

**Brunswick Hills Township  
Zoning Commission  
Regular Meeting Minutes  
August 8, 2019**

**CALL MEETING TO ORDER**

Chair Jenkins called the Brunswick Hills Township Zoning Commission July 11, 2019 regular meeting to order at 7:04 p.m.

- **Board Members in Attendance:** Sandra Jenkins (Chair), Barb Porter, Trica Murphy, Linda Kijek,
- **Board Members not in Attendance:** Matthew Mickas (Vice Chair) – Excused Absence
- **Alternate Board Members in Attendance:** Patti Wetterman, Sy Mougabi
- **Others in Attendance:** Evelyn Czyz, Zoning Inspector, Trustee John Witthuhn (Zoning Liaison), Mary Jean Milanko (Secretary) [Note: Trustee Witthuhn and Ms. Czyz arrived at 7:14 p.m.]

Alternate Patti Wetterman was seated to represent a full board.

**APPROVAL OF MINUTES**

**1. Approval of the July 11, 2019 Public Hearing Meeting Minutes**

**Motion:** Mrs. Murphy made a motion to approve the public hearing minutes from July 11, 2019. Mrs. Porter seconds. **Roll Call:** Mrs. Kijek-yes; Mrs. Murphy-yes; Mrs. Wetterman-yes; Mrs. Porter-yes; Mrs. Jenkins-abstain. Motion carries to approve minutes.

**2. Approval of the July 11, 2019 Regular Meeting Minutes**

Mrs. Murphy noted an edit on page 3 under Continued Business under Agritourism; (Attachment 1: Patricia Murphy proposed Agritourism draft dated July 11, 2019). Change Patricia to “Patrica”. Mrs. Porter noted an edit on page 1, last sentence: Change Mr. Czyz to “Mrs.” Czyz. **Motion:** Mrs. Murphy made a motion to approve the minutes from the Regular meeting. Mrs. Kijek seconds. **Roll Call:** Mrs. Porter-yes; Mrs. Murphy-yes; Mrs. Wetterman-yes; Mrs. Kijek-yes; Mrs. Jenkins-abstain. Motion carries to approve minutes.

**CONTINUED BUSINESS:**

1. **Agritourism** – Review of Agritourism proposed text amendment draft from the July 11, 2019 minutes.

Chair Jenkins stated the Zoning Inspector was checking on a question that came up at last meeting regarding contiguous properties. Mrs. Murphy stated it was under B. General Requirements (a.) (i.) under the definition of farm about the contiguous parcels if one parcel is 10 or more acres and one parcel is less than 10 acres.

B. **General Requirements**

- a. The agritourism provider shall attest that the farm on which the agritourism operation is proposed conforms to the definition of farm in the ORC.

- i. As used herein, acreage of the farm for purposes of the definition shall be the total acreage of the one or more contiguous parcels within the Township that are used as the farm on which the agritourism operation is proposed.

Mrs. Czyz stated she spoke to Ron Henwood (Medina County Planning Commission) regarding two lots owned by one person where one lot was 10 acres or more and the other was less than 10 acres, and he said the lots would have to be combined.

Mrs. Kijek stated we were also checking to add the ORC Section number for the definition of a farm; questions regarding 601-Off-Street Parking and removing reference to the Board of Zoning Appeals. Mrs. Murphy stated we discussed replacing the 601 Off-Street Parking with the first three (3) lines of Sec. 601 of the code. Mrs. Murphy said if this has to go to the Medina Planning Commission and the Prosecutor, then maybe we should leave the language in and get their opinion on it. Chair Jenkins stated she thought we could leave the language as it is and pose the questions to the Planning Commission and the Prosecutor for comment. Mrs. Murphy noted we need to add the section number from the ORC for definition of farm. Mrs. Kijek referenced under C. Application for Agritourism (b.) we want to add “Placement of” under (b). “Placement of” proposed buildings and/or structures.

Mrs. Murphy asked if we have to add anything for “existing” Agritourism operations or if they are “grandfathered in”. Mrs. Murphy referenced a brochure from the Medina County Farm Bureau and noted Spring Mist Farms in Brunswick Hills Township is listed as Agritourism they are multiple parcels, so that is why she is asking. Mrs. Jenkins asked the Zoning Inspector if they would be grandfathered-in. Mrs. Czyz stated she did not know, but would imagine they would be grandfathered-in as they have been in that business for over 20 years. Mrs. Jenkins asked the Secretary to note that question to the Planning Commission on existing Agritourism businesses with the proposed Agritourism amendments.

Secretary Milanko noted that the Planning Commission Submission Deadline for September was on Monday (8/5/19) so we will not be placed on their September meeting agenda, but we will send the information to get on their next available agenda.

**Motion to Send Revised Proposed Agritourism Text Amendments to the Planning Commission and the Prosecutor’s Office.**

**Motion:** Mrs. Murphy made a motion to send the proposed text amendments to the Medina Planning Commission and the Prosecutor’s Office and set a public hearing for our next meeting on September 5, 2019 at 7 p.m. Mrs. Kijek seconds. **Roll Call:** Mrs. Wetterman-yes; Mrs. Porter-yes; Mrs. Kijek-yes; Mrs. Murphy-yes; Mrs. Jenkins-yes. Motion carries.

