

**10COPLEY TOWNSHIP
ARCHITECTURAL REVIEW BOARD
JACOBY ROAD PARCELS 1501734,
1501735, 1503826
RESIDENTIAL CONSERVATION DEVELOPMENT
STAFF REPORT***

November 1, 2021



<p>*THIS IS A WORKING DOCUMENT</p> <p>PROJECT: Jacoby Road Rezoning Residential Conservation Development (R-CD) Parcels 1501734, 1501735, 1503826 (1625 Sunnyacres Road)</p>	<p>APPLICATION TYPE: Jacoby Road R-CD-General Development Plan</p> <p>Submitted: 10/12/2021</p> <p>Final Development Plan</p> <p>Review Requested: 7/5/2022</p> <p>Plan Updates: 10/26/2021: CED Comments; SSWCD Comments; 11/1/2021: ORAM, Tree Survey Summary Letter; 11/12/2021 ARB Site Visit; 3/25/2022 SCE Traffic Study Approved; Landscape Plan Submitted; Sewer Capacity Study Approved; 6/15/2022 Jacoby Road Neighborhood Meeting; 6/23/2022 Development Plan Checklist, Tree Preservation Plan Stem Inventory, Variance Review; 6/27/2022 Conservation Easement, ARB Motions for Consideration, SCPH Comment; 6/28/2022 Per the applicant variance review; 6/29/2022 Public Comment Letter from Spring Garden Waldorf School; 7/1/2022 Pride One request to ARB regarding authority Section 3.06 G. 10; 7/27/2022 Public Comment/Notification Document (SEE ADDENDUM A); Updated Variance Review and Suggested Motions (SEE ADDENDUM B); Updated Plan Checklist</p>
	<p>APPLICANT/LANDOWNER</p> <p>APPLICANT: Ben Weinerman, Pride One Construction</p> <p>LANDOWNER: Jacoby Company (PPN: 1501734, 1501735)</p> <p>Rolling Wood LLC (PPN: 1503826 (1625 Sunnyacres Road)-Parcel utilized for access and utilities off of Sunnyacres Drive)</p>
COMPANY PERFORMING WORK REQUESTED	Pride One Construction
INVESTMENT	\$25,000,000
APPLICATION SUMMARY	<p>Applicant, Ben Weinerman, on behalf of Pride One Construction, is requesting approval of a residential development project consisting of 133 attached single family dwellings.</p> <p>The applicant will require a rezoning of the existing parcels to permit the R-CD (Residential Conservation Development) overlay in the R-MD (Residential-Medium Density).</p>
INITIATED BY	Applicant
DECISION TYPE	<p><input type="checkbox"/> Informational</p> <p><input checked="" type="checkbox"/> Direction</p> <p><input checked="" type="checkbox"/> Action</p>

CODE REFERENCES	Article 3, Section 3.06 R-CD (Conservation Development) Residential District
GENERAL LOCATION	<p>Parcels 1501734 and 1501735 are located on the east side of Jacoby Road, south of Copley Road and north of Wright Road.</p> <p>Parcel 1503826 (1625 Sunnyacres Road) is located on the west side of Sunnyacres, east of Lawnsire Drive and south of Wealthy Drive.</p>
ACREAGE	The project site encompasses 63 acres of residentially zoned land.
ZONING	R-MD (Residential Medium Density)
AGNECY REVIEW	<p>Army Corp of Engineers-Jurisdictional Determination (PJD) Approved; Requires approval of Nationwide Permit Application for disturbance and mitigation</p> <p>City of Akron Sewer-No Objections</p> <p>City of Akron Water-No Objections</p> <p>Copley Township Department of Community & Economic Development-Approval of General Development Plan; Proceed to Final Development Plan</p> <p>Copley Township Fire-No Objections</p> <p>Copley Township Police-No Objections</p> <p>Copley Township Service-No Objections</p> <p>Summit Soil & Water Conservation District-No Objections-Plan Review Pending</p> <p>Summit County Engineers Office-No Objections-Plan Review Pending</p> <p>Summit County Public Health Air Quality-6/27/2022 Contacted from resident regarding concern of parcel being a landfill. Per SCPH there are no records of this parcel being utilized as a landfill in their system.</p>
INTERNAL REVIEW	<p>Architectural Review Board</p> <ol style="list-style-type: none"> 1. Approval of General Development Plan-Approved 2. Approval of Final Development Plan (Conditional)-In Progress <p>Board of Zoning Appeals</p> <ol style="list-style-type: none"> 1. Variance Required-7/13/2022 Submission for Review <p>Zoning Commission/Summit County Planning Commission</p> <ol style="list-style-type: none"> 1. Map Amendment Application Recommendation <p>Board of Trustees</p> <ol style="list-style-type: none"> 1. Map Amendment Application Motion to Approve or Deny
PUBLIC COMMENT	SEE ADDENDUM A "PUBLIC COMMENT/NOTIFICATION DOCUMENT"
ADDITIONAL STUDIES/PLANS	<p>Wetland Delineation-Jurisdictional Determination-A preliminary JD has been issued for this project and submitted to the Summit Soil & Water Conservation District for review.-There are no objections to the JD as proposed.</p> <p>Traffic Impact Study-A Site Distance Diagram and Traffic Impact Study have been submitted to the Summit County Engineer's Office for review.-Approved</p> <p>Noise-The applicant conducted a voluntary noise study due to proximity of the Copley Trap Range. Results conclude that disturbance is inside the permitted decibel levels per the Summit County Noise Ordinance. Noise will be audible</p>

