



Summit County Planning Commission (SCPC)

Thursday, April 25, 2024 - 3:00 p.m.

County of Summit, County Council Chambers

175 South Main Street, 7th Floor, Akron, Ohio

Meeting Agenda

- | | | |
|----|--|-----------------------|
| A. | Call to Order | Chair Mavrides |
| B. | Roll Call | Tubbs |
| C. | Approval of the March 28, 2023, SCPC Minutes | Chair Mavrides |
| D. | Business Items | Knittel |

Old Business

1. **Swan Lake Preliminary Plan – Copley Township** - Swan Lake is a multi-phase subdivision which began construction in 1993. The original project site contained approximately 129 acres and 164 sublots.

New Business

1. **202 Montrose West Ave – Lot Split & Variance – Copley Township** – Applicant is proposing to split parcel 1505034 (6.511 acres) into two parcels, B-1 (2.8315 acres) and B-2 (3.5153 acres). The creation of proposed parcel B-2 would require a variance from Subdivision Regulation 1105.05 (e): a minimum of 30 feet of continuous road frontage on a dedicated street is required for both major and minor subdivisions.
2. **Food Trucks - Text Amendment – Sagamore Hills Township** – Proposal to amend Sagamore Hills Township Zoning Resolution Section 7.0 Supplementary Regulations to include 7.7 Food Trucks to regulate where, when, and how a food truck may operate in the township.

None

- | | | |
|----|----------------------------------|-----------------------|
| E. | Report from Assistant Director | Tubbs |
| F. | Comments from Public | Chair Mavrides |
| G. | Comments from Commission Members | Chair Mavrides |
| H. | Other | |
| | 1. Legal Update | Evans |
| I. | Adjournment | Chair Mavrides |



Summit County Planning Commission (SCPC)

Thursday, March 28, 2024 - 3:00 p.m.

County of Summit, County Council Chambers

175 South Main Street, 7th Floor, Akron, Ohio

Meeting Minutes

A. Call to Order

Vice-Chair Dennis Stoiber

Vice-Chair Dennis Stoiber called to order the *Thursday, March 28th, 2024 - SCPC* monthly meeting at 3:00 p.m.

B. Roll Call

Dennis Tubbs

SCPC Member	Present
Open	
Dickinson, Erin	
Wiedie-Higham, Christine	
Jones-Capers, Halle	
Kline, David	X
Mavrides, Allen	
Reville, Rich	X
Segedy, Jason	X
Snell, Jeff	X
Stoiber, Dennis	X
Terry, Robert	X

Reported by *Dennis Tubbs*, we have a quorum for SCPC meeting Thursday, March 28th, 2024 – SCPC monthly meeting at _3:00:52_ p.m.

C. Approval of the February 22, 2024, SCPC Minutes

Vice-Chair Dennis Stoiber

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Open					
Dickinson, Erin					
Wiedie- Higham, Christine					
Jones-Capers, Halle					
Kline, David			X		
Mavrides, Allen					
Reville, Rich	X		X		
Segedy, Jason		X	X		
Snell, Jeff			X		
Stoiber, Dennis			X		
Terry, Robert			X		

Motion

Rich Reville made a motion to *approve* the **SCPC Meeting Minutes for Thursday, February 22nd, 2024**, and it was seconded by *Jason Segedy*, ***all in favor, aye, oppose_0_***, **SCPC Meeting Minutes for Thursday, February 22nd, 2024**, was *approved* with ***_0_*** abstentions.

D. Business Items
Stephen Knittel

New Business

- Swan Lake – Preliminary Plan – Copley Township** - Swan Lake is a multi-phase subdivision which began construction in 1993. The original project site contained approximately 129 acres and 164 sublots.

Reported by Stephen Knittel:

Stephen Knittel reported that this is a preliminary plan that began construction in 1993 original project was for approximately 129 acres and 164 sublots, the applicant is proposing 57 new residential lots on 41.73 acres and there is a pond there as well for storm waters control.

Staff comments is that the proposed plan does not currently meet our subdivision regulations standards for open space, during the initial proposal plan back in the 1990's the subdivision regulations were not in place and all the previous plans had expired, so they fall under the 2016 subdivision regulations as this is when this process started for the most recent set of plans.

Staff recommendation is disapproval of the plan as they do not meet the current subdivision regulations requirement for open space. An open space would be in a block reserved for open space per subdivision regulations a change to the lots or blocks on an approved preliminary plan would require it to be returned to

staff then to the planning commission to approve those changes. That is why this has been recommended for disapproval to complete the proper steps.

There is a letter from Dominion Energy that the applicant has received. Also, a letter from the Vice President of Swan Lake HOA was received, requesting if a potential trail to connect from the new developments to where the clubhouse pool and tennis courts are located to give more open space and the HOA requiring more open space there. An email from Township's Zoning Department, where they had scheduling conflict where they could not be present but did state that they are continuing to work with the applicant in terms of any further updates and developments that happen and any requests for impacts to the riparian.

Questions/Comments from the members:

David Kline asked if the applicant would have followed the proper requirements, you would have had a different opinion of your approval process?

Knittel answered, No. It's the procedures to make a change to an approved plan would require it to come back. Even if we gave a conditional approval the change to the lot use or block use would have to change designate new open space blocks to fulfill that requirements and would trigger the effect of it returning to planning commission.

Dennis Stoiber asked how long does a plan approval have life?

Knittel answered, under the subdivision regulations a preliminary plan, once approved by planning commission is good for two (2) years and then any Phase of that that gets recorded as a final plat would extends that preliminary plan for an additional year.

We also offer two (2) requests of time extensions, every additional year per the planning commission's approval if the planning commission approves the extension.

Jeff Snell asked were any of those done.

Knittel answered yes. Not to extend any previous approvals to this plan.

Jeff Snell asked when was the last phase that was approved if you know?

Knittel answered, a little over 10 years.

Jeff Snell asked *Knittel* to open the diagram and explain where is the open space?

**the diagram of the lots explained at this time*

Jason Segedy asked how much less open space is in this plan? How below is your requirement is?

Knittel answered from the table they need roughly 3.3338 ac. in the open space and the current is 0.905 ac. they are roughly 2 acres under.

Applicant:

Chris Brown, Representative

Prestige Homes

4301 Darrow Road, Stow, OH, 44224

Chris Brown explained that the plan did expire and was good until January 2014, that was the last extension request. This was a last-minute thing that was brought to their attention. They understand that staff has spoken to the law department, and they will need to comply with the 2016 Subdivision regulations as requested. The applicant explained there is a riparian area, and the intention is to set aside two (2) acres of the lot as part of the open space in combination with what is set aside where the pond is they would meet the criteria. Any changes to the blocks or lot configuration would require them to come back.

Chris Brown asked, since this was prior to the 2016 Subdivision regulations, would any other areas in previous phase be set aside for open space?

Dennis Stoiber stated that staff addressed this and stated that because this is brought to us after the others had expired this is no longer considered apart of the original subdivision.

Knittel answered, if the developer still owns some land in previous phases would they be able place them into open face blocks to qualify the new development that is not currently open space blocks.

Jeff Snell asked, how far away are the blocks?

Brown explained,

Phase IV subplot 80, 81 and 82 units are vacant and owned by Prestige Homes.

Phase I lot 15 and 16, ODNr said their pond qualified as a Class-1 dam, so they had to build a dam in this area so they are considered a non-buildable lot currently, as this acts as a spillway for a dam that was constructed.

Dennis Stoiber asked so we know if any of the two (2) locations are presently land that is designated as open space as a condition of the approval of subdivision.

Brown answered, no.

Dennis Stoiber asked, can someone provide open space on land that is not contiguous with subdivision that is being presented.

Snell stated that this is the same developer and the same comprehensive development, but that was not done. The lots are in the same subdivision, the subdivision is the same developer with the same intent and if this all came in one (1) phase, we would count that. Its just phased because this is how it was constructed, and the same developer owns it. If it was a new developer, we would look at it differently.

Dennis Stoiber stated that the matter of documentation, if this went into a file and the map would show up for planning commission's approval, but part of the land that the approval lies upon is not in there. If this project was redefined so it includes this other lot that someone that pulled the lots 10 years from now and looking at it would see exactly what was approved.

Snell answered, you would have to amend the plat that is already there in order to take that property to create a whole new plat to existing lots.

Brown stated, if they had the ability to use subplot 80, 81 and 82 and /or 15 & 16 there could be a note on file open space requirements were met because of.....

Atty Marvin Evans stated that there is some language that is contiguous but he wil have to read it over as of current he could make no comment at this time without reading the plan completely.

David Kline, asked per previous conversation that you may pick up two (2) more acres with the riparian, however the Engineer's report states there is a conflict of driveways, so why wouldn't you take one of the

lots as open space and keep the other as buildable lots as you are close, you are looking at approximately ½ an acre.

Brown answered, they were planning on shifting them around per county engineers' notes. If you see where the riparian is running through, they do have lots that incorporate the riparian within the lots but if they create open blocks around those, they will lose 4 lots. He is looking to shorten those lots and redefine them.

Jason Segedy agreed with *Jeff Snell* if it's just a philosophical interpretation and not a regulation that precludes them from making a decision, he doesn't have an issue with considering. If it was something that was being treated as a wetland credit in the Bath Township he would feel differently, but it's another phase of the same project.

Brown stated if they decided to go that route the best course of action would be to consolidate the three (3) lots and the two (2) by the dam and make them block and make them a lot number.

Jeff Snell asked if you are going to vacate those lots and consolidate them. Aren't you going to do something with the plat anyway?

Placing a note that states, "All part of a common development we only needed X acres of open space before giving 2 acres more than that..." That would put all of this into the phase and make it more comfortable with the commission reviews it and it would be cleaned up with consideration of the HOA remarks.

Brown stated they will review it as if they went another route, they would have to prepare a new lot consolidation plan and it would have to have a new legal description and make reference to the recorded plat and anyone that would pull it would then see the note.

Chris Brown requested the preliminary plan presented today be tabled until the next meeting.

Representation for the Township: Township is not present but sent email that was presented to the commission members.

Questions/Comments from the members:

County Engineer's Office:

Joe Paradise, County Engineer's Office

Joe Paradise stated that numerous comments were provided the does not have issues with the lots being 80, 81 and 82. but does have a problem with lot 15-16 but its an unbuildable lot.

Summit Soil and Water: Not present

Questions from the Public: No one from the public wished to comment

Discussion from the members: No further discussion from the members.

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Open					
Dickinson, Erin					
Wiedie- Higham, Christine					

Jones-Capers, Halle					
Kline, David	X		X		
Mavrides, Allen					
Reville, Rich			X		
Segedy, Jason		X	X		
Snell, Jeff			X		
Stoiber, Dennis			X		
Terry, Robert			X		

Motion

David Kline made a motion to *table* the **New Business Item #1 - Swan Lake – Preliminary Plan – Copley Township**, at the request of the applicant and it was seconded by *Jason Segedy*, ***all in favor, aye, oppose_0_, New Business Item #1 - Swan Lake – Preliminary Plan – Copley Township***, was tabled at the request of the applicant with 0 abstentions.

- Commercial Trash Dumpsters and Enclosures — Text Amendment- Coventry Township** - The applicant has proposed that the Coventry Township Zoning Resolution be revised to add Section 3.03(.7) Commercial Trash Dumpsters and Enclosures.

Reported by Stephen Knittel:

Stephen Knittel reported that the township is proposing to revise zoning resolution to include Section 3.03(.7) Commercial Trash Dumpsters and Enclosures, during staff review there was some other language in Copley Township that was similar for the townships review.

Staff recommendation is approval as they found no issues.

Representation for the Township:

Josh Randal, Zoning Commission

Coventry Township

68 Portage Lakes Drive, Akron, OH 44319

Josh Randal reported this came about as residents have complained about their residential properties that butt up against commercial properties and then the lake area and you get a lot of trash that gets into our waterways. Cleaning up some of the dumpsters and cleaning up the trash around the dumpsters would illuminate some of the trash and debris that goes into our residents' properties.

Questions/Comments from the members:

David Kline asked that a gate is not required and is optional?

Randal answered they talked to Kimble and Republic, and they do not want any enclosures, but made it optional if a business wanted to lock it from keeping residential trash out that would be strictly up to them. They are trying to appease the trash companies to eliminate fees.

Dennis Stoiber asked about the height of the enclosure should be the greater than 6 feet high or 1 foot higher than the waste receptacle. 6 feet is an absolute minimal? Or if someone came in and said that the receptacle is only 3 feet so its 6 feet high or higher than 1 foot of the receptacle?

Randal answered, yes.

Dennis Stoiber asked about screening. The enclosure shall be screened from the adjacent property using natural colors screen or evergreen vegetation. If you use a fence, fencing shall be visible.

Dennis Stoiber suggested that if the property owners use an enclosure, it should state that if using an enclosure, the owner must use screening.

County Engineer's Office:

Joe Paradise, County Engineer's Office

Joe Paradise stated that there is a minimum height of 6 feet, is there going to be a maximum height? Recommends that the maximum height should be 8 feet as you do not know the height of the largest dumpster.

Discussion from the members:

Jason Segedy agreed there should be a maximum and 8 feet sounds good.

David Kline agreed that if a dumpster is 8 feet sitting 4 feet off the ground which is 12 feet and needs passage under all bridges.

Summit Soil and Water: Not present

Questions from the Public: No one from the public wished to comment

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Open					
Dickinson, Erin					
Wiedie- Higham, Christine					
Jones-Capers, Halle					
Kline, David			X		
Mavrides, Allen					
Reville, Rich		X	X		
Segedy, Jason			X		
Snell, Jeff	X		X		
Stoiber, Dennis			X		
Terry, Robert			X		

Motion

Jeff Snell made a motion to *approve with due consideration of staff and County Engineer comments* the **New Business Item #2 Commercial Trash Dumpsters and Enclosures — Text Amendment- Coventry Township**, and it was seconded by *Rich Reville, all in favor, aye, oppose_0_*, **New Business Item #2 Commercial Trash Dumpsters and Enclosures — Text Amendment- Coventry Township**, was *approved* with *_0_* abstentions.

3. **Self-Storage Facilities – Text Amendment – Coventry Township** - The applicant has proposed that the Coventry Township Zoning Resolution be revised to add Article 30. Self-Service Storage Facilities Regulations.

Reported by Stephen Knittel:

Stephen Knittel reported that the township is proposing to add Article 30. Self-Service Storage Facilities Regulations. Knittel explained that when reviewing the zoning code to compare it with other zoning codes, he found no comparison.

Staff recommendation is approval.

Representation for the Township:

Josh Randal, Zoning Commission

Coventry Township

68 Portage Lakes Drive, Akron, OH 44319

Josh Randal reported that this amendment was started before he joined, he explained that this has been going on for some time now. They have six (6) self-storage facilities within the township, and they get a lot of complaints about crime, theft, stolen items, etc., they are trying to clean up the language. They are trying to clean up the language as if someone would like to place another facility in then it will have to be within so many miles from the others; sometimes you will get two (2) right next to one another which will invite the type of element that you do not want.

Questions/Comments from the members:

Rich Reville asked is this limited to a certain district? Industrial or Commercial?

Knittel and Randal both answered yes, Commercial/Industrial district.

Dennis Stoiber questioned Item 11 with the example in the second (2nd) example: Land To Be Developed 100 acres Land dedicated for community use (Youth athletic fields, developed walking trails, tennis court, etc.) 5 acres* (*This reduces the overall open space requirement by an equal amount.) Required open Space – Twenty (20) acres.

