



The Rootstown Township Zoning Commission met in regular session on Monday, December 15, 2014, at 7:00 p.m. at Rootstown Town Hall.

Present: Karen Henry, Chair  
George Tishma, Vice Chair  
Rob Swauger  
Steve Brown  
Theresa Summers, Alternate

Also present:  
Trustee Joe Paulus  
Zoning Inspector Mark Tirpak  
Zoning Assistant Jordan Michael

Audience: Mike Kerrigan  
Roger Carpenter

Chair, Karen Henry, called the meeting to order at 7:00 p.m. and asked everyone to stand to recite the Pledge of Allegiance.

Karen asked if all members had a chance to read the minutes from the previous month. Vice Chair, George Tishma, made a motion to accept the minutes of the last meeting. Rob Swauger seconded. The motion was passed 5-0.

Rob Swauger asked Zoning Assistant Jordan Michael had a revised version of the proposed amendment from last month's meeting. Jordan said he had it but needed to make copies. Trustee Joe Paulus asked if the other zoning amendments had come back from Todd Peetz of Portage County Regional Planning. Jordan said Todd had just emailed them back earlier today. Jordan made copies of the proposed changes to Section 310.09F and handed them to the commission members and to Joe. The members read and reviewed these changes. Alternate Theresa Summers made a motion to re-open discussion on Section 310. George seconded. The motion was passed 5-0.

Rob expressed concern for people with lots greater than one acre following the same rules as those with lots less than one acre, and asked the commission to go through that again and re-work it. George asked Rob if he didn't want to limit them to one vehicle parked outside. Rob said that's correct. George asked if they also want to change that restriction for lots less than an acre as well. Rob said that shouldn't be a problem as long as they meet the setback requirements. George said with a third of an acre he cannot meet the side setback requirements. Theresa asked George if he thinks there should be any limit to the number of vehicles. George said Zoning Inspector Mark Tirpak would have more experience with this and asked Mark if he sees any problem with lots under one acre having more than one recreational vehicle parked outside. Mark said it depends on the district. In the areas where violations were issued, houses are ten feet from the property line and there are trees in the side yard. It all depends on the area; for instance Harvest Hills generally has larger lots than Bird Allotment. Rob said he's fine with a large lot having fifty vehicles as long as they meet the setbacks. Theresa said she doesn't want to be restrictive on people with larger lots. George said they don't have to put a limit in place, but they might want to, to stop someone from going hogwild. Theresa asked if it can be made conditional and people can go before the Board of Appeals. Mark said people don't notice vehicles parked outside on a large lot, whereas some small lots can't even fit one vehicle outside even if setback requirements were the only restriction. They can't get it into the back yard, which is why they sit in the driveway, or on the street.

George and Rob discussed removing #1 ("Not more than one recreational vehicle or equipment shall be stored outdoors.") from the proposal. Theresa asked Mark if he sees a problem with smaller lots that do have access to the backyard. Mark said what started this ordeal was someone who moved their boat to meet setback requirements, and the boat ended up sitting in the middle of the backyard. Theresa asked Mark if he sees a problem with leaving it open-ended and letting people store as many as they want outdoors. Mark said it could be a problem. Joe agreed and said that could open a can of worms on smaller lots. Mark said the setbacks are what caused a lot of the problem by putting the boat in the middle of the yard. He said he doesn't have a problem with where people put their stuff, but in this case it looked better sitting on the back corner of the lot.

Mark told the commission they may want to separate lot sizes into three categories, not two. George said that makes sense. Rob said most lots in the country are two acres. He asked what would be a good number for lots between one and two acres. George said he'd limit it to three or four. Rob said that would work for someone who has an RV, a boat, and a trailer. Theresa reiterated that's just outside storage. Rob said people in 4H are going to have multiple. The commission agreed to make the last category be for lots greater than two acres, and to allow four recreational vehicles for those lots. Joe told them to keep the entire township in mind. Rob asked if it would be possible to allow one vehicle per acre of land. Theresa said she'd be concerned with 10-acre or 20-acre lots taking advantage. Rob scratched that idea and asked how many should be allowed on lots greater than two acres. George suggested four vehicles. Rob made a motion to amend Section 310.09F with limits of one recreational vehicle parked outside for lots less than one acre, three recreational vehicles parked outside for lots 1 to 2 acres, and 4 recreational vehicles parked outside for lots greater than 2 acres. George seconded the motion. The motion was passed 5-0.