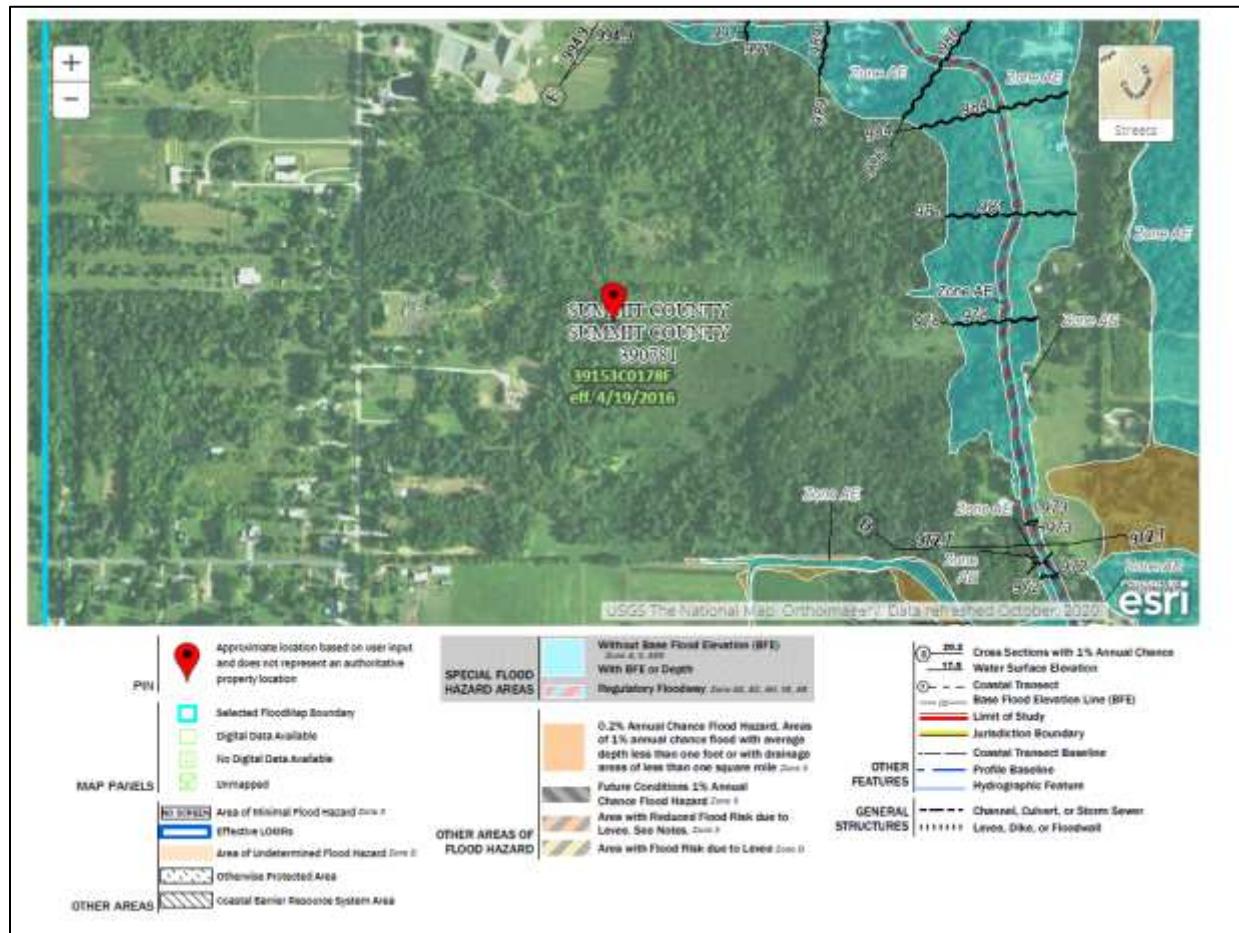
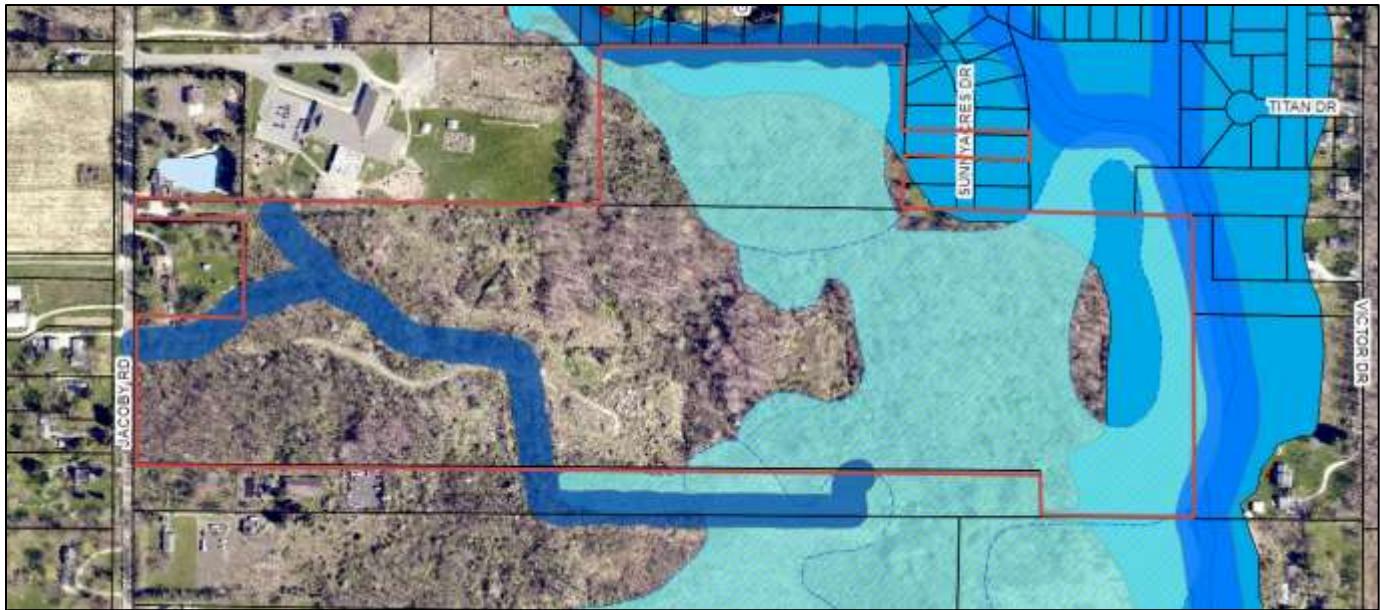
	<p>outside of the residence. Audibility inside of the resident is unlikely with other factors including construction of the home materials, windows opened/closed.</p> <p>STAFF RECOMMENDATION: Installation of double or triple hung windows</p> <p>Down Stream Sanitary Lift Station Capacity Study-Submitted to the Akron Engineering Bureau for water and sewer serviceability.-Approved</p> <p>Tree Preservation Plan-The applicant has prepared a cursory Tree Survey for review and consideration by the Architectural Review Board-Approved</p> <p>Phase 1 Site Assessment-To be completed</p> <p>Wildlife Habitat Study-May be required</p> <p>Conservation Easement-TBD</p>												
SITE VISIT CONDUCTED BY ARB	<p>A site visit was conducted with members of the Architectural Review Board on 11/12/2021. Per the Site Visit, the following items were noted for continued discussion:</p> <ol style="list-style-type: none"> 1. Clean up of the areas indicated outside of the limits of disturbance identified as open space and/or preservation. This will be done not only to ensure the site is free of debris or contamination but also to maintain a safe and clean site for any future recreation trails or amenities included on the development parcels. Debris, including boats, bricks, shingles, lumber and other miscellaneous construction related materials were present on the ground. Review and monitoring of this clean up may be led by Copley Township, Summit Soil & Water and/or the OH EPA. A Phase 1 Site Assessment will be completed as part of the development plan. 2. Township acceptance of the open space conservation easement. The Township is not required to accept land. The open space shall be protected by deed restriction, conservation easement or other agreement as approved by the Township and recorded. The open space may be owned by an association, the township, or land trust or similar entity or remain in private ownership. <p>1/22/2022 Special Counsel Opinion</p> <p>The Township may choose to require an escrow for the management of the wetlands onsite.</p> <ol style="list-style-type: none"> 3. Construction of a private road. Applicant will research the construction of the proposed road versus construction of public roads as required by Summit County. It was discussed that this site was not a being subdivided and that the R-CD regulations permit Common Drives to be constructed at widths narrower than required by the county. However, the private drive may only service up to five units. If the roads are constructed as private drives, a variance may be required in order to serve the full development. Per Summit County, there would be no inspection of a private drive in common plans of development without subdivision of land. They are considered to be driveways. Awaiting review and comment from Summit County Planning. <p>12/13/2021 Per Pride One, utilizing Minimum Road Construction Standards per the Summit County Engineers Office, the roads will be constructed to required county widths and required county pavement thickness.</p> <table border="1" data-bbox="643 1712 1356 1896"> <thead> <tr> <th colspan="4">PLAIN CONCRETE</th> </tr> <tr> <th>DESIGN</th> <th>ROAD WIDTH (No Curbs)</th> <th>#304 AGGREGATE</th> <th>ODOT ITEM 452</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	PLAIN CONCRETE				DESIGN	ROAD WIDTH (No Curbs)	#304 AGGREGATE	ODOT ITEM 452				
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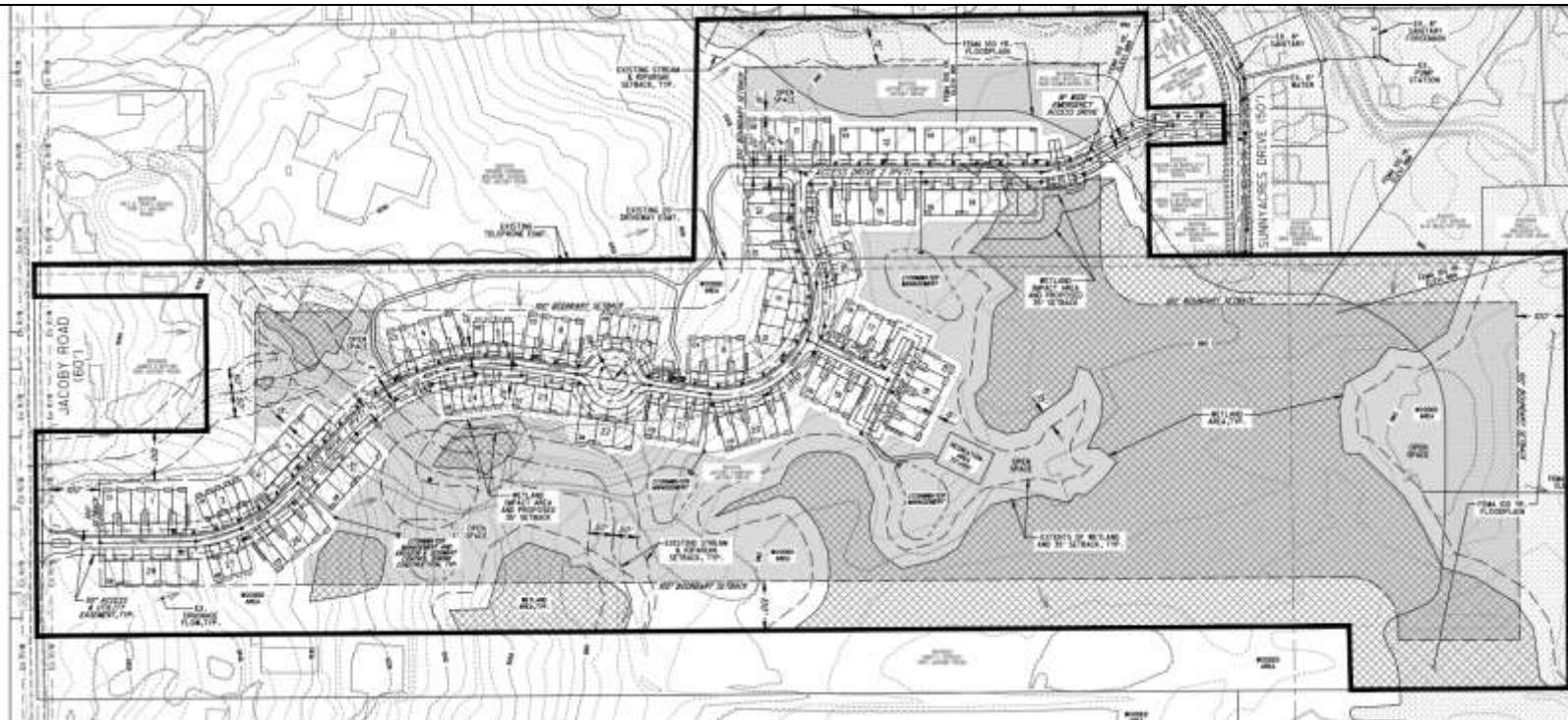
STAND ARD		BASE THICKNESS	THICKNESS (Concrete)
Summit County Road Section	22 FEET	3"	7"
Propos ed Road Section @ Jacoby	26 FEET (Includes 4 FT Sidewalk)	3"	7"
Pride One Typical Private Road Section	26 FEET (Includes 4 FT Sidewalk)	3"	6"
1/22/2022 Special Counsel Opinion			
Per the regulations, the Township may choose to accept a private road to service the entire development. This is not considered a Common Drive and would not be subject to a variance to serve more than the permitted dwellings under the Common Drive. This would be a private road permitted to serve all dwellings.			
Acceptance of the private road is optional and not a requirement of the regulations in the R-CD. Concerns with private roads may include, drainage issues, maintenance issues, access to safety services, construction which may prohibit the acceptance of the road as a public road in the future.			
Pride One Response: Pride One will be the sole ownership of the roadway and will assume all responsibility for maintenance. The road meets the composition specs as required by Summit County Engineers Office. There will be a private storm system with catch basins throughout the development. Water will be available to service the Fire Trucks throughout the development.			
STAFF RECOMMENDATION	Approval of the General Development Plan; Approval to move forward with a Final Development Plan		

PROPERTY LOCATION

SITE	ZONING	LAND USE
North	R-MD	Conditional-School; Residential
South	R-MD	Residential
West	R-MD	Residential
East	R-MD	Residential







PROJECT BACKGROUND AND DESCRIPTION

Applicant, Ben Weinerman on behalf of Pride One Construction has submitted a Major Site Plan application for the development of 63 acres of land located on Jacoby Road for the purpose of constructing 133 attached single story and two-story residential dwellings.

A General Development Plan has been approved and the applicant is seeking conditional approval of a Final Development Plan. This project requires a Map Amendment of the parcels. The amendment permits the Residential-Conservation Development (R-CD) regulations overlay on this parcel which is zoned Residential-Medium Density (R-MD). The R-CD regulations may be applied to any residential zoning district.

The parcels are restricted by wetlands/Riparian. A formal Wetland Delineation has been submitted for this project. Per the delineation, the site is comprised of 19.27 acres of six (6) wetlands and 2,905 linear feet of seven (7) streams. The applicant is seeking variances associated with the required wetland setback, removal of an existing home located inside of the floodplain and placement of a roadway in this same location (results in a 0.454 acre of floodplain disturbance), 0.288 acre of wetland impact.

