

**Brunswick Hills Township Board of Zoning Appeals
Public Hearing Meeting Minutes
Township Hall & Zoom
February 3, 2021**

Call Meeting to Order

Chair Kersten called the Brunswick Hills Township Board of Zoning Appeals Public Hearing Meeting for February 3, 2021 to order at 7:01 p.m. A roll call of the board was executed.

- **Board Members in Attendance:** Cliff Kersten (Chair), Chris Schigel (Vice Chair), Ron Wetterman, Ann Barron
- **Alternate Board Members in Attendance:** Daryl Lucien (Virtual), Todd Spiker
- **Others in Attendance:** Trustee Christina Kusnerak, Zoning Liaison, Evelyn Czyz, Zoning Inspector, Fire Chief Anthony Strazzo (Virtual), Fire Prevention Officer Matt Payne (Virtual), Mary Jean Milanko, Secretary

Alternate, Daryl Lucien was seated to represent a full board. Chair Kersten stated a quorum is present. Chair Kersten explained the vote to the applicants: *A YES simple majority with a quorum present is in favor of the applicant. A NO simple majority, or a TIE, vote with a Board of four (4) will deny the applicant's request.* The Brunswick Hills Township Board of Zoning Appeals acts within the regulations of Sec. 519 of the Ohio Revised Code.

APPROVAL OF MINUTES

Approval of the January 4, 2021 Special Meeting Minutes

Motion: Vice Chair Schigel made a motion to approve the minutes as written. Mr. Wetterman seconds the motion. **Roll Call:** Mr. Wetterman-yes; Ms. Barron-abstain; Mr. Lucien-yes; Mr. Schigel-yes; Mr. Kersten-yes.

NEW BUSINESS: Public Hearing for Conditional Zoning Use in a C-3 District/Redwood

1. Patricia Rakoci, Redwood Apartments, 7510 East Pleasant Valley Road, Independence, OH 44131, Conditional Zoning Use for PPN: 001-02C-18-022 (Corner of Pearl Road & Sleepy Hollow Road) to Multi-Family as allowed in C-3 Zoning District. Current Zoning RR & C-3. Per Brunswick Hills Township Zoning Resolution Sections 804-16 Multi-Family and Sec. 803 General Standards for All Conditional Uses.

TESTIMONY & EVIDENCE BY APPLICANTS

Secretary Milanko stated for the record that the board members hearing the case are Cliff Kersten, Chair; Chris Schigel, Vice Chair; Ron Wetterman, Ann Barron and Daryl Lucien (Virtual), Alternate for a full board of five.

Zoning Inspector, Evelyn Czyz, was sworn in.

[Note: Patricia Rakoci, Redwood Apartments, attended the meeting virtually]

2. Travis Crane, Davey Resource Group, 1310 Sharon Copley Road, Sharon Center, OH 44274 was sworn in.

Travis Crane, Engineering Manager for Davey Resource Group, said I am here with my client for Redwood Living, Patricia Rakoci, who is attending virtually. Mr. Crane provided a brief history to the board on the project and stated we were before Brunswick Hills in the spring or summer of 2020 requesting a Rezoning Map Amendment for some of the property. He said the majority of the property is zoned C-3 (Highway Arterial Commercial District) and some of it was zoned RR-Rural Residential. Mr. Crane stated we moved the C-3 line about 200 feet towards the west and we received Trustee approval of that rezoning in 2020. Mr. Crane stated

we were clear at that time that we intended to come back and present a multi-family project and that is what we are here for tonight.

Mr. Crane stated what we are presenting tonight is under Chapter 409, C-3, 409-2 (B) Conditionally Permitted Uses (1.) Multifamily dwellings subject to 804-16 of your Zoning Code. Mr. Crane stated in addition to the rezoning, we also obtained conditional approval in November 2020 from the Medina County Planning Commission for our Preliminary Site Plan as presented before you tonight. Mr. Crane stated all of the agencies reviewed that, the staff recommended approval and the Planning Commission voted for approval on the county level. He said our next step was to come before the Board of Zoning Appeals in Brunswick Hills Township to request our Conditional Use Permit.