Does this mean you dedicate the 5 acres to community use, and for that you not only get to count those 5 acres but in addition 5 acres to be subtracted from 30% of all land. Stoiber suggested that this language be reviewed and cleaned up as well. This would mean you get double to value of the land that you are giving to the community.

Jeff Snell agreed the language or explanation in Item 11 - (*This reduces the overall open space requirement by an equal amount.) is a bit confusing especially when the reading states, “*The percentage of required open space may be reduced by developing and dedicating some of the land for use by the public on a one-to-one basis, but the area required to be dedicated to open space may not be less than twenty percent (20%).*”

Snell also suggested, may want to add “*The percentage of required open space may be reduced by developing and dedicating some of the land for use by the public on a one-to-one basis, but the area required to be dedicated to open space may not be less than twenty percent (20%) of the whole parcel.*”

And also, the statement, “*be dedicated to open space*”, this has to be accepted by the public, it has to actually be a ballfield, etc. this may need to be cleaned up as well. Or state that the township has to accept it on a one-for-one basis.

County Engineer’s Office:

Joe Paradise, County Engineer’s Office

Joe Paradise commented on Section 30.01 (A)(4) - All access drive aprons (ingress and egress) shall meet council regulations or state regulations coming off the highway, as you need a permit. You cannot say it needs to be 40’ it needs to be larger or needs to be smaller, needs to match adjoining governmental agency (county, township or state) highway access manual.

Item 10 No habitation of any kind outside of business hours.

Paradise asked, what if you have a security problem and you want to place a night watchman there, would that be considered habitation? Does he have a shack he can be in? or does this count? Is there an administration office?

Item 11 At least thirty percent (30%) of all land must be used or open green space.

Paradise stated we still need stormwater detention there at these sites, he assumes that this will be heavily paved with a hard surface.

Discussion from the members:

Suggested languages to be cleaned up by Reville, Snell and Stoiber.

1. A Self-Service Storage Facilities’ office staffed on site a minimum of two (2) hours daily and contact person information posted on the office for Coventry emergency personnel use.

5. No building, structure, lot, or land shall be used except to provide temporary indoor storage for legal personal or business property.

Jeff Snell stated that Item 10 is confusing as the language states, “No habitation of any kind outside of business hours.”

Does this mean you can habitat some of the time, but not all the time?

Suggested to change language to, “*No Habitation of any kind.*” or “*Occupation or habitation of any kind.*”

Meaning you cannot use this as a business of any kind, but you can drop off your items to the unit.

Jason Segedy suggested adding language to limit the number of people in this section.

Summit Soil and Water: Not present

Questions from the Public: No one from the public wished to comment

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Open					
Dickinson, Erin					
Wiedie- Higham, Christine					
Jones-Capers, Halle					

Kline, David		X	X		
Mavrides, Allen					
Reville, Rich			X		
Segedy, Jason			X		
Snell, Jeff			X		
Stoiber, Dennis			X		
Terry, Robert	X		X		

Motion

Robert Terry made a motion to *approve with due consideration to staff and County Engineer comments* the **New Business Item #3 Self-Storage Facilities – Text Amendment – Coventry Township**, and it was seconded by *David Kline, all in favor, aye, oppose_0_*, **New Business Item #3 Self-Storage Facilities – Text Amendment – Coventry Township**, was *approved* with *_0_* abstentions.

4. **Zoning Certificate – Text Amendment – Northfield Center Township** - The applicant has proposed that the Northfield Center Township Zoning Resolution be revised to amend Chapter 610.07 Denial of Zoning Certificate to include a section requiring there not be zoning violations attached to the property in order to receive a zoning certificate.

Reported by Stephen Knittel:

Stephen Knittel reported that the township has proposed for language to be added to current resolution adding new letter “B” that zoning certificate shall not be issued if there are any zoning violations attached to the property.

Staff recommendation is approval as per review other townships have the language as well.

Representation for the Township:

Daniel Schade, Zoning Commission

Northfield Center Township

8484 Olde Eight Road, Northfield Center, OH 44067

Dan Schade reported that this was reported by the new zoning inspector in Northfield Twp. He is going through the process of issuing a permit and found that he could not issue the permit as the applicant had violation on the property and requested that we add language to zoning regulations.

Questions/Comments from the members:

Dennis Stoiber stated that this makes sense, and in his community some people ask for forgiveness rather than permission.

County Engineer’s Office: County Engineer office had no comment on this Item.

Summit Soil and Water: Not present

Questions from the Public: No one from the public wished to comment

Discussion from the members: No further discussion from the members.

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Open					
Dickinson, Erin					
Wiedie- Higham, Christine					
Jones-Capers, Halle					
Kline, David		X	X		
Mavrides, Allen					
Reville, Rich					X
Segedy, Jason	X		X		
Snell, Jeff			X		
Stoiber, Dennis			X		
Terry, Robert			X		

Motion

Jason Segedy made a motion to *approve* the **New Business Item #4 Zoning Certificate – Text Amendment – Northfield Center Township**, and it was seconded by *David Kline*, *all in favor, aye , oppose_0_*, **New Business Item #4 Zoning Certificate – Text Amendment – Northfield Center Township**, was *approved* with *_1_* abstentions (*Rich Reville*).

5. **Solar Panels – Text Amendment – Northfield Center Township** - The applicant has proposed that the Northfield Center Township Zoning Resolution be revised to amend Chapter 230 General Provisions to include a section requiring that solar panels shall be removed if not functioning and disposed of in accordance with county, state, and federal guidelines.

Reported by Stephen Knittel:

Stephen Knittel reported the township is requesting text amendment to their current resolution. Staff found no issues with the requested text amendment.

Staff recommendation is approval.

Representation for the Township:

Daniel Schade, Zoning Commission

Northfield Center Township

8484 Olde Eight Road, Northfield Center, OH 44067

Dan Schade reported that this was reported by the new zoning inspector in Northfield Twp. What do you do with an old solar panel, and how do you remove it? Mr. Schade stated that he did some research and called Kimble who stated that they will not take them. Did find two (2) companies that will take them (1)Summit County E Waste and (2)We Recycle Solar will take them for a fee. Right now, the township would like to make sure the solar panels are disposed of in the proper way.

Rich Reville added the panels' lifespan is supposed to be 15-20 years and one resident that they spoke to has had them for 20+ years and are still working.

Questions/Comments from the members:

Dennis Stoiber how do know if the panel is still functioning or not, you do not really care about that if it's up on the house, just as long as it is not in a plastic bag lined against a garage, correct?

Schade answered, correct.

County Engineer's Office: County Engineer office had no comment on this Item.

Summit Soil and Water: Not present

Questions from the Public: No one from the public wished to comment

Discussion from the members: No further discussion from the members.

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Open					
Dickinson, Erin					
Wiedie- Higham, Christine					
Jones-Capers, Halle					
Kline, David	X		X		
Mavrides, Allen					
Reville, Rich					X
Segedy, Jason		X	X		
Snell, Jeff			X		
Stoiber, Dennis			X		
Terry, Robert			X		

Motion

David Kline made a motion to *approve* the **New Business Item# 5 Solar Panels – Text Amendment – Northfield Center Township**, and it was seconded by *Jason Segedy*, ***all in favor, aye, oppose _0_***, **New Business Item# 5 Solar Panels – Text Amendment – Northfield Center Township**, was *approved* with ***_1_*** abstentions (Rich Reville).

Old Business

No vote was taken to table Old Business Item #1 Kingdom Preserve Preliminary Plan – Springfield Township

Kingdom Preserve Preliminary Plan – Springfield Township – Proposing 36 units on a proposed public cul-de-sac off Killian Road.

Reported by Stephen Knittel:

Applicant:

Representation for the Township:

Questions/Comments from the members:

County Engineer's Office:

Summit Soil and Water:

Questions from the Public:

Discussion from the members:

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Open					
Dickinson, Erin					
Wiedie- Higham, Christine					
Jones-Capers, Halle					
Kline, David					
Mavrides, Allen					
Reville, Rich					
Segedy, Jason					
Snell, Jeff					
Stoiber, Dennis					
Terry, Robert					

Motion

_____ made a motion to _____ the **Old Business Item #1 Kingdom Preserve Preliminary Plan – Springfield Township**, and it was seconded by _____, *all in favor*, _____, *oppose* _____, **Old Business Item #1 Kingdom Preserve Preliminary Plan – Springfield Township**, was *tabled* with ____ abstentions.

E. Report from Assistant Director
Bonds have been released.

Assistant Director, Dennis Tubbs

Still have not finalized the replacement for George Beckham's seat, however, names have been submitted to the Executive to review.

F. Comments from Public
No further comment from the public.

Vice-Chair Dennis Stoiber

G. Comments from Commission Members
No further comment from the commission members.

Vice-Chair Dennis Stoiber

H. Other
1. Legal Update

Attorney Marvin Evans

Atty. Marvin Evans reported that the Delfino's have refiled an appeal with the Court of Appeals again and they will need to resubmit to the Summit County Planning Commission.

I. Adjournment

Vice-Chair Dennis Stoiber

SCPC Member	Motion	Second	Aye	Oppose	Abstain
Open					
Dickinson, Erin					
Wiedie- Higham, Christine					
Jones-Capers, Halle					
Kline, David	X		X		
Mavrides, Allen					
Reville, Rich			X		
Segedy, Jason			X		
Snell, Jeff			X		
Stoiber, Dennis		X	X		
Terry, Robert			X		

Motion

David Kline made a motion to *adjourn* the SCPC meeting held Thursday, March 28th, 2024, and it was seconded by *Dennis Stoiber*, ***all in favor, aye***, the SCPC meeting held Thursday, March 28th, 2024, the motion was *adjourned* with 0 abstentions at 4:01 p.m.

These minutes were recorded, prepared, and represent the writer's best recollection of the items discussed by:
Tazena Long, Executive Assistant
Department of Community and Economic Development
Tuesday, April 9th, 2024 @ 2:00p.m.



Planning Commission
Preliminary Plan
Swan Lake
Copley Township

EXECUTIVE SUMMARY

The subject site is located on the east side of Medina Line Road between Swan Lake Drive and Lethbridge Lane in the southwest quadrant of the Swan Lake subdivision in Copley Township. Swan Lake is a multi-phase subdivision which began construction in 1993. The original project site contained approximately 129 acres and 164 sublots. Most recently, the Summit County Planning Commission (SCPC) approved a Resubmitted Preliminary Plan in October 2010 for Phases V and VI.

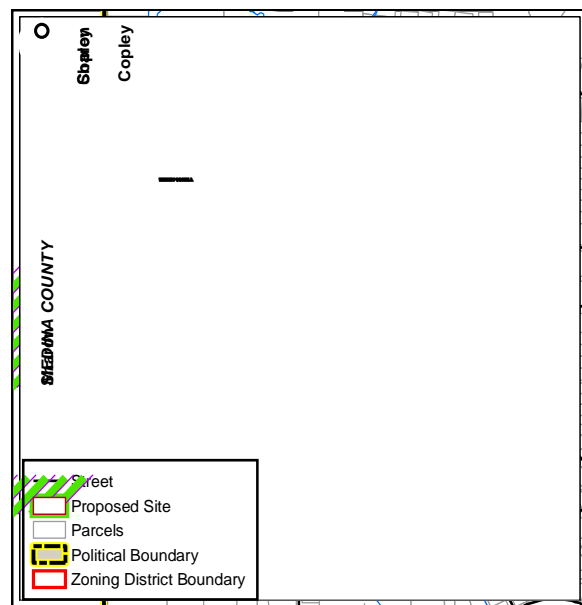
Staff recommends **CONDITIONAL APPROVAL**.

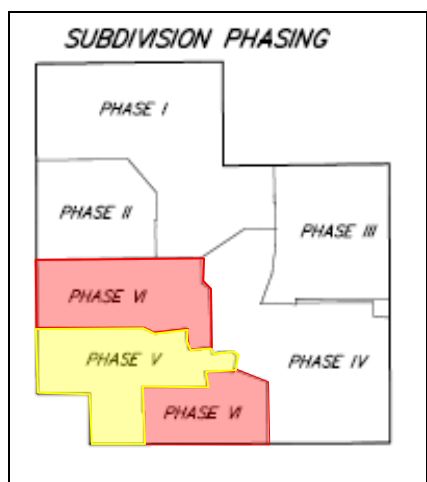
Meeting:	April 25, 2024	Parcels:	1504125, 1504082, and 1505630
Item No.:	Old Business 1	Council Dist.:	5
Developer:	Prestige Homes, Chris Brown	Processor:	Stephen Knittel
Zoning:	R-2 Residential		

Proposal: The applicant is proposing 57 residential lots on 41.73 acres (sublots 109 through 165) in Phases Five and Six. Phase Five proposes 24 sublots on 16.76 acres and Phase Six proposes 33 sublots on 24.97 acres.

Background: The subject site is located on the east side of Medina Line Road between Swan Lake Drive and Lethbridge Lane in the southwest quadrant of the Swan Lake subdivision in Copley Township (see location map on right).

Swan Lake is a multi-phase subdivision which began construction in 1993. The original project site contained approximately 129 acres and 164 sublots. Most recently, the Summit County Planning Commission (SCPC) approved a Resubmitted Preliminary Plan in October of 2010 after the Revised Preliminary Plan, approved in 2008 had expired. The Revised Preliminary Plan in October of 2012, proposed





57 residential lots on 41.73 acres (sublots 109 through 165) in Phases Five and Six. Phase Five proposes 24 sublots on 16.76 acres and Phase Six proposes 33 sublots on 24.97 acres. The entire subdivision when complete will contain 165 sublots on 141.87 acres. Open Space Block C is 0.9453 acres and is contained in Phase Six. Stormwater management facilities are shown in Open Space Block C and on Sublots 146 and 147, which are also located in Phase Six.

Below is a table summarizing previous SCPC approvals for the Swan Lake subdivision. Phases One through Four are already platted, therefore, this Resubmitted Preliminary Plan is only applicable to Phases Five and Six.

SCPC Approval History

Stage	Phase	Date	Sublots	Area (acres)
Preliminary Plan	-	March 1993	164	129
Final Plat	1	Nov. 1993	40	36
<i>Resubmit. Preliminary Plan</i>	-	July 1998	164	129
Final Plat	2	July 1998	13	14
Final Plat	3	August 1998	24	19
<i>Revised Preliminary Plan</i>	-	<i>May 2000</i>	164	129
<i>Revised Preliminary Plan</i>	-	<i>July 2002</i>	164	129
Final Plat	4	August 2003	31	31
Replat	4	May 2004	-	-
<i>Revised Preliminary Plan</i>	-	<i>June 2005</i>	165	142
<i>Revised Preliminary Plan</i>	-	<i>Oct. 2005</i>	165	142
<i>Resubmitted Preliminary Plan</i>		<i>August 2008</i>	165	142
<i>Resubmitted Preliminary Plan</i>		<i>October 2010</i>	165	142

Site Conditions: The western portion of the site is relatively flat while the eastern portion is gently rolling. The site generally drains from the southwest to the northeast. A stream is located in the northern part of the site. There is a 50 foot riparian setback associated with this stream.

The undeveloped portion of the site is currently vacant. An existing stormwater basin is located on the proposed Block C. A 30 inch East Ohio gas line and the associated 60 foot easement run south to north through the subject site and intersect with proposed Sublots 117, 149, 150, 156, 164, and 165 and the proposed Block C.

Updated Information from Applicant:

Hi Stephen,

Per our conversation earlier today, I wanted to give you a quick update on the Open Space Requirements in Chapter 1106 of the 2016 Summit County Subdivision Regulations.