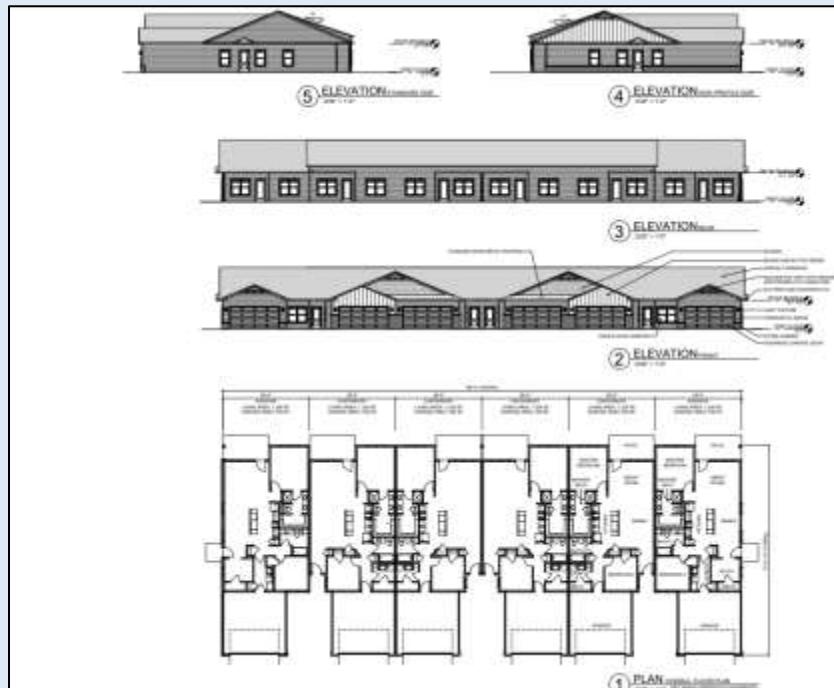
The Site Plan review will follow the procedure set forth under the Ohio Revised Code 519.021 (A) Planned Unit Development <https://codes.ohio.gov/ohio-revised-code/section-519.021> and the Copley Township Zoning Resolution, Article 3.06 <https://www.copley.oh.us/DocumentCenter/View/126/Article-3-Residential-Districts-PDF> (beginning on Page 15).

1. COMPLETE-Submission of General Development Plan-Architectural Review Board-Approved 4/7/2022
2. IN PROGRESS-Submission of Final Development Plan (Conditional)-Architectural Review Board-Submitted 7/5/2022 (Review)
3. IN PROGRESS-Submission plan review and preliminary approval by all reviewing agencies of the Development Plans (Ongoing)
4. IN PROGRESS-Submission of Variance Application-Board of Zoning Appeals-Submitted 7/13/2022 Hearing
5. TO BE COMPLETED-Submission of a Map Amendment Application-Zoning Commission-Recommendation to the Board of Trustees
6. TO BE COMPLETED-Submission of a Map Amendment Application-Summit County Planning Commission-Recommendation to the Zoning Commission
7. TO BE COMPLETED-Submission of a Map Amendment Application-Board of Trustees
8. TO BE COMPLETED-Public Hearing and Motion on proposed Map Amendment to incorporate the overlay zoning of the R-C/D-Board of Trustees

ELEVATIONS

WINDSOR/CANTERBURY

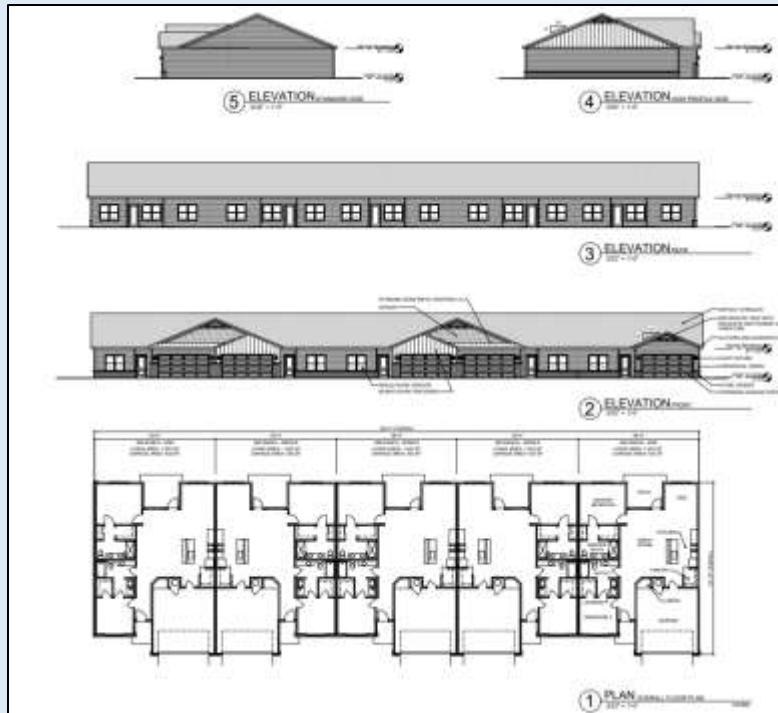
- Single Story-64 Units
- 64' x 28'
- Shake and Board on Batten Siding, Garage Light Fixtures, Stone Veneer
- Double Car Garage



SANIBEL

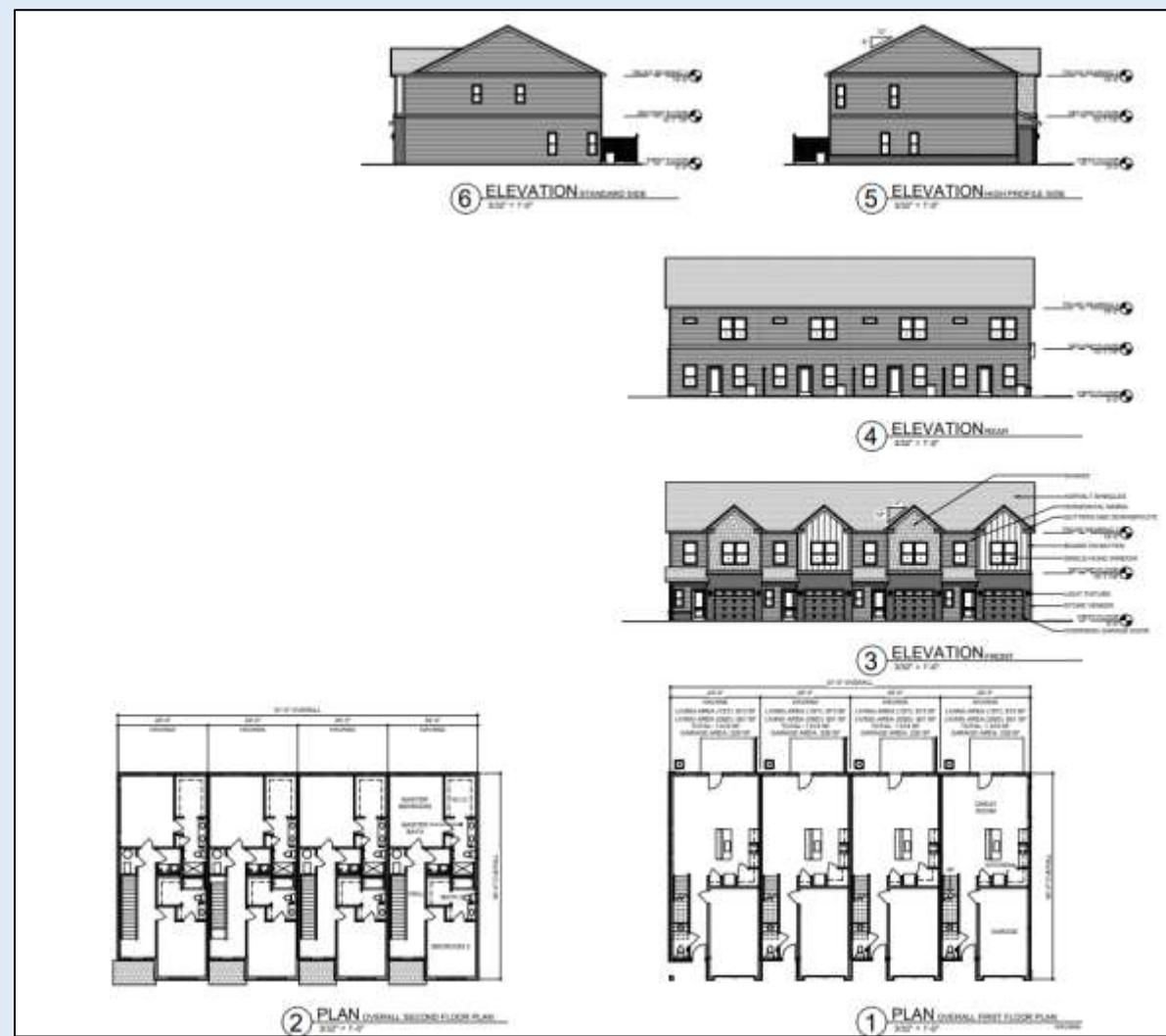
- Single Story-40 Units
- 52' x 38'
- Shake and Board on Batten Siding, Garage Light Fixtures, Stone Veneer

- Double Car Garage



HAVANNA

- Two Story-29 Units
- 46.5' x 20'
- Shake and Board on Batten Siding, Garage Light Fixtures, Stone Veneer
- Single Car Garage

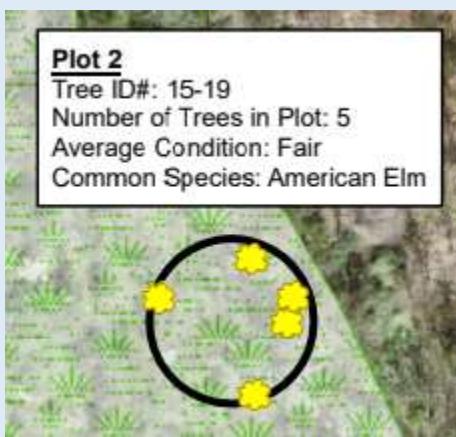
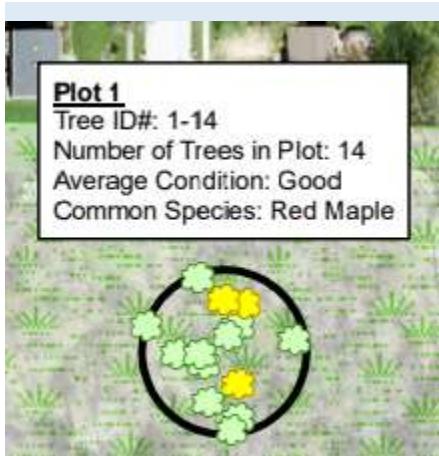


TREE SURVEY

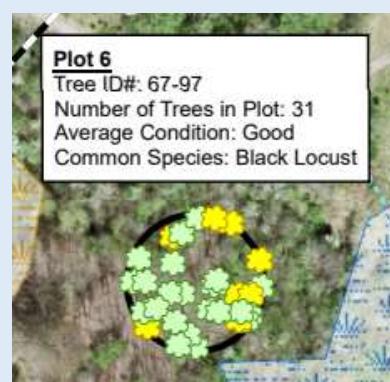
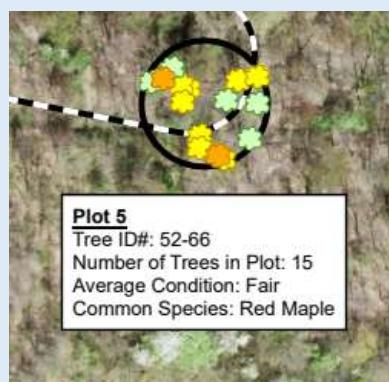
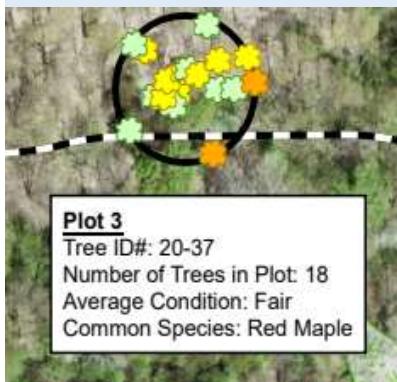
On November 1, 2022, the Architectural Review Board accepted the applicants Tree Survey Assessment as follows:

The applicant has completed a select sample survey of 122 trees located inside of the identified wetland areas and outside of the identified wetland areas for quality comparison.