Mr. Crane stated we went through our application and our understanding is that we have to adhere to as it states in sub-section 1. Multi-family and comply with 804-16 and Article VIII 803 General Standards for All Conditional Uses, items A-I and we believe we are compliant with everything in these sections as well as Sec. 804-16 (1-9) for Multifamily. Mr. Crane stated Ms. Rakoci and I are available to answer any questions the board may have.

Questions by the Board

Mr. Schigel said you talked about the rezoning and lengthening the footage of the C-3, so is it my understanding that the area you will be building in will be specifically just in the C-3 and there will be no building on the RR portion of the property? Mr. Crane said right. There will be a remainder code compliant RR Rural Residential subplot as part of the transaction with Mr. Shumay and Redwood Living will own that parcel. He said that will be a separate parcel that will eventually be up for sale. He said there will be no multifamily units on the RR parcel.

Mr. Wetterman stated he noticed that most of your units are going to be apartment buildings? Mr. Crane said they are Redwood units. Mr. Wetterman asked about the storage units close to Pearl Road that are mentioned in the plans. Mr. Crane stated we are not proposing any storage units for this property. Mr. Crane stated there is an existing storage facility to the south on Pearl Road, but this project is not proposing storage units; this will be a traditional Redwood Living neighborhood. Redwood is based in Independence, Ohio, but they do business as far west as Nebraska and east in the Carolina's, but the home base is here in Northeast Ohio. Mr. Crane stated they have a couple of complexes in Medina County and their product is a single-story ranch, slab on grade with an attached garage. Each unit has a separate front entrance and an attached garage. He said they are all one-story single family and there is no living above or below. Mr. Kersten referenced the application documents with sample unit pictures. Mr. Crane said there are a couple of unit designs but that is typical of what would be put in.

Mr. Schigel asked about the occupancy rate on the Redwood units on Marks Road near Rt. 303 and asked if they sell quickly when you put them on the market, or do they sit awhile? Mr. Crane said they are well occupied across their complexes and asked if Ms. Rackoci would like to comment.

2. Patricia Rakoci, Redwood Apartments, 7510 East Pleasant Valley Road, Independence, OH 44131 attending via Zoom was sworn in. Ms. Rakoci stated we have a number of neighborhoods already in Brunswick Hills that are over 100% occupied. She said we have a waiting list and that's why we would like another one in Brunswick Hills because we have niche there and we have people waiting to move in already. Ms. Rakoci stated I would like to share that with our Redwood Communities we have over 100 neighborhoods in 10 states and over 13,000 units. We love Brunswick Hills and you've been really good to us and that is why I would like to bring another one into your township.

Mr. Schigel asked if there are about 108 units total for the project. Mr. Crane stated 103 units. Mr. Schigel said on Rt. 42 (Pearl Road) there is a turning lane that is probably adequate for any type of traffic that may bring and asked if there are any concerns on Sleepy Hollow Road. Mr. Crane stated there is always a question whether it is single-family or multifamily. One of the requests when we submitted the Preliminary Plan to the county was the county engineer requested a traffic study and so we submitted a traffic study. Mr. Crane stated we will still have to submit a traffic study to the county because Sleepy Hollow is a county highway and Pearl Road is a state route/highway. He said that traffic study has been done; the county engineers reviewed it and there weren't any concerns. He said I think ODOT recommended to restripe the turning lane.

Mr. Kersten referenced Sleepy Hollow Road and stated that he knew several thousands of dollars were going to be put into improving that road next spring and asked if they (Redwood) have any plans to protect that road during this building. Mr. Crane stated there are requirements that we have to go through with the county engineer during the construction process and said there are no planned improvements to Sleepy Hollow. Mr. Kersten stated I'm not talking about any improvements; I am talking about any damage to the road during construction. Mr. Crane said we have to adhere to the county requirements on traffic and all of the vehicles coming in. Mr. Kersten asked Trustee Kusnerak for comment on what usually happens if a developer comes in and damages the roads during construction; are they responsible? Trustee Kusnerak stated that the township maintains that portion of the road and prior to the movement of heavy equipment we will go out and take video and pictures and that will be inspected. Following completion, and during the process, we will continually go out to inspect the road so we have before and after and if there is damage, they will be responsible. Ms. Czyz, Zoning Inspector, stated that the highway engineer's office will also monitor the condition of the road.

