



MEDINA COUNTY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, MAY 4, 2016, 6:30 P.M.
PROFESSIONAL BUILDING, LOWER LEVEL CONFERENCE ROOM

Attendees / Representing (from sign-in sheet):

Jason Brenner, Lewis Land Professionals
Mel Kman, Hinckley Township
William Spellman, Hinckley Township
Rec Glenn Paintiff, 1901 Center Road, resident
Dan Peterson, Rolling & Hocevar
Alliss Strogin, Medina Township
Martha Catherwood, Hinckley Township
Travis Crane, TGC Engineering
Doug Krause, Legacy-Carrington

MCPC Members and Alternates in Attendance:

MCPC Members:

Val Jesionek
Mark Kolesar
Paul Jeffers
Jeff Brandon

MCPC Alternates:

Pat Ryan, (for Sally Albrecht)
Ray Schulte, (for Colene Conley)

MCDPS Staff:

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

Val Jesionek called the meeting to order at 6:38 p.m. and began with the Pledge of Allegiance.

I. ROLL CALL

Ms. Jesionek asked Ms. Heinly to call the roll. Mr. Brandon, Ms. Jesionek, Ms. Ryan, Mr. Jeffers, Mr. Kolesar, and Mr. Schulte were all present at the time roll was called.

II. MINUTES

Ms. Jesionek asked if there were any questions or comments regarding the April 6, 2016 minutes. There was none.

Mr. Jeffers moved to approve the April 6, 2016 minutes as presented. Mr. Brandon seconded the motion. Mr. Kolesar and Ms. Ryan abstained. All other members 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

A. Harps Mill, 116-2015 PP, Preliminary Plan, Sharon Twp

Mr. Henwood presented the staff report to the Commission regarding the above captioned subdivision located on the east side of Hartman Road between Fixler and Koontz Roads.

The applicant proposes to subdivide the remainder of the property to include 18 sublots and two public streets with 60 feet of right-of-way (ROW), Harps Mill Drive and Cello Circle; both streets terminate in permanent cul-de-sacs. The site is to be served by on-site wells and septic systems. Storm water basins are proposed on Sublots 49 and 57.

Phases One and Two have been platted and most of the homes have been constructed. The entire subdivision will contain 61 sublots upon completion.

The Preliminary Plan was originally approved by the Medina County Planning Commission (MCPC) in June of 2005 and the Final Plat for Phases 1 and 2 in December 2003 and October 2005 respectively (see table for complete approval history).

| MCPC Approval | Date |
|----------------------------|----------------|
| Concept Plan | April 2003 |
| Preliminary Plan | June 2003 |
| Final Plat, Phase 1 | December 2003 |
| Revised Preliminary Plan | September 2005 |
| Final Plat, Phase 2 | October 2005 |
| Preliminary Plan Extension | October 2007 |
| Preliminary Plan Extension | January 2008 |

The subject property is zoned R-1 Residential. The Sharon Township Zoning Resolution indicates single-family dwellings are a permitted use in the R-1 District (§ 601). The minimum lot size is two acres with a minimum 200 foot lot width or 60 feet of frontage on cul-de-sacs with 200 foot lot width, measured at the building line (§ 601-2(A & B)).

Comprehensive Plan: The 1996 update of the Sharon Township Development Policy Plan (Plan) does not include a Future Land Use map nor does it recommend future land uses in specified locations. The Plan does, however, indicate that the bulk of the land in the township is zoned R-1 Residential, with a two acre minimum lot size; it further recommends that this land use is appropriate. Goal I of the Plan calls for the preservation of the “rural, small-town atmosphere of Sharon Township.” This subdivision proposal is consistent with this broad goal and is consistent with the following objective and policies enumerated in the Plan:

1. **Objective IB:** Maintain the township’s low-density residential environment....
2. **Policy IB.1:** ... [N]ew development shall be compatible with the predominantly rural, small-town residential nature of the community.

Policy IB.2: New residential development shall be planned at densities appropriate for the township.

Discussion:

Jason Brenner, Lewis Land Professionals, stated that he reviewed the comments and there will be a soil scientist coming out next week.

Mr. Kolesar moved to approve staff recommendations of Approval with Modifications for the Harps Mill Preliminary Plan. Ms. Ryan seconded the motion. All voted AYE and the motion carried.