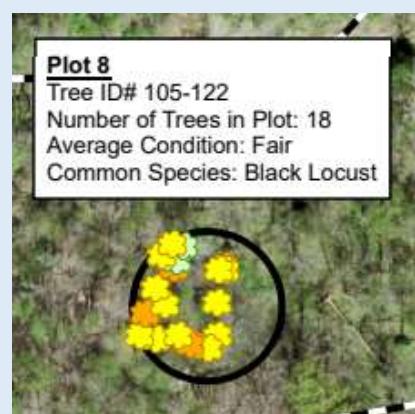
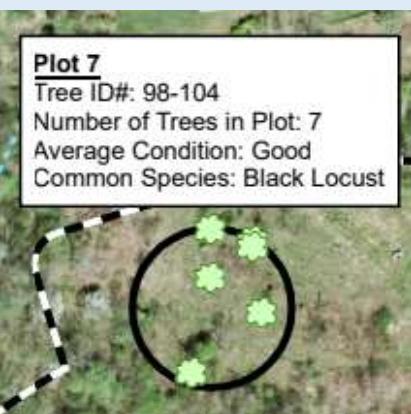
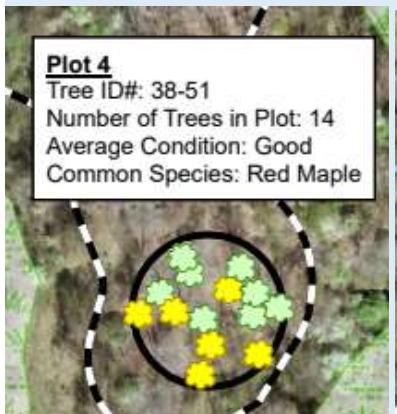
Plots 1 & 2 are located inside of the wetland area and outside of the project development boundary.



Plots 3, 5 and 6 are located outside of the project development boundary and outside of the wetland area.



Plots 4, 7 and 8 are located inside of the project development area and outside of the wetland area.





FINDINGS PROPOSED BY THE APPLICANT

On September 24, 2021, Civil & Environmental, Inc. (CEC) staff conducted point-count tree surveys at the proposed Pride One Construction – Jacoby Road development (the Site) to collect descriptive information on general forest habitat, observed tree species, and tree canopy. The investigation documented existing trees greater than or equal to six inches in diameter at breast height (DBH) within eight, 50-foot radius plots across the Site. Tree locations were collected with a Trimble R1 GPS unit and a wooden stake flagged with survey tape was installed to mark the center of each plot.

Tree survey plot locations were chosen using aerial imagery prior to the tree survey site visit and receipt of the proposed limits of disturbance (LOD) and were intended to represent the general conditions of 'woodland habitat' across the Site. Following the receipt of the proposed LOD from Pride One Construction on October 11, 2021, CEC determined that four plots were located within the proposed LOD and four plots were generally located within the proposed preservation area.

Based on the findings of the tree survey and as depicted on Figures 1 and 2 (attached), CEC is of the opinion that the woodland habitat and the canopy cover and quality across the Site is generally consistent in both the areas proposed for disturbance and preservation. No observable differentiation between woodland habitat or canopy quality was documented between the proposed development and preservation areas.

According to Article 16.02(B) of Copley Township Code (Article 16), residential developments must preserve a minimum of fifty percent of 'woodlands' on site. Since the proposed preservation of 'woodland habitat' on site is expected to meet the fifty percent threshold based on mapping provided by Pride One Construction, the proposed tree canopy to be preserved adequately supports the requirements outlined in Article 16.

FINDINGS OF THE ARCHITECTURAL REVIEW BOARD

The Architectural Review Board has accepted the applicant's proposal for Tree Assessment which permits the applicant to maintain credit for 50% of tree preservation utilizing a plot survey method. The applicant will preserve canopy outside of the development area (34 acres) as identified in the Open Space/Preserved areas (approximately 29 acres).

The applicant is required to provide a Tree Preservation Plan inclusive of a stem inventory for those stems located between the Critical Root Zone and the 15' Offset prior to issuance of a Tree Removal Certificate.

LANDSCAPE PLAN

STREET TREE PLANTING PLAN



PLAN DETAILS UPDATED PROVIDED 4/6/2022

CATEGORY	REGULATION	LOCATION	INSTALLATION
Street Landscape-Internal	1 Deciduous for every 25' of frontage; 120 Trees Required	3000'	150 Provided (23) Eastern Redbud; (21) Autumn Brilliance Serviceberry; (25) Lacebark Elm; (21) Red Sunset Maple; (12) Heritage River Birch; (14) Colorado Spruce; (11) Littleleaf Linden; (11) American Sycamore; (13) Red Oak
Street Landscape-Perimeter	3 Deciduous and 30 shrubs for every 100'; 12 Trees/120 Shrubs Required	400' Jacoby	(2) Red Oak; (4) Colorado Spruce; (6) Littleleaf Linden Shrubs-Added
Buffer	20' Landscaped Buffer Perimeter (Rear)		Applicant request to utilize natural landscape as the required buffer.-Approved
Building Façade	75% of façade w/n 20'	Internal Drive	Mulchbed; Knockout Roses, Dwarf Globe Blue Spruce, Daylilly, Blackeye Susan, Dogwoods, Hydrangea, Boxwood, Lilturf, Switchgrass

	3 Deciduous for every 100' of façade		See Street Landscape
Open Space	40% Required	45% Provided	
Loading Areas/Storage	NA		
Sidewalk		Internal-Inlay sidewalks flush mounted & footpaths	



ARTICLE 3.06 R-CD (CONSERVATION DEVELOPMENT) RESIDENTIAL DISTRICT

A. Purpose and Authority The primary objective of conservation development zoning is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property. These regulations may be applied in any Residential zoning district, as specified below, and are intended to achieve these corollary purposes: To maximize protection of the community's natural resources by:

1. Avoiding development on and destruction of sensitive natural resource areas;
2. Reducing the quantity and improving the quality of storm water runoff from expected development;
3. Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams);

4. Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and discouraging the use of plants that are non-native invasive species; and
5. Conserving areas of prime agricultural soils, to the extent possible. **—No known ag use of property on record**
6. To conserve (within the framework of natural resource conservation) the quality of ruralness in a community which is characterized by: a. Large, aggregated, undeveloped land areas; **b. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream** and river corridors, hedgerows and rock outcroppings; c. Scenic vistas and rural views; d. Significant historic features such as old barns, heritage trees, etc.; e. Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces; and/or f. Appropriate topographic or vegetative screening.
7. To encourage more efficient use of land and public services through **unified development**.
8. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resource
9. To establish a review process which maintains local review and approval of the overall development plan and which results in the timely consideration of an application.
10. To ensure that the proposed Conservation Development complies with the objectives of Copley Township as expressed in this Township Zoning Resolution and the Township Comprehensive Land Use Plan. These regulations are established under the Authority of O.R.C. §519.021(A), Planned Unit Development

THIS PROJECT MEETS THE SPIRIT AND INTENT OF THE PURPOSE OF THE RESIDENTIAL CONSERVATION DEVELOPMENT OVERALY. THE PROJECT IS DESIGNED TO CONSERVE ENVIRONMENTALLY SENSITIVE AREAS THROUGH UNITIFED DEVELOPMENT AND FLEXIBLE ARRANGMENT OF STRUCUTRES.

C. PERMITTED USES The following uses shall be permitted based on the type of development proposed:

1. Conservation Development in accordance with the regulations set forth in this Article:
 - a. Detached single-family dwellings;
 - b. Single-family cluster dwellings;
 - c. Single-family attached dwellings; **THIS PROJECT UTILIZES SINGLE-FAMILY ATTACHED DWELLING UNITS**
 - d. Recreation facilities for use by residents; **THIS PROJECT INCLUDES A RECREATION AREA**
 - e. Restricted open space as required in Section 3.06 E. **THIS PROJECT INCLUDES 29 ACRES OF OPEN SPACE**
2. Standard detached single-family dwellings in accordance with the regulations set forth in Article 3 of this Resolution.
3. Agriculture in accordance with the provisions of O.R.C. § 519.021.
4. Private stable and/or bridle trails.

D. MINIMUM PROJECT AREA FOR CONSERVATION DEVELOPMENT

1. The gross area of a tract of land proposed for development according to the conservation development option shall be a minimum of twenty-five (25) acres, but shall not include area within any existing public street rights-of-way. **THE PROJECT CONSISTS OF 62.93 ACRES**

2. The area proposed shall be in one ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development. **THE AREA IS UNDER ONE OWNERSHIP**

E. PERMITTED DENSITY/RESTRICTED OPEN SPACE

1. The minimum restricted open space shall be forty percent (40%) of the total project area. **THE PROJECT CONSISTS OF 45% (29 acres)**

2. The maximum density shall be twenty percent (20%) greater than that allowed in the underlying zoning district. The maximum number of dwelling units permitted in a conservation development shall be calculated by:

a. Deducting the following from the total project area: i. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and ii. Where the underlying minimum lot size exceeds 1/2 acre: The area of a floodway, designated wetlands, isolated land, slopes exceeding twenty-five percent (25%), or waterbody that exceeds the minimum acreage required for restricted open space as set forth above. Where floodways and wetlands overlap, they shall be counted only once.

b. Multiplying the result of subsection 1 by the maximum density permitted per acre as set forth in this Section above.

c. In any proposed conservation development not served by centralized sewer and water, the allowable maximum density may be increased by an additional five percent (5%), to a total of twentyfive percent (25%) greater than that allowed in the underlying zoning district, if the applicant will increase the percentage of restricted open space from forty percent (40%) to fifty percent (50%).

