

**Brunswick Hills Township
Zoning Commission Public Hearing Minutes
October 4, 2018
[Hearing Continued from September 6, 2018]**

CONTINUED PUBLIC HEARING MEETING

Chair Jenkins called the Zoning Commission continued public hearing meeting to order at 7:00p.m. A roll call of the board was executed:

- **Board Members in Attendance:** Sandra Jenkins (Chair); Al Fulkerson; Barb Porter; Linda Kijek
- **Alternate Board Members in Attendance:** Trica Murphy; Ed Kelly
- **Others in Attendance:** Trustee Michael Esber, Zoning Liaison; Evelyn Czyz, Zoning Inspector; Mary Jean Milanko, Zoning Secretary
- **Members Not in Attendance:** Matthew Mickas, Vice Chair (Excused Absence)

Alternate Board Member Trica Murphy was seated in absence of Mr. Mickas.

Swearing in of Applicants and Township Officials

- Chair Jenkins swore in applicants Brian James and Scott James of Developers Management LLC.
- Chair Jenkins swore in Evelyn Czyz, Zoning Inspector, Ed Kelly, ZC Alternate, Trustee Michael Esber, Zoning Liaison.

Continued Business:

Zoning Map Amendment to Rezone a Corridor on W. 130th Street Brunswick Hills Township from Current Zoning: RR- Rural Residential to Proposed Zoning of R-1 Residential.

1. **Brian James, Developers Management LLC, 943 Wye Drive, Akron, OH 44303** (representing the Hejduk property of 55.5 acres, Parcel No. 002-02D-14-013 on W. 130th St, Brunswick Hills, OH, 44212), Zoning District R-R Rural Residential. Zoning Map Amendment application requests the Rezoning of a corridor on W. 130th Street, Brunswick Hills Township from current Zoning District of RR-Rural Residential to proposed R-1 Residential Zoning for properties from Sleepy Hollow Road north to Laurel Road and from I-71 east to W. 130th Street, (with the exception of PP #001-02D-10-001 on Laurel Road adjacent to I-71 which is already R-1), containing approximately 213 acres.

Testimony & Evidence

1. **Scott James, (applicant) Developers Management LLC, 130 S. Balch Street, Akron, OH 44302 was sworn in.**

Mr. Scott James setup an easel with poster boards and distributed pamphlets out to the board and several audience members.

2. **Diane Maynard Moyseenko, 2815 Sleepy Hollow Road** interjected from the audience and said I was at the last meeting and this is supposed to be a decision tonight not all this paperwork or more people would have been here tonight. Secretary Milanko explained this is a continued hearing and that means everything continues, testimony and evidence and public input. Mrs. Moyseenko objected to having new information being presented and stated this should have been presented at the last meeting. Chair Jenkins stated this is a continued hearing and the board will make a recommendation tonight.

Mr. Scott James addressed everyone and said the pamphlets will help explain zoning and procedures for those who may not be familiar with zoning. Mr. James stated he would like to request some time to explain to everyone what they would like to do. Chair Jenkins had to bang the gavel to quiet the audience and stated again, this is a continued public hearing. The audience continued to interject comments. Trustee Esber stated you have to let him speak and the people in the audience will also be given a chance to speak. Trustee Esber stated I talked to the Prosecutor's Office today and this meeting is being run properly per the attorney's that

represent us. Mrs. Moyseenko said that is fine but that is not what was told to us. Trustee Esber stated it is very well what was told to you because I have here in writing (minutes). Secretary Milanko read the motion from the September 6, 2018 hearing minutes that states the hearing is continued to October 4, 2018 at 7 p.m.

Mr. Scott James stated the main reason we are here is to discuss the rezoning of this big parcel, the Hejduk property, and what we plan on doing with the parcel we have under contract. Mr. James referred to the Brunswick Hills Township Comprehensive Land Use Plan and said this plan was drawn up in 2005 and I would like to refer to portions that are pertinent to this rezoning request. He referred to a map that shows current zoning [**Exhibit 1/James**] and Figure 7 [**Exhibit 2/James**] of the plan that shows what is suggested to have the zoning be for the entire township. He then showed to a map of plots that show non-conforming lots [**Exhibit 3/James**] in the area to be rezoned. Mr. James had to be reminded numerous times to address the board, not the audience and to show the board the maps he is referring to. Mr. James stated the non-conforming lots map was submitted to the Medina County Planning Commission to get their opinion on this rezoning. Mr. James stated he has a log of everybody's property contained in this rezoning request that shows conforming, non-conforming and why it is non-conforming and additionally it shows everybody's well depth and the GPM (gallons per minute) that flow into their well [**Exhibit 4/James**]. Mr. James also referred to the Medina County Planning Commission Executive Summary and their recommendation on this zoning request.

