

The Rootstown Township Zoning Commission met in a public hearing on Tuesday August 2, 2016, at 7 p.m. at Rootstown Town Hall.

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

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

Audience: Robert Hagaman
Stace Schumann

Chair Rob Swauger called the meeting to order at 7:08 p.m. and asked everyone to stand for the Pledge of Allegiance.

Rob asked for any additions or corrections or a motion to approve the July minutes. Motion was made by Stan Dannemiller and seconded by Theresa Summers to approve the July minutes. The motion was passed 4-0.

Public hearing:

Rob opened the public hearing on windmills. There was no discussion from the audience or from the board.

Motion was made by Roger Carpenter and seconded by Stan Dannemiller to send the amendment to Section 480.02 to the trustees. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0 and the public hearing was closed.

Section 480.02 Existing:

The foundation, tower, and compatibility of the tower with the rotor and rotor-related equipment shall be certified in writing by a structural engineer registered in Ohio that they conform to good engineering practices and comply with the appropriate provisions of the Ohio Building Code.

Section 480.02 Proposed (shown in bold):

The foundation, tower, and compatibility of the tower with the rotor and rotor-related equipment shall be certified in writing by a structural engineer registered in Ohio **or the state of manufacture** that they conform to good engineering practices and comply with the appropriate provisions of the Ohio Building Code.

Robert Hagaman, 2730 Sandy Lake Road, spoke as a resident of Sandy Lake Inc. Their board is reviewing their land surveys and would like their surveyor to give it similar detail to Muzzy Lake's surveys. Rob said we have a survey from Sappwood Shores. The attorney has not contacted the board so there are no other updates.

The survey of Sappwood Shores was reviewed and discussed. Mr. Hagaman asked if the board would like a presentation of Sandy Lake's survey when it is done. Rob said that would be helpful.

Rob said the township cannot get their equipment across the roadway to Sappwood Shores. There should be something in reference to that on the drawing, with a notation that it is a private road and the township holds no liability.

Trustee Joe Paulus asked if the property lines go past the high water mark. Rob said we will probably need a plot plan of each lot. He told Mr. Hagaman to make six copies of Sandy Lake's survey for the board.

Stace Schumann, 4116-B August Avenue, spoke as the owner of Schumann's Roadside. He would like towing companies added to the zoning regulations and asked if there is any information he can provide the board. Rob said the board would design criteria and look at health, safety and welfare. They would take in consideration things like fencing, storage, EPA, hours of operation. Roger asked Mr. Schumann if he always brings vehicles back to this location. Mr. Schumann said no, he has a lot in Kent and another in Deerfield. Roger asked what he is really looking to do. Mr. Schumann said he has an occupancy permit for auto service, retail, and office. Jordan said Mr. Schumann requested outdoor storage as a conditional use but was turned down by the BZA. The BZA said they'd be more comfortable if there was something for towing in the book. Theresa asked Mr. Schumann where his business is located. Mr. Schumann said he is in Ron Caporaletti's building behind Sunrise Springs. Rob asked if he is looking to stay there. Mr. Schumann said he wouldn't be opposed to moving or building a facility later on. The Association of Professional Towers of Ohio has its own rules and regulations that might be useful. Theresa asked if his area is fenced in. Mr. Schumann said yes, he has a privacy fence. Roger asked how many cars he normally has there. Mr. Schumann said six to ten. The Diesel Speed Shop is next door and they work on trucks. Rob told Mr. Schumann that any information he can provide would be helpful.

Old business:

Feedback was received from Regional Planning and the prosecutor on the proposed zoning amendments. For Section 320.01 J, Regional Planning suggested that PRDs and subdivisions only be resubmitted for approval of changes that are "significantly" different. Joe agreed and said this amendment is for major changes. The county is re-doing its subdivision regulations too. Stan asked if there is a minor change made at the time of construction, what is the zoning commission allowed to ask them to change. Rob said changes lot lines, open space area or lot sizes, any geographic lines being altered. Theresa asked if this is too subjective. Joe said that was part of Regional Planning's rationale, because there are all kinds of minor changes. Theresa said what seems minor to the developer could be major to us. The prosecutor recommended referencing Section 620.10 in the amendment. Stan made a motion to modify the proposed amendment to Section 320.01 J and send it to a public hearing. Theresa seconded the motion. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0.