UNDERLYING DISTRICT-R-MD= Permitted 1 unit per 1/2 acre

Project Area=62.93

Units Permitted under R-MD=126 Units

Plus 20% Permitted under R-CD SERVICED BY CENTRALIZED SEWER & WATER=151 Units

UNITS PROPOSED=133

F. REGULATIONS FOR RESTRICTED OPEN SPACE

1. General standards: The restricted open space required in Section 3.06 E shall comply with the following:

a. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.

b. Areas designated for restricted open space purposes may be: i. Preserved in its natural state, ii. Designed and intended for the use and/or enjoyment of residents of the proposed development, iii. Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.

c. Where possible, restricted open space shall be connected with open space areas on land adjacent to the development; and also shall be connected within the project.

d. Sewage service, stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, easements satisfactory to the Summit County Engineer, and any other governmental entity with regulatory authority over such facilities, shall be established to require and enable maintenance of such facilities by the appropriate parties.

e. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:

f. Public road rights-of-way; i. Parking areas, accessways and driveways; ii. Required setbacks between buildings, parking areas and project boundaries; iii. Required setbacks between buildings and streets; iv. Minimum spacing between buildings, and between buildings and parking areas; v. Private yards; vi. A minimum of fifteen (15) feet between buildings and restricted open space; and vii. Other small fragmented or isolated open space areas that have a dimension less than fifty (50) feet in any direction.

g. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes. The maximum percentage of the total project area that may be developed for active recreation areas, including a community center, shall be no greater than five percent.

h. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

i. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan. **SPACE IS SHOWN ON THE PLAN**

2. Prohibition of Further Subdivision of Restricted Open Space: Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township Solicitor and duly recorded in the Records Division of the Summit County Fiscal Officer.

3. Ownership of Restricted Open Space: Subject to such permanent restriction as set forth above restricted open space in a conservation development may be owned by an association, the township, a land trust or other conservation organization recognized by the township, or by a similar entity, or may remain in private ownership.

OWNERSHIP TBD

a. Offer of Dedication: The Township may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.

b. Association: Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity. The Township Solicitor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements: i. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium. ii. The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.-**OPEN SPACE MANAGED BY PROPERTY MANAGEMENT AUTHORITY, NO SUBDIVISION OF LAND PROPOSED**

c. Transfer of Conservation Easements: With the permission of the township, the owner(s) of the restricted open space may, in accordance with the provisions of O.R.C. §§ 5301.67 - 5301.70, grant a conservation easement to any of the entities listed in O.R.C. § 5301.68, provided that: i. The entity is acceptable to the township; ii. The provisions of the conservation easement are acceptable to the township; and iii. The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under O.R.C. § 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

STAFF RECOMMENDATION: CONSERVATION EASEMENT HELD BY THIRD PARTY; ESCROW ACCOUNT ESTABLISHED TO ENSURE CONSERVATION EASEMENT STEWARDSHIP. STEWARDSHIP TO INCLUDE BUT NOT LIMITED TO: BASELINE EVALUATION OF WETLAND AREA (PROVIDED FOR IN DELINEATION), ANNUAL OR SEMI ANNUAL REVIEW OF HEALTH OF IDENTIFIED WETLANDS; ENFORCEMENT OF WETLAND AREAS

Per Summit Soil & Water Conservation District:

West Creek Conservancy and Western Reserve Land Conservancy are the primary easement holders in Northern Ohio.

Summit SWCD does hold about a dozen easements from about 20 years ago. They were developed properties in Twinsburg. We hold the easement, and the property was deeded over to the City of Twinsburg. In these situations, the developer provided a sum of money for us to hold the easement. This is a difficult program and can be very time consuming if adjacent landowners encroach onto the easement. West Creek & Western Reserve are better equipped to develop and monitor the easement.

WRLC (Maybe Contact Sarah Kitson?):

<https://link.edgepilot.com/s/62b807c8/B8dNzxbRVUq5FS1MDDTuvw?u=https://www.wrlandconservancy.org/who-we-are/our-staff/>

WCC (Contact Derek Schafer):

https://link.edgepilot.com/s/9965bdc7/dGNCE4fOc0aBnnmDh0_h_A?u=https://westcreek.org/staff-and-board/

d. Private Ownership of Restricted Open Space: Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein: See Easement Comments Above

G. DEVELOPMENT AND SITE PLANNING STANDARDS Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

1. Ownership: **Any ownership arrangement**, including, but not limited to, fee simple lots and condominiums, **is permitted in a conservation development**. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.

2. Lot Requirements: a. **Units are not required to be on lots**. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or attached dwelling units are included as part of a conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section. b. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.

3. Perimeter Building Regulations: a. The minimum setback from an existing public street shall be one hundred (100) feet. b. The minimum setback from the project boundary shall be one hundred (100) feet. -**MEETS REQUIREMENT; SETBACK 100' FROM ALL PROPERTY LINES**

4. Interior Building Setback/Spacing Regulations: a. The minimum setback from a proposed local public right-of-way shall be fifteen (15) feet. - **MEETS REQUIREMENT; SETBACK 15+' FROM JACOBY ROAD**

b. The minimum separation between dwellings shall be fifteen (15) feet. **MEETS REQUIREMENT; SETBACK 15+'**

5. Height: The maximum building height shall be thirty-five (35) feet. **MEETS REQUIREMENT; BUILDING HEIGHT 12-20'**

6. Resource Protection Regulations: a. Floodway Protection: Within a floodway, all buildings, structures or land shall be permitted to be used only for uses listed below. These restrictions also apply to subsequent erection, alteration, enlargement, repair, moving, or design of structures within the floodway. i. Agriculture, provided however, that no livestock may be housed within the floodway ; ii. Public or private parks and outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc.; iii. Fencing that allows the passage of water. iv. Off-street parking areas accessory to the above uses provided that such areas are improved with pervious

pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel and sod. b. Wetlands Protection: Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following: i. A setback area, measured from the edge of the designated wetland, shall be established that is consistent with the wetland setback requirements of the Summit County Riparian Ordinance Title 7: Chapter 937. The area within this buffer shall not be disturbed and shall be retained in its natural state; and ii. A minimum construction setback of thirty five (35) feet, measured from the edge of the designated wetland. **SSWCD REVIEW IN PROGRESS; VARIANCES REQUIRED**

c. Conservation of Riparian Zones:

i. A riparian setback shall be provided along the entire length and on both sides of a river or perennial stream channel. The setback area shall conform with the requirements of the Zoning Resolution. ii. Walkways may be permitted to be located within riparian setbacks when the Architectural Review Board, based on consultation with the Summit County Soil & Water Conservation District, determines that such will create minimal change to the riparian setback. **SSWCD REVIEW IN PROGRESS**

7. General Street Design Criteria: a. Street alignments should follow natural contours and be designed to conserve natural features. b. Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers. c. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development. **PLAN INCLUSIVE OF PRIVATE ROADS WHICH MEET CONSTRUCTION SPECS PER SUMMIT COUNTY ENGINEERS OFFICE. PRIVATE ROADS ENCOURAGE MINIMUM IMPACT TO AID IN THE CONSERVATION OF NATURAL FEATURES BY ELIMINATING RIGHT OF WAY SETBACKS**

8. Pedestrian Circulation Systems: a. A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the restricted open space system and need not always be located along streets. b. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

PLAN INCLUDES INTERNAL SIDEWALK; APPLICANT TO ADD A SHARE USE PATH ALONG JACOBY AND INTERNAL EASEMENT FOR FUTURE TRAIL DEVELOPMENT

9. Sewage Disposal: Development shall be served by individual or public sewage disposal structures consistent with the Summit County systems. Individual sewage disposal systems shall comply with all applicable regulations of the appropriate system, whether Summit County Department of Environmental Services, Summit County Health Department, or City of Akron, and may be located within restricted open space areas when approved by the township and the appropriate system, whether Summit County Department of Environmental Services, Summit County Health Department, or City of Akron. **PRIVATE SEWER LINES APPROVED BY THE CITY OF AKRON**

10. Modifications: In the event the Architectural Review Board, determines that certain standards set forth in this section do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving 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.

H. DEVELOPMENT DESIGN CRITERIA In addition to the development and site planning standards set forth in this Article, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this district.

1. Conservation of Sloping Land: The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling. **USE OF PRIVATE ROADS AIDS IN MINIMIZING CHANGES TO TOPOGRAPHY**
2. Conservation of Woodlands, Vegetation and other Natural Areas: The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and treelines between fields or meadows, especially those continuing significant wildlife habitats.
3. Conservation of Wildlife Habitats: Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources should be protected.
4. Conservation of Prime Farmland: Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.
5. Conservation of Existing Scenic Vistas and Visual Quality of the Environment: Scenic views and vistas shall be unblocked and uninterrupted to the extent possible, particularly as seen from existing and proposed public thoroughfares. New construction shall be hidden from view to the extent possible through the use of vegetative and landform buffers. Building setbacks along the project boundary shall be sufficient to provide visual protection for existing residences. Buildings shall not be located on prominent hilltops and ridges. **SINGLE STORY LOW PROFILE DWELLING UNITS AID IN UNDISTURBED VIEWSHEDS**-**There are 103 single story units included in the plan; There are 29 20' two story units include in the plan.**

Per the applicant, we have 6 Havana Buildings (29 Units) planned throughout the community. Because these units are two-story, we try to scatter them throughout projects, so as not to create an obtrusive "wall" of two-story buildings. Additionally, we've shown the Sanibel product closest to Sunnyacres Drive because they are our shallowest unit. This allowed us to keep Building S4 (#13) out of the FEMA Flood Plain and minimized our wetland impacts with Building S5 (#14). Is there a specific neighbor's "Viewshed" that you are concerned with? Please let me know what you think of our thought process behind laying out Havana Buildings.

6. Conservation of Cultural Resources: Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

I. PROJECT REVIEW PROCEDURES Under the authority established in O.R.C. § 519.021(A), the Township Architectural Review Board shall review development plans for a proposed conservation development according to the procedures set forth in this Section.