VI. NEW BUSINESS

A. Deerfield Farms, Ph III, 035-2016 RPP, Revised Preliminary Plan, 026-2016 FP, Final Plat, Medina Twp

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

The applicant proposes to revise the previously approved Preliminary Plan. The plan remains essentially unchanged with the exception of a shift in the configuration of the southern portion of Deer Lake Drive, which shifts approximately 15-feet to the east to avoid affecting the existing wetlands. The Phase 3 Final Plat reflects the above referenced revisions.

The Preliminary Plan of the subdivision was originally approved in December of 1993. Numerous two-year extensions have been requested since the Final Plat of Phase 2 was approved in February of 2001. The Preliminary Plan was most recently revised in June of 2014 and the Final Plat for Phase 3 was approved at the same time.

Discussion:

Dan Petersen, Rolling and Hocevar, stated that he had no objections on both the revised Preliminary Plan and the Final Plat.

Alliss Strogin, Medina Township, stated that the Township would like to see the plan approved by the Planning Commission.

Mr. Kolesar felt that they were cramming too much on the last parcel. He felt they should have less impact on the wetlands.

Mr. Jeffers questioned the building line and the wetlands. Ms. Strogin stated that if the plan meets regulations then you could not force the issue. She said this was per the Prosecutor's office.

Mr. Henwood stated that the applicant removed two lots from what the previous plan showed.

Mr. Kolesar recalled this coming before the Commission another time and felt that they were trying to cram too much in on the last parcel and ideally, he would like to see less lots and less impact to the wetland area.

Mr. Jeffers questioned the distance between the front building line and the wetlands. Mr. Petersen answered... inaudible.

Ms. Strogin stated that developers put as many lots in as they can and even if the Township suggests making the lots larger, they do not. Ms. Strogin said that Mr. Thorne (Prosecutor's office) has told the Township if it meets the minimum requirement and there is a footprint where they can put a house, the Township cannot force the issue. Ms. Strogin said they try to work with the developer and sometimes the developer will throw out one lot, but they were not that successful this time.

Mr. Henwood said that with the previous Preliminary Plan approval the applicant actually did lose two lots. This phase was originally planned for 22 lots. He said at the last review two lots were removed so now it is at 20 instead of 22 lots.

Mr. Jeffers moved to approve staff recommendations of Approval with Modifications for the Deerfield Farms, Phase Three, Revised Preliminary Plan. Mr. Brandon seconded the motion. Mr. Kolesar voted NAY. All other members voted AYE and the motion carried.

Ms. Jesionek asked if the engineer wanted to speak on behalf of the Final Plat. Mr. Petersen said he had no objections on the Final Plat.

Ms. Kolesar reiterated that like the Preliminary Plan he felt this is excessive for the area and would like to see if they could eliminate sublots 65-70, 49 and 50.

Mr. Brandon moved to approve staff recommendations of Approval with Modifications for the Deerfield Farms, Phase Three, Final Plat. Ms. Ryan seconded the motion. Mr. Kolesar voted NAY. All other members voted AYE and the motion carried.

B. Ledges of Stone Creek, 033-2016 PP, Preliminary Plan, Hinckley Twp

Ms. Hirsch presented the staff report to the Commission regarding the above captioned subdivision located north of Center Road (S.R. 303) between Stony Hill and Ridge Roads, directly east and south of Skyland Golf Course.

The applicant proposes the following:

- 16 sublots.
- Create one permanent cul-de-sac-street, having 60 feet of right-of-way and a 20-foot concrete pavement width.
- Septic systems and county water.
- Storm water management basins are proposed on sublots 10 and 15

The subject property is zoned R-1 Residential. The Hinckley Township Zoning Regulations indicates that detached single-family dwellings are a permitted use in the R-1 District (§ 6R1.2). The minimum lot size is two acres with a minimum 175 foot lot width at the street right-of-way, or 70 feet of frontage on cul-de-sacs or curved streets, with a 175 foot lot width, measured at the building line (§ 6R1.4(B&C)).

The 2015 Hinckley Township Comprehensive Plan (Plan) includes a Future Land Use Map that recommends that this area to be residential and to be developed as “density neutral” conservation development.

The Concept Plan meeting was held on March 16, 2016. Proximity to the well, and difficulty in developing the lots at the north end was discussed.

Discussion:

Jason Brenner, Lewis Land Professionals, stated he had no objections to staff comments. He said he submitted the impact statement for the wetlands paperwork this evening before the meeting. Mr. Brenner said on subplot 16 with respect to Andy’s (Andy Conrad from the Highway Engineer’s office), comments, what might be an existing well is close to the ROW and is well inside the front yard setback. He said this has been plugged since 1960ish according to his information and there is no way to determine where it is located. Mr. Brenner said affecting wetlands for that lot was taken into consideration.