The calculations that I determined were as follows:

- 1. The total acreage of the remaining phases of Swan Lake is 41.7220 acres.*
- 2. The acreage consisting of the 57 proposed lots is 36.3048 acres. This makes the Average Size of the Residential Lots at 0.6369 acres or 27,744 sq. ft.*
- 3. Per the chart in Chapter 1106.01, 5% of the total land in the subdivision is to be reserved as open space. $41.7220 \text{ acres} \times 0.05 = 2.0861 \text{ acres}$.*
- 4. We currently show an open space block on the preliminary plan which is 0.9453 acres.*
- 5. As previously discussed during the last Summit County Planning Commission, we have 2 recorded lots located in phase 1 that were determined unbuildable and could be used as open space. Lot 15 is 1.2347 acres and lot 16 is 0.7578 acres. These two lot acreages combined with the open space block equals 2.9378 acres. This would allow us to exceed our open space requirement.*
- 6. Additionally, we will likely add additional open space areas in the remaining phase due to additional storm water requirements and the installation of a trail connector system to the existing clubhouse area. These areas and associated acreage will be determined during the engineering design phase.*

I have attached a couple of exhibits showing the existing lots in phase 1 and the open space block on the preliminary plan.

Agency Comments *Italicized text indicates quotations from submitted agency comments.*

Summit County Engineers Office: Andy Dunchuck, 03/19/2024:

Our office has reviewed the above referenced and attached Preliminary Plan and has the following comments. If you have any questions regarding this matter, please contact our office.

- 1. GIS indicates the presence of Wetlands in the general area of Open Space Block C (SWM Basin Location), Walden Court and adjacent Sublots. Has a current Wetland Delineation been performed?*
- 2. The proposed driveway locations for Sublots 135, 136 & 147 conflicts with the Riparian Setback. It appears the drive for Sublot 135 can be shifted to the East to avoid Riparian disturbance.*

3. *All Stormwater Management for the site must follow the SCE Stormwater Drainage Manual, Current Edition (Revised 1/1/20). All SWM Facilities must be located outside of the Wetland and Riparian Setback. In addition, adequate outlets must be provided for the Proposed Basins.*
4. *A 100-Year Overland Flow Path across the site to the SWM Facilities is required. When the flow path is located outside of the R/W, it must be centered in a minimum 30' wide SWM Easement.*
5. *Review Fees to comply with Summit County Ordinance 943 must be submitted. The non-refundable application fee is \$250 and ½ the estimated review fee is \$2,801.40, for a total amount of \$3,051.40. The check should be made payable to: Summit County Engineer, 538 East South Street, Akron, Ohio 44311.*
6. *The Intersection Sight Distance for proposed access onto Medina Line Road must be verified for a Design Speed equal to 50-mph.*
7. *A Traffic Impact Questionnaire for the project must be completed to determine if additional Studies are warranted.*
8. *Continental Pointe is classified as a Residential Medium Traffic Road, which requires a minimum 26' Wide Pavement (Curb and Gutter) or 24' (Open Ditch). Walden Court and Stoney Ridge Lane are classified as Residential Light Traffic Roads, which requires a minimum 24' Wide Pavement (Curb and Gutter) or 22' (Open Ditch).*
9. *The Curve Information for the Centerline Geometry needs to be provided. A minimum centerline radius of 250' is required.*
10. *All Catch/Inlet Basins, Storm Manholes, Headwalls, Monument Boxes, Curb and Gutter, etc... utilized on the project must follow Current ODOT Standard Construction Drawings.*
11. *An additional 10' of R/W or permanent Highway Easement along the frontage of the East Side of Medina Line Road shall be dedicated to Summit County for future road improvement purposes.*
12. *The Proposed Utilities must be located outside of the pavement.*
13. *A Road Opening Permit will be required for any proposed work within the R/W of Medina Line Road.*

Dominion Energy Ohio: Andrew Lonnemann, :

.... At this time, until DEO receives a full set of improvement plans submitted by the developer, I will be unable to provide a thorough review of work within and adjacent to the DEO easement/restricted area as requested.

DEO has elevated concerns of 5 sublots (117, 156, 163, 164 & 165) being considered buildable lots for the future property-owners/home-owners full enjoyment, and for these owners ability to build sheds, decks, pools, etc.. My land department has determined that DEO's easement is a defined, 60-foot corridor, with a centerline description. My concern with this easement, being a centerline description, is that the surveyor plotted the easement per the meets and bounds description, and not per the easement's intent;

to provide 30-feet of unencumbered land paralleling each side of the pipeline. If this was not taken into consideration, the DEO pipeline could be much closer to the easement line. Please find attached, the documents that pertain to DEO Assets and easements/restricted areas.

Staff Comments:

The updated Open Space including lots 15 and 16 and Open Space Block “C” meet the minimum open space requirements.

Recommendation: Staff recommends **CONDITIONAL APPROVAL** of the Swan Lake Preliminary Plan with conditions to meet the Summit County Engineer’s Office comments.

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BEARS / DIST	DELTA
C1	11.96	120.00	11.96/120.00	124.84°
C2	30.27	250.00	30.27/250.00	100.00°
C3	82.30	750.00	82.30/750.00	145.14°

ACREAGE SUMMARY			
PHASES	LOTS	LOT AREA	TOTAL AREA
PHASE I	24	13.81 ACRES	2.83 ACRES
PHASE II	11	22.51 ACRES	2.85 ACRES
TOTAL	35	36.32 ACRES	5.68 ACRES

ZONING DATA
ZONING = R-1
MIN. LOT AREA = 21,000 SQ. FT.
MIN. LOT WIDTH = 80 FT.
MIN. LOT WIDTH @ BL. = 120 FT.
MIN. FRONT YARD DEPTH = 80 FT.
MIN. SIDE YARD DEPTH = 15 FT.
MIN. REAR YARD DEPTH = 50 FT.

OWNER/DEVELOPER
SWAN LAKE JOINT VENTURE
4301 DARROW ROAD, SUITE 2500
STOW, OHIO 44224
1-330-958-3356
CONTACT: CHRIS BROWN

PHASE ACREAGE SUMMARY
PHASE I 13.81 ACRES
PHASE II 22.51 ACRES
PHASE III 18.71 ACRES
PHASE IV 25.52 ACRES
TOTAL 80.55 ACRES

SUBDIVISION PHASING



PREVIOUS RECORDED PHASES
PHASE I CAR. K. SLIDES 178-184
PHASE II REC. #411723.3
PHASE III REC. #422085
PHASE IV REC. #4889406

I HEREBY CERTIFY THAT THE PARCEL SHOWN HEREON MEETS THE CURRENT ZONING REGULATIONS OF COPELY TOWNSHIP.

COPELY TWP. ZONING INSPECTOR

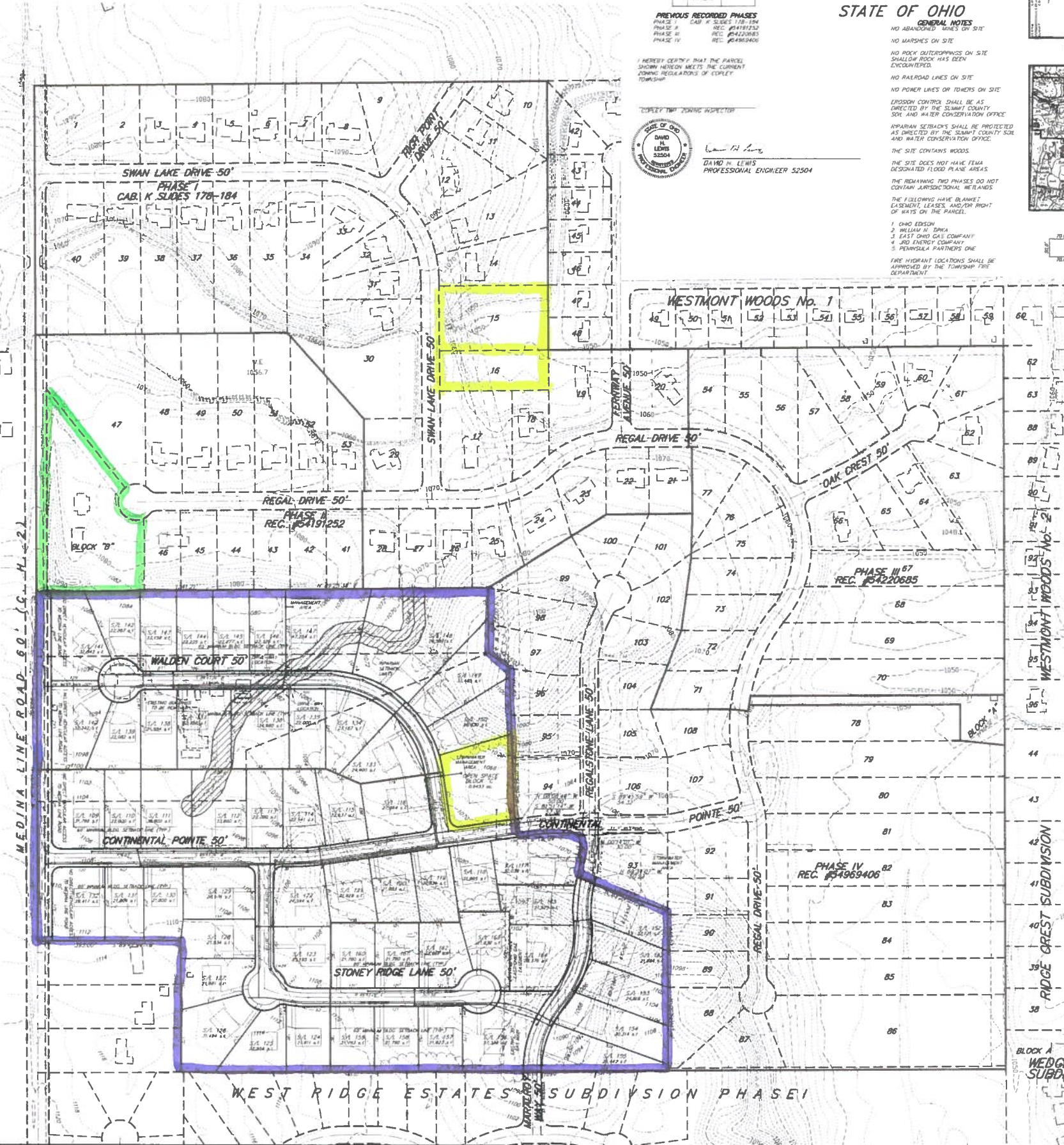
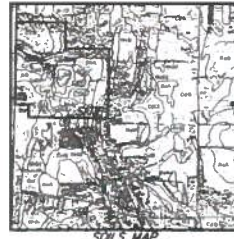
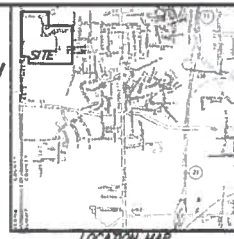


DAVID H. LEWIS
PROFESSIONAL ENGINEER 52504

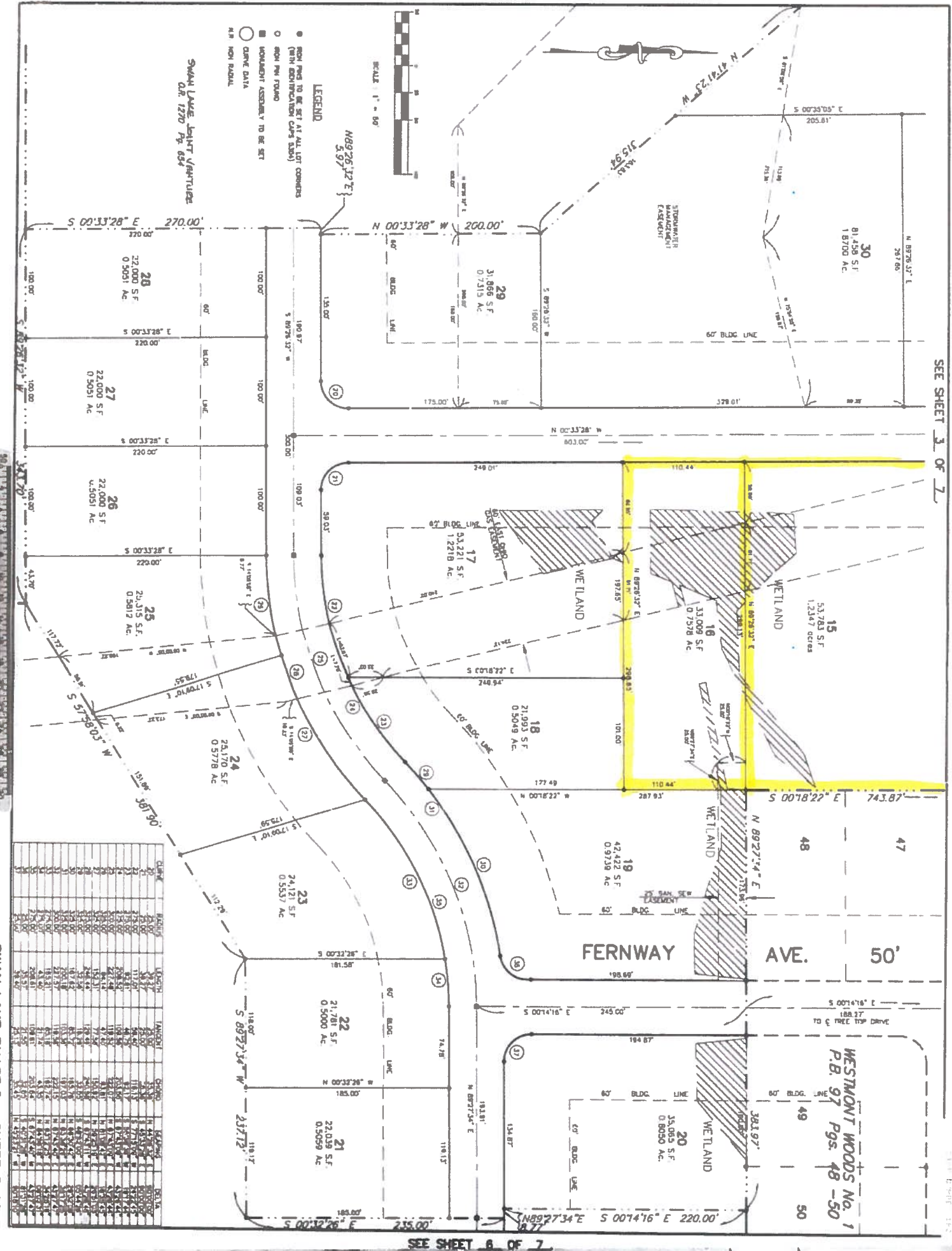
REVISED PRELIMINARY PLAN FOR SWAN LAKE SUBDIVISION PART OF O.L. 10 TOWNSHIP OF CUMPT COUNTY OF SUMMIT STATE OF OHIO

GENERAL NOTES

- NO ABANDONED LINES ON SITE
- NO MARSHES ON SITE
- NO ROCK OUTCROPPINGS ON SITE
- NO SHALLOW ROCK HAS BEEN ENCOUNTERED
- NO RAILROAD LINES ON SITE
- NO POWER LINES OR TOWERS ON SITE
- EROSION CONTROL SHALL BE AS DIRECTED BY THE SUMMIT COUNTY SOIL AND WATER CONSERVATION OFFICE
- RIPARIAN SETBACKS SHALL BE PROTECTED AS DIRECTED BY THE SUMMIT COUNTY SOIL AND WATER CONSERVATION OFFICE
- THE SITE CONTAINS WOODS
- THE SITE DOES NOT HAVE FEMA DESIGNATED FLOOD PLANE AREAS
- THE REMAINING TWO PHASES DO NOT CONTAIN JURISDICTIONAL WETLANDS
- THE FOLLOWING HAVE BLANKET EASEMENTS, LEASES, AND/OR RIGHT OF WAY ON THE PARCEL:
 - 1. OHIO Edison
 - 2. WILLIAM N. DIPA
 - 3. EAST OHIO GAS COMPANY
 - 4. JED ENERGY COMPANY
 - 5. PENNSYLVANIA PARTNERS ONE
- FARE HYDRANT LOCATIONS SHALL BE APPROVED BY THE TOWNSHIP FIRE DEPARTMENT



DATE	7/2/2021
BY	DAVID H. LEWIS
FOR	SWAN LAKE SUBDIVISION
REVISION	REVISED PRELIMINARY PLAN
SCALE	1" = 100'
PROJECT NO.	2021-001
CLIENT	SWAN LAKE JOINT VENTURE
PREPARED BY	LEWIS LAND PROFESSIONALS INC.
DESIGNED BY	LEWIS LAND PROFESSIONALS INC.
CHECKED BY	LEWIS LAND PROFESSIONALS INC.
APPROVED BY	LEWIS LAND PROFESSIONALS INC.



