

**COPLEY TOWNSHIP
JACOBY ROAD PARCELS 1501734,
1501735, 1503826
RESIDENTIAL CONSERVATION
DEVELOPMENT
STAFF REPORT ADDENDUM A
PUBLIC COMMENT/NOTIFICATION DOCUMENT**



<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 Submitted: 10/12/2021</p>
<p>ARCHITECTURAL REVIEW BOARD NOTIFICATION</p>	<p>Notification beginning 10/12/2021 as follows:</p> <p>Posting on ARB Agenda Center, ARB Agenda Documents, Copley Township Website, Economic Development Projects of the Move</p> <p>11/1/2021 12/6/2021 1/3/2022 2/7/2022 3/7/2022 4/7/2022 5/2/2022 6/6/2022 7/5/2022 8/1/2022</p>
<p>WEST SIDE LEADER</p>	<p>ARB Meeting Notification</p> <p>11/1/2021 12/6/2021 1/3/2022 2/7/2022 3/7/2022 4/7/2022 5/2/2022 6/6/2022</p>

	7/5/2022 8/1/2022
BOARD OF ZONING APPEALS & ZONING COMMISSION MONTHLY REPORT FROM DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT PROJECTS ON THE MOVE	11/1/2021 12/6/2021 1/3/2022 2/7/2022 3/7/2022 4/7/2022 5/2/2022 6/6/2022 7/5/2022 8/1/2022
BOARD OF ZONING APPEALS	Landowner/Property Notification Letters 6/15/2022: Courtesy Notice of Upcoming Hearing-Notice of ARB Meeting Included 6/28/2022: Public Hearing Notice: Notice of Site Plan Review Ongoing 7/21/2022: Public Hearing Notice Copley Township Website 6/2022 7/21/2022 West Side Leader 6/23/2022 7/28/2022
PUBLIC COMMENT LETTERS *Letters are attached and available for public inspection and will be shared with Boards/Commissions accordingly	6/28/2022. Spring Garden Waldorf School. * STAFF RECOMMENDATION: #1, #2: Spring Garden Waldorf undertake studies outlined as the 3 rd party. #3: Applicant has provided the required study to the Copley Township and the Townships jurisdictional reviewer, Summit County Engineers Office-No additional improvements are required by Summit County Engineers Office #4, #5, #7, #8, #9 Spring Garden work directly with the applicant to determine the feasibility of such requests. #6: The grading plan, storm water management plan and all other civil documents to be reviewed by the Township's jurisdictional reviewers, Summit County Engineers/Summit Soil & Water Conservation District. 7/5/2022, 7/7/2022-Mark Wasick-Resident. 7/12/2022 Carl Talsma (this letter is inclusive of 106 cosigners) Paul Robinson Barb Robinson

NEIGHBORHOOD MEETING	<p>6/14/2022-Staff invited to attend a Neighborhood Meeting of Jacoby Road coordinated by Mr. Mark Wasick</p> <p>125+ in attendance-Majority in opposition of the project-Concerns include Traffic Impact on Schools</p> <p>Taxable impact on community services</p> <p>Number of units</p> <p>Apartments vs. Owner Occupied</p> <p>Wetlands/Trees/Wildlife</p> <p>Developer paid for studies/Opportunity for 3rd party studies</p> <p>Fill on site & underground</p>
COPLEY TOWNSHIP PUBLIC MEETINGS	<p>7/5/2022-Copley Township Architectural Review Board Meeting</p> <p>125+ in attendance-Majority in opposition of the project. 13 residents addressed the Board with the following concerns: Did not believe the public had been adequately notified, desire to maintain rural character, safety concerns regarding access to the Spring Garden Waldorf School, flooding, private roads, environmental (wetlands, wildlife), density credit, did not believe this fits in the Land Use Plan goals, number of units, rental units</p>
PUBLIC COMMENT EMAIL/PHONE CALLS/MEETINGS	<p>D'Amico-1943 Jacoby-Want to maintain rural character of the neighborhood, larger lot sizes, single family development only owner Occupied-Phone Call, Information Provided</p> <p>Wasick-1888 Jacoby, concern about proximity to the Sportsman's Club Range-Phone call, email, in person Visits-Information provided and responded to for all requests</p> <p>Paul Robinson-RCD regulations- Phone Call, Email-Information provided and responded to for all requests</p> <p>Carl Talsma-Phone Call-Regulations and density credit, rental units and taxable income, traffic, stormwater- Information provided and responded to for all requests</p> <p>Les Conner-1956 Jacoby-Proximity to school, request to SCPH Air Quality</p> <p>Sally Gamauf-S Cleve Mass, Request for ditch map</p> <p>Amy Hecky-Spring Garden Waldorf School-Receipt of letter</p> <p>Matt Plevrakis -Spring Garden Waldorf School. - Utilities, Water and sewer, Traffic on Jacoby Rd, Green space and privacy.</p> <p>1501 Sunnyacres-Opposing apartments</p> <p>1554 Sunnyacres-traffic, wetlands, density too high</p> <p>2905 Kendall Rd.-traffic, protect rural farm area</p> <p>Julie Toxell-Sunnyacres-Concern of public access using Sunnyacres Drive, impact of utilizing Sunnyacres infrastructure, wetlands</p> <p>Tara Talsman-Keep rural feel, concerned that this will set a precedent for development in this area of the Township.</p> <p>Mr. Weidlich, 1501 Sunnyacres Rd-Keep Copley Rural, does not support apartments</p> <p>Mr. Schaub-Opposing project</p>

Diane Kuczkowski-Ruralness, protect trees, Impact on schools, safety forces, Barb Robinson-Land Use Plan compatibility, downstream impact Art Herd-Water run off, continuation of hearing Autumn (and Walid) Kahwaji-Flooding, wetlands, traffic Jacoby Road Resident Since 1975-Opposes project; Does not believe Copley Fire and Police are equipped to handle additional residents 7/19/2022 Staff met with Barb Robinson to review concerns regarding development in this part of the Township, discussed the Zoning Resolution regulations, application procedures, and the Comprehensive Land Use Plan. 7/22/2022 Staff met with Amy Hecky and representative from Spring Garden Waldorf to discuss concerns of the project, status of review and requests of the applicant



Janice Marshall, Director of Administration
Copley Township Board of Trustees
Shawna Gfroerer, Planning and Zoning Inspector
Copley Township Architectural Review Board
Copley Township Zoning Commission
Loudan Klein, Director of Community and Economic Development
1540 S. Cleveland Massillon Rd
Copley, OH 44321

June 28, 2022

Dear Copley Township Leadership:

This letter is in regard to the proposed Jacoby Rd. development by PrideOne Construction to be taken into consideration for the July 5, 2022, Architectural Review Board meeting and the July 13, 2022 Zoning Commission meeting.

To look at this objectively and inform decisions of how to proceed, we have spoken with a variety of professionals to gain an understanding of the development plans and the impact this development will have on our organization. Through these conversations and reading of the plans, Amy Hecky, Director of Administration; Matt Plevrakis, Facilities Manager and the Board of Trustees of Spring Garden Waldorf School respectfully submit the concerns and requests below:

Spring Garden Waldorf School Concerns Regarding PrideOne Development on Jacoby Rd.

- Safety and Security of the students and staff
- Privacy- our students spend much of their day outdoors on the SGWS property
- Groundwater and well water impact
- Electric power disturbance
- Daily Traffic issues on Jacoby, especially during arrival and dismissal for school
- Impact on the local environment including, but not limited to wetlands and wildlife
- Noise and air pollution during construction
- Drainage

Spring Garden Waldorf School respectfully requests:

1. A third-party traffic study to be completed for the community with focus being placed on start and end of school day traffic (8:00 a.m.-9:00 a.m.) and (2:45 p.m.-3:45 p.m.). Our school serves over 170 students and there are already challenges with traffic back ups and safety during these heavy traffic times.

The Waldorf School of Northeast Ohio

1791 S. Jacoby Road Copley, OH 44321
P: 330-666-0574 www.SGWS.org F: 330-666-9210

2. A third-party environmental study be completed for the community as we have concerns about the zoning variance being requested and impact on the local environment.

Should the PrideOne Development move forward:

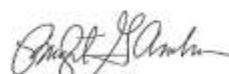
3. A widening of the road and/or other mitigations deemed appropriate to support safety especially in the school zone such as stop signs, traffic lights, turning lanes, etc.
4. A privacy fence to be built to provide privacy and security at the cost of the landowner/PrideOne Construction. A plan for maintenance of the fence must also be in place at the cost of the landowner/PrideOne Construction. This fence would run the length of the property line between Spring Garden Waldorf School and the land being developed. This includes the south and east sides of Spring Garden Waldorf School property. We also request to maintain a 10-foot buffer of trees between our property and the privacy fence.
5. A playground be included in the construction plans to encourage children to play in the development and not on school grounds.
6. Any drainage challenges at Spring Garden Waldorf School due to or directly following the new construction will be mitigated by the landowners and/or PrideOne Construction.
7. Any impact to our utilities including, but not limited to, well, septic, electric, internet, phone due to the new construction will be mitigated at the cost of the landowner or PrideOne Construction.
8. Consideration for timing of construction, noise level, air pollution, etc. Our school does not have air conditioning and we teach with open windows through much of the school year. We are concerned we may be challenged by the noise and air pollution as well as incur increased cleaning costs. We request that construction would occur outside of school hours and/or during the off season (June-late August). We would also request that increased cleaning costs be covered by PrideOne Construction or the landowner.
9. PrideOne Construction and/or Landowners take responsibility for and pay any unforeseen costs or increase in costs incurred by Spring Garden Waldorf School due to the new construction.

Thank you in advance for your consideration. We will be in attendance of the July 5th and July 13th meetings. Please feel welcome to contact Amy Hecky, Director of Administration with any questions.

Sincerely,



Amy Hecky
Director of Administration



Bridget Ambrisco
President of the Board (effective July 1, 2022)

CC: file; Ben Weinerman, PrideOne Construction; Mark Wassick, Copley Community Organizer

ARCHITECTUAL REVIEW BOARD JULY 5 at 6pm

PROPOSED REZONING ON JACOBY RD.

To: Copley Township Trustees and Members of the Architectural Review Board

We wish to make clear that there is no objection to the CURRENT zoning. Residential medium density (Rmd) which could result in approximately 30 single family homes as is or more if central Water and Sewer are provided.

WE also wish to be clear that we strongly support the position(s) of Spring Garden Waldorf School (SGWS) in the areas of TRAFFIC, SAFETY AND SECURITY.

Address to the Copley Township Architectural Review Board (ARB).

This Proposal now before you has been in the hands of The Township Zoning Staff for well over a year! By happen-stance a neighbor after observing surveying and other activities on Jacoby Rd. made inquiries at the Zoning Department and was given a copy of (a) preliminary Staff Report dated 11/1/21.

This was approximately three weeks ago. After reviewing that 11/1/21 document a small group of neighbors began to try to learn more. When asked why neighbors had not been notified a staff member replied "because we did not have to"! This staff member clarified saying the requirement to inform neighbors was not yet reached (Variance Requests). This notice requirement condition was reached eventually. A letter dated 6/15/22 was sent to "LANDOWNERS". JUST THE LANDOWNERS ABBUTTING THE SUBJECT SITE! This was a thirty-day notice PRIOR to the scheduled July 13 meeting of the BZA. No mention was made at that time of this meeting today JULY 5, 2022 and its significance and importance.

Our residents and neighbors then made requests orally and in writing for copies of all subject related materials to be provided in a timely manner. The STAFF agreed after sharing their concerns that such accommodations may be viewed as "FAVORITISM". The response given was how could it be considered favoritism to respond to a request for public documents. There are still many questions to be asked and responses to be provided. We are prepared to review the STAFF

REPORT in detail and make formal data requests and/or comments and observations. Had we had a timely notice of this proposal we would have endeavored to provide this Board tonight with as complete and comprehensive submission as the Applicant has over the past year plus. We now request time to ask our questions and provide our comments.

Should time not be allowed, we would question the appropriateness of moving forward. How can the Final Development Plan now being requested for Approval be moved forward while SO MANY UNANSWERED QUESTIONS, INCOMPLETE REPORTS and SO MANY OPEN DECISIONS have yet to be made?

In addition to a request for TIME, we would request a second on-site inspection of the "SITE" by the ARB. Among our group are persons who are very familiar with the property and can point out and identify areas which call for more in-depth review and further consideration.

It is our understanding that the Zoning Staff has already endorsed this plan and rezoning. We request the opportunity to allow an independent group to review the criteria required in order to consider the rezoning itself.

Please allow us our TIME before you move forward. I request that I be recognized to address the Board. We wish to thank the Zoning Staff and Mrs. Marshall for making a presentation to our group on June 14, 2022.

Mark Wasick

MARK WASICK and neighbors

1888 Jacoby Road, Copley, Ohio 44321

Tuesday, July 5, 2022

2

Paul Robinson
3063 Cliffside Dr.
Copley, OH 44321
Probins7@yahoo.com
330-413-9683

Copley Township Board of Trustees
Shawna Gfroerer, Zoning Inspector, MPA
Loudan Klein, Director of Community & Economic Development
Copley Architectural Review Board
Copley Township Zoning Commission
1540 S. Cleveland Massillon Rd.
Copley, OH 44321

July 12, 2022

Sent via Email

RE: Jacoby Co Property Development Proposal

Dear Copley Township Officials,

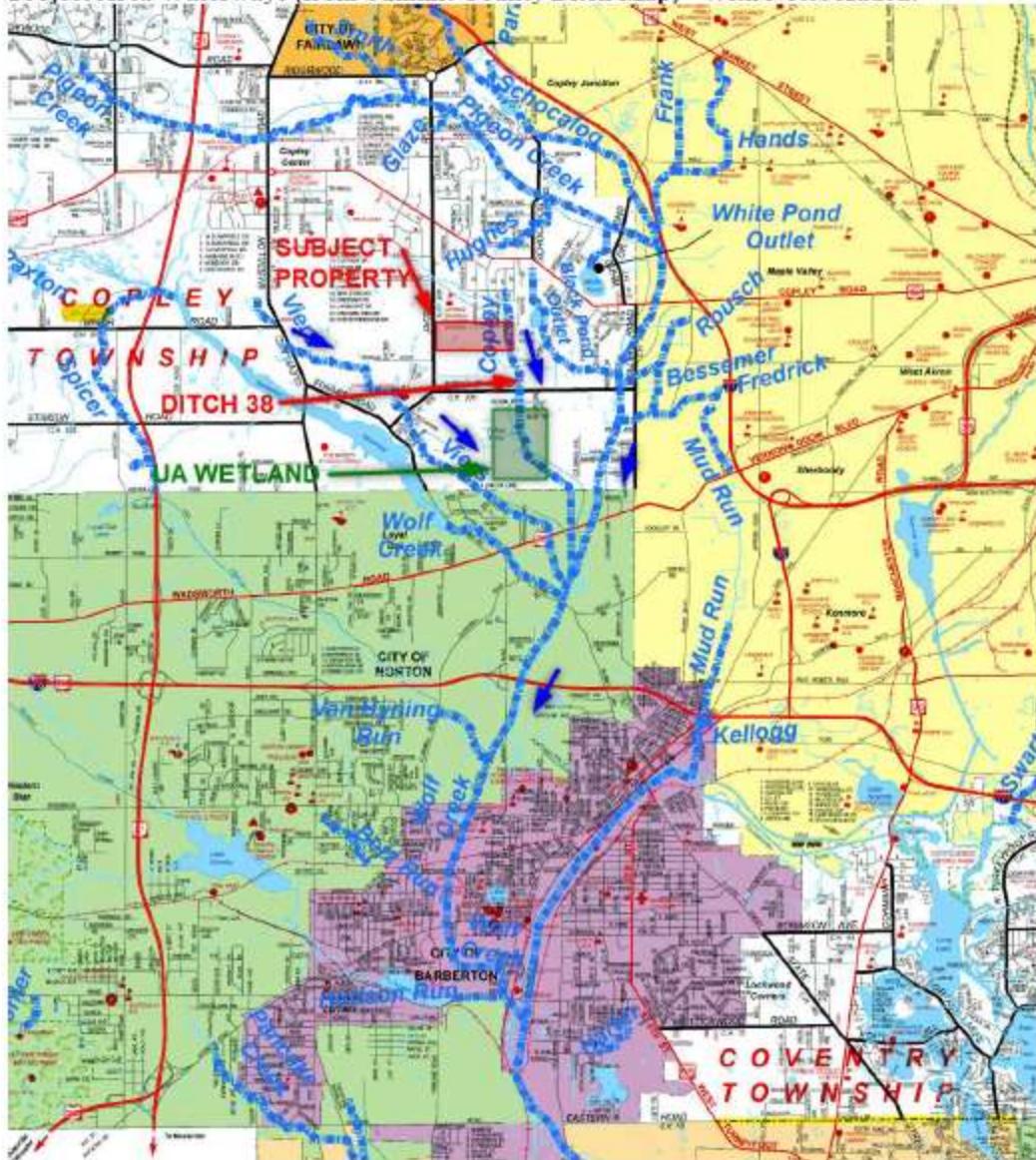
I am writing this letter to effectively communicate my concerns and opposition regarding the proposed development project on Jacoby Road Parcels 1501734, 1501735, and 1503826 (project). There are many large, legitimate, open issues with this project, of which were derived from a basis in observable facts. In this letter I will outline just a few of them.