Ms. Jesionek asked Mr. Brenner if he had seen the letter from Ms. Eberhart, an adjacent property owner. Mr. Brenner said no, but it was their intent on the back corner that they will do storm water management for the northern half of the cul-de-sac.

Mr. Schulte asked who would maintain the pond. Mr. Brenner said it would be a combination of the homeowner of the property and the homeowner’s association. He said the potential buyer wants a pond for that lot so they can use it recreationally. Mr. Schulte said he understood the buyers, but what if they sell to another buyer who may not be as passionate about those visions as the previous owner. He said as they have experienced previously in Hinckley with HOAs and flooding, they want to make sure everyone is protected and a clear understanding of who is responsible.

Ms. Hirsch said that the HOA documents do state that the storm water facilities are to be maintained by the homeowner association.

Mr. Schulte asked if the property would be considered the homeowners or common property. Mr. Brenner said it would be the property owner’s, but there will be easements over the storm sewers and over the storm basins itself to give the HOA and the County rights to get to the area.

Ms. Jesionek questioned Mr. Schulte if he was representing the Planning Commission or Hinckley Township. Mr. Schulte said the Township. Mr. Henwood said he should probably recuse himself. He said the recommendation from the Prosecutor’s office is that if he was not going to be voting he should step off from the table. (Mr. Schulte scooted his chair back from the table but remained seated.)

Ms. Jesionek questioned the letter from the Army Corp of Engineers and asked if it was approved. Ms. Hirsch said it was putting them on notice. Mr. Brenner stepped in saying, no, they have already worked with their wetland consultants and submitted and received their permits to impact the wetlands.

Doug Krause, Legacy Carrington, said they have received the permit from the Army Corp of Engineers to impact low quality wetlands. They did not seek to impact the high quality wetlands to the north with the stream.

Ms. Jesionek said she had some concern with Ms. Eberhart's letter. Mr. Brenner said they will be replacing the culvert and allow the water to drain reducing the runoff from the proposed developed homes on her property. He said it will be less than what she sees today. He said during construction they have to protect the stream because it is a jurisdictional stream and they do not want to damage it so they will have silt fence up for protection from erosion. Mr. Brenner added that for the lot in the back they would have water quality protocols in place as well.

Mr. Kolesar said he understood the developers have a job to do but it seems they are cramming a lot in there. He said as a Board member looking at each development that comes in front of them he hopes for adjustments that are more creative. He knows that money drives everything, but hoped that there was some creativity developers could do to preserve some of the natural character that is remaining in our County. Mr. Kolesar appreciated the explanation of what they are doing but he would be voting no.

Mr. Ryan asked about the two lots to the NW and crossing the stream. Mr. Brenner said they are on record with the Army Corp that they will cross with what is considered a 3-sided box culvert and not disturb that channel or would put in small bridges for the driveways. He said since they are not allowed to disturb the stream, they do not want to. He said part of the negotiation with the Corp is to protect that stream. Ms. Jesionek asked if they would be spanning the entire area. Mr. Brenner said not the riparian zone, but they would be spanning the creek channel itself and some of what is the channel of the creek.

Ms. Hirsch said that is why the Highway Engineer has said that the crossings have to be constructed as part of the subdivision improvement. Ms. Jesionek stated that if the street were shortened, they could build outside... that would be preferable. Mr. Kolesar said that goes along with his comments. He said this County is being blown out and it is good that development is starting again but he would like to see the engineers get more creative. He knew it meant losing money, but he has to make a decision and feel good about what he is voting. Ms. Jesionek felt there was a lot of impact throughout the development.

Reverend Glenn Paintiff, resident, lives to the east of the development and said his property is highly impacted by this subdivision. He said that there are a lot of birds and animals that are protected, owls, ravens, hawks, and recently they have spotted bald eagles, but have not located the nest. Mr. Paintiff said even though the applicant owns the property and wants to develop, the applicant talks about the wetland. He stated that the wetland is half on the applicant's property and half on theirs and they want to protect the wetlands.

Mr. Paintiff said what is not shown on the map is a change in elevation so this winds down to the center of Hinckley. He said that Hinckley flooded 2 years ago and he has never seen that happen. He said little culvert pipes are not going to be able to handle that.

Mr. Paintiff stated that there is an underground aquifer or lake so he did not think basements would be to be put in because of the bedrock being close to the surface. He said they would have to blast and how would they do that without affecting the water supply; it could collapse.