Mr. Schigel stated he drove through the Redwood development on Marks Road and asked if this will be similar as there were no sidewalks; speed requirement was 15 MPH on the roads and asked if the roads will be the same or wider? Mr. Crane stated the product has developed over time and said the land development has evolved so there may be a difference in the elevations and how they look. He said we've integrated a sidewalk into the pavement so the pavement from edge-to-edge is 26 ft. wide, which is shown in detail on page one in the plans. He said you will have 11 ft. traveling's in a concurrent 4 ft. sidewalk that they die a different color just so people have a place to walk. He stated that also provides another 4 ft. for emergency vehicles or a large truck because there is no curb, so it can be used but it is a visual barrier for pedestrians to walk.

Mr. Wetterman asked if the roads will be to the township road standards. Mr. Crane said it will be concrete pavement (five or six inches of concrete) with three inches of 304. Mr. Wetterman asked if the road department looked at their plans. Mr. Crane stated the County Engineer will review our plans and we have not specifically met with the road department. He said we have met with the Fire Chief and a member of his staff, but we have to comply with the Medina County Subdivision Standards and Regulations. He said these roads are private; the township will not have maintenance on these roads. Mr. Crane said to be clear, this is not a condo association where you might have 103 different property owners, this is all under one ownership. Redwood maintains the road, the storm sewer systems, they cut the grass, they plow the streets and driveways and shovel the walks.

Mr. Schigel referenced the west side of the property on the map and said there is a watershed that goes to the west, which may be toward one or two houses that come off the other development near there. He asked if there are any concerns or if he is working with Medina County Storm Water Management to make sure that there would not be a concern for any of those houses that may be 100 or 200 yards out? Mr. Crane said they reviewed the plan, but the plan submitted to the county at this point was a Preliminary Plan; it was not our detailed construction drawings and did not include storm water management calculations, but that is the next step if we obtain approval tonight and then we would move forward with construction drawings and detailed

storm water management calculations. He said in general there are about three (3) discharge points on this property; discharge to the southwest, to the west and a little bit to the northwest. He said we will have storm water basins in those locations and they will comply with the county and federal regulations on storm water management and post construction water quality.

Mr. Wetterman said due to the wetlands, I assume the Army Corps of Engineers will be involved? Mr. Crane said yes because there is some fill proposed and we've had a consultant that has done a delineation on the property where we are proposing fills. Mr. Crane stated our client will have to obtain a permit, but I'm not sure if it is with the Army Corps of Engineers, the Ohio EPA or it could be both. Mr. Wetterman asked if they have looked into the dam that has failed and asked if there are any plans for correction of that. Mr. Crane said very preliminary and one of the comments that came from the Preliminary Plan from the County Highway Engineer would force Redwood to submit our plans to the Ohio Department of Natural Resources (ODNR) which is the agency in Ohio that monitors dams and so when we submit our plans, they will review them. He said I don't know the extent of the modifications of the dam, but there are going to be modifications made to the dam. I don't know if it will be a complete redo at this stage or if there is just going to be a change to the outlet structure. He said I am only guessing, but it may be a complete redo of the dam. Mr. Wetterman asked if he has been back there to look at it. Mr. Crane said just aerial photos. Mr. Wetterman stated I've been back there and I walked it and it's as good as gone. Mr. Crane said it is a misconception because people think trees on dams are a good thing, but that is one of the first things on the checklist ODNR and that is are there trees on the dam. He said that is usually a bad indication that some seepage may be coming through and when the roots decay it leaves a void. Mr. Crane said it would not surprise me if we had to redo the dam and that would be in our next phase. Mr. Wetterman said it is not just the dam, there are a couple of overflow areas and those are totally clogged. Mr. Wetterman stated I just wanted to bring this out to say these things need attention.