For many Copley Township residents (residents), the Copley Land Use Plan (LUP) supports ideas, concepts, and best practices in preserving Copley's heritage of open space, farmland, forest lots, with language permeated throughout pertaining to preserving the rural character of the township. The LUP also acknowledges that high-density housing is a net consumer of resources. Many Copley residents look to this document to guide Copley Township Officials on zoning rules, resolutions, and associated decisions – as it was originally intended to do. In the 2009 version of the LUP, the subject property was within the Conservation area. The implication taken away from that for me, and many others was, Copley is supporting true conservation of a significant portion of the township. In the 2011-2012 timeframe, a new zoning resolution was adopted, and included zoning overlays including R – CD. These zoning overlays, allowing for high-density development, are in direct contradiction to the original intent of the LUP. This is creating confusion and is contrary to the original intent of the LUP and residents' desires.

There are many open concerns with this project regarding storm drainage and hydrology. Storm runoff for the subject to ditch 38 and through The University of Akron's (UA) Class 3 research wetland, and on to Wolf Creek and the Tuscarawas River. The watershed around ditch 38 is already fraught with drainage issues and flooding, and to my understanding is currently on Summit County's list of storm drainage systems to be studied for existing issues. There are many unanswered questions regarding the increase in sheer volume of increased runoff that would result from this project. There are also

unanswered questions of feasibility to effectively protect water quality, resources, streams, wetlands that are not only on the subject property, but also the impacts to downstream waters and wetlands during construction and post construction. Storm water quality degradation and long-term maintenance of private storm systems are big open issues in this highly sensitive watershed.

Project Area Waterways (from Summit County Ditch Map) - With Notes Added:



Allowing high-density development on economically buildable portion the subject property will result in higher flow rates from more impervious surfaces and less vegetative cover. High-density development will also increase concentrations of contaminants than would otherwise be allowed by R-MD zoning. Impervious surfaces accumulate pollutants deposited from the atmosphere, leaked from vehicles, or windblown in from adjacent areas. During storm events, these pollutants quickly wash off, and are rapidly delivered to downstream waters. Downstream storm water quality will likely be detrimentally impacted during construction and post construction by a number of contaminants. I haven't seen anything yet regarding watershed analysis that even acknowledges the UA Research Wetland less than a mile downstream, let alone any research on impacts.

The developer for this project has requested to modify development and site planning, including Civil plans for storm runoff, until after zoning change has been granted. I urge that this request is denied, as this area is highly sensitive both from storm runoff hydraulic capacity and water quality perspective. Civil plans to manage storm water and quality will need to be highly engineered to protect both, and shouldn't be set aside until the last minute after every other approval is met.

The R – CD Overlay, under section 3.06 (R – CD) in the Copley Zoning Resolution contradicts the original intent of the Land Use Plan. The R – CD overlay seems like a loophole, and is very friendly towards developers without much favor towards Copley Residents. Words, like conservation for example, have even been redefined. When read between the lines with R – MD as a baseline, R - CD can be summarized as follows:

- Maximizes development of property that has minimal building potential, with little regard to current zoning classification of a subject property.
- Establishes simple process for rezoning land to essentially Residential – High-Density, within ANY residential zoning area in Copley Township
- Eases construction standards, lowering costs to developer
- Developer given credit equivalent to, or potentially more dense development (on buildable area of parcel) than Residential – High-Density for lands that can't be touched or built on in the first place (without significantly higher construction costs and longer more costly permit & agency review processes, etc.).
- Developer can maximize economies of scale and increase direct profit, making the project more financially attractive.

Impacting 60% of an ecosystem as laid out in R – CD that is interdependent on the whole, is destructive and detrimental to the remaining 40% that would be 'preserved'. All organisms in an ecosystem depend upon each other in a harmonious balance. The population of one organism increasing or decreasing can detrimentally effect on the rest of the ecosystem. This happens during development, and is somewhat normal. However, labeling this overlay with the word Conservation is a misrepresentation. At a minimum it should be named more in line with what it is, high-density rezoning. R – CD overlay essentially allows every piece of developable land left in Copley to be built upon with lax standard high-density criteria. Many residents live here for specific reasons, including the rural character with various farms and open space, low traffic, and do not want to see it become an overcrowded metropolis or sea of houses and concrete. I request that R – CD, and other high-density zoning overlays be repealed from the Copley Zoning Resolution.

There is a significant number of Copley Township residents (residents) that are opposed to this project. The residents understand clearly now what the details are of the project, and how the R – CD zoning overlay is designed to work. The issue is not lack of resident understanding, it is with the project and overlay zoning resolution itself. This proposal is by all means, high-density development in a medium density zoned area of the township. I want to clarify that I am not opposed to a development project on the subject property that would fall under the existing R-MD zoning regulation, that also met all other current R – MD zoning and environmental regulations with no need of variances. I also want to state that while I can't speak for others, I have observed that the vast majority of residents that I have spoken to on this project do not object to development of the subject property under current R – MD zoning regulations either. Furthermore, I haven't spoken to a single Copley resident that is in favor of this project, or the zoning overlay concept, including 3.06 R – CD as applied for this project. There has been great turn out of residents at the Township meetings/hearings. We filled the fire bays at the July 5th Architectural Review Board Meeting. There is also a notion amongst Copley Staff that the only residents who are in opposition are the residents that have attended the meetings, 100-150 or so. This is simply not an accurate assumption, as most people live busy lives. I have spoken to many people that wanted to attend certain meetings but can't because of other obligations, were out of town, or other reasons. Other residents have entrusted that Copley Staff, and the Trustees have their intentions in mind while making decisions, however they oppose this project, as well as 3.06 R – CD zoning overlay.

I have made various requests to Staff, and had a phone call meeting with Staff. Responses have been concise, timely, and informative. I appreciate that. However, communications and notifications overall for this project could have been better, especially early on. While township officials did make communications per the Ohio Revised Code (ORC), these communications were not effective in informing the community and residents, especially those that live in the surrounding area, that this project was initiated, and in progress. Local residents to the project were the ones that made effective communications to other Copley Township residents on or around June 11th, 2022. Prior to residents' communications, the vast majority of residents simply did not know about this proposed project. Regardless of ORC minimum notification requirements that were met, the same notifications for a simple sign installation shouldn't be applicable for large development projects of significant magnitude, scale, and general community impact.

This project brings very little, if any, benefits to the residents of Copley. It will also permanently change the character of Copley Township, as acknowledged in Staff Reports. It is full of large risks to our watershed, ecosystems, and many waterways and wetlands downstream including the Class 3 UA Research Wetland. I urge that the variances, and rezoning request are denied by the township.

I was born here. I grew up here. I went to school here. I purchased a house here, and I started a family here, in Copley with the understanding and appreciation for the rural character of the township. Near the time I purchased a house in Copley, myself and other residents were led to believe in the Land Use Plan, that boasted keeping Copley Rural (2009 version) was a priority. Township Officials at that time, supported that mission. This project, and the many that will follow if it's successful will permanently change Copley's rural heritage, and defy all of the foundations I was informed would remain in perpetuity. Now having a family with three little ones, dealing with these changes is a significant upset to not only myself, but my entire family. If the township is fully developed and the rural character replaced with rooftops and concrete, my desire in being a Copley Township resident will be no longer. If that's not a hardship, I don't know what is. I am a hardworking, tax paying resident who

takes care of his property, values family and the outdoors. I would think that Copley would want to retain residents like myself, and I hope that proves to be the case.

I urge the township officials to deny the R – CD rezoning, and the variances that have been requested.

Thank you for your attention to this matter.

Sincerely,

Paul Robinson

TO: Copley Township Board of Trustees, Architectural Review Board and Board of Zoning Appeals

Standing back and observing the current events revolving around the proposed rezoning of the Labriola property on Jacoby Rd. brings to mind a contortionist at the County Fair.

The subject property has issues, both natural and man-made. This property has been abused and mis-used over many years.

There have been comments that to contest this REZONING is somehow depriving the owners of their rights to develop their property. This property has been in its present condition for many, many years. The value of the property is a direct result of both the natural and man-made actions taken by the residents of that property. It is what it is and valued accordingly under its current zoning of Residential Medium Density (Rmd).

What we are witnessing are efforts to take a 'SOW'S EAR AND TURN IT INTO A SILK PURSE'.

1. Because of natural features such as streams, wetlands and being partially in a flood plain. These areas are already subject to development limitations.
2. Significant portions of the property have been used for unpermitted mining operations and conversely as an unpermitted construction and demolition C&D Landfill. Much of the "filling" has been directly into and on top of the existing wetlands.
3. There is now an attempt to rezone this land by considering its placement in a special zoning category of RESIDENTIAL CONSERVATION DEVELOP (Rcd). See Zoning RESOLUTION Article 3 Section 3.06. Please review the 10 factors to be considered for inclusion in this CONSERVATION DISTRICT. We challenge any and all Boards and advisory agencies to arrange an on- site inspection reviewing and considering the application of these guidelines to the actual property. It is our opinion and position that this property DOES NOT meet the criteria supporting the rezoning request.

According to the STAFF COMMENTS found on page 15 of their recent Report- This project meets the spirit and intent of the purpose of the Residential Conservation Overlay(sp).

4. Once the project is moved forward as qualifying for the "OVERLAY", then the contortions continue with requests for variances to those same features the "OVERLAY" purports to conserve.
5. The only conservation we see taking place is the artful use of exceptions to conserve the developments construction costs. Getting the most for the least.
6. Now comes the next attempt to reduce the developers' costs and responsibilities. If they can gain approval of maximizing the number of rental units on the limited buildable space what can be done to shed responsibility for the remaining rough, unbuildable areas? Simple, just give it away to somebody else.
7. The developer is increasing all water related issues downstream.
8. As we speak, Summit County Council is passing legislation assessing landowners for the costs of mitigating water runoff and has set up 15 target mitigation areas. Is the subject locale one of these? This should be checked out BEFORE moving forward with any variances which will further exacerbate the myriad of water related issues with this property.
9. This may truly be the most complicated game of "TWISTER" any of us have ever seen.

Mark Wasick
1888 Jacoby Rd

Carl Talsma
2116 Mayes Place
Copley, OH 44321

Copley Board of Trustees, Board of Zoning Appeals, and Architectural Review Board
1540 S. Cleveland Massillon Road
Copley, OH 44321

Re: Open Letter of Concern over Pride One Jacoby Road Construction (Parcels 1501734, 1501735, 1503826)

Dear Board Members:

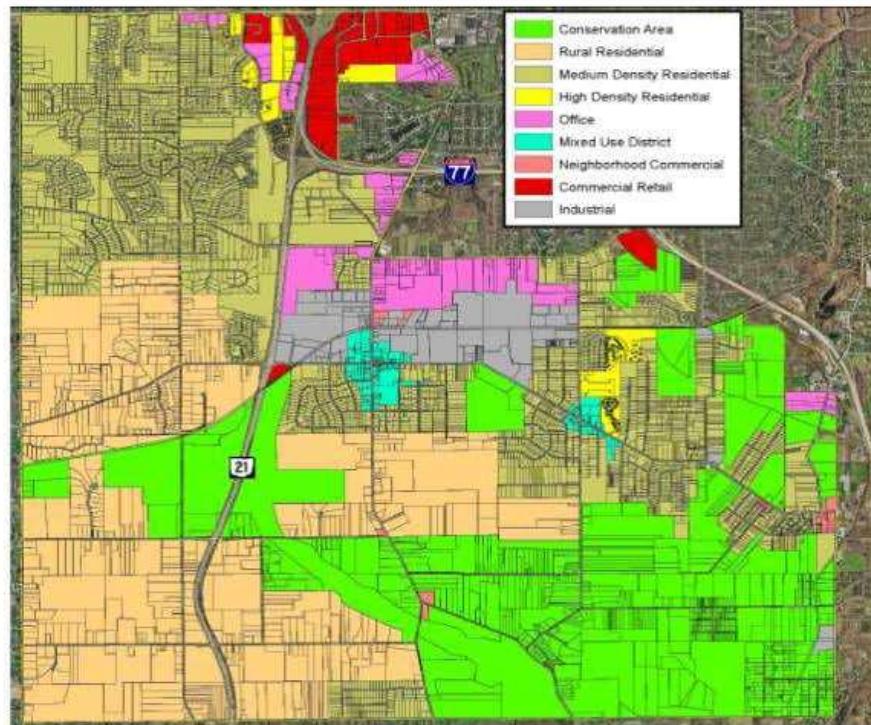
This letter is submitted in opposition to the proposed rezoning of two lots on Jacoby Road from Residential Medium Density to Residential Conservation and the associated proposed development from Pride One. The Pride One development not only requires rezoning to Residential Conservation, the development would require additional variances regarding development on wetlands and floodplains. Although the township does have authority to make such a rezoning and approve such variances, the township should not. Of the many reasons to oppose this development, this letter will focus on three: approval of the development would not accomplish the purpose of the RCD rezoning, the development would have a detrimental effect on the current character of the neighborhood, and the development is in direct conflict with the future land use plan included in the Copley Township Land Use Plan 2020-2025.

The RCD rezoning was created to, per article 3, paragraph 3.06, "maximize the conservation of open space while accepting development...that are permitted under the existing conventional zoning for the property." In essence, this course of action is intended to allow more compact construction to generate a similar average density of residences while preserving land as undeveloped that would otherwise be built upon with traditional development. Obviously, traditional development would still need approval of the boards to subdivide parcels 1501734 and 1501735. Therefore, the development of this property is not an either / or situation. In fact, the staff report on the variance review criteria specifically noted that the property can yield a reasonable return without requested rezoning and variance – "The property can be utilized for the construction of one single family dwelling unit as permitted". Regardless, the two parcels in question cover 62.93 acres, of which 19.27 acres are wetlands, and with 2905 linear feet of streams. When considering the riparian setback from affected streams, there is clearly over 21 acres of land which could not be built on under current regulations, and which represents the vast majority of the land the developer would set aside as undeveloped. However, if this land were rezoned RCD, the developer can still claim benefit of residence density from that land that could not be developed anyway. This undevelopable acreage alone allows for an additional approximate 50 residences to be built (of the proposed 133) based on the guidelines of the RCD. In essence, Copley gains little in terms of preserved green space at the cost of much – 133 high density housing constructions.

