



MEDINA COUNTY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, FEBRUARY 4, 2015, 6:30 P.M.
PROFESSIONAL BUILDING, LOWER LEVEL CONFERENCE ROOM

Attendees / Representing (from sign-in sheet):

Anita Oxenrider, Phyllis and Paul Young
Josh Cichello, 48 S Medina Line Road
Travis Crane, TGC Engineering

MCPC Members and Alternates in Attendance:

MCPC Members:

Val Jesionek
Mark Kolesar
Jeff Brandon
Paul Jeffers
Sally Albrecht
Ray Jarrett

MCPC Alternates:

Lynda Bowers, President, (for Pat Geissman)
Pam Plavecski, (for Pat McNamara)
Jerry Cook, (for Adam Friedrich), 6:45 p.m.
Kevin Ball, (for Tim Smith)

MCDPS Staff:

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

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. Jesionek, Ms. Albrecht, Mr. Kolesar, Mr. Jeffers, Ms. Plavecski, Mr. Ball, 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 January 7, 2015 minutes. Ms. Heinly said Mr. Jeffers had emailed some grammatical corrections.

Mr. Jarrett moved to approve the minutes as corrected. Mr. Brandon seconded the motion. All voted AYE and the motion carried.

III. CORRESPONDENCE

There was no Correspondence

IV. CONSENT CALENDAR

There were no items on the Consent Calendar.

V. OLD BUSINESS

There were no items in Old Business

VI. NEW BUSINESS

A. Arbor Lakes at Cobblestone, 003-2015, PP, Preliminary Plan, Montville Township

Ms. Hirsch presented the staff report to the Commission regarding the above captioned subdivision located on the east side of Wooster Pike (SR 3) between Sharon Copley and Poe Roads.

The applicants are proposing to revise the Preliminary Plan for Block A, to complete the remaining home sites as traditional sublots rather than cluster home footprints.

The Planning Commission originally approved the Preliminary Plan for the Cobblestone Park subdivision in February of 2004 and it has been revised many times since; the Preliminary Plan was most recently administratively approved in October of 2013 when the last two remaining phases of the subdivision (Phase 3A and 3B) were further divided to include an additional phase (3C). The most recently approved plat, Phase 3A, was approved in July of 2014.

In March of 2004, a Concept plan was submitted for the Senior Cluster Homes, and in May of 2004, a Final Plat for Phase 1A was approved that created Blocks A-D. Block A was designated as a block for senior cluster housing. Subsequent phases have added the sublots as they have been constructed.

Ms. Bowers stated before they will proceed, a point of clarification, Mr. Brandon and Mr. Jeffers are both going to abstain from voting and discussion. Since Mr. Jeffers is not a voting member in Montville Township but is the zoning administrator and a PC board member, he can answer questions and discuss comments. She said Mr. Jeffers spoke with the Prosecutor's office and he was given the okay to speak to the PC regarding the Township issues. Ms. Albrecht asked if she needed to abstain as well. Ms. Bowers said yes.

Discussion:

Paul Jeffers, Planning and Zoning Director, indicated that in talking to TGC Engineering the Township has also recommended on the plat there is an indication of a 15-foot side yard setback between the houses. He said they are running into issues in County Lakes subdivision where they were able to build inside the envelope but they did not have a setback within the envelope so they could build right to the sideline. He stated that two houses built up on either side of the lot so now there is a lot that is almost not buildable.

Travis Crane, TGC Engineering, stated he had no issues or comments with staff comments. He did want to clarify that it is 15-feet between buildings and 7 ½ feet on each side of the property line.

Mr. Jarrett asked about comment number five regarding the wetland. Ms. Hirsch said that was a mistake. It should be #1, not #3.

Mr. Kolesar questioned lot 23 and it looked like they were going pretty far into the woods.

Mr. Crane said they were keeping consistent and almost the same as what was on the approved 2003 plan layout. He thought the road was already created and cut in.

Mr. Jeffers stated that with the wetland setback they are required 25-feet outside of the wooded area. Ms. Hirsch said that should be in their deeds and it cannot be disturbed.