1. Submission of General Development Plan: **PLAN SUBMITTED 11/1/2021**

2. Final Development Plan:

JACOBY ROAD R-CD PROPOSAL	PROVIDED FOR	COMMENTS
PLAN REQUIREMENTS-3.06 I.		
Boundaries of the area proposed for development, dimensions and total acreage;	Y	
Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.	Y	

Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;	Y	
Existing soil classifications;	Y	
Locations of all wooded areas, tree lines, hedgerows, and specimen trees;	Y	ARB approved a Modified Plan for Tree Inventory and Preservation
Delineation of existing drainage patterns on the property, existing wells and well sites;	Y	
Description of significant existing vegetation by type of species, health, quality, etc.	Y	JD Provided
Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary;	Y	Structures shown on plan
Description of all structures and areas of known or potential historical significance; and	NA	No known structures present onsite; Request to review information regarding an Indian Mound
Existing viewsheds and identification of unique vistas.	Y	Per Applicant: We have considered the viewshed in our placement of each building type. We have 6 Havana Buildings (29 Units) planned throughout the community. Because these units are two-story, we try to scatter them throughout projects, so as not to create an obtrusive "wall" of two-story buildings. We've found that single-family homeowners are typically more opposed to multi-story units near their property lines. Additionally, we've shown the Sanibel product closest to Sunnyacres Drive because they are our shallowest unit and will provide less of an impact to the viewshed of the existing homes on Sunnyacres. This allowed us to keep Building S4 (#13) out of the FEMA Flood Plain and minimized our wetland impacts with Building S5 (#14).
The preliminary site plan shall be drawn at a scale not less than one inch (1") = one hundred feet (100'), except that projects over two hundred (200) acres may be drawn at a scale of one inch (1") = two hundred feet (200'), and shall include:	Y	

A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of restricted open space to be conserved;	Y	
. A sketch layout of standard single family lots, if any;	NA	
The location of the restricted open space and any proposed recreational facilities;	Y	
Natural features to be conserved and any required buffer areas;	Y	
Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;	Y	
General location of public street rights-of-way; and	NA	Private roads requested
Proposed utility easement locations.	Y	
An outline of the method/structure to perpetually preserve the required restricted open space which indicates: i. The structure of the Association; ii. Membership requirements; iii. Financial responsibilities; and iv. The relationship of the entity to public agencies having responsibilities related to the project.	N	Applicant Request: Review pending Map Amendment approval and prior to receipt of a Zoning Certificate; The Township will require a management plan for preservation of the Open Space and Wetland Area. Management plan may include a dedicated easement over the open space/wetlands and/or an escrow account for the perpetual maintenance of the identified wetland areas.
A description of the project phasing including the phased construction of open space improvements.	Y	All development and construction occurs in one phase.
The exact location and dimension of public street rights-of-way and common drives;	NA	
Exact location of building envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;	NA	
Dimensions of building/unit spacing;	Y	
The extent of environmental conservation and change and the exact location of all no cut/no disturb zones; and	Y	

Designated restricted open space areas and a description of proposed open space improvements.	Y	
A grading plan drawn at a scale of one inch (1") = one hundred feet (100)', showing all information pertaining to surface drainage	N	Applicant Request: Grading plan provided pending Map Amendment approval and prior to receipt of a Zoning Certificate.
A detailed landscaping plan for new landscaping, including entry features and signs	Y	
The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.	NA	Applicant to provide Leasing Agreement indicating maintenance of areas provided for by management
Conditions imposed by other regulatory agencies	TBD	

APPROVAL OF A GENERAL DEVELOPMENT PLAN AND FINAL DEVELOPMENT PLAN DOES NOT GUARANTEE APPROVAL OF THE REQUIRED MAP AMENDMENT. THE FINAL DEVELOPMENT PLAN AND DEVELOPMENT REQUIREMENTS FOR THE NEW RCD MUST BE APPROVED IN ORDER TO ESTABLISH THE REQUESTED RCD.

EXTERNAL REVIEW CRITERIA

AGNECY REVIEW	
ARKON ENGINEERS BUREAU	Sanitary Sewer Lift Station Capacity Review- Approved
ARMY CORP OF ENGINEERS	<p>Wetland Delineation-Jurisdictional Determination 8/13/2021-Approved CEC Submitted Preliminary JD 9/20/2021-Approved Army Corp of Engineers Determination: Consistent with the findings of Preliminary JD. 19.27 acres of (6) six identified wetland and 2,905 linear feet of seven streams present onsite. 10/29/2021-Approved CEC: ORAM Identification of (6) six category two wetlands onsite.</p>

	(3) Three potential areas of wetland impact-Less than 1 acre of impact anticipated
CITY OF AKRON SEWER	Private sanitary
CITY OF AKRON WATER	Private water line looped; Sunny acres Drive via Jacoby Road
SUMMIT SOIL & WATER CONSERVATION DISTRICT Wetland Delineation	<p>10/27/2021</p> <ul style="list-style-type: none"> • ORAM information has not been provided. This is required per the riparian setback ordinance and is used to determine the additional buffer distance placed around riparian wetland areas. The ORAM is required to be approved by the Ohio EPA; this item should be addressed prior to the issuance of any variances or other approvals. <p>11/1/2021 ORAM submitted by applicant for review</p> <ul style="list-style-type: none"> • The site plan shows a “35-foot setback” around the wetland areas. This is not a setback width identified in the riparian setback ordinance (30’ setback for category 2 wetland, 50’ setback for category 3 wetland). The applicant would need to apply for a variance with the Township BZA to seek a reduction to the required setback distance or use the required wetland buffer distances as per the riparian setback ordinance. <p>ORAM as Confirmed by ACE showing wetlands present onsite as Category 2 wetlands. Under the Riparian regulations, this requires a 30’ setback. However, under the R-CD regulations a 35’ minimum setback is required.</p> <ul style="list-style-type: none"> • Some areas of the building footprint abut the riparian area and wetland buffer. It appears that adequate distance has not been provided to ensure construction equipment, grading, etc. can move around the building without impacting the riparian setback and wetland buffer. With that, it’s reasonable to assume construction of the buildings will impact the riparian area and wetland buffer in these areas. This type of impact is not permitted per the riparian setback ordinance. The applicant would need to apply for a variance with the Township BZA for the proposed impact, or the building locations should be relocated to ensure adequate distance between buildings and riparian/wetland buffer areas are provided for construction (showing adequate distance for construction on site plans is also acceptable). • The current site plan proposes impact to riparian wetland area for placement of roadway and buildings in the upper north portion of the site. This type of impact is not permitted per the riparian setback ordinance. The applicant would need to apply for a variance with the Township BZA for the proposed impact or seek an alternative location which avoids impact to the riparian wetland areas. • There is an emergency access drive to Sunnyacres Road that is proposing impact to riparian and FEMA floodplain area. This type of impact is not permitted per the riparian setback ordinance. The applicant would need to apply for a variance with the Township BZA for the proposed impact or seek an alternative location which avoids impact to the riparian wetland areas. • The applicant is subject to County Chapter 941 and Ohio EPA NPDES General Construction permit. A formal SWPPP will need to be developed and sent to this office for review. Copies of all applicable local, state, and federal approvals/permits for impacts to

	surface water and/or riparian area will be required. Post construction water quality treatment is also required.
SUMMIT COUNTY ENGINEERS OFFICE Traffic Impact Study	3/25/2022 <i>No additional improvements will be required resulting from this project. Intersections Sight Distance to the north and south of the access drive has been verified and is acceptable.</i>

INTERNAL REVIEW CRITERIA

REVIEW	
COPLEY CED	<p>The Community and Economic Development Department is in support of the applicants proposed request for application of the Residential Conservation-Development (R-CD) overlay zoning classification for the parcels in question. The proposed development plan associated with the overlay zoning request is being recommended for continuation to evaluate and receive comments from external agencies, and continue review of environmental and traffic and access related reports.</p> <p>The purpose and intent of the R-CD classification (as outlined in the staff report) in our professional opinion would be applicable for these parcels in particular due to the presence of environmental sensitive acreage and underlying residential zoning classification currently on the parcels. The development guidance the R-CD gives is to allow for unique development patterns, setbacks, and clustering of units on the land less sensitive in an arrangement that would not be permissible in other residential districts to strike a balance of the development potential of the entire acreage, while ensuring those environmental areas are protected for the health, safety, and welfare of the community.</p>
COPLEY FIRE	<p>Two ingress/egress required; Turn around</p> <p>COMPLETE</p>
COPLEY POLICE	<p>Off-street parking; site distance onto Jacoby</p> <p>COMPLETE</p>
COPLEY SERVICE	<p>Private maintenance-Nothing additional required; Request that the roads are constructed to county standards; Consideration for snow storage</p> <p>COMPLETE</p>
ARCHITECTURAL REVIEW BOARD	Review and approval of the Final Development Plan
BOARD OF ZONING APPEALS	Variances are required for this project.

VARIANCE APPLICATION REVIEW

***SEE ADDENDUM B FOR STAFF RECOMMENDATIONS AND SUGGESTED MOTIONS TO PROCEED**

The applicant is seeking relief from the following Sections of the Copley Township Zoning Resolution:

Article 3: 3.06 R-CD, G, 6, b, ii

b. Wetlands Protection: Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following: ii. A minimum construction setback of thirty five (35) feet, measured from the edge of the designated wetland.

<u>1. WETLAND SETBACKS: (ARTICLE 3: 3.06 R-CD,G,6.b.,ii.)</u>				
MINIMUM CONSTRUCTION SETBACK OF 35' FROM EDGE OF WETLANDS				
No.	WETLAND	REQUIRED SETBACK	REQUESTED SETBACK	VARIANCE
1A	A	35'	0'	35'
1B	D	35'	12'	23'
1C	E	35'	0'	35'

Article 15: 15.04, E. 1.

E. The following shall apply to the Riparian Setback: 1. Where the 100-year floodplain is wider than the Riparian Setback on either or both sides of the stream, the Riparian Setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.

15.06 Uses Prohibited in the Riparian Setback The following uses are specifically prohibited within the Riparian Setback: A. CONSTRUCTION: There shall be no structures of any kind, except as permitted in these regulations.

<u>2. RIPARIAN SETBACK: (ARTICLE 15: 15.04,E.,1.)</u>	
RIPARIAN SETBACK SHALL EXTEND TO THE OUTER EDGE OF THE 100-YEAR FLOODPLAIN	
No.	100 YEAR FEMA FLOODPLAIN IMPACT
2A	0.454 AC

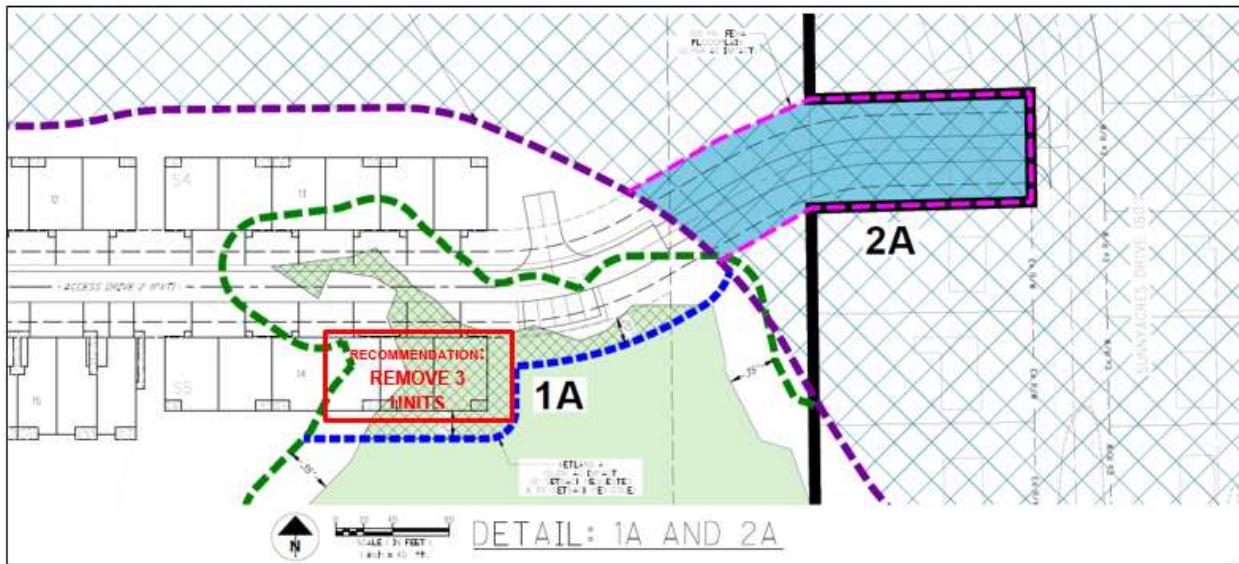
IMPACT DATA:

WETLAND IMPACT:

0.015 AC STREAM IMPACT (135 LF)
0.288 AC WETLAND IMPACT
0.303 AC TOTAL IMPACT

RIPARIAN-100 YEAR FEMA FLOODPLAIN IMPACT: 0.454 AC

WETLAND A



1 A (WETLAND A): The applicant is seeking approval to remove 0.261 acre of wetland for the construction of 3 units and installation of roadway and a 0' from the identified wetland.