Mr. James showed two plots of the proposed road location and configuration of it on the Hejduk property and stated it is typical of what would work right now if this zoning request was not met favorably (if it remained RR) [**Exhibit 5/James**]. Mr. James stated the next map shows the layout of an R-1 Residential [**Exhibit 6/James**] road layout. Mr. James then referred to the *Medina County Subdivision Regulations* which stipulates the "road rules" and tells how many lots you can have in a subdivision and how long the road can be, etc.

R-R Rural Residential vs. R-1 Residential

Mr. James stated we represent the landowners, the Hejduk's, and they have come to the conclusion they want to sell their property which is now woods and a soybean field. He said they have a right to sell their property. He said at the last meeting a few people brought up the fact they just bought lots and if they knew this was going to get developed, they never would have bought their lots. Mr. James said the people they bought their lot from were owners that had the right to sell their lot, and the Hejduk's have the right to sell their property too. Mr. James stated that property under current zoning RR-Rural Residential can be developed and one way or the other it is going to be developed. Mr. James stated he sees three (3) options on how it could be developed; but no matter what it is not going to stay woods and a soybean field. He said there is going to be a road coming off W. 130th Street and there is going to be some use of that property of a greater use than some soybeans. Mr. James stated that is just the reality of it and that is what is going to happen.

Mr. James said to the audience the board will make a decision and your input to the board could have a significant impact on how they vote. He said so your input could impact on what's decided, but not only are you going to have to live next to it, you are going to have to look at it too. Mr. James said I have really gone over this property and studied this area to come up with a plan that I feel I would get the least amount of opposition for in developing this property. Mr. James stated now, I can develop it under the RR-Rural residential code and we wouldn't even be having this meeting tonight. He said but after you see all of the facts, I think there is a high likelihood that you are going to feel that the zoning being changed in this entire quadrant to R-1 Residential is in your best interest.

Al Fulkerson, ZC Board Member asked Mr. James about the statement he made before which was whether you like this or not it's going to change one way or another. Mr. Fulkerson stated apparently you have investigated "all the avenues" that are possible? Mr. Fulkerson stated that is quite a bold statement without having looked at everything. Mr. James stated honestly, I don't know that I've looked at "every" option available, but I've looked at options that I feel are the three (3) most likely, in my opinion, on how this property is going to be developed.

Mr. James stated there are two things here, one is the rezoning of the property and the second is what would happen to the property if it were to be rezoned. He said technically, we are not here to discuss what would happen to the property after it was rezoned; this is solely a meeting about the rezoning. Mr. James referred back to his plat map of the proposed road layout under current zoning RR-Rural Residential and said we could just submit it to the Medina County Planning Commission, and if there are no variances and we are doing it right by the book, this could go in. Mr. James then referred back to the road layout map for the proposed rezone to R-1 Residential road layout and said we have 39 lots and roughly under the RR-Rural Residential zoning we could have about 20 lots. He said the R-1 has double the lots, double the traffic on W. 130th Street. Mr. James referred to the blue lines on the maps and stated these are riparian corridors that go through the parcel to the north and then there are several secondary ones. Mr. James was reminded by the board and the Zoning Inspector to let the board see the maps, and not just the audience. A gentleman from the audience asked what is a riparian corridor? Mr. James said a riparian corridor is an area on a lot that has creeks or streams that is designated by the EPA to be areas you don't impact; so there are setbacks on each side of the center of your stream. He said you probably have to stay out of them and from a developer's standpoint, it is expensive, but with this RR-Rural residential area here everybody's lot line would go right through the edge of this great big parcel (Hejduk's) so the people who live along Laurel Road would have neighbor's who's property line would abut their property as the same with Sleepy Hollow Road and the riparian corridors would be on people's property. **Mrs. Linda Kijek** stated according to your map, nine (9) lots would be affected by the riparian.