Mr. Kolesar moved to approve staff recommendations of Approval with Modifications for the Arbor Lakes at Cobblestone Preliminary Plan, adding that the 15' side yard (with 7 ½ feet on either side), setback be added to the plan. Ms. Plavecski seconded the motion. Mr. Jeffers, Mr. Brandon, and Ms. Albrecht abstained. All other members voted AYE and the motion carried.

****PC member Jerry Cook arrived but sat in the audience, 6:45 p.m.**

B. Arbor Lakes at Cobblestone, 004-2015, R, Replat, Montville Township

Ms. Hirsch presented the staff report to the Commission regarding the above captioned subdivision located south of Cobblestone Park Drive in the southwestern portion of the development.

This replat of Block A8 proposes the following:

- Creation of 12 sublots served by central sewer and water. 17 sublots currently exist in the form of “as-built” footprints.
- Wisteria Lane, Morning Glory Lane, Primrose Path and Lavender Lane currently exist as private streets consisting of a 60-foot easement for access, and water and sanitary sewer lines.
- Creation of Block A9, which is all the land that is not within the existing or proposed sublots. (See attached GIS map and Replat).

The Planning Commission originally approved the Preliminary Plan for the subdivision in February of 2004 and it has been revised many times since. In March of 2004, a Concept plan was submitted for the Senior Cluster Homes. In addition, in May of 2004 a Final plat for Phase 1A was approved that created Blocks A-D. Block A was designated as a block for senior cluster housing.

Discussion:

Paul Jeffers stated that he had no comment.

Travis Crane said he had no additional comments.

Ms. Bowers noted for the record that Mr. Brandon, Mr. Jeffers, and Ms. Albrecht would be abstaining.

Ms. Jesionek moved to approve staff recommendations of Approval with Modifications for the Arbor Lakes at Cobblestone Replat, Ph. 9. Mr. Jarrett seconded the motion. Mr. Jeffers, Mr. Brandon, and Ms. Albrecht abstained. All other members voted AYE and the motion carried.

C. Sharon Township Map Amendment, 002-2015 MA

Mr. Henwood presented the staff report to the Commission regarding the above captioned map amendment rezoning C-2 and R-1 to all C-2, 48 S Medina Line Road.

Zoning: R-1 Residential District text does not include a purpose statement. Single-family uses, uses ancillary to single-family uses, and agriculture are permitted uses (§ 601(A)).

Conditionally permitted uses include tourist or boarding homes and rooming houses accepting no more than six guests at a time, houses of worship, schools (kindergarten through 12th grade

only), and recreational areas (§ 601(B)). The minimum lot size is two acres with 200 feet of street frontage (§ 601-2(A) & (B)).

The stated purpose of the C-2 Commercial district is “to accommodate multi- purpose retail and business development, free from any heavy industrial or residential activities, with adequate level of traffic flow along those major roads serving its activities, as provided in the adopted Route 18 Corridor Action Plan (§ 604-1).” All uses in the district are conditionally permitted. Conditionally permitted uses include the following;

- uses permitted in the C-1 district excluding R-1 and R-2 uses and heavy industrial uses and including religious, educational, and philanthropic institutions, bed and breakfast, retail sales, repair shop, beauty parlor, funeral home, bank, office or office building, studio, and restaurant (§ 603-4).
- uses in the C-2 district including trailer and farm implement sales and service, carpenter, cabinet, upholstering, sheet metal, plumbing, heating, air conditioning, and similar establishments, hardware and building material sales, repair services for machinery and equipment, including repair garages and specialty establishments such as motor, body, fender, radiator, motor tune-ups muffler shops, tire repairing, sales and service but excluding vulcanizing and recapping (§ 604-2).

The 1996 update of the Sharon Township Development Policy Plan (Plan) recommends the entire Medina Road (SR 18) corridor for commercial use. § 3.2 recommends, “that a diversity of economic activities (including light industrial) be allowed....” The Plan also calls for “careful review and clarification of permitted uses in the current zoning resolution.”

§ 4.1 Policy 1B.4, states the township should “[p]ermit no further expansion of commercial and industrial zones in the Township, with the exception of changes which would be of direct tax benefit and/or use to the Township residents.”

