

The Rootstown Township Zoning Commission met in regular session on Tuesday, March 3, 2015, at 7:00 p.m. at Rootstown Town Hall.

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

Also present:
Zoning Inspector Mark Tirpak
Zoning Assistant Jordan Michael

Audience: None

Chair, Rob Swauger, called the meeting to order at 7:01 p.m. and asked everyone to stand to recite the Pledge of Allegiance.

Rob announced that Vice Chair George Tishma and Trustee Joe Paulus will not be here tonight. He also introduced two new members to the Zoning Commission, Roger Carpenter and Stanley Dannemiller.

Rob asked to start with Zoning Inspector Mark Tirpak. Mark said a contractor is sniffing around the two-family dwelling issue, which is Section 390.06W. Right now a duplex can be built anywhere in the township as long as it is within 300 feet of another duplex. On Bower Road, the property that may be in question, there is a duplex across the street from two farms. Rumor has it that someone will buy one or both farms to put duplexes there. This is zoned R-1. Zoning Assistant Jordan Michael said, related to that, he and Mark are trying to determine if such two-family dwellings are considered "legal" or "legal non-conforming." Roger asked if the section needs to be more specific. Mark said yes, or they need to not allow these dwellings in R-1. Roger asked Mark what would make it easiest for him. Mark said it depends on where they want to have duplexes.

Mark also said the Sappwood Shores corporation has purchased their property as a whole. The last time the ZBA approved a variance in one of the lake areas, it was denied by the Portage County Building Department. They are no longer going to pass anything that has more than one house on a lot because it doesn't meet county subdivision standards. Each corporation has been notified. Rob said he spoke with someone from one of the corporations about this. Mark said he will not issue any permits for those areas because it would be a waste of time. He also asked the commission to make sure the ZBA is referred to as the BZA to conform with the rest of Ohio. Rob said he would like an opinion from the Prosecutor on that.

Jordan said he has the color zoning maps printed and handed one out to each member. Roger asked if the original map is from 2010. Rob said it is based on the most recent zoning revisions in 2006. Mark said they probably added color to the map in 2010. Rob said this is the latest and greatest from Regional Planning so it should be the most accurate.

Rob asked if everyone had a chance to read the minutes from last month's meeting.

He then asked for a motion to accept the minutes. Theresa Summers made a motion to accept the minutes. Steve Brown seconded the motion. All were in favor and the motion was passed 5-0.

Rob asked for any old business to discuss. Theresa said she read the trustee meeting minutes and saw mention of the Comprehensive Land Use Plan. She asked if it was just an outline at this point. Mark said they're just getting bids, with NEOMed agreeing to pay half. The commission will know when the process begins. Theresa pointed out the trustee minutes also stated that the Zoning Commission denied Bonnie's Home Health Care. Rob said it must be a typo.

Next topic was the rezoning of NEOMed. There are various zoning districts within NEOMed's ownership, so there's a lot more work involved. The township has started the application. Roger asked if this is because NEOMed is buying up property. Rob said it has to be zoned commercial in order for the township to collect income tax from a JEDD there. Roger asked if it can become a university district. Rob said it could be. He expects to receive the application from the trustees in April. Mark said the trustees will have to approach the zoning commission about the JEDD, and the commission will have to address it in the zoning book. Theresa asked if the rezoning will come before the JEDD. Rob said yes, ideally. He explained the role of the JEDD board and the current JEDD exploratory committee.

Rob asked Jordan if he had information on the amendment for the Wickes Lumber property. Jordan said yes. Rob said the owners need to fill out the application for that. Theresa asked if that had already been done. Mark said it was done through the prosecutor's office. Rob said Chad Murdock and Donphil agreed to the application, so they need to send that to the commission. Theresa asked if they had incorrectly voted on this. Rob said no, it was a motion to entertain their zoning change. Jordan asked if he should contact Chad Murdock or Donphil. Rob asked him to contact both. Theresa said she couldn't tell from reading the minutes if that was a public hearing. Rob said there would have to be a new public hearing.

Rob asked for any updates on university districts. Theresa said she sent an article of a university district that looked like what Rootstown would want. Rob said they will probably want to create that in the future, and include the university businesses. Theresa asked if only parts of it would be commercial. Rob said no, it will already be all commercial if there's a JEDD. It would require more research. Roger said Kent has a university district. Steve asked if they really need to add another layer when NEOMed is already getting what they want and can do what they want. They can just follow the commercial regulations. Theresa said there should be something to show that we are attempting to work with them. Stan asked if we had an idea what we're looking for. He is an employee at NEOMed and thinks they're looking to enhance the experience for employees, students, and Rootstown proper. He asked if there is a way to slow the growth without stopping it. Mark said the only way is to zone around it so that other businesses come in. Stan said he'd like to see some green space and bike trails. Mark said he'll have an opportunity to suggest that for the CLUP. He expects the zoning commission to have more influence on that than the trustees. Rob said to keep researching other university districts.