Mr. James referred to the R-1 plan and stated we have 40 lots here and what we are proposing is 54% of the whole project is open space and with the RR-Rural Residential there is no open space, none-whatsoever, and everyone's property line goes right up to the surrounding property owners property lines. Mr. James stated with the R-1 zoning the riparian corridors are not impacted. He said over half of the properties are set aside as permanent open space for people in the community to use. He referred to the riparian corridor on the map in the upper left and said this is 150 feet wide and it is a real beauty if you get in there and walk it; it would be a real shame to have this be impacted. Mr. James stated with the R-1 plan the only trees that can be cut are the trees essentially on the people's lots. He said with the RR-Rural Residential, if they want a field in their back lot they can clear their land all the way up to their property line, but with R-1 you can't.

Discussion on Bringing in Water vs. Wells

Mr. James stated with the R-1 we plan on bringing the waterline from Laurel Road down to where this road is. He said when we bring it down, the people who live on W. 130th Street don't have to tie into that. He said if you want to tie-in, roughly, it would cost \$4,000 to tie-in. Mr. James stated that \$4,000 might be a good deal if your well goes bad. He said with the R-1 Residential zoning when we bring down the city water that means everyone has water on the street. He said with the R-R Rural Residential there are 20 wells tapping into the same aquafer that a lot of you here are using. Mr. James stated if you look at this in R-R, there are lots that don't even come close to the perimeter, there is open space on the R-1 plan all around the entire parcel. He said all of the surrounding neighbors will have all of these trees being left to the north and the south and you will essentially never see the subdivision.

Discussion on Impact of Taxes

Mr. James stated in the last meeting there were comments and concerns about "property values". He said putting this subdivision in, if this would pass, is not going to make your taxes go up. He said it will make the neighborhood a little better, but your taxes are only going to go up from the standpoint that this part of Brunswick Hills Township might be a little more desirable. Mr. James said your taxes are not going to go up solely due to new homes being built here on new lots.

Discussion on Comprehensive Land Use Plan

Mr. James said seven of the lots within the corridor fit within current zoning under the RR-Rural Residential, but under the new zoning all of the lots would conform. He pointed to the map and said if this gets zoned R-1 from RR it takes the possibility out of the equation of these two properties becoming Industrial. Mrs. Czyz stated that the property on the north side of Laurel Road is the City of Brunswick. Mr. James stated I am referring to the north side of the parcel that we are representing. Mr. James stated he wanted to explain how the zoning process works and referred to the Brunswick Hills Township Comprehensive Land Use Plan

and said that is a roadmap of how the township is supposed to grow up and be like in the future. He stated the plan was put together by Township Trustees, Zoning Commission and BZA Board members, a Citizens Advisory Group and other citizens just like you in the audience sat on this committee on how to come up with how the township is supposed to be going forward. Mr. James noted from the plan that the purpose is to guide the township's future growth and development. He said 1,200 survey responses were submitted back to the committee from residents so a lot of thought and work went into it. He said two of the important aspects of this plan are the vision statement and the preferred development characteristics of the township. He said there are eight preferred development characteristics but he will focus on the area for the rezone. He said this entire area could be Commercial/Industrial property on Laurel Road on the township border. He referred to the map and said the purple area is Industrial, the red area is Commercial/Industrial in Brunswick Hills Township and the green block falls under the park district but it is an Industrial use because it is a peat processing plant on Sleepy Hollow.

In Hinckley Township's Comprehensive Land Use Plan coming down W. 130th Street from the light purple, one-third of the way down it calls for it to be Commercial/Industrial property. That is what the township thinks this area should ultimately be. Mr. James stated you may think well we have all these homes here, this isn't right to have the township change the zoning to Commercial/Industrial but they took that into consideration when they did this long range plan and quoted from the plan "*Landscaping and buffering requirements will also be beneficial in locations that share a border with Large Lot Residential or Suburban Residential land uses.*" He said when they put this plan together they knew you were living there but the main area they were thinking about is the parcel that we are applying for the rezoning and a 35 acre parcel to the north that are primarily vacant and constitute about 90 acres. Mr. James read from page 38 of the plan and said this is directed to the board "*If possible, evaluate rezoning land that is designated in this plan for non-residential use.*" Mr. James said so right in you plan the Township Trustees and Zoning board members came up with this plan on how this should be Industrial/Commercial and it states "*Revise the Township's Zoning Regulation to reflect the land use descriptions identified in the Preferred Land Use Plan.*"

Mr. James said some of you stated you would rather have Industrial/Commercial, but the people along Sleepy Hollow Road across from that peat plant don't feel that way. He said the property we are representing could have the same use on it. He showed a current aerial photo of the southern end of the township on W. 130th Street that shows junk semi-trucks all over the lot [Exhibit 7/ James] and said if the zoning changed to Industrial/Commercial you could have more of this on W. 130th Street. Mr. James said the options are houses or what's in this photo and I'm not convinced everyone would prefer the junk semi-trucks over nice houses.

Mr. James said so why did we include your properties in the rezone request? He said proper zoning isn't spot zoning and if we would have just included the Hejduk parcel that is spot rezoning and after we thought the whole thing over, we felt there is more likelihood of the whole area being rezoned than just one single parcel. He said we thought if everyone knew the facts, we would get less opposition trying to do an R-1 project vs. trying to do an Industrial project or the R-R Rural Residential. He said the Medina County Planning Commission looked at all of this and they feel the best use for this property is to go into a R-1 over Industrial/Commercial or it staying the same (RR- Rural Residential). He said if this rezoning request were to go through, the only parcel that can be developed is the one we are working with.

Mr. James stated if the parcel we are working with doesn't go to R-1, it could stay RR-Rural Residential or the next time this comes up for rezoning it could be Industrial/Commercial and the Board of Trustees, Zoning Boards and citizens said in the plan it should be Industrial/Commercial so there is a good possibility it could be rezoned to that. Mr. James said I don't want Industrial/Commercial on this property but if I develop on the Hejduk property and rezoning isn't done to the whole area we've applied for, the property to the north can be developed Industrial. He said on the other side of this riparian corridor is 15 acres of property that might as well be on the other side of the highway because it could go Industrial in the future and you will have a lot more truck traffic on W. 130th Street and you could have visible industrial buildings. He said if the area stays the same R-R you will have 20 new wells pulling from everyone's aquifer vs. if it is R-1 there would be a waterline run down there.

Mr. James said in conclusion I think the R-1 zoning has the least impact on the community due to the riparian corridors not being impacted; due to over half the property being open space; due to nobody's property abutting a surrounding property and I feel it is the least impact and that is the way it should be developed.

Mrs. Kijek referred to the proposed road layout and proposed lot plan and said you have nine lots that are going past that riparian stream and you cannot impact a riparian stream. Mr. James said yes, but the building setback for the houses is on the street side of the riparian corridor and the riparian is in people's backyards. Mrs. Kijek said according to your drawing it is running into the riparian area. Mr. James said not where the building path will be; it wouldn't be where the homes are it would be in their backyard. Mr. James said we will have a 90 foot landscaping buffer on W. 130th Street to block the subdivision from visibility as you drive by.

Testimony/Public Comment

1. Alfred LaPointe, 2065 W. 130th Street, Hinckley was sworn in. Mr. LaPointe said Mr. James said our taxes won't go up, but last time we were here it was said our property taxes will go up. Is that not accurate then? Trustee Esber stated we had the lady from the Medina County Auditor's Office at our Trustee meeting and I specifically asked her that question. Mr. Esber said the only reason, according to her, that your property taxes would go up is if that land was switched to Commercial, but it would not impact you going from R-R to R-1. Mr. LaPointe asked if these grandiose plans of his are guaranteed because he said it, or changing the zoning the plans wouldn't matter because they are not one and one. He said so in other words he is just going to try to change everyone's zoning but he does not necessarily have to do this plan. Is that correct that they can do whatever they want once it is R-1 as long as it complies with R-1 but it doesn't necessarily have to be the plan he is showing. Chair Jenkins stated correct. Mr. LaPointe stated so he could put 60 or 90 lots on there. Mrs. Jenkins said no, in the cul-de-sac I think it has to be 2500 feet so no more than 40 so zoning would not allow that. Mr. LaPointe asked if he is guaranteed or required to bring water down the street for these wells? Mr. LaPointe stated I am asking if anything he is saying can be false - because when I get someone that comes in here who doesn't know the area and doesn't even bring the owner of the property with him to help sell this, I have apprehensions and I am totally against this because of that. Mr. LaPointe stated everything he said about our wells breaking down and costing us a lot of money is a false statement and he is trying to use fear tactics to try to talk everybody into wanting this rezoning change other than stating facts. Mr. LaPointe said he does state some facts but a lot of it is fear factoring by saying if you don't do this you are going to have poop factory in your backyard, if you don't do this you will have that in your backyard. He said well guess what, I already have it in my backyard. He said and across the street there are 40 acres that sold in Hinckley and they are putting in 2-acre, million dollar homes. He said they are not putting in 40 homes on that 40 acres they are putting in the right number of homes based on the setting of what the property is and they are ok with that. Mr. LaPointe said because he is trying to buy a piece of property that he can't make enough money on is not my issue and it shouldn't be for everyone else who is here.

