

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

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

Absent: George Tishma
Stan Dannemiller

Also present:
Jordan Michael, Secretary

Audience: Todd Peetz, Portage County Regional Planning Commission

Chair, Rob Swauger, called the meeting to order at 7:07 p.m. and asked everyone to stand for the Pledge of Allegiance.

The meeting started with comments from the audience. Todd Peetz from Portage County Regional Planning Commission asked if the commission had any questions or concerns for him. He has been working on the three lake communities and gave an update on that. We're working with their attorney to come up with preliminary solutions to resolve their issues but will rely on them to do the heavy lifting such as surveys. Apparently Sandy Lake is already plotted out but not recorded, so we will see how usable it is. The goal is to reduce the amount of variances needed and allow them to get conventional loans. Other than that, he has all kinds of maps available if the township is interested. Rob asked if those are free. Todd said 8.5x11 maps are free, but they charge for larger maps because Water Resources does the printing.

Theresa Summers said we have been discussing the "look" of the township, because it is growing, and different ideas such as a Western Reserve look. We have been doing some research on different communities but are not sure if this can be put into our book or if it is legal. Rob asked what the laws are concerning townships and their own unique style. Todd said he has also heard that townships cannot have their own design guidelines, but the Ohio Revised Code says they can. He will send some information for the next meeting. He added that Rootstown is at a tipping point where development will take off, and a lot of smaller communities don't focus on quality development right away. Theresa said she wants to have guidelines first so we don't do it haphazardly. Todd said if he had the funding, he would like to hire a planner to create a palette of Western Reserve design for developers. He doesn't want every township to look alike, so a palette would allow them to choose. They should have a review committee that includes at least one architect. Todd added that he is excited because he would like to change the mindset in Portage County of "we've always done it this way", and if one township steps out of the box, others will follow suit. Theresa said she sees a lot of development coming with the college and wants to get a head start before it

gets out of control. Todd said he thinks Brimfield, Mantua and Randolph would be interested in doing something like this. He will see what's been done elsewhere in the state so you're not reinventing the wheel.

Roger Carpenter asked if there is a time frame for the lake districts. Rob said they met with the county engineer, who okayed the roads without them meeting subdivision standards. Now they are in the process of trying to survey the lots. Todd said we will recognize the fact that they existed prior to zoning, but any new development there will have to follow existing county standards. We're not in any position to dictate the timing. Roger asked what happened to the people who were in a hurry to get their renovations done. Rob said they're working on it and it just takes time. Todd said there is going to be an expense, as well as some review time to make sure we're on the same page instead of going back and forth for several months at a time. East Muzzy Lake is still selling lots and they don't have lot descriptions, which the bank needs in order to give a loan. He's not sure how they're going to afford the surveying and engineering. The commission thanked Todd for attending.

Rob asked if everyone had read the minutes from October and for a motion to accept them. Steve Brown made a motion to accept the minutes. Theresa seconded the motion. All were in favor and the motion was passed 4-0.

The proposed amendment to Section 230 was returned from review by Regional Planning and the prosecutor. Rob asked for a motion to set a public meeting. Steve made a motion to set a public hearing to change Section 230.05B. Rob added that this will be at the next regularly-scheduled meeting, which is December 1st. Theresa seconded the motion. All were in favor and the motion was passed 4-0.

