

# MEDINA COUNTY DEPARTMENT OF PLANNING SERVICES

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## MEDINA COUNTY PLANNING COMMISSION MEETING MINUTES WEDNESDAY, APRIL 7, 2021, 6:30 P.M.

### **Attendees / Representing in Person:**

Lee Farnsworth, self, Bailey Subdivision, Zoom  
Sean Farnsworth, self, Bailey Subdivision, Zoom  
Matt Graber, Westfield Township Map and Text Amendment, Zoom  
Craig Horner, Westfield Township Trustee, Zoom  
Jason Labor, Westfield Township Map and Text Amendment, Zoom  
James Morrison Jr., self, Bailey Subdivision, Zoom  
Lee Potts, attorney, representing Lee Farnsworth, Bailey Subdivision, Zoom  
Carolyn Sims, resident, Westfield Township, Zoom  
Tom Sours, self, Bailey Subdivision, in person  
Patty Wetterman, Brunswick Hills Township Zoning Commission Chair, in person

### **MCDPS Staff:**

Cheryl Heinly, Administrative Assistant, in person  
Rob Henwood, Senior Planner, in person  
Denise Testa, Director, in person

Board President Jeff Brandon called the meeting to order at 6:30 p.m.

## **I. ROLL CALL**

### **MCPC Members:**

Jeff Brandon, in person  
Chris Kalina, in person  
Cliff Calaway, Zoom  
David Cleckner, Zoom  
Eric Heffinger, Zoom  
Leslie Miller, Zoom  
Pat Ryan, Zoom

### **MCPC Alternates:**

Adam Esker, (alternate for Steve Hambley), Zoom  
Cliff Nowak, (alternate for Colleen Swedyk), Zoom  
Tom James, (alternate for William Hutson), Zoom

## II. MINUTES

Board President Brandon asked if there were any questions or comments on the March 3, 2021 minutes. There was none.

*Mr. Nowak moved to approve the March 3, 2021 minutes as presented. Ms. Miller seconded the motion. All members voted AYE and the motion was approved.*

## III. CORRESPONDENCE

There was no Correspondence.

## IV. CONSENT CALENDAR

There were no items on the Consent Calendar.

## V. OLD BUSINESS

### a. MCPC Membership Roster Revisions

Board President Brandon stated that Mike Stopa is interested in stepping up as a Planning Commission member in place of Mark Radice.

### b. Subdivision Regulations Work Group

Board President Brandon stated that Cliff Nowak would be co-chairing the work group. Mr. Nowak said he was looking forward to it.

## VI. NEW BUSINESS

### a. Brunswick Hills Map Amendment, 016-2021 MA

Mr. Henwood presented the staff report to the Commission regarding the above captioned map amendment regarding to change the zoning district on the 0.35-acre subject parcel from R-R Rural Residential to R-1 Residential located on the north side of Laurel Road and west of the intersection of Laurel Road and Avenbury Lane.

**Proposal:** The applicant proposes to change the zoning district on the approximately 0.35-acre subject parcel from R-R Rural Residential to R-1 Residential.

**Comprehensive Plan:** The 2005 Comprehensive Land Use Plan (Comprehensive Plan) Section 6 Preferred Land Use Plan indicates the following: There is no recommended land use for the subject site and all land contained in the Brunswick Heights Allotment. The area of the township southwest of the site is recommended for Suburban Residential use. The recommended land use for the adjacent property is appropriate for the subject site.

**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).

**Discussion:**

Patty Wetterman, Brunswick Hills Township Zoning Commission chair, questioned purpose of the replat. Mr. Henwood answered that with two separate lots, the house would be on the centerline and not be compliant with zoning and not meet the side yard setbacks.

Gary Hajek, property owner, stated that he inherited this from his father who passed away a couple of years ago. He said they are going to tap into the County sewer and it is an eyesore and a liability. Mr. Hajek said with the new home built to the west of the property he found someone who would be willing to build a new home. He said he would like to get this rezoned and then sell to him so he can build on it.

Mr. Nowak asked if this meets with Brunswick Hills guidelines for developing a residential home. Mr. Henwood said yes, it would be consistent with the R-1 zoning. Ms. Wetterman agreed.

