MEDINA COUNTY PLANNING COMMISSION
MINUTES OF MEETING
WEDNESDAY, OCTOBER 2, 2019, 6:30 P.M.
PROFESSIONAL BUILDING, LOWER LEVEL CONFERENCE ROOM

Attendees / Representing (from sign-in sheet)**:**
David Wager, Pulmierie Enterprise
Richard Monroe, self
William Pavlick, York Township
Troy Gerspacher, self
Andy Conrad, Medina County Engineer
Elmer Steingass
George Smerigan, York Township
David Hull, self
Patti Wetterman, self
Dorothy Crouch, York Township
Cody Bruce, Pulte
Sharon Steingass
Alliss Strogin, Medina Township

MCPC Members and Alternates in Attendance:

MCPC Members:
Buck Adams
Sally Albrecht
Jeff Brandon
Cliff Calaway
Eric Heffinger
Ray Schulte

MCPC Alternates:
David Williams, (for Pat Geissman)
Kathleen DeLoss, (for Colleen Sweydk)
Tom James, (for Bill Hutson)

MCDPS Staff:
Cheryl Heinly, Admin Assistant
Rob Henwood, Director
Sonja Pagniano, Associate Planner

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

I. ROLL CALL

Mr. Brandon, Ms. Albrecht, Mr. Heffinger, Mr. Calaway, Mr. Adams, Mr. James, Mr. Schulte, Mr. Williams and Ms. DeLoss were present at the time roll was called.

II. MINUTES

Mr. Brandon asked if there were any questions or comments on the September 4, 2019 minutes. There was none.

Mr. Williams moved to approve the September 4, 2019 minutes as presented. Ms. Albrecht seconded the motion. All members voted AYE and the motion was approved.

III. CORRESPONDENCE

Mr. Henwood said there were letters from David Hull and George Smerigan, which would be addressed in Old Business.

IV. CONSENT CALENDAR

There were no items on the Consent Calendar.

V. OLD BUSINESS

A. **Steingass Subdivision,** 026-2019 PP, Preliminary Plan, Reconsideration, York Township

Ms. Pagniano presented the staff report to the Commission regarding the above captioned subdivision and reconsideration located on Abbeyville Road south of Wolff Road.

Proposal: The applicant proposes the following on the 78.4207-acre site:

- 37 sublots with the existing farmstead and some agricultural buildings located on a frontage sublot (Sublot 37) on Abbeyville Road
- 56.3 acres of open space (71.5% of the site area).
- Two public permanent cul-de-sac streets both with 60-foot right-of-ways (ROW) and sidewalks on each side of the street:
    - Sharon Court.
    - Elmer Way.
- Central water and sewer
- Four storm water management basins
- A community garden and mail kiosk

History: The Concept Plan for the subdivision was held on March 13, 2019.

Zoning: The subject site is zoned R-1 Low Density Residential. The applicant is electing to develop the site under the Conservation Overlay District Regulations per the York Township Zoning Resolution Section (§) 306; Conservation Developments are permitted uses per § 301.02(A)(6).

Comprehensive Plan: The proposed subdivision is consistent with the current comprehensive plan. The Proposed Land Use map contained in the 2012 Update of the York Township Comprehensive Plan recommends the subject site for Agricultural/Rural Residential use.

Discussion:

Jim O'Connor, Pulte Homes, thanked everyone for letting him come back before the board this evening. He gave a copy of the resolution from York Township to Ms. Pagniano. He told the board that it is very important to Pulte Homes to follow the rules. He said when they came up with the site plan, which was 36 new homes and a three-acre parcel, which was the legacy estate parcel, and went onto the Township the reaction was overwhelmingly positive.

Mr. O'Connor said they then came to the County for the Concept meeting and the issue of the stub street came up. He said they will have a community garden, sidewalks and 71.5% of this site will be open space. He stated that a comment came up regarding the stub about acquiring a resolution from the trustees so they went back and got that resolution which he gave to Ms. Pagniano. Mr. O'Connor said now they are back before the board and the stub street is the major issue. He explained that this is not a cost issue but a qualitative issue of the development as he felt it was better without the stub street.

Mr. O'Connor told the board that there would be major traffic flows from Brunswick and Medina coming from SR 252 and Marks Road. He pointed out to the west of Abbeyville Road there is no development as it is low density, which is preserving the character of the area. He felt that the Township was not trying to mandate the regulations but they are trying to regulate the desirability of the development that they would like to see occurring.