Rob said there has been some thought on any future hotel coming into Rootstown, that it should have to have a full-service bar. The rationale is that it wouldn't be able to then become dorms, because it would have a liquor license associated with it. Steve asked if they would require a restaurant as well. Rob said no. Roger asked if there is a way a hotel can be made into student housing. Rob said yes, that was a thought. Roger said he was concerned when he heard the new hotel had investors from the college. Steve said Quaker Square in Akron was converted to dorms. He added that the township doesn't even have control over liquor licenses and asked if certain areas get a certain number of licenses. Jordan said he was told that any hotel can get one no matter what. Rob suggested consulting the prosecutor to give some guidelines. Roger asked what would stop them from taking the building over if they're the investors, and if anything can be put in the books to stop that from happening. Steve said they want to make a city center like Chardon, according to Todd Peetz. Rob asked Jordan to send a letter to the prosecutor to get a little understanding on what they can and can't do. Roger asked if there is a way to zone land so that it can't be something else. Rob said we changed their property to commercial a few months back. Theresa said this is why she likes the idea of a university district, to have it be a contained area. Roger said that doesn't apply to properties they are able to buy up. He saw the houses they own on Tallmadge Road being burned and was irritated that those houses had a value to the township and are being taken away. Rob said in that case, the township association would have to get something worked out on a state level. Theresa asked what would stop

them from moving the school and going across the street. Roger said he doesn't know if they want that now other than having business across the street. Theresa said she wouldn't want to see all doctors' offices there. They already have doctors' offices and physical therapy right in NEOMED, are they subject to taxes? Rob said they would be subject to an income tax with the JEDD. Theresa said if you're a doctor or physical therapist or starting a business, it's a lot more advantageous to go over there, but if the JEDD goes through it will stop all of that. Rob said it won't stop it; they'll just get an income tax on the people who work there. Theresa asked what the advantage is of being a township, because every time we have these conversations we come up with ideas that only work for a city or village.

Jordan said any house on a corner lot has to have two front yards; the front yard setback applies to both sides of the road. The zoning inspector suggested eliminating one and giving them two side yards. Roger asked if whatever way the house faces would be the front yard. Rob said it should be the address side. Steve asked if someone is building on a corner lot right now. Jordan said no, this didn't come from anyone in particular. He said this is in Section 310.05. A is for required front yard, and #3 is for corner lots. Steve said he knows the corner lots in his development have both front yards. Rob said it was revised in 2009, but it could have been another part of the section. Roger said if you buy on a corner lot, that's what you go with. Steve said if you drive through his neighborhood, the houses are pushed back from the side yard. Roger said if you remove that, it would allow you to put a smaller lot on the corner and build closer to the road. Rob said it's probably to keep the houses in line down the other street. If the corner house is closer to the road, and the next house isn't, then one would be in front of the other. Steve explained how the corner houses are aligned in his neighborhood. Jordan clarified that the suggestion is to have one side be the front yard and the other side setback be half that distance. Steve said that would let the house be more centered on the lot. He asked if this would be for new construction only. Jordan said yes. Roger said it would be for add-ons too. He added that he is finding a lot of negatives. Corner lots can be an eyesore with buildings all over the place more or less in the backyard. Rob suggested tabling this due to some confusion.

Rob said he would like Jordan to contact Chris Meduri, once he receives correspondence from Todd Peetz, on the township look, so that we can get an opinion from him.

Theresa asked about when someone builds a new house to replace an old house. Rob said they get a year-long permit with a six-month extension. Roger said the issue is about tearing down the old house. It's not in the book to say that if you give them a permit to build a new house, they have to tear down the old house. No one should live in the new house until the old house is knocked down; it's like having an occupancy permit for businesses. Jordan said it's specifically a commercial and industrial occupancy permit, and that was already established by the trustees back in February. They passed a resolution for us to start enforcing it, but the issue is that it's not in the book yet. Rob asked if that is for a new business. Jordan said it is for any new business. Roger asked why the prosecutor wants it. Jordan said because we have businesses that aren't complying, and it would be easier to enforce. The reason we need it is because we have to know what the business is in order to determine if it's a permitted use, so we need contact from the owner before they move in. Steve said if we took the resolution from what the trustees did, we could put it into the

book. Jordan suggested putting it in Section 610, which is Zoning Certificates. Steve read the resolution made by the trustees. Jordan asked if they would also want to add a definition. The board agreed. Roger said he came up with a lot of good definitions.