On the proposed amendment to Section 320.11, Theresa said Regional Planning thought it was okay but the prosecuting attorney said it is not. Rob said that doesn't mean the township couldn't employ somebody to watch over the roads like they have done in the past. Joe said something like this has to go to the county level, not the township level, but the county doesn't do it. He had explained what generated this to Regional Planning, and a lot of other townships have complained to the county about their subdivision regulations. Stan said he wants to either hold someone accountable or find a way of refusing new roads. Rob said he thinks that should come from the trustees. Joe said he brought it up to the township association. All townships are subjected to the county's outdated or insufficient regulations. Rob

said we need to drop this because the prosecutor is not going to back us up on it. Instead we will advise the trustees that they need to handle it. Joe said the only issue with the prosecutor was that we cannot require the county to do something such as an escrow account. Perhaps the township could have its own escrow account. Rob suggested that the trustees figure out what they would like to do and then present it to us. Stan suggested rewording the amendment without mentioning the county and sending it back. If the township had its own escrow account then we wouldn't have to rely on the county. Joe said he is not sure if the township would have the authority to do that.

Next were the proposed amendments on drive-thru facilities. Joe asked how the banks have a drive-thru when it is not a permitted use in the Village Center (V-C). Roger said we don't know. Those banks were there before it was zoned V-C. Joe said ATMs are a conditional use too. Stan made a motion to send the amended change to Section 350.03 C5 to a public hearing. Roger seconded the motion. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0. Stan made a motion to modify the proposed amendment to Section 350.06 B5 by adding "as amended" to #5, and send it to a public hearing. Roger seconded the motion. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0. Stan made a motion to send the proposed amendment to Section 390.06 J1 to a public hearing. Roger seconded the motion. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0.

On proposed amendment #6, Theresa suggested separating the added change into two, because requiring a permit and meeting setbacks are separate issues. Stan said if they did not require a township zoning permit, they would not be able to enforce the setbacks. Theresa said we also need to be more specific on what requires a zoning permit. Rob said the prosecutor suggests that we clarify that. He asked if we could have them obtain a permit without a fee on a smaller building. Jordan said the proposed change is that all buildings must meet setback requirements, whether it has a zoning permit or not. The trustees also changed the fee schedule and we will require a permit for smaller buildings but not charge for it. Rob said they should be able to email their plot plan to Mark or Jordan so they don't have to take off work. Jordan said the zoning office has a dropbox where people can drop something off anytime.

Stan asked where in the current zoning rules are the sizes that do require a zoning permit. Jordan said it's in the fee schedule. Theresa asked if that should be stated in the zoning book. Jordan said the fee schedule was just put in the book as Chapter 100. Stan suggested including a reference to Chapter 100 in the proposed amendment. Rob suggested making that a new amendment. Joe said the prosecutor wants our zoning resolution to make clear when a zoning certificate is needed. Jordan said the definition for structure lists all of the things that are not considered structures. Roger said there is a loophole for buildings that are not fixed to the ground. Rob said the prosecutor suggested making another amendment in the administrative section, which would have to be done separately. Theresa made a motion to approve section 310.09 D3 as proposed and send it to a public hearing. Stan seconded the motion. The vote went as follows: Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 4-0.

Stan suggested that everyone think about Section 100 and discuss it next month.

Theresa did research on digital sign regulations to supplement those currently in Section 420.11 B. She said Hudson prohibits electronic readerboards and flashing

light signs, only direct lighting from an external source shall be used to illuminate the sign. Joe said when our rules were written, signs had regular lights. Now we have digital technology, so maybe the zoning resolution is outdated. Rob said there was a discrepancy on Access to Independence when they installed an LED sign. Theresa asked if it would look nice for every business to have an LED sign up and down the township line. Joe said the ORC (Ohio Revised Code) requires each sign message to be eight seconds. Rob said he thinks having it that long would cause more accidents. The board agreed to table this.

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 8:58 p.m.

Rob Swauger, Chair
Rootstown Township Zoning Commission