Part of the high cost of this proposed development is the adverse effect such a development would have on the nature and character of the neighborhood. This Jacoby neighborhood is characterized by single family dwellings on larger plots of land and family farms with both agriculture and livestock. There are third generation families farming the same land and brand new generations locating here for a rural lifestyle in which to raise a family. The staff report recognizes that this development would "change the character of the neighborhood architecturally" by creating a subdivision of attached dwellings, where the current neighborhoods are comprised of "detached single family dwellings." However, this assessment only scratches the surface of the impact. The staff report cites Copley Meadows as comparable for density of development. Copley Meadows is a development that would not be allowed under current or future zoning considerations, so such a density should not be used to justify acceptability of new constructions. Moreover, Copley Meadows is not a Jacoby Road development, Copley Meadows is a Copley Road development. That is, Copley Meadows ingress and egress is exclusively on Copley Road. The Pride One development would have (except for emergencies) exclusive ingress and egress on Jacoby Road. Therefore, the neighborhood that should be considered is that of Jacoby Road. In that area, the area whose character would be most impacted, there is no development density remotely close to what has been proposed. A school lies to the north, agriculture and single residences on large lots to the west, and open land directly south. High density housing construction would be wholly out of place and permanently, detrimentally, change the nature of the neighborhood. However, were this development to go through, then precedent would be set, and any future such developments would be harder to justify denying.

The Board of Trustees has recognized the importance of the character of this neighborhood. This portion of Copley is not just characterized by rural development and open spaces currently, the future land use plan for this area shows an expansion of the current Open Space Conservation districts to include the very parcels in question (Images attached).

Future Land Use Map



The Future Land Use Map clearly shows these parcels are anticipated to be Conservation Area, or what would be considered Residential Open Space / Conservation under current definitions. Now, RCD can still be used for R-OC districts. However, R-OC districts, per article 3 paragraph 3.05.D.1 require a minimum lot size of 5 acres. If converted to RCD, then, per article 3 paragraph 3.06.E.2, the maximum

density shall be 20% greater than that allowed in the underlying district, and, per 3.06.E2.a.ii, the areas of floodway and wetlands shall be deducted from the total project area. For the parcels in question, that would be a deduction of approximately 21 acres from the 62.93 acres. That would leave 41.93 acres. Divided by 5, which is the permitted density for R-OC districts, results in 8.386, and then increased by 20% as allowed 3.06.E.2, yields 10.0632. 10 units would be the intended allowable development of this property as RCD based on the anticipated Future Land Use Map published by the trustees. Clearly, a 10 unit development is markedly different to a 133 unit development.

As mentioned previously, many reasons exist to oppose this proposed Pride One Jacoby Road development. This letter focused on three. Under current zoning, Copley gains little because most of the land that would be set aside cannot be built upon anyway. The character of the neighborhood as a rural and open space portion of Copley would suffer. The future use plans for this area of Copley would be thwarted, and never be able to be reclaimed. In essence, the developer seeks to abuse the current RCD rules to build high density housing claiming density credit for undevelopable land, and to push this through before the future land use plan approved by the trustees can be executed. Moreover, they have admitted they cannot even do so without additional variances to allow damage to some of those wetlands and to build on floodplains. The neighborhood supports the Future Land Use Map, and would not oppose a 10 unit development that the future zoning would allow. However, the neighborhood does not want to lose its nature and character through the abuse of the RCD process and the construction of 133 high density housing units. We ask you to oppose this rezoning to RCD under the current zoning map, and to oppose the variances requested by Pride One.

Thank you for your consideration.

Carl Talsma

Co-signed by the following Copley residents:

Tara Talsma 2116 Mayes Place	Nancy Baumgardner 1532 S. Planview
Cassidy Talsma 2116 Mayes Place	Marguerite Ritter 1825 Jacoby Rd
Jeremiah Talsma 2116 Mayes Place	Laura Sheppard 1971 Jacoby Rd
Theresa Barton 2310 Wright Rd	John Sheppard 1971 Jacoby Rd
Bradley Barton 2310 Wright Rd	Casey Pittman 3342 Boyne Rd
Broderick Barton 2310 Wright Rd	Lindsey Bondlow 2183 Jacoby Rd
Paul Robinson 3063 Cliffside Dr	Scott Galloway 2772 Copley Rd
Deborah Sturm 3620 Minor Rd	Krista Galloway 2772 Copley Rd
Tiffany McCaffrey 1668 Jacoby Rd	Brian Plummer 1164 Shocalog
Edward McCaffrey 1668 Jacoby Rd	Laurel Plummer 1164 Schocalog
Travis Harmon 1683 S. Cleveland-Massillon Rd	Brad Mularcik 2576 S. Hametown Rd
Candace Harmon 1683 S. Cleveland-Massillon Rd	Paula Mularcik 2576 S. Hametown Rd
Mark Wasick 1888 Jacoby Rd	Beth Kasper 1536 Greening Dr.
Suzanne Wasick 1888 Jacoby Rd	Art Hurd 2531 Lawnshire Dr.
Beth Crow 3088 Kendall Rd	Carol Hurd 2531 Lawnshire Dr.
Gene Baumgardner 1532 S. Planview	Carol Bessemer 1650 Collier Dr.

Don Bessemer 1650 Collier Dr.	Danae Labocki Twin Creeks Dr
Jessica Huth 2613 Action Dr.	David Labocki Twin Creeks Dr
Eric Heinbuch Lawnshire Dr.	Maria Schneider 1401 Orchard Dr
Margaret Heinbuch 1530 Greening Dr.	George (JR) Oschman Summit Rd
Cheryl Jaworski 2416 Titan Dr.	Kelly Oschman Summit Rd
Scott Jaworski 2416 Titan Dr.	Michael Blinkhorn 2518 Bennett Ave
Jackie Sanders 2416 Titan Dr.	Leslie Blinkhorn 2518 Bennett Ave
Michael Kaiser 2610 Wealthy Dr.	Marie Paul 1643 Jacoby Rd
Alexa Kaiser 2610 Wealthy Dr.	George Hunt Jacoby Rd
Amy Nagy 2568 Lawnshire Dr	Raina Fink Jacoby Rd
Michael Nagy 2568 Lawnshire Dr	Bill Sweeney Jacoby Rd
Lori Das 2465 Henetta	Brian Smith Jacoby Rd
Andrew Das 2465 Henetta	Mary Beth Grace Jacoby Rd
Jim Bonner 2417 Summit Rd	Marian Bickley Jacoby Rd
Judy Bonner 2417 Summit Rd	Dick Swaino Elisabeth Dr
Greg Stefanko 2425 Wright Rd	Patsy Swaino Elisabeth Dr
Carl Shumway 1523 Crusade Dr	Rodney Morris Jacoby Rd
Jody Shumway 1523 Crusade Dr	Jack Hunt Kenneth Dr.
Eric Heinbuck Lawnshire Dr.	Amy Hecky, Director of Administration on behalf of
Barbara J Patterson Lawnshire Dr.	Spring Garden Waldorf School 1791
Jason Sparrow Lawnshire Dr.	Jacoby Rd
Kelly Sparrow Lawnshire Dr.	Lori Hinds Kendall Road
Mark Troxell Sunnyacres Dr.	Jeff Hinds Kendall Road
Julie Morig Troxell Sunnyacres Dr.	Joe Shoultz 2905 Kendall Road
Debbie Stinson 1971 Jacoby Rd.	Sue Lazano 2957 Kendall Road
Sara Odaniel 1357 Earhart	Lerryn Campbell 4590 Briarcliff Trail
Jason Odaniel 1357 Earhart	Grace Ebner 2073 Mayes Place
Parker Stinson 1357 Earhart	Jen Rieger 790 Wallwood Drive
Greg Dunlap 5223 Fairington Ave	Jane Scott 462 Kings Court
Jamie Dunlap 5223 Fairington Ave	
Jennifer Jacobs Jacoby Rd	Kay Shepherd
Mary Surowski Jacoby Rd	Josh Wood
Leonard Shetler 1631 Jacoby Rd	Shiloh Wood
Sandra Shetler 1631 Jacoby Rd	
Jody Nichols 2556 Jay Dr	
John Nichols 2556 Jay Dr	
Dan D'Amico 1943 Jacoby Rd	
Poppy D'Amico 1943 Jacoby Rd	
Alina D'Amico 1943 Jacoby Rd	
Ethan D'Amico 1943 Jacoby Rd	
Jack Moore 2589 S. Hametown	
Carol Moore 2589 S. Hametown	
Beth Kasper 1556 Greening	
Margaret Heinbuch 1530 Greening	

Janice Marshall, Director of Administration
Copley Township Board of Trustees
Shawna Gfroerer, Planning and Zoning Inspector
Copley Township Architectural Review Board
Copley Township Zoning Commission
Loudan Klein, Director of Community and Economic Development
1540 S. Cleveland Massillon Rd.
Copley, OH 44321

Rec'd
7/12/22

July 12, 2022

Dear Copley Township Leaders

As you know there are a majority of Copley residents that are extremely opposed to the proposed Jacoby Rd development by PrideOne Construction.

Please allow me to reiterate the main purpose of the zoning, as stated on Copley's website,

- Promote orderly and harmonious development of the Township in accordance with Copley Township's Land Use Plan.

There are many points from the Land Use Plan that are in direct conflict with the development of this Jacoby Rd area.

We realize that growth and change has to happen, as it is inevitable, but please, not here, not on this wetland area.

This land as you well know is a working wetland that has buffered the excess storm water that runs down into the Class 3 Wetland on Collier Rd, which is now part of the University of Akron for wetland research purposes.

I live way upstream of this development and will not be affected by it, however, I am very concerned about the people who live downstream from this, as they have had flooding from several of our last serious storms. This project, if allowed, will exacerbate the flooding downstream.

Please do not add additional hardship to these people who have been in Copley and supported Copley for so long.

We all know that the Copley Land Use Plan explains how detrimental new construction can be to our greenest areas. It is all explained in our own plans.

We ask that you do the right thing in stopping this for Copley residents, and please put yourself in their shoes.

I can go into detail, page by page as to why this goes COMPLETELY against Copley Land Use Plan, but I know that you already know that, as that is your job, so I personally will not call your attention to the various reasons in this plan that would be a total rejection of our ideas of a wonderful land use plan.

Once again, we ask that you do what is right for Copley residents, and do not allow the rezoning of this area. It is not in Copley's best interest.

Thank you in advance for your consideration and service

Barb Robinson
Copley resident 45+ years

Jacoby Multi Family; Rezoning Residential Conservation Development (R-CD) “Project”

By Concerned Residents of Copley Township

Presentation Topics

- The Purpose of Zoning?
- Copley Township Land Use Plan (LUP)
- Current Zoning for Subject Property
- Proposed Rezoning
- 3.06 R – CD Conservation?
- What is Conservation?
- Wetlands & Wildlife
- Pollution
- Watershed Issues
- Local Farming Challenges
- Riparian and Wetlands Data
- Copley Meadows Comparison
- Landfill Operation
- Traffic Concerns
- Copley Resident Support?
- Conclusion

Presentation prepared in ~ 6 week timeframe since *effective* communication on project was made to residents
7/24/2022 2

The Purpose of Zoning?

- Definition: the act or process of partitioning a city, town, or borough into zones reserved for different purposes (such as residence or business)
- In practice, **zoning is used to prevent new development from interfering with existing uses and/or to preserve the "character" of a community.**

The Copley Township Land Use Plan (LUP)

- Land Use Plan is utilized to guide residents, decision makers and staff in the principles of responsible land use
- The ARB is to “*promote orderly and harmonious development, in accordance with the Land Use Plan*” – Copley ARB Webpage
- The Jacoby Co. Development project contradicts the Copley Land Use Plan
 - Land Use Plans formally capture residents' desires for land use, and inform them of what to expect in the future in regard to development and land use
 - This project does not fit the spirit and intent of the Copley Land Use Plan

Chapter 1: Plan Overview

Community Perspectives Survey

In 2017, the Township solicited the consulting services of Larry Lallo, MBA CECO. Larry previously served as the Executive Director of the Barterton Community Foundation and managed a total asset portfolio of \$80 million. Larry helped guide the Township in the discovery phase of community needs and priorities. A Community Perspective Survey was used to evaluate strengths, opportunities, challenges, threats and areas which could be improved. Larry utilized the professional expertise of Dr. Paul Levy, Ph.D. who serves as a professor and Chair of the University Department of Psychology. Dr. Levy was instrumental in helping design the Community Perspectives Survey in such a way that respondents were not led to certain preconceived conclusions. A great deal of emphasis was placed on obtaining valid responses. A survey was made available online as well as paper-pencil and was advertised via social media and other news outlets. Additionally, a random sample of the five (5) different zip codes within Copley were used to mail 200 paper copies. A total of 486 surveys were submitted. Of those submitted, a total of 96 paper surveys were returned while 390 were submitted electronically.

The results were compiled, evaluated, discussed and presented to the public during a February 2, 2017 forum. The public forum was led by Township Administrator, Justice Marshall. Ms. Marshall revealed the results and provided an opportunity for the public to ask questions and make comments. In total, approximately 90 individuals attended the public forum.

Results of the survey revealed that the community values the following areas:

- Facilitating public infrastructure
- Targeting restricted growth and land preservation
- Enhancing business growth and a desire to see small town businesses flourish
- To see neighborhood enhancements within the housing stock

Summary of Public Comments

Some recurrent themes included:

- Great Schools
- Access to Highways
- Close Proximity to Major Shopping
- Limit Amount of New Development
- Provide Increased Access to Recreational & Open Space Areas
- Business/Job Growth
- Improve Copley Square
- Policies Which Manage Growth



2020-2025 Land Use Plan

Page 15 – Plan Overview –

Community Perspective Survey

- Top of the list of Issues Residents Would Like Copley Township to Work On:

- **“Limit Amount of New Development”**

- This project would allow maximum development of the limited developable land associated with the Jacoby Co properties

- This project is in direct conflict with the number one public comment issue



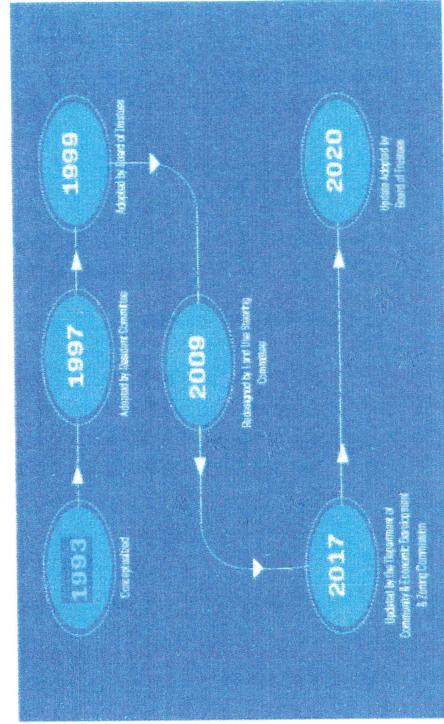
Executive Summary

Copley Township's First Land Use Plan

After the adoption of the JEDD in 1993, a group of residents worked for three years on Copley Township's first Comprehensive Land Use Plan. This Plan was adopted in 1997 and served the community for ten years. The goals of that plan were to:

- Implement the Comprehensive Land Use Plan to direct development in the Township;
- Strengthen the Zoning Resolution in its ability to regulate development;
- Preserve the rural/suburban atmosphere of Copley Township;
- Guide the location of development on the basis of natural capabilities and limitations of the land;
- Ensure that new development does not result in public health hazards for the community;
- Guide new growth in an orderly, regulated manner that will minimize stress on services and public infrastructure;
- Guide commercial and industrial growth to provide a sound fiscal base for schools and Township services; and
- Maintain an ordered, balanced community design with the focus on residential and open space/conservation zoning.

