



MEDINA COUNTY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, OCTOBER 5, 2016, 6:30 P.M.
PROFESSIONAL BUILDING, LOWER LEVEL CONFERENCE ROOM

Attendees / Representing (from sign-in sheet):

Dave Kolar, Maplebrooke
Trina Devanney, Montville Township
Chris Kosman, Montville Township
Al Fulkerson, Brunswick Hills Township

MCPC Members and Alternates in Attendance:

MCPC Members:

Val Jesionek
Jeff Brandon
Mark Kolesar
Paul Jeffers
Sally Albrecht

MCPC Alternates:

Kevin Ball, (for Tim Smith)
David Williams, (for Pat Geissman)
Ray Schulte, (for Colene Conley)

MCDPS Staff:

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

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

I. ROLL CALL

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

II. MINUTES

Ms. Jesionek asked if there were any questions or comments regarding the September 7, 2016 minutes. There was none.

Mr. Jeffers moved to approve the September 7, 2016 minutes as presented. Ms. Albrecht seconded the motion. All voted AYE and the motion carried.

III. CORRESPONDENCE

Mr. Henwood stated that he had 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. Maplebrooke Reserve, 091-2016 PP, Preliminary Plan, Montville Twp

Ms. Hirsch presented the staff report to the Commission regarding the above captioned subdivision located on the south side of Poe Road west of the I-71 overpass.

The applicant proposes to create 40 sublots on a public (60-foot right-of-way [ROW]) permanent cul-de-sac street (see GIS map). The proposed subdivision is to be served by central water and sewer. A detention pond is shown within Block "A," an open space block south of Poe Road and west of the cul-de-sac street and in Block "C," an open space block south of the homes on the cul-de-sac bulb. There is also a landscaped open space area, Block "B," along Poe Road east of the cul-de-sac street. Block "C" consists of a 35.99 acres of undisturbed open space and it is located south of the homes on the cul-de-sac bulb. Block "D" consisting of 0.0488 acres is the landscaped center of the cul-de-sac bulb, and Blocks "E" through "H" are median islands.

The subject property is zoned R-1 Residential District. The Montville Township Zoning Resolution indicates that the purpose of the R-1 District is to "...provide for the development of low density single-family residential dwellings on subdivided lots with a minimum lot size of two (2) acres, planned neighborhood developments to enable the review of large scale developments, and controlled density planned residential developments to preserve reasonable amounts of open space in the Township."

Maplebrooke Reserve Subdivision is proposed to be developed under the Controlled Density regulations. The objective of the Controlled Density PRD is to, "... provide alternative housing types and the preservation of open space through the flexible arrangement of buildings in a unified development." In the R-1 District, a Controlled Density development has a maximum gross density of 0.8 du/acre, a maximum of 4 units on any one acre, and minimum restricted open space of 35%.

Discussion:

Dave Kolar, developer, stated that the reason they had to come back was the additional retention basin that was added after the original plan was approved based on the storm water determination by the county Engineer. He said other than that the streets are essentially the same. He said what was added was the storm water detention and the other storm water detention got larger.

Chris Kosman, Service Director, Montville Township, stated that under the plans for snow removal purposes, there are two sets of islands, the north set of islands are for the most part consistent with a width of 12-feet. He said when you get on the northbound lane exiting the development it begins to narrow. Mr. Kosman said it goes from 12' 1" down to 11' 4". He said that is too narrow for the plows with an 11-foot blade and 4-inch feelers on both ends. He said their comments were to remove the curb and move it over to get to the 12-foot width so they could get through with the snowplows and deal with snow removal. Mr. Kosman said it is the road closest to Poe Road. Mr. Kolar and Mr. Kosman entered into a discussion on the location of the road narrowing while looking at a map.