-----**Continued Business**-----

**2. Review of the Proposed Amendments to Existing Text in the Brunswick Hills Township Zoning Resolution** (See Attachment 1: Proposed Draft for ZC August 8, 2019 Meeting)

Chair Jenkins asked the board for comments on the proposed text amendments. The following sections from the draft document were amended:

Mrs. Murphy noted that Sec. 411-5 (B) on page 2 was listed twice. Edits to Sec. 411-5 (B): Mrs. Murphy noted correction of “a least” to “at least”. Mrs. Czyz stated the submission deadline for the ZC is the first Wednesday of the month, however, last year July 4<sup>th</sup> was the first Wednesday of the month so the deadline was moved to the second Wednesday of the month. Mrs. Murphy said we can state by the

submission deadline. The was question as to whether to word it the same as what is in the ByLaws: “*Submission Deadline for the Zoning Commission: The first Wednesday of the month by Noon to the Zoning Inspector to be placed on the following month’s agenda.*” Trustee Witthuhn agreed with Evelyn’s comment that if the deadline is changed due to a holiday, it might not give you 30 days in advance between meetings. After discussion, it was agreed to amend Sec. 411-5 (B) to thirty (30), no more than forty-five (45), days which was discussed in previous meetings.

**Sec. 411-5 (B) Application Requirements and Procedures**

**B. Application and General Development Plan Submission**

Subsequent to the Pre-application Meeting with the Zoning Commission, each applicant for a Conservation Development Overlay District shall submit an application for General Development Plan approval to the Township Zoning Inspector. Applications shall be made at least ~~ten (10)~~ **thirty (30), no more than forty-five (45)** days in advance of the meeting at which they are to be considered, shall include such fees and deposits as may be established by the Township Trustees, and shall include fifteen (15) copies of the following minimum information:

Mrs. Kijek referenced Edit to Sec. 411-5 (F): Change submission to 30-45 days as above.

**Sec. 411-5 (F)**

**F. Submission of Final Development Plans**

Final Development Plans submitted to the Zoning Commission for review shall be based on a previously approved General Development Plan and may be for portions or phases of the entire project. Final Development Plans shall be submitted at least ~~ten (10) working~~ **thirty (30), no more than forty-five (45)** days prior to the meeting at which said plans are to be reviewed by the Commission. A minimum of fifteen (15) copies shall be submitted. Submission shall include fees and deposits as established by the Township Trustees.

Mrs. Murphy referenced Edit to Sec. 902-2 (E): Change Township Fire Department to: *Township Emergency Services*

**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~~ **Emergency Services 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.**

## Brunswick Hill Township Zoning Commission Regular Meeting Minutes – August 8, 2019

---

Mrs. Czyz referenced Edit to Sec. 904-3: Change last sentence Emergency Service to *Emergency Services*

### Sec. 904-3 Referral to ~~Zoning Commission~~ Township Emergency Services (new section)

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 **Township Emergency Services** for review and comment. ~~Application 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.~~ **The Township Emergency Services shall provide comment within seven (7) days after receipt of an application(s) for site development plan.**

End of discussion on text amendments.

### **Motion to send proposed text amendments (Attachment 1) as Modified to the Medina County Planning Commission and the Prosecutor's Office and Set a Public Hearing**

**Motion:** Mrs. Murphy made a motion to submit the proposed amendments to the Medina County Planning Commission and the Prosecutor and set a public hearing for our next meeting on Thursday, September 5, 2019 at 7:00 p.m. Mrs. Kijek seconds. **Roll Call:** Mrs. Wetterman-yes; Mrs. Porter-yes; Mrs. Kijek-yes; Mrs. Murphy-yes; Mrs. Jenkins-yes. Motion carries.

-----Continued Business-----

### **3. Review of Setbacks and Road Right-of-Way definitions and requirements in Zoning Resolution**

Chair Jenkins tabled this to next month because board members did not have a chance to research it.

#### **ADDITIONAL BUSINESS:**

##### **1. Training Opportunity – Update on ZC training session with the Prosecutor's Office**

Trustee Witthuhn stated we spoke at the last meeting about contacting Mr. Richter about training, but he wasn't clear if he was doing it or Mr. Mickas. Trustee Witthuhn stated he would contact Mr. Richter and ask about a training date on October 24 (preferred date) or August 29 at 5 p.m.

##### **2. General Development Plan Application Request by Brian James & Scott James, Developers Management for Conservation Development on W. 130<sup>th</sup> Street (PP# 002-02D-14-013), Zoning District: RR (Rural Residential)**

Chair Jenkins stated we have a general development plan application request for the property on W. 130<sup>th</sup> Street. Mr. Chris Frank asked from the audience if this is a pre-application meeting. Secretary Milanko stated Mr. James had a pre-application meeting on December 6, 2018. Mr. Brian James confirmed he had the pre-application meeting in December.

Chair Jenkins called the applicants to the podium. **Mr. Brian James, 943 Wye Drive, Akron, OH 44303** and **Mr. Scott James, 1303 S. Balch Street, Akron, OH 44303**, were sworn in.