Mr. O'Connor pointed out in section 306.G1 of the zoning resolution it states, "…stub streets should be eliminated unless there is clear and convincing evidence that the development is going to occur." He said the adjacent parcel in this case would be the Morlock property to the south. (At the previous Planning Commission meeting Mr. Morlock expressed he would like a stub to his property.) At a township meeting when Mr. Morlock was asked if he was ready to develop that property, Mr. Morlock said, 'not in my lifetime'.

Mr. O'Connor stated that another item, which came up was the emergency access. He said they provided a second means of access/egress, as there was an easement that was created in case the main entrance was blocked so emergency vehicles could access the subdivision.

In closing, Mr. O'Connor asked the Commission to approve the subdivision without the street stub.

George Smerigan, consultant for York Township, commented that this subdivision meets the requirement for the number of units that could be served on a cul-de-sac street. He added that there has been an emergency access provided through the old farmstead and the fire department is entirely comfortable with it.

Mr. Smerigan reiterated that the Morlock property has frontage on two streets and has much more frontage than the Steingass property. He noted that part of the review questions were raised regarding the sight distance because of the curve of the road and what the visibility would be. He said that from a practical standpoint it made no sense to interconnect these two parcels. He felt that this location has limited sight distance and connecting to two parcels would bring more traffic to the area.

Mr. Smerigan noted that this is a conservation development and most should be left as natural as possible, including the trees. He reiterated that on the other side of the road (east side), it is a different zoning district and why it has more development that is intensive. He said this is why on the west side they want to keep the development more rural and not interconnect them together. Mr. Smerigan asserted that the township wanted to keep the conservation development contained and as minimal as possible and wanted to move forward with something that makes sense with their long range plans of the township.

Andy Conrad, Medina County Engineer, stated that Matt Martin has been reviewing this project, but the emergency access caught his attention. He did not remember who was on the board in the 90s and mid 2000s but he defied anyone to find one that was still usable. He said they are not maintained, plowed or available when needed. Mr. Conrad added that he had concerns with the sight distance as being limited. He stated if that were the case then his office would have to look at this, "with different eyes." He said since the applicant is saying there is limited sight distance, then his office will "take another bite of the apple" and they might need to move the entrance.

David Hull, 6174 Spieth Road, said he had sent correspondence with his concerns involving the township zoning code. He clarified that he sits on the York Township zoning commission but is not speaking for them. He stated that in the zoning resolution regarding open space says, "…if there is any dimension less than 100 feet then the open space does not qualify." He said right now none of it qualifies as they have not broken up the open space yet but it can be done.

Mr. Brandon asked Mr. Hull his opinion on the stub. Mr. Hull answered that one property would develop (as a cul-de-sac) and then the other (Morlock) would eventually develop and the two cannot connect to each other walking or riding bikes. They will have to ride or walk out onto Abbeyville to come back onto Spieth Road to get into the neighborhood/s. Mr. Hull said that land would develop someday. He commented that his other concern was before the four way stop went in at Abbeyville and Spieth if the stub was not developed, most likely Morlock's property might put in another intersection in on Abbeyville (Road). He said it was just in the paper today about that intersection being one of the most dangerous in the County.

Mr. Smerigan understood that Mr. Hull had a question regarding the open space and he felt that Mr. Hull was misinterpreting the language in the section. The section read, "…fragmented and isolated pieces of open space cannot be counted to meet the minimum

requirement acreage of the open space." He explained there are no fragmented pieces, all the open space interconnects and meets the minimum requirement of acreage.

Elmer Steingass stated that he and his sister own the property and he has two concerns. He said in the interest in reducing the possibility of making a cut through (to Morlock's property), he felt a cul-de-sac would be a better idea. Mr. Steingass added that putting a stub in there would be putting houses close to the Morlock's property line and farming activity. He added that with the cul-de-sac it might alleviate some of that activity.

Ms. Albrecht asked what the zoning was on the east side of Abbeyville (Road). Mr. Smerigan answered it was R-1 PUD. Ms. Albrecht asked to see the picture of the farm where the secondary access was located. She said it looked like it was going through a barn. Mr. O'Connor said it is an existing road at this time that goes along in front of the two barns and goes out into the fields. Ms. Albrecht questioned if it was usable. Mr. O'Connor answered that it could be used today.

Mr. James asked if the emergency access was gravel all the way to the street. Mr. O'Connor said yes.

Mr. Henwood pointed out that it was important to stay on topics only the Planning Commission had jurisdiction over as Mr. Smerigan pointed out. He said the township has part of the decision as to whether street stubs continue. The question before the Planning Commission is has the township made a compelling argument that the street stub is not warranted. Mr. Henwood reiterated there are no physical conditions that preclude the street stub. He did not see that a conservation subdivision could not occur with a connection and he felt the interconnectivity is important.

