



The Rootstown Township Zoning Commission held a question and answer session on September 16, 2013 at the Town Hall at 7 PM.

Present:

Karen Henry, Chair
George Tishma, Vice Chair
Bob Moses
Rob Swauger
Steve Brown
Theresa Summers

Also present:

Jim Mahood, Zoning Inspector
Van Black, Assistant Zoning Inspector
Brett Housley, Trustee

Chair Karen Henry called the meeting to order and asked everyone to stand to recite the Pledge of Allegiance.

George Tishma made a motion to accept the August 2013 Zoning Commission minutes as presented. Bob Moses seconded the motion. All eyes were heard.

Mrs. Henry stated that the meeting was not a public hearing, instead a question and answer session. She reminded the audience that opinions are not needed at this time, but the commission members are open for any questions.

Mrs. Henry began with her own question to Nick Hershberger, the Speedway representative that was present. The barrier that will go between the property and the residential homes will be what type? The proposed plan has been revised since there was already a concern mentioned regarding the barrier. Mr. Hershberger stood to explain the new version with a map. It will have a 2 ft. mound that will run along the entire boundary with a solid 6 ft. tall fence. Also it will include a double staggered row of arborvitae. He explained to everyone that

Speedway currently owns the corner parcel west of S.R. 44 between I-76 and Lynn Road. They plan to purchase the parcel beside to enlarge the business. It proposes to construct a new store and add additional diesel pumps and a separate entrance for trucks. This will make the entrance and exit to Speedway easier and more efficient.

An audience member asked if the current pond would be filled in. There would be a proposed dry pond for storm water purposes. The residents had expressed concern about flooding. The county engineer, Anthony Zumbo indicated that has been happening for years because of the fall of the land to Muzzy Lake. Speedway proposes to add an oversized dry detention basin to slow down the outflow. The existing run-off now cannot be increased according to regulations.

Audience members were cautioned about interrupting the presentation. The Speedway representative Nick Hershberger explained the flow coming out needs to be less than the current flow. It will tie in to an existing storm sewer. The map included the calculations of pre-construction and post-construction flow rates showing reductions. The cubic feet per second flow rate will be reduced.

ZC member asked what the run-off rate is during the high end of the storms. A 100-yr. storm is relatively the same. An audience member said the drain goes through his back yard. The line seems plugged and they won't open it up. Another audience member said she has called the township about cleaning out the existing drain and was told they have no equipment to vacuum it out. She's concerned about more volume also if it can't be cleaned at the present time.

The county has told residents it was a township problem.

Brett Housley, Trustee, spoke to residents about calling to the road department about complaints. Another resident expressed his concern about more run-off. He asked the Speedway rep if they are willing to pay enough to correct the problem. He said the company is prepared to go above and beyond the required regulations to improve the site to help the situation.

An audience member asked her question: of what financial benefit to

the township is adding extra pumps? The answer was not clear since it would be the amount of additional taxes the business pays in the future. It will be researched.

Still another question was asked about pollution. His wife is on oxygen and the fumes might affect her health. He asked about hours of operation. It will be open 24 hours a day as it is now.

It was explained that in the year 2010 there were approximately 8,900 semi's each day using I-76. The proposed addition for diesel pumps is set up to service 66 trucks per day.

Another audience member asked about the extra trucks that might need to sit in the road if the pumps are being used. This traffic will damage the road. The proposed map shows an area for stacking awaiting trucks and the entrance and exit are spacious. It was explained that this will not be a truck parking place.

Property values will be depreciated, according to a neighboring property owner. Another resident said that in the last five years his area has had three 100-yr. floods. He asked how is the Zoning Commission going to solve the problem with more blacktop for the rain to run off? He wants someone to fight for the residents' concerns. Mrs. Henry stated that it would eventually be the Township Trustees.

Mrs. Henry explained to the group that a proposal from Speedway was sent to the Regional Planning Commission. It was discussed at a previous meeting. Mr. Todd Peetz, from the Regional Planning Commission explained that they reviewed plan without the maps. They recommended denial of plans as it may impede upon the residential character of the area even though it is zoned as commercial/office, two of the lots are smaller than the zoning requirements, and compatibility and the impact an expansion would create.

Gene Mills explained that the Zoning Commission is there to represent the community.

Another question was asked about protection for the house on the north

side of Lynn Road. He expressed a concern about the noise, lights 24/7, air pollution, traffic, etc. In his opinion, it's all negative for the neighborhood. The lights of the additional truck traffic cannot be blocked from that house. His short answer to Speedway's need for additional space is to put it in Brimfield.

Traffic, screening, retention pond concerns, slow in and out for the semis, etc. are all big concerns according to Rob Swauger. He's on the fence about a decision to recommend approval of the project. George Tishma expressed his concerns about the flooding that has been a problem for so long already.

