



Meeting:	July 3, 2019	Site Area:	78.7721 acres
App. No.:	026-2019-PP	Units:	37
Applicant:	Donald Bohning & Assoc., Gerry Wise	Zoning:	R-1 Low Density Residential
		Utilities:	Central Water and Sanitary Sewer
Parcel Nos:	045-05B-13-001, 045-05B- 14-001 & 005	School Dist.:	Buckeye Local
		Reviewer:	Sonja Pagniano

EXECUTIVE SUMMARY

The site is located on Abbeyville Road south of Wolff Road (see Map 1). The proposal includes 37 sublots on public streets served by central water and sewer. 56.3 acres of the site area is proposed as open space. 18.87 acres of proposed lot area (37 lots).

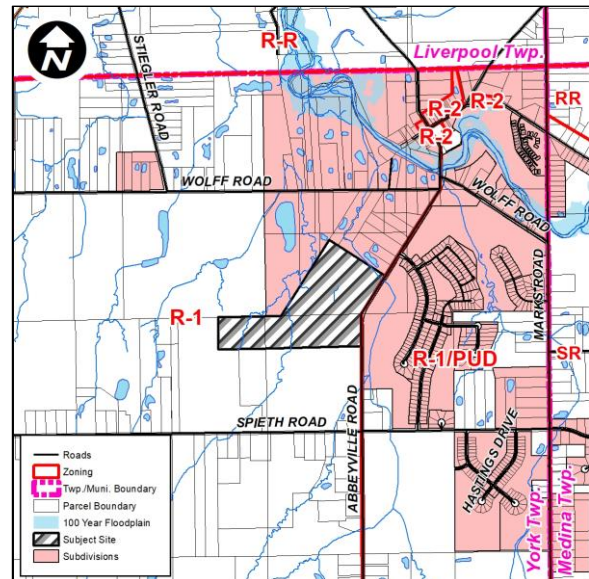
Recommendation: APPROVAL WITH MODIFICATIONS

ADJACENT ZONING/LAND USE

Direction	Zoning	Land Use
North	R-1 Low Density Residential	Single-family homes fronting on Abbeyville Rd.
East	R-1/PUD Low Density Residential/ Planned Unit Development	Golf course Shale Creek Subdivision
South	R-1 Low Density Residential	Agriculture
West	R-1 Low Density Residential	Agriculture

Proposal: The applicant proposes the following on the 78.7721-acre site: ¹

- 37 sublots with the existing farmstead and some agricultural buildings located on a frontage subplot (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.



Map 1: Location Map

¹ For the purposes of this staff review the following Preliminary Plan document was utilized: *Preliminary Development Plan "Steingass Preserve."* Donald G. Bohning & Associates, Inc. OR. No. 4958: 2/19/2019. Revised 9/19/2019 File Name: 4958-PP3.dwg. Three sheets: date stamped by DPS staff 9/23/2019.

History: The Concept Plan for the subdivision was held on March 13, 2019. The Preliminary Plan was heard on July 3, 2019. A Request for Reconsideration was submitted by Pulte July 23, 2019 with a letter dated 7/24/2019. The Medina County Planning Commission approved the request for reconsideration of the Steingass Preserve Preliminary Plan at the August 7th, 2019 meeting. The Township and Pulte requested the reconsideration of the Steingass Preserve Preliminary Plan to be on the October 2nd, agenda in an email from Mr. O'Connor dated July 29, 2019.

Access: Access to the site is by the proposed Elmer Way which accesses Abbeyville Road to the south. Both Sharon Court and Elmer way terminate in permanent cul-de-sacs.

