

RECORD OF PROCEEDINGS

Minutes of

Meeting

COPLEY TOWNSHIP ZONING COMMISSION MEETING

DAYTON LEGAL BLANK, INC., FORM NO. 101-00

Held

June 7, 2018

20

1 Ms. Scott convened the Zoning Commission meeting at 6:00 p.m. Present were Tim Couch, Mark  
2 Wasick, Jane Scott, Bill Daniel, and John Heer. Bob Kocsis and James Berry was absent. Sue  
3 Schultz and Shawna Gfroerer from the Department of Community and Economic Development  
4 were also present.  
5

6 REVIEW OF MINUTES

7 Mr. Daniel moved to approve the May 3, 2018 minutes as submitted, Mr. Couch, second. Ms.  
8 Scott called for the vote and the motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Tim Couch	X		X	X		
Mark Wasick	X			X		
Jane Scott	X			X		
Bob Kocsis						
Bill Daniel	X	X		X		
John Heer (alt.)	X			X		
James Berry (alt.)						

9 NEW BUSINESS

10  
11  
12 Ms. Scott opened the public hearing for:

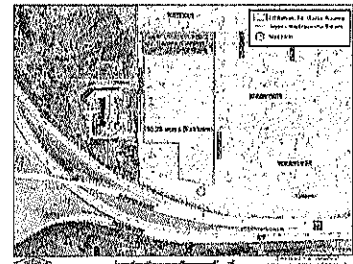
- 13
- 14 **APPLICANT:** David M. Kolar
- 15 **LANDOWNER:** Richard W. Burke
- 16 **LOCATION:** 447 Rothrock Road
- 17 **PPN:** 1501281
- 18 **CURRENTLY:** Residential Medium Density (R-MD)
- 19 **PROPOSED:** Residential High Density (R-HD)
- 20

21 Ms. Scott confirmed with the Zoning Staff that this hearing was advertised in accordance with the  
22 Ohio Revised Code. Ms. Schultz stated, yes, it was advertised in the West Side Leader.  
23

24 Ms. Scott swore in all those who wished to speak on the proposed rezoning. "I would like to  
25 swear in all persons who wish to speak on the proposed rezoning. Please stand and raise your  
26 right hand. Do you swear or affirm that the testimony you are about to give in the matter now  
27 pending before the Zoning Commission, shall be the truth, the whole truth and nothing but the  
28 truth as you shall know it." All those wishing to speak stood and agreed.  
29

30 Ms. Scott asked for a report from the Zoning Inspector.  
31

32 Ms. Schultz reviewed the Executive Summary for the request at 447 Rothrock Road. Ms. Schultz  
33 stated that applicant, David M. Kolar, and  
34 Landowner, Richard W. Burke-Trustee, are seeking  
35 a Map Amendment to change the zoning for 447  
36 Rothrock Road from Residential - Medium Density  
37 District (R-MD) to Residential - High Density for  
38 the purpose of developing a single-family  
39 subdivision. Ms. Schultz stated that the property  
40 consists of (2.1) acres, an existing single family  
41 home and has 160' of main road frontage located on  
42 Rothrock Road.  
43



44 Ms. Schultz reviewed the applicants request for  
45 rezoning. Ms. Schultz stated that the applicant believes the existing zoning is unreasonable because  
46 "In conformance with the Township Master Plan, the preferred use of this parcel is for residential  
47 development. However, due to its proximity to existing & proposed commercial development,  
48 along with the shape of the parcel, which is not compatible with the geometric requirements of the  
49 R-MD, the current zoning is not conducive to residential development." Ms. Schultz stated that the  
50 applicant believes the proposed zoning is better because "Rezoning the parcel will facilitate its'

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incorporation, along with 11 contiguous acres to the south, into a residential single-family subdivision in substantial conformance with the geometric requirements of the R-HD zoning ordinance."

Ms. Schultz stated that the Summit County Planning Staff recommended to the County of Summit Planning Commission that the requested rezoning be disapproved. Recommendation is based on the following: (1) Land is currently used as zoned; (2) Proposed zoning is not in line with Future Land Use Plan; (3) Structures on the site as currently zoned. Ms. Schultz stated that the Summit County Planning Commission recommended that the proposed rezoning be disapproved.

Ms. Schultz stated that copies of the recommendations are available for those who wish to have a copy.

Ms. Schultz provided an overview of accessible utilities including sewer and water. Ms. Schultz showed where the road closure was in relationship to the proposed rezoning.