Mr. Kersten referenced the fire department report and asked Mr. Crane if he has met with Chief Strazzo. Mr. Crane said it's been a while since we met with Chief Strazzo and we did not have any issues with his comments. **Anthony Strazzo (via Zoom), Fire Chief, Brunswick Hills Township was sworn in** and stated that Redwood had updated their drawings from the original set and they have complied with the items that were on our checklist on their revised plan. Mr. Kersten asked the chief for further comments and asked if he is comfortable with this project. Chief Strazzo said we were comfortable with the project and there are only two outstanding things that are not detailed on the plans. One is if the streets were going to have an individual name to each of the streets vs. a common address with apartment numbers. He said we've experienced issues on the property on Marks Road because a lot of those buildings have a common address and then they have multiple A, B, C, D unit numbers. Chief Strazzo said we would ask that the addresses are clearly marked in a consistent fashion on each of the buildings. Mr. Crane asked Chief Strazzo if it is his preference that we have individual street names? Chief Strazzo stated yes. Mr. Crane said we can accommodate that. Ms. Czyz stated I also noted about the street names on the comment sheet for the Planning Commission and Mr. Crane was well aware of that.

Mr. Wetterman referenced comments from the county where it says you have county sewers and that water will be available through the City of Cleveland. Can you verify that the water will be from the City of Cleveland rather than trying to go through the City of Brunswick where they might be a little biased? Mr. Crane said it will be Cleveland and we also had conversations with the City of Brunswick, but this property has access to Cleveland water. Mr. Crane said I am well aware of the agreement with the City of Cleveland, the City of Brunswick and the county in terms of the water in certain areas in Brunswick. Mr. Wetterman said so you won't have to annex to the City of Brunswick to get that water. Mr. Crane said no and that water is confirmed as we have a letter from the County Sanitary Engineer giving up his rights to the water service there and we have correspondence from the City of Brunswick. Mr. Wetterman said for the record,

it was outlawed that the City of Brunswick cannot hold water rights over the township's head, but unfortunately it is not enforced.

Ms. Barron referenced the very wooded remaining buffer area on the plans. She said I believe you said you intend to hold on to that and then eventually make housing out of it on the RR section? Mr. Crane said there will be two parcels; there will be the apartment, the rental parcel that is all zoned C-3 and then there will be a parcel created that is zoned RR and that is a code compliant that it remains RR. He said that will eventually be sold for a house or whatever they can do on it. Ms. Barron said so it is not going to remain as a buffer. Mr. Crane said no. Mr. Wetterman asked if they planned on holding on to that property in the RR or are you going to eventually sell it off? Mr. Crane said that would be a decision for the upper management of Redwood. I would assume they would eventually sell it, but that is conjecture on my part. Mr. Wetterman stated it would be hard to use as a buffer if you sell it. Ms. Barron confirmed and said that is why I was asking. Ms. Czyz stated they still have to retain a certain amount of buffer between the Commercial and the Residential and that is noted on the plans and I believe it will be a 25-foot buffer. Mr. Crane said it is 50 feet for any development on a C-3 to the property line and then there is the additional 25-foot buffer on the RR property that whoever owns the RR property can't build within 25 feet of that property line either. Mr. Schigel said so if that property is ever developed, there will be at least 75 feet buffer. Mr. Crane asked by developed, do you mean if there is a house on there? He said I don't think that property can be subdivided any further unless they came back and asked for a variance or some kind of zoning code change because it is a code compliant RR subplot.

Ms. Barron said it was mentioned that the Medina County Engineers have a traffic study and said there was no problem with Sleepy Hollow Road? Mr. Crane said correct; no improvements are required on Sleepy Hollow to accommodate the traffic. Ms. Barron asked if they are working through the environmental aspects with further studies; is that in process right now? Mr. Crane said yes there will be a permit that has to be submitted to the Army Corps of Engineers and/or the Ohio EPA.