2. Steven James, 2040 W. 130th Street, Brunswick Hills was sworn in. Mr. James (no relation to the applicants) said to the applicant since you are going to quote me, I said I would have never bought my property if I knew it was going to be zoned Residential. He said I paid good money to live in Rural Residential and to conform to your Rural Residential zoning. Mr. James said my house is under construction right now and I spent a lot of money to live there. Mr. James said I don't think he is being informative about his riparian setback. He said I have a riparian setback and what he is displaying on this map doesn't show it accurately. This shows nice wide streams but the one that runs through my property that he is showing as a big wide stream is about two feet wide so, I don't know if he is showing what the projected water will be but right now it is only two feet wide. Mr. James stated and I don't think he is explaining that it probably would be unlikely to develop as Commercial because of the riparian setbacks; there isn't enough room to do Commercial when you are dealing with the riparian area. He said I have just over a 2-acre lot and I can tell you just how hard it was to fit a house on there with the riparian setbacks. Chair Jenkins stated that is all regulated by the county, not the zoning board. Mr. James stated again his maps do not show exactly where the water is and how small those creeks are. Trustee Esber asked Mr. James to show him on the riparian map where is property is located. Mr. James showed the board the riparian on the map and said this is only two feet wide; it only has a couple of inches of water in it but it does flow when it rains and it runs out to a pond and then to another little creek. Mr. James said we are already going to be getting water from the development

across the street but they are doing some sort of retention; his plan shows no retention. Mr. James said so my property that floods when the rain gets heavy may get flooded when it rains light now because all of this water has to go somewhere and it's not going to these large bodies of water that don't exist. **Mr. Scott James** responded and said you are uphill; no water is going to your property because it all flows west. Mr. Steven James said its going somewhere; it's going to someone's property so this map is not true to scale and again this may be the projected water once all the developments are in. Mr. Steven James said because of the riparian setbacks, if I had to disturb soil to put in my driveway it had to involve the Army Corps of Engineers. He asked if the applicant has done his Army Corps of Engineers study. Chair Jenkins stated it has to be rezoned first before any of that can happen. Mr. James stated he wanted to point out that he is in his riparian setback, and at some point, he will get their water because it all has to go somewhere and I'm downhill from them. He said the back of the property is behind me but the front of his property is all going to flow through my neighbor's yard, to mine, then to that pond and then to that two foot creek.

Mr. James said he (applicant) keeps mentioning the waterlines, but nobody has said anything about sewers and whether they are going to bring them down and whether we will be required to tie-in and how much that will cost. He said I just spent \$20,000 to put in my septic system. Chair Jenkins stated that no one is required to tie-in when it comes down the street. Mr. James said my biggest concern is the water run-off because there are no retention basins, so it's got to go somewhere. He said I know what I had to do to put a small ranch on two acres because of the riparian setback so it is highly unlikely anyone would want that for Commercial. Mr. Fulkerson stated to Mr. James that these maps are just pictures; they do not have any actual measurements on them so until they show us certified drawings we just don't know. Mr. James said I just wanted to point out that these maps are not to scale.