Rob asked for any new business. He requested to take a look at Section 660.03D & E, regarding review and input by Portage County Regional Planning and Prosecutor's Office. Right now Jordan has five days to submit information to them, which was enough for a full-time zoning inspector but not for part-time. If he was given ten business days, that would be four working days for him. Twelve business days would

give him five working days. That gives them two weeks to respond in time for the next zoning meeting. Mark said Regional Planning only meets once a month. Theresa asked if the trustees could pay him extra to send these out sooner. Jordan said he doesn't have extra hours to spend on it because of school. Roger asked what brought this up. Mark said if they passed something today, there wouldn't be enough time to send it to the county. Roger asked if "business days" could be changed to "working days," because we don't know what the future will hold for full-time employment. Steve said he's fine with allowing anyone who has this position enough time to get it done. Rob asked when Regional Planning meets. Jordan said their February meeting was on the 11th, so the second week. Rob said if they meet the second week of the month, we're missing them anyway. Stan asked if that puts undue problems on people applying for a zoning change. Mark said they would still hear back from Regional Planning in the same amount of time. Stan asked if 12 days was enough. Mark and Jordan said 10 days would be enough.

Rob asked for a motion to change 660.03 D&E from 5 to 10 business days. Theresa made a motion to change Section 660.03 D&E to 10 business days after the application is submitted to the zoning commission, to then submit it to Regional Planning and the Prosecutor's Office. This would be sent to Regional Planning and the Prosecutor's Office for review. Steve seconded the motion. All were in favor and the motion was passed 5-0.

Rob asked to look at Section 390.06 W per the zoning inspector's request, specifically #1 which allows a two-family dwelling within 300 feet of another two-family dwelling. Rob asked if that could be eliminated. Mark checked the zoning resolution and said the only districts that properly allow two-family dwellings are R-V and R-O. He asked if R-3 should be included since it's the multi-family district. No definition for multi-family was found in the zoning resolution. Mark said this may come into play with Sandy Lake and Muzzy Lake. Rob said it could also come into play with the property down the road with NEOMed doing the brownstones. Mark said if they remove the 300 foot rule, they may have to add two-family dwellings as a permitted use in other districts. Everyone took a look at the R-V and R-O districts on the zoning map. Mark said he would guess 75 percent of the roads in Rootstown have at least one duplex. He said to keep in mind, if they remove the 300 foot rule, every two-family that's not in an R-V or R-O district becomes non-conforming and could not be rebuilt if it burns down, unless they decide to allow that. Roger and Rob agreed that the 300-foot rule is not needed because two-family dwellings are already spelled out in other sections. Mark said they could rewrite #1 to allow existing two-family dwellings to be rebuilt. Steve said it would need to state that they are nonconforming. Theresa said she lives across the street from the duplexes on New Milford Road. She went to the meetings at the time but the neighboring property owners weren't notified. Mark said they wouldn't need to be notified under this 300-foot rule. Stan said they could remove the words "within 300 feet of an existing two-family dwelling, or", which limits them to non-single-family residential districts. Steve said existing nonconforming dwellings, if destroyed, would need to be rebuilt as originally designed.

Rob asked for a motion to change Section 390.06 W. Stan made a motion to eliminate from Section 390.06 W 1, the words "within 300 feet of an existing two-family dwelling, or", leaving the rest as written. Steve added to the motion to include the phrase, "Any existing nonconforming two-family dwellings may be rebuilt as originally built if destroyed by fire or natural disaster." This motion will go to Portage County Regional Planning and the Prosecutor's Office for review. Roger seconded the motion. The vote was as follows: Rob-yes, Stan-yes, Theresa-yes,

Roger-yes, Steve-yes. The motion was passed 5-0.

Rob asked if there were any other topics for discussion tonight. Mark said he will probably have one or two every meeting. They can discuss a multifamily definition next month. Stan asked if there is an incident, that Mark and Jordan can send an email about it. Mark said he'll let Rob know before the meeting, like he did this time. Roger asked about Wickes Lumber. Rob said they are waiting on an application. He asked if everyone read Regional Planning's review of that amendment. Roger asked if there is a plan of attack with Sandy Lake and Muzzy Lake. Rob said he contacted the corporations. The county turned them down so they need to make it right with the county first. Mark said right now they can't rebuild if a house burns down. There was a meeting with all three corporations and he let them know about that. He also said Sappwood Shores just purchased their land as a corporation. Theresa wondered if they might have to have a couple houses on a lot. Mark said they think the township's trying to take something from them, but the township's trying to help them.

Rob asked for a motion to adjourn. Steve made the motion to adjourn. Roger seconded. All were in favor and the meeting was adjourned at 8:54 p.m.

Rob Swauger, Chair
Rootstown Township Zoning Commission