**Evelyn Czyz**, Zoning Inspector, asked if this is going to be a private street or a public street. Mr. Scott James stated at the pre-application meeting you indicated that the township would prefer it be a public street vs. private, so that is the way we've designed it. Ms. Czyz stated she thought it was the other way around. Mr. Scott James said you can check the minutes, but I believe everyone preferred that it be a public street. Chair Jenkins said per the December minutes, it was asked that the street be public.

Mr. Czyz asked if they are bringing sewer and water down to this area. Mr. Scott James said yes. Mrs. Czyz said the proposed bus stop for the children would have to be on W. 130<sup>th</sup> Street and asked if they have any suggestions to help alleviate that traffic because the bus will not drive onto that road because of the cul-de-sac. Mr. Scott James said the cul-de-sac is designed to be able to take a bus. Mrs. Czyz said, but that is not our choice, that is the school district that does not allow that. She said the only bus that can come down this street regardless if it is public or private is one in case of a child or a person with disabilities. Mr. Scott James said we can discuss that with our engineer and the school district, but I've never heard of a public street not accommodating school buses. Mrs. Czyz stated I checked with both Brunswick and Highland School Districts and I received the same answer. Mr. Scott James said this is in a preliminary stage so we will address that, but this stop would not be different than any other stop the bus makes on W. 130<sup>th</sup> Street.

Mrs. Czyz said you have a lot of open space here, which is very nice; however, not much of it is "useable" open space. She asked if they plan to put in some walking trails or hiking trails and said I see a lot of riparian areas and some wetlands here that are going to be in the back of a lot of these properties. Mrs. Czyz expressed her concern on getting phone calls because all of these lots are flooded. She asked where is your open space on this plan and how are you going to use it? Mr. Scott James said if you look at the topography line on your drawings, it is physically impossible for there to be any flooded lots. He said practically in every lot there is a stream significantly lower than where the houses sit. Mrs. Czyz asked if they have met with or talked to the Medina County Engineer's office. Mr. Scott James said with our other plan we submitted it to the Medina County Planning department but not to the Medina County Engineer's office. He said we are in the process of putting our submittal together for the Planning Commission.

Mrs. Czyz asked if they will have a homeowner's association. Mr. James said yes. Mrs. Czyz asked again where is the useable open space and are there plans for a walking trail. Mr. Brian James said we are not planning to have that open space be recreational. He said taking the overall concept in the zoning regulations and our discussions with Ohio Stream Preservation, our intent is to leave all of that open space untouched. He said we are not planning on putting any walking trails in there. We don't want you to get calls saying there are people walking in my yard, so our intent is to leave it untouched and not put any recreational facilities in that open space. Mrs. Czyz said so your homeowner's association is going to be solely responsible for the open space and anything that happens; not the township. Mr. Brian James said Ohio Stream Preservation will be in charge of the maintenance of the open space. Mr. James said we submitted their information with the application, per your zoning regulations. Mr. Scott James said what we have submitted is 100% by your zoning regulations; we are not asking for any variances.

Mrs. Czyz said there won't be streetlights so do you plan to have courtesy lights on every lot? Mr. Brian James said we have not gotten that far yet. Mrs. Czyz asked who the builder will be. Mr. Scott James said that is undetermined at this point. Mrs. Czyz said fire hydrants have to be every 300 feet as required and our fire department also requires that all addresses (house numbers) be on the same side of the house for uniformity. Mrs. Czyz stated the location of the mailboxes, or cluster mailboxes, will be determined by the Post Office. Mrs. Czyz said one of her biggest concerns for safety is not having any kind of stub street. She said what if something happens in the middle of the street, like on subplot #5 or subplot #20, and our safety forces have to go down there. How are these people in the back going to leave their homes? Mr. Scott James said that has been thought through by your safety forces, by the Medina County Engineer, and they have come up with a rule that you cannot have a cul-de-sac street based upon the probability of incidents or an accident happening within 2200 or 2400 feet and we fall into that requirement. Mr. Scott James said there are subdivision regulations that dictate the length of cul-de-sac streets based upon safety factors.

Mrs. Czyz said she has not been to a concept plan meeting because this hasn't been submitted to the Planning Commission yet. Mr. Brian James said your zoning regulations indicate that county planning shall occur concurrently with this whole process. He said it is a lengthy process in your zoning code because it goes to the Zoning Commission, then to the Trustees, back to the Zoning Commission and back to Trustees before we get through with this process here. He said so we will be submitting our concept plan by the next deadline for Medina County Planning and will follow up with a preliminary plan.

### **Additional Questions by the Board**

Mrs. Wetterman stated she had a question on the riparian/wetland area and noted lot #23 on the plan with a 40-foot setback and asked how much land is that going to take from this lot? Mr. Scott James said the closest riparian corridor to the back line of a house is 60 feet, so there are no impacts to the riparian corridors. Mrs. Jenkins stated it looks like the closest one is 27 feet. Mr. Scott James said everyone will have their house and a substantial backyard. Mrs. Wetterman said that depends whether they want to put a shed or a swimming pool, or whatever. Mrs. Jenkins said then they wouldn't pick that lot. Mrs. Wetterman asked who is going to take care of that because the homeowner can't get to the back of his property to take care of it. Mr. Scott James said the homeowner could go right around the outside of his house to take care of it. He said there are building setback requirements where your house has to be 15 feet from your side yard property line, which is plenty of property to get any vehicle in the backyard if you want.