Board President Brandon asked if there were any other comments or questions, there were none.

*Ms. Ryan moved to approve the staff recommendation of Approval with Modifications for the Brunswick Hills Map Amendment from R-R to R-1. Mr. Nowak seconded the motion. All members voted AYE and the motion was approved*

**b. Westfield Township Text and Map Amendment, 024-025-2021 TA MA**

Ms. Testa presented the staff report to the Commission regarding the above captioned amendments located located on the southeast corner of the intersection of Lake Road and State Route 224/Interstate 76. The text amendment added new Section 309 Highway Commercial Industrial Planned Unit Overlay District (HCIPUOD) For the map amendment the applicant proposes to change the zoning district on the approximately 40.47-acre subject site from HC Highway Commercial to the proposed HCIPUOD.

**Proposal (text):** In an email dated March 1, 2021, Carolyn Sims, Westfield Zoning Department, requested a review of a new section to be added to the Westfield Township Zoning Resolution.

**Proposal (map):** The applicant proposes to change the zoning district on the approximately 40.47-acre subject site from HC Highway Commercial to the proposed HCIPUOD Highway Commercial Industrial Planned Unit Overlay District.

**Comprehensive Plan:** The 2014 Development Plan (Comprehensive Plan) Update Future Land Use Map recommends the subject site for Highway Commercial use.

The following is an excerpt from the Plan:

*Several sizable properties remain undeveloped in the south end of the HC District... It has also been suggested that additional retail and service uses, such as sit down restaurants, grocery, other retail, and offices would be of benefit to both highway travelers/truckers and to the local market. The addition of such permitted and/or conditional uses to the HC District (in whole or in part through an overlay district) could add to the alternatives available to the property owners and encourage development of this vacant land.*

**Current Zoning:** According to the Westfield Township Zoning Resolution Section 306(A) the HC Highway Service Commercial District “is to provide locations for establishments offering accommodations and services primarily to through automobile and truck traffic on US 224/I-76 and I-71 as well as benefiting the local market.”

**Proposed Zoning:** The stated purpose of the proposed HCIPUOD Highway Commercial Industrial Planned Unit Overlay District is “to provide for a mix of highway service commercial and industrial uses to serve the automobile and truck traffic on US 224/I-76 and I-71, as well as industrial uses for the local and surrounding market. This optional overlay district is designed to allow flexibility between highway commercial uses and industrial uses by allowing development alternatives not currently available in the existing zoning districts.” (309(A)).

**Discussion:**

Tom James, Board member, questioned if there was any reason for the parcel to the east and the one to the south, if they could be utilized as a service area for construction or utilities. He didn't know if there was a need for a support area. Planning Director Testa answered that the parcel to the south has a house on it with people living in it. Mr. James clarified saying he wondered if that should be included in the district to serve the other lots even though it does not have sewer or water available. Ms. Testa said the recommendation to remove the two parcels is just a recommendation but as a Planning Commission they could certainly include those two parcels.

Mr. Henwood shared with Mr. James the reason the staff made the recommendation to remove was there is specific language in the text that says in order to be part of the district sewer and water have to be available to the properties. He added staff made the recommendation to be consistent with text that was already included. Mr. James thanked Mr. Henwood for the explanation.

Craig Horner, Westfield Township Trustee, stated he was okay with the staff recommendations.

Matt Graber, commented on the partial recommendation that their proposed zoning use from the highway commercial to highway commercial industrial unit planned overlay is that they are not increasing the demand for water and sewer that the current zoning is already requiring. He would understand it more if it was agricultural to a highway commercial but the existing zoning in place what would

stop a business coming in and developing a parcel and working with engineering to get sewer and water.

Planning Director Testa commented when you are approving a parcel with an overlay you are creating an unmet expectation of sewer and water and it has been communicated to the Planning Services office that it the eastern parcel will ever get sewer and water. Mr. Graber stated this sounded like it needed to be worked out in an engineering and design approval than a zoning map and text amendment in his opinion.

