



MEDINA COUNTY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, MAY 2, 2018, 6:30 P.M.
PROFESSIONAL BUILDING, LOWER LEVEL CONFERENCE ROOM

Attendees / Representing (from sign-in sheet):

Michael Reynolds, applicant
Tom Calton, self
Frank Maimone, Wadsworth Zoning Commission
Robert Wellert, Wellert Corp

MCPC Members and Alternates in Attendance:

MCPC Members:

Mark Kolesar
Buck Adams
Sally Albrecht
Jeff Brandon
Paul Jeffers
Cliff Calaway
Ray Schulte

MCPC Alternates:

Jerry Cook, (for Adam Friedrich)

MCDPS Staff:

Cheryl Heinly, Admin Assistant
Rob Henwood, Director

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

I. ROLL CALL

Mr. Brandon, Mr. Jeffers, Ms. Albrecht, Mr. Kolesar, Mr. Cook, Mr. Calaway, Mr. Adams, and Mr. Schulte were all present at the time roll was called.

II. MINUTES

Mr. Kolesar asked if there were any questions or comments on the April 4, 2018 minutes. There was none.

Mr. Adams moved to approve the April 4, 2018 minutes as presented. Mr. Jeffers 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

A. Meadows of Southpointe, Ph V, 025-2018 FP, Final Plat, Brunswick Hills Township

Mr. Henwood presented the staff report to the Commission regarding the above captioned subdivision located at the terminus of Baintree Court on the east side of the street in the Meadows of Southpointe subdivision.

The proposed Phase 5 Final Plat includes one subplot to be served by central sewer and water. Proposed Sublot 84 is to be created by converting Block L to a buildable subplot; this block was designated to be used for future development in the Phase Five Final Plat.

The Medina County Planning Commission (MCPC) originally approved the Preliminary Plan for the Meadows of Southpointe in May of 1999. Phase 1 of the subdivision was approved by the MCPC in February of 2000. Most recently, the MCPC disapproved a proposal to combine Blocks E and L to create a buildable subplot in January of 2017.

Block L was created by the Phase 4 Final Plat. This Block was created as a Block for future development as it was not wide enough for use as subplot per township zoning.

Block E was created by the Phase 2 Final Plat; however, the original Preliminary Plan and the Revised Preliminary Plan show the area of Block E as an open space block rather than a block for future development. There is no evidence in the DPS files for the subdivision indicating that the intended use of the block was changed from open space to future development. Given the fact that both the approved Preliminary Plan and the Revised Preliminary Plan indicate Block E is to be used for open space, the Phase Two Final Plat appears to have been approved in error and Block E should not have been changed to a block for future development.

Zoning: According to the Brunswick Hills Township Zoning Map, the subject site is zoned R-1 Residential district. Per Section (§) 403-2(A) of the Brunswick Hills Township Zoning Resolution, single-family residential dwellings are permitted uses. Lot requirements include the following:

- Minimum lot size of 15,000 square feet or 0.3443 acres (§ 403-3(A))
- Minimum lot width at the building line of 90 feet (§ 403-3(B))
- Minimum lot frontage of 60 feet (§ 403-3(C))
- Minimum front yard depth (building line) of 50 feet (§ 403-4(A))

Discussion:

Mr. Adams questioned who would maintain the open space. Mr. Henwood stated that Mr. Calton owns it. He said that Mr. Calton purchased the open space with the encumbrances as they are.

Mr. Schulte asked if this was part of an HOA (Homeowner's Association). Mr. Henwood was not sure if the HOA was active, but there is recorded evidence of an HOA, but the HOA lost the rights to Blocks (E & L) as they were sold at Sheriff's sale and are now owned by Mr. Calton. Mr. Schulte asked if Block L was the buildable lot. Mr. Henwood said that was correct.

Mr. Schulte asked about the road...inaudible... Mr. Henwood said he was not sure if there was going to be a cul-de-sac or a T-turnaround, but that will be part of the negotiations with the Highway Engineer and the Township Trustees.

Tom Calton, applicant, stated that both of these properties were never owned by the HOA, this was held by the developer and the developer never turned those over to the HOA. He said in 2011 it was taken to Sheriff's sale and then he purchased the property (in 2016). Mr. Kolesar asked, as part of the Preliminary Plan was the developer supposed to pass over the open space to the HOA. Mr. Henwood answered that the transfer of open space is not part of the Subdivision Regulations. During the review, there are usually provisions for turnover at some point.

Mr. Calton continued saying once he was denied, he combined the lots and applied for a variance (from the Township). He said on August 2nd he was given permission (by the Township) to build on the property per the area variance, which he thought was for everything. Mr. Calton said his surveyor drew a new Replat for Block L because that was the only one he was replatting. On January 3, he went to the meeting (MCPC) and said he did not mind paying the fee, but did not want to be denied again. Mr. Calton said he was told by Mr. Henwood after his variances were approved, it would be a "rubber stamp." He said Mr. Henwood told him that this was not something that would be rejected as the Township approved the variances.

Mr. Calton said he paid the fee, was told he would not have to attend the meeting, and that this was going to be done on the Consent Calendar. Mr. Kolesar asked him who told him. Mr. Calton said Rob. He said the next contact he received was telling him it was being denied. When he called and spoke to Mr. Henwood the denial was based on the comments from on the Sanitary Engineer and Highway Engineer.

Mr. Henwood put a meeting together with numerous agencies, including the Township, on February 22, 2018, to help Mr. Calton with the process and figure out what was best before moving forward for the MCPC meeting.

Mr. Calton said he had four things he wanted the Board to consider and change for the staff report. He said the first item is changing Phase 4 to Phase 5 and he did not understand as he was

told the Preliminary Plan had to match the Final Plat. Mr. Kolesar pointed out that there was also open space... Mr. Calton interjected saying that was something he never saw and Mr. Henwood had it.

Mr. Kolesar told Mr. Calton to move along with his four items and that he would give him a couple more minutes. Mr. Calton said he would appreciate it if he could just talk because... Mr. Kolesar interjected saying he was getting 10 minutes to speak and he was almost at the limit now.

Mr. Calton continued saying a temporary turnaround is vacated whenever a new house is put in. He said the street is not going to be extended to the Fuller property as they thought, right now. Mr. Kolesar clarified asking Mr. Calton if he was against a cul-de-sac or a T-turnaround. Mr. Calton said there was already a T-turnaround there. Mr. Kolesar said the aerial picture they have does not show a T-turnaround. Mr. Henwood said no, there was not one there.

Mr. Calton felt for item three, he should not have to be in a HOA and they were never part of the HOA. Item four, block E needs to be replatted. Mr. Calton said when he sent this in he only was doing block L, the front lot, as he did not feel it was his responsibility to pay to have it changed. He said a replat does not have to include every parcel he owns, he has the legal right to replat one or both of his parcels and he is only trying to replat the one.

Mr. Kolesar explained he understood the dilemma and why Mr. Calton wanted to discuss the details. He also wanted to give the Board members a chance to ask questions.

Mr. Brandon asked if Mr. Calton purchased both Blocks. Mr. Calton said yes, he owns both parcels. Mr. Brandon asked about the T-turnaround/cul-de-sac and wondered if there has been any discussions. Mr. Calton said he would have to pay for everything. He said they (?) want him to pay for everything; the sanitary sewers, as he is the developer. He said if the Township wants him to extend the road, he would have to pay for that. Mr. Calton said the waterline stops at his property and he has already spoken to Cleveland. He was told it would have to be extended so he could tie into the line.

Mr. Kolesar said that even though an error was made in the past, the governing agencies have compromised by allowing a home to be built on Block L. Mr. Henwood reminded the Board that the area variance still needs to be approved by the Township. Mr. Kolesar pointed out that two of the township officials have supported the approval of what is before the Board. He asked if Mr. Calton was committed to the project because the agencies have compromised so he could build on Block L and have a huge back yard for Block E. Mr. Calton said he would not build on Block E. He said he would have to go back and have to pay for this to be replatted for the third time. Mr. Kolesar asked how much that would cost. Mr. Henwood said there would be a recording cost for the document.

Mr. Kolesar questioned where the governing agencies come into play because of the error that was made that is now costing a property owner. Mr. Henwood answered that under the Subdivision Regulations an application came in with a request to combine the two pieces (Block E and L). If the original request had been to convert Block L to a buildable subplot, that argument would hold water. Mr. Henwood explained that essentially the "cat is out of the bag" and there is an error. Mr. Kolesar asked about an error in the way the property owner handled it. Mr. Henwood said not so much that there was an error from the property owner. He said the staff of Planning Services became aware of the error in the open space blocks. Mr. Henwood said he has a responsibility to insure that the Subdivision Regulations are followed.

