

The Rootstown Township Zoning Commission met in regular session on Tuesday, October 4, 2016, at 7 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: Jordan Michael, Zoning Commission Secretary
Mark Tirpak, Zoning Inspector
Joe Paulus, Trustee

Audience: See attached sheet

Vice Chair Theresa Summers called the meeting to order at 7:06 p.m. and asked everyone to stand for the Pledge of Allegiance.

Theresa asked for a motion to accept the minutes. Stan Dannemiller made a motion to accept the September meeting minutes. Roger Carpenter seconded the motion. The motion was approved 3-0, with Steve Brown abstaining. Chair Rob Swauger arrived after the vote was taken.

New business:

The trustees offered their support for finding an architect or engineer to create design guidelines, and asked the zoning commission to put forth the effort of doing this. One architect has sent an email expressing his interest.

A tentative date for a joint meeting between the trustees and both zoning boards was set for Tuesday, November 29th.

Trustee Joe Paulus reported that Regional Planning was not awarded the grant for the townships' design books, but they have submitted two more grants. Until then the zoning commission can hold interviews with any professionals they are interested in working with. Stan made a motion to invite Rick Hawksley to the next meeting. Theresa seconded the motion. All were in favor and the motion was passed 5-0. Interviews were tentatively scheduled for Monday, October 10th at 6:30, 7:00, and 7:30 p.m.

Old business:

Rob asked Zoning Inspector Mark Tirpak for an update on Schumann's Towing. Mark said the trustees sent it off to the prosecutor's office. Roger said he would like to see them move to a different spot. Mark said the board has to give them a different spot to go. Right now he has nowhere to go in the township. Rob suggested that towing be permitted in the industrial district. Mark suggested for it to be a conditional use. Theresa suggested allowing other automotive uses in the industrial district as well.

Rob read Section 370.04, in which minimum lot area in the General Industrial (G-I) district is 2 acres with frontage on a main road, or 1 acre with frontage on internal streets. Mark said there are other permitted uses there that do not need to have two acres. Joe pointed out that one-acre lots have a required setback of 80 feet. Mark

said the right-of-way would not be as wide on an interior road. Some industrial lots are smaller than that, but this rule is for creating new lots.

Roger said that storage in this case could be misconstrued to mean a house that has five cars in the driveway, which is totally different. A junkyard is also totally different. Mark said generally after 30 days a towing company can apply for a title. Steve read the existing definition for parking, which specifies the temporary storage of vehicles in operable condition. Joe said the intent of a rule has a big play in the legality of it. The intent of a rule on parking is not to include personal driveways. Rob said most towing companies have one spot for their office and storage area, so if we don't want storage of vehicles, we need to nix towing completely. Theresa asked why we wouldn't want storage in General Industrial. Joe said it could still be a danger. Rob said we can say to follow EPA guidelines. He added that the screening requirements in Section 430 are not adequate.

Joe pointed out that the definition for outdoor storage includes vehicles. Mark said if it is a conditional use, the board of appeals will look at it and decide what to do. Steve pointed out Section 390.06 B, which has conditions for auto repair garage and auto sales. Theresa suggested adding towing to that section. There was also discussion on whether L-I stands for Light Industrial or Limited Industrial; it says both in the book. Stan said that General Industrial uses require outdoor storage, which would include towing.

Stan made a motion to add "towing" to Schedule 370.03 E5, and to add the following definition to Section 150.02: "TOWING: a business engaged in the moving of disabled or wrecked vehicles, enforcement towing, and providing emergency road service", and to send these amendments to the Prosecutor and Regional Planning for review. Roger seconded the motion. The vote went as follows: Steve-yes, Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 5-0.

Theresa made a motion to change Section 390.06 B from "Auto Repair Garage and Auto Motor Vehicle Sales" to "Auto Repair Garage, Auto Motor Vehicle Sales, and Towing", and to add 390.06 B3 stating "All EPA guidelines.", and to send these amendments to the Prosecutor and Regional Planning for review. Stan seconded the motion. The vote went as follows: Steve-yes, Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 5-0.

Theresa made a motion to add "Towing" to Schedule 410.04 D2 (between "Auto Repair Garage" and "other similar auto oriented businesses), and to send this amendment to Regional Planning and the Prosecutor for review. Roger seconded the motion. The vote went as follows: Steve-yes, Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 5-0.

Roger made a motion to add "towing" to Schedule 390.05, Automotive Uses, #1, and to send this amendment to Regional Planning and the Prosecutor for review. Stan seconded the motion. The vote went as follows: Steve-yes, Stan-yes, Roger-yes, Theresa-yes, Rob-yes. The motion was passed 5-0.

Mark reported that there is a 5-foot setback for campers and RVs, but many residents only have a 10-foot side yard. There is also a 5-foot setback for driveways. The prosecuting attorney says he cannot prosecute more than 20 or 25 of the same violation, so zoning has to address the issue. Mark suggested for both the driveway setback and the trailer setback to be removed. The minimum side yard setback for a house is 8 feet as long as the other side is at least 12 feet, and most driveways are on

the smaller side yard.

Roger made a motion to remove Section 310.09 B4, which died due to lack of a second. Theresa said long RVs on short driveways go all the way to the street. Mark said we can enforce that because they cannot be parked in the right-of-way. Rob asked about removing Section 310.09 F. Jordan said that includes the number of how many can be parked outside, which they might want to keep. Steve disagreed with eliminating it totally. Mark added that, pertaining to driveways, most turnarounds are within 5 feet of the lot line.