The following criteria shall be considered for determining whether it is desirable or practical for streets to be extended to undeveloped properties § 604(B)(3) of the Subdivision Regulations:

- a. A resolution of the Township may be provided by the Township Trustees indicating the desire of the Township that the street be platted or not be platted to continue to the adjacent property. *The Township has provided staff an unapproved draft of their May 23, 2019 meeting minutes, in which a Resolution #19-05-02 York Township Trustees recommend keeping the Steingass Estate project with no stub street. Staff was told the minutes would be approved at the June 27, 2019 York Township Trustees Regular Meeting.*
- b. The potential to subdivide adjacent land for future use, and existing stubs are considered. *Mr. Morlock of Morlock Farms LLC has stated twice on record that he wants the street stub to connect to his property and that he doesn't think development will end there. Mr. Morlock's property is comparable to the current site and more space to develop; making it a viable property for future development.*
- c. The access route for emergency vehicles is approved by the Fire Department. *The York Township Fire Department provided comment indicating that this is not a development that is in an area needing stub streets. They currently have another development with the same layout that hasn't been a problem. Please see Agency comments for all comments submitted by the Fire Department.*
- d. The existing and future volume of traffic will be adequately serviced. *Medina County Highway Engineer's Office, Matt Martin provided comment that, "If the Morlock Parcel stays intact for development and is not split, a street connection could be made to Spieth Road as well. In general, it is hard to say that a stub street is not required when in that immediate area Forest Creek has two and Keswick has 1, all developed by Pulte."*
- e. The natural topography and other valuable site features, including flood prone soils, wetlands, unique vegetation or animal habitat, woodlands, and slope, are considered.
 - A. *A street stub or connection to the adjacent property to the west owned by Morlock Farms LLC (Parcel Number 045-05B-19-001) should be considered by the applicant as there appear to be no physical characteristics of the land precluding such a connection.*
 - i. *Street stubs or connections to adjoining properties to the east, northwest, and northeast of the site are not practical for the following reasons:*
 1. *Connection to the east is precluded by the location of streams and wetlands.*

2. *Connection to the northwest is precluded by a stream.*
3. *Connection to the northeast is not practical as the properties are currently developed and contain a stream.*

B. The property owned by Morlock Farms LLC is almost twice as large as the Steingass Preserve property

- f. Where no development is actively planned for the adjacent property, the County may accept the dedication of land for future street extension without requiring such street and associated improvements to be constructed. In this case, the Township involved must be willing to hold the performance guarantee for the development and construction of the future street extension. In the absence of an additional development, which would benefit by such construction of the street extension, the Township shall bear the additional costs, if any, which may be incurred as a result of the construction of the street extension at a later date.

If a development is proposed that would benefit from the construction of said street extension, and is required by the Planning Commission to connect its streets to the streets in the preexisting subdivision, the developer of the proposed subdivision shall be required to bear the costs, in addition to the performance guarantee funds, of constructing the street extension.

The developer of the original subdivision shall be required to perform the necessary grading operations to accommodate the future street extension as part of the construction plan approval by the Highway Engineer.

The Township, Medina County Engineer and the Medina County Planning Commission shall evaluate the retention of the performance guarantee and the feasibility of the future road extension ten (10) years from the date of the Final Plat.

It is determined by the Township, the Medina County Engineer and the Medina County Planning Commission, at that time, steps shall be initiated to vacate the road. If the road is vacated, the funds and the performance guarantee shall be returned to the developer or his successor.

Staff has not received anything from the Township indicating that they are willing to hold the performance guarantee for the development and construction of a future street extension.

Site Conditions: The site is primarily used for agriculture including a farmstead. The southwestern portion of the site contains shrub, brush, rangeland and deciduous forest. There are many streams, waterways, and wetlands on this lot. The main waterway that goes through the lot is the West Branch Rocky River above Mallet Creek waterway. The sight has gently rolling topography throughout. The portion to the West will lend itself well to development as it is mostly flat and was previously used as farmland.

GIS data indicates that there is a gas/oil well located on the site with the well permit number 61736 (see GIS map).

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). As stated in § 306.01;

The primary objective of the Conservation Development Overlay District is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property. These regulations are intended to provide an alternative method of development solely at the option of the developer and are not intended to be a replacement for existing R-1 zoning regulations.

