

**Brunswick Hills Township
Zoning Commission
Regular Meeting Minutes
June 6, 2019**

Call Meeting to Order

Chair Jenkins called the Zoning Commission Regular Meeting to order at 7:14 p.m.

- **Board Members in Attendance:** Sandra Jenkins (Chair), Matthew Mickas (Vice Chair), Trica Murphy, Linda Kijek, Barb Porter
- **Alternate Members in Attendance:** Patty Wetterman
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, John Witthuhn, Trustee Liaison

APPROVAL OF THE MAY 2, 2019 REGULAR MEETING MINUTES

Edits: Mr. Mickas noted the correction of Mrs. Waterman to Wetterman. Under Continued Business, second paragraph, third sentence from the bottom correction: “putting the definitions together th thought” correction: change th to “he”. Page 2, first paragraph, third sentence, “parking are base,” should be “parking area base,”

Motion: Mrs. Murphy made a motion to approve the meeting minutes. Mrs. Porter seconds. **Roll Call:** Mrs. Murphy-yes; Mrs. Porter-yes; Mr. Mickas-yes; Mrs. Kijek-yes; Mrs. Jenkins-yes. Motion carries to approve minutes.

CONTINUED BUSINESS:

1. Agritourisim

Chair Jenkins said we will continue to work on the Agritourisim language and asked the board for further comments. Mr. Mickas stated he will reach out to the Prosecutor to follow up on clarifications. Mrs. Murphy stated she has a sample of language from another township. Mrs. Jenkins asked if it was something that was recently added. Mrs. Murphy said the language has been in their book since 2016. Mrs. Kijek noted there was a definition listed for Agritourisim. Mrs. Murphy said I think with our definitions we should refer back to the ORC (Ohio Revised Code) in case something changes, so we would have to review the ORC to make sure ours is consistent. Mrs. Murphy thought this sample would be a good guide because they even talk about off-street parking.

Mrs. Murphy asked if we have to specifically state that a permit will be needed for Agritourisim? Mrs. Czyz stated they will have to fill out an Agricultural Use Exempt form. Mr. Mickas said if they already have an Agricultural Use Exempt form for agriculture, do they have to have one for Agritourisim? Mrs. Czyz stated she would. Mrs. Murphy agreed and said because now they are inviting the public in. Mrs. Czyz said it would just be a form they will have to fill out just to cover our bases. Chair Jenkins stated again this is a work in progress so we will work on some type of amendments for recommendation.

2. Discussion of Application Request for PMOU by Terry Properties for Next Meeting

Secretary Milanko noted the next Zoning Commission meeting is Thursday, July 11, 2019 and Evelyn just gave us an application request for the PMOU by Terry Properties so there will be a public hearing on that July 11th. Mrs. Czyz stated it is a two part application, (1) an informal site plan review and (2) Map Amendment to rezone to PMOU. Mrs. Czyz stated she dropped off the paperwork to the Planning Commission on Monday morning for the Planning Commission meeting scheduled on July 3, 2019.

3. Brunswick Hills Township Zoning Resolution Modifications – Revised For 6/6/2019 Meeting

Mr. Mickas stated he wanted to go back so Sec. 902 Submission of Applications because he did not think the board formally approved the proposed edits. Mr. Mickas said there were minor changes to it and read Sec. 902 noting that the bold underline text are the changes.

Modification specific to Section 902

[Revise – Sec. 902-2]

Sec. 902-2 Submission of Applications

- E. Upon receipt of an application(s) which requires submittal of a site development plan in conformance with Subsection C above, the Township Zoning Inspector shall refer the application(s) to **the Township Fire Department for review and comment. The Township Zoning Inspector shall also refer the application to** Zoning Commission for review and **recommendation for approval, denial, or approval with specified conditions or modifications of the site development plan to the Board of Trustees** as set forth in Section 904-3. The Zoning Inspector shall issue a Zoning Certificate within ~~ten (10)~~ **Thirty (30)** days after approval of a site development plan by the ~~Zoning Commission~~ **Board of Trustees**.

Mr. Mickas stated in Sec. 902 we wanted to make sure that the applications are sent to the Fire Department for comment, whereas before it stated the Fire Department gives a recommendation. He said the change is just for review and comment by the Fire Department. Mr. Mickas said the thirty (30) days is something we talked about before. Mrs. Murphy noted a correction: “Zoning Inspector shall also refer the application to Zoning Commission”, should be “Zoning Inspector shall also refer the application to the Zoning Commission.” Mrs. Murphy asked if we only need comment from the Fire Department. Mr. Mickas asked if we should change Fire Department to Emergency Services to reflect the Fire Department and Police Department. Mrs. Jenkins agreed we could use Emergency Services. Mrs. Czyz says they would get it anyway from the Planning Commission. Mrs. Czyz agreed the wording should be Emergency Services. Mrs. Czyz stated she also has the Road Superintendent look at it for input.