Mr. Kolar said the road was built and he could not explain what happened only that when the road was laid out they "messed up" at that section of the curve. Ms. Jesioneck asked if Mr. Kolar was in favor of widening the road so the Township can get the plow through. Mr. Kolar stated that his point is well taken as he has gone to the County Engineer and they have inspected and accepted the streets; it is all in and built. Mr. Henwood said the street has not been accepted. Mr. Kolar said they did the inspection. Mr. Henwood said he understood that the inspection was done, however the street has not accepted until the Final Plat has been filed. Mr. Kolar clarified saying they inspected the work when it was originally set up after it was cast. He said if the dimensions are not correct they will have to go back and talk to the paving contractor and the County as they came out and measured and checked it this week. He reiterated that he understood where Mr. Kosman was saying with the size of the plows. Mr. Kolar said if they have to fix it, they would fix it.

Trina Devanney, Montville Township Attorney, stated that if the Planning Commission Board recognizes the road should be 12-feet wide then it could be worked out.

Mark Kolesar questioned the property to the west being a "bird conservation" area or is it a bird-hunting club. Ms. Hirsch said on the plan it is labeled as a sanctuary but she thought it might be a hunt club. Mr. Kolesar asked if there were any concerns from the Township. He added that he appreciated the developer saving so much open space on the south end of the property. Ms. Devanney said that it is a hunt club, which has been in existence for a long time, and have their own safety regulations in place.

Mr. Kolesar moved to approve staff recommendations of Approval with Modifications for the Bonnie Glen Preliminary Plan (revised) including drive lanes adjacent to the northernmost center island on Maplebrooke Trace (closest to Poe Road) be widened to 12-feet to allow enough width for the snowplows. Mr. Williams seconded the motion. All voted AYE and the motion carried.

B. Maplebrooke Reserve, 093-2016 FP, Final Plat, Montville Twp

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Maplebrooke Reserve Subdivision is proposed to be developed under the Controlled Density regulations. The objective of the Controlled Density PRD is to, "... provide alternative housing types and the preservation of open space through the flexible arrangement of buildings in a unified development." In the R-1 District, a Controlled Density development has a maximum gross density of 0.8 du/acre, a maximum of 4 units on any one acre, and minimum restricted open space of 35%.

Discussion:

Mr. Dave Kolar, developer, stated that they wanted him to measure the side slope of Poe Road along the frontage in order to know if the road was built to the correct specifications. He thought that was what was meant by, "clarification."

Trina Devanney, Montville Township legal counsel, requested that the HOA be approved by the Prosecutor's office as well as the Montville Township legal counsel.

Mr. Kolesar moved to approve staff recommendations of Approval with Modifications for the Forest Creek, Phase 2, Final Plat, including the approval of the HOA document from the Montville Township legal counsel and the Medina County Prosecutor's office. Mr. Ball seconded the motion. All voted AYE and the motion carried.

C. Liverpool Township Text Amendment, 088-2016 TA

Mr. Henwood presented the staff report to the Commission regarding the above captioned text amendment amending Section (§) 302(B)(5)) adds conditionally permitted uses in the C-1 district, § 403(G) adds changeable copy electronic message signs, and § 403(N) adds text to the existing definition for "light" referencing the new changeable copy electronic message signs text.

The LTZC has submitted the following proposed Zoning Text Amendments for review:

- Add new text to § 302(B)(5) permitting additionally conditionally permitted uses in the C-Commercial district.
- Add text to § 403(G) creating regulations for changeable copy electronic message signs.
- Add text to § 403(N) the existing definition for “light” which adds a references the new changeable copy electronic message signs text.

Discussion:

There was no discussion.

Mr. Jeffers moved to approve staff recommendations of Approval with Modifications for the Liverpool Township Text Amendment, including the Prosecutor’s recommendations. Ms. Albrecht seconded the motion. All voted AYE and the motion carried.

D. Sharon Township Text Amendment, 089-2016 TA

Mr. Henwood presented the staff report to the Commission regarding the above captioned text amendment amending Section (§) 300-47 add text clarifying definition for “lot lines”, § 300-60 add text clarifying definitions for “signs”, edit § 601-4 Political Signs, and add new text § 601-6 Electronic Message Signs Conditionally Permitted.