This plan served the community well for approximately ten years and helped Township officials make important development and land use decisions.



2020-2025 Land Use Plan

Page 2 – Executive Summary

- LUP intention to preserve the rural atmosphere of Copley Township
- High density development zoning does not accomplish this goal

- This project would permanently change the rural/suburban atmosphere of the Township
- Copley Staff has acknowledged this in the latest Staff Report dated 7/1/2022

- *“The proposed variances will result in a Final Development Plan which will change the character of the neighborhood architecturally.* (Page 31 under VARIANCE REVIEW CRITERIA-STAFF REVIEW)

Executive Summary

In 2017, the Copley Township Zoning Commission began the process of updating the Comprehensive Land Use Plan. The Commission wished to address smart growth principles which are aimed to protect and ensure a high quality of life for residents, businesses and landowners of Copley Township for generations to come. The purpose of the Comprehensive Land Use Plan is to provide a framework which informs planning and regulatory decisions, to improve the character of the community. Such decisions involve the proper location and nature of future development, the need for public facilities or infrastructure, and a determination of scenic, environmental, and historic resources that should be afforded a measure of protection as development occurs.

2020-2025 Land Use Plan

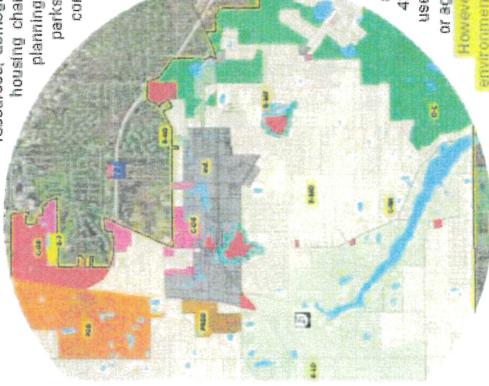
Page 3 – Executive Summary

• Subject properties – covered with...

- Interconnected and interdependent wetlands
- Streams
- Riparian corridors
- Tree canopy and wildlife
- Is constrained by the 100 year FEMA floodplain
- Environmentally rich features
- Upstream from a currently flood prone watershed
- This project does not represent responsible use of land, and contradicts the Land Use Plan

Current Land Use

The Comprehensive Land Use Plan Update involved the public utilizing a full Public Engagement plan. The plan update included Stakeholder Meetings, Public Kiosk Stations with Quick Poll Surveys, Open Office Hours, and a Public Open House. The plan gathered background on the history, cultural resources, demographics, population trends and characteristics, regional housing characteristics, economic characteristics, regional planning efforts, infrastructure and public services, parks and greenways, land use, and environmental conditions.



According to the Summit County Fiscal Office land use codes, current land use in Copley Township can be classified as 51% residential; 9% commercial; 2% industrial; and 20% agricultural. The remaining land use is comprised of exempt land, mineral and gas rights, and railroad property. Exempt land includes land dedicated to school facilities, government buildings and church property. If the assumption is made that parcels over 20 acres in size are potential development areas, then 2,050 acres could be available for development. In addition, there are 408 acres zoned for industrial and commercial uses that are vacant or being used for residential or agricultural uses.

However, nearly half (49%) of this Township is somewhat constrained by floodplains, wetlands, and land with hydric soils. In addition, about 61% of the entire Township contains environmentally sensitive areas (woodland resources, riparian corridors, and high groundwater resources). Of the remaining potential development areas, 33% is environmentally constrained and 89% is sensitive.

Current Zoning

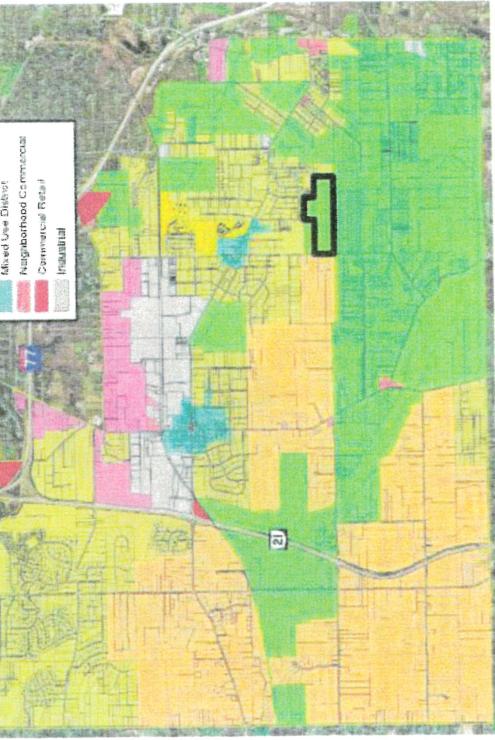
As of 2018, the Copley Township Zoning Resolution includes six (6) Residential Districts, four (4) Commercial Districts, one (1) Industrial District, two (2) Mixed Use Compact Development Districts, and two (2) Planned Development Districts.

Executive Summary

The Department of Community & Economic Development recommended the following updates to the Future Land Use Map based on public engagement, inter-department and external agency feedback:

2020-2025 Land Use Plan

Page 5 – Executive Summary – Future Land Use Map



Future Land Use Map

- 2009 LUP – Subject property was classified as Conservation Area
- 2011-2012 – Zoning Resolution adopted to include 3.06 R-CD Zoning
- 2020 LUP – Subject property remains Conservation Area
- 3.06 R-CD applicable to all areas in green, and all residential zoning areas
- Residents originally understood conservation area on future map to mean just that
- Residents did not understand, or desire, high density development within Conservation Area

The updates include a specification of parcels classified as office and parcels classified as commercial retail in the Montrose and SR 18 areas, the removal of office parcels from the industrial area along Ridgewood Road and broadened scope of the Copley Square Mixed Use District.

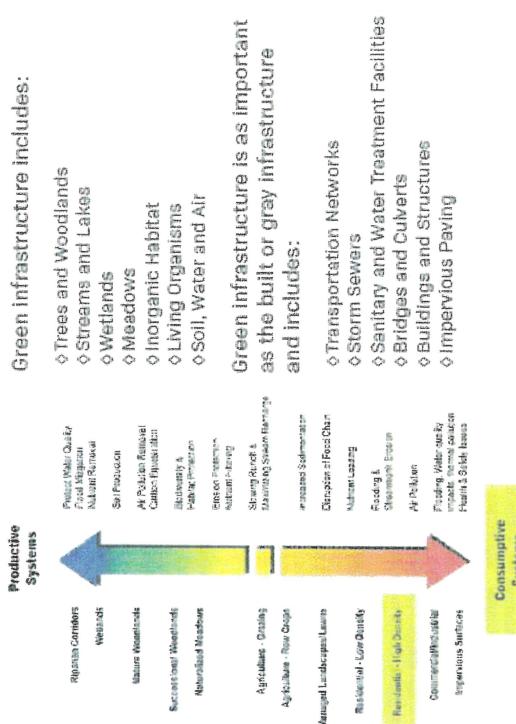
Chapter 4: Environmental Conditions

In 2007 Copley Township conducted an environmental analysis to provide a basis for wise land use regulation decisions. Baseline data and analysis regarding existing environmental conditions are intended to inform the planning process and serve as a base line for environmental planning. Preservation and restoration of green infrastructure within communities is essential to maintaining natural ecological processes that impact air and water resources, habitat and species diversity.

2020-2025 Land Use Plan

Page 66 – Environmental Conditions

- Environmental analysis conducted
- Defines productive systems and consumptive systems
- Study Identified that Residential – High Density is a Consumptive System
- 133 structures on 34 acres ~ 0.26 acres per unit
- This proposal is more dense than High Density which is .33 acres per unit
- This project will be consumptive of all natural resources and environmental features on the properties, and the watershed downstream



Land is either a net producer of eco-benefits or a net consumer of eco-benefits

Chapter 4: Environmental Conditions

Woodland Resources (Canopy Cover)

Woodland resources are aesthetically pleasing and contribute significantly to the rural and scenic character of Copley. Significant woodland resources were mapped using aerial photography. As of 2004, analysis of the larger tracts of woodland reveals that Copley only has 22% **canopy cover** and has experienced an additional decrease in canopy with new development.² The Township implemented new Tree Preservation and Landscape Planning Standards in 2012 in an effort to combat the decline of canopy in the Township due to development. It is the large tracts of woodlands that provide the most public health and safety benefits, as well as aesthetic and ecological benefits.

Page 84 – Woodland Resources (Canopy Cover)

• Copley Tree City USA

- Canopy Cover in 1994 54%
- Canopy Cover in 2004 22%
- At least 11 Large Development Projects Permitted by Copley Township since 2004 Timeframe

2020-2025 Land Use Plan

Page 84 – Woodland Resources (Canopy Cover)

The presence of trees and the high percentages of canopy cover positively impact the health and vitality of our ecosystems. Woodlands are important environmental assets that provide a number of public health and safety functions.

Trees are a form of vegetative cover. Tree roots help to keep soil in place and reduce erosion. Tree cover, especially in areas of steep slopes, helps to significantly reduce stormwater runoff rates. Slowing runoff rates can reduce the incidence and severity of floods. Moreover, woodland resources increase groundwater recharge and promote watershed protection. A well-canopied area's ability to function as a buffer to protect water quality is drastically improved, as the trees simultaneously reduce runoff, soil erosion, and flooding and increase groundwater recharge.

In addition, woodlands can collectively provide measurable improvements in air quality by filtering pollutants and lowering the incidence and severity of ozone production. Trees capture particulate matter and produce oxygen. Canopy cover helps to reduce local and global air pollution by ingesting carbon dioxide, nitrogen oxides, carbon monoxide and sulfur dioxide.



Based on data provided by EnviroScience, Inc., ODNR lists Copley Township as having a 54% canopy cover in 1994. It is estimated that the township has approximately 22% canopy cover in 2004. The company used its methodology along with the County's Department of Development data to get this figure and suggested a 32% decline was largely contributed to the development of Copley's the Heritage Woods area and Homestead Park.

Chapter 4: Environmental Conditions

2020-2025 Land Use Plan

Page 85 – Woodland Map

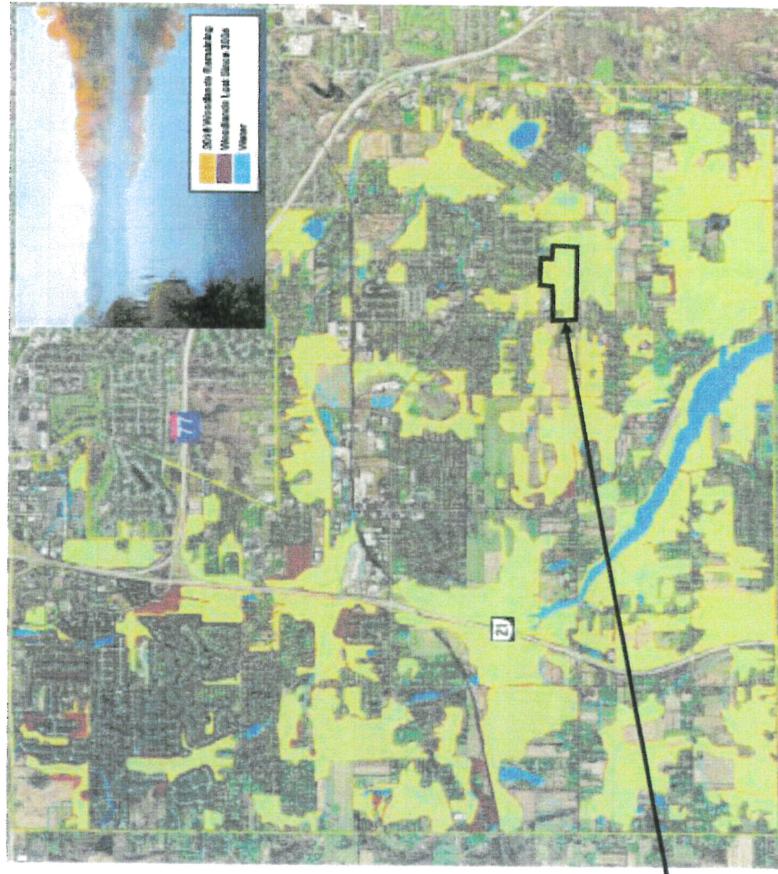
- At a minimum 366 acres of Woodlands, Forest, Farmland, Greenspace, Natural Habitat leveled for development

- **What is the tree cover today?**

- Last study was 2004
- Estimated 2022 cover – 19.2%

Subject Property

Woodlands Map



2022 Current and Post Project Canopy Estimates

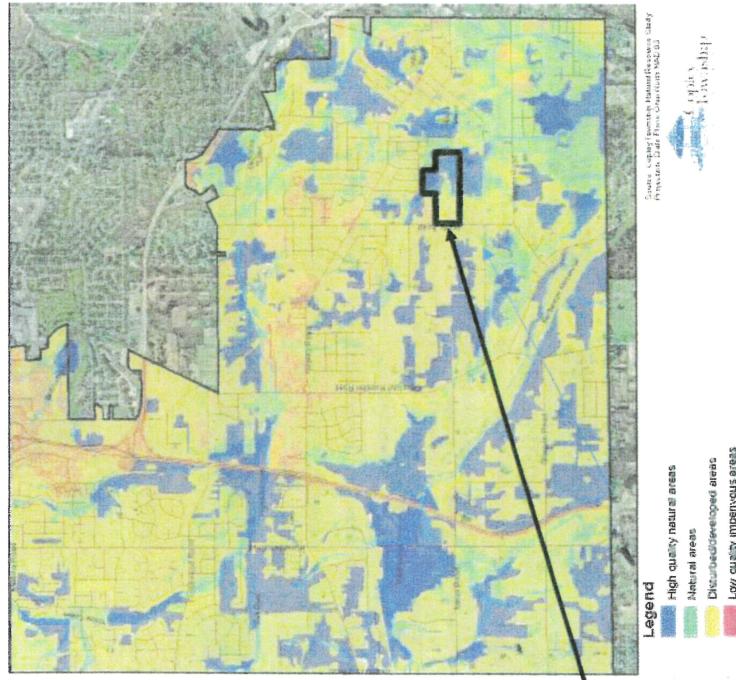
- Subject lot – mostly wooded with canopy cover
 - 31 acres of tree removal allowed for this project
 - Estimated Township canopy cover will drop 0.2% to 19.0% after this project alone
 - Trees and canopy provides significant habitat for all kinds of species
 - Canopy reduction, and canopy fragment associated with this project will permanently remove habitat and food for wildlife
 - Where is the Township going from here?