Mrs. Wetterman asked where the guests will park; you've got a two-car garage and two cars on the driveway, so where will extra parking lots be? Mr. James Scott said the zoning code indicates there needs to be four parking spaces, per dwelling, which is provided with our plan for every lot. Mrs. Wetterman asked if we are going to allow on-street parking in there for safety reasons. Mrs. Czyz said no, the parking regulations say from 2 a.m. - 6 a.m. you cannot park on the street. Mr. Brian James said they are pretty big lots and bigger than most of the lots in your township. Mrs. Wetterman referenced Sec. 411-1 Purpose (C) where it states, "*Maintain the one dwelling unit per two acre density of the Township's more rural areas*". Mr. Scott James said that is what we have done; we have an excess of 54 acres and we have 27 lots, which is two-acres per lot. Mr. Brian James said our lots are in the requirements of Section 411 Conservation Overlay and the overall concept is to gross a net overall density of less than two per acre. Mrs. Wetterman stated most of your lots are  $\frac{3}{4}$  of an acre. Mr. James said your code specifically lists a minimum of  $\frac{3}{4}$  of an acre. Mr. James Scott said that is if you have 40% open space and we have over 50%. Mrs. Wetterman asked how much of that space is useable. Mr. Scott James said it is all useable if someone would like to take a walk through it. Mr. Brian James stated again, our intent is not to have it as recreation; our intent is to preserve and keep it as natural nature that is untouched behind all 27 lots. Mr. Brian James stated we interpret that as the intent of your zoning code to leave it natural, not go in and cut all the trees down and put a baseball field in there for the residents.

Mrs. Kijek said she lives in a conservation development and said we have two intakes and one outtake on our basins for water drainage, but I am only seeing one 20 ft. for water on your plan and one outtake. Is that all you are required to have for this space? Mr. Brian James said once it is finally designed, I would assume there would only be one intake because we are only bringing water in from one location. He said there would only be one out-fall towards the low part which is the only place it can discharge. He said our engineer will design that through the approval process along with the Medina County Engineer, Medina County Soil & Water Management and rules through the Ohio EPA. Mrs. Kijek asked if Mr. James knew the size or the depth of the retention areas as she wants to make sure they can take the water. Mr. James said we do not know that yet. Mrs. Jenkins stated the engineers figure all of that out; it is out of our hands.

Mrs. Czyz stated two of the four parking spaces are going to be in your garage and then two in the driveway so you are going to end up having a lot of short lots, short driveways, which means they are probably going to park in the street. She said our safety forces will be writing a lot of tickets and wondered if the houses might be setback further to allow for bigger driveways. Mr. Scott James said your zoning calls for 40-foot setbacks and you haven't made any attempts to change the setback requirement to increase driveway length or increase parking spaces, so we are just going by the code that you have. Mrs. Czyz said she understands that but as a suggestion, you could move your house back a little bit. Mr. Scott James said we could move them back but we prefer to keep them at the 40 feet, which is your zoning code. Mrs. Czyz stated prospective residents need to know that they can only put two cars in their driveway. Mr. Scott James said this development is the same as most of the developments in your community with sewer and water which is a 40-foot setback.

Trustee Witthuhn asked if the 40-foot setback would be from the sidewalk to the garage. Mr. Scott James said from the back of the sidewalk from the homeowner's side. Trustee Witthuhn said so there would be 40 feet from the sidewalk to the garage. Mr. Scott James said yes, minimum. Trustee Witthuhn asked if a homeowner could go further if they wished. Mr. Brian James said as long as they are not infringing on the rear setback or the riparian setback, they can put their house anywhere they want. Trustee Witthuhn said 40 feet from the sidewalk to the garage would accommodate more than two cars. Mr. Scott James said it would accommodate four cars easily. Mr. Brian James said it is a two-car front-load garage; and if it is a two-car side-load garage that would accommodate at least two exterior parking places in front of the garage and two in the 40-foot line driveway so that would be four spaces. Trustee Witthuhn said even though you are saying two by specs. Mr. Scott James said it will hold four cars; two in the front and two in the back.

Mrs. Kijek asked if the lots that have the riparian would be able to mow their lawns. Mr. Brian James said per the county riparian regulations, those areas are to be untouched too. He said those are all in wooded areas and the woods cannot be cut and lawns cannot be put in there. He said so not only is the open space not to be touched but per the county, the portions of the riparian have to remain untouched. Mrs. Czyz agreed and said depending on the width of the riparian areas, you need to look in your zoning code to see what the distance is for the setback. Mr. Brian James said all of the riparian lots are 25 feet from the stream, so they are 50-foot wide for all of the ones on the lots. He noted another area on the map that said this area is 75 feet from the stream because that is a larger watershed (150 feet wide) which is all in the open space. Mr. Brian James said the riparian corridors that come in to the lots are all in wooded areas; they are all 50 feet wide; they are all 25 feet from the stream, per the county's regulations on the riparian district and they will all remain preserved and untouched. Mr. Brian James said other than the portion where the road and the houses are, predominantly all of the other wooded areas are being preserved and will not to be used for recreation. Mr. Scott James stated in our submittal, we have itemized every item and have specifically addressed those in your packets. Chair Jenkins noted they have addressed every item in the GBC Design, Inc. (engineer's) document.