STAFF RECOMMENDATION: Eliminate identified units to avoid wetland removal and maintain a wetland setback.

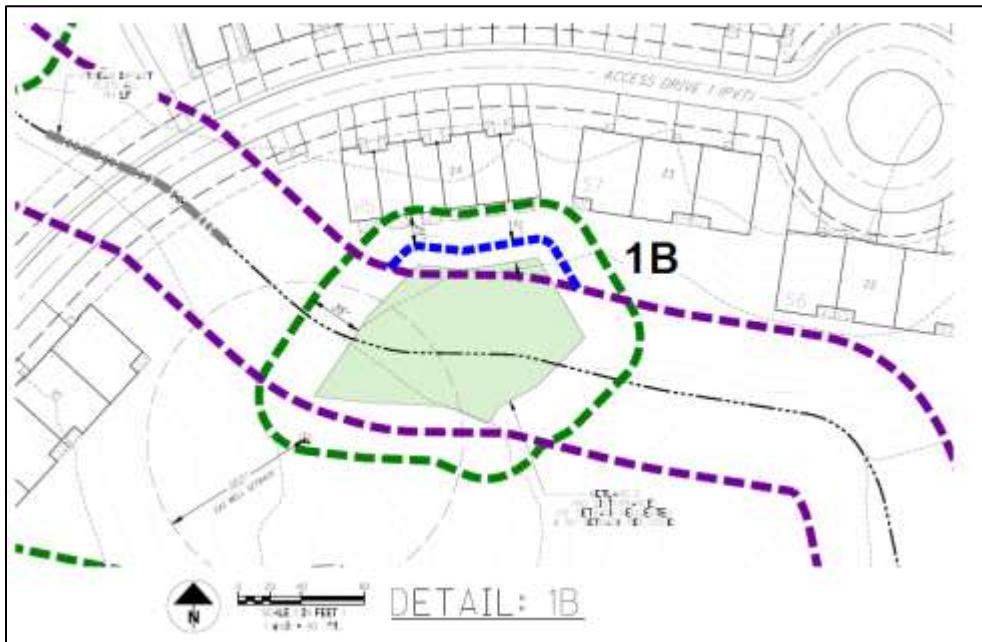
SUMMIT SOIL & WATER CONSERVATION DISTRICT: No objection.

2 A (WETLAND A): The applicant is seeking approval to remove an existing home and construct a roadway for secondary ingress/egress inside of .454 acre of identified floodplain.

STAFF RECOMMENDATION: *Approval conditioned upon submission of a Preliminary Drainage Plan showing no upstream or downstream impacts as a result of the variance. Secondary ingress/egress is required for Fire/Safety measures. There is an existing impervious structure (home) which will be removed and replaced with a roadway.*

SUMMIT SOIL & WATER CONSERVATION DISTRICT: No objection.

WETLAND D

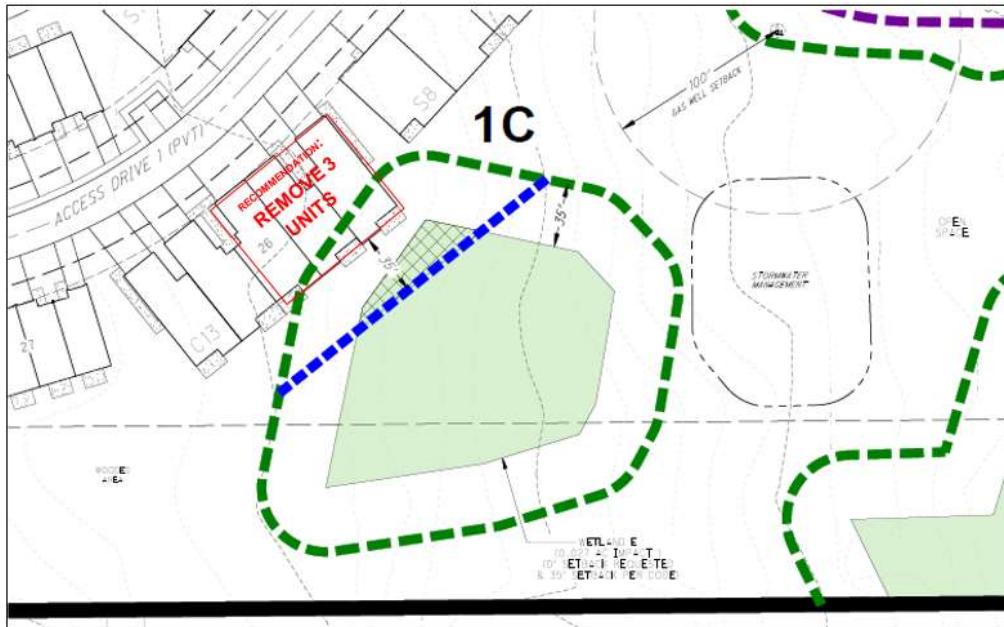


1B: Applicant is seeking relief from the required 35' wetland setback. There are no proposed impacts to the wetland area. The applicant is seeking approval to maintain a 12' setback from the wetland.

STAFF RECOMMENDATION: *Approval conditioned upon submission of a Preliminary Drainage Plan showing no upstream or downstream impacts as a result of the variance*

SUMMIT SOIL & WATER CONSERVATION DISTRICT: No objection.

WETLAND E



1C: Applicant is seeking relief from the required 35' wetland setback. The applicant is seeking approval to maintain a 0' setback from the wetland. Applicant is seeking approval to remove 0.027 acre of identified wetland.

STAFF RECOMMENDATION: Eliminate identified units to avoid wetland removal and maintain a wetland setback.

SUMMIT SOIL & WATER CONSERVATION DISTRICT: No objection.

PER THE APPLICANT

Per the applicant, the Practical Difficulties that justify this application include:

This property is unique in the fact that it encompasses many environmental features including multiple streams, wetlands, and a 100-yr flood plain. In addition, approximately 40%+ of the 63 total acres is covered by those environmental features previously mentioned. We have laid out the project to avoid these environmental features to the best of our ability, but require minimal variances to wetland and riparian setbacks to provide a secondary means of ingress/egress for Emergency and Safety Services and properly grade around buildings adjacent to wetland areas. While we have requested relief from wetland setbacks, it is of the utmost importance to Pride One Construction to preserve those wetland areas, where possible; only impacting the setback area while still protecting the physical wetland area.

Per the applicant, the Granting of this variance will:

Granting the requested wetland and riparian setback variances will only have positive impacts to the immediate neighborhood or community. Buildings will remain the same distance away from neighboring parcels, and will have proper vegetative screening so as to provide a buffer from neighboring parcels. Stream and floodplain crossings will be meticulously engineered by Davey Resource Group to minimize stream impacts and avoid raising the Floodplain elevation. Davey Resource Groups civil engineering will be submitted to Summit County Engineers for final review and approval. Additionally, those neighbors closest to the floodplain crossing are already encompassed within the 100-yr floodplain and thus will not be affected any permitted work that takes place within the flood plain as part of the proposed project.

VARIANCE REVIEW CRITERIA-STAFF REVIEW

- a) Can the property in question yield a reasonable return or can there be a beneficial use of the property without the variance? **Yes. The property can be utilized for the construction of one single family dwelling unit as permitted.**
- b) Is the variance substantial? **No. The applicant is seeking variances resulting in less than one acre of disturbance.**
- c) Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?

The proposed variances will result in a Final Development Plan which will permit a density compatible to the adjacent subdivision, Copley Meadows. The applicant is proposing 133 units on 63 acres. Copley Meadows is approximately 140 units on 50 acres.

The proposed variances will result in a Final Development Plan which will change the character of the neighborhood architecturally. The Meadows of Copley & Kendall & Colon neighborhoods are comprised of detached single family dwelling units. The applicant is proposing attached single family dwelling units. While attached single family dwelling units are permitted as part of the Residential Conservation Development District, they are not required to be part of the plan. The applicant may choose to utilize detached single family dwelling units which are permitted in this district. The use of detached single family dwelling units will result in an architectural product in line with the existing character of the neighborhoods.

The Comprehensive Land Use Plan supports mixed residential and diverse housing types.

- d) Does the variance adversely affect the delivery of governmental services (i.e. water, sewer, garbage)? **No. The applicant is subject to regulations under the authority of the Army Corp of Engineers, Summit Soil & Water Conservation District and Summit County Engineers to ensure there are no adverse effects of the proposed project on the delivery of governmental services inclusive of storm water management.**
- e) Did the applicant purchase the property with knowledge of zoning restrictions? **Yes. The applicant has this property under contract to purchase conditionally. The applicant is aware of the zoning restrictions.**
- f) Can the property owner's predicament be obviated through some other method than a variance? **The applicant could modify the plan and eliminate the units impacting the wetland directly and the units impacting the wetland setback.**

The applicant will require a variance to install the emergency access drive.

- g) Would the spirit and intent behind the zoning requirements be observed and substantial justice done by granting the variance? **The plan is in line with the regulations as found in the Residential Conservation Development District (R-CD). The variances will result in a Development plan which is in line with the R-CD regulations.**

****Approval of variances which may result in the approval of a Final Development Plan are all conditioned upon approval of a Map Amendment application to rezone the parcel from R-MD to R-CD.***

APPLICANT IS REQUESTING REVIEW OF THE REQUESTED VARIANCES UNDER THE AUTHORITY OF THE ARCHITECTURAL REVIEW BOARD AS FOUND IN SECTION 3.06 G 10:

10. Modifications: In the event the Architectural Review Board, determines that certain standards set forth in this section do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving 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

On 7/5/2022, the Copley Township Architectural Review Board motioned to defer authority to the Board of Zoning Appeals for all variances related to floodplain and wetland impact. The ARB requested that the Board of Zoning Appeals continue the hearing until August 10, 2022 to allow additional time for the ARB to make recommendations of the variances related to floodplain and wetland impact. This will be discussed at the August 1, 2022 meeting of the ARB.