Dominion Energy Ohio
Engineering - 2nd Floor
320 Springside Drive
Akron, OH 44333



12/13/2023

Project: Swan Lake Subdivision Phases 5 & 6 – 500009518, Copley Township, Summit County

Stephen Knittel
Department of Community & Economic Development
175 S. Main St., Suite 103, Room 113
Akron, OH 44308

Dear Stephen Knittel:

The East Ohio Gas Company d/b/a Dominion Energy Ohio (Dominion) appreciates this opportunity to work with you in the planning stages of your development and construction activity, and we look forward to working with you proactively. Dominion's primary concern when activities are taking place near our pipeline is public safety and environmental protection. The intent of this correspondence is to provide a clear and consistent set of requirements that will: (1) reduce the risk of damage to our pipeline and related facilities; (2) ensure unencumbered access to our right-of-way and pipeline facilities and the availability of adequate workspace for routine maintenance, future inspection, and/or repair work on our pipeline; and (3) enable the effective corrosion protection of our pipeline.

At this time, Dominion does not approve the above reference project as provided by your office on 11-27-2023. For Dominion to continue with the approval process, please review the attached requirements set forth in this correspondence and make necessary corrections to the plans previously submitted to this office for Dominion's review and approval. No construction may take place until approval is granted.

Upon review of the documentation submitted into Dominion, please see the following:

- Typically, Dominion requests that plans be submitted at least 6 months in advance of your construction. Dominion maintains the right to increase said notice requirement depending on the size conflict and nature of the project.
- All facilities and easement areas, if applicable, will be depicted, dimensioned, and identified on all survey plats, improvements, development plans and plats. Where Dominion holds undefined rights, all plans and the final recordable plat will dedicate these areas as being restricted areas.
- All parties will comply with the attached Dominion Ohio General Restrictions, Landscape/Fence Guidelines, and DEO 3rd Party Review - Heavy Equipment Crossings documents.
- Equipment specifications must be submitted for load analysis and mitigation when crossing Dominion's pipeline(s) by completing and submitting the load surface assessment form. Dominion will require an Air-Bridge for equipment that fails load analysis.
- When constructing third-party utility crossings between Dominion's high-pressure pipelines, a minimum vertical and horizontal clearance of two feet (2') must be maintained to reduce the risk of damage to Dominion's pipeline and related facilities. In addition to the review for conflicts with Dominion facilities and your project, Dominion will also need to review the plan, profile, and cross sections for the proposed improvements for said utility that crosses Dominion's pipeline. When crossing Dominion's high pressure pipelines the profile centerline should be based along the centerline of Dominion's pipeline. For Dominion's distribution pipeline, the profile centerline can be based along the centerline of the proposed roadway work. Use the standard scale of a vertical scale of 1 inch =5 ft and a horizontal scale of 1 inch =50 ft for your plan, profile, and cross sections.

Included in the profile and cross sections should be the existing and proposed grades, existing utilities, proposed road, and utility improvements, and Dominion's existing pipeline. The profiles and cross sections should be incorporated into your construction improvement plans.

- **You are required to contact OHIO811.org Call Before You Dig (1-800-362-2764) or 811, prior to your excavation or hand digging and submit an excavation ticket.** In addition to hand digging, you may use non-destructive pipeline location methods, such as vacuum potholing and ground penetrating radar (GPR). As required by statute, Dominion acknowledges its pipelines, as a rule, were installed at approximately thirty-six (36) inches deep. At concerned points where you need to know the location and elevation of Dominion's pipeline, you may excavate by hand digging to temporarily expose the pipeline enabling you to obtain the necessary information.

- That the following note shall be added to your plans for the benefit of your contractor.

"It is the contractor's responsibility to maintain the lateral and subjacent support of Dominion's pipeline(s), in compliance to 29 CFR, Part 1926, subpart P, (safe excavation & shoring). Extreme care should be taken not to harm any Dominion facility (pipelines, etc.) or appurtenance (pipe coating, tracer wire, cathodic protection test station wires & devices, valve boxes, etc.). Dominion facilities must be protected with a tarp during bridge construction. The contractor will be responsible and liable for ensuring that all Dominion existing facilities, above and below ground, remain undamaged, accessible and in working order. The crossing of Dominion's pipeline(s) with another steel facility may create a potential corrosion issue for the proposed facility and the existing Dominion facility. Please contact Dominion's Corrosion Department at least two working days before construction at: CorrosionGIS@dominionenergy.com".

- Dominion will pursue reimbursement for all costs associated with the event including, but not limited to, excavation services, inspection services, pipeline repairs, and loss of operations caused by the requesting party or its contractors.

Since over 1000 gas companies now operate in Ohio, proper pipeline identification is necessary to assure minimum critical response time. We request that you add the following general note to your construction plans: DEO = Dominion Energy Ohio, 1-800-362-7557. Dominion's facilities should be identified appropriately on your construction plans.

Dominion's response is based on the project information you or others provided for this project. The location of Dominion facilities within the project area are based on the records of the original installation, and are therefore approximate, and not guaranteed. Dominion has no knowledge or information of changes that may have been made to the site after the original installation. Any reliance on the information provided is solely at the risk of the user, who agrees to indemnify, defend, and hold Dominion, its shareholders, officers, directors, employees, representatives, agents, parent, affiliates, and subsidiaries harmless, to the fullest extent permitted by law, from and against any and all loss, claims, demands, damages, injuries, or suits in anyway arising out of or incident to its use.

To avoid personal injuries, property damages, legal actions, etc., no construction, grading or excavating should begin within thirty (30) feet of any Dominion high pressure natural gas pipeline without written approval from Dominion. No improvements of any kind should be made by any party other than Dominion within one hundred (100) feet radius of a Dominion Gas Well and/or Dominion Brine/Oil Tank.

Dominion requests electronic files for this project in AutoCAD 2018 format for use in preparing any relocation plan. AutoCAD files cannot contain XREFS, AutoCAD civil 3d or AEC objects. MicroStation files will need to be converted to AutoCAD.

Dominion will not be liable for nor accept any contractor delay costs that the company has not had an opportunity to review, dispute and/or resolve.

Please maintain communication with this office regarding the project and its schedule. Contact me if you have any questions.

Sincerely,

DOMINION ENERGY OHIO

Andrew Lonneman

Andrew Lonneman
Engineering Department
Email: andrew.j.lonneman@dominionenergy.com
Phone: 330-664-2441

Attachments:

- DEO Restrictions
- DEO Landscaping & Fence Guidelines
- DEO 3rd Party Review - Heavy Equipment Crossings
- PA500009518_DEO Red-Line_Swan Lake Revised Preliminary Plan 8-10-23

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BRG / DIST	DELTA
C1	37.98'	275.00'	S 85°48'36" W, 37.95'	75°44'55"
C2	39.27'	25.00'	N 45°14'01" W, 35.36'	90°00'00"
C3	67.50'	275.00'	N 06°47'52" E, 67.33'	14°03'47"

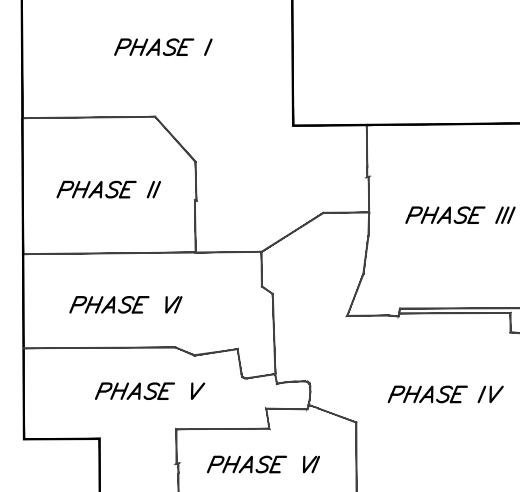
ACREAGE SUMMARY			
PHASES	LOTS	LOT AREA	TOTAL AREA
PHASE I	24	13.93 ACRES	2.83 ACRES
PHASE II	33	22.32 ACRES	2.65 ACRES
PHASE III	57	36.25 ACRES	5.48 ACRES
PHASE IV	57	36.25 ACRES	5.48 ACRES
TOTAL	57	36.25 ACRES	41.73 ACRES

ZONING DATA
ZONE = R-2
MIN. LOT AREA = 21,780 SQ. FT.
MIN. LOT WIDTH = 60 FT.
MIN. LOT WIDTH @ B.L. = 100 FT.
MIN. FRONT YARD DEPTH = 60 FT.
MIN. SIDE YARD DEPTH = 15 FT.
MIN. REAR YARD DEPTH = 50 FT.

OWNER/DEVELOPER
SWAN LAKE JOINT VENTURE
4301 DARROW ROAD, SUITE 2500
STOW, OHIO 44224
1-330-958-3356
CONTACT: CHRIS BROWN

PHASE ACREAGE SUMMARY
PHASE I 36.97 ACRES
PHASE II 14.04 ACRES
PHASE III 19.48 ACRES
PHASE IV 30.71 ACRES
PHASE V 16.71 ACRES
PHASE VI 25.02 ACRES
TOTAL 141.87 ACRES

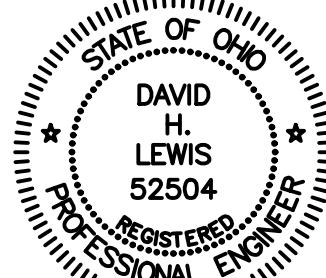
SUBDIVISION PHASING



PREVIOUS RECORDED PHASES
PHASE I CAB. K SLIDES 178-184
PHASE II REC. #54191252
PHASE III REC. #54220685
PHASE IV REC. #54969406

I HEREBY CERTIFY THAT THE PARCEL SHOWN HEREON MEETS THE CURRENT ZONING REGULATIONS OF COPLEY TOWNSHIP.

COPLEY TWP. ZONING INSPECTOR



DAVID H. LEWIS
PROFESSIONAL ENGINEER 52504

REVISED PRELIMINARY PLAN FOR SWAN LAKE SUBDIVISION PART OF O.L. 10 TOWNSHIP OF COPLEY COUNTY OF SUMMIT STATE OF OHIO

GENERAL NOTES

NO ABANDONED MINES ON SITE

NO MARSHES ON SITE

NO ROCK OUTCROPPINGS ON SITE
SHALLOW ROCK HAS BEEN
ENCOUNTERED.

NO RAILROAD LINES ON SITE

NO POWER LINES OR TOWERS ON SITE

EROSION CONTROL SHALL BE AS
DIRECTED BY THE SUMMIT COUNTY
SOIL AND WATER CONSERVATION OFFICE.

RIPARIAN SETBACKS SHALL BE PROTECTED
AS DIRECTED BY THE SUMMIT COUNTY SOIL
AND WATER CONSERVATION OFFICE.

THE SITE CONTAINS WOODS.

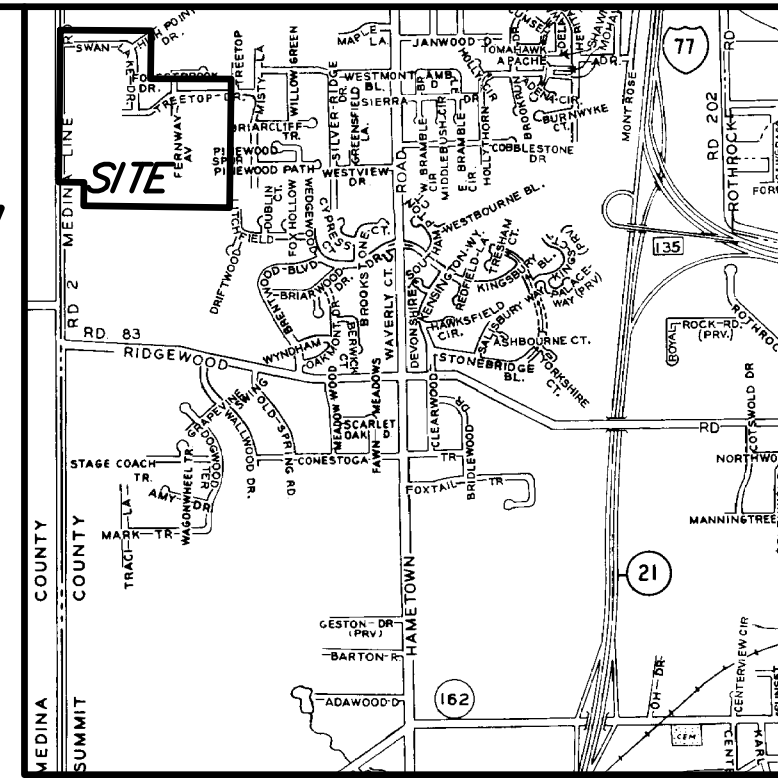
THE SITE DOES NOT HAVE FEMA
DESIGNATED FLOOD PLANE AREAS.

THE REMAINING TWO PHASES DO NOT
CONTAIN JURISDICTIONAL WETLANDS.

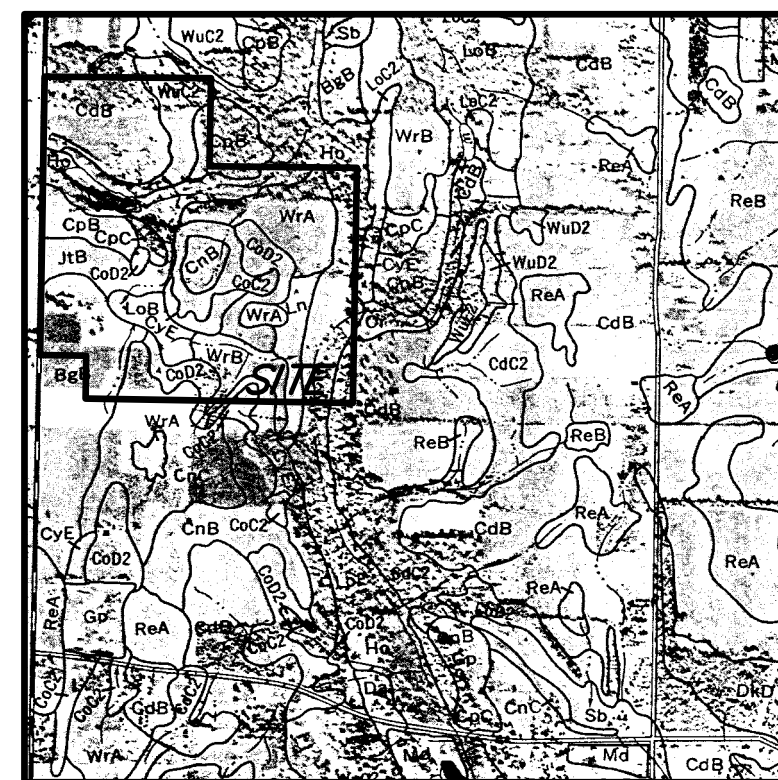
THE FOLLOWING HAVE BLANKET
EASEMENT LEASES AND/OR RIGHT
OF WAYS ON THE PARCEL:

1. OHIO EDISON
2. WILLIAM N. TOPKA
3. EAST OHIO GAS COMPANY
4. JRD ENERGY COMPANY
5. PENINSULA PARTNERS ONE

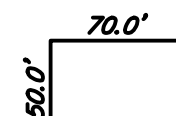
FIRE HYDRANT LOCATIONS SHALL BE
APPROVED BY THE TOWNSHIP FIRE
DEPARTMENT.