Mrs. Wetterman asked if the people who will be buying these homes will pay for the maintenance of the streams with the company they are hiring. Mr. Scott James said every time a lot transfers to the buyer, a certain percentage for every sale will go to the preservation company for maintenance of the open space. Mr. Brian James said it is for the open area, not necessarily for the streams that run through the lots, that is to be left natural with no maintenance. Mrs. Czyz said so it will be a fixed assessment. Mr. Scott James said yes and I think it is .35 of every 1% of every sale. Mr. Brian James said it is a set percentage in perpetuity and it's listed in the Ohio Stream Preservation information provided.

**Discussion of Process for Review and Approval of General Development Plans**

Mr. Brian James referenced **Section 411-5 (D)** of the BHT Zoning Regulation for Conservation Development:

D. Review and Approval of General Development Plans

Upon receipt of a complete application for General Development Plan approval as set forth in Section 411-5(B), the Zoning Inspector shall forward copies to the Zoning Commission and such other officials or advisors as the Trustees may from time to time designate. The Zoning Commission shall schedule the application to be heard at their next general meeting occurring at least ten (10) days subsequent to filing of the complete application at which time the applicant shall be provided an opportunity to present the proposed Conservation Development. The Zoning Commission shall review each General Development Plan and shall make a recommendation to the Board of Township Trustees regarding same within sixty (60) days of the date at which such final development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Board of Township Trustees shall act upon each General Development Plan referred by the Zoning Commission within sixty (60) day of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Board of Township Trustees with the consent of the applicant.

Mrs. Murphy stated this hasn't been put on our agenda yet. We are making sure the application is complete because we received this tonight and there is no way I could approve this tonight. Mr. Brian James said that's fine, we weren't expecting you to approve it tonight, but per this section of your zoning code, my interpretation of this is from today which is the first day the application is to be heard, the ZC shall review the plan and make a recommendation to the Trustees within sixty (60) days at which such final development plan is first heard. Mr. Scott James stated per your code, we submitted this application within ten (10) days of your meeting and it should have been put on your agenda for tonight. Mr. Brian James referenced **Sec. 411-5 (B)** which says we are to submit the application at least ten days in advance of the meeting at which we are to be considered.

B. Application and General Development Plan Submission

Subsequent to the Pre-application Meeting with the Zoning Commission, each applicant for a Conservation Development Overlay District shall submit an application for General Development Plan approval to the Township Zoning Inspector. Applications shall be made a least ten (10) days in advance of the meeting at which they are to be considered, shall include such fees and deposits as may be established by the Township Trustees, and shall include fifteen (15) copies of the following minimum information:

Mrs. Murphy said "for the meeting at which you are to be considered" and stated you are not on our agenda because you did not meet our submission deadline of submitting the first Wednesday of the month to be placed on the next month's meeting agenda per our Bylaws. Mrs. Czyz confirmed they did meet the timeline because the zoning code says ten days before the meeting. Mr. Scott James said your Bylaws are different for Conservation Development than traditional subdivision submissions. Mrs. Murphy said you asked to be put on the agenda July 26 so you weren't on the meeting agenda to be considered. Mr. Scott James said we submitted to be on this meeting, to be considered, more than ten days in advance. Mr. Brian James said two weeks ago tomorrow, I submitted with the application that is on your web page and I was informed by Evelyn (Zoning Inspector) 13 days ago that the application had changed and I

needed the owner's signatures notarized and not only one signature would suffice, but all four who own a portion of the title need signatures notarized. He said Evelyn told me I have till noon on the following Tuesday to submit all of the information, which I did. Mrs. Murphy stated I understand that but "at the meeting for which they will be considered" is what is confusing. Mrs. Murphy stated how I read it is you have to be on the agenda. Mrs. Czyz that is why the ZC is amending this section to change it from ten days to the 30-45 days. Mr. Brian James stated we submitted this application 13 days before the meeting and you have 60 days to make a recommendation so we weren't expecting you to send it to the Trustees today, but it sounds like you were talking about following a different procedure other than what is in your zoning code. Mr. Scott James said bottom line is our understanding is that the 60 days starts today. Mr. Brian James said and we would hope that we have answered all your questions tonight and you could make a decision at the next meeting seeing as the code says it goes to Trustees and they have 60 days, then it comes back to you (ZC) and you have 60 days and then it goes back to the Trustees again and they have 60 days. He said so I hope we can work through this a month at a time for a zoning approval as we are not asking for any variances or anything that would hold this up and that you can make a decision for the Trustees next month. Mr. Brian James said you will see it on the "final development plan" when we come back again. Mrs. Murphy stated she just wanted to make sure the public has notice.