These regulations are intended to achieve these corollary purposes:

- A. *To maximize protection of the community's natural resources by:*
 - 1. *Avoiding development on and destruction of sensitive natural resource areas;*
 - 2. *Reducing the quantity and improving the quality of storm water runoff from expected development;*
 - 3. *Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams);*
 - 4. *Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and the use of invasive vegetation; and*
 - 5. *Conserving areas of prime agricultural soils, to the extent possible.*
- B. *To conserve (within the framework of natural resource conservation) the quality of ruralness in a community which is characterized by:*
 - 1. *Large, aggregated, undeveloped land areas;*
 - 2. *Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows and rock outcroppings;*
 - 3. *Scenic vistas and rural views;*
 - 4. *Significant historic features such as old barns, heritage trees, etc.;*
 - 5. *Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces; and/or*
 - 6. *Appropriate topographic or vegetative screening.*

Per the York Township Zoning Resolution Section (§) 306.06(G)(1): *Street alignments should follow natural contours and be designed to conserve natural features. Stub streets should be eliminated unless development of adjacent land is demonstrated by clear and convincing evidence.*

While York Township may express their desire regarding street stubs per Subdivision Regulation § 604(B)(3) in the form of a zoning resolution, a Township has no authority to mandate the regulation of streets, especially not with zoning. Per ORC 519.02, Board of Township Trustees may regulate location, size, and use of buildings and lands in unincorporated territory.

Further, Ohio Revised Code (ORC) § 711.10(c) states “[a] county or regional planning commission shall adopt general rules, of uniform application, governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways.”

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.

Agency Comments: *Italicized text* indicates quotations from submitting agency comments.

Erhart/York Township Fire Department, Fire Chief Ken Barrett, 7/26/2019; letter received 9/13/2019.

Board Members,

This letter is in regards to a planned residential development on the west side of Abbeyville Road, between Fenn Rd and Seven Bridges Rd, on what has been locally known as the [Steingass] Stienass Farm. The question was presented to the Fire Department regarding the street layouts having cul-de-sacs or a stub street. The Fire Department would request the cul-de-sac turnaround ends for safety reasons. With a stub street the fire apparatus would then have to back down the street after an incident thereby increasing the chances of injury or damages. It is for this safety reason that our local zoning code includes any residence with a long driveway has to have bypasses and an area large enough to turn around fire apparatus at the end. This discussion was held at a Trustee Meeting where I was present and voiced the agreement with the Trustees to have a cul-de-sac at the end of the streets proposed. We currently have other developed areas with similar layouts of the streets and have had no problems with safety services operations or increased hazards in these areas. Our Trustees have always worked well with our Fire Department to ensure any needs or concerns of the fire service are included in any development within the Township.

Erhart/York Township Fire Department, Fire Chief Ken Barrett, 8/29/2019. **DOESN'T PRESENT A PROBLEM.**

The proposed development with cul-de-sacs on the 2 roads doesn't present a problem for the Fire Department. We currently have another development with the same layout that hasn't been a problem. This was discussed at a Trustee Meeting including the Zoning Inspector. This is not a development that is in an area needing stub streets. The development is self standing. Hope this answers your inquiry. Feel free to contact me with any other questions.

Highway Engineer, Matt Martin, 4/17/2019. **CONDITIONAL APPROVAL**

- *Provide adequate intersection sight distance at Abbeyville Road intersection or prove sight distance is adequate with a sight distance study. I had an opportunity to review the site distance study submitted for the Steingass Preserve Subdivision with Andy Conrad.*
 - *The North (right) site distance could easily be obstructed by vegetation on the golf course mounds.*
 - *The golf course mounds are not located in the right of way; therefore, the applicant should obtain an easement from the golf course. The easement would be used by the applicant to provide at least 18" of clearance over the existing ground and allow the county the ability to re-grade the mounds if necessary, in the future to ensure adequate sight distance can always be maintained for the future street.*
- *Frontage improvements required along Abbeyville Road frontage.*
- *Drainage Assessment Fund required.*
- *Provide overland flood routing as part of the storm design.*
- *The mounding along Abbeyville Road should be a minimum of four feet high to protect homes from errant Abbeyville Road traffic.*