Mr. Paintiff stated that since the trees were cleared from Kensington Place subdivision, there is flooding, and it was approved [by this Board]. He added that the Indiana bat also resides on the property. He is asking that the Board take a good look at this before approving.

Mr. Paintiff commented regarding the waste management plan on subplot 16. He felt that subplot 16 should be eliminated. He said that the previous owner has manure there, which has contaminated the wetland. He heard the comment, 'substandard wetland' and he felt that those wetlands were just coming back and they want to preserve the area.

Mr. Paintiff stated that if there is an eagle's nest in the area that there is no development within a half mile of the nest. He said they need to make sure, where the nest is and that it is undisturbed.

Mr. Henwood asked for the record what Mr. Paintiff did for a living. Mr. Paintiff said he is a pastor and works in information technology. He also has an Associate's Degree in Real Estate. Mr. Henwood asked if Mr. Paintiff had any qualifications that substantiate the statements he made during his presentation. Mr. Paintiff asked what Mr. Henwood was challenging. Mr. Henwood said he was not challenging, he was asking, as there was many statements. Mr. Kolesar interjected saying this was more of Mr. Paintiff's opinion. Mr. Paintiff said he was a full time realtor for 12 years. Mr. Henwood said that was valid, he just wanted to be clear that he has the qualifications to make those statements. Mr. Paintiff said it was his opinion as he has seen what has happened. Ms. Jesionek said that the developer would have to comply with the Army Corp, whatever requirements are on the books, they have to comply. She understood that the inspector would have to keep a close eye on that as well. She said the Board appreciates his comments.

Mr. Brenner commented in his professional opinion, based on his credentials, 90% of the detention basins that they design; the end result is less runoff than what they are experiencing today. He said where flooding occurs, 90% of the time they end up helping the situation. He commented that they do put in lawns but compensate for them. Mr. Brenner said in regards to the manure pit, Mr. Krause has said he will remove; they will clean it up even though they did not create it. Mr. Brenner stated that subplot 16 has 190-feet of jurisdictional stream. He said they could have asked to fill the entire stream but are only filling 80-feet. He said in regards to the wetlands in the back, the total impacts was four tenths of an acre, which was under their half-acre limit. Mr. Brenner said they have a total of .40 acre wetland impact and the Corp understood the developer was under the half acre and asked for a little more. Therefore, they came back with four tenths to a quarter of an acre. Mr. Brenner felt they were doing more.

Mr. Brenner said with respect to the bats and wildlife, they were permitted to cut the trees, so they did and will continue to do so as the lots build out. He said they are within those rules and regulations.

Mr. Krause said that Davey Resource Group conducted a study of the habitat on the site and a large portion was a converted horse farm and scrub growth. He said they conducted a study on the Indiana Bats and the impact on them. He said that was submitted to the Army Corp who then submitted it to the United States Fish and Wildlife Service. In consultation with the two it was determined there was no adverse impact on the Indiana bat.

Martha Catherwood, Hinckley Township Trustee, stated that both the engineer and the developer have taken extra caution with a majority of the development. She also had concerns with subplot 16 and her request would be that special attention be made to look at it very thoroughly. She knew that Hinckley is unusual when they get storms with the bedrock as Mr. Paintiff alluded to and the slopes. She stated with regard to the Rocky River, they can crest no more than 300 yards from where they are discussing. Ms. Catherwood said that Mr. Brenner and Mr. Krause were very aware of their challenges. She said the golf course to the west would be a factor if developed. She also said regarding the retention ponds, she was not opposed but thought the HOA had to be a strong one as they have had some challenges.

Ms. Ryan asked if there was any help for the HOA from any agency to manage the storm water basins. Mr. Henwood said Soil and Water could add assistance, particularly on pond maintenance. He said a knowledgeable property maintenance company could be helpful as well.

Mr. Jeffers moved to approve staff recommendations of Approval with Modifications for the Ledges of Stone Creek Preliminary Plan. Mr. Brandon seconded the motion. Mr. Schulte abstained. Mr. Kolesar voted NAY. All other members voted AYE and the motion carried.

******Paul Jeffers, Board member and Zoning Director for Montville Township, Jeff Brandon, Board member and Montville Township Trustee stepped down from the Planning Commission and for the upcoming subdivision, 7:41 p.m.