Mrs. Porter asked if they will be submitting this plan to the Planning Commission. The applicants stated yes. Mrs. Porter asked if they will also submit the plan to the County Engineer. Mr. Brian James stated this same plan will be renamed "preliminary plan" and we will submit that to the Planning Commission. The Engineer's office will comment to the Planning Commission, but we will not submit that plan to the County Engineer. Mr. Brian James said after we get preliminary plan approval, our engineer will start on the improvement drawings that the contractor will build the subdivision from. He said those need to be approved by the County Engineer. Mrs. Porter asked if they were immediately going to submit this plan to the Planning Commission. Mr. Brian James said if we can meet the deadline for the next meeting, it will be named "concept plan" first and then the same plan will be named "preliminary plan". Mrs. Porter stated I believe we (ZC) would like to see the Planning Commission recommendations before we make a recommendation to the Trustees. Mr. Brian James said you surely will before you make a final recommendation which is when it comes back for the second time. He said we will be through the preliminary plan process by the time you see it again. Mr. Brian James said but as far as this initial recommendation you need to send it to the Trustees within 60 days so we can keep it going and come back again.

### **PUBLIC COMMENT**

#### **1. Chris Frank, 1938 W. 130<sup>th</sup> Street, Brunswick Hills**

Mr. Frank stated he was confused and said he was thankful the gentlemen from Summit County are helping us interpret our zoning and our Bylaws and how all of this will work. He said one of the major points of confusion in the Conservation Overlay document is the definition of Open Space [Sec. 411-4 (B)]. He said what I heard was there is 54 acres submitted with 27 lots; two-acre minimum. He said *Permitted open space shall be as set forth on approval of the final development plan, however, the land area designated for open space shall not be less than 40% of the total land area.* Mr. Frank said 40% of 54.52 acres is going to take about 22 acres out of that. He said land acres devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual lots shall not be included in the calculation of open space. Mr. Frank said so how are we going to get 27 lots and still have 40% of the 54 acres untouched, undamaged, and still preserve these waterways that are documented on the chart? He said I think the open space is a critical component of how you get those 27 lots there.

Mr. Frank asked how many people drove by this past spring when all the water from the east side of W. 130<sup>th</sup> flushed through to the west side of 130<sup>th</sup> from those waterways. He said it is still wet today in August, so when we hear that there will be no problem with the drain because the road is going down the middle, I think some on-site verification would have made some sense with these floods in the spring.

**2. Cristy Frank, 1938 W. 130<sup>th</sup> Street, Brunswick Hills**

Mrs. Frank asked how many lots are on this new plan? The board stated 27. Mrs. Frank said doing the math, if we subtract the 40% of open space, how many acres would you say that equals considering the riparian areas. Mrs. Frank said if we have to subtract that from the 55 acres does that go towards the 40% of open space? Mrs. Jenkins asked if she meant the riparian's? Mrs. Frank said if you check Sec. 411-4 [(A) Maximum Density]: *If the total project area is substantially impacted by floodways, wetlands and/or bodies of water such that the area taken up by these key environmental open space components exceeds the number of open space acres that are to be set aside, the acreage that is in excess of the open space requirement is to be deducted from the total project area and the density is to be based on the net area.* Mrs. Frank said so wouldn't that put the total amount of acreage able to have dwellings on it reduced? She said we can't take a straight 55 acres and subtract 40% of that and end up being able to put 29 dwellings on it – the math just does not add up. Mrs. Frank said I stated at the last meeting that the concern is not that this land not be developed, the owners certainly have the right to sell the property and they have the right to have it be developed, but it needs to be done in a responsible manner. Mrs. Frank said that is our point with all of this.

Mrs. Frank said I don't see a big difference between the former plan and this new plan. Chair Jenkins said the new plan is almost half the number of lots in size. Mrs. Frank said but it is still not meeting the requirement of allocation of wetlands and open space. Mrs. Jenkins verified with the Zoning Inspector that the County Engineers determine that. Mrs. Czyz verified. Mrs. Frank said but if there is a flaw on the initial plan, why should it even go forward to the engineer's office? Mrs. Frank said shouldn't the plan here be adhering to the requirements? Mrs. Czyz said that is one of the reasons why there will be a concept meeting. The concept meeting is going to be all of the department heads for the various county agencies to answer those questions and if there are any modifications or changes that have to be made to the plan, those will have to be made before the final submittal.

**3. Jim March, 2805 Sleepy Hollow Road, Brunswick Hills**

Mr. March said I missed the December meeting, but at the first meeting I think they wanted 55 houses or more than that. We were told if they couldn't get that then there would only be 12 houses and, somehow, we've moved from 12 to 27. He said I have the same question as how this land is supposed to be deducted from the net area or is it being lumped into the whole area and then being divided in half? He said you will basically have 27 houses that will not be on two acres because there is all of this common area that is supposed to be deducted. He asked how they are getting 27 houses. If you deduct the 40% from 55 acres that is about 30 acres, so it just doesn't make sense. He said they are putting one house on a little over an acre instead of one house every two acres, so how is that not violating the zoning? He said it sounds like this whole area and the riparian area is just being lumped in together and it is a common area that nobody actually owns that is being included in the two acre lots per house. Mrs. Jenkins said this is in a Conservation Overlay district. Mrs. Czyz stated the open space is going to be owned by the homeowner's association by all of these residents, so it is not someone private who will own the open space. Mr. March said so the homeowners will own the open space, but every individual homeowner will not have two acres per home. Mrs. Czyz stated that is correct, and under the Conservation Development regulations you have to have at least 32,670 square feet, and each one of these lots meets or exceeds that square footage. Mrs. Czyz noted 19 of the 27 lots includes a riparian area, so therefore, the question is going to be whether the riparian area is calculated in their open space even though they are on a lot. She said that is a question

for the County Engineer's office. Mrs. Jenkins stated which will be addressed at the concept plan meeting. Mr. March said but there seems to be an overlap here and things have changed drastically from the first meeting. Mrs. Jenkins stated she read through the December minutes and there isn't any reference to 12 homes. Secretary Milanko noted from the minutes that the number of houses was not definitive but was estimated to be 27 homes.

**4. Kim Cossel, 2020 W. 130<sup>th</sup> Street, Brunswick Hills.**

Mrs. Cossel stated she was confused whether this was on the agenda or not on the agenda but regardless, this is an important thing and isn't something you have to deal with on a regular basis. She said I feel like you just got handed a document and you haven't had a chance to look at it so isn't there a way for you to say I need more time to look at it before we approve it and send it forward? Mrs. Cossel said if the board doesn't feel comfortable, they should table it until the next meeting and that will put it on some kind of timeline on it and you could get the public input.

**5. Stephanie Pennington, 2919 Sleepy Hollow Road, Brunswick Hills.**

Mrs. Pennington said even if you do approve the application, there are other professionals that...Mrs. Kijek stated we don't approve the application tonight, we have to accept it. Mrs. Pennington said if you do accept the application tonight and it does move forward, there are other professionals that are going to say this 40% or 50% that they say is a preserved area is or isn't, right? The board said yes. Mrs. Pennington said so it is not for us, the caring citizens, or the developers to say it is or it isn't? Mrs. Jenkins said no, nor us or the Zoning Inspector. Mrs. Pennington wanted to verify that other professionals will look at this regarding the wetlands and open space so they can sleep well tonight over this. The board confirmed it will go to other professionals and the board will receive their recommendations.

**Mr. Chris Frank** asked when is the concept meeting? Mrs. Czyz stated that has not been determined yet.

**6. Teodor Stroie, 1976 W. 130<sup>th</sup> Street, Brunswick Hills.**

Mr. Stroie asked if the wetlands will be surveyed by an authorized company and if the map is a general map from the county or is from a company that surveyed the land. Mrs. Czyz said it is not an authorized company, they would have to follow what the county determines is the riparian area. She said if a private individual says that the straight line is a riparian area and the county says no, the riparian area goes in a curve, that's what we go by. Mrs. Czyz stated we have no say as to what a riparian area is, we follow the Medina County guidelines and what they determine as wetlands, etc. Mrs. Kijek confirmed that Medina County will determine that and stated they had all of that determined in the area where she lives before anyone got in there to start building. Mrs. Kijek stated they send someone out from the EPA to make sure that we stay within the regulations and that we don't mow or cut into those areas.

**7. Sorina Stroie, 1976 W. 130<sup>th</sup> Street, Brunswick Hills.**

Mrs. Stroie said let's say everything went through and the houses are built, do they by law have to tell the owners or the people looking at the house that a certain amount of land is wetland? She said or are they going to just tell them its two acres of land and then after the people move in, they find out it is wetlands. She asked if they have to disclose that to potential buyers. Mrs. Kijek stated it is on their deed. Mrs. Czyz stated it is on the deed, however, you don't get your deed until after you purchased your home. Mrs. Czyz stated she cannot say whether a builder or developer is under that obligation; would I like them to be, yes. Mrs. Stroie said we had the experience of buying land that wasn't disclosed as wetlands and they can't use or build on most of it. She stated she thinks disclosure should be mandatory so when a person purchases a house, they know what they are buying. Mrs. Czyz also felt it should be disclosed and suggested she contact her state representatives, the Ohio Board of Realtors, etc. and see if they can go

about changing that. Mrs. Stroie expressed her concern about water coming on to her property when they start putting all those homes in there.

**Sy Mougrabi (ZC alternate)** stated when he bought his home in Autumnwood, they told me where the wetlands were located and showed me a map before I purchased my home. Mr. Mougrabi said they told us what areas were not going to be developed and can't be touched, so they stood true to their word. When I purchased my home, I knew where the wetlands were.

**8. Dean Papy, 2065 W. 130<sup>th</sup> Street, Brunswick Hills.**

Mr. Papy asked where are they getting the water and sewage from. Mrs. Czyz stated Medina County. He asked how, down W. 130<sup>th</sup>? Mrs. Kijek said on this map it comes down from W. 130<sup>th</sup> and goes under I-71.