Mr. Henwood said in order for this parcel (Block) to be a buildable lot it was not conceived as a Phase of a subdivision because it was going to be extended, that part of Mr. Calton's argument Mr. Henwood does agree with. He said that Mr. Calton does want this to be a buildable lot and it is not known if and when the adjoining properties are going to develop. Mr. Henwood stated in order for it to be developed, as a buildable lot it has to be a part of the subdivision otherwise there is no legal access to the public roadway. He said if Mr. Calton wants to build a house on this property, it has to be part of the subdivision. Mr. Kolesar asked if that is why it would be Phase 5. Mr. Henwood said that is correct, because it was not originally conceived on the Preliminary Plan, it was conceived as a separate subdivision.

Mr. Henwood stated in a perfect world if he had been around when this was being approved, he would not have allowed Block L and the adjacent properties to be labeled "for future development." He does not like it to be labeled unless something specific is going in there and is compliant with zoning. Mr. Kolesar said originally what came before the Planning Commission was open space. Mr. Henwood clarified that Block L and the one across the street were labeled "for future development." He said that Block E was supposed to be open space at Preliminary Plan sometime in the future and for whatever reason that did not happen when it was recorded. He stated that he could not do anything about an error he had nothing to do with.

Mr. Kolesar understood saying there has been a compromise with the agencies, but the out of pocket is at the expensive of the applicant. Mr. Henwood said in this case when an applicant purchased a piece of unimproved property that requires the extension of public infrastructure and it is subject to the Subdivision Regulations. He said in this case, there is a requirement for this to become a buildable lot, as it was not conceived as such. In order for the applicant to be able to build a house, he has to follow the Subdivision Regulations. Mr. Henwood reiterated that the road, the sewer, and the waterline is not installed in front of this property and for it to be buildable that has to happen. He said he could not recommend anything other than compliance with the Subdivision Regulations.

Mr. Brandon questioned the open space requirement and Block E. Mr. Henwood said he was not sure what the Township requirements were. Mr. Adams thought that the thinking for Block L was on both sides of the street the previous developer said he was also in negotiations for future development for the two lots at the end of the street would then be combined in the next subdivision, which would then create no variance required buildable lots. He said that the utilities would be extended at the time the next deal happened.

Mr. Jeffers confirmed that no matter what happened today the applicant would have to do a plan for a replat of phase 4, which is not being allowed because staff is asking for a replat making it phase 5, and he still will have to turn Block L into a subplot. Mr. Henwood said if the applicant is going to build a house on Block L, which is to be subplot 84, he would also have to show that Block E is an open space block otherwise this would not comply with the Subdivision Regulations. Mr. Jeffers told Mr. Calton he would be coming in with a plat either way.

Mr. Calton said he already has a plat. Mr. Jeffers said his engineer should be able to change Block E to open space.

Mr. Jeffers moved to approve the staff recommendations of Approval with Modifications for the Meadows of Southpointe, Ph V, Final Plat. Ms. Albrecht seconded the motion. All voted AYE (to approve staff recommendations) and the motion carried.

VI. NEW BUSINESS

A. Meadows at Pine Valley, Ph III, 028-2017 FP, Final Plat, Wadsworth Township

Mr. Henwood presented the staff report to the Commission regarding the above captioned subdivision located on the north side of Reimer Road east of Hartman Road.

Proposal: The applicant proposes the following on the 82.1258-acre site:

- 24 sublots, ranging in size from 2.0000 to 13.2524 acres
 - 17 sublots fronting on Hartman Road
 - 7 sublots fronting on Reimer Road
 - 6 back-lots; three with access to Hartman Road and three with access to Reimer Road
- On-site water wells and septic systems

Background: The Concept Plan for the Meadows at Pine Valley was held in October of 2017. The Preliminary Plan was approved by the Medina County Planning Commission (MCPC) in December of 2017.

Zoning: The subject property is zoned R-R Rural Residential District. Single-family residential dwellings are a permitted use on two-acre lots. The Wadsworth Township Board of Zoning Appeals granted the following variances at their September 18, 2017 public hearing:

1. Up to 16 lots on Hartman Road may have frontage of 150 feet.
2. Up to five lots on Reimer Road may have frontage of 175 feet.
3. Lot width at the building line; the requirement is 200 feet and the variances granted are for lot widths of 150 feet on Hartman Road and 175 feet on Reimer Road.