Mr. Brandon asked for a motion.

Mr. Williams moved to approve the staff recommendations of Approval with Modifications for the Steingass Reconsideration, Preliminary Plan. Mr. Adams seconded the motion.

Mr. Henwood clarified that this motion includes the stub street. Mr. Williams said yes. Mr. Brandon said if the motion fails, they would have to do another motion. Mr. Henwood argued that another motion is what got them here in the first place. He said they need to make a straight recommendation and they have the options. Mr. Brandon clarified that the motion on the floor includes the stub street. Mr. Williams said yes. Mr. Henwood said just to be clear, if the motion is to go forward then they are done. He added if it is to allow the street connection then there is no need for additional discussion. Mr. Henwood said a second motion would not be warranted. Mr. Schulte asked what would happen if the motion did not pass. Mr. Brandon said they could do another motion. Numerous discussions ensued.

Roll call vote was taken. Mr. Heffinger, Mr. Adams, Mr. Calaway, and Mr. Williams voted AYE. Mr. Brandon, Ms. Albrecht, Mr. Schulte, Ms. DeLoss, and Mr. James voted NAY. The motion was disapproved with 4 AYES and 5 NAYS.

Mr. Henwood said this motion means there is no stub street and they are good. Ms. Pagniano questioned the motion as it said approved with modifications including the stub

street. She felt they would have to do another motion approving the subdivision without the stub street so it approved the subdivision as a whole. Ms. Heinly agreed with Ms. Pagniano. Mr. Henwood said this is how we got here in the first place. Mr. Brandon said he would like to propose another motion for clarification. He felt the Board was in agreement with the staff comments except for the stub street so he asked for a motion without the stub.

Mr. James moved to approve the staff recommendations of Approval with Modifications for the Steingass Reconsideration, Preliminary Plan, without the stub street. Ms. Albrecht seconded the motion. Roll call vote was taken. Mr. Heffinger, Mr. Adams, Mr. Calaway, Mr. Brandon, Ms. Albrecht, Mr. Schulte, and Ms. DeLoss voted AYE. Mr. Williams voted NAY. The motion was approved with 8 AYES and 1 NAY.

VI. NEW BUSINESS

A. **Brunswick Hills Map Amendment,** 030-2019 MA

Mr. Henwood presented the staff report to the Commission regarding the above captioned map amendment located on the south side of SR 303 (including the Cossett Creek golf course).

Proposal: In an email dated September 6, 2019 Mary Jean Milanko, Zoning Secretary to the Brunswick Hills Township Zoning Commission (ZC) requested to change the zoning on the subject parcels PMUO Planned Mixed Use Overlay on the behalf of Terry Properties per Section (§) 519.12.

Comprehensive Plan: The 2005 Comprehensive Land Use Plan (Plan) Section 6 Preferred Land Use Plan recommends the site access the public street system as the northern portion of this area is recommended for Mixed Use Commercial (dark red). The dark green area shown as private ownership open space is the area of the golf course, is shown as part of this project, and therefore would not be applicable.

Current Zoning: The R-R Rural Residential District "is established to provide for detached single-family dwellings on large lots with very low densities in a semi-rural atmosphere. The district is also intended to "preserve significant areas of open space, retain rural vistas, and limit the density of development consistent with the rural nature of the Township and its public facilities, services, and infrastructure" (Brunswick Hills Township Zoning Resolution Section (§ 402-1).

Proposed Zoning: The stated purpose of the PMUO is to promote "…creative and imaginative mixed-use developments that enable expanded economic development opportunities in the township in ways that provide for a proper transition from the mixed-use development to any adjacent residential uses" through the use of a "unified plan." Proposed projects must "include a mix of commercial and residential uses with a flexible arrangement and spacing of buildings" (§ 406-1).

Discussion:

Mr. Calaway asked about paying for the water tower. Mr. Henwood said that would be decided through the improvement design process. Mr. James commented that the remarks from the Sanitary Engineer's office reflected that a portion of the costs would be shared.

Chris Hopkins, CT Consultants stated that the comprehensive plan is from 2005 and there is a corridor along Center Road that is recommended for mixed commercial development. She said this mixed commercial use from 2005 came after the township adopted the planned mixed-use overlay district. She added that this allows multifamily, attached single family, and single family homes. The mixed-use commercial designation on the land use plan encompasses this planned mixed-use overlay district that already has multifamily and it extends down Center Road on both sides of the street. Ms. Hopkins commented that the plan identifies the east side of Substation Road for suburban residential development. She stated that this land was already zoned industrial and the land across the street does have industrial development on it.