**Mr. Chris Frank** asked how they are going to get over that preserve if there are to be no trees disturbed. Mrs. Kijek said that is in the back and this is towards the front going down the center. Mr. Frank said if it is tying in to I-71 as you say, that is going through the open space that is not to have one tree disturbed in this conservation program. So how are they going to lay a sewer through an area that is not to see a bulldozer or a broken branch? Mrs. Kijek stated there is a 30-foot sanitary easement there. Mrs. Jenkins also confirmed there is an easement through there. Mr. Frank asked who authorizes the easement? The board stated the County Engineer. Mr. Frank said so this is another thing that has to be reviewed and approved by the engineer. Mrs. Jenkins said yes, it has to be approved and has to be inspected.

Mr. Frank asked what's the next step for this application process? Mrs. Kijek said the board is either going to accept the application or not tonight, or we can table it. She said it then goes on to the Planning Commission. Mrs. Jenkins said it will go to a preliminary plan and then it will go to a concept meeting with all the county department heads including the County Engineer's office, the Building Department and all the county agencies. Mr. Frank asked if the board was accepting the application tonight or tabling it. Chair Jenkins stated we will make a decision on that tonight, but right now we have another application to review on the agenda.

**ADDITIONAL BUSINESS CONTINUED**

**3. Application request by David Terry, Terry Properties, for (1) Zoning Map Amendment for extension of existing PMUO Development and Substation Road and (2) Informal /Concept Site Plan Review.**

Board members received the application packet at the start of the meeting and spent time reviewing the application to make sure it is complete. Mrs. Murphy stated there are two requests here, one for a zoning map amendment and an informal/concept site plan review. Mrs. Kijek asked if this extension of the PMUO included the acreage on Substation Road because isn't that supposed to be 40 acres? Mrs. Wetterman said it is in our zoning that Substation Road is not one of the main roads he can use for PMUO. Mrs. Jenkins stated he is looking for an ingress and egress on Substation Road. Mrs. Murphy said it says in Sec. 406-3 references it must be located with frontage and access on a major road; and it states major roads shall be Center Road, Marks Road, Grafton Road, Pearl Road and W. 130<sup>th</sup> Street. Mrs. Murphy stated he is asking for access off Substation Road.

Sec. 406-3      Establishment Of A PMUO District

Planned Mixed-Use Overlay Districts shall be established in accordance with the procedures set forth in Section 406-7 hereof. Consistent with the purposes of such districts, applications for establishment of a PMUO District shall be limited to those properties that meet all of the following criteria:

1. Are located with frontage and access on a major road,
2. Include some land that is commercially zoned,
3. Contain a minimum of forty (40) contiguous acres, and
4. Are served by public water and sanitary sewer facilities.

For the purposes of this Section, major roads shall be Center Road, Marks Road, Grafton Road, Pearl Road, and W. 130<sup>th</sup> Street.

Mrs. Kijek asked if the golf course is currently PMUO or is it commercial? Mrs. Jenkins stated that area to the corner is now commercial. Mrs. Murphy said checking the requirements of this application is going to take more time. Mrs. Jenkins stated there is a lot of information in there to review including traffic studies. Mrs. Wetterman said we need to check the proposed pump stations, centralized water and sewers mentioned in the application.

**MOTION TO TABLE FORMAL ACCEPTANCE OF THE DAVID TERRY, TERRY PROPERTIES, APPLICATION REQUESTS FOR ZONING MAP AMENDMENT TO PMUO AND CONCEPT SITE PLAN**

**Motion to Table:** Mrs. Murphy made a motion to table the acceptance of the applications to the September 5<sup>th</sup> meeting until the board has a chance to review it, for both the zoning map amendment and review of the general development plan for the PMUO. Mrs. Porter seconds.

**Roll Call:** Mrs. Wetterman-yes; Mrs. Kijek-yes; Mrs. Murphy-yes; Mrs. Porter-yes; Mrs. Jenkins-yes. Motion carries to table acceptance of applications.

-----

**MOTION TO ACCEPT THE JAMES APPLICATION FOR CONSERVATION DEVELOPMENT FOR W. 130<sup>TH</sup> STREET.**

**Motion:** Mrs. Kijek made a motion to accept the James application for development. Mrs. Porter seconds. **Discussion on the motion:** Mrs. Murphy stated that she went through the requirements and how they laid it out, so I'm comfortable with voting tonight. **Roll Call on the motion:** Mrs. Murphy-yes; Mrs. Kijek-yes; Mrs. Porter-yes; Mrs. Wetterman-yes; Mrs. Jenkins-yes. Motion carries to formally accept the application request by Mr. Brian and Mr. Scott James.

Mr. Chris Frank asked what the motion was on the James application. Mrs. Jenkins stated to accept the application.

**ANNOUNCEMENT OF NEXT MEETING DATE: Thursday, September 5, 2019 @ 7 p.m.**

Mrs. Kijek noted she cannot attend the September 5, 2019 meeting.

**MOTION TO ADJOURN**

**Motion:** Mrs. Porter made a motion to adjourn the Brunswick Hills Zoning Commission meeting. Mrs. Kijek seconds. **Roll Call:** All in favor to adjourn. Meeting officially adjourned at 9:31 p.m.

Respectfully Submitted,  
Mary Jean Milanko, Zoning Secretary

---

Sandra Jenkins, Chair, Zoning Commission

Date