Mrs. Czyz asked if the board could add the timeline of seven (7) days for comment from Emergency Services. Mr. Mickas suggested adding the language in the last sentence from Sec. 904-3 to Sec. 902-2 which references the seven (7) days.

- **Revised Final of Sec. 902-2 (6/6/2019)**
- Sec. 902-2 Submission of Applications

- E. Upon receipt of an application(**s**) which requires submittal of a site development plan in conformance with Subsection C above, the Township Zoning Inspector shall refer the application(**s**) to **the Township Emergency Services for review and comment. The Township Emergency Services shall provide comment within seven (7) days after receipt of an application(s) for site development plan. The Township Zoning Inspector shall also refer the application to the** Zoning Commission for review and **recommendation for approval, denial, or approval with specified conditions or modifications of the site development plan to the Board of Trustees** as set forth in Section 904-3. The Zoning Inspector shall issue a Zoning Certificate within ~~ten (10)~~ **Thirty (30)** days after approval of a site development plan by the ~~Zoning Commission~~ **Board of Trustees**.

Modification specific to Section 904

[Revise – Sec. 904]

Sec. 904-3 Referral to Township Fire Department

Upon receipt of an application(s) that requires a site development plan as required by Section 902-2(C), the Township Zoning Inspector shall forward copies of the completed application(s) and site development plan to the Township Fire Department for review and comment. The Township fire department shall provide comment within seven (7) days after receipt of an application(s) for site development plan.

Mr. Mickas stated he added Sec. 904-3 as a separate section and said we should change Fire Department to Emergency Services. Mrs. Murphy noted that he added this as a new section so 904-4 is now 904-5 on this sheet we are looking at.

- **Revised Final of Sec. 904-3 (6/6/2019)**
- **Sec. 904-3 Referral to Township Emergency Services (New Section in book)**

Upon receipt of an application(s) that requires a site development plan as required by Section 902-2(C), the Township Zoning Inspector shall forward copies of the completed application(s) and site development plan to the Township Emergency Services for review and comment. The Township Emergency Service shall provide comment within seven (7) days after receipt of an application(s) for site development plan.

- **Revised Final of Sec. 904-4 (6/6/2019)**
- **Sec. 904-4 Referral to Zoning Commission**

Upon receipt of an application(s) that requires a site development plan as required by Section 902-2(C), the Township Zoning Inspector shall forward copies of the completed application(s) and site development plan to the Zoning Commission for review and ~~comment~~ **recommendation for approval, denial, or approval with specified conditions or modifications of the site development plan to the Board of Trustees** . Application(s) which are submitted prior to the established deadline date shall be placed on the next regularly scheduled meeting at which time the Commission shall consider said site development plan.

Mrs. Murphy noted to be consistent we should add a comma after denial in Sec. 904-4.

- **Revised Final of Sec. 905-4 (6/6/19)**
- **Sec. 904-5 Zoning Commission Action**

The Zoning Commission shall act upon an application for site development plan approval within forty-five (45) days of the date the site development plan is first heard by the Commission unless such time is extended with the consent of the applicant. The Zoning Commission may ~~either approve~~ **recommend approval, denial, or approval with specified conditions or modifications of the site development plan to the Board of Trustees**, ~~deny the application, or approve the site plan with specified conditions or modifications.~~

Mr. Mickas stated the only changes we made in Sec. 904-5 was to add recommend approval, denial or approved with specified conditions or modifications of the site development plan to the Board of Trustees. Mrs. Jenkins noted to add a comma after denial.

Sec. 904-6 Conformance Required

Developments shall conform in all respects to the approved site development plan. No building or premises shall be occupied or used except in conformance with the approved site development plan and this Zoning Resolution. The Zoning Inspector may make such periodic inspections during construction of the project as may be necessary and appropriate to determine continued compliance with the approved site development plan and Zoning Resolution.

Mrs. Murphy noted the change of Township Zoning Inspector to be consistent. Mr. Mickas noted other than changing Zoning Inspector to Township Zoning Inspector, these are just changes noting the new section numbers for Sec. 904-6 and 904-7. Mrs. Murphy noted a correction in 904-7 to change Township Trustees to **Board of Trustees**.