Discussion:

Ms. Bowers asked about # 7 and said this was the third time this property has been brought before the board in 15 years for the same problem. She said the difficulty is they just had this issue on SR 18 in York Township because of the Grant Rudman bill. Property uses are not permitted to get bank financing for other than what their use is. A property that is zoned commercial cannot get a new mortgage for residential and property for residential cannot get financing for commercial use. She said it is a crime for the banks to finance and they would be audited. She asked Mr. Henwood if that would make a difference in his recommendation or did he think it would have made a difference to the Township had they known.

Mr. Henwood said this is one of those situations where as a planner he is put in this position. While he understood the plight of the homeowner, the representative for the buyer insisted that the entire property be zoned C-2 as a condition for the purchase. Ms. Bowers said the bank would require it. Mr. Henwood said that the issue is the Township has acted appropriately in terms of creation of zoning and adherence of the plan. The Township has gone to the trouble of drafting a plan to have that and... consistently following the procedures. He said he has to side with the Township because they have done everything appropriately, but if it were up to him, he would not have districts that divide parcels at all. Mr. Henwood said the representative for the owner has made a compelling case for why this should be allowed and she is here and can address any questions.

Nita Oxenrider, representing the owners of the property, Phyllis and Paul Young, said she has done some extreme research and began by handing copies of maps out to Ms. Heinly and the Planning Commission. Ms. Oxenrider said the maps were every intersection heading south in Sharon Township. She said it has been stated on numerous occasions that the Twp officials

have consistently applied for the zoning but not allowing for the depth. She said they have allowed it twice on the side roads and there is not another parcel that the zoning applies.

Ms. Oxenrider said she has a copy of the SR 18 corridor study, which also does not state a depth in the commercial use in the C-2 district. She said it was nowhere in writing and they just go by the map, which was done in 2009. She said they got the map, got the approval, phone calls were made by the zoning inspector and they were told C-2 was good to go since the SR 18 project went through.

Ms. Oxenrider said now they have a buyer and they went to the zoning and are told it is not fully C-2 zoning. She said by Sharon Township approving the depth increase is not opening up any can of worms having to allow 20 other properties the same process. 48 South Medina Line Road is already usable for C-2; they are just asking to split the property. Ms. Oxenrider said they have to provide a way for the buyers to buy the property.

Ms. Bowers asked Ms. Oxenrider if it was her position that it would not provide a tax benefit. Ms. Oxenrider said the property to the north on the corner is going to be Discount Drug Mart. She said that whole area was in the CRA and yes, it might provide a tax benefit to the Township because it was obvious they wanted development in that area. She was befuddled as to why this was even an issue.

Mr. Kolesar was concerned with the transition from C-2 to R-1 with the property to the south. He questioned if there were any plans for buffering or safeguards for the southern residential property and the property south of the commercial property. Ms. Oxenrider answered that per Sharon Twp zoning in the C-2 district, the cabinet shop to the west will have a minimum of 40' setback where the rear yard borders residential property. She said it is wooded so it would provide a natural buffer. Mr. Kolesar said what (woods) would remain. Ms. Oxenrider said the Township and their BZA which would have to approve any use there could state that the wooded area remain as a part of the buffer requirement. She said for the side yard setback it is a 50' buffer recommendation when it abuts residential for the SR 18 Corridor plan but Sharon Twp is 25'.

Ms. Oxenrider was made aware at the last ZC meeting that that residential area could easily be approved by the BZA to be used as a retention pond. She said there are all kinds of things they could do to provide additional buffering.

Mr. Henwood stated to Mr. Kolesar that the Township did not have any landscaping requirements in the C-2 District and that was why staff in their recommendations suggest that they consider additional buffering. Ms. Oxenrider said they do a lot for landscape buffering. Mr. Henwood said there is no specific criteria for what needs to be done.

Mr. Henwood stated that the role of the Planning Commission, because they are discussing a map amendment, it is only a recommendation to the Township and it would not be a binding decision.

Mr. Kolesar said he was concerned regarding the 40-foot buffer. Mr. Henwood thought the requirement was 25-feet, but it is not specific as to what kind of landscaping.

Ms. Bowers felt strongly that the board should err to the benefit of the private property owner. She said this property owner has their hands tied because he cannot get any financing.

