

The Rootstown Township Zoning Commission met in regular session on Tuesday, January 5, 2016, at 7:00 p.m. at Rootstown Town Hall.

Present: Rob Swauger, Chair
Theresa Summers, Vice Chair
Steve Brown
Roger Carpenter
Stan Dannemiller

Absent: George Tishma

Also present:

Mark Tirpak, Zoning Inspector
Jordan Michael, Secretary
Joe Paulus, Trustee
Todd Peetz, Portage County Regional Planning Commission

Audience: See attached sheet

Secretary Jordan Michael called the meeting to order at 7:04 p.m. and asked everyone to stand for the Pledge of Allegiance.

Jordan asked for a nomination for chairperson. Roger Carpenter made a motion to elect Rob Swauger as chairperson. Steve Brown seconded the motion. Rob accepted the nomination and the motion was passed unanimously.

Jordan asked for a nomination for vice chairperson. Rob made a motion to elect Theresa Summers as vice chairperson. Steve seconded the motion. Theresa accepted the nomination and the motion was passed unanimously. Stan Dannemiller arrived after the vote was taken. Jordan turned the meeting over to Rob.

Rob asked for any additions or corrections to the minutes from the November meeting. Roger retracted his finding of a possible error. Theresa made a motion to accept the November meeting minutes. Roger seconded the motion. All were in favor and the motion was passed 5-0.

Rob asked for any additions or corrections to the minutes from the December meeting. Hearing none, Stan made a motion to accept the December meeting minutes. Roger seconded the motion. All were in favor and the motion was passed 5-0.

Rob opened the floor to the audience. Audience member Ken Richards spoke first. He and his wife bought a three-acre lot on Homestead Road. He was planning on putting a pole barn up and building a house but was told he can't put a pole barn up until he has a house. He may put up a yard barn instead. Rob asked what he means by a yard barn. Mr. Richards said it's not attached to the ground. Zoning Inspector Mark Tirpak said he cannot have an accessory use without a use. Roger asked when he's going to build a house. Mr. Richards said he's planning on the end of next summer. Rob said typically you build the house first, and then buildings come after that. Mark said he could get a permit for both at the same time. Jordan said he can come during regular office hours to do that. Rob asked Jordan if he has office hours. Jordan said he doesn't have them set for this year yet; he won't know for another week or so. Mark said the first thing to do is check with the county health department. Mr. Richards said he did that and got a perc test, and it passed. Mark told him when he gets house plans, to take them to the health department to determine what kind of septic system he'll need and where it has to go.

Audience member Pat Gintert spoke on behalf of Sandy Lake Inc. They have had multiple bids for surveyors but there are some timing factors involved. Rob asked if he had heard anything from the other corporations. Mr. Gintert said no, but they are meeting with their attorney tomorrow night. Rob thanked him for the update.

Todd Peetz spoke next on behalf of Portage County Regional Planning Commission. He said he was here for his recommendations on the proposed zoning amendments, and to answer questions about design guidelines. Theresa asked Joe Paulus if the Trustees voted on establishing an architectural review board at their meeting. Joe said they like the idea but did not discuss it in detail. Todd said he talked to Randolph and Mantua and they both want that. Each community can have their own guidelines, but it may be a good idea to work on everybody simultaneously. He offered to start drafting general guidelines and they can decide what to add or remove, and share this with the other townships. He would like to get a grant to pay for an architect to make illustrations. Rob asked Todd if Randolph or Mantua gave him a sense of what they were looking for. Todd said no. Rob said if they have the same need as us, we could hire one architect and share in the cost. Todd agreed and said he would like to make it county-wide. It wouldn't be for residential areas, and he's lukewarm about using it for industrial buildings because they're mostly off the beaten path. Businesses usually will work with you if you help them understand what you're looking for. Rob asked Joe if the township is re-signing with Regional Planning. Joe said yes.

Rob asked for a motion for Todd to start drafting the Western Reserve theme. Theresa expressed concern about each township being unique and not wanting Rootstown to get lost in the mix. Todd said the idea of having a palette of designs to choose from can be unique for each township. He will probably make one master list for the townships that want to participate, and then they can pick out what they like. Stan asked if there are any enforceability issues. Todd said it would be as enforceable as anything else in the Zoning Resolution. Joe said he likes the idea of one architect splitting time with all of the townships. Todd said he would try to have a basic master concept done by this time next year, then apply for a grant in January that would cover the cost of the architect. The guidelines can be implemented before the drawings. Rob asked if Regional Planning could take bids for an architect or if each township would pick their own. Todd said it would be more cost-effective if either Regional Planning or the townships create a coalition. He will make an announcement at next week's Regional Planning meeting to see who is interested. Rob asked when this process would start once the other townships are on board. Todd said it could start immediately. Rob asked again for a motion. Theresa made a motion to ask Portage County Regional Planning to start drafting architectural design review guidelines. Stan seconded the motion. All were in favor and the motion was passed 5-0.

Rob moved on to reviewing the proposed zoning amendments to sections 150.02B and 610.12 (occupancy permits), and Section 230.02 (burnt/damaged structures). Todd said the county building department had an issue with use of the word "occupancy" because people might get an occupancy permit from the township and think that they don't need to get one from the county. He suggested changing it to "certificate of use". Prosecutor Chris Meduri was concerned about how that will be regulated, but was okay with it from a legal standpoint. It's good to track the owner changes, tenant changes, and use changes. Mark said we are attempting to do that now, but we have some reluctance from some of the people. We don't know by the name of a corporation what they even do. Todd said a change of use affects traffic patterns as well.