Tax Maps, Beth Mika, 4/16/2019. *CONDITIONAL APPROVAL*

- *Plat size must be no larger than 18" x 24"*
- *It is recommended that the final subdivision plat be submitted to Tax Maps for review, before obtaining signatures.*
- *Please contact Debra M. Biernot, Growth Coordinator of the Northern Ohio District USPS, to discuss the location of the centralized collection boxes, so allocation of space for equipment can be made on the subdivision plat. Contact info: Email: debra.m.biernot@usps.com. Phone: 216-443-4024. E-fax: 651-365-9734.*
- *Subject to Medina County Engineer Land Conveyance Standards found at: <http://www.highwayengineer.co.medina.oh.us/surveying/landconveystds.pdf> and to all Tax Map Dept. comments from previous Planning Dept. reviews.*

Ohio Department of Transportation (ODOT), Jared Feller, 4/15/2019. *NO OBJECTIONS.* *Since the Steingass Subdivision does not have direct access to a state highway, ODOT has no objections regarding the Preliminary Plan.*

Health Department, Steve Mazak, 4/12/2019. *NO FURTHER COMMENTS.* *The Proposed Steingass Subdivision will be serviced by sanitary sewer and public water. Therefore, our office has no further comments.*

Sanitary Engineer, Jeremy Sinko, 4/11/2019. *The existing 18 inch sanitary sewer must be extended along Abbeyville Road to the development's southern property line. Detailed engineering plans at the time of construction must meet the current rules and Regulations for water and sanitary sewer per the Sanitary Engineers Office.*

Soil and Water Conservation District, District Technician, Eric Hange, 3/6/2019, *CONDITIONAL APPROVAL*

- *Open space area that is proposed around the back edge of the house lots should be marked so that the adjoining lot does not encroach into the open space area.*

- The southwestern section of this development is best suited as open space due to its natural features.
- The majority of the proposed construction will be taking place on soils that are primarily Mahoning (MgA) (MgB). These soils are slow to drain and have a high water table. Houses with basements or septic fields may have limitations due to seasonal wetness and slow permeability.
- All the proposed stormwater management ponds are located near a wetland or stream buffer zone. It is acceptable to work up to this buffer zone, but no work should take place within the no build buffer. However, a minimum of a 15 foot buffer should be maintained around the stormwater management ponds in order to perform maintenance.
- The location of the two proposed stormwater management ponds to the north will require soils investigation. The soil in the area is mapped as Orrville Silt Loam, the Orrville series consists of very deep, somewhat poorly drained soils formed in loamy alluvium on flood plains. With a high water table this soil is subject to occasional or frequent flooding. Extra attention will be needed in this area during construction.
- The Homeowner’s Association (HOA) will need to make a plan in order to manage these ponds once the building phase of construction has been completed. The ponds will require maintenance that may include cleaning the pond due to sediment buildup and future dam/spillway maintenance.
- Wetlands have been indicated on your plan. Much of the open space will be in the stream and wetland areas. This is a good location. Wetland and stream areas must be clearly marked to limit construction and homeowner use.

York Township Planning Consultant, George Smerigan, 3/12/2019, APPROVAL.

This application is for Preliminary Development Plan approval for Steingass Preserve as a Conservation Development Overlay pursuant to Section 306 of the York Township Zoning Resolution. The applicant, Pulte Homes of Ohio, is proposing a 37 lot Conservation Development subdivision. The plan proposes 36 new home sites and the preservation of the existing homestead on the property. The subject site is approximately 79 acres with frontage on Abbeyville Road. The applicant is proposing to develop primarily the farmed or cleared portion of the site, and to preserve the existing heavily wooded portions of the site. That approach is consistent with the spirit and intent of the Conservation Development Overlay provisions.

