals, including the installation of the Fairlawn Gig and this recommendation excludes, based on the proponents request, two existing parcels, each including an existing building lying directly west of identified lots 12, 13 and 14 and north of lot 11; Mr. Glaser seconded.*

Recommend mutual aid agreements for Service, Fire and Police as available and overseen by those departments.

The Copley Township Board of Zoning Appeals recommends approval of the variances as requested: