



MEDINA COUNTY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, APRIL 4, 2018, 6:30 P.M.
PROFESSIONAL BUILDING, LOWER LEVEL CONFERENCE ROOM

Attendees / Representing (from sign-in sheet):

Mike Cavey, Medina CC
Sherry Abell, Medina CC/Abell Fsher's
Jason Brenner, Lewis Land Professionals
Alliss Strogin, Lafayette Township
Stephen & Shelly Shane, Wedgewood Developers
William Spellman, Hinckley Township
James Aylsworth, Lafayette Township
Richard Javorek, Lafayette Township ZC

MCPC Members and Alternates in Attendance:

MCPC Members:

Buck Adams
Jeff Brandon
Paul Jeffers
Sally Albrecht

MCPC Alternates:

David Williams, (for Pat Geissman)
Chris Kusnerak, (for Ray Schulte)

MCDPS Staff:

Cheryl Heinly, Admin Assistant
Rob Henwood, Planning Director

Vice President Jeff Brandon called the meeting to order at 6:30 p.m. and began with the Pledge of Allegiance.

I. ROLL CALL

Mr. Adams, Mr. Brandon, Mr. Jeffers, Ms. Albrecht, Mr. Williams, and Ms. Kusnerak were all present at the time roll was called.

II. MINUTES

Mr. Brandon asked if there were any questions or comments on the March 7, 2018 minutes. There was none.

Ms. Albrecht moved to approve the March 7, 2018 minutes as presented. Mr. Williams seconded the motion. All voted AYE and the motion was approved.

III. CORRESPONDENCE

Mr. Henwood said there was a letter to extend the tabling of the Meadows at Pine Valley Subdivision until the May 2nd Planning meeting.

IV. CONSENT CALENDAR

There were no items on the Consent Calendar

V. OLD BUSINESS

Mr. Adams moved to approve the applicant's request to table the Meadows of Southpointe, Phase 4, Replat until the May 2, 2018 MCPC meeting. Mr. Jeffers seconded the motion. All voted AYE and the motion was approved.

VI. NEW BUSINESS

A. Wedgewood Estates, 019-2018 PP, Preliminary Plan, Lafayette Township

Mr. Henwood presented the staff report to the Commission for the above captioned subdivision located on the north side of north side of Wedgewood Road (State Route (SR) 162), west of Ryan Road, and east of Lake Road.

The applicant proposes the following on the 76.74 acre site (see the attached Preliminary Plan):

- A Variance from section (§) 604(B)(9) of the Subdivision Regulations (Regulations) to permit 42 dwelling units on a permanent cul-de-sac street when only 40 are permitted.
- 54 sublots to be developed in two phases:
 - 42 in Phase 1. Internal street system with sublots varying in size between 14,392 and 22,188 square feet (0.33 to 0.51 acres).
 - 12 in Phase 2. Frontage lots on Ryan Road varying in size between 31,175 and 63,576 square feet (0.72 to 1.46 acres).
 - All proposed sublots are located in the Medina City School District.

- Three Open Space Blocks, Blocks A through C; 0.19, 15.83, and 13.78 acres inclusively. A portion of Block B is located in the Cloverleaf Local School District.
- Create three public permanent cul-de-sac streets (Streets A through C) with 60-foot right-of-ways with associated utility easements.
- Central water and sanitary sewer
- Five stormwater basins

The original Preliminary Plan was approved by the Medina County Planning Commission (MCPC) in June of 2008. A Revised Preliminary Plan was approved in July of 2011, which changed a street stubbing into the Dover Highland subdivision to the north to a permanent cul-de-sac street. The change to the street was made in response to a request from the US Office of Fish and Wildlife Service (FWS) to preserve the forested area at the north of the project site. The FWS stated that this change would, "...help to preserve significant wooded connectivity between the west and east sides of the property that would help to protect travel corridors for the Indiana Bat." The complete approval history is included in Table 1 below:

MCPC Approval	Date
Concept Plan	April 2008
Preliminary Plan	June 2008
Preliminary Plan Ext.	June 2010
Rev. Preliminary Plan	July 2011
Preliminary Plan Ext.	July 2013
Preliminary Plan Ext.	July 2014
Preliminary Plan Ext.	July 2015

Zoning: The subject property is zoned Lafayette Township Transitional District (LTTD). The Lafayette Township Zoning Resolution indicates that the purpose of the district is to provide and permit the following:

The purpose of this district is to provide a Transitional area between the Township land near the City of Medina and the rural residential land in the Township, encouraging land to remain and develop in the Township by allowing a somewhat higher density than is generally allowed in the Township with minimal additional roadway construction, but at a lower density than would be available upon the annexation to the city of Medina and lower density than the Medina City Buffer District, thus limiting and halting the systematic erosion of the Township boundaries due to annexation. § 306.1

Planned Developments, are conditionally permitted uses subject to § 604(A)(1) and (26) per § 306.2(B)(8). Planned developments located in the LTTD permit:

- Sites containing at least 40 acres. § 604(A)(26)b.1.
- Maximum net density of one unit per acre.
- Single-family residential dwellings (§ 604(A)(26)a.1) with the following yard requirements:
 - Minimum lot area of 11,000 square feet. § 604(A)(26)b.3.
 - Minimum front yard depth of 70 feet (measured from the street centerline). 604(A)(26)b.4.a
 - Minimum rear and side yards of 10 feet. 604(A)(26)b.4.b and c
 - Minimum lot frontage of 50 feet. 604(A)(26)b.4.d
 - Minimum lot width at the building line of 75 feet. 604(A)(26)b.4.e

Comprehensive Plan: The Future Land Use map contained in the 2010 Lafayette Township Comprehensive Plan recommends the subject site for “higher density residential” uses.

Discussion:

Variance discussion

Jason Brenner, Lewis Land Professionals, stated that in regards to the variance, this site is 62 acres and asking for 46 units instead of the original variance, which was asking for 48 units. He said they are only asking for two additional lots and could be corner lots if they are granted access to SR 162. He added that he would answer any questions.

Jim Aylsworth, Lafayette Township Zoning Commission, stated that the 42 units was not a problem. He said to keep in mind that in the northern boundary is the area of the Indiana Brown Bat flyway. He said those two units (far north end) have to have an easement so nothing can happen to the trees along the area of the brown bat flyway into the feeding area along the wetlands. Mr. Aylsworth said if the two lots were shaved off or not developed (easement), he said he has no problem.

Mr. Henwood said that discussion would be relevant during the Preliminary Plan and not the Variance Request.

Mr. Brenner stated that he does have a revised plan where they bring those two northern lots south of the property line leaving the trees in the open space. He added that technically the bats are not an issue today as they were 10 years ago. Ms. Albrecht reminded them that this was for the Preliminary Plan discussion.

Mr. Jeffers moved to approve the staff’s recommendation of Approval for the Variance Request of two additional building sites for Wedgewood Estates, Preliminary Plan. Ms. Albrecht seconded the motion. All voted AYE (to approve staff’s recommendation) and the motion was approved.

Preliminary Plan Discussion:

Mr. Jeffers asked if there were any comments regarding the dry hydrants from Lafayette Township Fire Department. Mr. Henwood said he did not receive any comments.

Ms. Albrecht questioned the restriction on the two lots in the NE corner. Mr. Henwood said the applicant discussed a change in the configuration to the lot so he could speak to that better. Jason Brenner, Lewis Land Professionals, stated he had no issues with agency comments as they are in contact with them. He said they have met with Lafayette Twp, the plan was presented to them, and they have it in their hands. Mr. Brenner said at the time this was submitted the wetland consultant could not go out to the site because of the weather. Since then he was out there, identified wetland and stream areas and submitted a report.

Mr. Brenner said ODOT (Ohio Department of Transportation) asked them to move the entrance to the west to line up with the ingress to the country club. He said they would comply with that and maintain the 42 lots.

Ms. Albrecht again questioned the Indiana Bat migration and being able to cut trees being during certain times of the year. Mr. Brenner answered that cutting of trees is not allowed during certain times of the year, in the wintertime. In the summer is when the Indiana Bat comes to certain areas of Ohio and they roost in exfoliating bark trees. Mr. Brenner stated that he received documentation today from his wetland consultant, which Mr. Henwood has a copy, that Phase 1 does not impact any wetlands or streams. He said they do not have to go to the Army Corp of Engineers or the EPA for wetlands. Mr. Brenner said trees were cut, but not cleared in conjunction with the Ohio Engineer's, which was all before April 1st so effectively the issue of the bats is a moot point in the corridor. He added that they did accommodate and make changes so there is an open space area in the north end.

Mike Cavey, owner of the country club (south side of SR 162), said he saw these plans for the first time last evening at the township meeting and he did not have a problem with it. He said they have a plan that coincided with his north side, which has been altered, with some south side development. He said at the time that they did it the streets had to line up across from each other. Mr. Cavey said the plan being presented (by Mr. Brenner) is moving the street down. He said at the Township meeting last night Mr. Brenner did not think this would be a problem (with his street now not lining up). Mr. Cavey spoke with his attorney and was told that they would need time so they can speak with the State to find out if the street issue would be a problem, which is why he is here at our meeting.

Mr. Cavey said in speaking with his attorney he was advised to let the Planning Commission know that they have to find out if this is going to affect him in a negative way as he had a cul-de-sac plan for 40 units to the south side (of SR 162). He said he has no other issues with what they are doing; he just does not want to be damaged where he cannot get his street in.

Ms. Albrecht asked about ODOT approval. Mr. Henwood said that his understanding that ODOT would be evaluating the turn lane requirement for the street at its shown location. Mr. Cavey said they would like a chance to speak with someone at the State to see if they still have a viable plan.

Mr. Brenner stated that when the new owners purchased the property he did contact ODOT and told them he wanted to move the entrance west and ODOT said that was better than the previous location. Mr. Brenner said that they are 660-670 feet west of the original location what was 10 years ago. He feels this present plan keeps further development away from the creek and allows the woods to stay where they are presently located as opposed to the other plan. He said he does not have an answer as to what ODOT might think. He said as far as the left/right turn analysis, he has been in contact with Jared (from ODOT) and Mr. Henwood was carbon copied on that today. The result is that there is no turn lane necessary, just like in 2008.

Mr. Brandon questioned Mike Cavey as to the status of his development, (across the road, not part of this project). Discussion ensued.

Alliss Strogin, Lafayette Township, said in general she had no problems with the development, but she did have some issues with 12 lots. Although the technically meet the criteria, the buildable portions of those lots is where she has problems. She said the wetlands and the ravine make a large portion of some of those lots, although legal, not desirable to build upon.

Ms. Strogin hoped that Mr. Brenner would make the modifications that he said he would, as the Township has not seen any. She hope the Corp and the EPA gives a hard look at the lots that have wetlands and the affect that they will have on the lots. Mr. Brandon verified these are the lots off Ryan road. Ms. Strogin said yes.

Ms. Strogin said they did have a concern about the bats but that was discussed last evening and they (applicant) have made accommodations. Mr. Jeffers questioned if the Township had any wetland restrictions in their code. Ms. Strogin said no.

Ms. Albrecht asked if that would be reflected on the deed. Ms. Strogin said she would hope so, but how many people read their deeds.

Mr. Brenner stated that there was a lengthy conversation with Ms. Strogin regarding “good” and “viable” lots. He said the lots meet zoning even with wetlands on them. He said they are willing to work with the Township and the Highway Engineer to provide 12 safe, legal lots and improve the situation with the drainage. He reminded the Commission if the lots cannot meet all the criteria, they would not be platted.

Mr. Adams moved to approve the staff’s recommendation of Approval with Modifications for the Wedgewood Estates, Preliminary Plan. Mr. Jeffers seconded the motion. All voted AYE (to approve staff’s recommendation) and the motion was approved.

B. Hinckley Township Text Amendment, 018-2018 TA

Mr. Henwood presented the staff report to the Commission for the above captioned text amendment regarding Section (§) 6R1.7 Development Standards and Criteria Conservation Development.

Proposal: In a letter dated March 1, 2018 William Spellman, Chairman of the HTZC, (Hinckley Township Zoning Commission), requested a review to the Zoning Resolution § 6R1.7 Development Standards and Criteria Conservation Development.

Discussion:

Mr. Jeffers asked if the township presently had a conservation development district. Mr. Henwood said yes.

William Spellman, Hinckley Township Zoning Commission, said that in the 10 years he has been with the Township this is a first for him (recommendation of disapproval). Mr. Spellman answered yes; conservation developments are allowed in the R-1 district. He said that this does give the developers an alternate means than the standard subdivision. Mr. Spellman said that within that language there is a high degree of latitude that is afforded to not only the developer but to the zoning commission as well.

Mr. Spellman said he would preface the text amendment with the following, within the last couple of months there has been a conservation development that has come in, in the Skyland Golf Course. He said that everything in this text amendment are things on behalf of the zoning commission, the trustees, public comment, and through out the process as well as the third party consultant. He said these are things that the Township found that they wanted to “tighten up” and said it was very reactive. He said the language was written many years back and then they “tweaked” the conservation language about five years ago.

Mr. Spellman said this is the first conservation development that he has been involved with in the 10 years that he has been on the board. He said there are two others within Hinckley Township that precede his tenor on the board.

Mr. Spellman felt that the Township has landed in a happy place, but personally, he would have preferred to see a park go in. He said the outcome, working with the developer, was something very palatable.

Mr. Spellman said he could answer questions or go through everything and “give his two cents worth.” He said it was up to the Planning Commission. Mr. Brandon questioned if in the event that this does get disapproved, would the Hinckley Zoning Commission take another look at this and look staff’s comments. Mr. Spellman said they are a little particular and maybe a little stubborn so if the Board disapproves this he will not “throw his pen down and storm out...” He said he always appreciates another party looking at the language.