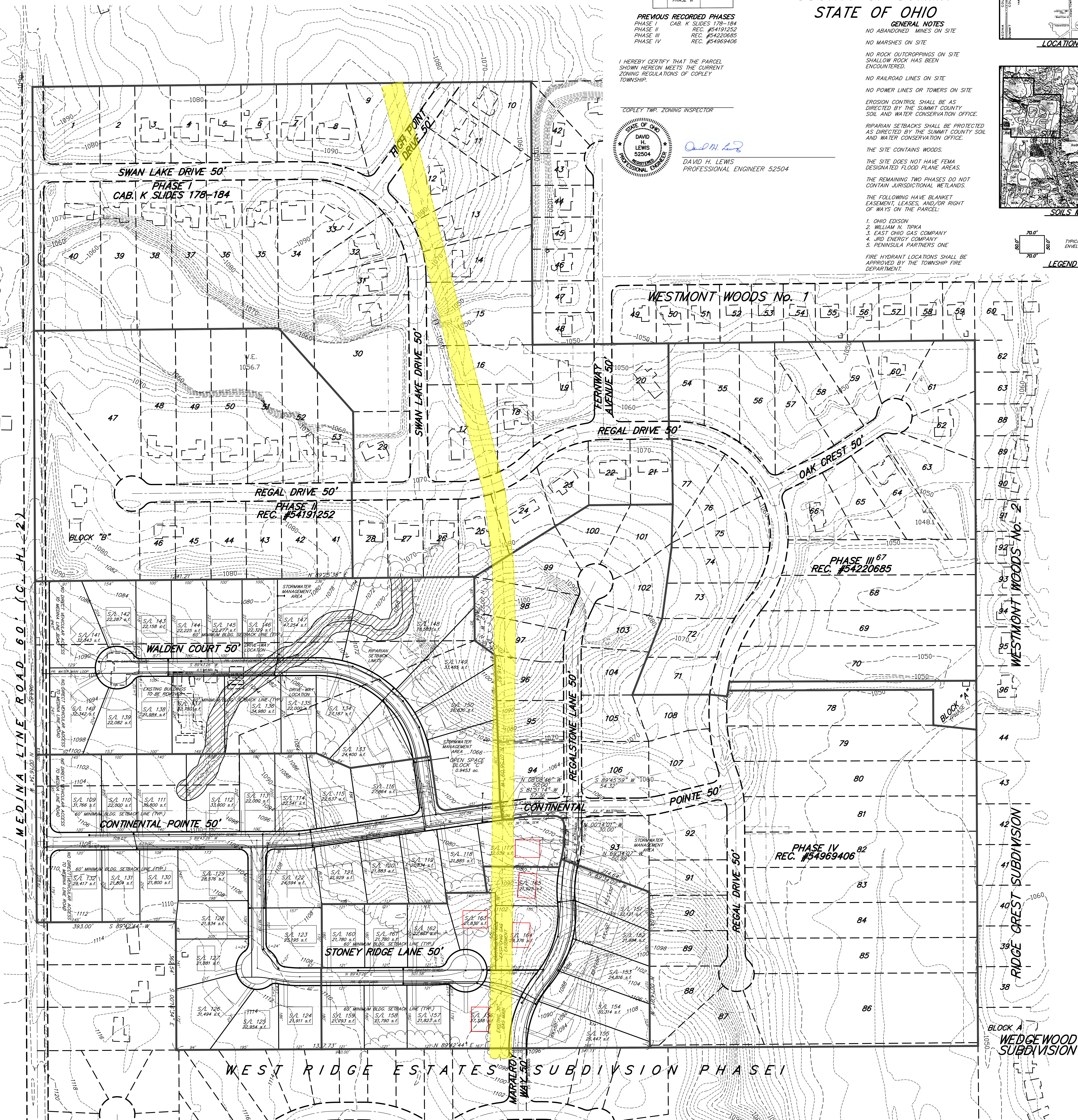
LOCATION MAP



SOILS MAP



LEGEND



— PLAN PREPARED BY —				PROJECT:				DATE:			
LEWIS LAND PROFESSIONALS INC.				SWAN LAKE SUBDIVISION				7/5/2023			
CIVIL ENGINEERING LAND SURVEYING				TITLE:				PROJECT NUMBER:			
LEWIS LAND 8691 WADSWORTH ROAD SUITE 100								DRAWING FILE:			
PROFESSIONALS WADSWORTH, OH 44281 (330) 335-8232								05-006_PPE-BB.DWG			
								SHEET NUMBER:			
								1 of 1			

Surface Loading Assessment

A field assessment and pipe stress analysis is required whenever a track or wheeled axle vehicle crosses Dominion Energy Ohio's transmission, storage, gathering, or high pressure distribution pipeline(s).

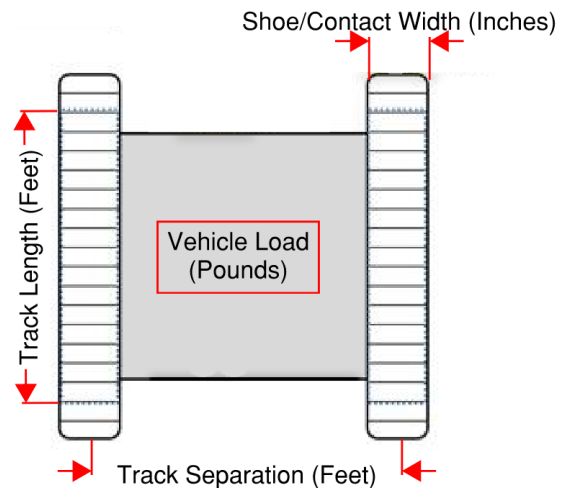
The third party can airbridge the DEO pipeline crossing in lieu of providing this load assessment data. An airbridge will be required per DEO specifications should the surface loading assessment fail.

Provide the following information to Dominion Energy Ohio for review.

- Duration (in days) or number of crossings: _____
- Make, Model, and year of vehicle or machine: _____
- Gross vehicle weight fully loaded: _____
- Number of axles: _____
- Load distribution (% of total weight per axle): _____
- Axle spacing: _____
- Tire configuration (dual vs. single): _____
- Tire size (diameter and width): _____

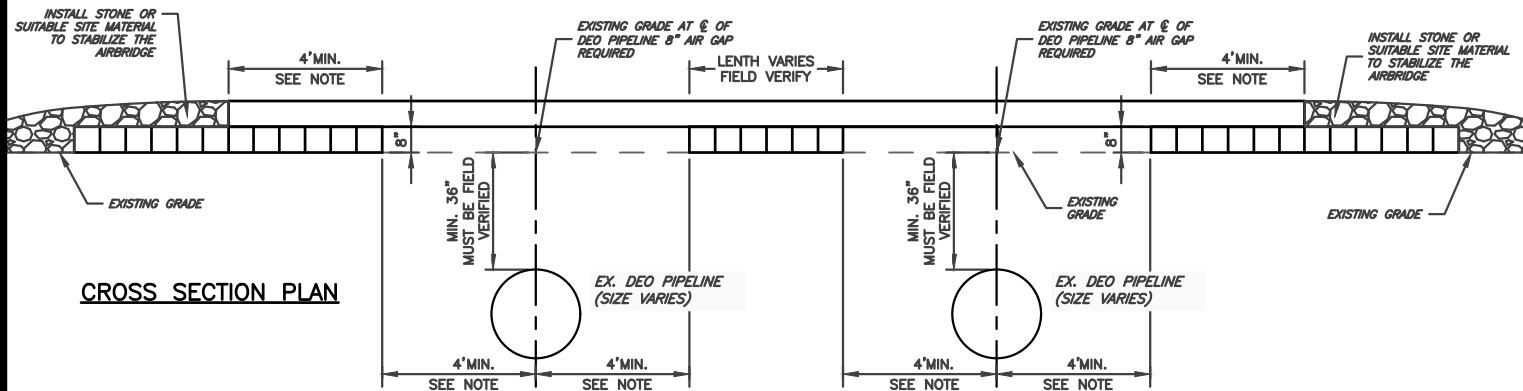
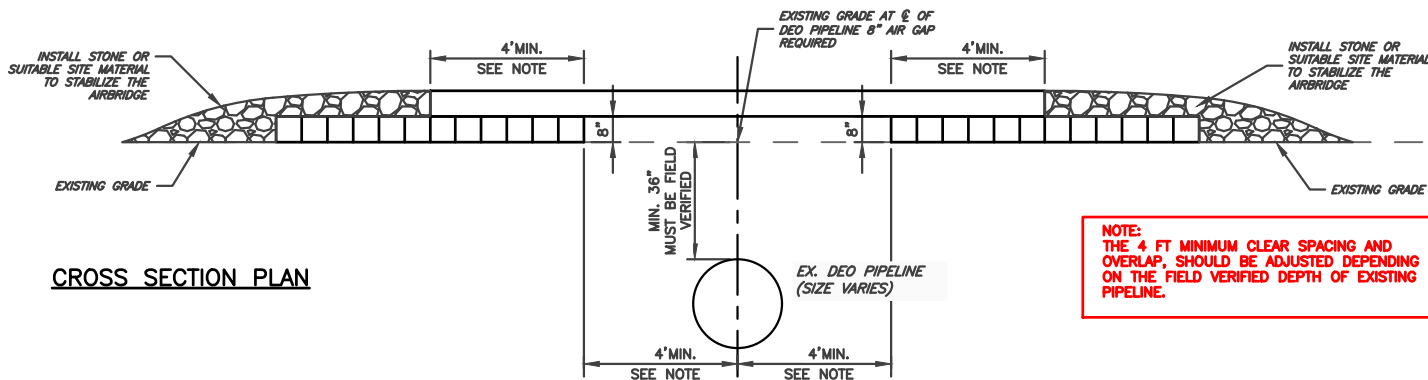
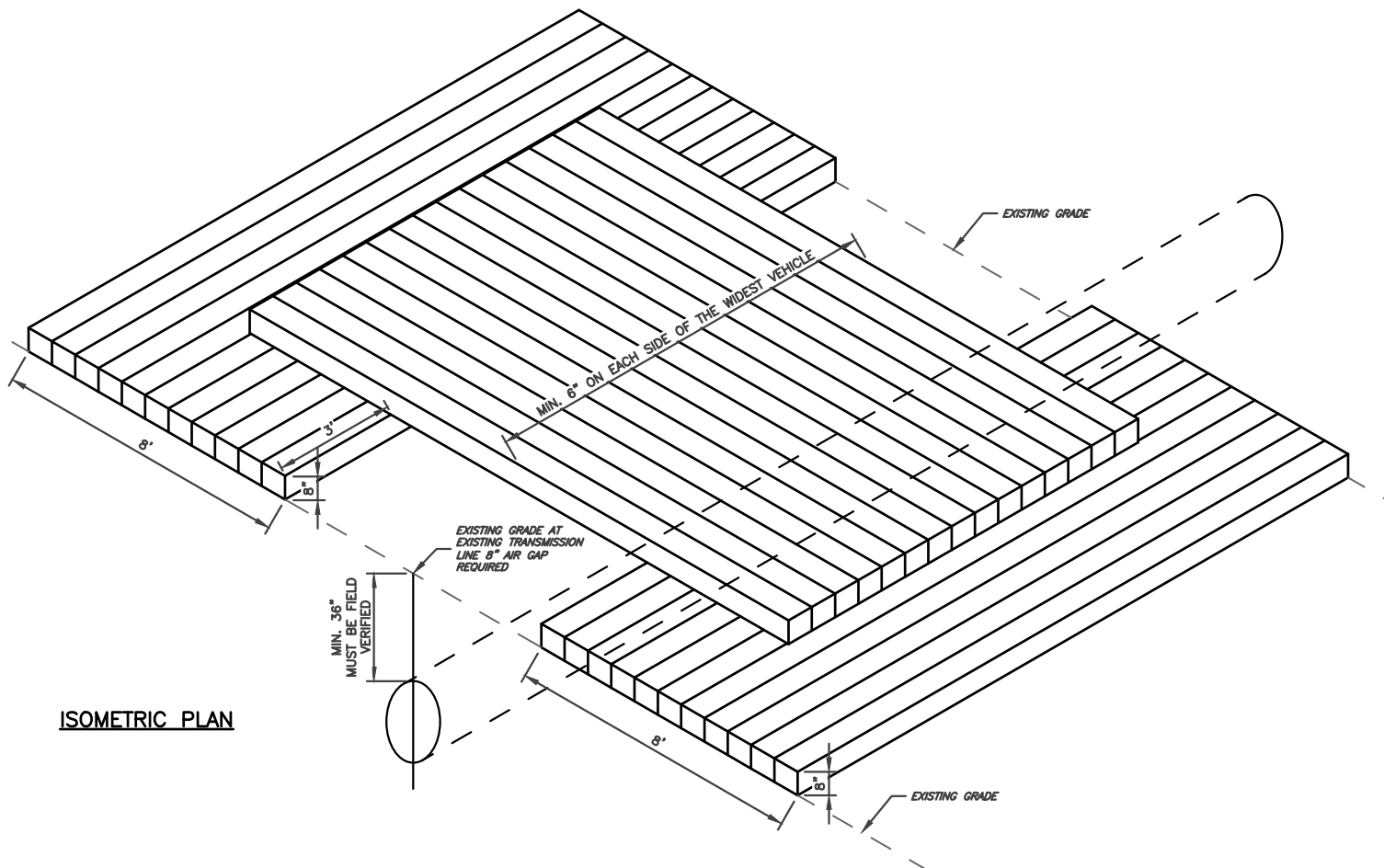
If track operated:

- Vehicle Load: _____
- Shoe/Contact Width: _____
- Track Length: _____
- Track Separation: _____



The crossing party must verify the depth of DEO's pipelines by excavating or hand digging to temporarily expose the pipeline. Contact the Ohio Utility Protection Service (OUPS) (1-800-362-2764) at least 2 days prior to excavation to submit an excavation ticket. A DEO representative shall be on-site to monitor any construction activities within 30 feet of DEO's Facilities or Requestor will cease and desist any construction activities within 10 feet of DEO's Facilities until the DEO representative is present.

THE OWNER DOES NOT WARRANT THE ACCURACY, SUFFICIENCY, OR COMPLETENESS OF THIS DRAWING OR MAP FOR ANY PURPOSE, AND HEREOF IS AT THE RISK OF THE USER WHO AGREES TO HOLD HARMLESS AND INDEMNIFY THE OWNER AGAINST ANY AND ALL LIABILITY IN CONNECTION WITH ITS USE.



