The Rootstown Township Zoning Commission met in a public hearing on Tuesday June 7, 2016, at 7 p.m. at Rootstown Town Hall.

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

Also Present: Mark Tirpak, Zoning Inspector
Jordan Michael, Zoning Commission Secretary
Joe Paulus, Trustee

Audience: Pat Gintert

Chair Rob Swauger called the meeting to order at 7:04 p.m. and asked everyone to stand for the Pledge of Allegiance.

Rob asked for a motion to approve the May meeting minutes. Motion was made by Roger Carpenter and seconded by Stan Dannemiller to approve the minutes as read. The motion was passed 4-0.

Old business:
Vice Chair Theresa Summers said they had tabled the issue of time limits for developments. Secretary Jordan Michael read a letter of input from Chris Meduri, assistant county prosecutor. Regarding the roads, zoning inspector Mark Tirpak said the county makes the roads go through one winter before approval. If this zoning commission approves a PRD (planned residential development), on that set of plans there will be a cross-section for the roads. In the case of Wintergreen and Misty Glen, each had a different cross-section. The zoning commission approved the set of plans, and any changes since then should have also been approved. Rob said that our PRD chapter has a description of the roads, that they have to meet the county regulations. Mark said the county thinks they can change it anyway. Theresa suggested specifying that the roads must meet the county standards at the time they were approved. Roger said they need something in the book so that it comes back to the township to be okayed. Mark agreed and said that would let the county and Regional Planning know that the developer has to come back here, not just for the roads but for any change. Trustee Joe Paulus asked how that is not already an understandable thing. Mark said the Wintergreen phase is being put in a few lots at a time. Joe asked if Misty Glen is finished. Mark said no, it's supposed to go to a cul-de-sac. Every development has roads with no cul-de-sacs. Audience member Pat Gintert asked why the township has to accept roads. Mark said the county forces it on them. Stan asked what the township can do. Joe said they would have to sue the county. Or, there should be an escrow account to take care of it. Mark said the trustees should sign off on it, whether the township or the county has the escrow account.

Rob asked for discussion about accepting the roads. Mark said we're also going through something where Joe lives right now. There was a plan approved that the road goes through, and one half of the development dug up the road and planted trees. Theresa suggested adding that any deviations in construction must be resubmitted to the zoning commission. Mark said it could cover a road, or a lot, or a sign. Theresa asked if other townships have the same issues and if developers

generally do this. Joe said they have phases, but not ones that are built two houses at a time. Sometimes they ask the county for an extension to finish the phase. Mark said a developer has to finish the roads, put the utilities in, and create the lots in order to complete a phase.

Rob asked for a motion. Theresa made a motion to create Section 320.01 J: "Any deviations in construction from the originally submitted plan shall be resubmitted for approval by the Zoning Department." Stan seconded the motion. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0.

Stan read an email from Regional Planning, which said the escrow money is acquired by the county for each phase. Mark said maybe we need a resolution from the trustees to the county to use the money to finish the road.

Stan made a motion to make the following amendment to Section 320.11: "Once the developer commits to building a new phase, the developer shall financially guarantee, via an escrow account, any improvements associated with the phase. Once the developer has committed to constructing the new improvements in that phase (roads, sewer, water, storm water facilities) by supplying the County with the financial guarantees, the Township will request that the County acquire money in the escrow accounts and build the improvements per the engineering plans for that phase. Lots can be platted or replatted after the infrastructure for that phase has been completed." Roger seconded the motion. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0.