Ms. Schultz stated that the Future Land Use Plan shows the property as zoned Residential-Medium Density.

Ms. Schultz provided an overview of setbacks for the Residential-Medium Density District as the property is currently zoned.

Ms. Schultz provided an overview of setbacks for the proposed Residential-High Density District. Ms. Schultz stated that as currently proposed, the single-family subdivision would require the following variances: (1) Variance for the size of land required-requires 5 acres for a High-Density District, proposed 2.1 acres ; (2) Variance for lot size-requires 9,000 square feet, proposed 7,200+ square feet; (3) minimum rear-yard setback-40', proposed 25'.

Ms. Schultz read the following letters into the record: (1) Chuck & Roz Bottke-3800 Ridgewood Road (2) David M. Kolar-Developer.

Ms. Schultz presented a Zoning Audit Summary including an overview of the proposed subdivision map. Ms. Schultz stated the proposal does not meet 5 acre minimum required to establish an R-HD, the lots do not meet 9,000 sq. ft. minimum lot size, proposal not aligned with Future Land Use as the area is designated as Residential-MD, the Summit County Planning Staff recommended disapproval, the Summit County Planning Commission recommended disapproval, the Copley Township Zoning Staff recommended disapproval.

Ms. Scott asked for comments, questions, and concerns to speak in favor of the proposed application.

Mr. Kolar addressed the Commission in favor of the proposed application. Mr. Kolar stated his name and address for the record "Dave Kolar 130 W Streetsboro St. Hudson, OH". Mr. Kolar stated that he is the proposed developer and believed the Summit County Planning Commission was in favor of this project. Mr. Kolar stated that this is an odd-ball parcel in Copley, but related to Fairlawn, and there is currently no discussion to move the parcel to Fairlawn and based on the JEDD agreement it wouldn't be possible

Mr. Wasick asked if annexation was possible. Mr. Kolar did not believe so based on what he has been told from Fairlawn and Copley.

Mr. Kolar stated that the greater good would have it tied out to Fairlawn and many things have been proposed for this parcel including, commercial and apartments, but none have continued due to items on either the Fairlawn or Copley side and the issue of the Rothrock closure. Mr. Kolar stated he believes whatever is done should be some type of buffer between the residential Rosemont Subdivision in Fairlawn and Copley's commercial activity. Mr. Kolar stated this proposal would be a buffer to the existing single-family subdivision and with some limitations this is the best possible use for the area.

Mr. Kolar reviewed the subdivision and stated the majority is in Fairlawn with two acres in Copley and they would need a unified development to make this proposal happen. Mr. Kolar stated that the proposed zoning is closest to what is available in Fairlawn and they could have stayed with existing