DRAWING SCALE: 1" = 5'



Dominion Energy

STANDARD AIRBRIDGE DETAIL

REV.#	DESCRIPTION	DATE	BY
1	AIRBRIDGE DETAIL	4/21/20	MAS

DOMINION ENERGY OHIO

LANDSCAPING/FENCE GUIDELINES WITHIN PIPELINE EASEMENTS

ACCEPTABLE

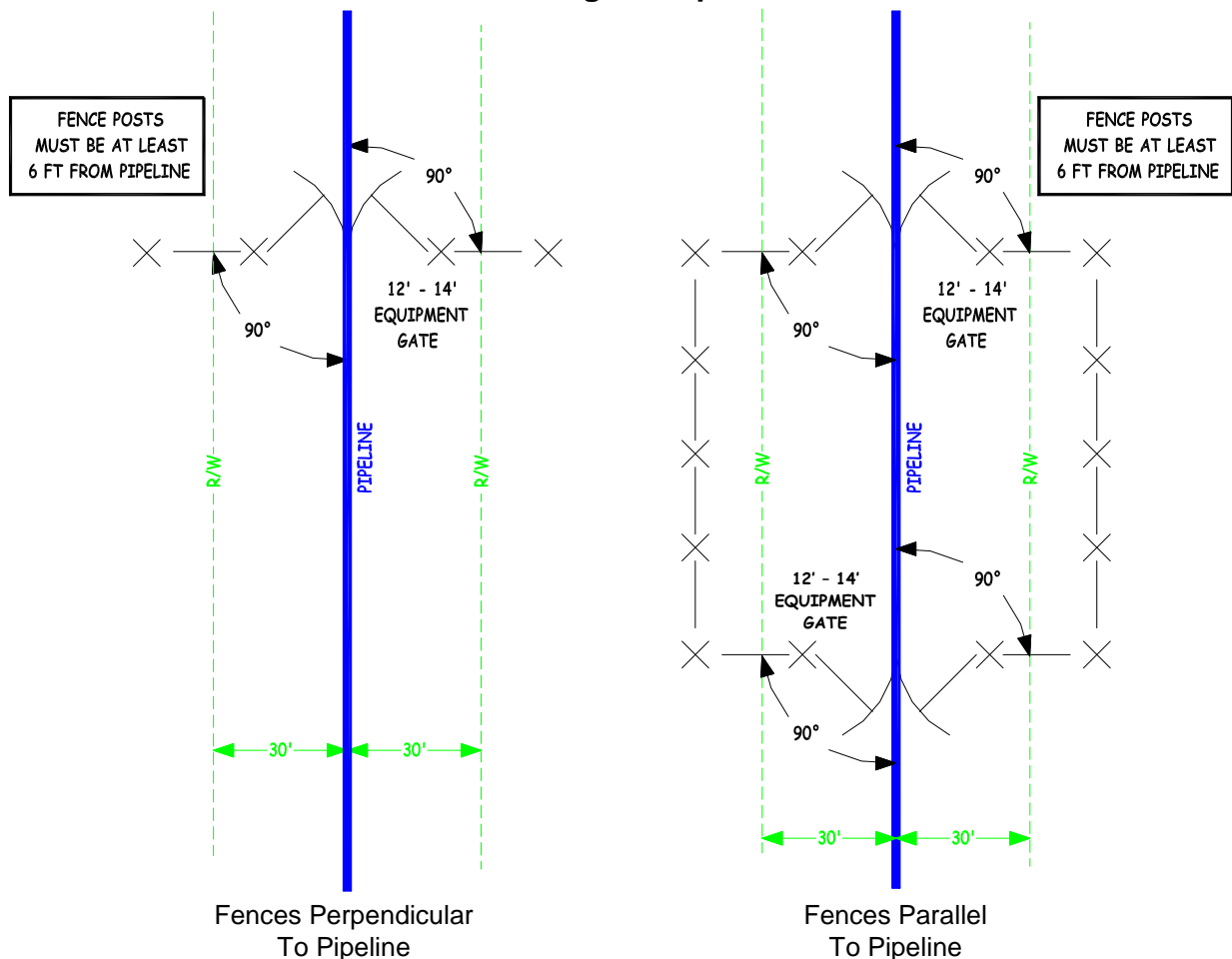
- Agricultural Crops
- Flower Gardens
- Small (< 3' High) Shrubs/Bushes
- Grass (Preferred)
- Fences (Per Diagram Below)

NOT ACCEPTABLE

- Trees
- Bunkers/Earth Landscape Mounds
- Ponds
- Rock Gardens
- Improvements Requiring a Permit
- Landscape or Retaining Walls
- Outside Swimming Pools or Hot Tubs
- No Dumping of Debris in Easement

No such improvements may be made by others within Dominion Energy Ohio gas well or brine/oil tank easement areas.

Fencing Examples



- Fences cannot impede Dominion Energy Ohio's access to its facilities.
- No fences may be parallel to the pipeline within the right-of-way.
- 12' – 14' equipment gate must have a Dominion Energy Ohio lock to allow 24-hour access.
- Call OUPS 48 hours before any digging at 811 (or 1-800-362-2764) to have all utilities located.

Dominion Energy Ohio

Please be informed that The East Ohio Gas Company's trade name is Dominion Energy Ohio.

RESTRICTIONS

on land that Dominion Energy Ohio holds various rights for its Gas Wells, Metering and Regulating facilities, Transmission, Storage, Gathering and/or Distribution Pipelines, based on the rights held by Dominion Energy Ohio, and maintaining compliance with Dominion Energy Ohio, State and Federal codes, regulations, and laws.

For Dominion Energy Ohio's transmission, storage, gathering and distribution pipeline's operating previously or currently at 100 psig or higher (being high pressure pipelines), the EASEMENT area in general is considered to be 60 feet wide, on, over, under and 30 feet on each side of the pipeline(s) centerline. For Dominion Energy Ohio's distribution pipelines operating at less than 100 psig, the EASEMENT area in general is considered to be 20 feet wide, on, over, under and 10 feet on each side of the pipeline(s) centerline, unless specifically defined otherwise. If multiple pipelines exist paralleling each other, the EASEMENT area is increased in width by the distance between the pipelines. Dominion Energy Ohio's EASEMENT area in general is considered to be 100 feet radius around Dominion Energy Ohio's gas wells and 100 feet radius around Dominion Energy Ohio's brine/oil tanks. Dominion Energy Ohio's EASEMENT areas for its access driveways to said facilities is considered in general to be 20 feet wide, on, over, under and 10 feet each side of the driveway's centerline.

- 1) Sewer, water, drainage culverts, cable, electric and telephone/communication lines may cross Dominion Energy Ohio's pipeline and driveway easement areas at near right angles, providing that they vertically clear Dominion Energy Ohio's pipeline(s) by a minimum of 12 inches, and be within suitable conduit if it is an underground line carrying an electrical charge, and the installer complies with safe excavation and shoring FED-OSHA 29 CFR Part 1926 Subpart P, and its counterparts, and in accordance with any and all other applicable government codes, regulations, and laws. Unless it's not practical or possible, Dominion Energy Ohio prefers that all such lines cross under its pipelines.
- 2) No lines other than Dominion Energy Ohio's, such as but not limited to, sewer, water, drainage culverts, cable, electric and telephone/communication, may parallel within Dominion Energy Ohio's easement areas or be installed anywhere within Dominion Energy Ohio's gas well or brine/oil tank easement areas.
- 3) No buildings, structures, obstructions (obstructions being anything that impairs Dominion Energy Ohio's use of its easement), or above ground appurtenances (manholes, catch basins, signs, poles, fire plugs, transformers, pedestals, and etc.) may be placed within Dominion Energy Ohio's easement areas, by anyone other than Dominion Energy Ohio.
- 4) Within Dominion Energy Ohio's easement areas the existing grade may be altered by others, providing that the cover upon Dominion Energy Ohio's pipeline(s) is not reduced to less than 36 inches or increased to more than 72 inches, the existing soil conditions are stable, and such alteration of grade would not have an adverse effect upon Dominion Energy Ohio's pipeline(s).
- 5) Adjacent to Dominion Energy Ohio's easement area there shall be no change in grade which would cause Dominion Energy Ohio's easement area to become unstable or affect the lateral or subjacent support of Dominion Energy Ohio's facilities and/or appurtenances.
- 6) Paved driveways or future public and/or private roads may cross Dominion Energy Ohio's pipeline and driveway easement areas at near right angles. Paved parking lots may be placed in Dominion Energy Ohio's pipeline easement areas, providing that there is a means for Dominion Energy Ohio to leak detect its pipelines for its own purposes and in accordance with government codes, regulations, and laws. This might be accomplished by a green space 10 feet wide approximately centered on Dominion Energy Ohio's pipeline(s), or by vents installed according to Dominion Energy Ohio's specifications. Excepting said drive and road crossings, and excepting parking lots, there shall be no macadam, pavement, black top, concrete or other impermeable surfaces placed within the EASEMENT area by anyone other than Dominion Energy Ohio. No such improvements may be made by others within Dominion Energy Ohio's gas well or brine/oil tank easement areas.
- 7) No driveways (including parking lot driveways), roads, or their associated road right-of way, other than Dominion Energy Ohio's, may parallel within Dominion Energy Ohio's easement areas.
- 8) There shall be no impounding of water within Dominion Energy Ohio's EASEMENT area by anyone other than Dominion Energy Ohio.
- 9) There shall be no dumping of debris within Dominion Energy Ohio's EASEMENT area, or placement of fill material that is not acceptable to Dominion Energy Ohio.
- 10) Limited landscaping may be made within the easement areas. If any party questions what would be acceptable to Dominion Energy Ohio, they should contact Dominion Energy Ohio prior to making any such landscape improvement.
- 11) In the case of new development or improvements to existing roads within Dominion Energy Ohio's easement areas, the developer shall prepare Plan, Profile and Cross Section plans of the improvements, showing Dominion Energy Ohio's pipeline(s) plus existing and proposed grade, sewers, utilities, road improvements, etc. for Dominion Energy Ohio to review. For new construction any violation of these restrictions will be subject to denial of gas service. No construction on such improvements may begin until Dominion Energy Ohio has provided written approval to the developer.

All improvements made within the easement areas by parties other than Dominion Energy Ohio will be considered encroachments. Such improvements would be done at the risk and peril of the developer, owner of the facility, and/or landowner, and said parties shall be liable to Dominion Energy Ohio for any damage or loss to Dominion Energy Ohio's facilities caused by such improvements. Moreover, Dominion Energy Ohio reserves its rights at anytime, without notice, and without permit to remove any encroachments from within its easement areas to facilitate maintaining, operating, replacing, adding to, or etc. its facilities and/or appurtenances; and Dominion Energy Ohio will not be liable to replace or compensate any party for damages Dominion Energy Ohio inflicted upon any encroachment. To have the on site location of any DEO pipeline marked for any reason, call the Ohio Utilities Protection Service.

Inquiries or questions pursuant to Gas Wells, Transmission, Storage, Gathering, and/or Distribution pipelines should be directed in writing to **Dominion Energy Ohio, Engineering Department, 320 Springside Drive, Akron, OH 44333** or via **email to relocation@dominionenergy.com**.

Ohio Law requires all parties to contact the OHIO UTILITIES PROTECTION SERVICE

Call 811 (or 1-800-362-2764) at least 48 hours before digging or excavating.

ORC - 3781.28 A & B

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BRG / DIST	DELTA
C1	37.98'	275.00'	S 85°48'36" W, 37.95'	75°44'55"
C2	39.27'	25.00'	N 45°14'01" W, 35.36'	90°00'00"
C3	67.50'	275.00'	N 06°47'52" E, 67.33'	14°03'47"

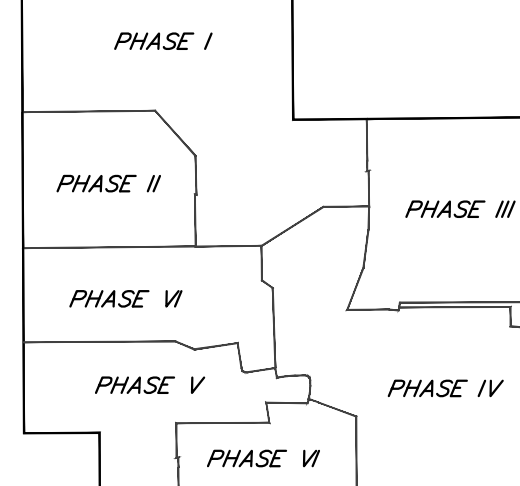
ACREAGE SUMMARY			
PHASES	LOTS	LOT AREA	TOTAL AREA
PHASE I	24	13.93 ACRES	2.83 ACRES
PHASE II	33	22.32 ACRES	2.65 ACRES
PHASE III	33	22.32 ACRES	2.65 ACRES
PHASE IV	33	22.32 ACRES	2.65 ACRES
TOTAL	57	36.25 ACRES	5.48 ACRES

ZONING DATA
ZONE = R-2
MIN. LOT AREA = 21,780 SQ. FT.
MIN. LOT WIDTH = 60 FT.
MIN. LOT WIDTH @ B.L. = 100 FT.
MIN. FRONT YARD DEPTH = 60 FT.
MIN. SIDE YARD DEPTH = 15 FT.
MIN. REAR YARD DEPTH = 50 FT.

OWNER/DEVELOPER
SWAN LAKE JOINT VENTURE
4301 DARROW ROAD, SUITE 2500
STOW, OHIO 44224
1-330-958-3356
CONTACT: CHRIS BROWN

PHASE ACREAGE SUMMARY
PHASE I 36.97 ACRES
PHASE II 14.04 ACRES
PHASE III 19.48 ACRES
PHASE IV 30.71 ACRES
PHASE V 16.71 ACRES
PHASE VI 25.02 ACRES
TOTAL 141.87 ACRES

SUBDIVISION PHASING



PREVIOUS RECORDED PHASES
PHASE I CAB. K SLIDES 178-184
PHASE II REC. #54191252
PHASE III REC. #54220685
PHASE IV REC. #54969406

I HEREBY CERTIFY THAT THE PARCEL SHOWN HEREON MEETS THE CURRENT ZONING REGULATIONS OF COPLEY TOWNSHIP.

COPLEY TWP. ZONING INSPECTOR



DAVID H. LEWIS
PROFESSIONAL ENGINEER 52504

REVISED PRELIMINARY PLAN FOR SWAN LAKE SUBDIVISION PART OF O.L. 10 TOWNSHIP OF COPLEY COUNTY OF SUMMIT STATE OF OHIO

GENERAL NOTES

NO ABANDONED MINES ON SITE

NO MARSHES ON SITE

NO ROCK OUTCROPPINGS ON SITE
SHALLOW ROCK HAS BEEN
ENCOUNTERED.

NO RAILROAD LINES ON SITE

NO POWER LINES OR TOWERS ON SITE

EROSION CONTROL SHALL BE AS
DIRECTED BY THE SUMMIT COUNTY
SOIL AND WATER CONSERVATION OFFICE.

RIPARIAN SETBACKS SHALL BE PROTECTED
AS DIRECTED BY THE SUMMIT COUNTY SOIL
AND WATER CONSERVATION OFFICE.

THE SITE CONTAINS WOODS.