STEINGASS PRESERVE CONSERVATION DEVELOPMENT PRELIMINARY PLAN				
ZONING DATA				
SECTION	ZONING STANDARDS	REQUIRED	PROPOSED	VARIANCE
306.03(A)	MINIMUM PROJECT AREA	25.0 Acres	79.0 Acres	
306.03(B)	OWNERSHIP	One or Common	One Owner	
306.04(A)	MINIMUM OPEN SPACE	40% or 31.6 Acres	73% or 57.6 Acres	
306.04(B)	MAXIMUM DENSITY	1 DU/2.1 Acres or 37 Dwelling Units	1 DU/2.1 Acres or 37 Dwelling Units	
306.05(A)	OPEN SPACE DIMENSIONAL REQUIREMENTS	Miscellaneous	Complies	
306.06(B)	MINIMUM LOT REQUIREMENTS	N/A	Area = 16,000 Sq. Ft. Width = 80 Feet	
306.06(C)	MINIMUM PERIMETER AND ROW SETBACKS	Boundary = 15 Feet ROW = 100 Feet	Boundary = 40 Feet ROW = 100+ Feet	
306.06(D)	MINIMUM BUILDING SEPARATION AND FRONT SETBACK	Front = 75 Feet Separation = 30 Feet	Front = 75 Feet Separation = 30 Feet	
306.06(E)	MAXIMUM BUILDING HEIGHT	35 Feet	N/A	
306.06(F)	MINIMUM RIPARIAN AND WETLAND SETBACKS AND BUFFERS	Wetland Buffer = 20 Feet Wetland Setback = 35 Feet Riparian Buffer = 50 Feet	Wetland Buffer = 20 Feet Wetland Setback = 35 Feet Riparian Buffer = 50 Feet	
306.06(F)	STREET AND PEDESTRIAN STANDARDS	Miscellaneous	Complies	

Table 1: Code Compliance Summary

A single access point is proposed with two cul-de-sac streets. Only the original farmstead would have direct access to Abbeyville Road. The remaining 36 lots would all front on the new interior streets. The streets are proposed as public streets with 60 feet rights-of-way.

The layout is well thought out:

- *Environmental impacts are minimized;*
- *Small enclaves are created with natural feature separations;*
- *The dwelling units are well separated from adjacent properties; and*
- *The frontage along Abbeyville Road will retain its predominantly rural character.*

As indicated in the... Code Compliance Summary, the proposed Preliminary Development Plan complies with the requirements for Conservation Overlay Developments as set in Section 306 of the Zoning Resolution. Provisions for deed restrictions, homeowner's association document, and related items will be submitted with the final development plan and will be reviewed at that time. It is recommended that the Zoning Commission grant approval of the preliminary development plan for Steingass Preserve as submitted.

Staff Comments:

1. The following required data/information was not provided on or with the Preliminary Plan (Regulation section (§) references are included):
 - a. A copy of the Developers Notice of Intent to obtain an Ohio Environmental Protection Agency stormwater management permit (NOI) if applicable. § 404(C)(2)d.7. ***Submit a copy of the NOI.***
 - b. Per § 604(B)(3) “[p]roposed street rights-of-way shall be arranged to provide for the continuation of existing streets and public access to adjacent unplatted land, when appropriate, to improve access to properties within the block.”

A representative from Pulte, Jim O’Connor submitted documentation in May of 2019 which provides information regarding their position that the requested stub street to the adjoining western undeveloped property owned by Morlock Farms LLC is undesirable. Cited in this document was:

- i. “Per Medina County Subdivision Regulations Article VI.3: Cul-de-sacs are permitted where such use may result in a more desirable layout...In the design as proposed, the use of cul-de-sac (as opposed to adding a tub) results in a more desirable layout that provides a greater buffer to adjacent property, preserves more open space, creates a sense of privacy and enclosure. These factors all combine to produce a higher quality lot that is consistent with market demand.

1. ***Staff understands Mr. O’Connor’s thoughts regarding cul-de-sacs providing a greater buffer to adjacent property, however, if a connection can be made to provide connectivity to future development, then that is arguably just as desirable as a buffered layout. Market demand is not a factor that is considered when evaluating the continuation of existing streets and public access to adjacent unplatted land.***

