



MEDINA COUNTY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, MARCH 5, 2014, 6:30 P.M.
PROFESSIONAL BUILDING, LOWER LEVEL CONFERENCE ROOM

Attendees / Representing (from sign-in sheet):

Paul Jeffers, Montville Township
Red Doering, Homer Township
Chris Brown, Prestige Homes
Andy Conrad, Medina County Highway Engineer's Office
Jen and Aaron Link, Hunter's Ridge
Ty Valum, Valum Builders

MCPC Members and Alternates in Attendance:

MCPC Members:

Jeff Brandon
Martha Catherwood, Vice President
Val Jesionek
Mark Kolesar
Christina Kusnerak
Ray Jarrett, 2nd Vice President

MCPC Alternates:

Lynda Bowers, President, (for Pat Geissman)
Jason Stevenson, (for Steve Hambley)

MCDPS Staff:

Cheryl Heinly, Administrative Assistant
Susan Hirsch, Planner Principal
Rob Henwood, Planning Director

President Lynda Bowers called the meeting to order at 6:30 p.m. and began with the Pledge of Allegiance.

I. ROLL CALL

Ms. Bowers, Mr. Brandon, Ms. Catherwood, Ms. Jesionek, Mr. Kolesar, Ms. Kusnerak, and Mr. Jarrett were all present at the time roll was called.

II. MINUTES

Ms. Bowers asked if there were any questions or comments regarding the February 5, 2014 minutes. There was none.

Ms. Catherwood moved to approve the February 5, 2014 minutes as presented. Mr. Brandon seconded the motion. Ms. Jesionek, Mr. Jarrett, and Mr. Kolesar abstained. All other members voted AYE and the motion was approved.

*Board member Jason Stevenson entered, 6:33 p.m.

III. CORRESPONDENCE

There was no correspondence.

IV. CONSENT CALENDAR

A. Forest Glen, 007-2013, PP Ext, Preliminary Plan Ext Request, Sharon Township

Ms. Hirsch commented that this should be 25' not 15' on the plan for Sublot 1. Chris Brown, developer, said he would adjust this before he submits the Final Plat. Ms. Hirsch stated that all lots must meet zoning.

Access to the subdivision is provided from Ridgewood Road and a connection west to Estates at Woodfield via an extension of Brentwood Way. There are two stub streets to the south, one to undeveloped land and another to interconnect with the Falls Run subdivision. There are two stub streets to the east, one to a strip of land currently used as a driveway that separates Sharon Woods Road from the Forest Glen Subdivision property and one at the southeast corner of the site to undeveloped land.

Background:

Concept Plan meeting	December 2005
Preliminary Plan Approved	March 2006
Preliminary Plan Extension Approved	March 2008
Preliminary Plan Extension Approved	March 2009
Preliminary Plan Extension Approved	March 2010
Preliminary Plan (Resubmitted) Approved	March 2011
Preliminary Plan Extension Approved	March 2013

The Preliminary Plan of the subdivision was originally approved in March of 2006. After the initial approval, the Preliminary Plan was extended for one year in years 2008 through 2010. Since the Preliminary Plan expired, it was resubmitted for approval in March of 2011. In March of 2013, the 2011 Resubmitted Preliminary Plan was granted a 1-year extension until March 6, 2014.

Discussion:

Ms. Hirsh stated the Planning Office had received a comment from the township this past Monday after the staff report had been written and sent out. The comment was that the rear lot minimum set back is 25-feet and not 15-feet. There is a note on the plan that says 15 feet but that is easy enough to change. The one that is a little concerning is, 'all lots shall have 200 continuous feet and 200 feet continuous and unbroken at the building line'. She said there is one lot, subplot one, that is 186-feet, and she has spoken to the developer and he had said before it gets to final plat and to the Planning Commission for final approval he will adjust them all so that it will be 200-feet.

Ms. Hirsch said that the Planning office had spoken to Bill Thorne of the Prosecutor's office and he said this item could remain on the Consent Calendar with the recommendation of Approval with Modifications. She said to add a fourth modification that the rear set back note be 25-feet, not 15-feet, and all lots must meeting zoning prior to Final Plat.