Steve asked Mark if he was okay with changing the occupancy permit to a certificate of use. Mark said yes, he would just need the trustees to change it on the fee schedule. Stan

asked why they need to require a certificate for a name change. Mark said we don't know that they'd be doing the same thing. Stan said that would be a change of use; what if everything stays the same except the name? Mark said we wouldn't have it recorded as that name and our records wouldn't be updated unless they got a new certificate. Rob asked for a motion to accept the recommended changes. Stan made a motion to accept the amended amendments to Section 150.02B and 610.12 and send it to a public hearing. He added in his motion to include the document from the County Prosecutor. Joe read from the document and said our intent is to require a use certificate for changes in ownership, tenants, or name of business, in the interests of the public health, safety, public convenience, comfort, prosperity and general welfare of Rootstown. Steve seconded the motion. The vote went as follows: Steve-yes, Theresa-yes, Roger-yes, Stan-yes, Rob-yes. The motion was passed 5-0.

Todd discussed his recommended change to Section 230.02. It depends on the determining factor of "not maintained". Chris Meduri suggested including Section 505.86 of the Ohio Revised Code for abandoned houses, which is different from houses destroyed by fire or other disaster. Mark said the trustees can actually declare a nuisance without zoning; they can make that determination themselves and have the health department and fire department go out and deem it hazardous to the community. Todd said it's still good to have it in the zoning resolution. Stan mentioned that this gives them a year to tear it down and asked if there is another way. Todd said the trustees can initiate it at any point in a case of abandonment. Rob asked what about asbestos. Todd said it would have to be surveyed first. Rob asked if the township would cover those costs; Todd said yes. Portage County created a land bank to acquire property, waive the back taxes, and resell. Rob asked for a motion to accept. Steve made a motion to accept the Regional Planning Commission alternative for the proposed amendment to Section 230.02. Theresa seconded the motion. All were in favor and the motion was passed 5-0.

Steve made another motion to hold a public hearing for the proposed amendments. Roger seconded the motion. All were in favor and the motion was passed 5-0. The commission agreed to hold the public hearing at their next meeting on Tuesday, February 2nd.

Stan made a motion to adjourn. The motion died due to the lack of a second. Joe said the trustees approved the members whose terms were up. Roger is on for the next five years, and Stan is fulfilling George Tishma's turn. George will become an alternate now and said he's looking at April or May before he can do that. Rob asked about a secretary. Joe said he has done interviews. He added that we need new zoning resolutions as of this year. Jordan said he's replaced each section in everyone's book as it gets updated. Stan asked if it is available online. Joe said yes, it's on the website. He updates it as the trustees approve it. Rob said the comprehensive land use plan meeting is Thursday, January 21st at 7:00.

Theresa said at the last meeting we tabled the definition for hotel/motel/inn. She searched for definitions in the Ohio Revised Code and on Google. Some specify a transient hotel where you stay for less than thirty days. Others specify services such as food and lodging. She suggested working the word "transient" into the definition. Mark said his concern was the hotel being converted into student housing. Joe said in that case, it wouldn't be a hotel and the definition wouldn't affect that, other than preventing the hotel from turning into long-term stays for more than thirty days. It would have to be made a conditional use. Rob said we need to create the definition first. Stan suggested that transient stays be stated as how it is generally used. What if someone is staying for a month and a half to move their company into Rootstown? He is okay with someone staying for four or five weeks as long as it is not changed to a dormitory. Rob said we can be more stringent than the Ohio Revised Code; we just can't be more lax. It currently says "short term". Who's to say what short-term is? Theresa said to use "transient", which,

according to the Ohio Revised Code, means less than thirty days. Rob said we'll never know if somebody stays there for six weeks. Mr. Gintert asked if they were going to eliminate "motel" and having each door access from outside. Mark said that won't be in the definition necessarily, but in a new section for hotels. Joe said there is no legal difference between a hotel, motel, and inn. Theresa said motels are starting to move their corridors inside. Mr. Gintert said the new ones being built are all hotels. Theresa asked if they should put something in the book to not allow someone to build a motel. Rob said to go one step at a time. We'll change the definition first and then go into that district and change that as well.

Theresa made a motion to amend definition #86 to read as follows:

HOTEL/MOTEL/INN: Any structure consisting of one or more buildings, with more than five sleeping rooms, that is specifically constructed, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty days or less, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn.

Theresa added to send this amendment to Portage County Regional Planning and the prosecutor for review. Stan seconded the motion. All were in favor and the motion was passed 5-0.

Roger asked who takes care of the land in front of Cracker Barrel and Portage Salt. Mark said the State of Ohio. Roger said it looks messy with all of the cattails in front of Speedway. Mark said to remember we are a township, not a city, and there are no ordinances. Roger said it looks nice in front of NEOMED because they put in culvert pipe and planted grass over it. Joe said Cracker Barrel and Speedway are in the JEDD district and JEDD money could be used to take care of that. Rob asked Joe for any updates on the JEDD. Joe said the township is negotiating with the City of Kent. The process is moving forward regardless of whether the school agrees to relocate or not. They're still finding out from the state what they can and can't do. Theresa asked if the school property is required to remain an educational facility. Roger said it has to be offered to other schools if they want it. The STEM school would get first dibs. Joe said he's not sure about that. The contract is being written to prevent that and save it for commercial development. Stan said from what he hears, NEOMED does not want to move across the street. They want something akin to the way Kent developed. Joe agreed and said they want commercial development that complements the college. He would like it to be more walkable. Theresa said the neighborhood behind the school could have access to that.

Stan made a motion to adjourn the meeting. Steve seconded the motion. All were in favor and the meeting was adjourned at 8:33 p.m.

Rob Swauger, Chair
Rootstown Township Zoning Commission