

**Brunswick Hills Township Zoning Commission
Regular Meeting Minutes
October 3, 2019**

Chair Jenkins called the Brunswick Hills Township Zoning Commission regular meeting to order at 7:08 p.m.

- **Board Members in Attendance:** Sandra Jenkins (Chair), Matthew Mickas (Vice Chair), Barb Porter, Trica Murphy, Linda Kijek
- **Alternate Board Members in Attendance:** Patti Wetterman, Sy Mougrabi
- **Others in Attendance:** Trustee John Witthuhn (Zoning Liaison), Evelyn Czyz (Zoning Inspector), Anthony Strazzo, Fire Chief, Matt Payne, Fire Prevention Officer, Mary Jean Milanko (Secretary)

APPROVAL OF THE MINUTES

1. September 5, 2019 Public Hearing Minutes

Edit: Mrs. Kijek corrected her name from Lynda Kijek to Linda Kijek under Board Members Not in Attendance. **Motion:** Mrs. Murphy made a motion to approve the September 5, 2019 public hearing meeting minutes. Mrs. Porter seconds. **Roll Call:** Mrs. Murphy-yes; Mrs. Porter-yes; Mr. Mickas-yes; Mrs. Kijek-abstain; Mrs. Jenkins-abstain. Motion carries to approve.

2. September 5, 2019 Regular Meeting Minutes

Edit: Mrs. Czyz noted a correction to the minutes that the Concept Plan Meeting for Southridge Subdivision meeting was September 18, 2019, not September 17, 2019. Secretary Milanko noted the correction.

Motion: Mrs. Murphy made a motion to approve the September 5, 2019 regular meeting minutes. Mrs. Porter seconds. **Roll Call:** Mrs. Porter-yes; Mrs. Kijek-abstain; Mrs. Murphy-yes; Mr. Mickas-yes; Mrs. Jenkins-abstain. Motion carries to approve.

CONTINUED BUSINESS

1. Zoning Commission Recommendation to Trustees Brian James Application Process for Conservation Development Southridge Subdivision, W. 130th Street

Review of Medina County Planning Commission Staff Report: Vice Chair Mickas read from the Medina County Planning Commission Staff Report from the September 18, 2019 Concept Plan Meeting.

Executive Summary: The 54.5-acre site is located on the west side of West 130th Street, east of Interstate I-71, and north of Sleepy Hollow Road. The applicant proposes 27 sublots and 27.95 acres of open space served by central sewer and water and public streets.

Agency Comments: Mr. Mickas read the comments from the report (see attachment 1 Medina County Planning Commission Staff Report Concept/Preliminary Plan for Southridge).

MCPC Staff Comments:

1. The following required data/information was not provided on or with the Concept Plan (Subdivision Regulations section references are included):

- a. Show existing generalized natural features, at a minimum, including: streams, rivers, lakes, creeks, ponds, and steep slopes obtained from USGS maps § 404(B)(1)c.1. ***Show streams, rivers, lakes, creeks, and ponds.***
- b. Identify all proposed ***open space areas as blocks*** on the Preliminary Plan. § 404(B)(1)e.5.

c. Satisfy agency comments or provide update regarding the comments listed when submitting the Preliminary Plan.

d. Provide documentation of the streams group mentioned at the Concept Plan meeting for the Conservation Easement.

2. The following required data/information is required as part of the Preliminary Plan submittal:

b. Correspondence with the US Army Corps of Engineers is required with the Preliminary Plan application and wetlands must be shown if applicable (§ 404(C)(c)(18)).

c. Copies of HOA documents must be submitted for review and approval of the township and the Prosecutor’s Office (§ 404(C)(2)c.8. and 404(C)(2)c.9).

d. Phasing, if planned to be used, must be shown on the Preliminary Plan (§404(C)(2) c.14).

3. While the Comprehensive Plan recommends the subject site for commercial/light industrial, it is not clear to staff if there is a demand for this land use in this location.