C. Arbor Lakes at Cobblestone, Ph 10, 037-2016 R, Replat, Montville Township

Ms. Hirsch presented the staff report to the Commission regarding the above captioned subdivision located on the east side of Wooster Pike Road (SR 3) between Sharon Copley (SR 162) and Poe Roads, and Arbor Lakes at Cobblestone Park is located south of Cobblestone Park Drive in the southwestern portion of the development.

This replat of Block A10 proposes the following:

- Creation of 30 sublots served by central sewer and water.
- The extension of Wisteria Lane and Morning Glory Lane, and Lilac Trail are proposed as private streets consisting of a 60-foot easement for access, and water and sanitary sewer lines.
- Creation of Block B10, which is all the land that is not within the existing or proposed sublots.

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, 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.

Discussion:

Travis Crane, TGC Engineering, said he had no comment.

Paul Jeffers, Montville Township Zoning Director, stated that the zoning commission did look at this and it was a heated situation with the open space so they asked the applicant to keep it the same as Phase 9, with the maintenance of the areas around the homes so there would not be any separation. He said it was approved at their meeting.

Mr. Kolesar moved to approve staff recommendations of Approval with Modifications for the Arbor Lakes at Cobblestone, Phase 10, Replat. Ms. Ryan seconded the motion. Mr. Jeffers and Mr. Brandon abstained. All other members voted AYE and the motion carried.

******Mr. Jeffers and Mr. Brandon return, 7:56 p.m.

D. Sharon Township Map Amendment, 034-2016 MA

Mr. Henwood presented the staff report to the Commission regarding the above captioned map amendment proposing to change an additional 500 feet of the subject site from R-1 Residential to C-2, Commercial.

The front 500 feet of the subject parcel is zoned C-2 Commercial; the depth of the district is measured from the road right-of-way. The remaining depth of the parcel is zoned R-1 Residential. The applicant proposes to include an additional 500 feet of the site in the C-2 district.

The site is advertised as American Natural Stone location; an internet search indicates the property also as a Fireplace Transformers location.

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 “[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.”

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 and philanthropic institutions, bed and breakfast, retail sales, beauty parlor, funeral home, bank, office or office building, studio, restaurant, machinery and equipment repairs in automobiles, schools, places of worship, recreational areas, public facilities, gas stations, limited light industrial, warehousing, and congregate care facilities (hospitals and nursing homes) (§§ 603-3 and 604-1). The minimum lot size is two acres with 175 feet of street frontage (§ 604-3(A)(2) & (3)).

Discussion:

Ms. Jesionek questioned the lot being land locked and if it would remain R-1. Mr. Henwood stated that was correct. Ms. Jesionek wondered if the Township was asked why they did not just extend it to the whole parcel. Mr. Henwood said this is what the Township has always done and the zoning commission consistently approves this amendment for the additional 500-feet. Ms. Jesionek asked if they ever extended the corridor to be as far south as the land locked piece. Mr. Henwood said on a couple of occasions they have included the entire depth of the property. He said the “lion’s share” of the expansions have been limited to the 500 feet.

Mr. Kolesar asked when the C-2 zoning was first put in place, was it 500 feet back on that side of Sharon Township. Mr. Henwood said originally the district boundary was at 500 feet, presumably from the ROW, but there have been some inconsistencies. Mr. Kolesar said

regarding the land locked property that would be essentially useless. He disagreed and felt that property gives that buffer between Kings Ridge and the C-2 development. Mr. Henwood said that was a fair statement and his comment was from a land utilization standpoint.

Ms. Jesionek said as long as they do not put more storage on there. Mr. Henwood said human nature would suggest that that might happen. He could not speak to the intent of the property owner. He said they have seen instances of land use creeping beyond its prescribed limits.

Ms. Ryan agreed with Mr. Kolesar's comments regarding the land locked parcel creating a buffer especially for the residential to the south. She said that butts up to the residential at the end of the cul-de-sac to the south.

Mr. Kolesar moved to approve staff recommendations of Approval for the Sharon Township Map Amendment, application 034-2016 MA. Mr. Kolesar seconded the motion. All voted AYE and the motion carried.

VII. PLANNING DIRECTOR'S REPORT

Mr. Henwood said that the CDBG applications would be due this Friday, May 6, 2016, at the end of business day.

VIII. PUBLIC PARTICIPATION

There was no Public Participation.

IX. OTHER BUSINESS

There was no Other Business.

X. ADJOURNMENT

Mr. Jeffers moved to adjourn the May 4, 2016 MCPC meeting at 8:16 p.m. Mr. Jeffers seconded the motion. All voted AYE and the motion carried.

Val Jesionek, President

Cheryl Heinly, Admin Asst.