➤ **Revised Final of Sec. 904-6**

➤ **Sec. 904-6 Conformance Required**

Developments shall conform in all respects to the approved site development plan. No building or premises shall be occupied or used except in conformance with the approved site development plan and this Zoning Resolution. The **Township** Zoning Inspector may make such periodic inspections during construction of the project as may be necessary and appropriate to determine continued compliance with the approved site development plan and Zoning Resolution.

➤ **Revised Final of Sec. 904-7 (6/6/2019)**

➤ **Sec. 904-7 Professional Assistance**

The **Township** Zoning Inspector, with the authorization of the ~~Township~~ **Board of Trustees**, may seek expert advice or require special studies to be made prior to acting on any site plan. The cost of securing such advice or studies shall be borne by the applicant, which sum shall be placed on deposit with the ~~Township~~ **Board of Trustees**.

Chair Jenkins stated we will add these text amendments to the other amendments to send the Prosecutor's Office and the Planning Commission for review and comment for a future public hearing.

NEW BUSINESS:

1. **Training Opportunities:** Mr. Mickas stated he talked to Trustee Witthuhn about a training session for the board. He said we have a lot of new members and he would like to have training on procedures, motions and the rules of order for a meeting. Mr. Mickas said there are two opportunities, one is the Medina County Planning Commission is holding a Mock BZA Hearing on July 25th in Montville Township. Trustee Witthuhn stated when he talked to Brian Richter about training he said the Mock BZA Hearing training in on procedures. He said you are the Zoning Commission, but still there are procedural issues that do occur and the Planning Commission is supposed to open it up to the whole county and send something out about it.

Mr. Mickas said the other option that came up was to have the Prosecutor's Office provide procedural training and have a Q&A session afterwards. Mr. Mickas stated he wanted to run this by the board to get their thoughts on whether the training would be worthwhile. Mrs. Kijek stated she would like to have procedural training. Mrs. Porter said she would like to have the Prosecutor's Office give us something directly on procedures. She said she has been to a BZA Mock Hearing session in the past and didn't think that the Zoning Commission members got a lot out of that. Mrs. Porter stated she really thinks the board needs the procedural training because none of us have really had that kind of experience. Mrs. Porter stated she is not opposed to going to the mock training, but feels we would get more out of a session with the Prosecutor. Trustee Witthuhn said he will contact the Prosecutor's Office to coordinate a date on a Thursday evening for August.

2. **Application Request Packets for Terry Properties, PMUO Development:** Secretary Milanko distributed the application packets to each board member. Mrs. Jenkins stated this will be heard at our July 11, 2019 meeting. Mrs. Porter said we need to make a motion if it is a public hearing. Mrs. Czyz stated there are two parts to the application, one is a site plan approval and the other is the map amendment to rezone to a PMUO (Planned Mix Use Overlay). Mrs. Czyz stated she would do the map amendment first and said he wants to extend the PMOU district on the southeast corner of Rt. 303 and Marks Road and extend it all the way over to Substation and Rt. 303. She said the property just south of the golf course is RR –Rural Residential and Mr. Terry wants to rezone that. Mr. Mickas asked if the site plan development is dependent on the map amendment. Mrs. Czyz stated yes. Mrs. Murphy asked if we had to have a pre-application meeting first. Mrs. Czyz said remember on the pre-application meeting he did talk to us a couple of months ago so he did make an informal presentation to the board. Mrs. Porter asked if that was considered the pre-application meeting. Mrs. Wetterman stated he made his presentation under public comment. Secretary Milanko confirmed that he was not on the agenda. Mrs. Czyz said but he had the right to speak just like the other property on W. 130th Street and he had the big map at that meeting. Secretary Milanko stated but they submitted a letter of intent to the board to have the pre-application meeting. Mr. Mickas stated he didn't know by law if they needed to send a letter of intent because it was just a conversation of what he is proposing to do. Mr. Mickas looked up Sec. 406-7 Applications for a PMOU and noted it doesn't say anything about a pre-application meeting like the Conservation Development does.

MOTION TO ACCEPT THE APPLICATION REQUEST AND SET A PUBLIC HEARING

Motion: Mr. Mickas made a motion to set a public hearing for Thursday, July 11, 2019 at 7 p.m. and send out notification accordingly. Mrs. Kijek seconds the motion. **Roll Call:** Mrs. Porter-yes; Mrs. Kijek-yes; Mrs. Murphy- yes; Mr. Mickas-yes; Mrs. Jenkins-yes. Motion carries to set a public hearing.