Jason Labor, applicant, said the use on the south parcel involves a parking type of use with a very small building and not a lot of sewer and water demand. He said what they would respectfully ask for is that use go onto the eastern parcel. Mr. Labor understood and would agree to a “no build” zone in the sense of not accessing sewer and water directly for that parcel. He added that they would want to extend their parking use for future development on the parcel and make it part of the zoning.

Mr. Henwood explained they might want to rethink the part regarding sewer and water being necessary for inclusion in the district. He said the applicant is somewhat contradicting himself. Ms. Testa stated perhaps coming up with some language rather than saying “are required” perhaps changing that to “recommended” or something similar. She added that would cover the eastern and as well as the southwestern parcels. Mr. James stated that is what he was trying to get at with his question. It seems that space could be used for something related to a use that has sewer and water available to it on the adjacent lots.

Board member Pat Ryan agreed with Mr. Henwood in that it is a contradiction to say the two properties were excluded because of the language. She said if the language is modified, that might solve the problem, but she could see why they were excluded.

Carolyn Sims, resident of Westfield township, questioned the FPA map, the current graphic shows that parcel to the east, the frontage on 224 is in the Medina County territory (the graphic showing on the PowerPoint slide, on the left) and does have sewer. Planning Director Testa stated that area does NOT have sewer. She confirmed that with Jeremy (Sinko). Ms. Sims asked if the graphic coloring was wrong. Ms. Testa answered that is why they are proposing the prescription amendment is because it was very unclear. She said the 010 parcel as well as the 009 parcel do not have sewer even though that map is showing they partially have sewer and as of right now they do not.

Carolyn Sims verified that they would be available to have sewer in yellow (on the graphic). Ms. Testa said no, it is not even an option with the way the FPA map is written. She added that based on the pending approval map the 010 parcel will have prescription for sewer, but as of right now, it does not. Ms. Sims asked if it was accurate to say the parcel ending in 010 does have sewer available already. Ms. Testa answered to her knowledge it does not.

Jason Labor interjected saying the current owner of the 010 parcel has paid a tap in fee for sewer some time ago and they (sanitary engineer's office) collected the fee. He added there was a \$5,000.00 that has been documented and collected. Ms. Testa stated she would confirm that with the Sanitary Engineer but it was her understanding that they are not currently able to sewer that parcel but perhaps she misunderstood. Mr. Labor answered that would be great because he thought that showed on the title that they paid.

Carolyn Sims stated being 44 acres it would be great if the Planned Unit Development could be cohesive and inclusive since they already have those natural borders of the roads, between 224 and Greenwich and the lake and the highway, looks like being inclusive of all four parcels would benefit a Planned Unit Development better in a site plan just from her personal opinion and perspective.

Board President Brandon asked if there were any other comments or questions, there were none.

*Mr. James moved to approve the staff recommendation of Approval with Modifications for both the Westfield Township Text (section 309 Highway Commercial Industrial Planned Unit Overlay District) and Map (change the zoning district on the approximately 40.47-acre subject site from HC Highway Commercial to the proposed HCIPUOD Highway Commercial Industrial Planned Unit Overlay District) amendments. Ms. Miller seconded the motion. All members voted AYE and the motion was approved.*

## **VII. PLANNING DIRECTOR'S REPORT**

Planning Director Testa wanted Mr. Henwood to give the Board the report on the critical infrastructure grant. She said he has good news to share based on his persistent work. Mr. Henwood was pleased to announce that the critical infrastructure grant they applied for regarding the Lafayette township bridge near the Euclid Ave bridge. He said a grant was awarded for \$389,000.00 to replace the bridge and build a new public road. Mr. Henwood added that the bridge has been in deplorable conditions for a very long and it's so bad that the Lafayette township fire and service department will not cross the bridge. He said the fire department has to carry an extra 1,000-foot of hose just to be able to carry fire suppression to the homes on the other side of the Euclid Ave bridge.