Ms. Hopkins said their request for the planned mixed-use overlay district should apply to the land that fronts on Center Road and extending down Substation Road as she felt was the appropriate request for rezoning. She stated one of the other requirements is to have a portion of the land already in a commercial district like the corner at Substation and Center Road.

Ms. Hopkins reiterated that the rezoning request does advance many of the elements of the comprehensive plan and other elements would be revisited and updated because the plan is almost 15 years old.

Patricia Wetterman, resident, questioned the area on Substation Road where there is traffic now, would that not make the whole area eligible for the overlay and extend it down the road. She felt that should be taken into consideration, as there are already traffic problems where they want to put the entrances. She said if this is approved it would make the entrance into the development very difficult. Ms. Hopkins responded that in addition to the requirements the County Engineer might have for water and sewer, the process would require a traffic study. She stated it is not uncommon as development occurs that traffic improvements need to be done. She added that the developer agreed to any traffic improvements that would need to be done.

Ronald Wetterman, 1085 Substation Road, said that if the developer could guarantee that the state would do something at the intersection of Center Road and Substation Road he might have less objection. He stated you could not get through the intersection to make a left hand turn from any direction without sitting through at least two lights in rush hour traffic. Mr. Henwood interjected saying the applicant has no control over the State budget.

Dave Terry, applicant, assured the Board that after dealing with the project that was at Marks and Center Roads that he would work with ODOT on this project. He stated that they dictate the traffic situation for Center Road (SR 303). He remarked that everyone was aware of the situation regarding the traffic. He said this would be a big relief as they are going to widen sections at Center and Substation Roads and would most likely put a traffic light in. Mr. Terry felt all the issues could be addressed.

Mr. Brandon asked for a motion.

Mr. Heffinger moved to approve the staff recommendations of Approval with Modifications for the Brunswick Hills Map amendment. Ms. De Loss seconded the motion. Mr. Williams voted NAY. All other members voted AYE and the motion was approved.

B. **Lafayette Township Text Amendment,** 074-2019 TA

Ms. Pagniano presented the staff report to the Commission regarding the above captioned text amendment regarding Add SECTION 226 AGRITOURISM; Edits to SECTION 310 LAKE ROAD NORTH OVERLAY DISTRICT (LRNOD)

Proposal: In a letter dated August 6, 2019, Lynda Bowers, Trustee for Lafayette Township submitted proposed amendments of Lafayette Township Zoning Resolution sections 310 and 226. They requested a review and recommendation from the Medina County Planning Commission at their earliest convenience.

Discussion:

Mr. James questioned item nine. Ms. Pagniano said it was added as a permitted use.

Alliss Strogin, Lafayette Township said that she did not see any modifications and was going to ask what they were. She said this was a first and usually the recommendation is 'approval with modifications.' Ms. Pagniano commented that there was a comma that was added. Mr. Henwood said the recommendation should have just said 'approval'.

Ms. Strogin shared that the existing overlay on Lake Road, the Technology Center, is there and the property that is being included is adjacent to the Technology Center. There has been conversations with the University of Akron that there is not sufficient housing available for their teachers to stay there and/or students as they can provide a 4-year degree. Ms. Strogin said since they already had the overlay and they do have PUDs in their zoning the township felt it would be a good addition to the overlay district to make it more successful in getting more units in there.

Ms. Strogin said that the other is the agritourism or "party barn" as they are more frequently known as. She commented the township is getting more requests for them and they are going in the weirdest places. She did not have an issue with the legitimate farm or farmer who has a barn and wants to do some extra things, which is what it was intended. Ms. Strogin said they are ending up with "city slickers" coming out and buying 10-20 acres from a farmer with a barn and it is nothing more than a "party barn." She added that the ORC is not so clear on agritourism and Lafayette Township is lucky to have William Thorne as their legal counsel.

Ms. Strogin stated for the record that Medina Township has several temporary drives between developments, which are paved and maintained.

Mr. Brandon asked for a motion.

Mr. James moved to approve the staff recommendations of Approval with Modifications for the Lafayette Township Text Amendment, Add Section 226 Agritourism; Edits to Section 310 Lake Road North Overlay District (LRNOD). Mr. Adams seconded the motion. All members voted AYE and the motion was approved.