Karen brought up the next topic of making a definition for equipment. Karen said she looked online at definitions and picked the one she liked best: tangible property, other than land or buildings, that is used in the operations of a business. Examples of equipment included devices, machines, tools, and vehicles. Rob said he liked it except that it pertains to a business. Karen agreed. Rob suggested replacing the word "business" with "residential or commercial". He then brought up Section 310.09G, parking of commercial vehicle, in the zoning resolution. Going back to the motion he made, having "RV and equipment" together could mess all of that up. Mark said he doesn't think so, since people could still park a commercial vehicle. Joe agreed, saying a commercial vehicle is different from a recreational vehicle. George suggested reducing the definition to "tangible property, other than land or buildings". Resident Mike Kerrigan questioned if that would cause someone's grill or patio furniture to be classified as equipment. George expressed concern that the previous zoning inspector was able to make arbitrary decisions over who was in violation. Joe asked if it's necessary to have the word "equipment" in there. Rob said it could be separated from the RV section. Joe said the idea for having "equipment" in there was to enforce trailers, but the proposed definition would make it all-encompassing. George said they would probably have to double the size of the zoning book. Theresa asked about specifying heavy equipment but noted that would be subjective. George said he is worried about construction equipment. He asked if the word "equipment" could be used to enforce a messy neighbor with junk on the side of their house. Rob asked George if he wants "equipment" to be separated and specified as construction equipment. George said yes, and trailers could be put in the recreational vehicles section. Steve Brown agreed and said the type of trailer can even be separated.

George said he considers a boat on a trailer to be one vehicle and asked the other members what they thought. Rob suggested replacing "equipment" with "trailers" in Section 310.09. The other members agreed. Rob then asked if equipment needed to be kept in consideration. George said they need to look into construction equipment, but can go ahead and forward everything else along for approval. George made a motion to remove the word "equipment" from Section 310.09 and replace it with "trailer(s)". Rob seconded the motion. The motion was passed 5-0. Joe brought up Schedule 310.09B on the following page and said that will also need changed.

Rob made a motion to send their changes to the trustees for approval. Theresa seconded the motion. The motion was passed 5-0. George said the trustees have to emphasize what it was before. Jordan said he made a list of all of the changes. Joe told him to put that on a separate page when it goes to the trustees. He asked the commission if they have forwarded any of the other amendments to the trustees. They said no, they haven't read it yet. Jordan said he will forward it to them. Joe said he thought Regional Planning had already made changes to those. George said the commission okayed everything they did piecemeal but it hadn't been proofread. Joe asked why he has a copy of changes that the zoning commission hasn't approved. George said Regional Planning kept giving them updates. Joe said he asked Regional Planning for a soft copy of the zoning resolution and hasn't received it yet. He's concerned about things falling through the cracks on both sides. Mark said it all changed when the trustees decided not to pay for Regional Planning.

Karen asked if there was any more new business. Joe asked if the amendment regarding the Wickes Lumber property has been included with the others. Mark said it was. George said the members normally sign for their pay vouchers today and asked if anyone knew anything about that. Joe asked if that gets emailed to them. Karen said it's always brought to the December meeting. Joe said it can probably be emailed to them. Rob asked to discuss the definition of equipment and what section they want to put that under. George said he thought they can't put that in there because it's too broad.

Next to speak was Mike Kerrigan, community relations director of NEOMED. He said he had been going through old meeting minutes and has seen people making comments that aren't affiliated with the university. He wanted to offer himself as a resource if anyone has a question, comment, or concern. George said he's worried about the university taking over the town. The township hasn't paved any roads in three years, and the university keeps taking away the tax base by buying property. Mike said when a state entity buys property, they have to show a non-profit purpose for doing so. They have to do this now with properties on Tallmadge Road. It's hard to show that a house will be used for an academic purpose, so those will remain on the tax rolls. The retail and restaurant space will be new taxable property. George said he's concerned about them setting up a dummy non-profit corporation to rent out those houses. Mike explained their corporation is a subsidiary of the university that allows them to move at a normal speed when purchasing property, instead of going directly through the state which takes a year or more. George said they could knock the houses down, put classrooms up, and make it non-profit. Mike said they could, but the university has done all of its construction on land that they've held for the last twenty years, with the exception of the housing. The next phase will be to tear down and replace older buildings.