Rob asked for discussion on the definition of occupancy. Roger said the ones he gave are simple. Theresa asked if this is about the use or the building. Jordan said we're more concerned with the use than the building. Roger said it also has to do with something going out and something else going in. After further discussion, Rob asked for discussion on Section 610 and asked where in the section to put an amendment. Jordan said 610.03 might work. Theresa said there already is language for the proposed use. Jordan said there should be something to specify occupancy so they know they need a certificate before they move in. Steve said he thinks it needs its own separate section. Rob agreed. Steve suggested giving the owner a certain amount of time to get a permit. Jordan said to specify that this is for any new business, not just for new use. Preferably we would want them to have it prior to opening. Steve said owner changes, tenant changes, and name changes should cover all new businesses.

Steve made a motion to add the following definition:

CERTIFICATE OF OCCUPANCY: A document issued by a local zoning department certifying a building's compliance with applicable usage and other laws and indicating it to be in a condition suitable for occupancy.

and the following section to Section 610:

SECTION 610.12 COMMERCIAL AND INDUSTRIAL OCCUPANCY PERMIT.

No commercial or industrial structure shall be occupied without a township certificate of occupancy prior to opening. This permit will be for all new businesses, including owner changes, tenant changes, and/or name changes.

Steve amended his motion to say "certificate of occupancy" rather than "occupancy permit". Theresa seconded the motion. The vote went as follows: Steve-yes, Theresa-yes, Roger-yes, Rob-yes. The motion was passed 4-0.

Rob asked for any more discussion. Roger wanted to discuss the issue of burning down houses. He asked what kind of permit you get for that. Jordan said we issue demolition permits for tearing down houses. Roger said we need to look into allowing someone to start their building as long as they have a time frame. Rob said they have a year with a six-month extension. Roger said that's not about burnt-down buildings. Maybe they shouldn't be able to be issued a permit until the structure is torn down. Jordan said the only thing he sees in the book is temporary facilities for a mobile home. Rob asked Roger what section he wants to put it under. Steve asked which section covers rebuilding a non-conforming house. Jordan said Section 450.02D, and added that we need something that applies to conforming buildings. Roger said the occupancy of a business is the same instance as a house. Buildings burn down and then you rebuild and you're not building the structure that burnt because it's condemned. You have to rebuild somewhere else on the lot. Most people knock the house down and rebuild right where the house was, but not in this instance. Rob said that could be an eyesore for the rest of the residents. Steve pointed out the minimum distances for new construction from a drilling site in Section 470 and asked Roger if that's what he wants. Jordan asked if it should go in the section stating one dwelling per lot, 310.04D.

Theresa asked if they'll just say it's not a dwelling anymore. Roger and Rob agreed and said it's actually not a dwelling, just a structure that's there. Steve asked what would be the difference if they said it's a storage shed. Rob suggested putting it under Section 610.03, zoning certificate application requirements. Roger asked if it needs to be in there at all or if it can be handled by just talking to the property owner. Rob said if somebody can't tear it down, it's up to the trustees to take it to the prosecutor. Roger said it's a lot like barns that haven't been maintained. Theresa said the amendment should pertain to all structures and not just dwellings. Rob suggested it to go in Section 230.02, Nuisances Prohibited.

Rob asked for a motion. Theresa made a motion to add the following to Section 230.02:

B. Any structure not maintained or destroyed by fire, flood or other disaster in disrepair, shall be removed within one (1) year after the event occurred.

Theresa also included to send this to Portage County Regional Planning and the prosecutor. Roger seconded the motion. The vote went as follows: Steve-yes, Theresa-yes, Roger-yes, Rob-yes. The motion was passed 4-0.

Rob asked for a motion to adjourn. Steve made a motion to adjourn the meeting. Theresa seconded the motion. All were in favor and the meeting was adjourned at 9:17 p.m.

Rob Swauger, Chair
Rootstown Township Zoning Commission