Planning Director Testa informed the Board that the Planning office received two concept plans for the April meeting. One is the Kubala Farms in Hinckley township with 87 acres and 28 lots. The other is Hickory Hollow Estates in Liverpool township with 24 acres and 20 lots. She said regarding the CDBG project with Harrisville, Lodi, Montville, and Wadsworth they are starting the procurement process. Ms. Testa informed the Board as far as the Brunswick Hills township demolition CDBG they are still waiting to receive the paperwork for the demolition. She said they have been working with Chris Kusnerak, Brunswick Hills township trustee, and Heidi Carroll, Medina County Prosecutor's office, to see if that could get moving.

Ms. Testa said they have accepted for CHIP the Ohio Regional Development Corporation to submit an application on behalf of Medina County. The public hearings are scheduled at the end of April and early May.

Ms. Testa spoke with Sandy Davis regarding Fair Housing. She has scheduled 16 fair housing presentations between now and October of 2021 so they would be receiving or see some marketing announcements very soon.

Ms. Testa said looking ahead for our May MCPC meeting we received two Final Plats.

## VIII. PUBLIC PARTICIPATION

Tom Sours was here in person to present his opinion regarding the Bailey Subdivision. He said he is an engineer, surveyor, realtor and he followed these things. He felt blindsided by this. Mr. Sours realized the Preliminary Plan has been issued and thanked the Planning Commission for allowing him to express his opinion. He informed everyone that his partner, Jim Morrison Jr., is attending by zoom. His father Jim Morrison Sr. and himself purchased 24 acres about a decade ago. He said the Farnsworth family owns the parcel to the north of him and are also on the meeting via zoom.

Mr. Sours said the reason they are all here this evening is they are not opposed to development in the area. They are opposed to them being the only one. He said the series of subdivisions in the City of Wadsworth provided four street stubs and utility stubs for future development. Three of them point to the north and touch the property that Bailey plans to develop. Mr. Sours stated that the plans for Bailey eliminates all three of them from ever going further north. He was shocked that there was a Preliminary Plan and more shocked that there were no street or utility stubs to the north to accommodate future planning. He felt this does not plan for the future, it plans against it. There are usable lands to the north which should have been included because of the sewer.

Mr. Sours explained they sit at the top of the hill and are split between two different sewer providers. He said in his conversation with Jeremy Sinko that cannot be changed without going back to NOACA and it is not an easy process. He explained the plan put forth by Bailey does not provide for any sanitary sewer extensions. Mr. Sours stated he is working on that issue with the City of Wadsworth now. He said his parcel does have road frontage on SR 94, Ridge Road, about 200-feet. In conversations with Jared Feller from ODOT, it would be extremely difficult to get a new direct access to SR 94 because it would be too close with the Bailey Subdivision. Mr. Sours said essentially what it does functionally is landlock his parcel and all that land from having connections from subdivision to subdivision. He added that it would force the traffic out to the state highway which is already busy and the ODOT requirements are more difficult.

Mr. Sours shared that he reached out to Chris Bailey, the developer, and both wish they had known of each other's plans a long time ago. He thanked the Board for listening and allowing him to express his opinions

Lee Potts, attorney for Lee Farnsworth who has an interest in the property at 7658 Ridge Road. He added that unfortunately they recognize that this has already been voted on a month ago and had no notice this was going on. Mr. Potts said they are concerned about the sewer as well.

Board President Brandon said he knew everything we do here is advertised publicly but he asked if we notified adjacent property owners. Mr. Henwood said no. Mr. Brandon said in Montville township (at a zoning level) they do notify the adjacent property owners. Mr. Henwood said it is required under zoning. Ms. Testa asked Mr. Sours if he received anything from Wadsworth or Sharon township. Mr. Sours said he did not receive anything.

Sean Farnsworth stated that he wanted to back up Tom Sours and thought a landlock would be horrible for the future and they should have a stub out so there is access to sewer and whatever they need to make this go forward. He appreciated their time.


#### **IX. OTHER BUSINESS**


There was no Other Business.

#### **X. ADJOURNMENT**

Board President Brandon asked for a motion to adjourn.

*Mr. Kalina moved to adjourn the April 7, 2021 MCPC meeting at 7:23 p.m. Mr. Calaway seconded the motion. All voted AYE and the motion was approved.*

  
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Jeff Brandon, President

  
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Cheryl Heinly, Administrative Assistant