Ms. Jesionek moved to approve the Consent Calendar consisting of Forest Glen Preliminary Plan Extension Request Subdivision with the staff recommendation of Approval with Modifications. Mr. Jarrett seconded the motion. All voted AYE and the motion was approved.

V. OLD BUSINESS

There was no Old Business.

VI. NEW BUSINESS

A. Hunter's Ridge, 008-2014, PP, Preliminary Plan, Wadsworth Township

Mr. Henwood presented the staff report to the Commission regarding the above captioned subdivision located on the south side of Akron Road west of Hartman Road.

The applicant proposes to create eight sublots on a public (60-foot right-of-way, ROW) permanent cul-de-sac street. The proposed subdivision is to be served by sanitary sewers and wells. A stormwater retention/fire pond is proposed on the northeast corners of the site. Open space blocks are shown on either side of the proposed street at the entrance of the subdivision.

Access to the site is provided via the proposed subdivision street to Akron Road (SR 261). The street is shown as a public permanent cul-de-sac street with 60 feet of right-of-way (ROW).

Relatively large tracts of undeveloped land are located immediately adjacent to the site; to the west and south (see map to the right). There are no physical constraints precluding street connections to these properties. There is a paper street stubbing to the southerly adjoining property; Wilson Road in the Sunnyside East Wadsworth Acres subdivision. Approximately 420 feet of pavement would need to be installed in order to provide street access to this property (ROW is available).

The subject property is zoned R-2 Residential District. The Wadsworth Township Zoning Resolution indicates that the purpose of the R-2 District is to, "...provide for low density, large lot, residential development consistent with the present location of such areas at the fringes of the community." Single-family residential dwellings are a permitted use in the district. Two-acre lots with 200 feet of frontage are required where central sewer and water are not available; when central sewer is available, one and a half acre lots with 150 feet of frontage are required.

Discussion:

Jen Link, developer, said it was all good.

Ms. Bowers suggested, and if the developer would agree, to make the last condition some kind of notation on the deed, marketing, something that the property owner that buys it, knows. She said historically those provisions are made and the first time a pile of snow is made the property owner calls the township and wants to know why the big pile of snow is on their property.

Mr. Jarrett clarified between sublots six and seven; he wanted to know if that should have been seven and eight. Mr. Henwood said yes, it was a typo, seven and eight is correct. He said it is the large lot at the south end, subplot 8 being the larger, and 7 is adjacent on the east side of the cul-de-sac.

Mr. Brandon questioned Mr. Henwood regarding the mines and the potential for them being on the property. Mr. Henwood answered that what they would be looking for is that ODNR has documentation that the mines do not cross the property boundaries. There is a property immediately in between the Wadsworth crossing site where the mine issue arose. He said they would need something specific to the site, i.e., no permit was pulled or something along those lines. He added that they are just looking for some confirmation so there is no mine subsidence issues after the subdivision is built. Jen Link said...inaudible...but it does not cross over, from the existing maps it does not show in any way that it crosses over into her subdivision, or any of the lots.

Mr. Brandon asked if the maps were accurate. Ms. Link said the maps were accurate and he (?) is going to send maps that are more detailed at her next step [in the process]. She said that Medina County is not one of the County's that require subsidence insurance but it is one thing that can be added to the homeowners policy.

Mr. Kolesar moved to approve staff recommendations of Approval with Modifications including the addition of modification #7 for the Hunter's Ridge Subdivision. Mr. Stevenson seconded the motion. All voted AYE and the motion was approved.

Mr. Henwood stated he would do a revised staff report for the applicant with the additional language for comment number seven.

*Jeff Brandon, Montville Township Trustee, stepped out due to the upcoming amendment, 6:55 p.m.

B. Montville Township Map Amendment, 003-2014 MA,

Mr. Henwood presented the staff report to the Commission for the above captioned map amendment rezoning HC, Highway Commercial to R-3, Residential.

The subject site is located on the east side of Montville Drive between Ohara Drive and Woodford Boulevard.

The applicant proposes to change the zoning of the subject site from HC Highway Commercial to R-3 Single-Family Urban Residential.

The subject parcel is currently zoned HC Highway Commercial. The applicant proposes to change the zoning to R-3 Single-Family Urban Residential.