The STZC has submitted the following proposed Zoning Text Amendments for review:

1. Add new text to § 300-47 clarifying the definition for “lot lines;” add new definitions, subsections 1 and 2, for “side” and “rear” lot lines.
2. Add new text to § 300-60 clarifying definitions for “signs;” add new definitions, subsections 2, 4, 6, 7, and 8, for sign “animation,” “background animation,” “electronic message center,” “flashing, “and “frame effect.”
3. Edit § 601-4 Political Signs decreasing the timeframe these signs are permitted to be displayed, both before (from 60 to 30 days) and after (from 10 to three days) an election.
4. Add new text section § 601-6 creating regulations that conditionally permit Electronic Message Signs.

Discussion:

David Williams mentioned for the upcoming election this would not apply, meaning the 30 days or less as he thought in some cases early voting begins 35 to 40 days before an election. He felt it was not being fair to the candidate that people could vote but not have signage in Sharon Township. He had no problem with picking up the signs after the election in a timely fashion.

Robert Henwood said he had not thought about the timeframe beforehand and said it was perhaps why Professor Weinstein suggested to not having the limitation prior to an election.

Mark Kolesar thought there might be some case law in reference to the restrictions of how soon one could put up political signs but he was not certain. He said in reference to the message signs; he felt it was up to the Township as they were allowing a sign to come in and they should have the ability to figure out if it is within their regulations or not. Mr. Henwood said in recent court precedent, the recommendation he drew from was a presentation that Professor Weinstein made last year. He said it is possible that there is more recent court precedent that could have changed.

David Williams felt they were getting into a gray area, as political signs were a first amendment right.

Mr. Brandon moved to approve staff recommendations of Approval with Modifications for the Sharon Township Text Amendment. Ms. Albrecht seconded the motion. Mr. Williams voted NAY. All other members voted AYE and the motion carried.

E. Brunswick Hills Township Text Amendment, 090-2016 TA

Ms. Hirsch presented the staff report to the Commission regarding the above captioned text amendment adding a new section in Article III, General Provisions, Sec. 303-13 Medical Marijuana.

The amendment proposed by the Brunswick Hills Township Zoning Commission, is to add a new section in Article III General Provisions, Sec. 303 Regulations Applicable to all Zoning Districts, to prohibit Medical Marijuana cultivators, processors, retail and wholesale dispensaries or laboratories.

Sec. 303 Regulations Applicable to all Zoning Districts

Sec. 303-13 Medical Marijuana

A. Medical marijuana cultivators, processors, retail and wholesale dispensaries or laboratories are prohibited in all zoning districts of Brunswick Hills Township.

1. On June 8, 2016, Gov. John Kasich signed into law House Bill 523, the so-called Medical Marijuana Control Bill, which became effective September 8, 2016.
2. Section 512.21 of the Ohio revised Code was amended to add a new section (D) as follows:

NOTHING IN THIS SECTION PROHIBITS A TOWNSHIP ZONING COMMISSION, BOARD OF TOWNSHIP TRUSTEES, OR BOARD OF ZONING APPEALS FROM REGULATING THE LOCATION OF MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, OR RETAIL DISPENSORIES OR FROM PROHIBITING SUCH CULTIVATORS, PROCESSORS, OR DISPENSORIES FROM BEING LOCATED IN THE UNINCORPORATED TERRITORY OF THE TOWNSHIP

Discussion:

Al Fulkerson, Brunswick Hills Zoning Commission, stated that they received a late memo from the Prosecutor's office and said they would like the words: retail, wholesale, and laboratories, removed, as they were more difficult to defend. He said they are in agreement with the staff comments. Mr. Fulkerson added that they have their Public Hearing tomorrow evening and thanked the Planning Commission.

Mr. Jeffers moved to approve staff recommendations of Approval with Modifications for the Brunswick Hills Township Text Amendment. Ms. Albrecht seconded the motion. All voted AYE and the motion carried

VII. PLANNING DIRECTOR'S REPORT

Mr. Henwood said he had nothing to report this month.

VIII. PUBLIC PARTICIPATION

There was no Public Participation.

IX. OTHER BUSINESS

There was no Other Business.

X. ADJOURNMENT

Ms. Albrecht moved to adjourn the October 5, 2016 MCPC meeting at 7:25 p.m. Mr. Williams seconded the motion. All voted AYE and the motion carried.

Val Jesionek, President

Cheryl Heinly, Admin Asst.