- ii. Adding a stub street to the south will not increase access to the parcel nor promote the most advantageous future development of the south parcel. The parcel to the south fronts on two major roads: Abbeyville and Spieth Road, providing both direct access for development and access to utilities. In fact, a requirement for this development is that the utilities be extended along Abbeyville to edge of the southern parcel.
 - 1. ***It is unclear to staff what data Mr. O'Connor pulled to show that a stub street to the south will not increase access to the parcel. And additional means of access would provide another option for individuals to access either Abbeyville or Spieth.***
- iii. Due to frontage on Abbeyville and Spieth Roads, access for emergency vehicles is not increased by the addition of a stub street.
 - 1. ***This comment has been confirmed by the York Township Fire Department with their request for the cul-de-sacs.***
- iv. Due to frontage on Abbeyville and Spieth Roads, a stub street does not offer any transportation thoroughfare or traffic circulation capability and offers no improvement nor reduction in traffic volumes on either street.
 - 1. ***It is unclear to staff what data Mr. O'Connor pulled to show that a stub street does not offer any transportation thoroughfare or traffic circulation capability and offers no improvement nor reduction in traffic volumes on either street. A stub street's purpose is not for immediate traffic circulation, it is for future traffic connectivity, to offer another means of access between subdivisions. No supporting data was submitted regarding transportation thoroughfare or traffic circulation capability.***
- v. The request for a stub street diminishes many valuable site features by reducing the visual appeal of the subdivision and diminishing the overall quality of the lots within the community. The request for a stub street also diminishes the overall quantity and quality of the open space, which is the key site feature the code seeks to protect.
 - 1. ***This argument is misleading because it is based on a very small portion of the total open space of the proposed subdivision. Staff maintains that the applicant should revise the Preliminary Plan to include a street stub to the west to provide for the continuation of the subdivision street and public access in the future to adjacent unplatted land. A stub street does not make a subdivision any less rural, a subdivision would still be able to keep its rural feel but would be able to connect to another adjacent subdivision. What are the valuable site features of crop land? Developers, like Pulte, develop crop land all the time, especially in Conservation Overlay Districts.***
 - 2. ***An applicant is required to appropriately verify their assertions.***

2. The proposed Preliminary Plan substantially meets the standards and requirements of the Regulations per § 404(C)(4)b.1.
3. For sites reserved for public use or common use of property owners..., a description of any proposed covenants, conditions and restrictions must be submitted with the Preliminary Plan. Said description shall include:
 - i. Agreements and provisions for any community association, HOA or owner's association with provision for association membership and responsibility.
 - ii. The construction, administration, and maintenance of all proposed common property, common facilities and common lands.
 - iii. The enabling declaration; the declaration of covenants, conditions and restrictions, the articles of incorporation; and the corporate by-laws. § 404(C)(2)b.8. ***Draft HOA documents were provided and reviewed by Prosecutor's office, make the necessary corrections.***
4. Wetlands –The developer shall contact in writing the applicable U.S. Army Corp of Engineers (USACE) District Office regarding the proposed subdivision and shall submit such correspondence to the Medina County Planning Commission as a condition of Preliminary Plan approval. § 404(C)(2)c.18. ***Davey Resource Group, Inc. sent the Steingass delineation report to USACE on 1/31/2019 on behalf of Pulte Group.***
5. The proposed Preliminary Plan appears consistent with the York Township Zoning Resolution (see township comments above) per § 404(C)(4)b.1.
6. The Sanitary Engineer has determined the subdivision will be adequately serviced by sanitary sewer subject to approval of detailed plans per § 404(C)(4)b.2.
7. The Highway Engineer has determined the Preliminary Plan for streets, stormwater management and natural drainage ways protection is acceptable subsequent to the approval of more detailed construction drawings per § 404(C)(4)b.3.

Recommendation: DPS Staff recommends that the MCPC **APPROVE WITH MODIFICATION** the Preliminary Plan for the Steingass Preserve subdivision subject to the following:

1. Satisfy the above listed comments from the commenting agencies.
2. Submit the required data/information as listed above on or with the Preliminary Plan.
3. Revise the Preliminary Plan to include a street stub to the west.

The applicant shall provide all requested documentation and three full size copies of the corrected Preliminary Plan (including a PDF copy of the layout) prior to Final Plat submission.

Attachments: GIS map
Preliminary Plan