Josh Cichello, property owner at 76 Medina Line Road, was concerned about what was going to happen between his property and the applicants. Ms. Bowers said the Township has the ability to put restrictions in place at the BZA. She asked him if that gave him any comfort or did he

not want to see this happen. Mr. Cichello said he did not want to see it happen. He works in construction so he knows how it goes. He hears Panther trucking all night behind his house. Mr. Cichello he was concerned if they put in a Starbucks or a pizza shop as he hears the Cisco truck at 4:00 a.m. He said their trash usually ends up in his backyard so that is another concern. He stated nobody could give him an answer as to what is going in.

Ms. Bowers stated that once it is zoned, that is it and a portion of it is already zoning commercial. Mr. Cichello said 70-feet is much better than 25-feet. Ms. Bowers asked Ms. Oxenrider if the problem with the buyer was that they needed the extra land. Ms. Oxenrider said the applicant needs to be able to buy the property. She added it would be up to the Township to add whatever kind of buffering that they (the Twp) would want. Ms. Bowers said unless they are a cash buyer it has to be one zoning. Ms. Oxenrider said that was correct.

Ms. Jesionek asked if the property on the southern property that they are selling to would still go to the BZA. Ms. Oxenrider said yes. Mr. Henwood said that everything is conditional in the C-2 district.

Ms. Bowers said they could put conditions on it.

Mr. Brandon said that to the east there is a sizeable development with serious mounding on either side.

Mr. Kolesar stated that yes, the area is transitioning and to him it makes sense to keep the zoning R-1 and try to preserve that buffer zone within that transition area. He said even with the housing development in Summit County with commercial on the corner what would be put in place to preserve the homeowners that do live south of this area. He asked if they were going to allow the commercial zoning to their doorstep. Ms. Bowers said that is a good argument except that two thirds of the property is already C-2. She added that they could not sell it residentially because they cannot get a mortgage and they cannot sell it commercially because they cannot get the financing. This is because of the banking law that states it has to be one zoning district.

Mr. Jeffers asked if the northern property has enough acreage for the commercial. Mr. Henwood said yes. Ms. Bowers said there is not enough for residential to split so it does not meet the zoning codes. Mr. Henwood said one option would be to split it and offer it to the adjoining neighbor but the remainder would not be enough to stand-alone.

Mr. Brandon asked if the board could request heavy buffering from Sharon Township. Ms. Bowers asked if he was making a motion. Mr. Henwood stated that the board needed to be a little careful as this was a conditional use. He said if an applicant comes in, provided a plan, and meets all the conditional uses listed in the zoning it must be approved. He said the BZA does not have the authority to add mounding randomly, if it is not listed as a specific use then it is not required. Ms. Bowers said the Township does have a landscaping buffer so that would open the door for them to be able to make recommendations. Mr. Henwood said sure, but they cannot say they must put something there, as that is not within the township's authority. Ms. Bowers said her township always thought that it was. Mr. Henwood said that conditional uses are very specific. He stated if the conditions that are listed in the zoning are met then those conditions must be approved. He said it does not provide flexibility to add extra conditions.

Mr. Kolesar moved to accept staff recommendations of disapproval. Mr. Jeffers seconded the motion. Ms. Bowers asked for a roll call vote. Mr. Kolesar, Mr. Jeffers, Ms. Albrecht, and Mr. Jarrett voted AYE. Ms. Jesionek, Mr. Brandon, Mr. Ball, Ms. Bowers, Ms. Plavecski, and Mr. Cook voted NAY. The motion for disapproval fails 6 to 4.

Mr. Brandon moved to approve the applicant's request and encouraged the Township to consider a strong buffer between the C-2 and R-1 zoning districts. Roll call vote was taken. Ms. Jesionek, Mr. Brandon, Mr. Jarrett, Mr. Ball, Ms. Bowers, Ms. Plavecski, and Mr. Cook voted AYE. Mr. Kolesar, Mr. Jeffers, and Ms. Albrecht voted NAY. The motion to approve (applicant's request) carries 7 to 3.

VII. PLANNING DIRECTOR'S REPORT

Mr. Henwood said he had nothing to add.

VIII. PUBLIC PARTICIPATION

There was no Public Participation.

IX. OTHER BUSINESS

There was no Other Business.

X. ADJOURNMENT

Ms. Bowers moved to adjourn the February 4, 2015 MCPC meeting at 7:31 p.m.

Lynda Bowers, President

Cheryl Heinly, Admin Asst.