Gene Mills explained that in his 40+ years of living here, the flooding has been a problem. The county has been passing the buck saying the problem was an ODOT-caused design. He feels that the township cannot afford to add to the problem. Since Wendy's has been in existence there has been no follow-through to correct the problem by cleaning out the retention pond of the debris, etc. It should be maintained to the original conditions at the time of zoning approval.

More concerns were expressed about the volume of extra water that will be added from the blacktop coverage where the water will not be absorbed from that area. Will the proposed retention pond accommodate the amount of a 100-yr. storm? Yes, was the answer from the Speedway representative.

Another member of the public asked, "What possible benefit is this to Rootstown?" Rob Swauger said that he feels there won't be that many semis to go there and the proposed enlargement would benefit mid-sized box trucks & pick-ups.

Another public member expressed his concerns about the citizens and who protects them. He would like more thought put into a total solution that would allow the community to grow with the constituents and support versus us being adversarial to growth. He was a business man for over 40 years and he feels that if the township can't get economic stimulation with the problems not being solved, maybe the problems will get fixed. If there are no consequences to continually building and creating more problems no one is looking at the big picture to protect

the citizens.

A lady stated that there are at least two other gas stations in Rootstown and what controls does the township have in place to halt more expansion requests. Another question was asked about the timing of the stop lights at odd times of the day which seem to favor S.R. 44 traffic and vehicles get backed up on Lynn Road.

Mrs. Henry asked if the Zoning Commission members had any more discussion. The exit driveway from Speedway at the present time is close to the stoplight and causes jams. It may need to be revamped at an additional site plan meeting if this project is approved.

The next-door neighbor expressed her concern about parking trucks idling near her driveway because her property sits higher.

Mrs. Henry called for an end to the question and answer portion of the meeting.

George Tishma made a motion to agree with Regional Planning Commission to deny the proposed Speedway project rezoning. Rob Swauger seconded the motion.

The public hearing will be held next month. If there are additional questions they can be asked then. Zoning Inspector, Jim Mahood, stated the commission members could wait to vote until the public hearing, as it must be advertised in the newspaper and give the public a chance to respond then.

Has the property been officially purchased? No answer.

Karen Henry stated that the Zoning Commission will vote officially at the next meeting, the public hearing scheduled for October 21st, 2013.

Todd Peetz of the Regional Planning Commission is working with the zoning commission members to update the zoning resolution. He began by presenting some definitions which will potentially be changed.

Some definitions refer to certain sections of the resolution and he

suggested incorporating that wording into the actual definition.

Carport – a covered structure to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free standing or attached to a wall. Unlike most structures a carport does not require four walls and usually has one or two.

Mr. Mahood asked about distance from the home. Mr. Peetz said it should be the same as accessory structures currently and meet setbacks, etc. Mr. Mahood feels that it should state they not be enclosed.

Garage Sales was another definition to be considered. Mr. Peetz read the proposed definition as follows: Garage sales, also known as yard sales, rummage sale, tag sale, moving sale, lawn sale, thrift sale, junk sale, is an informal, irregularly scheduled event for the sale of used goods by private individuals in which block sales are allowed so that sellers are not required to obtain business license or collect sales tax. Typically the goods in a garage sale are unwanted items from the household with the homeowners conducting the sale, limited to no more than 4 times per calendar year. Mr. Tishma feels the timeline should not included. Mrs. Henry also said the time restraint should be eliminated.

Temporary structures for living on your own property when your dwelling may be destroyed by fire, etc. was next to be discussed. It was originally 6 months to complete the process. It may not be enough time to get the insurance and finish the process, so he recommends changing it to one year. The zoning permit which has a 1 year expiration may also be extended if needed. The timeline would start at the date of application of the building permit, the members feel.

Accessory building size according to the percentage of the parcel was next to be discussed. Section 310.09 is where this will be potentially changed. This is separate from the agriculture use.

Mr. Peetz said the height of the accessory structure might also need to be altered. After re-checking it was decided to leave it at 28 feet.

Home occupation storage space was reviewed and he thinks 25% should include the storage space in the accessory building and home. Mr.

Mahood also thinks home occupations that are viable and registered will not be adversely affected by this amount. These regulations are in effect to protect the character of the neighborhood.

Lot areas were discussed briefly with a few small potential changes that will be presented. Parking spaces for disabilities was mentioned and signage size maximum amount of 200 SF is recommended to be added.

A few places will need to be re-numbered due to some of the potential changes in the zoning resolutions.

Rob Swauger made a motion to adjourn. It was seconded and all eyes were heard.

Karen Henry, Chair