4. Electronic word copies are preferred when submitting HOA documentation and the documentation for the Conservation Easement.

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Chair Jenkins said for the record, the Adjacent Zoning/Land Use on the report where we have the single-family homes, agriculture, the *Lockwood Subdivision* and the *Arbors of Bridgewater Crossing Subdivision* is incorrect by the Planning Commission. Mrs. Jenkins stated that Evelyn, Czyz, Zoning Inspector, also caught the error and sent the correction to the Planning Commission as they are not adjacent lands next to the proposed Southridge subdivision.

RECOMMENDATION ON SOUTHRIDGE CONSERVATION DEVELOPMENT – W. 130TH STREET

Mr. Brian James (applicant), 943 Wye Drive, Akron Ohio 44303 stated at the Concept Plan Meeting, Ron Henwood had quite a bit of information on the front page wrong. Mr. James stated the summary from the Concept Plan meeting also lists some R-1 Residential to the south, which is not the case, so there are a couple of typographical errors on there I am aware of. Chair Jenkins confirmed those changes have been sent to Planning.

Public vs. Private Streets

Mrs. Czyz said regarding the Concept Plan, our recommendation per the Comprehensive Plan is to have a private street, not a public street, for the record. Chair Jenkins stated so you are recommending a private street there. Mrs. Czyz stated it is per the Conservation Development regulations that it be a private street.

Mr. Brian James said so I take it that Evelyn just informed the Zoning Commission that it is her recommendation that the roads be private. Chair Jenkins stated it is per our Conservation Development Overlay regulations. Mr. James said yes, unless specifically approved by the township. Mr. James said we’ve had this conversation every meeting and at the Concept Plan meeting, Evelyn informed me that that would have to be a decision the Trustees have to make. Mrs. Czyz stated that is correct. Mr. James stated that will be a conversation we will have when we are at the Trustees meeting. Mrs. Jenkins stated correct and Evelyn just wanted it on the record.

Discussion by the Board

Mrs. Porter asked Mr. James if he will be providing that information from the Army Corps of Engineers. Mr. James stated yes. Chair Jenkins stated yes, he has no choice on that.

Secretary Milanko stated the Medina County Prosecutors office provided comments and modifications recommended on the Southridge HOA document. Chair Jenkins stated there are some modifications that need to be done to the HOA documents. Mr. James stated he would assume so because it was a rough draft and we are early on in the process. Mr. James stated that there will be modifications to make sure everything is addressed properly. Chair Jenkins stated the Zoning Commission will send the recommended modifications to Mr. James.

Trustee John Witthuhn referenced Page 3 of the Medina County Planning Services Staff Report comment by Soil and Water Conservation District: *The soils in this area are Mahoning and Ellsworth. Both of these soils are slow to drain and have a high water table. Houses with basements may have limitations due to seasonal wetness* and asked Mr. James to explain what that means. Mr. James said from Soil's point of view a lot of the soils in Medina County are listed as slow to drain, low permeability. He said we've done some test soils out there and its clay, it's pretty hard but good dirt, and is a lot better than other soils he's seen in other places before. Trustee Witthuhn asked what does that mean to a potential homeowner? Mr. James said I don't think it is negative; it's not as preferable as building in an area that is sand and gravel, but it is very typical for your community. Trustee Witthuhn said so that is not unique to that specific area. Mr. James said no, the site is high and relatively well drained. Chair Jenkins asked if there will be some lots that cannot have basements on them. Mr. James said no, not on this site, it's all high enough and I would assume every house would have a basement.

Mrs. Kijek asked if there will be sump-pumps in the basements? Mr. James said yes, and he hasn't seen a home in 25 years that didn't. Mr. James said we aren't going to be building the houses, so that is all through the Building Department as far as what the rules are. Mrs. Kijek asked who is the builder? Mr. James said I'm assuming it will be different builders at this point and time and we do not have anyone lined up to buy all of them, so we will either be selling to the public where they will hire their own builders or we could possibly sell them all to one or two builders. Mr. James said that is down the road to determine but we won't be building them.