The Highway Commercial District (H-C) provides an area for "motorist oriented business uses and general retail services, including, but not limited to, automotive, food and lodging services, concentrated around major freeway interchanges within the Township (430.1(G)).

Discussion:

Mr. Valore, land owner, said he was in full agreement other than prior to them being involved the property has been sitting there for 15 to 20 years and they feel because they are to the east of that, the 44 acres, it would be a blend into what they are trying to accomplish...inaudible.

Paul Jeffers, Montville Township, stated that the Township concurs that the use of the property is not affected as highway commercial. He said as it stands now it has a large mound that runs north to south on it, if it were knocked down to, he was not sure of the elevation levels at the back...inaudible, highway commercial. He said it is along the highway commercial property stuck between the three properties and it makes sense to turn it back to the R-3... inaudible.

Mr. Jarrett asked based on the density of that area, how many of the 2-story buildings with 8-units can be put in that parcel. Mr. Henwood said he would have to refer to the applicant; however, he would caution that being a criterion for considering the rezoning. He said anything that is potentially possible in those permitted uses is possible and once that amendment is adopted, anything can go there. While they could go through the arithmetic to see how many units could be placed on there [the parcel], he did not see how it would be terribly relevant to the consideration of the change in zoning.

Mr. Jarrett asked if ODOT was aware of the rezoning. Mr. Henwood answered that this is not on an ODOT route and he was not aware if they knew. He said when something is proposed off a State Route, their [ODOTs] comment usually is, 'it is not on a State Route'.

Paul Jeffers, Montville Township, spoke but was inaudible.

Mr. Kolesar asked if there were any open space requirements for R-3. Mr. Jeffers said that R-3 retains a 35% open space. He said when this is rezoned it will most likely be combined with the parcel to the east. He said there are severe wetlands and riparians that have to be avoided. He felt those alone would be well over the 35% open space requirement.

Mr. Kolesar moved to approve staff recommendation of Approval with Modifications for the Montville Township Map Amendment rezoning HC to R-3. Mr. Stevenson seconded the motion. All voted AYE and the motion was approved.

****Mr. Brandon returns, 7:05 p.m.**

C. Homer Township Text Amendment, 004-2014 TA

Ms. Hirsch presented the staff report to the Commission for the above captioned text amendment regarding numerous sections:

The amendments proposed by the Homer Township Zoning Commission, include:

1. Section 301-1-D, R-2 Residential
2. Section 301-4-B, Site Plan Review
3. Section 401-3 – Conditionally Permissible Uses
4. Section 601-6C, Enforcement
5. Section 801-1-B-2, Procedure for Making an Application.
6. Section 801-2, Basis of Determination
7. Section 901-4-A-1, Administration and Enforcement
8. Section 1001-7, Notice of Hearings

Homer Township submitted these amendments for Informal Review in January of this year. The current submittal reflects most of the changes suggested at the time of the Informal Review. Where changes have not been made and there is still concern, Medina County Department of Planning Services comments are included. The amendments were also sent to the Prosecutor's Office for review but their comments were not available in time to be incorporated into the Township's submitted amendments. The Township has indicated that it is their intent to incorporate the Prosecutor's Office comments into their revised text.

Discussion:

Red Doering, Homer Township, said he would take it back to the township.

Ms. Catherwood moved to approve staff recommendation of Approval with Modifications for the Homer Township Text Amendment. Mr. Jarrett seconded the motion. All voted AYE and the motion was approved.

VII. PLANNING DIRECTOR'S REPORT

Mr. Henwood said he sent an email towards the end of last week to all the members. He said if the Commission recalled when they were reviewing the Blackberry Farm Subdivision by Pride One, they had proposed a subdivision with what planning staff thought were private streets. The submitted plans indicated they were private drives and that they were rental units. The applicant

was making the argument that those were driveways as opposed to private streets. The basic argument was that the property was not being divided into separate parcels, as is the case with a standard subdivision. The applicant argued since no subdivision is occurring therefore no subdivision regulations should be applicable. Mr. Henwood said staff's position is that the roadways in those types of developments are private streets and therefore under the ORC and the Subdivision Regulations it is a subdivision. He said in that particular case because the proposal called for 50 units on a single access street, effectively a cul-de-sac, it was limited to 40 units as specified by the Subdivision Regulations and as such, the applicant was required to obtain a variance to allow 10 additional units beyond the 40 units.

