



MEDINA COUNTY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, OCTOBER 1, 2014, 6:30 P.M.
PROFESSIONAL BUILDING, LOWER LEVEL CONFERENCE ROOM

Attendees / Representing (from sign-in sheet):

Alliss Strogan, Lafayette Township
Jason Brenner, LLP
Chris Bender, Arbors

MCPC Members and Alternates in Attendance:

MCPC Members:

Jeff Brandon
Christina Kusnerak
Val Jesionek
Pat McNamara

MCPC Alternates:

Jason Stevenson, (for Steve Hambley)
Jerry Cook, (for Adam Friedrich)
Elayne Siegfried, (for Ray Jarrett)
Jeff Plumer, (for Martha Catherwood)

MCDPS Staff:

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

Pat McNamara called the meeting to order at 6:30 p.m. and began with the Pledge of Allegiance.

I. ROLL CALL

Ms. Jesionek, Mr. Cook, Mr. Brandon, Mr. McNamara, Mr. Stevenson, Ms. Siegfried, Mr. Plumer, and Ms. Kusnerak were all present at the time roll was called.

II. MINUTES

Mr. McNamara asked if there were any questions regarding September 3, 2014 minutes. There was none.

Mr. Brandon moved to approve the September 3, 2014 meeting minutes as presented. Ms. Jesionek seconded the motion. All voted AYE and the motion was approved.

III. CORRESPONDENCE

There was no Correspondence

IV. CONSENT CALENDAR

A. Whitetail Crossing, 073-2014, PP-Ext, Preliminary Plan Ext Request, Montville Township

Mr. Henwood prepared the staff report for the Consent Calendar regarding the above captioned subdivision located on the south side of Poe Road between Wooster Pike (SR 3) and Wadsworth Road (SR 57).

The most recent Preliminary Plan was approved by the Medina County Planning Commission (MCPC) at the September 2012 meeting. The most recent Final Plat, Phase 3, was approved by the MCPC in September of 2007.

The applicant proposes to subdivide the 37-acre site and complete the subdivision as follows:

- Public streets (60 foot ROW) as follows:
 - Extend Antler Trail to the west terminating in a street stub with a temporary turnaround.
 - Create Black Tail Court to the south terminating in a permanent cul-de-sac.
- 30 sublots and 14.02 acres in blocks.
- Served by central water and sewer.

Discussion:

There was no discussion.

B. Arbors of Bridgewater Crossing, Ph 6, 076-2014, FP, Final Plat, Brunswick Hills Township

Ms. Hirsch prepared the staff report for the Consent Calendar regarding the above captioned subdivision located on the east side of Marks Road between Grafton Road (SR 3) and Boston Road.

The current proposal is for Final Plat approval of Phase 6 of Arbors of Bridgewater Crossing Subdivision. This Final Plat is a replat of Block A-5, creating Blocks A-6, B-6 and R-6 and sublots 166-181.

The original Preliminary Plan for Arbors of Bridgewater Crossing was approved by the Medina County Planning Commission (MCPC) at their August 7, 2003 meeting. Final Plats for Phases 1 – 5 were approved as follows:

- Phase 1 – Approved January 7, 2004
- Phase 2 – Approved November 3, 2004
- Phase 3 - Approved September 7, 2005
- Phase 4 – Approved November 7, 2007
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Resubmitted Preliminary Plan and Phase 5 – Approved February 13, 2013 (The Preliminary Plan had expired requiring a new Preliminary Plan, which was approved simultaneously with the Final Plat.)

Discussion:

There was no discussion.

C. Riverview Villas of Stonegate, 077-2014, FP, Final Plat, Medina Township

Ms. Hirsch prepared the staff report for the Consent Calendar regarding the above captioned subdivision located on the east side of Pearl Road (US 42), northeast of Stonegate Drive.