Trustee Witthuhn referenced last month Zoning Commission meeting and said the question came up about the open space and the Zoning Commission board mentioned it has some wetlands; are the wetlands considered a factor in the open space? Mr. James said the wetlands are in the open space. Mrs. Czyz stated it is not useable open space. Trustee Witthuhn said there was concern on how that factored into the amount of lots with the acreage that you have and asked if we are ok in that regard. Mr. James said yes. Chair Jenkins said I just want to clarify that is not useable. Mrs. Czyz said their open space is not useable open space. End of discussion.

Public Comment: None

Motion on Zoning Commission Recommendation for Southridge Conservation Development to the Board of Trustees: **Motion:** Mr. Mickas made a motion of approval with modifications of the application. Modifications are: (1) adhering to the Highway Engineer Conditional Approval noted in the Concept Plan and the (2) Staff Comments where they are asking for the generalized features that must be submitted, and to forward the recommendation to the Board of Trustees for their action.

Discussion on the motion: Mrs. Murphy asked if we can also have a modification to make it private streets, rather than public streets, Zoning Resolution Conservation Development Overlay, Sec. 411-4 (E) (2). Mr. Mickas amended his motion to include private streets, per Section 411-4 (E) (2) Conservation Development

Amended Motion: Mr. Mickas made a motion of approval with modifications of the application. Modifications are: (1) adhering to the Highway Engineer Conditional Approval noted in the Concept Plan; the (2) Staff Comments where they are asking for the generalized features that must be submitted; and (3) include private streets per Sec. 411-4 (E) (2) Conservation Development Overlay and forward the recommendation to the Board of Trustees for their action.

Mrs. Kijek seconds the motion. **Roll Call:** Mrs. Porter-yes; Mrs. Kijek-yes; Mrs. Murphy-yes; Mr. Mickas-yes; Mrs. Jenkins-yes. **Motion carries for recommendation of APPROVAL WITH MODIFICATIONS.**

Mr. James thanked the board and asked if they will be on the Trustees Meeting next week. Secretary Milanko stated the Zoning Commission has to send a recommendation letter to the Trustees following this meeting to indicate what the recommendation is and include the HOA modifications. Mr. James stated Sec. 411 Conservation Development just references when the Trustees receive it and they shall act within 60 days of receipt. Secretary Milanko stated the board has to get the recommendation to the Trustees within five days. Mr. James stated he is trying to get the timeline for the Trustees. Vice Chair Mickas stated it would be within whatever the regulations are the Trustees have to get on their agenda, but we will send this over within five days. Trustee Witthuhn stated personally he did not have a problem having this on Tuesday's agenda (Oct. 8, 2019), but there are two other Trustees and it is not my decision to make.

Continued Business

2. Right-of-Way and Setbacks: Chair Jenkins tabled until we have further input.

ADDITIONAL BUSINESS: None

ADDITIONAL PUBLIC COMMENT: None

ADDITIONAL BUSINESS

1. Update on Zoning Commission Training Session

Trustee Witthuhn asked the board members to forward topics and input to forward to the Prosecutor's Office.

ANNOUNCEMENT OF NEXT MEETING DATE: Thursday, November 7, 2019

MOTION TO ADJOURN

Motion: Mr. Mickas made a motion to adjourn. Mrs. Murphy seconds the motion. **Roll Call:** Mrs. Porter-yes; Mrs. Murphy-yes; Mrs. Kijek-yes; Mr. Mickas-yes; Mrs. Jenkins-yes. Meeting officially adjourned at 7:41 p.m.

Respectfully Submitted,
Mary Jean Milanko, Zoning Secretary

Sandra Jenkins, Chair

Date