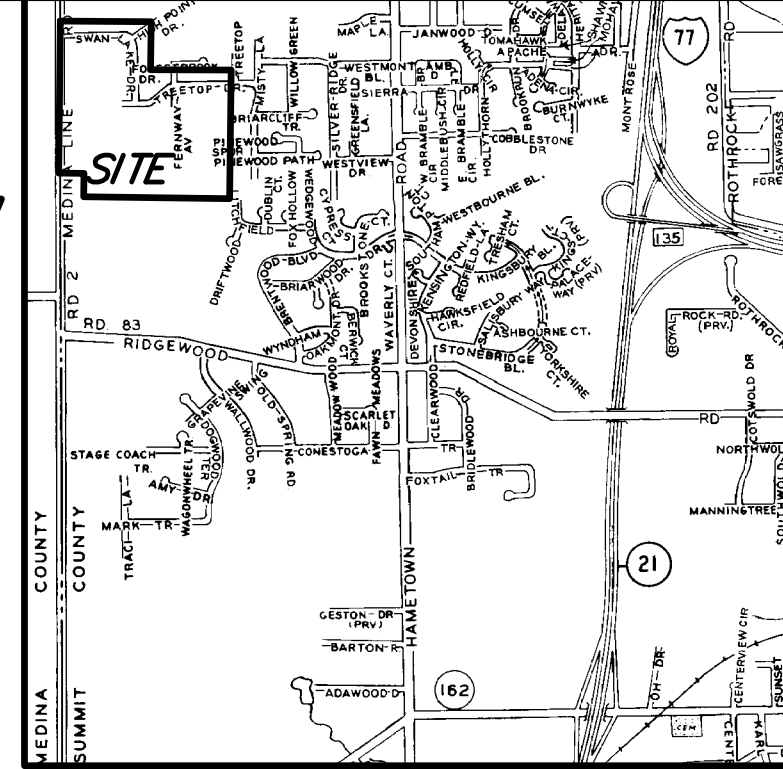
THE SITE DOES NOT HAVE FEMA
DESIGNATED FLOOD PLANE AREAS.

THE REMAINING TWO PHASES DO NOT
CONTAIN JURISDICTIONAL WETLANDS.

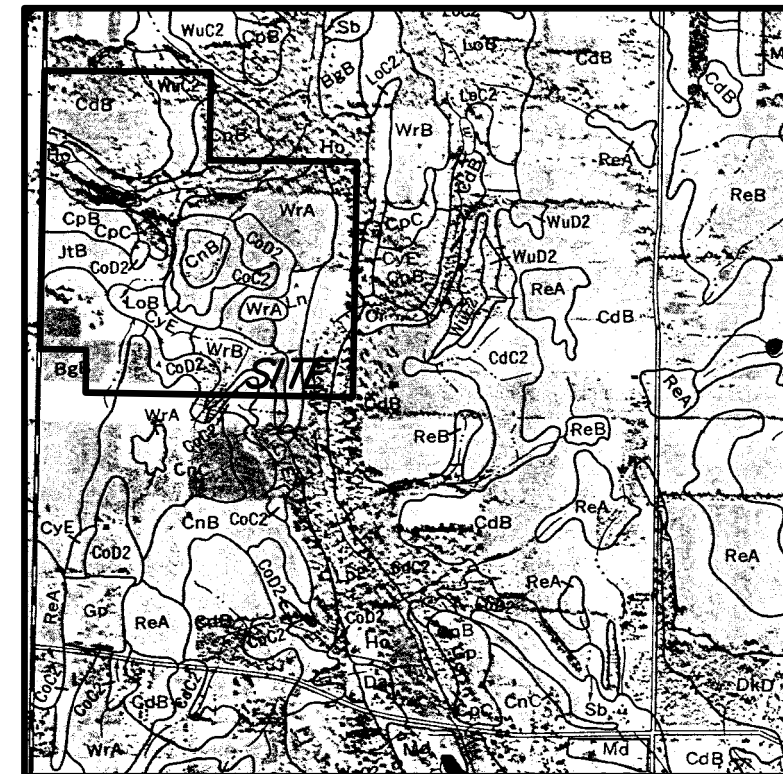
THE FOLLOWING HAVE BLANKET
EASEMENT LEASES AND/OR RIGHT
OF WAYS ON THE PARCEL:

1. OHIO EDISON
2. WILLIAM N. TOPKA
3. EAST OHIO GAS COMPANY
4. JRD ENERGY COMPANY
5. PENINSULA PARTNERS ONE

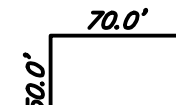
FIRE HYDRANT LOCATIONS SHALL BE
APPROVED BY THE TOWNSHIP FIRE
DEPARTMENT.



LOCATION MAP



SOILS MAP



LEGEND



DATE: 7/5/2023 PROJECT NUMBER: 05-006_PPE-BB.DWG SHEET NUMBER: 1 of 1	SCALE: 1"=100'	REVISION TABLE	PLAN PREPARED BY: LEWIS LAND PROFESSIONALS INC. CIVIL ENGINEERING LAND SURVEYING 8691 WADSWORTH ROAD SUITE 100 WADSWORTH, OH 44281 (330) 335-8232	PROJECT: SWAN LAKE SUBDIVISION TITLE: REVISED PRELIMINARY PLAN



Planning Commission
Lot Split and Variance
202 Montrose West
Copley Township

EXECUTIVE SUMMARY

The site is located in Copley Township, at the south terminus of Montrose West Ave. The applicant is proposing a lot split of parcels 1505035 to create 2 lots, Parcel B-1 and Parcel B-2.

The creation of proposed parcel B-2 would require a variance from SubReg 1105.05 (e): that a minimum of 30 feet of continuous road frontage on a dedicated street is required for both major and minor subdivisions.

Staff recommends.

Meeting:	April 25, 2024	Parcels:	1505035
Item No.:	1	Council Dist.:	5
Engineer:	Neff & Associates	Processor:	Stephen Knittel

Location: The site is located in Copley Township, at the south terminus of Montrose West Ave.

Proposal: The applicant is proposing a lot split of parcels 1505035 to create 2 lots, B-1 (2.8315 acres) and B-2 (3.5153 acres).

3.a. Variance Request:

The applicant is requesting a variance from Subdivision Regulation 1105.05 (e) Access to Public Streets “Unless otherwise permitted herein, the subdividing of land whether as a Major or Minor Subdivisions, shall provide each lot with a minimum of thirty (30) feet of continuous frontage on a dedicated Street. Access to public streets shall comply with the Access Management Manuel.”

The following narratives were submitted in response to the questions posed in the variance application. Staff comments are ***bold and italicized***.

- i. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land? If, so please explain.

Currently as the RL 202 Montrose, LLC parcel exists, it has 51.08 ft. of frontage along the westerly half of the public roadway being Montrose West. Ave. as created in January 30, 1989.

There are not exceptional topographic or other physical conditions peculiar to this parcel.

- ii. What is the unnecessary hardship which will result from a literal enforcement of the Subdivision Regulation owing to the special conditions set forth in subparagraph (i.) herein?

The Development as submitted in 1988/1989 was planned for a Hotel (built) add: 200 Montrose W. Ave. and Office (built) – add 202 Montrose W. Ave. and a third Future Building site (not built).

Without the frontage Variance, the third Western Building site will not be possible as appropriated for in the original designed intended plan. Frontage is limited to less than 60 ft, existing is only 51.08 ft.

The applicant would not be able to split their lot with the current lot configuration.

- iii. Did the special conditions specified in subparagraph (i.) result from previous actions by the applicant? Please explain.

No, the roadway dedication and frontage was created in 1988.

No.

- iv. Explain whether the variance requested is substantial.

No, the frontage along Montrose West Ave, current has a shared apron, for both addresses: 200 & 202 and also is served by Access & utility easements thru the main entrance to the current parcels.

New easements and REA has been created for the 3rd new parcel to be utilized as well, so no changes within operation of the entrances will change.

The variance request is not substantial as the request is 8.92 ft. short of the required 30 ft. for each parcel.

- v. Explain whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

Frontage along Montrose West Ave. access will remain intact and no changes will be visible.

The essential character of the neighborhood would not be substantially altered.

- vi. Will the variance adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles,

ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land?

Frontage along Montrose West Ave. access will remain intact and no changes will be visible.

This variance is for the Lot Split only. No new design for bldg., drives, parking circulation revision are being submitted at this time. If a design is submitted at a later date it will be subject to any and all municipal reviews & approvals per the current codes in place for PDD – Business Office & Highway Services.

This variance would not adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land.

- vii. Explain whether the Subdivision Regulation was in effect at the time of acquisition of the property by the applicant and whether the applicant purchased the property with the knowledge of the Regulation.

I was not involved with the project design in 1988-1989, and cannot speak or attest to that knowledge. Other than the preliminary plan submitted within the Copley Twp. Zoning records does depict the third Future building pad. The land does have a vacant flat space area per that 88-89 plan where the Future building was to be placed.

The 1980 Subdivision Regulations required 50 feet of frontage, the requirement was reduced to 30 feet in 2016.

- viii. Explain whether the applicant's predicament can be feasibly solved through some method other than a variance.

No the existing parcel landowner only has 51.08 ft. of frontage available, of which 60.00 ft is the minimum would be required for the two parcels to remain variance free, which is a deficiency of 8.92 ft.

The predicament cannot be solved without acquiring property from an adjacent parcel.

- ix. Explain how the variance from the Subdivision Regulations will not be contrary to the public interest.

This Variance will show no visible change for the public, and will allow a third-party to develop the property as contemplated by the 1988/1989 development plan. The development of an additional building will increase economic activity to the benefit of surrounding properties and locality.

This variance would not be contrary to the public interest.

- x. Explain how the spirit and intent behind the Subdivision Regulations will be observed if the variance is granted.

This Variance will allow for the completion of the 1988/1989 development plan via the conveyance of lot B-2 to a third-party who would develop the land. The development plan always called for the (3) planned buildings to share the one access point on Montrose W Ave, and given that the hotel lot was already split off onto its own property and uses easements with parcel 1505034 to share access to Montrose W Ave, there is functionally nothing changing; all lots and all buildings will continue to use easements to share access to the public right-of-way.

The spirit and intent of the following purposes and objectives of the Regulations as listed in § 1101.02:

- (a) The proper arrangement of streets or highways in relation to existing or proposed streets and highways and the thoroughfare plan.
This variance request is for a business lot to have reduced frontage on a dedicated street.
- (b) Adequate and convenient open spaces for traffic, utilities, access for firefighting apparatus, recreation, light and air, and the avoidance of congestion of the population.
This variance request is for a business lot to have reduced frontage on a dedicated street through an existing shared drive.
- (c) The orderly, efficient, and appropriate development of land.
This would not impact the orderly, efficient and appropriate development of land.
- (d) The orderly and efficient provision of community facilities at minimum cost and maximum convenience.
This would not impact the orderly and efficient provision of community facilities.
- (e) Safe and convenient vehicular and pedestrian movement.
This variance would not adversely affect the safe and convenient vehicular and pedestrian movement.
- (f) The promotion of public health, safety, comfort, convenience, prosperity, and general welfare, and the protection of the environment.
This variance request would not impact public health, safety, comfort, convenience, prosperity, and general welfare, and the protection of the environment.
- (g) The accurate surveying of land, preparing and recording of plats.
This would not impact the accurate surveying of land, preparing and recording of plats.
- (h) The equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and Developer as defined herein.

- xi. Explain how the requested variance is the minimum variance to the Subdivision Regulations that will allow for a reasonable division of land.

As stated in justification of variance question 2: a Variance of 8.92 feet of frontage along Montrose W. Ave. will allow Parcel B-2 to comply with the minimum frontage of 30.00 ft.

Without a variance the parcel cannot be split without acquiring property from an adjacent parcel. The variance request is for a business lot to have reduced frontage on a dedicated street through an existing shared drive.

Staff Comments: Variances are to alleviate unnecessary hardships imposed by literal enforcement of the subdivision regulations due to exceptional topographic or other physical conditions peculiar to a parcel.

Recommendation: Staff recommends to **approve** the variance request.

3.b Lot Split:

The site is located in Copley Township, at the south terminus of Montrose West Ave. The applicant is proposing a lot split of parcels 1505034 & 1505035 to create 3 lots, Parcel A, Parcel B-1 and Parcel B-2.

Staff Comments:

- The creation of proposed parcel B-2 would require a full variance from SubReg 1105.05 (e): that a minimum of 30 feet of continuous road frontage on a dedicated street is required for both major and minor subdivisions.
- It appears as though there is enough frontage on the cul-de-sac of Montrose West Ave. for all 3 proposed parcels to have at least 30 ft of frontage if the lots were reconfigured, or at the very least a reduction in the amount of variance needed.

Recommendation: Staff recommends to **approve** the lot split.



APPENDIX E

Variance Application

Department of Community and Economic
Development

Ohio Building - Suite 103 - 175 S. Main St. - Akron, OH 44308

APPLICANT INFORMATION

Applicant Neff & Associates - Steven J. Metcalf, P.S. Shumaker, Loop, & Kendrick - Attny.
 Address 6405 York Rd. Parma Heights, OH 44130 1000 Jackson St, Toledo, OH 43604
 Phone 440-884-3100 ext. 145 Daniel S. Roy - Attny.
 Email smetcalf@neff-assoc.com 419-321-1240 droy@shumaker.com

OWNER INFORMATION

Owner RL 202 Montrose, LLC Mike Plaspohl
 Address 21380 Lorain Rd, Suite 202 Fairview Park, OH 44126
 Phone 440-590-0892
 Email michael@realife-us.com

SITE INFORMATION

Name of Subdivision Split of JPS Copley TIC, LLC property
 or Address 202 Montrose West Avenue
 Location Copley Township
 Parcel No.'s 1505034
 Creating Sublots B-1 & B-2
 Acreage B-1 = 2.4673 Ac. (107,476 s.f.) & B-2 = 3.8795 Ac. (168,991 s.f.)
 Water Provider Yes
 Septic or Central Sewer Provider Yes

FILING FEES

Variance Fees

\$300.00 per Variance Request

VARIANCE INFORMATION

Nature of Subdivision regulation Variance required: (Describe generally the nature of the variance.)
 Min. of thirty (30) feet of continuous frontage on a dedicated street.

Provide the specific Subdivision Regulation from which a variance is requested:

Article:

Summit Co. Subdivision Regulations - Chapter 1105

Section:

1105.05 - (c)

JUSTIFICATION OF VARIANCE:

Applicant shall provide written justification for the requested variance by responding to the following questions.

1. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land? If so, please explain.

Currently as the RL 202 Montrose, LLC parcel exists, it has 51.08 ft. of frontage along the westerly half of the public roadway being Montrose West. Ave. as created in January 30, 1989.

2. What is the unnecessary hardship which will result from a literal enforcement of the Subdivision Regulation owing to the special conditions set for in subparagraph (1.) herein?

The Development as submitted in 1988/1989 was planned for a Hotel (built) add: 200 Montrose W. Ave. an Office (built) - add. 202 Montrose W. Ave., and a third Future Building site (not built)

Without the frontage Variance, the third Western Building site will not be possible as appropriated for in the original designed intended plan. Frontage is limited to less than 60ft, existing is only 51.08 ft

3. Did the special conditions specified in subparagraph (1.) result from previous actions by the applicant? Please explain.

No, the roadway dedication and frontage was created in 1988.

4. Explain whether the variance requested is substantial.

No, the frontage along Montrose West Ave, current has a shared apron, for both addresses: 200 & 202 and also is served by Access & utility easements thru the main entrance to the current parcels.

New easements and REA has been created for the 3rd new parcel to be utilized as well, so no changes within operation of the entrances will change.

5. Explain whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

Frontage along Montrose West Ave. access will remain intact and no changes will be visible.

6. Will the variance adversely affect the delivery of governmental services, including but not limited to, access by fire fighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land?

Frontage along Montrose West Ave. access will remain intact and no changes will be visible.

This variance is for the Lot Split only. No new design for bldg., drives, parking circulation revisions are being submitted at this time. If a design is submitted at a later date it will be subject to any and all municipal reviews & approvals per the current codes in place for PDD – Business Office & Highway Services.

7. Explain whether the Subdivision Regulation was in effect at time of acquisition of the property by the applicant and whether the applicant purchased the property with the knowledge of the Regulation.