George said he hopes they aren't going to keep spreading out. Mike said several developers want to create multi-story mixed-use buildings. This will provide amenities for their students and housing for the faculty, but is contingent on zoning. Theresa asked if that would still be considered non-profit. Mike said it's still taxable if it doesn't serve an academic purpose. Micro Mold is currently tax-exempt because it is used to store university vehicles. Companies have shown interest in leasing the property, which would make it taxable again. George asked if a portion of the university is zoned residential. Mike said the majority of it is. George said zoning has no control over their growth, which is what makes them worried. Mike said the university is required to work with zoning on matters that are reasonable and appropriate. The state attorney general has said the last zoning update doesn't recognize that the university is there; therefore they do not have to abide by it. George asked if it was zoned residential when the university bought it. Joe said township zoning began in 1969 and NEOMED bought the land in 1970. Mike said it's backwards logic that the research and academic portion of the university is zoned residential and the housing is zoned commercial. Theresa asked if the student housing is dorms only for students. Mike said it is for students, faculty, and staff. George said he'd like the workers to live somewhere they'd have to pay taxes.

Rob said the non-profit doing the land banking is held responsible as a landlord. If houses are cleared for a student picnic area, then it is tax exempt. Mike said that's correct and that NEOMED has applied for tax exemptions. The university is required by law to meet certain benchmarks, and to stay financially feasible it has to grow, not to remain stagnant. This requires more space and more amenities, and it helps for the township to grow along with the university. If a developer had come and built apartments, restaurants, and retail space, NEOMED wouldn't have to do those things. Rob said the only way to get money from that is to include that area in a JEDD, where the income tax would offset the loss in property tax. George said Tallmudge Road could be re-zoned to commercial. Rob said it's still tax-exempt unless the non-profit sells the land to a developer. Mike said the university expects to add a police department in the next two years, and a JEDD would allow them to offer free memberships to the fitness center. Mark asked why that is. Mike said the trustees can decide for the JEDD to put funding toward that. The university doesn't own the fitness center. Mark asked why it isn't taxed if the university doesn't own it. Mike said it meets the university purpose, as the majority of members are students. Mark asked what happens if community members eventually outnumber student members. Mike said he doesn't see that happening because there's a cap on enrollment. The cap was decided on by the owner, not the university. Mark said this is a zoning issue because it's a commercial use in a residential district, without a zoning permit. Mike said it meets a university purpose. Mark said he doesn't agree, and he also disagrees with the signs that block the view of SR 44 for a car trying to pull out of the university. That's a safety issue, which is why they received a violation. He doesn't feel the university can police itself. Mike said the township should recognize that they exist in the zoning code. Mark said they did.

Theresa asked what happens if someone builds on land from the land bank and it's decided that it fits the purpose of the university. Mike said it's not their determination. They have an obligation to apply for a tax exemption on everything. If the majority of users are university-affiliated, then it meets the university purpose. They will apply for tax exemption on the other commercial property, but in their pro forma and future budgets they plan to pay property tax on it. Joe asked if the restaurants will be commercial or university-supported. Mike said it's a university building. Joe asked why they put it on SR 44 toward the public, instead of back by the apartments. Mike said they need the public to help support it. Rob asked if NEOMED would help lobby for commercial growth outside the university. Mike said absolutely, that's why they've done land banking. He added that NEOMED will have close to 30 percent of the land value in the township when all is said and done. If they exceed 30 percent, the school can get extra state funding per pupil. Rob said there may be doctors building \$400,000 homes in the township. Joe said that would lead to updating the zoning map, to determine where those homes should be built. Mike agreed and said they don't want sprawl; that's why the university is building up and not out. Theresa asked if they know what restaurants are coming. Mike said they are talking to large restaurants and small grab-and-go restaurants, and there will be one of each. Rob asked if a liquor license is available in that area. Mike said they have one already for conference services, but the restaurant would have to apply for its own license. He repeated his offer as a resource for any future questions.

George made the motion to adjourn. Theresa seconded and the motion was passed 5-0. The meeting was adjourned at 8:46 p.m.

---

Chairperson  
Rootstown Township Zoning Commission