Tucker Ellis | LLP

950 Main Avenue, Suite 1100 | Cleveland, OH 44113 | TEL 216.592.5000 | FAX 216.592.5009

June 30, 2022

DIRECTORIAL 216.696.5863 | john.slagter@tuckerellis.com

VIA ELECTRONIC MAIL
sgfroerer@copley.oh.us

Copley Township Architectural Review Board
c/o Shawna A. Gfroerer, MPA, Zoning Inspector
1540 S. Cleveland-Massillon Road
Copley, Ohio 44321-1908

*Re: Jacoby Multi Family; Rezoning Residential Conservation Development (R-CD), PPNs
1501734, 1501735, 1503826*

Dear Ms. Gfroerer:

Please be advised that our firm represents applicant Pride One Construction and its representative, Ben Weinerman, in relation to its proposed development of the property owned by Jacoby Company, known as PPNs 1501734 and 1501735 and Rolling Wood LLC, known as 1625 Sunnyacres Road, PPN 211-26-001. As you are aware, my client has requested certain variances concerning the riparian setback requirements which are scheduled to be heard by the Architectural Review Board ("ARB") on July 5, 2022. We understand that the Copley Township Zoning Resolution includes a general variance authorization, however, we also want to note that the ARB itself has authority under Section 3.06(G)(10) to modify the development and site planning standards which may address some of these variance requests. Therefore, we would like to clarify and confirm that our requested variance application includes under the general variance standards and alternatively the right to seek modification through the ARB for certain standards as provided in Section 3.06(G)(10). Please accept this letter as a request for our consideration under both the general and alternative variance standards that relate to the proposed development.

If you have any questions, please do not hesitate to contact me. We will appear at the Copley Township Architectural Review Board Meeting on July 5, 2022 to present evidence to support the approval of the proposed project.

Sincerely,

TUCKER ELLIS LLP



John P. Slagter

tuckerellis.com

SUGGESTED MOTIONS AND AUTHORITY TO PROCEED

#1

Applicant request submission of the “An outline of the method/structures to perpetually preserve the restricted open space...” as required by Section 3.06 I. 1 C. and 7. a. iv. pending Map Amendment approval and prior to the receipt of a Zoning Certificate.

STAFF RECOMMENDATION:

The Copley Township Architectural Review Board motions to:

Waive method/structure for Open Space subject to Map Amendment Approval and prior to receipt of a Zoning Certificate. ARB to require a management plan for the preservation of the Open Space and Wetland Area. Plan may include a dedicated easement and/or an escrow account for the perpetual maintenance of the wetland areas. Plan will require approval by the Copley Township Board of Trustees and Township legal counsel. The ARB does not have the authority to enter into such an agreement on behalf of Copley Township.

#2

Applicant request submission of the “Grading plan drawn at a scale of 1” = 100’ showing all information pertaining to surface drainage as required by Section 3.06 I. 7. a. ii., pending Map Amendment approval and prior to the receipt of a Zoning Certificate.

STAFF RECOMMENDATION:

The Copley Township Architectural Review Board motions to:

Waive Grading Plan requirement as stated and require a Preliminary Drainage Plan showing general calculations prior to Map Amendment approval. A full Grading Plan and Drainage Plan will be required pending Map Amendment Approval by Summit Soil & Water Conservation District and Summit County Engineers prior to receipt of a Zoning Certificate.

#3

ARB motions to require submission of a Wildlife Habitat Study which indicates “Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the US EPA and/or the Ohio Dept of Natural Resources.

STAFF RECOMMENDATION:

The Copley Township Architectural Review Board motions to:

Require a Wildlife Habitat Study which supports the initiative of 3.06 H. 3.

#4

Per Section 3.06 F. 3. ARB motions to require a Conservation Easement placed on the wetland area and the designated Open Space conditioned upon review by legal counsel and the Board of Trustees.

STAFF RECOMMENDATION:

The Copley Township Architectural Review Board motions to:

Require a Conservation Easement held by third party. Conservation Easement Stewardship Program or similar alternative to ensure long term protection of the conservation are established. Recommendation subject to legal counsel review and Board of Trustees.

#5

The Copley Township Architectural Review Board motions to recommend to the Copley Township Board of Trustees

Placement of escrow for Conservation Easement Stewardship Program conditioned upon review by legal counsel and the Board of Trustees

#6

1 A (WETLAND A): The applicant is seeking approval to remove 0.261 acre of wetland for the construction of 3 units and installation of roadway and a 0' from the identified wetland.

STAFF RECOMMENDATION:

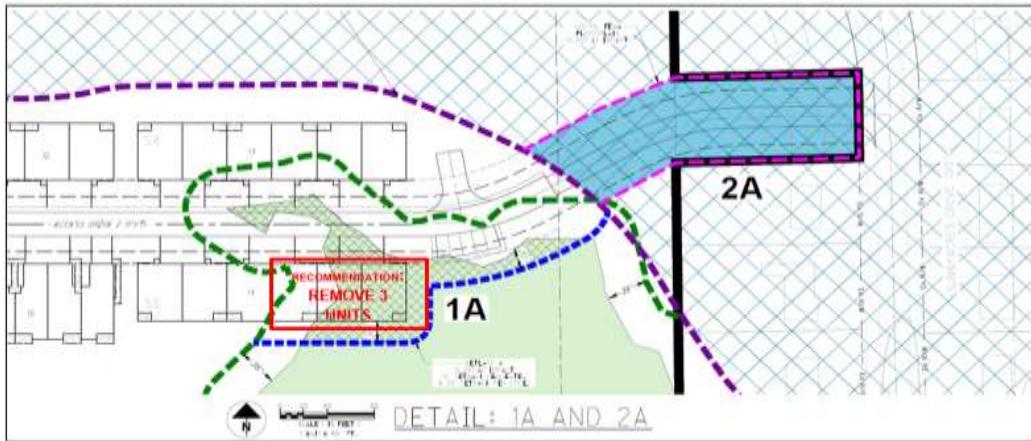
The Copley Township Architectural Review Board motions to recommend to the Copley Township Board of Zoning Appeals:

Disapproval. Eliminate identified units to avoid wetland removal and maintain a wetland setback.

OR

Approval conditioned upon submission of a Preliminary Drainage Plan showing no upstream or downstream impacts as a result of the variance

SUMMIT SOIL & WATER CONSERVATION DISTRICT: No objection.



#7

2 A (WETLAND A): The applicant is seeking approval to remove an existing home and construct a roadway for secondary ingress/egress inside of .454 acre of identified floodplain.

STAFF RECOMMENDATION:

The Copley Township Architectural Review Board motions to recommend to the Copley Township Board of Zoning Appeals:

Approval conditioned upon submission of a Preliminary Drainage Plan showing no upstream or downstream impacts as a result of the variance. Secondary ingress/egress is required for Fire/Safety measures. There is an existing impervious structure (home) which will be removed and replaced with a roadway.

SUMMIT SOIL & WATER CONSERVATION DISTRICT: No objection.

#8

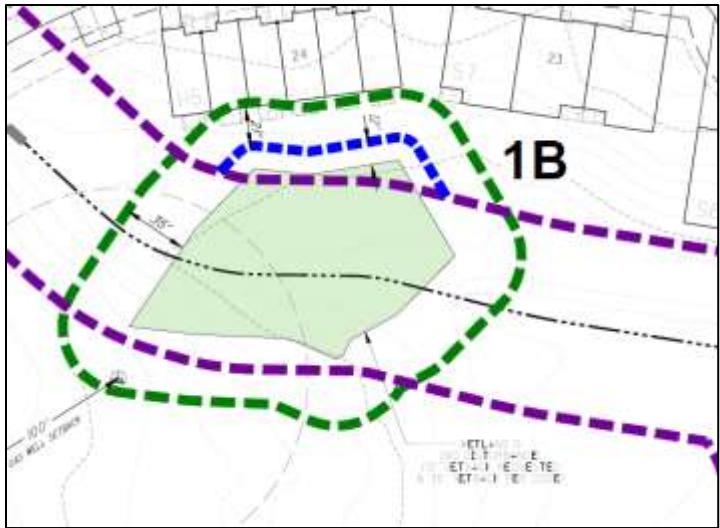
1B (WETLAND D): Applicant is seeking relief from the required 35' wetland setback. There are no proposed impacts to the wetland area. The applicant is seeking approval to maintain a 12' setback from the wetland.

STAFF RECOMMENDATION:

The Copley Township Architectural Review Board motions to recommend to the Copley Township Board of Zoning Appeals:

Approval conditioned upon submission of a Preliminary Drainage Plan showing no upstream or downstream impacts as a result of the variance

SUMMIT SOIL & WATER CONSERVATION DISTRICT: No objection.



#9

1C: (WETLAND E) Applicant is seeking relief from the required 35' wetland setback. The applicant is seeking approval to maintain a 0' setback from the wetland. Applicant is seeking approval to remove 0.027 acre of identified wetland.

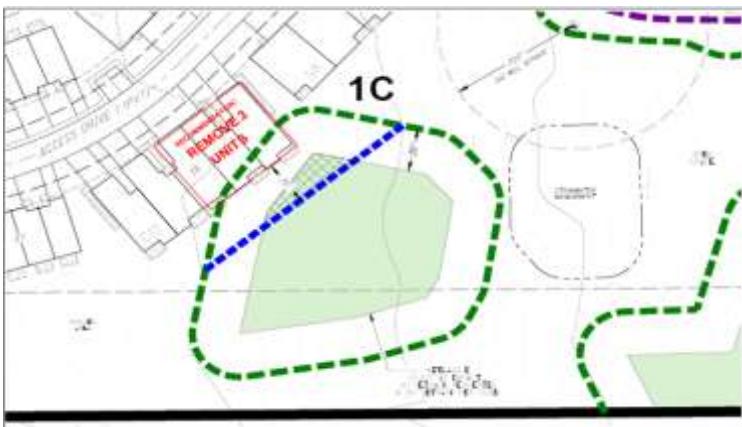
STAFF RECOMMENDATION:

The Copley Township Architectural Review Board motions to recommend to the Copley Township Board of Zoning Appeals:

Disapproval. Eliminate identified units to avoid wetland removal and maintain a wetland setback.

OR Approval conditioned upon submission of a Preliminary Drainage Plan showing no upstream or downstream impacts as a result of the variance

SUMMIT SOIL & WATER CONSERVATION DISTRICT: No objection.



#10

The Copley Township Architectural Review Board motions to:

Approve the applicants Final Development Plan conditioned upon:

1. Variance approval inclusive of a preliminary drainage plan showing no anticipated upstream/downstream impacts
2. Map Amendment approval inclusive of a Wildlife Habitat Study, Management Plan for the preservation of open space and wetland area and a Preliminary Drainage plan showing no anticipated upstream/downstream impact (if not required by the BZA)