The applicant proposes to provide 25 cluster homes at a density of 1.51 units per acre. Additionally, 13.982 acres of open space is proposed. The proposed subdivision is to be served by central water and sewer.

The subject property is zoned UR – Urban Residential. The Medina Township Zoning Resolution indicates that the purpose of the UR District is to, “... allow residential development at a density of about two (2) units per acre, in those areas of Medina Township within the 1981 sewer service area, around the City of Medina. The UR District is designed to allow efficient use of the facilities already in place, to maintain the natural topography and landscape to the extent possible, and to allow for planned developments that allow flexible development standards while maintaining the two (2) units per acre overall density.”

Discussion:

There was no discussion.

Mr. Plumer moved to approve the Consent Calendar and staff recommendations for White Crossing Ph 4 Preliminary Plan Extension Request, Arbors of Bridgewater Crossing Ph 6 Final Plat, and Riverview Villas of Stonegate Final Plat subdivisions. Ms. Jesionek seconded the motion. Ms. Siegfried, Mr. Stevenson, and Mr. Brandon abstained. All other members voted AYE and the motion was approved.

V. OLD BUSINESS

There was no Old Business.

VI. NEW BUSINESS

A. Liverpool Township Text Amendment, 069-2014 TA

Mr. Henwood presented the staff report to the Commission regarding the above captioned amendment regarding 301.3(A-C) and 301.4(E) Rural Residential (RR) District Lot and Yard Requirements & Article XI Definitions (Accessory Building and Use and Residential Garage)

Per the letter submitted by the ZC, the proposed changes are being initiated by the ZC as requested by the zoning inspector. The changes to § 301.3 are intended to clarify lot requirements when utilities are and are not available. The revisions to § 301.4(E) adds new regulations pertaining to accessory structures. Finally, a revised definition for “accessory building” and a new definition for “residential garage” are proposed in Article XI.

Discussion:

There was no discussion.

Mr. Stevenson moved to approve staff recommendations of Approval with Modifications for the Liverpool Township Text Amendment regarding Sections 301.3 and 301.4, Article XI. Ms. Siegfried seconded the motion. All voted AYE and the motion was approved.

B. Brunswick Hills Text Amendment, 078-2014 TA

Ms. Hirsch presented the staff report to the Commission regarding the above captioned text amendment for Garage/Yard sale regulations.

The amendment proposed by the Brunswick Hills Township Zoning Commission, is to add a new Section 303-13, Garage/Yard Sales.

Ms. Hirsch said in reviewing for the presentation this evening she found there were some items that she had not mentioned earlier that she would like to add. She felt she had not been “quite critical enough” in her staff report and she wanted to discuss them at this time. Ms. Hirsch added that she would revise her written staff report.

Ms. Hirsch said for example, “importing or stocking of inventory shall not be permitted.” She said anytime she has had a garage sale she has stocked for it all year. She was not sure how that ever would be enforced.

Another item was not allowing any food or beverages for sale. She said most garage sales are on weekends and she could not see the zoning inspector going out there and saying, ‘hey, your daughter has a lemonade stand while your garage sale is going on and you cannot do that.’

Ms. Hirsch said regarding the hours between 8:00 a.m. and 6:00 p.m. She knew from experience that there are ‘early birds’ who come about an hour before and would be there at 7:00 a.m. on a weekend. She said the other thing would be at certain times of the year at 6:00 p.m. it is already dark. Ms. Hirsch said the township might want to consider between 9:00 a.m. to 5:00 p.m., and May thru November. She said those are just suggestions.

Ms. Hirsch agreed that nothing could be displayed within the right-of-way, (R.O.W.).

Discussion:

Ms. Siegfried commented on the definitions for Garage/Yard Sales, saying Ms. Hirsch said there was not one. She said it almost sounded as if there were definitions within the section. She said in 2a, “...the sale, offering for sale, used or newer or second hand items...” goes on to sound like a definition. Ms. Siegfried noted that it also was not a complete sentence, which was odd.