Comprehensive Plan: The proposed subdivision is consistent with the 2007 Wadsworth Township Comprehensive Plan Update. The Future Land Use Map recommends the subject site for low-density residential development with a maximum density of two dwelling units per acre.

Discussion:

Mr. Kolesar realized Mr. Henwood does not read the comments from Soil and Water. He feels those comments are important due to homes flooding, natural watercourse, etc. Mr. Henwood replied that even though they are not an approval agency they do provide all their comments at the Concept Plan meeting. He said all of those items have to be addressed at the Preliminary Plan. He includes it in the Final Plat review because he agrees with Mr. Kolesar and if they were not addressed at the Preliminary Plan then they need to be highlighted. He said it is important that it be carried through the approval process. He explained that he does not present the comments because the power to enforce them are addressed in the Preliminary Plan and the Improvement Plans.

Mr. Adams said he did not see a fire pond or any dry hydrants. He asked if the fire department has said yes or no. Mr. Henwood said the fire department has not provided a request for a dry hydrant. Mr. Adams said a fire pond with a dry hydrant should be put on the site.

Mr. Adams asked why the back lots did not have a street. Mr. Henwood said the Township zoning permits back lots.

Mr. Adams said that nine major categories of comments with 19 sub-comments and then to say “approval with modifications” he would like to see all these items addressed or a majority of them, before they come to the Planning Commission.

Michael Reynolds, applicant, stated that regarding the fire pond issue, that the fire department specifically stated that they did not want a fire pond. He said that they (fire chief) specifically did not want a fire pond clogging up the fire trucks. Mr. Reynolds also said that as far as the back lots it is 40-foot frontage. He said he talked to Steve Mazak from the Health Department and was told that Mr. Mazak would have the report done today and that all 24 lots would be approved for septic.

Mr. Reynolds asked for the Board’s consideration and said he would answer any questions. There were no questions.

Mr. Brandon moved to approve the staff recommendations of Approval with Modifications for the Meadows at Pine Valley, Ph III, Final Plat. Ms. Albrecht seconded the motion. Mr. Adams voted NAY. All other members voted AYE (to approve staff recommendations) and the motion was approved.

B. Sharon Township Text Amendment, 028-2017 FP, Final Plat, Sharon Township

Mr. Henwood presented the staff report to the Commission regarding the above captioned text amendment regarding adding new Section (§) 606 Fire Protection of Planned Building Groups.

Proposal: In an email dated March 30, 2018 Melissa Hydell, Sharon Township Zoning Clerk, requested a review of the following changes to the Zoning Resolution § 606 Fire Protection of Planned Building Groups (Subdivisions) proposed by the ZC.

Discussion:

Mr. Jeffers asked if Sharon Township had collaborated with any other jurisdictions for their Fire Department. Mr. Henwood thought they might contract with the City of Wadsworth. Mr. Adams said that Sharon Township had their own fire and EMS department.

Mr. Jeffers asked if something could be in the (regulations), allowing the zoning commission to require that the fire code be met. Mr. Henwood said yes, because he ran this by Prosecutor’s office and he said the ORC was specific about what Townships can and cannot do. He said a Township could advocate for [fire ponds] but have to be careful about requiring that installation.

Mr. Schulte moved to approve the staff recommendations of Disapproval for the Sharon Township Text Amendment, adding new Section, 606. Mr. Jeffers seconded the motion. All voted AYE (to approve staff recommendations) and the motion was approved.

VII. PLANNING DIRECTOR’S REPORT

Mr. Henwood thanked Mr. Kolesar for his long service and membership on the Planning Commission as he moves to Florida to be with his father. Everyone thanked Mark for his service and wished him well with his move.

Mr. Kolesar said that he loves Medina. He said people talk about green space but it is being evaporated in the County. He hoped they would step up and do what they could for some kind of preservation. He thought it is so important to keep up the character of this County. Mark wanted someone to look after the future of Medina as he has always done. He thanked everyone, said it has been a pleasure, and said he will make sure he visits when he is in town.

VIII. PUBLIC PARTICIPATION

There was no Public Participation.

IX. OTHER BUSINESS

There were no items on Other Business.

X. ADJOURNMENT

Mr. Kolesar moved to adjourn the May 2, 2018 MCPC meeting at 7:46 p.m.

Approved by Planning Commission at the June 6, 2018 meeting.
Mark Kolesar, President
Signed by Jeff Brandon, Vice President

Cheryl Heinly, Admin Asst.