Mr. Henwood said during their review of the subdivision and the ongoing discussion that ensued, they became aware there was a little weakness in their subdivision definitions. He said once they nail that down they also want to make sure the regulations themselves are not too confusing. He added that if they can restructure or reorder the way in which it is presented, perhaps it would be a little clearer.

Mr. Henwood said he was looking for input from the members regarding the proposals for amending the definitions that are listed from the sheet that he had sent out. He said specifically common drives, driveways, driveway to street, and public roads. He said Susan and himself had many discussions and then forwarded it [their notes] onto Bill Thorne for his review. He said what is before the Commission is tedious discussions, but he thought they were very close.

Ms. Bowers felt that Mr. Thorne was trying to cover any possibility that someone could come in; she said they were lucky this last one did not fight because to have that size of a project not subject to any real regulations is scary. She said if someone would have fought, they [?] might very well have lost that battle. Mr. Henwood said it did not help having these vague definitions because usually if their good you can use the definitions as a "club" and say, 'this is what it says you have to do, and here is the definitions'. He said when planning staff went to do that it was circular. The driveway definition was effectively the same as the private street definition so that was not helping.

Mr. Henwood said what they were trying to accomplish by changing the definitions was a significant delineation between a driveway and a private street, which turned out to be more difficult than imagined. He said they looked at a dozen different definitions for driveways and private streets from across the country and cherry picked what they liked and this is what they got. Ms. Bowers said she tried to think from a Real Estate standpoint to see what would fall though and she could not think of anything. Mr. Brandon said he did not see anything either. Mr. Henwood said they tried to make it as clear as possible.

Mr. Henwood said they added that access to a private street can be limited and a private street can be gated if a person so chooses so they thought that was important. He said they also wanted to add the language that private streets cannot be converted to public streets unless significant retooling is done to make them fit the public standard. He said they did not get into the fact that when those changes are made it causes zoning conformance issues but they did not want to get too far involved with that. Ms. Bowers stated that they [township?] try to make sure they are not financially responsible to do that. Mr. Henwood agreed saying when reviewing street standards, between a public and a private road, there is intentionally a difference so it cannot fit.

Mr. Henwood said when they had originally started discussing this Mr. Thorne told them about some language that he thought was not enforceable so that would be part of the amendment. He said this was more substantial than the other stuff they were doing so they wanted to take the time and make sure they got everything right. Ms. Bowers asked if they are far enough ahead on the other issues that they will be able to present a resolution for the Board to go ahead and start the process of that amendment at the next meeting. Mr. Henwood said they can but should within the

next week or so sit down with Bill to discuss the definitions. Essentially it is the way the 40 and 50-lot rule is presented as a number of people were misreading it and there is no need for 40 paper copies as we send everything out electronically now.

Ms. Bowers said it takes a good 3 months to do the process from start to finish and they are starting the [building] season. She asked if there was something that could be done to move that along. Mr. Henwood said they could go forward with the list that he and Susan were working on. Some of the items on that list were not as substantial.

Mr. Jarrett asked if there was a rational on the common drives and three residential lots. Mr. Henwood said that is what is in the subdivision regulations. Mr. Jarrett asked if four or five lots were looked at. Mr. Henwood said since he was back there was one instance when an applicant requested five lots on a common drive and he thought they have not seen enough at this time. If they see additional variances over the next few years they could reconsider it, but it seems to be working [the way it is now]. He said that is the first time he could remember anyone asking for more and in some cases, the Townships do not allow them. Ms. Bowers said she did not know of any townships that allow more than two on a private drive.

Mark Kolesar asked about purchasing a regular sized flag. Ms. Heinly said she had a flag; we just needed a pole and stand. Ms. Bowers said she has an extra pole and stand as her township just purchased new ones and offered to bring one in.

VIII. PUBLIC PARTICIPATION

There was no Public Participation.

IX. OTHER BUSINESS

There was no Other Business.

X. ADJOURNMENT

Ms. Bowers moved to adjourn the March 5, 2014 MCPC meeting at 7:17 p.m.

Lynda Bowers, President

Cheryl Heinly, Admin Asst.