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- 1 zoning and requested variances or they could look at the zoning district to match Fairlawn which
- 2 is what they are proposing. Mr. Kolar stated that the rezone gives some flexibility to match with
- 3 the Fairlawn proposal.
- 4
- 5 Mr. Kolar stated that the open space gives a buffer between the two activities happening which are
- 6 commercial and residential. Mr. Kolar stated that this proposal would help address some of the
- 7 Summit County issues as well, including water run-off from 77, and run-off from the subdivision
- 8 to the north, since they will need to fix these issues prior to build.
- 9
- 10 Mr. Kolar stated that others have proposed more intense use of the land and they are asking for a
- 11 little flexibility on the Copley side to have a homogenous development which works together and
- 12 this is why they are requesting the rezone.
- 13
- 14 Ms. Scott asked for comments, questions, and concerns to speak in opposition of the proposed
- 15 application.
- 16
- 17 Ms. Starkey addressed the Commission in opposition of the proposed application. Ms. Starkey gave
- 18 her name and address for the record "Denise Starkey, 3816 Rothrock Place, here on behalf of
- 19 several neighbors and herself". Ms. Starkey would like the Commission to support the
- 20 recommendation for disapproval proposed by the Summit County Planning Commission due to
- 21 drainage issues and the impact of development. Ms. Starkey also stated that the entire project is
- 22 dependent upon Copley's support but the proposed planning is not in line with Copley's.
- 23
- 24 Ms. Starkey stated that her property is located to the north of the proposed subdivision and that
- 25 she and her neighbors have spent substantial funds to mitigate runoff already.
- 26
- 27 Ms. Starkey does not believe the development proposed meets the conditions for Residential-High
- 28 Density. Ms. Starkey is concerned about the shared services including right-of-ways, water &
- 29 sewer, roadways, and the internet GIG. Mr. Starkey stated that she and surrounding neighbors do
- 30 not want to be in the middle of the issues between Copley and Fairlawn when it comes to
- 31 determining who will be responsible for the services.
- 32
- 33 Ms. Starkey believes that the impact on resources would be greater for those in Copley versus those
- 34 in Fairlawn. Ms. Starkey stated that the Copley lots are to be 9,000 square feet and are proposed at
- 35 7,200 which the, Fairlawn lot reduction is smaller than the reduction required for Copley, including
- 36 the lot depth where Copley's lots are 111' deep and Fairlawn's are 120' deep. Ms. Starkey stated
- 37 that the Fairlawn open space requirements are much greater than Copley so the buffer in Fairlawn
- 38 would be greater.
- 39
- 40 Ms. Starkey believes that the property aligns with the future land use in Copley and it is being used
- 41 as such. Ms. Starkey stated that some of the residents in her neighborhood are not opposed to
- 42 development, but the presented issues are concerning and should be addressed before approval is
- 43 given. Ms. Starkey believes the plan is fully based on the economic benefit of the landowner and
- 44 the developer and not those residents around who will be impacted by the development.
- 45
- 46 Ms. Scott asked for any others from the public who would like to speak in opposition.
- 47
- 48 Ms. Sargent addressed the Commission in opposition of the proposed application. Ms. Sargent
- 49 stated her name and address for the record "Pat Sargent-3808 Rothrock Place". Ms. Sargent stated
- 50 she would like to reiterate that water is a big problem and much money has been spent by residents
- 51 trying to mitigate the damage the run off currently causes.
- 52
- 53 Ms. Scott asked if there were any others wishing to speak regarding the proposed application.
- 54
- 55 Mr. Kolar stated that the points are well taken regarding the run-off issues. Mr. Kolar stated that
- 56 when that subdivision went in things were not done right, but if approved, they (Mr. Kolar) would
- 57 be required to fix it by the county and city. Mr. Kolar stated that right now they are in the zoning
- 58 phase and we would move into the design phase to where we would be required to address the run-
- 59 off issues and the side lines in the new lots would be 18' separation as opposed to what exists in the
- 60 Rothrock Place subdivision. Mr. Kolar stated they cannot submit a design plan until they have the
- 61 authorization from zoning and in the end, the Rothrock residents will be in a much better place
- 62 since they (Mr. Kolar) will be required to fix the run-off issues.

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Ms. Starkey stated that she would like to correct the record. Ms. Starkey stated that she is a trained attorney by profession and in the subject of real estate. Ms. Starkey stated that in her subdivision there are setback requirements and they do have drainage system which runs off property and while the development occurred when Harpley Development went bankrupt, some things were not completed, but this does not include topography or run-off.

Ms. Scott asked the Zoning Inspector if any comments had been received relative to this amendment. Ms. Schultz stated that we had received the two letters presented earlier in the evening.

Ms. Scott asked for a motion to close the public hearing. Mr. Daniel motion. Mr. Wasick second. All in favor.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Tim Couch	X			X		
Mark Wasick	X		X	X		
Jane Scott	X			X		
Bob Kocsis						
Bill Daniel	X	X		X		
John Heer (alt.)	X			X		
James Berry (alt.)						

Mr. Wasick asked Mr. Kolar if the properties to the south in Fairlawn are compatible with tonight's zoning request. Mr. Kolar stated they are asking for a change in zoning in Fairlawn as well. Mr. Wasick asked Mr. Kolar if Copley's request was first. Mr. Kolar stated they were both submitted at same time, but due to changes for Fairlawn, they are not in sync.

Mr. Wasick asked Ms. Starkey to point out where she live. Ms. Starkey stated that she lives in Fairlawn to the north of the proposed development.

Mr. Wasick stated that the Bottke letter and Ms. Starkey reference drainage and buffering issues which show these items are critical to all. Mr. Wasick stated that the drainage concerns will continue until someone fixes them. Mr. Wasick stated the opinion of Summit County Planning Commission and Staff addressed 10 topics and the staff only used item #3 to support disapproval where the other nine topics support the change or indicate there isn't a change. Mr. Wasick stated that #3 states "is the proposed map amendment consistent with the comprehensive LUP" and the response is no as the future Land Use Plan shows it as R-MD. Mr. Wasick stated that his personal opinion is not an objection, but the disapproval just states that the proposal doesn't support the plan, but the plan is not a code. Mr. Wasick stated that based on this alone, he couldn't see basis for disapproval from the county. Mr. Wasick stated, however, when he reviews the zoning audit and staff recommendation to disapprove he sees the acreage and the lot size listed which would require variances.