New business:
Jordan said a developer is interested in the land next to KeyBank for a restaurant and drive-thru. That is zoned Village Center (V-C). A restaurant is permitted there but a drive-thru is not permitted or conditional. They would have to get an amendment through this board or a variance from the ZBA. We technically have drive-thrus in the V-C already. Theresa said we are trying to preserve our township to look nice. Roger said we are trying to get business in here, why would we drive them out over a drive-through? Joe said the drive-thru has to be in conjunction with a principal use. Theresa suggested making it a conditional use. Roger suggested a condition for where the drive-thru can be on the lot. Jordan said there are conditions for drive-thrus in Section 390.06 J. Joe asked if traffic would increase with people turning left from there onto 44. Rob said that is a concern no matter what business goes there. Joe said allowing drive-thrus as a conditional use would apply to the whole V-C, which could affect the historic look. Theresa said having three-story buildings in the V-C would be more of a walking environment, which doesn't entail drive-thrus. Joe agreed and said as this area grows, it will be easier to walk through without dodging cars.

Mr. Gintert asked what if a drive-thru is built next to a house. Rob said that is a conditional use anyway, and the book already says it has to have extra screening next to a residence. Rob then asked where a drive-thru should be located on the site. Joe said it depends how the building is situated on the lot. Jordan said the plans might go to this board anyway under development plan review.

Theresa made a motion to amend Section 350.03 C5 to make drive-thru facilities a conditional use in the V-C district. Stan seconded the motion. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0. Theresa said her intent is to make the area more open for development, but to give the township some control.

Rob asked if the book has anything that applies to the commercial district with a conditional use. Jordan said most of them are pertaining to businesses and are in Section 390. Roger said it doesn't matter where a drive-thru is as long as it meets the criteria of what it needs to look like.

Stan made a motion to amend the heading of Section 350.06 from "Supplemental Use/Building Regulations" to "Additional Use/Building Regulations", and to add the following to Section 350.06 B5: "The drive-thru function, design, and appearance must be according to 390.06 J 1&2." Roger seconded the motion. All were in favor and the motion was passed 4-0.

Stan made another motion to make the following amendment to Section 390.06 J1: "Such facility and associated access drives should be located so as to be the least disruptive to pedestrian **and vehicular** traffic **and the architectural character of the district**." Roger seconded the motion. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0.

Roger made a motion to send these proposed amendments to Portage County Regional Planning and the Portage County Prosecutor's Office for review. Theresa seconded the motion. All were in favor and the motion was passed 4-0.

Public Hearing:
Rob opened the public hearing on the proposed amendment to Section 310.09 C1.

Section 310.09 C1 Existing:
The combined total square footage of all detached residential accessory buildings and structures permitted to be constructed on a parcel shall not exceed the following percentages of the parcel's overall size:

	Max. Foundation	Height
a. 0 – to ½ acre -	450 sq ft	20'
b. over ½ to 1 acre -	600 sq ft	20'
c. over 1 to 2 acres -	900 sq ft	25'
d. over 2 to 5 acres -	1,200 sq ft	25'
e. over 5 acres -	2,000 sq ft	25'

Section 310.09 C1 Proposed (shown in bold):
The combined total square footage of all detached residential accessory building and structures permitted to be constructed on parcel shall not exceed the following percentages of the parcel's overall size:

	Max. Foundation	Height
a. 0 – to ½ acre -	**5%**	20'
b. over ½ to 1 acre -	**4.25%**	20'
c. over 1 to 2 acres -	**3.5%**	25'
d. over 2 to 5 acres -	**2.75%**	25'
e. over 5 acres -	**2%**	25'

Mr. Gintert asked if the percentages relate to the same square footages. Jordan said no, these percentages were used originally and were reduced by the change to square feet. Mark said the change will allow larger accessory buildings. Roger asked if it is a percentage off of what is already on the lot. Mark said it is the total square footage, it can be one or more buildings.

Rob asked for a motion to send this to the trustees. Stan made a motion to send the amendment to Section 310.09 C1 to the trustees. Roger seconded the motion. All were in favor and the motion was passed 4-0. Rob closed the public hearing.

New business (continued):
Mark started discussion on storage units, and permanent structures vs. temporary structures. Roger asked if this is because of shipping containers. Mark said no, it's because of buildings. If someone wants to put a shed up that's 18 x 20 but isn't on a permanent foundation, technically our book doesn't consider it an accessory use. The county allows anything under a certain size without a permanent foundation. He asked whether we should charge for temporary structures. Theresa asked how much do you have to pay for a permit. Jordan said it is $60 for an accessory building. Mr. Gintert asked if there is a limit to the number of buildings allowed. Roger said no, it was based on square footage but now will be a percentage of the lot size. Mark said he also can't enforce the 5-foot setback required for driveways.