In addition, Ms. Siegfried commented on B, “Sale of tangible personal property including...” again she said that it sounded like maybe a definition.

Ms. Siegfried questioned the word “unlawful.” She asked if maybe it would be a violation of the regulations, she was not sure, but she thought there might be a better way of saying it.

Ms. Hirsch said in the purpose statement, the purpose is to restrict it to certain times of the year and not have it prolonged. She said they have regulations that go way beyond anything like the hours or not selling food that has really nothing to do with it and she was not sure that the township has the authority to regulate some of those things. She said it is suggested that they send this to the Prosecutor's office for comments.

Ms. Siegfried said another difficult to enforce comment is, "...to conduct the sale or activity in such a way as not to constitute a nuisance." She said that is very broad and difficult to enforce. She understood why the township would not want someone continually offering his or her used car for sale as it becomes something other than a garage sale.

Mr. Stevenson stated that Ms. Hirsch made a comment that it was in the township's authority to enforce some of these. He said he circled "unlawful" and could not figure out what the penalty would be if a garage sale lasts Wednesday to Sunday or if it is five days. He has had garage sales with the grill going, selling hotdogs, and they donated the money to cancer research. He said it does help because people will pay \$10 for a hotdog knowing it is going to cancer research. He wondered if the police would come by and shut it down. Mr. Stevenson questioned if the township had the authority to create and enforce.

Ms. Hirsch said from what she could tell, the idea of saying the number of times a year and how many days is universally used in townships. Some of it appeared to go beyond that and the township's purpose statement. She said a legal opinion is needed and will be passed on to the township.

Mr. Cook said it seemed to suggest that a person who did not have a garage could get a permit as long as the owner or tenant was present. Ms. Hirsch thought that was meant by 'not importing'. She said it was per lot as well, which could be questionable. She said what would happen with a duplex or a four-plex.

Ms. Jesionek asked if the township was addressing the signage for garage sales. Ms. Hirsch said it was in temporary signs. She said they usually are on weekends so the zoning inspector probably will not be working. By the time the sign goes up and down in the township, it is Monday morning and difficult to enforce.

Mr. Brandon said they have a fruit and vegetable stand on a very busy road throughout the growing season in his township. He said there have been a few complaints because it does interfere with the flow of traffic as it is in a bad location.

Mr. McNamara asked about the motion for staff recommendations in addition to Ms. Hirsch's comments and Mr. Stevenson's as well.

Mr. Stevenson moved to approve staff recommendations of Approval with Modifications for the Brunswick Hills Text Amendment. Ms. Siegfried seconded the motion. In addition, the PC questioned the authority of the Township to create and enforce garage/yard sales and suggested the Township ask the Prosecutor's office for guidance. All voted AYE and the motion was approved.

VII. PLANNING DIRECTOR'S REPORT

Mr. Henwood said he had a proposed letter. In July, the Medina Area Task Force had a meeting in Medina Twp, and the topic of discussion being the SR 18 corridor aesthetics. He said unfortunately aesthetics considerations into ODOT projects is well in advance of the actual improvements. The aesthetics considerations for the SR 18 corridor at the interchange, the window of opportunity for that has closed.

He said the next stage in getting ready to enter the design phase. Subsequent discussions after that task force meeting the question came up on the US 42 improvement project between the City of Medina and Medina Township as they are considering boulevard islands in their list of scenarios. The question that came up was would that boulevard scenario be possible as an alternative in the SR 18 corridor project. Mr. Henwood said it turned out that it is in fact possible.

Mr. Henwood said the window of opportunity for that however is rapidly closing. He has had discussions with representatives with both Montville and Medina Townships. Both boards of trustees have actually discussed requesting that ODOT include an option that would make those boulevard islands possible. As he understood their process, they will have a couple of design alternatives to be considered. He said even for the boulevard islands to be in the discussion there needed to be something in writing from the participating communities. Mr. Henwood said the lion share of those projects are contained within Medina and Montville townships.