Mr. Wasick stated that the amendment isn't sufficient to addressing the plan as the developer would need variances to move forward with the plan, and if variances are given, they would need to go before Summit County Engineers and drainage issues will not be addressed until someone pays to do this.

Mr. Wasick asked if buffering issues would be addressed by the ARB. Ms. Schultz said yes, the ARB would review this. Mr. Wasick asked if this would be a public meeting. Ms. Schultz said yes.

Mr. Wasick stated that if variances are granted, then formal plans are submitted to Summit County Engineers and Soil & Water which require additional public meetings.

Mr. Daniel stated that one thing to consider is that regardless of what we decide, the Zoning Commission's opinion goes to the Board of Trustees as they are the final approval.

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1 Mr. Daniel stated that Mr. Kolar is working with two different municipalities with a small part in  
2 Copley and as pointed out prior, there are issues which do impact the coordination including Fire,  
3 Police, trash, roads and the GIG.  
4

5 Mr. Wasick stated that these things are not going to change unless the entities come together and  
6 work these things out and that there are other existing projects with part in Fairlawn and part in  
7 Copley, so this would be no different.  
8

9 Mr. Wasick made a recommendation to recommend approval to the Board of Trustees of the  
10 447 Rothrock Road application to rezone from Residential-Medium Density to Residential-  
11 High Density. Mr. Heer second. Ms. Scott asked for the roll call.  
12

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Tim Couch	X				X	
Mark Wasick	X	X		X		
Jane Scott	X				X	
Bob Kocsis						
Bill Daniel	X				X	
John Heer (alt.)	X		X	X		
James Berry (alt.)						

13  
14  
15 Ms. Scott stated that the motion to recommend approval to the Board of Trustees of the 447  
16 Rothrock Road application to rezone from Residential-Medium Density to Residential-High  
17 Density failed.  
18

19 Ms. Scott stated that the Board of Trustees will discuss this application at a future meeting where  
20 posting to the public will be made and comments will be heard.  
21

22 Ms. Scott opened the Public Hearing for:

- 23
- 24 **APPLICANT:** Echo Realty, Attn: Joseph Tassone, P.E.
- 25 **LANDOWNER:** Ronald G. Noland
- 26 **LOCATION:** 4640, 4660, 4666, 4672 Medina Road
- 27 **PPN:** 1700158, 1702590, 1702051, 1702589
- 28 **CURRENTLY:** Commercial Office Retail (C-OR)
- 29 **PROPOSED:** Commercial General Retail (C-GR)
- 30

31 Ms. Schultz asked that the Zoning Commission open the hearing and continue to July 5 in order to  
32 obtain the recommendation from the Summit County Planning Commission.  
33

34 Mr. Heer made a motion to continue the hearing to July 5, 2018, Mr. Couch second. Mr.  
35 Daniel asked if the Commission would want to move the meeting to July 12 in consideration  
36 of the July 4<sup>th</sup> holiday. Ms. Schultz asked the Commission members if they would have a  
37 quorum on the 5<sup>th</sup> and four of five members indicated they were able to attend. Ms. Scott  
38 called for the vote and the motion carried.  
39

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Tim Couch	X		X	X		
Mark Wasick	X			X		
Jane Scott	X			X		
Bob Kocsis						
Bill Daniel	X			X		
John Heer (alt.)	X	X		X		

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James Berry (alt.)					
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Ms. Scott opened the Public Hearing for:

**APPLICANT:** Matt Manteghi  
**LANDOWNER:** Ghoham (Matt) Manteghi  
**LOCATION:** 4608, 4612 Medina Road  
**PPN:** 1700135  
**CURRENTLY:** Commercial Office Retail (C-OR)  
**PROPOSED:** Commercial General Retail (C-GR)

Ms. Schultz asked that the Zoning Commission open the hearing and continue to July 5 in order to obtain the recommendation from the Summit County Planning Commission.

Mr. Couch made a motion to continue the hearing to July 5, 2018, Mr. Daniel second. Ms. Scott called for the vote and the motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Tim Couch	X	X		X		
Mark Wasick	X			X		
Jane Scott	X			X		
Bob Kocsis						
Bill Daniel	X		X	X		
John Heer (alt.)	X			X		
James Berry (alt.)						