PUBLIC COMMENT:

1. **David Goodyear, 691 Pearl Road Brunswick Hills.** Mr. Goodyear said he didn't want to put more on everyone's plate but he wanted to ask Evelyn what the setback is on Pearl Road RT 42 to the front of a building. Mrs. Czyz said it depends what zoning district you are in. Mr. Goodyear asked for the one that is the least footage. He said our township and the City of Brunswick should be looking at the future with the widening of RT 42. He said RT 42 comes down as wide as it is in Strongsville and as wide as it is in Medina. He said by not having a setback deep enough for each type of zoning we are raising the taxpayers cost when the state comes in to buy the land. All we have to do in our own community is to look at the assisted living on the corner of RT 42, look at Southwick Manor which are close to the road. He said the proper setback should be at least 15 feet more than it is today. We are raising the taxpayers cost because they are going to have to buy the land, replace buildings or do something with some of them. He noted the ice cream stand across from St. Ambrose and said he is going to lose some of his parking space. He said in my mind there is no sense to let people build legally knowing that in a few years that we the taxpayers are going to have to pay out more money to buy this land and replace the buildings. Mr. Goodyear said he didn't think it would hurt in any form for our township to extend the depth on the various zoning districts. Mr. Goodyear said we should contact ODOT and ask them what is the area that that take when they widen another lane. Mr. Goodyear mentioned other properties in Brunswick and noted the Grille and said 15 feet would take that right up to his building. He said Taylor Furniture's pumping station or the mechanics for their fire alarm system sits out by the road and the taxpayers are going to have to pay to have that moved back. Mrs. Kijek asked Mr. Goodyear when the proposed expansion of RT 42 will take place. Mr. Goodyear said he didn't know, it could be 20 years.

Mrs. Czyz said you have mentioned all the businesses surrounding your existing place and then further south. Mrs. Czyz went to the zoning map to answer his question on setbacks and said these are the least: in a C-1 its 50 feet; C-3 is 50 feet; in a PMOU in some parts if it is a residential use it is 35 feet and if it is multi-family use it is 50 feet. Mrs. Czyz said so where you are is a C-2, and that is 80 feet.

Trustee Witthuhn said this question came up in the BZA last night and said when we talk about setbacks, what is the starting point for the measurement? Mrs. Czyz said before it used to be the middle of the road, now it's from the edge of the road on back and asked Mr. Thorne to verify. Mr. Thorne said it actually depends on how you've written it and said some townships use the middle of the road, some use the edge of the pavement. He said if it is from the edge of the road you are talking about the edge of the right-of-way so that is a different matter entirely. He said you really have to specify where you want it from. Mr. Thorne said it is how the zoning book is written because there is no legal requirement where you measure from. Trustee Witthuhn said the question came up last night for Catherine's Overlook so in other words, they could have said I'm using the 75 setback from the center of the road and they probably wouldn't had to come in for a variance. Mr. Thorne said it depends how the code is written and generally, it is specified.

The board looked through the zoning book. Mrs. Murphy noted under Definitions there is a Street-Right-of-Way: **Street Right-of-Way Lines:** *A dividing line between a lot, tract, or parcel of land and contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the boundary of land reserved for street purposes.* Mr. Thorne said the street-right-away line would be for the whole road itself.

Trustee Witthuhn said so Evelyn, the way that you were taught it is from the curb, but we have nothing in our book that says that. Mr. Witthuhn said I would think it would be from the curb back, but if someone

wanted to cheat that they could just say I'm measuring from the middle of the road so I do think we need to add something to our book. Mr. Thorne said the right-of-way would be not what is just paved, but the ditches the work area because it has an easement on it.

Mrs. Murphy noted Sec. 406-6 (A) (1) (a)

Sec.406-6 Development Standards

All buildings, structures, and parking areas in a PMUD project shall be located in a manner that complies with the minimum development standards set forth in this section.

A. Minimum Building Setbacks:

1. Setback from Rights-of-Way

- a. Existing Streets: Buildings shall be located a minimum of 50 feet from all public street rights-of-way dedicated as of the date the PMUD general development plan application is submitted.

Mr. Thorne said this section is written correctly because the setback is from the right-of-way. Trustee Witthuhn asked if it would just be easier to put it in the Definitions. Chair Jenkins said the board will take a look at it.

Announcement of Next Meeting Date: Thursday, July 11, 2019 at 7 p.m. Public Hearing

Mr. Thorne asked if the board will have a regular meeting as well to talk about the Agritourism or will you set that off? Secretary Milanko stated we don't know how long the public hearing will be but it will be a long one. Chair Jenkins said we will put it on the agenda but we might not get to it.

Motion to Adjourn: Mrs. Kijek made a motion to end the meeting. Mrs. Porter seconds. **Roll Call:** All in favor to adjourn. Meeting officially adjourned at 8:26 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Sandra Jenkins, Chair

Date