Copley Township - Canopy Cover Estimate			
Total land SQ MILES:	20.4	SQ MILES	
Total land acres:	13056.0	ACRES	
2004 TREE CANOPY	22%	%	
2004 TREE CANOPY ACRES	2872.3	ACRES	
2004 - 2022 DEVELOPMENT*	366.0	ACRES	
ESTIMATED 2022 CANOPY COVER	2506.3	ACRES	
ESTIMATED 2022 CANOPY COVER	19.2%	%	
Jacoby tree removal	31.0	acres	
Jacoby Co Properties Tree Removal - Est Township Canopy Cover	19.0%	%	

*Estimate based on subset/partial list that includes 11 large completed development projects identified from 2004 to 2021 timeframe

Chapter 4: Environmental Conditions

Environmental Resources Map



2020-2025 Land Use Plan

Page 87 – Environmental Resources Map

- The majority of Subject Property is classified as either High Quality Natural areas or Natural Areas
- This project threatens Environmental Resources, and will permanently damage wetlands on site and downstream in the watershed
- This project will permanently diminish, and change ecosystem and biodiversity within the watershed
- This project is not environmentally responsible

Subject Property

Chapter 2: Goals and Objectives

Transportation & Infrastructure

CREATE SCENIC BYWAYS ON COUNTY AND STATE RURAL ROUTES

Implement Gateway Improvement Master Plan

IDENTIFY AND WORK TO CORRECT STORMWATER RUNOFF AND FLOODING WITHIN AND BEYOND THE TOWNSHIP'S BORDERS

Consider acquiring environmentally sensitive land for protection of stormwater collection

2020-2025 Land Use Plan

Page 28 – Transportation & Infrastructure

- Subject property is environmentally sensitive to development

- Development of subject property will increase runoff to residents and lands downstream that are already subject to flooding

- Private owned storm system, as proposed, will diminish Township's ability to improve storm water systems

- County maintenance of storm ditches is not actively being completed
 - **How will private maintenance be any better than current maintenance activity?**

Parks & Recreation

MANTAIN AND EXPAND OPEN SPACES AND RECREATIONAL OPPORTUNITIES

Encourage neighborhood parks and greenways in the community

Create a Trail and Greenway Committee

Encourage public access to open space dedication in conservation developments

Develop a trail system connecting parks, open spaces, residential developments, and commercial destinations

Seek open space and trail grants

Encourage residents to donate easements for a Township-wide trail system

Encourage the protection of unique and significant natural places in the community

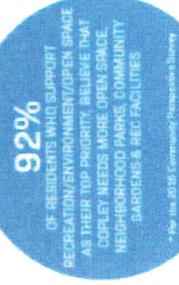
CONTINUE EXPANSION OF GREEN SPACE FOR PUBLIC ACCESS

Explore strategic land acquisition for sites which are environmentally suitable to development

Residential

STUDY WIDESPREAD IMPACTS OF DEVELOPMENT ON THE COMMUNITY AND REGARDS IT'S IMPACT ON THE ENVIRONMENT

Explore opportunities for passive recreation, open space, and active (playing, running, walking, cycling) uses



Chapter 8: Land Use Concept Areas

Neighborhood Master Plan

2020-2025 Land Use Plan

Page 183 – Land Use Concept Areas

Neighborhood Master Plan - Meadows of Copley

- “*The object of the regulations in this District is to maintain the suburban character of the area and to discourage large concentrations of intensive development*”

- This project is precisely a large concentration of intensive development

- This project is in direct conflict with the LUP

- Again, staff has acknowledged this project will change the character of the neighborhood

Subject Property

<https://www.copley.oh.us/DocumentCenter/View/4815/Land-Use-Plan-2020-2025-Full-Document>

THE MEADOWS OF COPLEY
The Meadows of Copley Neighborhood is located in the mideast portion of the Township. The area is bound by Copley Road to the north, Annabell Estates to the east, Jacoby Road to the west and the Little Farms Neighborhood to the south. Residential allotments and large open lots characterize this neighborhood.

The Meadows of Copley is zoned **Residential-Medium Density (R-MD)** with a small portion dedicated to Residential-Open Space Conservation (O-C) and Commercial-Office/Retail (C-OR).

The Residential-Medium Density (R-MD) District is established to accommodate single-family & two-family residential dwellings at existing densities in the areas so defined. The object of the regulations in this District is **to maintain the suburban character of the area and to discourage large concentrations of intensive development**.

The Residential-Open Space (O-C) District, is established to achieve the following purposes:
To preserve and protect the values of distinctive geologic, topographic, botanic, historic and scenic areas;
To protect the ecological balance of an area;
To conserve natural resources, such as river valley and tracts of forest land; and,
To reduce the problems created by intensive development of areas having excessively high water tables, organic or other soils unsuitable for most types of urban development, or which are subject to flooding, or which are topographically unsuited for urban type uses.

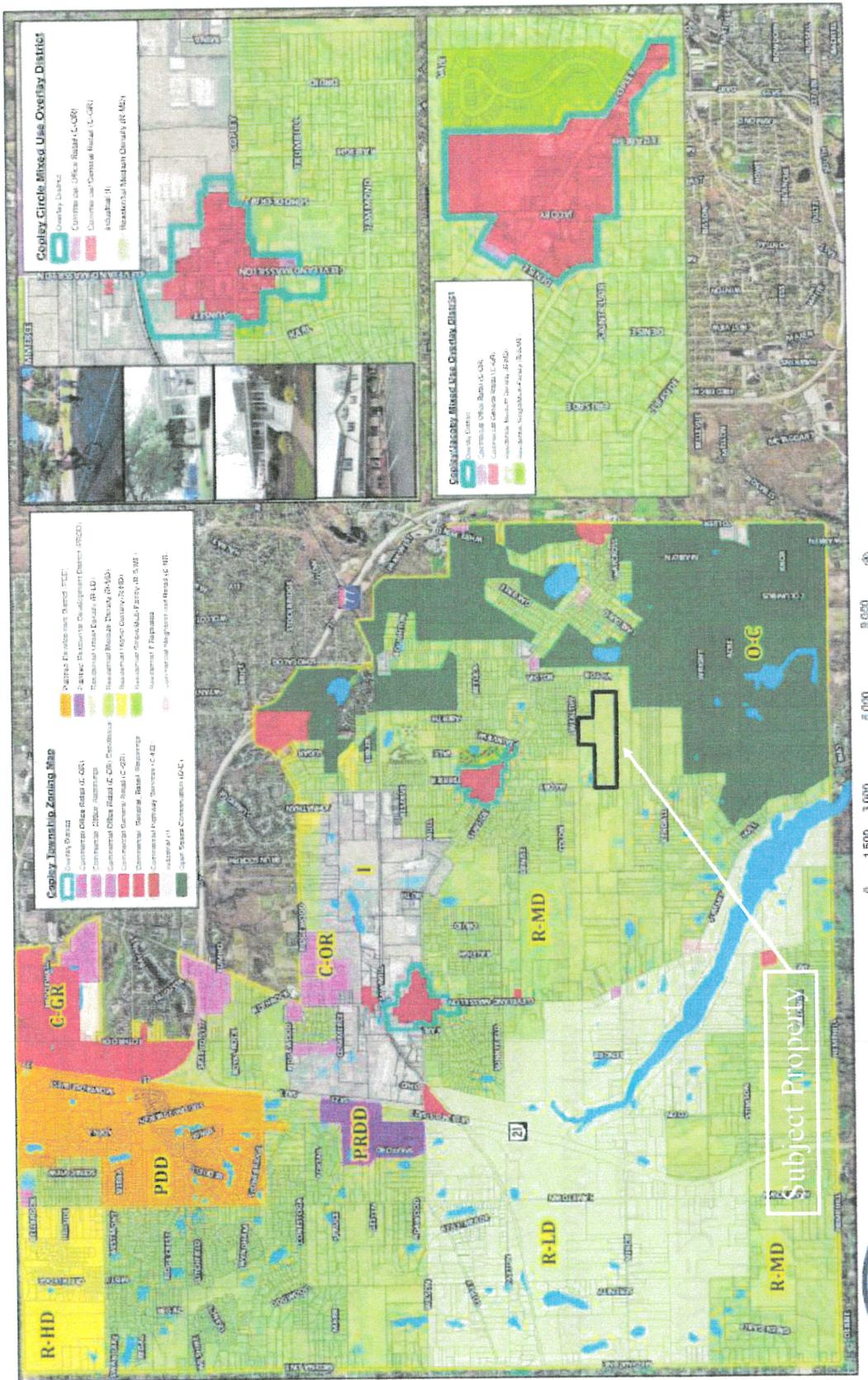
The Commercial-Office/Retail District (C-OR) is established to create an environment primarily, but not exclusively, for the development of well located and designed office, building sites to accommodate professional offices, sales offices, non-profit organizations and limited commercial activities ancillary to the office uses, including provision for some retail uses. This District does not permit large-scale retail establishments.



CURRENT COUPLEY TOWNSHIP ZONING MAP - FROM COUPLEY

WEBSITE

<https://www.copley.oh.us/DocumentCenter/View/3148/Zoning-Map>



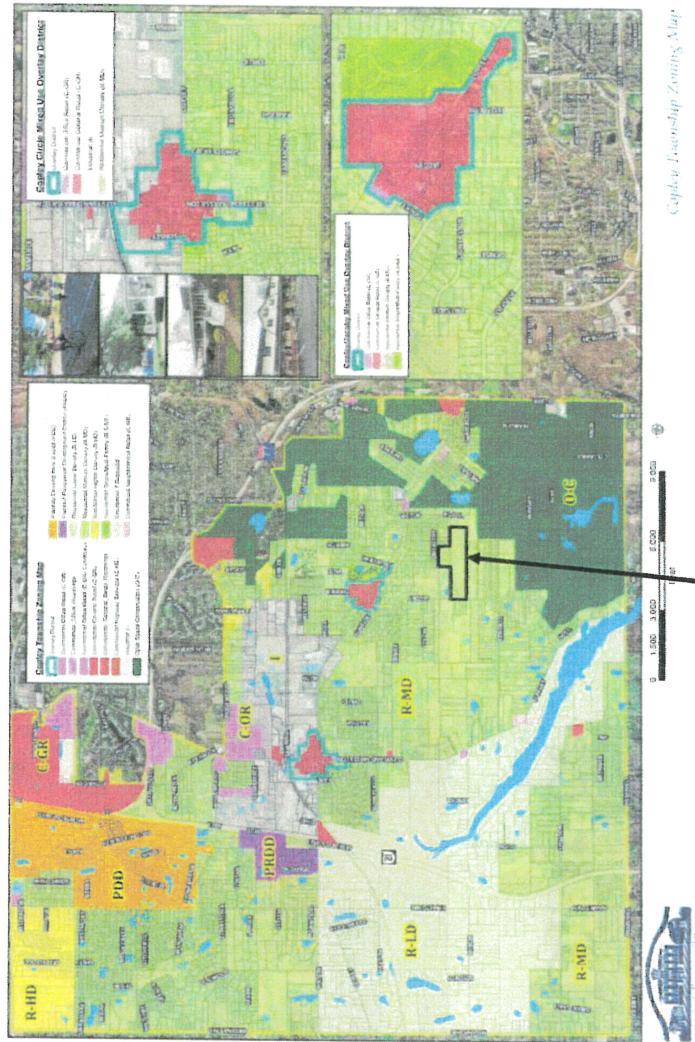
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7/24/2023

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Copley Township Zoning Map 16

Current Zoning for Subject Property 3.02 R – MD (Medium Density) Residential District

- 1 1/2 acre per dwelling without sanitary and water service
- 1/2 acre per dwelling with sanitary and water service
- Applicant has not proven hardship for development under current R-MD Zoning
- Staff has acknowledged subject property can be developed under current zoning



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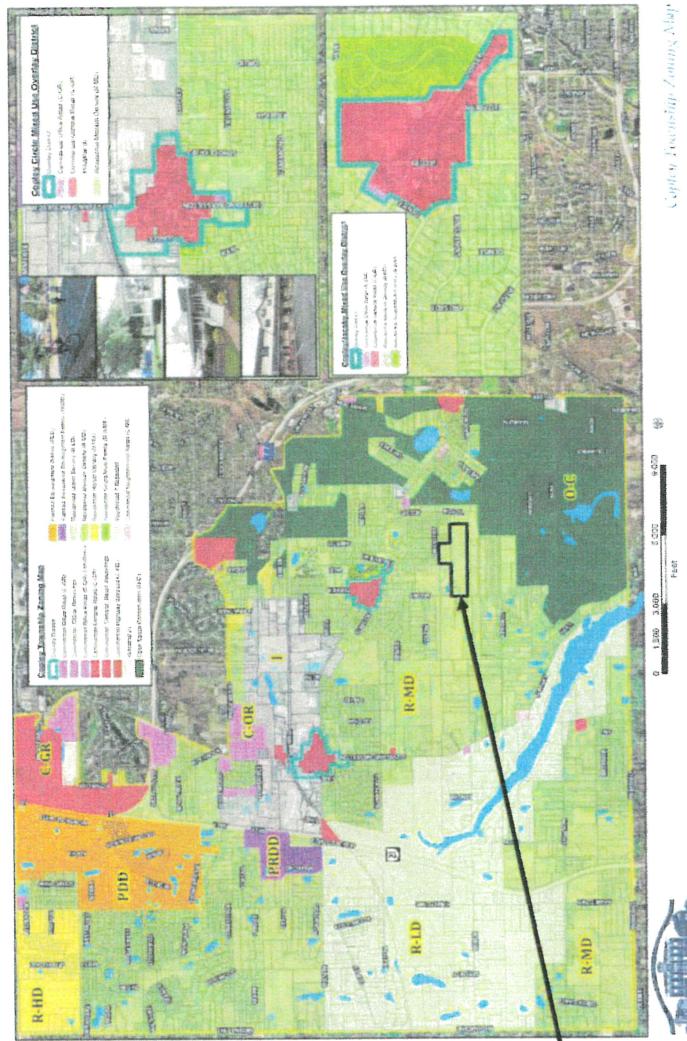
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Proposed RE-ZONING for Subject Property

3.06 R – CD Residential District

- Developer applied for 133 units on 34 acres
- Equates to ~0.26 acres per dwelling
- Compared to 3.04 R – HD (Higher Density) Residential
 - 0.33 acres per dwelling required



<https://www.copley.oh.us/DocumentCenter/View/126/Article-3-Residential-Districts-PDF>

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Is 3.06 R – CD – Truly Conservation?

- Maximizes development potential of properties that are less desirable for building, and/or around areas that are prohibited from building.
- Establishes streamlined process for rezoning land to higher density than permitted by underlying zoning.
- Can be applied to ANY residential zoning area in Copley Township.
 - Developer given credit equivalent to, or higher than Residential – High-Density for lands, in some cases, that can't be touched or built on in the first place.