VII. PLANNING DIRECTOR'S REPORT

Mr. Henwood said he wanted to offer some editorial comments regarding the township zoning resolution in regards to the Steingass subdivision. He has seen in some similar circumstances when townships prefer that street stubs not connect and the township has language that is loose and leaves the door open to allow the connection. He encouraged the communities that do not want the street stubs to have straightforward language.

Mr. Henwood stated that because of the way the Subdivision Regulations read they are required to advocate for the street connections even in cases where townships do not want them. He added that ultimately they would like to provide service to the township that allows them to plan and move forward in a way that they see fit for their communities. He encouraged those communities that do not want street stubs to have very straightforward language. Mr. Henwood reiterated that when townships are working on their zoning resolutions and fi they prefer that the streets not connect that they make sure that the language is explicit. He said otherwise planning staff is required under the Subdivision Regulations to advocate for that connection position.

Mr. Williams agreed with Mr. Henwood 100% and in Wadsworth (City), they are working on the same thing with their Subdivision Regulations to tie up some of the loose ends. Mr. Henwood commented that it appears there is a mixed message with the connectivity and with something that important they have to take that position. He felt the stub street in the Steingass situation would not have hurt things but they have situations where they are not relevant and the conversation might not warrant a street stub, but staff still had to take that position.

Mr. Schulte asked Mr. Henwood why he felt he needed to take that position. Mr. Henwood answered that the Subdivision Regulations demand that staff…Mr. Schulte interjected saying even though there is language in the Sub Regs saying how many houses per street stub. Mr. Henwood answered that the criteria said exactly how things are supposed to be done. If the townships were to write zoning language that said 'there would be no through street connections' then that would be absolutely clear (to the planning staff). Mr. Schulte asked if that was based on the amount of parcels that (the street) was connected (to). Mr. Henwood answered that was for a single access subdivision and while it can be of relevance, it is not addressing the connectivity.

Ms. Pagniano recently recommended that Montville Township's open space not be in the rear portion of a property. She said if you look at open space and buffering, they have that clear language in the conservation development as to why the buffer needs to be there. She suggested having it along an adjacent parcel to make sure it has the privacy and the rural character. She stated then define what that is and what that looks like because it is a lot harder for planning staff to then say 'there has to be a stub street there' when the comprehensive plan and zoning say the buffer stays and the natural feel in the back yard when they are looking out their window. Ms. Pagniano commented that makes much more

sense to staff than “no stub street because we don’t want it.” A Board member agreed with Ms. Pagniano.

Mr. Hull remarked that the ORC does not allow a provision for roads. Mr. Henwood answered while the township does not have the final say that if they include this language in the event that it is a real health and safety issue, the County Engineer would step in and say ‘no, we require this connection’. He added in this case it could probably go either way and the township could strengthen their position because staff’s mandate under the Subdivision Regulations is to advocate for the connectivity.

Mr. Hull interjected saying the township made it confusing because they had both and if there is connectivity to an adjacent parcel then yes. Mr. Henwood said in staff’s opinion it was difficult to argue that the street stub should not happen because there was not any physical condition that precluded that. He added that there were much stronger arguments about preservation of valuable open space in other parts of the site but the area where staff was suggesting the stub go in was an empty field. In his mind, the preservation argument really was not all that applicable in this area because they are just talking about an empty field.

Mr. Schulte remarked that would the length of the road as being in this situation… Mr. Henwood interjected saying no. He added that there was some discussion about safety and sight distance, but he thought if there is really an issue then perhaps the location (entrance) is not in the best location and that would be worked out during the improvement plan process. He asserted that if the location does have to change and it is significant, they would have to come back before the Board.

Mr. Hull noticed that in the Subdivision Regulations there is a requirement for reflective numerals. He said the township zoning requires it to be at the street but now they are requiring subdivisions to have the modular setup. Mr. Henwood responded that the Subdivision Regulations need to be updated and the Federal Government is requiring the kiosks.

Ms. Strogin asked if a temporary cul-de-sac (for Steingass) would be a solution so that when and if the other property goes to develop could provide the access. Ms. Pagniano said that was part of the staff recommendations.

VIII. PUBLIC PARTICIPATION

There was no Public Participation.

IX. OTHER BUSINESS

There were no items on Other Business.

X. ADJOURNMENT

Mr. Brandon asked for a motion to adjourn the October 2, 2019 MCPC meeting at 7:44 p.m.

Mr. Williams moved to adjourn the October 2, 2019 MCPC meeting at 7:44 p.m. Mr. Adams seconded the motion. All voted AYE and the motion was approved.

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Jeff Brandon, President	Cheryl Heinly, Admin Asst.