

ZONING COMMISSION

Work Session

May 6, 2010

Version I

Approved 6/3/10

Members present: Chairman, Tom Kelley, Richard Bradner, Carol Franklin, Joy Kosiewicz, Ed Mazak and Bruce McMakin, Trustee Goodrich and Zoning/Administrator Bill Funk and Recording Secretary Martha Ferch.

March and April Zoning Report were presented and accepted by Commission.

Minutes for February 1, March 4, 2010 and April 8, 2010 were moved to be approved by Mr. Bradner, seconded by Mrs. Kosiewicz. Minutes approved unanimously.

Trustee Goodrich introduced herself as the liaison to Zoning and conveyed that there are two members up for renewal in June of this year and asked members to send letters to her if they wish to stay with the Commission or would want to serve on another Zoning Board or not serve another term. She also stated that our new trustee, Becky Corbett is in the learning process on zoning and two years would be reasonable learning time. Right now she is the liaison to the Police and Administration departments.

Chairman Tom Kelly and Trustee Goodrich had a brief discussion before the meeting for update on the progress of the Comprehensive Plan review committee. Once the recommendations are done it comes to the Commission to implement those changes to the Zoning Resolution. Then the Commission would hire a consultant to implement those changes to the resolution at a Public Hearing and make these recommendations to the trustees for approval. In the meantime, Commission should look at the existing code and make a list of issues that need addressing or new sections that need to be implemented and areas that the Comprehensive Plan recommendations do not address. Trustee Goodrich also asked the Appearance Review Commission to look at the three hamlets on Cleveland-Massillon Road that includes the residential areas, and give their ideas on signage within the corridor and any special recognition they recommend for the corridor as it relates to the Design Guidelines. Definition of "hamlet" is a little retail area without a church. We need to look at the way we can preserve these areas.

Wind energy systems presentations from last month's meeting were discussed. It was felt that residential usage of wind turbines in Bath would not be a high priority but businesses around I-77 might use the commercial units. Brecksville has enacted codes for the small energy systems and has placed restrictions on this code for installation. One of them is a limitation of five acres per use. They have also addressed the health and safety issues concerning these energy systems. They are a city and their regulations would be different than a townships.

The presenters from last month's meeting also stated that it would not be cost effective if you don't get wind speeds more than 10 miles per hour. The police are also concerned about the weight limit of transporting these systems on the roadways. The Ohio Township Association is approaching the state to set weight limits on roads because the weight of the turbines and poles during transport are so heavy it can break the roads and bridges.

We need to look at other codes and see if this is something we should add to our Zoning Resolution. The commission was given sample ordinances along with Richfield's code for wind turbines for review and to discuss at next meeting. Also, another presenter, who is neutral, to present more information on wind energy would be helpful to the commission. There is already an application from the University of Akron to place a wind turbine by the Field Station and the Zoning Inspector would have them come before the Commission. The height of the wind turbines could be up to 50' high. We could put a moratorium on this until technology is developed and one of the reasons could be for health and safety reasons, looks and noise also. Further discussion occurred on placement, location and moratorium on wind turbines. The Commission needs to

explore further and should have all the information on wind energy on hand so they can act on it at a Public Hearing. The consultant that we hire would be able to help write legislation on this for the resolution. Zoning Inspector will talk to the Comprehensive Plan members to see if they know of someone that can give us more information and he will make more inquiries for information. Also, contact the University of Akron, Green Technology in Bath, or get an expert on residential usage for more information. Next month have another person talk to Commission on Wind Energy systems and then pick one to present information to the public.

Zoning Inspector presented information on Internet Cafés. There was an interest to place one in Bath and the person interested did give him more information on this subject, that it would be a coffee place with internet service. People can come in and pay bills, get e-mail and there would be times when “sweepstakes” will be offered to the clientele to win items. The districts that this type of business can be in would be in the B-2 and some areas in the B-1 districts. Internet cafés use small square footage and you buy a phone card to buy time on their computer and people will use it during their vacation. Since the creation of these internet cafés, it has grown into gaming and sweepstakes promotions. The township discussed video arcades/games of skill but have never acted on legislation for it. Summit County is working on new legislation to regulate these establishments. They can do it as a police power and they could make it costly to the owners so it wouldn't be profitable for them to open one. Summit County can do licensing, fees and square footage and townships can only limit them to certain areas. Consultant could advise the Commission on writing language for the zoning resolution. What is the authority of Summit County Council to dictate to the township? Springfield Township has requested the county to help them because they do have a problem with internet cafés.

Mr. McMakin commented on home occupations after a BZA case was approved for an internet gun and rifle sales from his home. Consultant would be able to help us in rewriting this section of the resolution. Commission should also look at this section for any addition or rewriting of Home Occupation regulations.

Zoning Inspector presented the County's sub-division regulations, Section 106, on the definition of “thoroughfares”. This issue came up in a BZA case when an applicant wanted to place a sign facing I-77. The issue was whether I-77 is considered a thoroughfare so applicant can place a sign on the building that faces I-77 and does not have access from the property to the highway. Mr. McMakin came up with a definition: Thoroughfare – “(applying only to Bath Township) a “thoroughfare” is any road, lane, court, boulevard, or other licensed motorized vehicular traffic surface under the control of Bath Township or Summit County. This excludes any and all Federal Highways and roads.” This could be inserted in the Definition section but the Road Department should also look at it. Businesses would want to put up signage where they have exposure or access to a street. Signs would still have to abide by the sign size and height. Zoning Inspector's question is can a second sign be allowed either on site or on the building that faces a highway which only has exposure and not access? Commission members looked at an aerial map of businesses on Embassy Parkway and Springside Drive. Commission could wait and have consultant rewrite sign language for signs facing a highway. At the BZA level this variance request was denied and members told applicant to have Commission look at the sign language for clarification for definition of thoroughfares. No definition in the ORC code but there was a definition in the Summit County Sub-division regulations which is: “The full width between property lines bounding every public way...” does this define a thoroughfare? BZA asked for Commission to clarify it and they also want the township attorney to define it. This issue is just by I-77. Several buildings have already had signs up without a variance and he just wants to clear this up so he can give applicant a definite answer. Make the definition for thoroughfare then you don't have to change zoning, you just put a definition in. This only affects signage in the zoning resolution. Is a controlled access highway a thoroughfare? It is prime advertising for businesses and if you can't see it from the highway you won't get off. Members will word search the resolution for street, alley, thoroughfare, etc. “A Conditional Use Variance may be granted for signs that face I-77, is conforming in size and placed on building or site.” Will be an agenda item for next month. Items for further discussion are: Wind Energy Systems, Internet Café, Home Occupation, and thoroughfares.

Motion to adjourn was made by Dick Bradner and seconded by Carol Franklin. Meeting adjourned.