3.06 R – CD – In Relation to Proposed Jacoby Project

- This project does not meet the intent of the R – CD Zoning
- The intent is to preserve land and minimize the impact of development on lands, including agricultural, that could otherwise be developed
- The applicant has failed to demonstrate that an alternative plan would not yield a reasonable return if used only for a purpose allowed under current zoning.
- R-CD requires a minimum of 40% of the land be set aside undeveloped
- The applicant has acknowledged that 40% PLUS of this land cannot be developed.
- Page 5 of the 2020-2025 Land Use Plan indicates this land should be R-OC in the future.
- As R-OC, development of land in the conservation area as outlined in the 2020 – 2025 Land Use Plan could be more accurately termed conservation and would be better supported by the LUP.
- Building a road over the FEMA floodplain, and 0' wetland setback variances will inherently permanently destroy wetlands and associated habitat that the R – CD intends to protect
- Wetland extent information provided by applicant is not likely accurate
 - Wetland extents on this property may be more extensive
- R – CD could be used for zoning maltreatment by applicants, that contradicts the very intent of R – CD
 - To maximize development of properties that are riddled with development limitations

From 3.06 R – CD, Section A. Purpose and Authority - Comments

To maximize protection of the communities natural resources by:

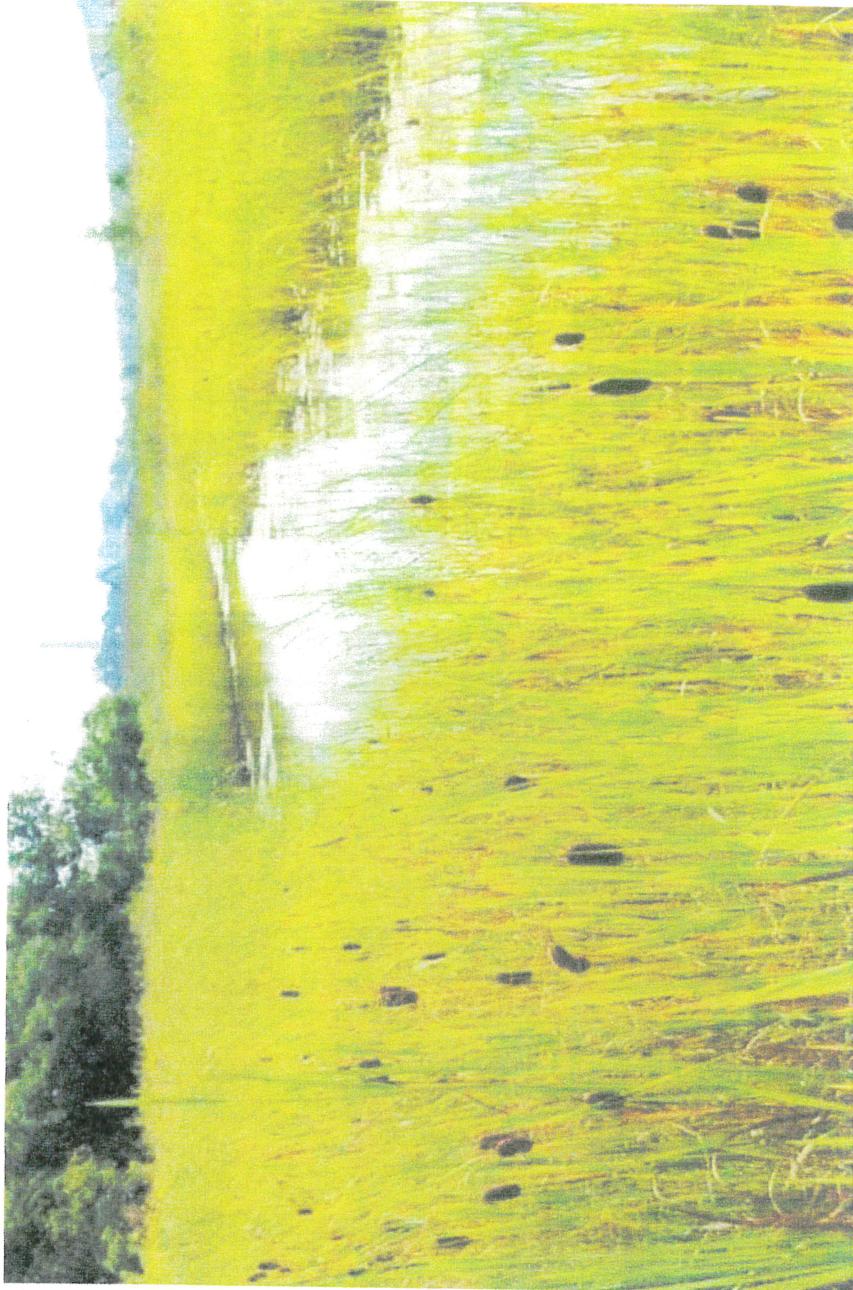
1. Avoiding development and destruction of sensitive natural resource areas; - **Project will destruct sensitive natural resource areas**
2. Reducing the quantity and improving the quality of storm water runoff from expected development – Increased impervious surfaces associated with this project (as compared to R-MD), and the associated reduction in trees and canopy cover will inherently create more runoff. High likelihood that water quality will be detrimentally impacted during construction. Long term private storm system maintenance has yet to be clarified.
3. Maintaining natural character – This project will change the character of the neighborhood architecturally, as acknowledged by Staff.
5. Conserving areas of prime agricultural soils, to the extent possible. – **There is little to no agricultural activity, or opportunity on this property.**
6. To conserve (within the framework of natural resource conservation) the quality of ruralness in a community which is characterized by: - **Quality of ruralness will be permanently changed with this project.**
 - a. Large, aggregated, undeveloped land areas; - The parcels associated with this project are large, aggregated, undeveloped land areas, and this would not be conserved with this project
 - b. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows and rock outcroppings; - **This project is detrimental to many natural features including woodlands, floodplains, wetlands, stream and river corridors present on the properties associated with this project, as they would not be conserved they would be removed or otherwise altered for construction and replaced with mostly impervious surfaces.**
 - c. Scenic vistas and rural views; - **Existing scenic vistas and rural views will not be conserved, and will be permanently changed with this project.**
7. To encourage more efficient use of land and public services through unified development. – **Further explanation required. More efficient in relation to what?**

What is Conservation?

- Definition: protect (something, especially an environmentally or culturally important place or thing) from **harm or destruction**.
- Ecosystems are Fragile, and interdependent
 - Impacting 60% of an ecosystem that is interdependent on the whole, is destructive and detrimental to the remaining 40%
 - All organisms in an ecosystem, especially a wetland, depend upon each other for harmonious existence.
 - If the population of one organism rises or falls due to changes, then this can affect the rest of the ecosystem.
- Role of conservation is to preserve land in it's **natural state**

What People Picture is a Wetland

- A wetland is designated, its influence is greater
- Wetlands are Earth's 'Kidneys'
- Components to a wetland
 - 1. Hydrology
 - 2. Biology
 - 3. Soils (mineral and organic)
- Wetlands are interconnected and interdependent
- This project will fragment other interdependent wetlands surrounding the development area



This is also a Wetland



- Setbacks act as a wetland bodyguard, protecting these critical ecosystems from human activity
- Setbacks protect the communities water resources, and are required for a reason
- Allowing 0', or minimized setback will
 - knowingly cause permanent damage to the entire ecosystem
 - Is the direct opposite of conservation, as defined
- How will the wetlands be protected from heavy, destructive earth moving equipment with a 0' setback?

Important Wildlife Within Watershed

Spotted Turtle



Wood Turtle



- 2 endangered species are present ~ 0.6 miles downstream in the same watershed
 - Spotted Turtle
 - Wood Turtle
- Many migratory species occupy this land

- **Comprehensive wildlife, habitat and migratory species studies should be required prior to moving forward**
- Construction activity could devastate turtle population and their habitat
- Post construction fragmented wetlands will force road crossings, with busy vehicular traffic, a perpetual threat to all turtle species present
- Countless other species depend, and thrive on the natural resources on the project site, and undisturbed watershed downstream
- This project will reduce habitat, and food sources for many species

Increased Potential for Direct Pollution



- This project, as illustrated by the Land Use Plan, is a **“consumptive system and a net consumer of eco-benefits”**
- And will dramatically increase the potential for direct pollution in this high quality, sensitive watershed

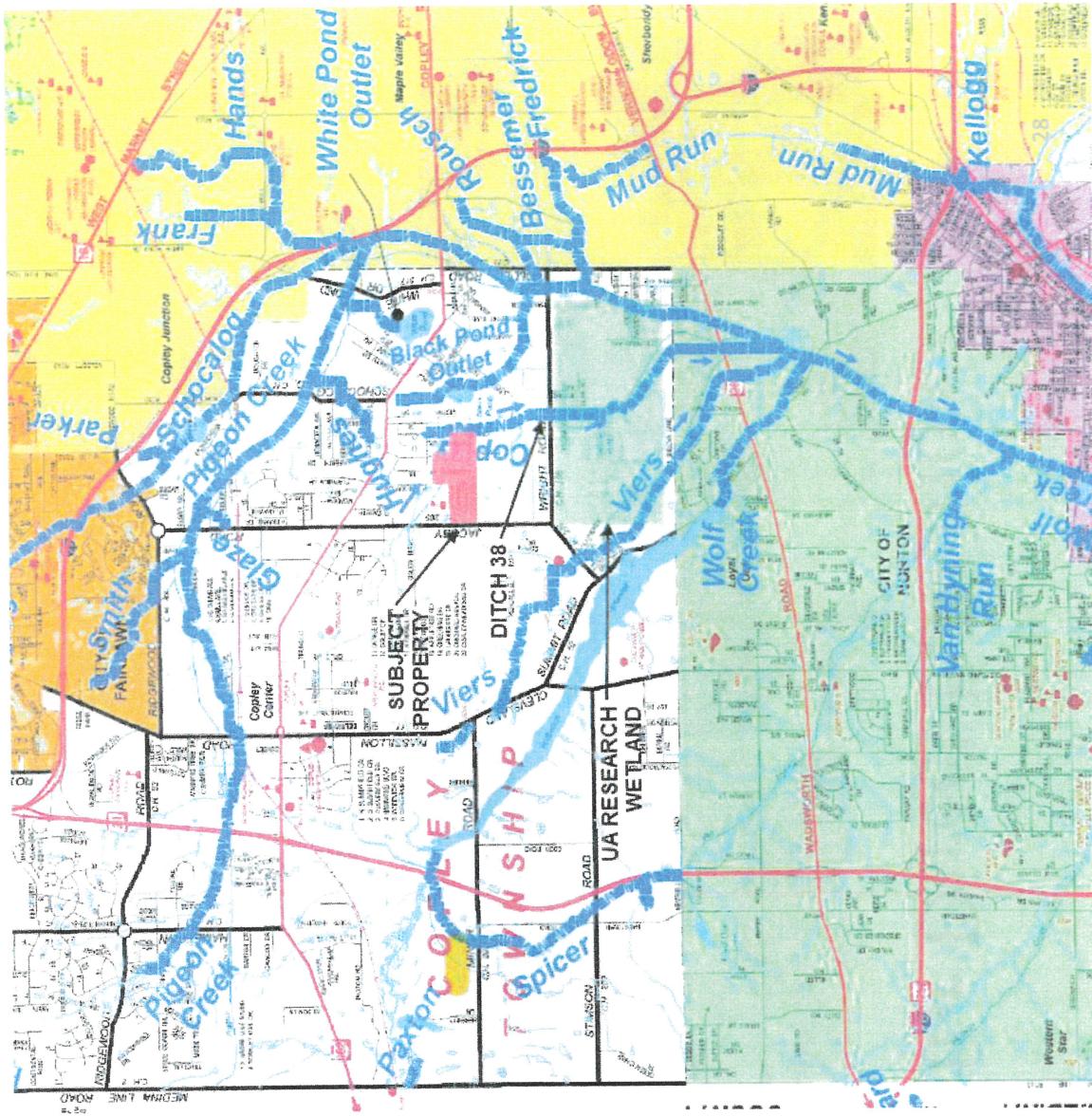
Increased Potential for Direct Pollution



- Any incremental pollution caused by this project will enter the high quality, sensitive, wetland rich watershed downstream

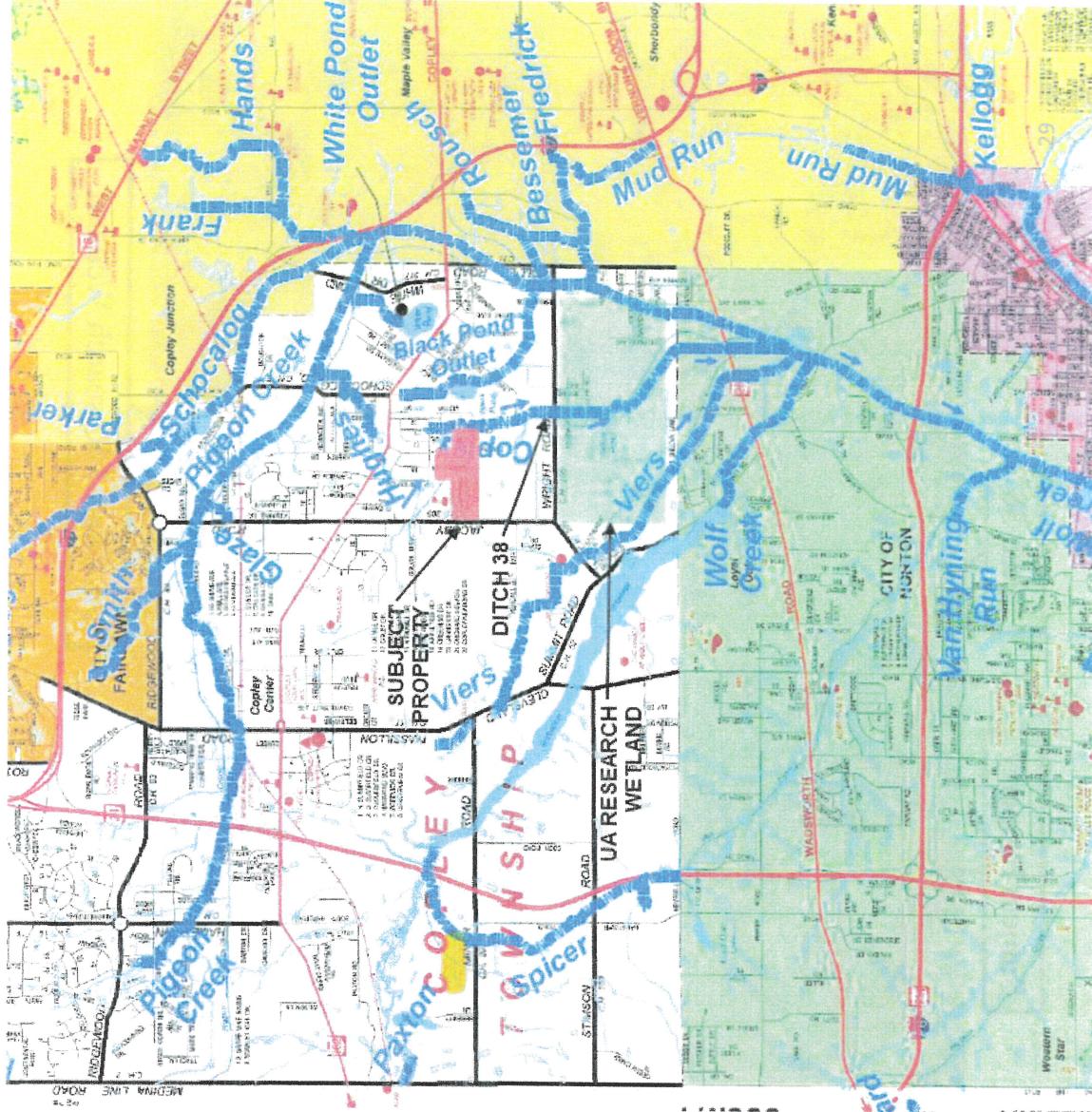
Watershed Issues

- This project will negatively impact downstream contiguous properties in this watershed
 - Storm water from Subject Property flows to Ditch 38 today
 - Storm water from Subject Property will flow to Ditch 38 post development
 - Downstream of Subject Property, Ditch 38 flows through Class 3 UA Research Wetland and on to larger waterways