Rob said we need to have the fee schedule in the zoning book before we make any judgments. Roger made a motion to add the trustee's fee schedule to the zoning resolution. Jordan asked where he wants to add it. Roger said to create a Chapter 100 for it. Stan seconded the motion. All were in favor and the motion was passed 4-0. Theresa asked if any change to the fee schedule has to go back to the zoning commission. Mark said no.

Rob asked if the fee schedule has a description of what is chargeable and what is not. Jordan said it says $60 for permanent structures. Mark said he thinks $60 is too much for a little shed. Stan read Section 230.06 which states that all structures shall comply with the Portage County Building Department standards no matter where it is constructed. Roger said if you don't have the smaller building on record, then that square footage won't count if the owner applies for a bigger building. Mark said we will have the GIS photo on file for every address. Rob said he is inclined to go with the county; any building that requires a building permit will also require a zoning permit. Mark asked how to enforce setbacks on a building with no permit. Theresa asked Mark if he'd rather have a smaller fee for a smaller building. Mark said yes. He has no legal bounds to go on someone's property if they don't have a permit. Theresa said it's a case where someone could claim ignorance if they didn't see it in the book. Joe said we have a zoning resolution, but not everything in there requires a permit. Mark said any building or structure does require a permit. The fee schedule says we don't charge if it's not on a foundation. There's no fee to cover the cost of us going to check on it. If they put it on the property line and the neighbor complains, we never told them about the setback because we're not charging for a permit, so it becomes a civil matter between neighbors. Joe said that is a township rule and ignorance is no excuse. We can't enforce our zoning resolution unless everything we try to enforce is permitted.

Theresa suggested putting something in the book where you figure out your dimensions and say that a certain size does not require a zoning permit, but must follow the setbacks and other rules specified in the zoning book. Rob suggested amending the definition of building by eliminating where it specifies having a permanent location on the ground. Mr. Gintert said then everything will need a permit if the definition is changed. Mark disagreed because the fee schedule says on a permanent foundation. Mr. Gintert said he thinks the time it takes to get a permit is a bigger inconvenience than the cost. Stan asked if a 4 foot by 6 foot plastic shed with no foundation is required to have a permit. Mark said currently all structures

require a permit. Stan said if they remove the word "permanent", now it is not a permanent building so it does not require a permit. Mark said that's right. Stan said then Mark and Jordan will not enforce regulations on the shed. Mark said right now it has to be on a permanent foundation or they couldn't have it. That's what we're trying to clarify. Stan asked Mark what he needs to do his job. Mark said we need a size that we're not going to pay attention to. Stan said they could do that by amending the definition of structure. Mark said they would call the Portage County Building Department to find out what size requires a permit from them.

Stan made a motion to add paragraph 3 to Section 310.09 D: "Any building or structure requiring a county building permit shall also require a township zoning permit, and shall meet all zoning setback requirements." He added to his motion to send this to Regional Planning and the prosecutor. Mark said it should state that all structures have to meet the setbacks, not just the ones with a building permit. Stan amended his motion to the following: "Any building or structure requiring a county building permit shall also require a township zoning permit, and all buildings or structures shall meet all zoning setback requirements." Roger seconded the motion. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0.

Theresa said somebody asked her about a noise ordinance. Ravenna Township has one that is hard to enforce. Joe said to call the Portage County Sheriff for noise complaints. It's almost useless to have a noise resolution because we can't enforce it. Roger said businesses have to have buffers and screening to block noise.

Rob asked for a motion to adjourn. Motion was made by Stan and seconded by Roger. All were in favor. The meeting was adjourned at 9:40 p.m.

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Rob Swauger, Chair
Rootstown Township Zoning Commission