3. Christopher Frank, 1938 W. 130th Street was sworn in. Mr. Frank stated he wanted to reiterate to everyone's attention that the property is currently Rural Residential satisfying a lot of people and with this individual's statement to you folks that the only alternative are these three rezoning's is a false statement. It doesn't have to be rezoned, it is currently Rural Residential and a lot of people are happy about it. He said the township plan reflects Commercial and Industrial, which is somewhat unrealistic, but that is what the plan calls for. Mr. Frank said everyone who owns their own piece of property can do whatever they want with that property, but according to the Ohio Revised Code 519.12 it states "*the application must be submitted by the owner or the lessee.*" The application under consideration, that I hope is rejected, was submitted by the James's with a name signed by Mary Ellen Stoll. He said according to the county the owners of this piece of property that wants to be the target of redevelopment has a county recorded name of Elizabeth A. Hood and James M. Hejduk as the owners. He said so you have an application in front of you that is not signed by the owners of the property. He said and this application is trying to affect a whole block of properties when there is only one targeted piece of property that this individual is trying to manipulate us on. Mr. Frank said I think that is a key element that the application itself does not represent the owners.

Mr. Frank stated we've already talked about the Comprehensive Land Use Plan. He said why would our Trustee's consider this applicant's application, which is fraudulent, targeting one piece of property that affects all the properties in this whole zone of this little block that's on question here. He said it conflicts with the target plan as they said which is Commercial/Industrial, to now slice out one piece so these 40 houses can be jammed in. He said it doesn't make sense and that Rural Residential remaining would make a lot of sense to a lot of people and for a lot of land uses. He said I think there is more value to the property than just his derogatory statement of only raising beans, which is an insult to the people who live here. Mr. Frank referenced another section of the Ohio Revised Code 519.04 which states "*the Trustees powers must act not contrary to the public opinion*" which is the public opinion sitting here before us hopefully influencing you folks on this application that you will reject this application or make a motion to not approve it so that the Trustees can eventually reject it.

Mr. Frank said one of the things we heard from Ron Henwood, of the County Planning Commission, was that this rezoning would magically make the non-compliant lots to compliant would help us resell our houses and make loans, etc. much more attractive. Mr. Frank stated I talked to Paul Johnson at Chase Bank and he said the topic of a compliant lot or a non-compliant lot doesn't factor into any element of the application process, so that is another example of smoke and mirrors here. Mr. Frank stated in summary that every

landowner is entitled to do what they want with their land; they own the land; they can sell the land; but that does not entitle someone who does not own the land to come in here and tell us how we should clean up our messy zoning as the application states. Mr. Frank stated this application is invalid, it does not have the owner and we haven't seen the owner sitting here pushing for this whole thing. Mr. Frank said this is an individual trying to create havoc in the whole neighborhood for one piece of property that is trying to be sold by one individual. Mr. Frank stated the board should reject this application based on the public opinion and the involvement of the community here.

4. Marthel March, 2805 Sleepy Hollow Road was sworn in. Mrs. March stated my main concern is we've lived here 37 years and we've been through these battles several times and we gave up even coming because they always do what they want anyway. Mrs. March said and if you feel anger from people its because we've been thrown under the bus on the zoning by Sleepy Hollow and S. Carpenter Road when they changed the zoning for that builder and we went to those meetings and we said we didn't want that zoning change. She said with the whole water district fiasco back in the 1990's our hot water tank blew up because it was full of mud; our neighbor's well collapsed and no one ever knocked on doors and said we are going to be digging this well and we are going to be pumping 275,000 gallons of water out in a day. She said it did a lot of damage and we didn't get a penny for having to replace our water tank - that's why people are angry. She said the property he showed with all the trucks was a temporary program for asphalt reclamation on I-71 and it's still sitting there. There is nothing more permanent than a temporary government program. She said people are mad because they've given their opinion and its always thrown under the bus.

5. Guy Lenart, 2832 Sleepy Hollow Road was sworn in. Mr. Lenart said he arrived late at the last meeting so he has questions that may have been answered at the last meeting. Mr. Lenart said when we get water from Brunswick City, I thought we had to annex but I heard someone say no. Mrs. Jenkins stated the water is coming from the County. Mr. Lenart said ok, so we don't have to annex so we will still be Brunswick Hills. Mrs. Jenkins stated correct. Mr. Lenart said my other question is will it be septic tanks times 40 or will it be sewer? I believe he said it will be a sewer. Mr. Scott James (applicant) said there is sewer to the west. Mr. Lenart said obviously 40 septic tanks vs. sewer is better. Mr. Lenart said we are on an aquafer that is replenishable and I believe when they did that well project with city water they said after that study that there was enough water to support 300 houses in a development. He asked if anyone remembered that. No response. Mr. Lenart said for someone who lives right next door to the worm farm, I can understand why people are upset.