Rob asked for a motion for these changes. Roger made a motion to remove Section 310.09 B4, amend Section 310.09 F2 to say "Outdoor storage shall be permitted only on a paved or gravel surface.", and remove Section 310.09 F5, and to send this amendment to the Prosecutor and Regional Planning for review. The motion died due to lack of a second. Rob asked for further discussion. Steve said we can ask for the prosecutor's opinion. Rob said we need to give it more thought and should ask Regional Planning and Chris Meduri. Mark said our rules are supposed to look at the health, safety, morals, and general welfare of the township. Rob said an RV on fire would encroach on the neighbor if parked on the property line. Steve made a motion to send this discussion to Regional Planning and the Prosecutor's office for additional insight and information. Stan seconded the motion. All were in favor and the motion was passed 5-0.

Mark asked the board to clarify if the sign framework is considered as part of the sign. Rob said we could specify both the square footage of the sign and the square footage of the structure. Stan read Section 420.03 A3, which states that it includes the frame but no other structural support. Mark asked if the brick work is part of the frame. Stan said he would consider it part of the structural support. Rob said it appears to not include the framework, but 420.02 A5 could be construed to include both. Stan read Section 420.03 A5, which says the Zoning Inspector has the responsibility for making such determination. Mark said a lot of signs will exceed the square footage if the framework is included. Joe said many signs have had variances. Mark suggested either keeping the existing maximum sign area and not including the framework, or stating that the framework can not be more square feet than the sign. The intent was probably to include only the sign. Rob said to table this issue until they have more information. Mark offered to take some pictures and some measurements.

Joe said the Comprehensive Land Use Plan technically does not need approval, but he would like the board to do so as a formality.

Theresa made a motion to adjourn, which was seconded by Stan. All were in favor. The meeting was adjourned at 9:41 p.m.

Rob Swauger, Chair
Rootstown Township Zoning Commission

Proposed New Definition:

TOWING: A business engaged in the moving of disabled or wrecked vehicles, enforcement towing, and providing emergency road service.

Section 370.03 D Existing:

	L-I Light Industrial/ Business Park District	G-I General Industrial District
D. Storage/Distribution		
1. Contractor's yard and storage area	P	P
2. Mini/self storage	C	C
3. Outdoor Storage		
a. Fleet vehicles	C	P
b. Materials, equipment, supplies		P
4. Printing and Publishing	P	P
5. Scrap yards, junk yards		C
6. Storage and sale of fireworks		C
7. Truck terminal		P
8. Warehousing	P	P
9. Wholesale establishment	P	P
10. Wholesale storage of gas and petroleum		C

Section 370.03 D Proposed (shown in bold):

	L-I Light Industrial/ Business Park District	G-I General Industrial District
D. Storage/Distribution		
1. Contractor's yard and storage area	P	P
2. Mini/self storage	C	C
3. Outdoor Storage		

a. Fleet vehicles	C	P
b. Materials, equipment, supplies		P
4. Printing and Publishing	P	P
5. Scrap yards, junk yards, towing		C
6. Storage and sale of fireworks		C
7. Truck terminal		P
8. Warehousing	P	P
9. Wholesale establishment	P	P
10. Wholesale storage of gas and petroleum		C

Schedule 390.05 Existing (Automotive uses only):

CONDITIONAL USE	Minimum Lot Requirements		Building Setback (ft.)		Parking Setback (ft.)		See Also Section
	Area	Width	Front	Side/Rear	Front	Side/Rear	
AUTOMOTIVE USES							
1. Auto repair garage							390.06 B
2. Auto, motor vehicle sales							390.06 B

Schedule 390.05 Proposed (shown in bold):

CONDITIONAL USE	Minimum Lot Requirements		Building Setback (ft.)		Parking Setback (ft.)		See Also Section
	Area	Width	Front	Side/Rear	Front	Side/Rear	
AUTOMOTIVE USES							
1. Auto repair garage, towing							390.06 B
2. Auto, motor vehicle sales							390.06 B

Section 390.06 B Existing:

Auto Repair Garage and Auto Motor Vehicle Sales shall comply with the following:

1. All activities, including cleaning, washing, and drying operations, shall take place inside the building unless otherwise permitted by the Board of Zoning Appeals.
2. No junk, inoperative, or unlicensed vehicle shall be permitted to remain outdoors on the property except in a completely screened storage area.

Section 390.06 B Proposed (shown in bold):

Auto Repair Garage, **Auto Motor Vehicle Sales and Towing** shall comply with the following:

1. All activities, including cleaning, washing, and drying operations, shall take place inside the building unless otherwise permitted by the Board of Zoning Appeals.
 2. No junk, inoperative, or unlicensed vehicle shall be permitted to remain outdoors on the property except in a completely screened storage area.
- 3. All EPA guidelines.**

Section 410.04 D Existing:

Principal Building or Use		Minimum Spaces Required ^(a)
D.	Automotive Uses	
1.	Gasoline Stations	1 space per employee
2.	Automobile Service Station, Auto Repair Garage, other similar auto oriented businesses	2 spaces per service bay, plus 1 space per employee
3.	Car /Truck Wash Facilities	1 space per employee
4.	Car/Truck Sales/Rental Facilities	1 space per 400 sq. ft. of floor area of sales room, plus 1 space for each service stall in the service room

Section 410.04 D Proposed (shown in bold):

Principal Building or Use		Minimum Spaces Required ^(a)
D.	Automotive Uses	
1.	Gasoline Stations	1 space per employee
2.	Automobile Service Station, Auto Repair Garage, Towing , other similar auto oriented businesses	2 spaces per service bay, plus 1 space per employee
3.	Car /Truck Wash Facilities	1 space per employee
4.	Car/Truck Sales/Rental Facilities	1 space per 400 sq. ft. of floor area of sales room, plus 1 space for each service stall in the service room