Mr. Henwood said with permission from Medina and Montville township trustees, that he has drafted sample language and letters for both Medina and Montville township trustees. They are to send the letters onto Allen Biehl, the deputy director of ODOT, District 3.

Mr. Henwood also is asking the Planning Commission's support and a letter supporting the township's efforts to have that design alternative considered in the ODOT project. He asked the Planning Commission for permission so the letters could go out this week.

Mr. McNamara said the only piece Mr. Henwood did not speak to was the financial. Mr. Henwood said that in this case ODOT would provide no funding other than the actual construction of the curbs and underdrains and installation of utility boxes and potentially water connections. All they will do is build the islands and put grass on them. He said at this point there is no request of either of the township's for any financial commitment. This is just getting the design option on the table so it could be considered. Mr. Henwood said it is possible to look at the geometry of what they are doing, as there might not be space.

Mr. Henwood said in his discussions with the ODOT deputy director, Allen Biehl, it looks as if there will be sufficient space assuming a similar design to the US 42 corridor, but that is still yet to be determined. There still would have to be another public meeting where that design alternative would be presented. He said if a landscape island option were chosen then the funding for the maintenance landscaping would be for a future discussion.

At this point, Mr. Henwood has not included discussions with the City of Medina as most of the discussions have been with those two townships mentioned above.

Mr. Stevenson questioned that the designs to be considered by ODOT, if there is room, etc., who decides if they will be put in or not. He said if ODOT decides then the township takes on the obligation to maintain them, would the township have a say to implement. Mr. Henwood thought a lot of weight went to what happens during the discussions at the public meetings. If it appears there is support, ODOT was not concerned about the agreement for financing the landscaping. He said all they want to do is go forward with the design and then the participating communities can decide to do the landscaping or not.

Mr. Stevenson said if he understood it correctly, the choice belonged to ODOT. Mr. Henwood said he did not know the answer or who had the final say. Mr. Stevenson was not sure how many were involved, but people will say grass is ugly put in trees and mulch, which means more money for upkeep. He was concerned that the townships did not get a say other than, 'sure for the potential design' and now they are stuck for paying the bill maintaining on an ongoing basis.

Mr. Henwood said if there is grass only then there is no financial commitment required by the community. Mr. Stevenson asked who would maintain the grass. Mr. Henwood said another good question, as he did not know.

Mr. McNamara said that Allen Biehl is a good friend of his and they had discussed improving the four quadrants of Brunswick City and ODOT was totally on board with whatever they wanted to do. However, ODOT said that the City would be responsible for the maintenance. He said ODOT will put in whatever the community desires and then they walk away. Mr. Henwood said if it fits. Mr. McNamara agreed saying it has to be harmonious with the boulevard.

Ms. Siegfried said it sounded like both townships through their trustees are interested in putting this on the table for discussion. Mr. Stevenson agreed and said he was all for it, he just did not want to be part of an accidental obligation for the townships. He wanted to know whose call it was to put in the maintainable feature and make sure the townships would be well aware of the maintenance (costs).

Mr. Brandon said his experience with ODOT was that they do listen to residents and local officials. He said they are very grassroots and like when the ideas come from the bottom and continue forward. He thought the meeting they had in the summer that Mr. Henwood had mentioned, that is where beautification came up.

Mr. McNamara asked for a show of hands in support of Mr. Henwood writing the letter and sending onto the townships. All members agreed.

VIII. PUBLIC PARTICIPATION

There was no Public Participation.

IX. OTHER BUSINESS

There was no Other Business.

X. ADJOURNMENT

Ms. Siegfried moved to adjourn the October 1, 2014 MCPC meeting at 7:13 p.m. Ms. Jesionek seconded the motion. All voted AYE and the motion passes.

Lynda Bowers, President

Cheryl Heinly, Admin Asst.