I was not involved with the project design in 1988 - 1989, and cannot speak or attest to that knowledge. Other than the preliminary plan submitted within the Copley Twp. Zoning records does depict the third Future building pad. The land does has a vacant flat space area per that 88-89 plan where the Future building was to be placed

8. Explain whether the applicant's predicament can be feasibly solved through some method other than a variance.

No, the existing parcel landowner only has 51.08 ft of frontage available, of which 60.00 ft is the minimum would be required for the two parcels to remain variance free, which is a a deficiency of 8.92 ft.

9. Explain how the variance from the Subdivision Regulations will not be contrary to the public interest. This Variance will shown no visible change for the public, and will allow a third-party to develop the property as contemplated by the 1988/1989 development plan. The development of an additional building will increase economic activity to the benefit of surrounding properties and locality.

10. Explain how the spirit and intent behind the Subdivision Regulations will be observed if the variance is granted.

This Variance will allow for the completion of the 1988/1989 development plan via conveyance of lot B-2 to a third-party who would develop the land. The development plan always called for the (3) planned buildings to share the one access point on Montrose W Ave, and given that the hotel lot was already split off onto its own property and uses easements with parcel 1505034 to share access to Montrose W Ave, there is functionally nothing changing; all lots and all buildings will continue to use easements to share access to the public right-of-way.

11. Explain how the requested variance is the minimum variance to the Subdivision Regulations that will allow for a reasonable division of land.

As stated in justification of variance question 2: a Variance allowance of 8.92 feet of frontage along Montrose W. Ave. will allow Parcel B-2 to comply with the minimum frontage of 30.00 ft.

ACTION OF THE SUMMIT COUNTY PLANNING COMMISSION SHOULD BE SENT TO:

Name _____

Address _____

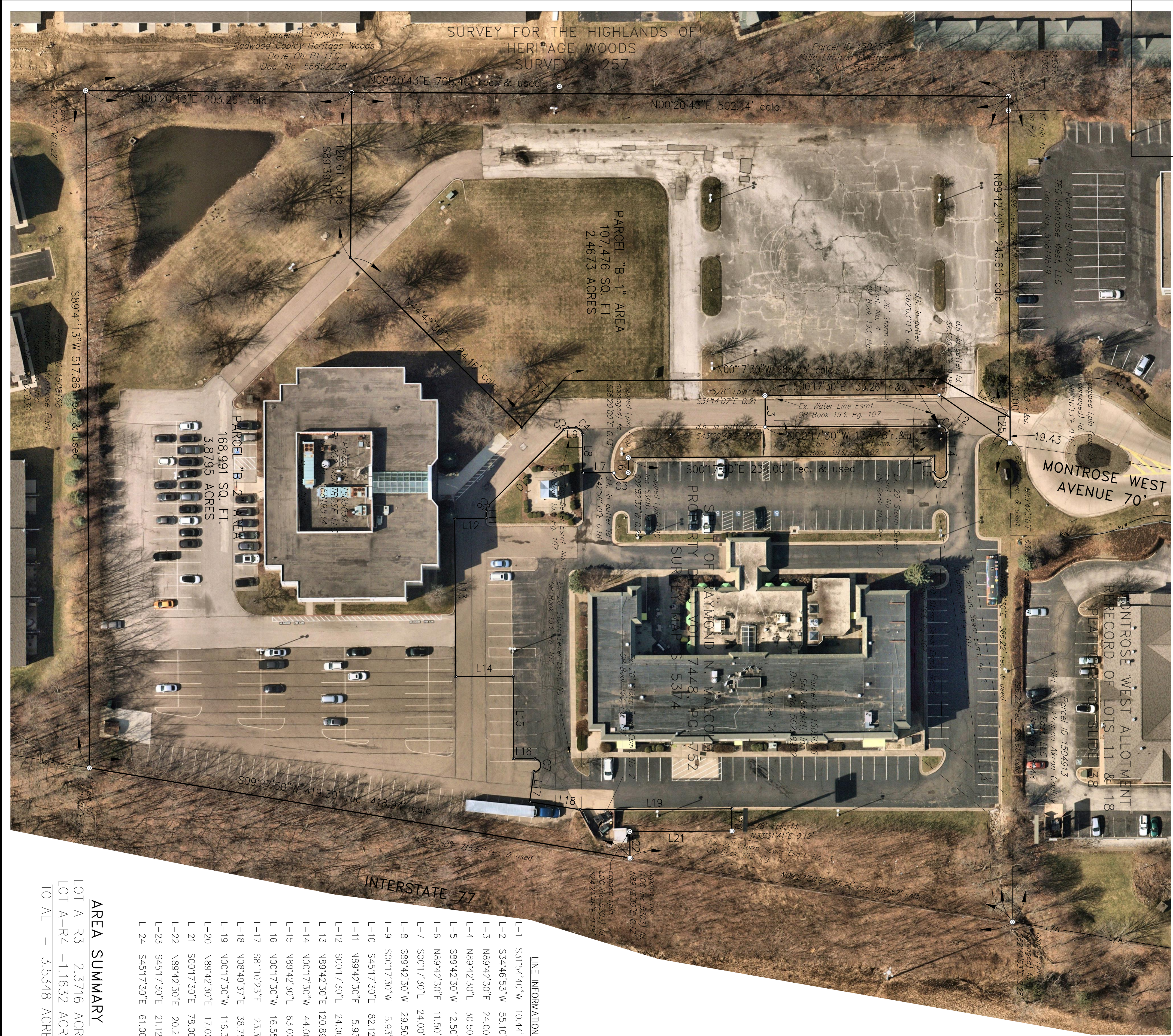
Phone _____

Email _____

Respectfully submitted this _____ day of _____, _____

I certify that all information contained in this application and its supplements are true and correct.

Applicant's or Authorized Representative's Signature _____		Date _____	
Fee Amount Paid: _____		Date Application Received: _____	
Number of Lots: _____		Staff: _____	



SPLIT OF JPS COPLEY TIC, LLC PROPERTY
DOCUMENT NO. 56186413
PART OF LOT 9 COPLEY TOWNSHIP, SUMMIT COUNTY, OHIO

APPROVALS

APPROVED BY ORDINANCE NO. _____ OF THE COUNCIL OF SUMMIT COUNTY.
THIS ____ DAY OF _____, 20__

COUNCIL PRESIDENT _____ PRINTED NAME _____
CLERK OF COUNCIL _____ PRINTED NAME _____

APPROVED BY COUNTY OF SUMMIT – COUNTY ENGINEER,
THIS ____ DAY OF _____, 20__

SUMMIT COUNTY ENGINEER _____ PRINTED NAME _____
APPROVED BY THE COUNTY OF SUMMIT – COUNTY EXECUTIVE,
THIS ____ DAY OF _____, 20__

APPROVED BY THE COUNTY OF SUMMIT – COUNTY PLANNING COMMISSION,
THIS ____ DAY OF _____, 20__

PRINTED NAME _____

APPROVED BY THE TOWNSHIP OF COPLEY
THIS ____ DAY OF _____, 20__

ZONING INSPECTOR _____ PRINTED NAME _____

SERVICE DIRECTOR _____ PRINTED NAME _____

BASIS OF BEARING

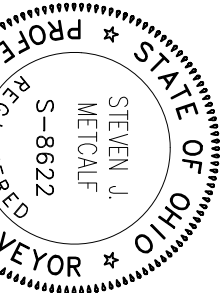
Distances shown hereon are given in feet and decimal parts thereof. The basis of bearings for this survey is Grid North of the NAD83 (GCRS96), Ohio State Plane, North Zone (3401) as established by GPS observations and the bearings shown hereon are used to denote angles only.

CERTIFICATE OF SURVEYOR

This plat and the survey on which it is based was prepared in accordance with and satisfy the minimum standards for boundary surveys in the State of Ohio, as codified in Chapter 4733-37 of the Ohio Administrative Code in effect at the time.

I hereby state to the best of my professional knowledge, information and belief, all to be correct. Field work performed in March 2023.

Steven J. Metcalfe
Registered Surveyor No. 8622-Ohio



CURVE INFORMATION

- C1
R=5.00'
L=7.85'
T=5.00'
D=89.58.29"
C=7.07'
S0017.30"E
rec. & used
- C2
R=5.50'
L=14.14'
T=17.28'
D=180700.00"
C=9.00'
S0017.30"E
rec. & used
- C3
R=5.50'
L=17.28'
T=17.28'
D=180700.00"
C=9.00'
S0017.30"E
rec. & used
- C4
R=5.00'
L=7.85'
T=5.00'
D=89.58.29"
C=7.07'
S0017.30"E
rec. & used
- C5
R=5.00'
L=7.85'
T=2.07'
D=45700.00"
C=3.83'
S22747.30"E
rec. & used
- C6
R=5.00'
L=3.93'
T=2.07'
D=45700.00"
C=3.83'
S6747.30"E
rec. & used

SURVEY REFERENCES

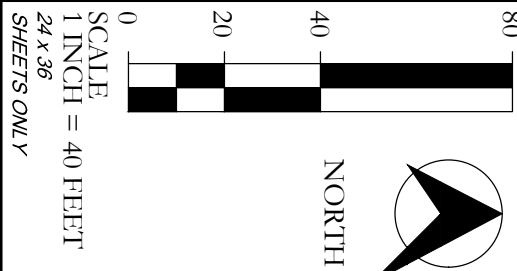
- Montrose West Allotment – Cabinet "B", Sides 747 to 752.
- Montrose West Allotment Record of Lots 11 & 18 – Cabinet "C", Sides 37 & 38.
- Plat for Detached Utility Right-of-Way Akron Oxford Limited Partnership
- Plat for "B", Sides 6 to 9.
- Plat for Deduced Drive Extension II and Holiday Drive Extension
- Cabinet "U", Sides 612 to 616.
- Attachment of a Portion of lot 11 to lot 10 of Montrose West Allotment
- Survey Map S-74.
- Split of Raymond N. Malcom Property Deed Volume 7448 Page 752
- Survey Map S-5374.

Recording Department's Stamp

ABBREVIATIONS

- ASPH..... ASPHALT
C or CALC..... CALCULATED
C..... CENTER LINE
CONC..... CONCRETE
S.D.R..... SUMMIT COUNTY RECORDS
S.P.R..... SUMMIT PLAT RECORDS
D..... DEED
EX..... EXISTING
F.D..... FOUND FLOOR ELEVATION
F.F..... FINISH FLOOR ELEVATION
INSR..... INSTRUMENT
MON..... MONUMENT
O or OBS..... OBSERVED
P.C..... PAGE
P or P/L..... PROPERTY LINE
P.M.T..... PERMANENT PARCEL NO.
P.W.I..... PAYMENT
R or REC..... RECORD
REC #..... RECEPTION NUMBER
R/W..... RIGHT OF WAY
VOL..... VOLUME

Fiscal Officer's Stamp



AREA SUMMARY
LOT A-R3 – 2.3716 ACRES
LOT A-R4 – 1.1632 ACRES
TOTAL – 3.5348 ACRES

LEGEND

- Iron Pin or Pipe found as described
- Monument Box and Pin found as described
- 5/8"x30" Iron Pin capped Neff & Assoc.-8622 set



Planning Commission
Zoning Text Amendment
Food Trucks
Sagamore Hills Township

Item No.: 2
Meeting: April 25, 2024
Proposal: Food Trucks
Processor: Stephen Knittel

Proposal: - The applicant has proposed that the Sagamore Hills Township Zoning Resolution be revised to amend Section 7.0 Supplementary Regulations to include 7.7 Food Trucks to regulate where, when, and how a food truck may operate in the township.

Section 7.0 Supplementary Regulations

7.7 Food Trucks

A. At all occupied properties up to two (2) days per year at same location/address within the following areas: (1) Residential District; (2) Planned Unit Development District within areas of Attached Single-Family Dwelling; Detached Single Family Dwellings and Detached Single Family Cluster Home Condominiums; and (3) Senior Living, Senior Care and Continuing Care Communities; and (4) Commercial District areas with the prior written consent of the owner.

B. Within the Planned Unit Development District upon the common property known as the Clubhouse/Community Center up to twelve (12) times per year.

C. No street or overnight parking of any vehicles and prior notice by applicant to the police and fire departments to ensure delivery of safety services during any such events.

D. No sales after 9:00 p.m.

E. All food trucks must have zoning registration prior to event that includes name, address, and contact information of both: (1) property owner and (2) food truck operator including copies of licenses (i.e., vehicles and food), proof of liability insurance, and proposed hours of event.

Staff Comments: Springfield Township in Hamilton County has the following Food Truck regulations:

17.20 **MOBILE FOOD UNITS.** Mobile food units are permitted as a temporary accessory

use in an “O” Office District, “B” Business District, “M” Industrial District, “PUD” Planned Unit Development District, or in “R” Residential Districts where the principal use is conditionally permitted provided that the following conditions are met:

- a. The mobile food unit is located on an improved lot with a principally permitted non-residential use or a conditionally permitted use in a residential district. Unless authorized by the Township for a special event, no mobile food unit will be permitted to operate when located on a public or private street;
- b. Except during festivals and circuses authorized by Section 10.114 of this Code and special events sponsored in whole or in part by Springfield Township, the mobile food unit will not be located on the same lot with any other mobile food unit nor within 25 feet of a residence;
- c. The mobile food unit is not situated so as to block or interfere with any ingress or egress or vehicular circulation in a parking lot, loading unloading area or building entrance and does not restrict or interfere with vehicular travel or visibility.
- d. The mobile food unit is not located so as to reduce the minimum required available parking spaces for the principal use or any additional uses on the site.
- e. The mobile food unit is not situated so as to block any fire hydrant, fire lane, or the lawful signage of another business.
- f. The mobile food unit operator has written permission from the property owner(s) to operate a mobile food unit on their property, which written permission shall specifically acknowledge the nature of the mobile food unit authorized and the dates/days and hours the operator is authorized to conduct business;
- g. The mobile food unit is in good condition and repair, does not display obscene messages or images, and does not detract from the general aesthetics of the area in which it is located;
- h. The mobile food unit only serves pedestrians, does not include drive-thru or drive-in service, and does not have any outdoor seating;
- i. The mobile food unit operates only between 10:00 a.m. and 10:00 p.m.

- j. The mobile food unit is licensed by the Hamilton County Health Department, (where applicable); has proof of adequate insurance, and a valid business license for mobile food unit operations;
- k. The mobile food unit operation includes trash receptacles for customers to dispose of food wrappers, utensils, paper products, cans, bottles, food, and other such waste. Such receptacle shall be located not more than 10 feet from the mobile food unit.
- l. The mobile food unit displays signs which do not exceed sixteen (16) square feet in display area and have a maximum of two display faces. All such signs shall conform to Subsection 10.16, regarding traffic visibility. No more than one (1) sign may be displayed on any lot;
- m. The mobile food unit does not have any exterior lighting, such as up-lights, spot lights, or lanterns. Existing exterior lighting or parking lot lights from the principal use must be used;
- n. The mobile food unit does not generate or project any noise or sound from a stereo, smartphone, MP3 player, Bluetooth enabled device, radio, phonograph, television, tape or disc player, loudspeaker or any other sound amplifying device or by any horn, drum, piano, or other musical or percussion instrument, which sound is plainly audible at a distance of twenty-five feet (25');
- o. The mobile food unit complies with the applicable requirements of the Ohio Fire Code; and

The mobile food unit has applied for and received a Zoning Certificate, which is valid for 365 days from the date of issuance and permits the mobile food unit to operate on no more than twelve (12) separate occasions during that period in that location. Zoning Certificates must be displayed on the mobile food unit.

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **Approved**.