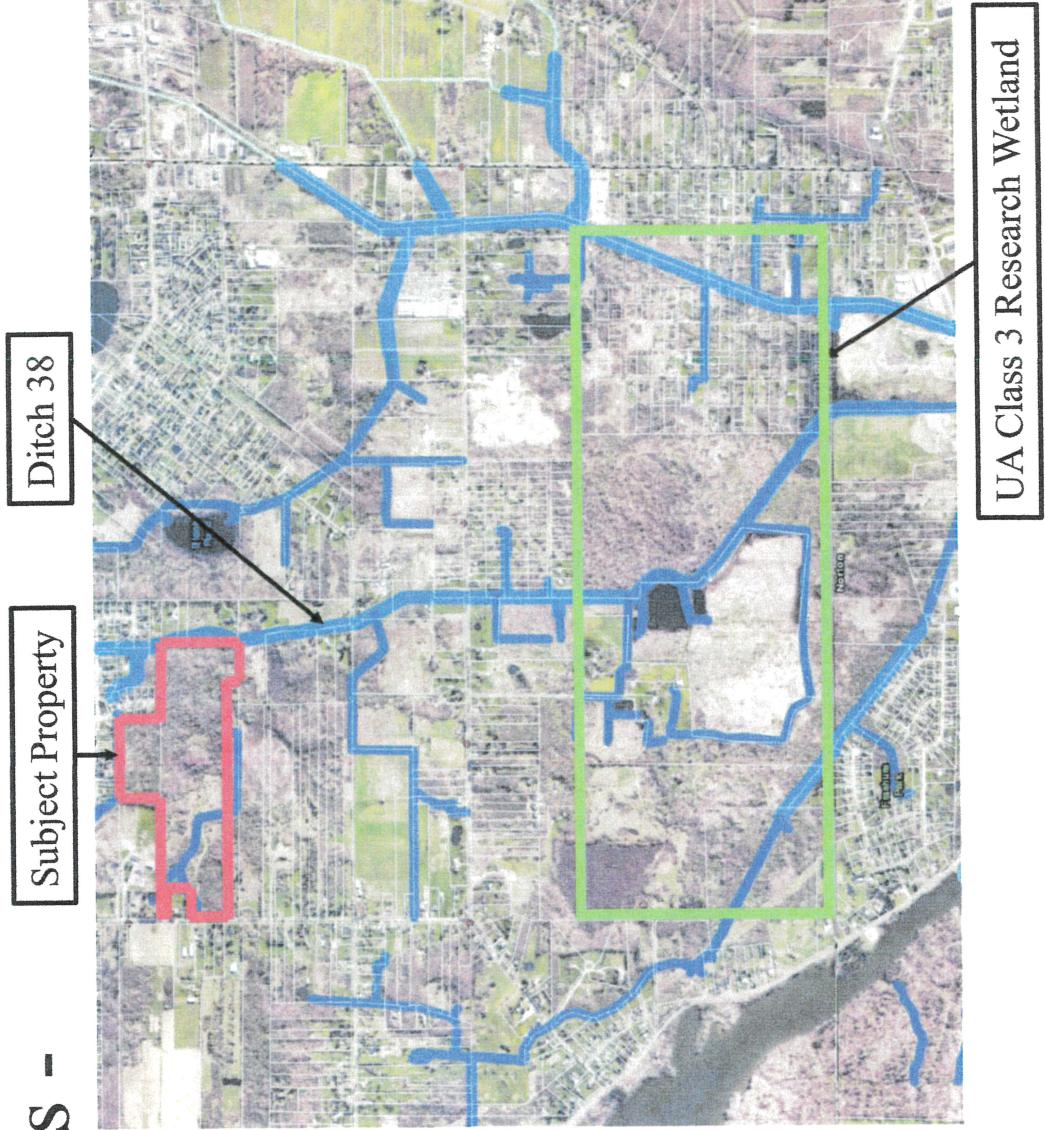
Watershed Issues – Volume

- Significant increase in impervious surfaces – hard roadway and rooftop surfaces for example
- Less vegetative cover to absorb rainfall
- The first two bullets combined = more water in ditch 38 and everything else downstream
- Existing Issues with flooding issues downstream of Subject Property are known – under review now at County
- High density development will make flooding worse
- Private Storm System proposed – **How well will this be maintained?**



Watershed Issues - Quality

- Water quality will change
- High density development will bring higher concentrations of contaminants
- Impervious surfaces carry water away fast, allowing contaminants to enter and carry into sensitive areas
- ELI Award Winning UA Class 3 Research Wetland ~ 0.6 miles from Subject Property
- UA Research Wetland contains 2 endangered species
 - Spotted Turtle, Wood Turtle

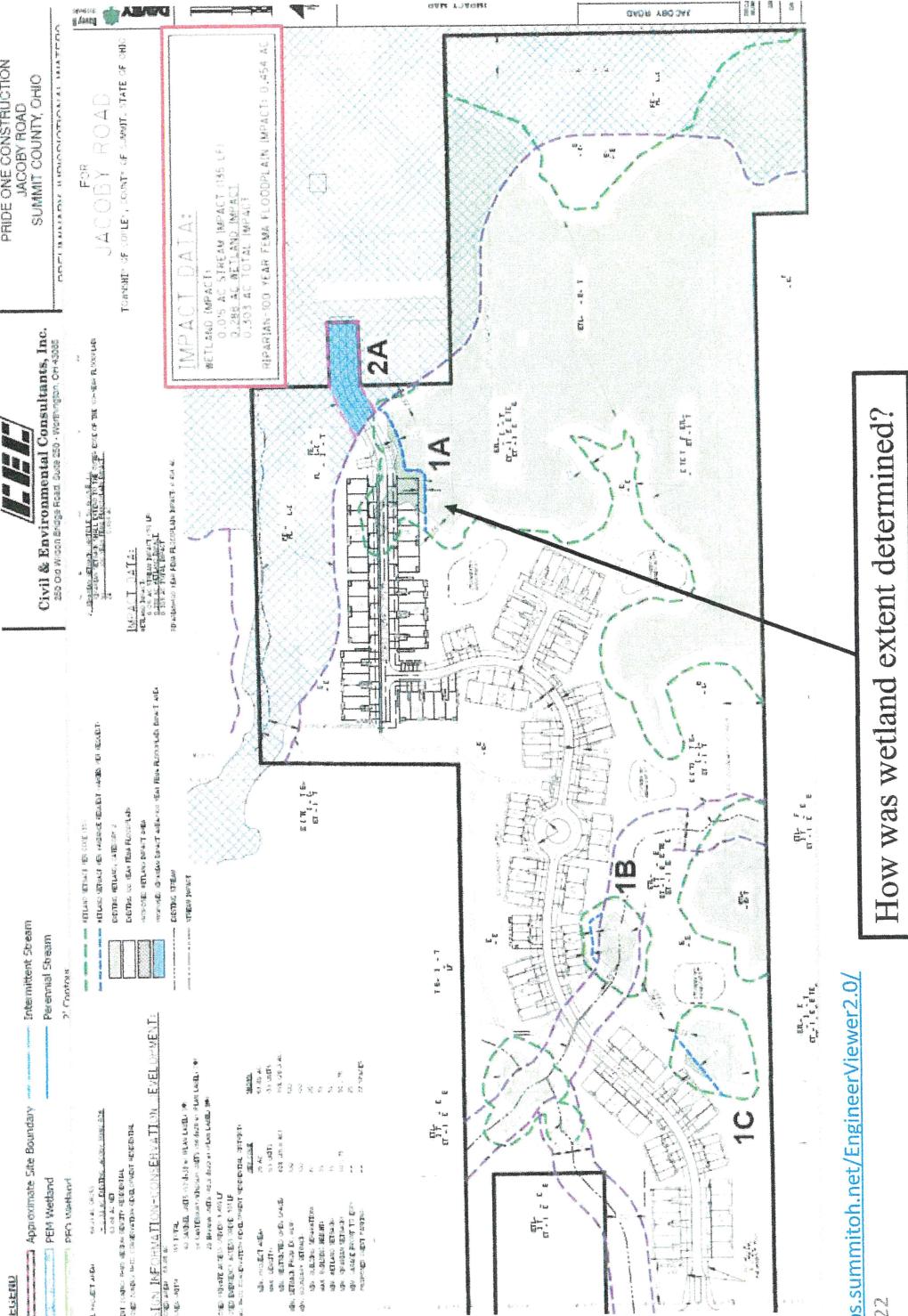


Bessemer Farm Summer 2021

- Local farmers in the watershed, and directly downstream of the subject property already enduring hardships with stormwater runoff



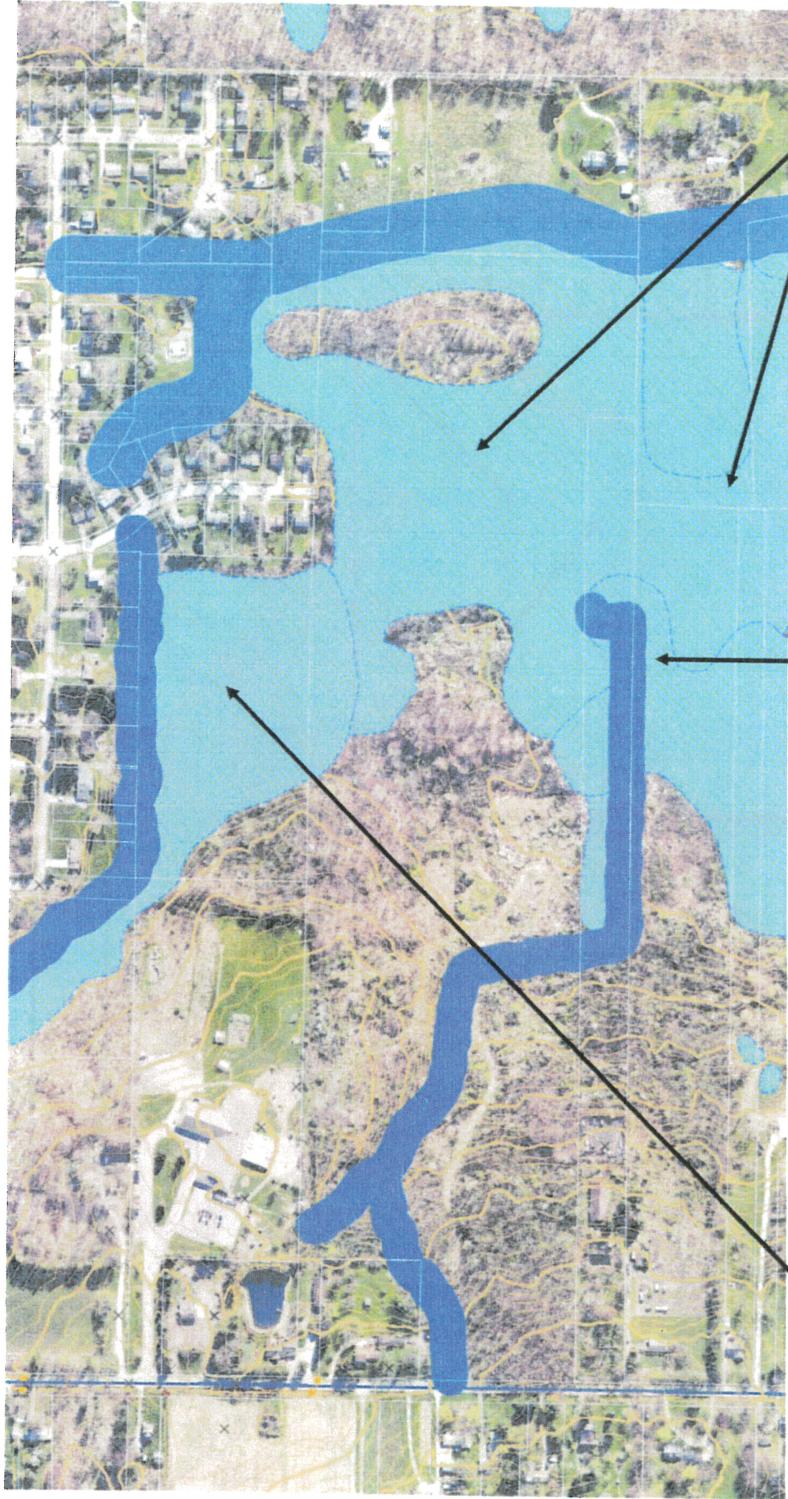
Riparian/Wetlands per Applicant – Impact Map



http://www.sciencedirect.com/science/journal/03781909

7/24/2022

Riparian/Wetlands – Included In Staff Report Updated 7/1/2022 - Page 8

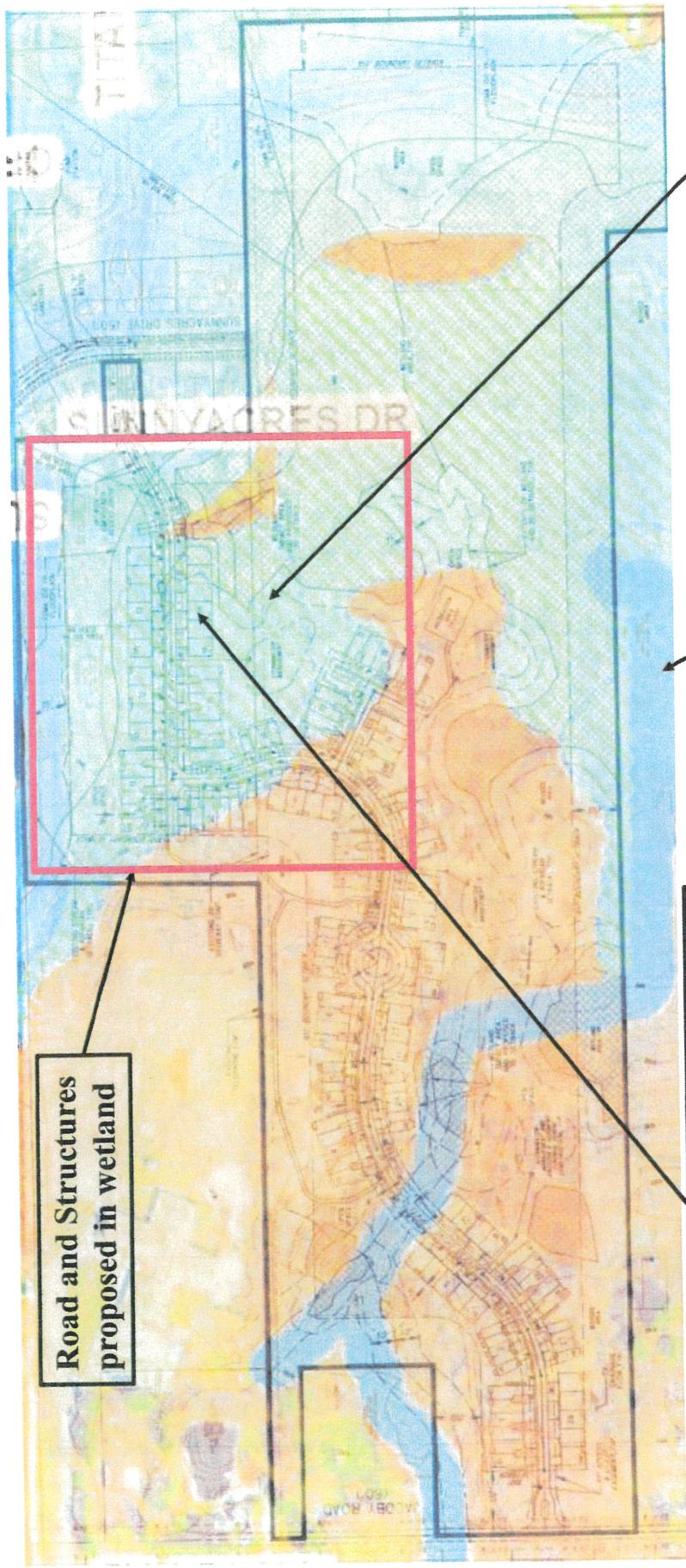


Only 0.261 Acres Wetland, and only 0.454 Acres 100-year floodplain disturbance?