Ms. Barron stated when the Medina County Planning Commission approved that rezoning to include that lake area, they stated at certain points that the land was to be mixed-use commercial to enhance the fiscal face of Brunswick Hills Township. She asked the applicants if they ever considered a commercial component along with your residential, or to work in unison with a lifestyle kind of project, work hub or any aspects that would allow us to maintain some of that commercial use for that land? Ms. Barron said they noted in the comments that it is an intense commercial zone, so that is a lot of land that would not be able to be utilized for that kind of a fiscal tax base for the township. Ms. Rakoci, Redwood Apartments, said we were going to leave that as an open space and no commercial, it's all residential. Mr. Crane said when we analyze Redwood or another client comes in and has us start looking into a land plan on any particular property, we take a lot of things into consideration. Market conditions, what our client's objectives are, etc. He said this is what Redwood does and we analyzed that corridor and said there are other opportunities for commercial development on other parcels and I believe there is one right across the street. We didn't feel like this was a good opportunity for our client or for this parcel to do that.

Vice Chair Schigel asked if there is any fill going into the lake or are you keeping that lake the way that it is; are you doing any beautification around it? Mr. Crane said the lake is a key piece of this property for us and we want to keep it for the aesthetics and we are also going to use it for storm water management. He said we may have to change the outlet structure for storm water management for the basin and depending on what comes through with the ODNR studies and their review of our application. There may be modifications that have to be made to the structure of the dam. Mr. Crane said routinely the County Engineer's Office will make us put in a safety bench in a pond. We've had to do that at a couple of other locations on existing ponds and definitely on new ponds where below the water surface it might be one or

two feet deep, with a 10-foot-wide perimeter, in case anybody happens to get in the water and they did not intend to be in the water. He said that might not happen but it depends on what the county wants us to do there. Mr. Schigel said it seems like you have a number of things to work through with the Army Corps of Engineers and said our conditional use permits are good for one year. He asked if they will be shovel ready after going through all of the processes to be compliant with the conditional use permit if approved. Mr. Crane said our intent would be yes, but with Covid we weren't expecting to be here in February, we expected to be here last July and said it takes a while to get these things done. He said we probably have three-to-six months of improvement plan preparation. We will have to have all of the agencies review it; City of Cleveland Water, Medina County Sanitary Engineer, Medina County Highway Engineer, the Army Corps of Engineers, the Ohio EPA, ODNR, etc. Mr. Crane said so six months, maybe nine months, to be shovel ready. Mr. Schigel said I would just hate to see you go through the whole process again if something happened. Mr. Crane said I would be disappointed if I was back here in 12 months, but Covid over the past year has really thrown a curve ball. Mr. Wetterman said if I read it correctly, as long as there is some kind of a permit issued that constitutes within a year's time.

Mr. Wetterman referenced the neighbors to the property to the west and to the southwest where that lake does drain and asked if there are any plans for any easements to help keep that running freely so that it doesn't flood somebody else's back yard if it gets dammed up or something of that nature; or is that all with the county? Mr. Crane said we don't have rights to go on somebody else's property to do the work so once that stream leaves our property, we can't go on someone else's property to do work without their permission. Mr. Crane said our objective is to provide the storm water management so the water flows off my client's property after the development is the same or less than the water that was flowing out before the development was there. Mr. Crane said those plans will be reviewed by the Medina County Engineer. Mr. Wetterman noted we've been getting a lot of complaints about water runoff so hopefully you can do the right thing. Ms. Czyz said there are a lot of things that Medina County Storm Water Management will regulate and be the keeper of the keys, where Redwood would not be responsible and has no say in it. Ms. Czyz said it will be the ODNR with the dam, Storm Water Management, the Highway Engineer's Office, Sanitary Engineer's Office, etc. that control that. She said as far as those properties to the south getting water, that was the problem when that subdivision was built. Ms. Czyz said I went down those hills to the riparian areas and measured them and that is the reason for those areas. She said as far as easements, if there needs to be easements, they will be put on by the county agencies. Mr. Wetterman said we just want it to be protected. Ms. Czyz said I can't tell you that it will be protected, it's up to those agencies to protect it. Mr. Crane said as an engineer, I would never make a promise to fix a problem but we are definitely not going to make it worse. He said chances are it's going to get better just the way the math works because you are releasing the water at such a slow-release rate and we usually see less flow leaving our property than it was before. I wouldn't make that promise, but that is how it usually works out.