Mr. Spellman felt that in the heat of the moment as you go through this, it is very reactive, there are things that some feel they are being taken advantage of and that was not the intent so you look for ways to shore it up. He said what they have in front of them are opinions on that. He said getting that outside opinion as to the legality of it is something that would definitely play into their evaluation as to how they proceed. He said to answer the question as to whether the language is approved or disapproved, the public hearing will be held tomorrow and they would take into account all the feedback that has been given. Mr. Spellman said it would be up to the board as to how we precede.

Mr. Jeffers questioned if the Township have checked out legally whether they could force the homeowners to take over the HOA (homeowner’s association) from a developer if it is only 50%. Mr. Spellman said the language stated the developer should keep control of until 75% of the lots are sold. He said that is very restrictive. Within their conservation development language the township has waivers that they can place, variances, etc., and this is one they gave the developer.

Mr. Spellman said the developers did not want to wait until 75% of the lots were sold. He said what they were trying to do was loosen up the language but some of the wording was changed around in a way that the Township had not intended. Mr. Jeffers said his concerns would be if you have deed restrictions put into play that says 75%, then for your board to overwrite those by saying the HOA will take over, there could be a good chance the homeowners do not want to take control at that point in time. Mr. Spellman said, again, that is what they were trying to loosen up and the way it was worded did not seem to be very flexible.

Mr. Jeffers also questioned on minimum dwelling size, what is the purpose behind a large square foot on a conservation development than it would be on an R-1. Mr. Spellman did not want to say it was arbitrary, but when he moved into Hinckley, he was not a fan of conservation developments. He said he could assure everyone that the consensus in the Township is that people do not like conservation developments. He said the thought or perception is that, “hey, you are allowing this developer to come in and build on these tiny lots and we have 2 acre minimum.” Mr. Spellman said every time this conversation comes up they have to remind them (the Township residents) that, yes, the building footprint is smaller, but the overall is still one unit to two acres.

Mr. Spellman said that in this particular case there was a lot of concern in case this developer goes bankrupt and the next person wants to build smaller, tinier houses. He asked if that diminished the value of allowing for the conservation development. He said that in this case the developer has in his bylaws ...inaudible...

Mr. Spellman said it got them thinking that maybe a conservation development should be a little more upscale in nature and that is what drew the minimum to come up. Mr. Jeffers said that however they now have a “catch 22” situation. He stated that there are people complaining about the conservation development that makes it look like the lots are smaller, things are closer together and you are requiring a larger house. Mr. Jeffers said that (larger houses) would make it (the lots) look even smaller and tighter.

Mr. Henwood cautioned that the Township is treading rather heavily on Fair Housing Laws. Mr. Spellman said, “Okay.”

Mr. Jeffers moved to approve the staff recommendations of Disapproval for the Text Amendment for Hinckley Township. Mr. Williams seconded the motion. All members voted AYE (to approve staff recommendations) and the motion was approved.

C. Westfield Township Map Amendment, 017-2018 MA

Mr. Henwood presented the staff report to the Commission for the above captioned Map amendment regarding updating the zoning maps.

Discussion:

Mr. Spellman asked what the intent might be. Mr. Henwood answered that there it is a Natural Hazards Overlay, which adds restrictions when someone is proposing a use in that area. He said it is a 100-year floodplain with soils that are susceptible to flooding so that there is a specific overlay district that limits them to R-R zoning.

Ms. Kusnerak moved to approve the staff recommendations of Approval for the Map Amendment for Westfield Township to update the zoning maps. Mr. Adams seconded the motion. All members voted AYE (to approve staff recommendations) and the motion was approved.

D. Granger Township Map Amendment, 020-2018 MA

Mr. Henwood presented the staff report to the Commission for the above captioned map amendment rezoning 4995 Boneta Road, C-1 to C-2.

Discussion:

Mr. Brandon questioned if Planning had notified the adjacent property owners. Mr. Henwood said that is up to the Township.

Ms. Albrecht thought that everyone was supposed to have a Comprehensive Plan. Mr. Henwood said that Granger Township successfully defended a lawsuit that said you do not have to have a Comprehensive Plan. He said having a Comprehensive Plan provides you with the legal basis and justification for why the Township is choosing to zone areas in the community the way they do.

Mr. Jeffers moved to approve the staff recommendations of Approval with Modifications for the Map Amendment for Granger Township rezoning from C-1 to C-2. Mr. Williams seconded the motion. All members voted AYE (to approve staff recommendations) and the motion was approved.

VII. PLANNING DIRECTOR'S REPORT

Mr. Henwood stated that he did not have anything to add this evening.

VIII. PUBLIC PARTICIPATION

There was no Public Participation.

IX. OTHER BUSINESS

There was no items for Other Business.

X. ADJOURNMENT

Ms. Albrecht moved to adjourn the April 4, 2018 MCPC meeting at 7:45 p.m. Mr. Adams seconded the motion. All voted AYE and the motion was approved.

Mark Kolesar, President

Cheryl Heinly, Admin Asst.