Dark Blue Areas are Riparian's

Blue Green Areas are Wetlands

Summit County GIS Riparian/Wetlands (GIS) with Development Overlay

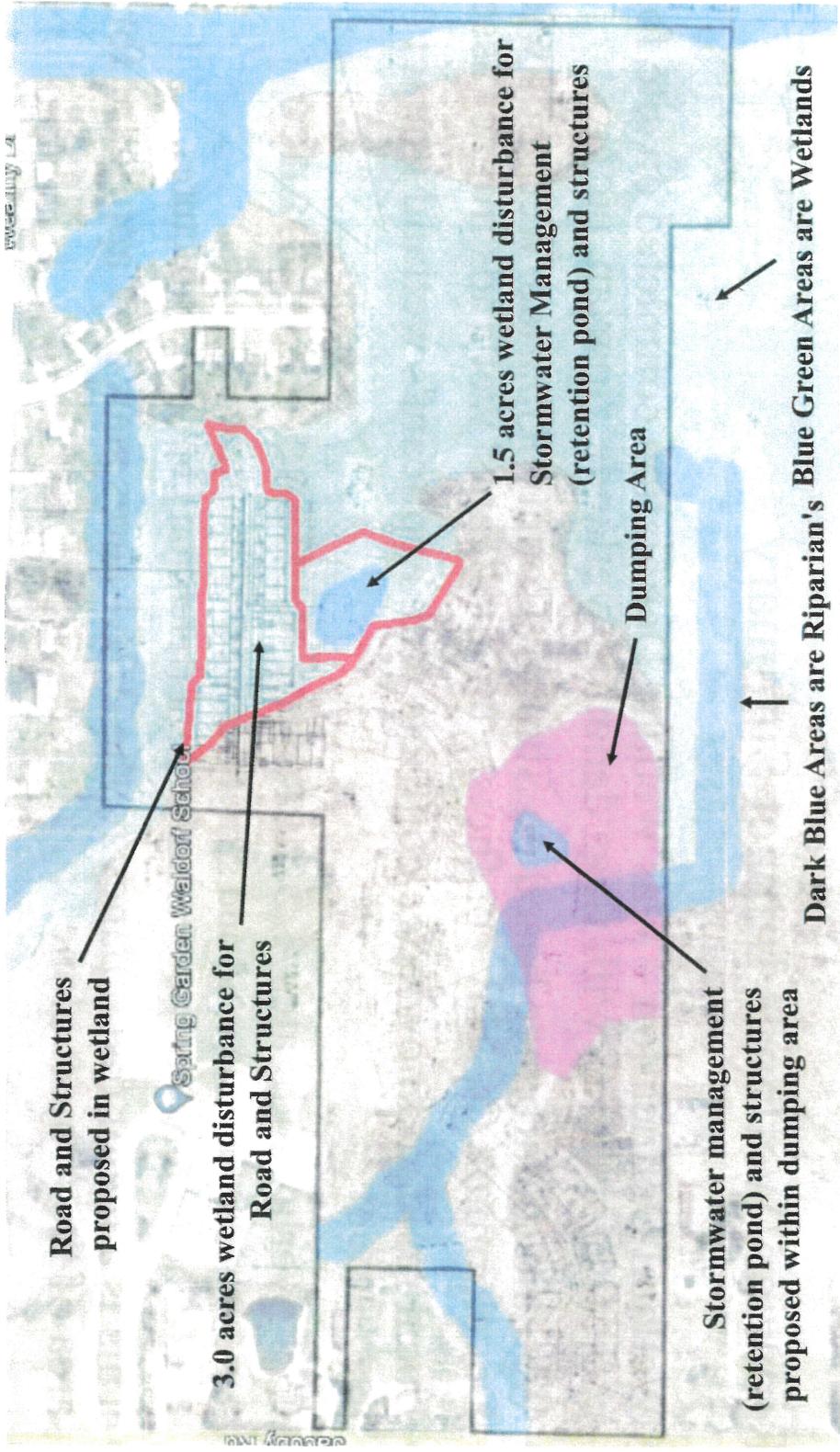


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<https://summitmaps.summitoh.net/EngineerViewer2.0/>

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Summit County GIS Riparian/Wetlands (GIS) with Development Overlay



Riparian/Wetlands Impact Summary

- Wetland Delineation – Was Wetland Delineation completed on site for all project properties, with flags denoting wetlands, riparian, etc?
- Wetland disturbance based on Summit County Riparian/Wetlands with Development Overlay conflicts with applicants' wetlands impact assessment
 - Local resident knowledge conflicts with applicant's wetland impact assessment
- GIS overlay indicates **4.5 acres of wetland disturbance**
 - 3.0 acres for new road and structures west of Sunnyacres
 - 1.5 acres for stormwater management (retention pond) and structures
- This is a major discrepancy to the 0.261 acres stated by applicant for this area of the project alone

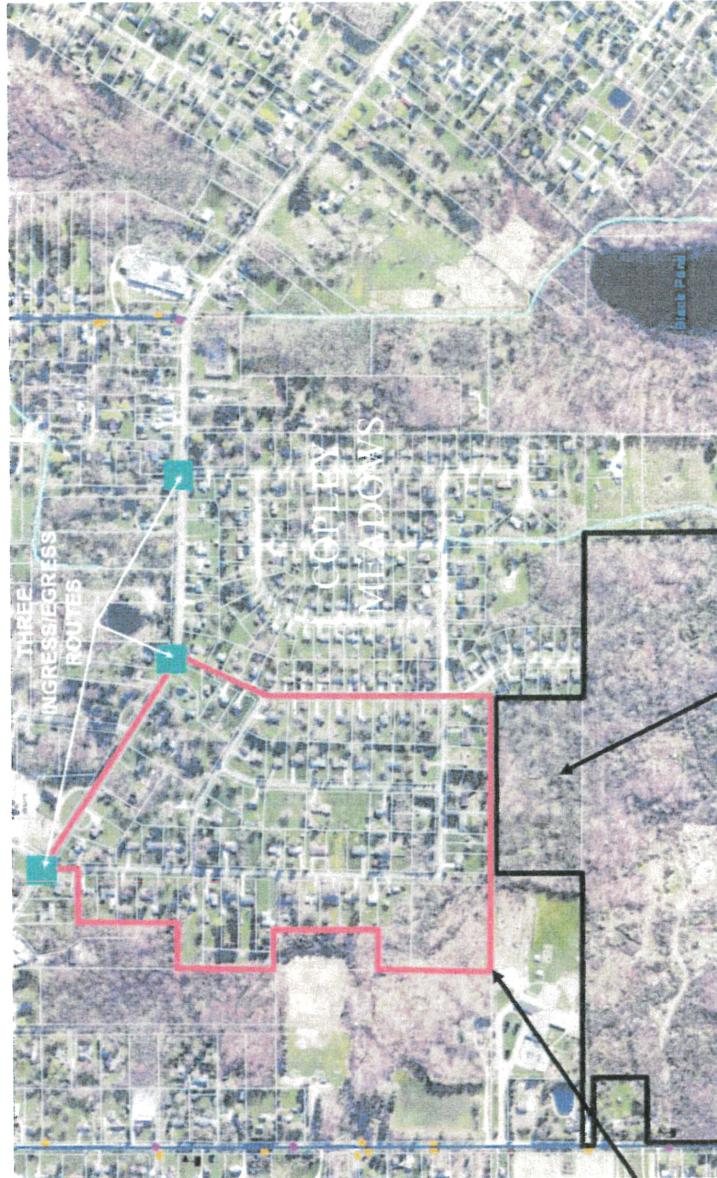
Copley Meadows Comparison by Staff

- Staff has stated “*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.*” — Staff Report dated 7/1/2022 (Page 31 under VARIANCE REVIEW CRITERIA STAFF REVIEW)



Copley Meadows Comparison

- Eastern half of this contiguous neighborhood is 0.25 acre lots
- Western half of this neighborhood is 0.5 to 3 acre lots
 - Sunny Acres Drive
 - S. Plainview Drive
 - Greening Drive
 - Wealthy Drive – Directly Adjacent
 - Appletree Rd
- Multiple Ingress/Egress Paths
 - S Plainview, Sunnyacres, Copley Meadows
 - All off Copley Rd



Copley Meadows Comparison

- Western half of neighborhood is more adjacent, and contiguous than Eastern half
- Eastern half of neighborhood wouldn't be permitted under today's zoning without a large zoning change
 - There is no vehicular connection from Jacoby Rd to Copley Meadows other than Copley Road
 - There are 3 ingress/egress routes for this neighborhood
 - Only one ingress/egress route proposed for project – serviceable for daily vehicular traffic



Neighborhood outlined in RED excluded from comparison

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Jacoby Co Landfill Operation

- No dump at this location?
- Many Copley residents have witnessed large scale excavation and dumping operation on subject property
- This operation is said to have gone on for decades
- Quality aerial images were only available going back to 2006
- Dumping activities preceded aerial imaging by decades

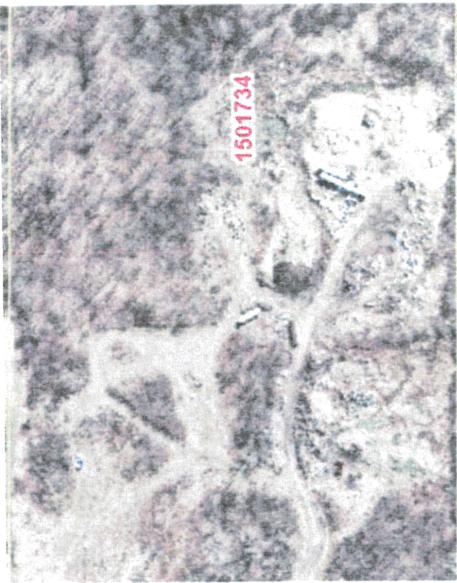
Dump Area



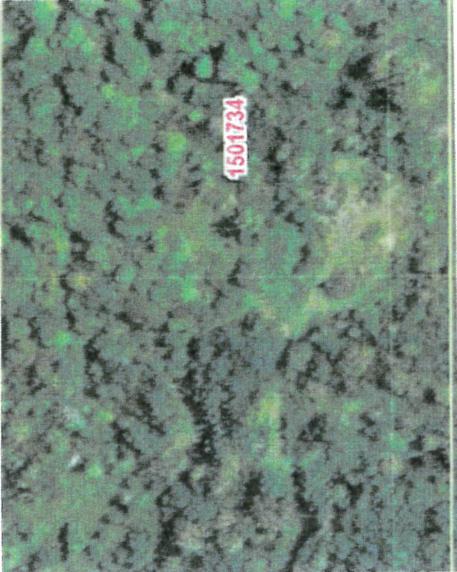
2006 Very Active Dump



2010 Still Active Dump



2021 Return to Wild



Jacoby Co Landfill Operation – Pictometry from Summit County GIS 4/23/2007 Viewing from South
Is there a retention pond planned for this area?



Jacoby Co Landfill Operation – Pictometry 4/28/2019 Viewing from South



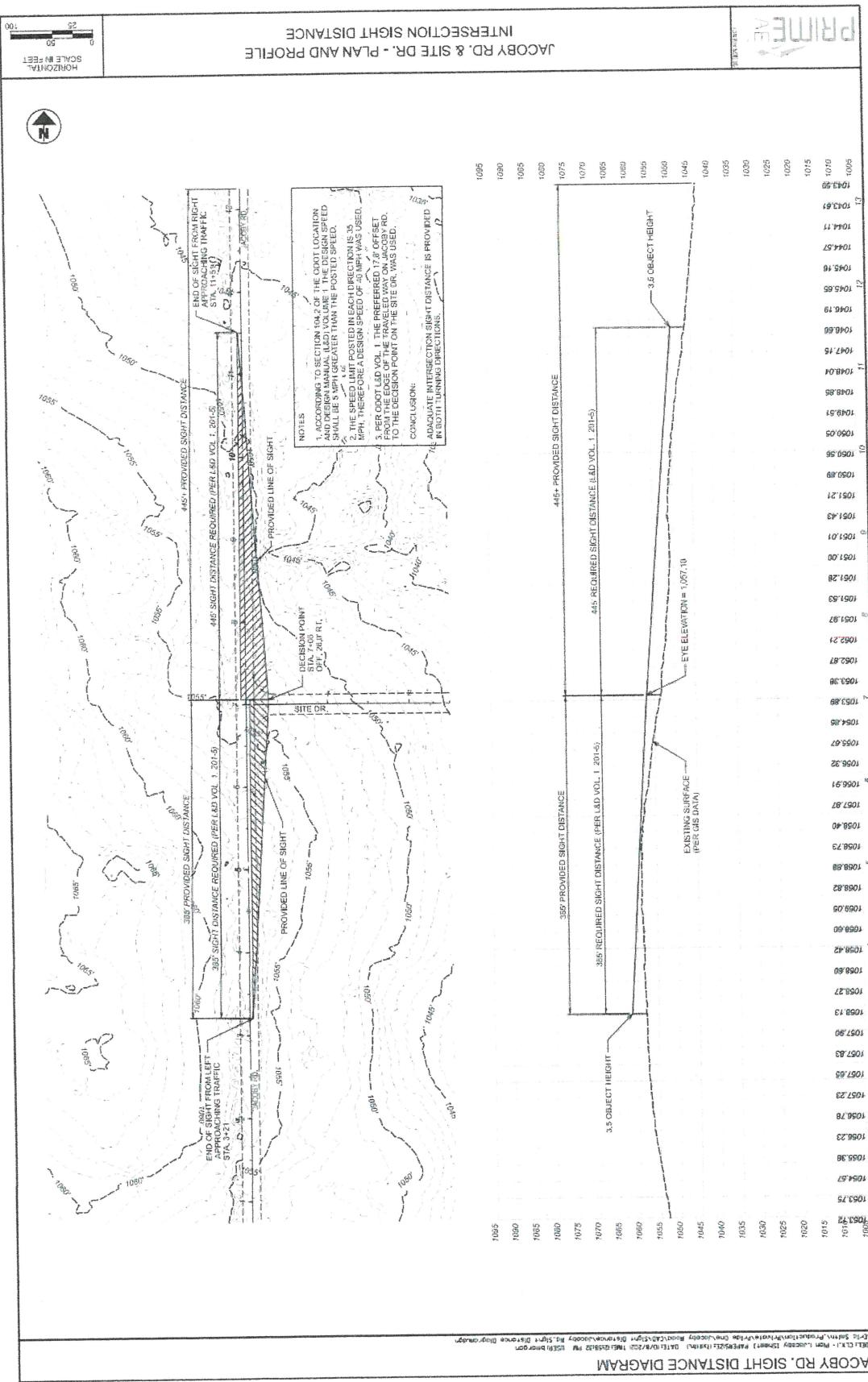
7/24/2022

<https://summitmaps.summitoh.net/ParcelViewer2.0/> Pictometry

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Traffic Concerns: No margin for safety

- The Intersection Sight Distance Diagram shows they have left no margin for safety.
 - Per requirements cited, 385' of sight line is required to the South when turning North.
 - Their plan meets this 385' on the dot, with no factor of safety. Line of sight would be lost if:
 - Someone travels at all over 40mph
 - An approaching car is less than 3.5' tall
 - The entry to the private road drops any lower than its current topographical height
 - The entry to the private road should shift to the north or south from the exact Plan and Profile



Traffic Concerns: Rural Obstacles

- As a rural road, travelers on Jacoby face obstacles including pedestrians, bicyclists, children, tractors, chickens, and wildlife.
- Increased traffic will increase hazards for all of these factors.
 - Children wait in clusters at the ends of the many side streets, sometimes in the dark, waiting for buses.
 - Wildlife seen on Jacoby include raccoons, opossums, skunks, fox, deer, and coyotes.
 - Around 35 acres of their habitat would be destroyed by this development. It is only natural more animals will be in the road.
 - The private road will entirely bisect the land. Wildlife will be unable to travel from the woods south of the property to the neighboring woods surrounding the Sportsman's Club, without entering roadways. The conserved space is not even contiguous within the proposed development, a goal that is desired by the Residential Conservation Overlay.
- Jacoby Road is already prone to flooding in that neighborhood. Dense construction will most likely aggravate the problem.
- The community supports the request made by SGWS for a third party traffic study to be completed.

Copley Resident Support?

- Many residents have been talking about this project, in opposition
 - Even if they aren't able to make it to the Township meetings
- This project permanently changes the character of the Township
 - There are no benefits to Copley Residents
- There are a significant number of detrimental impacts to Copley Residents, as well as our high quality natural resources
 - This project does not represent responsible growth
 - Project does not meet the spirit and intent of the Land Use Plan or 3.06 R – CD
 - Thank you for your time and consideration