6. Leslie Fagan, 2116 W. 130th Street was sworn in. Mr. Fagan said the name Mary Ellen Stoll came up and her name used to be "Mary Ellen Hejduk" and she is the aunt of the people who are selling the property. Her property is adjacent to it so she is part of this.

7. Stacey Swedberg (Thornton), 2050 W. 130th Street was sworn in. Mrs. Swedberg said James (Hejduk) and his sister both have passed now. She said when we moved in, James lived in our house as a child and he was offered numerous times to sell that property, but now his grandkids or kids and everybody is selling. Mrs. Swedberg stated for years he fought not to sell that property to a developer even when he was offered millions of dollars. Mrs. Swedberg stated he said no to selling the property and he has passed now so a lot of things have changed and it is heartbreaking that it is going to change. Mrs. Swedberg stated her opinion that they truly did not want that to happen on their land.

8. Robert Murphy, 4041 Foskett Road was sworn in. Mr. Murphy stated I am not part of this, but I do support them and the problem I have with this is where does this stop? He asked, is this going to stop with this little section or is this going to move over to the rest of Brunswick Hills? Mr. Murphy stated I am not in favor of one-acre lots; we are not Middleburg Heights. He said people want to move here to the country and we want to make a city out of it; I am not in favor of this at all.

9. Dean Papay, 2065 W. 130th Street was sworn in. Mr. Papay referred to one of the maps and asked how many homes are actually going on this other than a number he threw out? Mrs. Kijek stated 40 homes. The board said if that was zoned R-1. Mr. Scott James said one map shows where the road would be under Rural Residential and we didn't put the lots on the Rural Residential map because we are hoping we can get

the R-1 zoning. Mrs. Czyz, Zoning Inspector, said to Mr. Papay, I have no idea how many houses are being proposed, but it is one house per two-acres in R-R and it would be 2.9 houses per acre in R-1 that they could put in. Mr. Papay said and if this were to be approved, he would have to come back for the zoning per acreage? Mrs. Czyz and the board said yes. Mr. Papay said, so if he can only get 15 homes on there he gets 15 and if he can only put 10 on there he gets 10. Mrs. Czyz stated that is correct and it has to conform. She said if this were not to pass, he would have to conform to the Rural Residential zoning. Mr. Papay said I'm in favor of the RR.

End of Public Testimony and Comment.

Motion to Recommend Approval to the Board of Trustees for the Zoning Map Amendment Application Request by Brian James, Developer's Management LLC:

Motion: Mrs. Jenkins made a motion to recommend to the Board of Trustees to approve the zoning map amendment by Brian James, Developer's Management, zoning application request to rezone of a corridor on W. 130th Street, Brunswick Hills Township from current Zoning District of RR-Rural Residential to proposed R-1 Residential Zoning for properties from Sleepy Hollow Road north to Laurel Road and from I-71 east to W. 130th Street, (with the exception of PP #001-02D-10-001 on Laurel Road adjacent to I-71 which is already R-1), containing approximately 213 acres. Mrs. Porter seconds the motion. **Roll Call:** Mrs. Kijek-no; Mrs. Porter-no; Mrs. Murphy-no; Mr. Fulkerson-no; Mrs. Jenkins-no. Motion carries for recommendation to the Board of Trustees to disapprove the zoning map amendment rezoning request.

Chair Jenkins stated this will go to the Board of Trustees for their action. Mr. Frank asked if the final conclusion/recommendation was no. Mrs. Jenkins stated correct, it was unanimous by the board. Mr. Frank asked what the next step on the timeline is. Secretary Milanko stated the recommendation will go to the Board of Trustees who will have to set a public hearing date and we don't know what that is yet, but the date shall not be more than 30 days from the date of the receipt of the recommendation and notice of the hearing shall be given by publication in one or more newspapers at least 10 days before the hearing. Trustee Michael Esber confirmed the board will set a public hearing that will be published in the Legal Notice section of the Medina County Gazette and we will post the date on the Brunswick Hills Township website.

Motion to Adjourn the Public Hearing: Chair Jenkins made a motion to adjourn the October 4, 2018 public hearing meeting. Mr. Fulkerson seconds. **Roll Call:** All in favor to adjourn. Meeting officially adjourned at 8:27 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Sandra Jenkins, Chair

Date