PUBLIC COMMENT:

1. Robert S. Murphy, 4041 Foscett Road, Medina, OH 44256 was sworn in. Mr. Murphy said he looked at the map and he didn't see where the parking will be. He said you have 103 units and they will have guests there or grandkids coming over asked what the parking situation is. Travis Crane, Davey Resource Group, stated each unit has a two-car garage so there are two spots in the garage and there is a 25-foot driveway in the front so there are over two parking spots on each driveway and each unit will have four parking spots. Mr. Crane said Redwood does not allow parking on the streets, however, there will be visitor parking strategically placed on the street and in key areas for guests to park if the garage or driveway is full. Mr. Kersten asked Mr. Schigel if he noticed guest parking areas in the Marks Road development. Mr. Schigel said it was pretty tight but there were guest parking areas and people were out walking so to mean the residents seemed comfortable and felt safe as they were walking.

2. Larry Manning (via Zoom), 4431 Sleepy Hollow Road, Medina, OH 44256 was sworn in. Mr. Manning said he lives across the street from the development and asked if the board gave them a variance for an easement to go down farther than what they were originally planning on? Mr. Schigel asked if he was talking about the rezoning for the C-3? Mr. Manning said yes. The board stated that was approved by the Trustees. Mr. Manning asked how many feet is that going to come down to my driveway at 4431 Sleepy Hollow Road? He said I'm the second driveway at the bottom of the hill on the north side. Mr. Schigel looked up his property on Google Maps and asked if the concern is with where the driveway or entrance off of Sleepy Hollow will be? Mr. Manning said yes, how far is that development or easement going to come past my driveway? Ms. Czyz stated there is no easement. Mr. Schigel said I see your house and are you asking where your driveway comes out are you going to see trees or are you going to see houses? Mr. Manning said yes. Mr. Crane said if you refer to page one of three of the submittal, there are adjoining property owners listed on that plan and Mr. Manning's property looks to be on the western extent on the C-3 zoning and it appears that his property is across the street from the RR parcel. Mr. Crane said I can't comment on what he will see because I haven't done a site study yet. Mr. Schigel responded to Mr. Manning stating it looks like it will be very close to the line of the C-3 and the RR, give or take 30-40 feet according to Google Maps. Mr. Manning said thank you.

MOTION TO APPROVE REDWOOD APARTMENTS/SHUMAY/ Pearl & Sleepy Hollow Road CONDITIONAL USE TO MULTI-FAMILY IN A C-3 DISTRICT

Motion: Mr. Schigel made a motion for the approval of the conditional use of parcel PPN# 001-02C-18-022 to multi-family use in a C-3 Zoning District. Mr. Lucien seconds the motion.

Roll Call: Mr. Wetterman-no; Mr. Schigel-yes; Mr. Lucien-yes; Ms. Barron-no; Mr. Kersten-yes.

Secretary Milanko stated a majority vote of a 3 yes-2 no approves the Conditional Zoning. Chair Kersten stated if anyone is adversely affected by a decision of the Board of Zoning Appeals, they have 30 days to appeal the decision in Medina County Common Pleas Court. Chair Kersten informed the applicants they will receive a decision letter in 30 days from the board and until then, do not start any building.

ADDITIONAL NEW BUSINESS: NONE

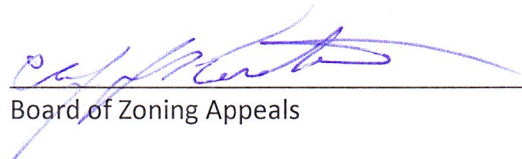
ANNOUNCEMENT OF NEXT MEETING DATES:

- Tuesday, February 16, 2021 @ 7:00 p.m. – Southwest Baptist Church and Boston Road variance
- Wednesday, March 3, 2021 @ 7:00 p.m. – 1595 Substation Road for proposed storage units

MOTION TO ADJOURN

Motion: Mr. Wetterman made a motion to adjourn. Mr. Kersten seconds. **Roll Call:** All in favor to adjourn. Meeting officially adjourned at 7:58 p.m.

Respectfully Submitted,
Mary Jean Milanko, Zoning Secretary



Board of Zoning Appeals



Date