Ms. Scott opened the Public Hearing for:

**APPLICANT:** Ronald Noland Managing Partner-WWRT LLC  
**LANDOWNER:** Ronald Noland Managing Partner-WWRT LLC  
**LOCATION:** 22 Scenic View Drive  
**PPN:** 1700134  
**CURRENTLY:** Commercial Office Retail (C-OR)  
**PROPOSED:** Commercial General Retail (C-GR)

Ms. Schultz asked that the Zoning Commission open the hearing and continue to July 5 in order to obtain the recommendation from the Summit County Planning Commission.

Mr. Daniel made a motion to continue the hearing to July 5, 2018, Mr. Heer second. Ms. Scott called for the vote and the motion carried.

Board Member	Present	Motion	Second	Yea	Nay	Abstain
Tim Couch	X			X		
Mark Wasick	X			X		
Jane Scott	X			X		
Bob Kocsis						
Bill Daniel	X	X		X		
John Heer (alt.)	X		X	X		
James Berry (alt.)						

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DAYTON LEGAL BLANK, INC., FORM NO. 10149

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1 OLD BUSINESS

2  
3 Ms. Gfroerer updated the Board on the Comprehensive Land Use Plan. Ms. Gfroerer stated that the  
4 Community & Economic Development staff are meeting regularly to discuss the updates. Ms.  
5 Gfroerer presented a timeline for completion with the update initiated in November 2017 and an  
6 estimated completion date of November 2019. Ms. Gfroerer asked the Commission for  
7 consideration of a five-year plan, instead of the current ten-year plan, which would include  
8 supplemental updates regarding demographics. Ms. Gfroerer shared a Public Engagement Plan for  
9 the Land Use update which would include Stakeholder Meetings, Open Office Hours, online  
10 surveys and more. Ms. Gfroerer reviewed the proposed contents for the update and indicated that  
11 all of the contents should be strategic, intentional and within the scope of the department. Ms.  
12 Gfroerer asked the Commission for permission to continue work in the proposed direction. The  
13 Commission granted permission and looked forward to future updates.

14  
15 BUSINESS FROM THE DEPARTMENT OF COMMUNITY & ECONOMIC  
16 DEVELOPMENT

17  
18 Ms. Gfroerer presented the new "Projects on the Move" which would highlight existing projects in  
19 place and the status of each project. Ms. Gfroerer highlighted five Commercial Projects including  
20 Concordia, CESO, Inc., Dairy Queen, Dan's Wholesale Carpet and Planet Fitness, and 25  
21 Residential projects including single family homes and decks.

22  
23 Ms. Gfroerer presented an updated on the Concordia expansion and invited those in attendance to  
24 join Concordia on Friday, June 15<sup>th</sup> for their groundbreaking ceremony on the new expansion.  
25

26 Ms. Gfroerer reviewed the status projects under consideration for the Architectural Review Board:

- 27 • **COPLEY TREE ORDINANCE**  
28 Includes a preliminary review of the Current Tree Preservation Code in the Zoning  
29 Resolution and determining methods to evaluate options for achieving a tree canopy
- 30 • **TREE CITY USA**  
31 Goal: December 2018  
32 Working on the following requirements for application: Designce for tree care,  
33 Enforcement/Definition of nuisance trees  
34

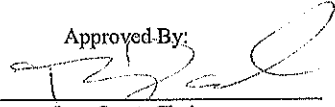
35 Ms. Gfroerer provided an update on the monthly totals for the Department of Community and  
36 Economic Development which included 34 new permits, over \$1.5 million dollars in investment  
37 and 83 property maintenance sites.  
38

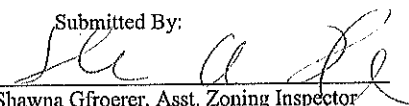
39 With no further questions, Ms. Gfroerer concluded her report.  
40

41 Ms. Scott opened up business from the floor. There was no business from the floor  
42

43 Ms. Scott stated that the next Zoning Commission Meeting is July 5.  
44

45 With no further business to come before the Zoning Commission, Mr. Heer made a motion to  
46 adjourn the meeting, Mr. Couch second, all in favor. The meeting was adjourned at 7:40 p.m.  
47

48  
49 Approved By:   
50  
51 \_\_\_\_\_  
52 Jane Scott, Chair  
53

Submitted By:   
Shawna Gfroerer, Asst. Zoning Inspector  
Community & Economic Development