

**Brunswick Hills Township  
Zoning Commission Regular Meeting Minutes  
October 3, 2024**

**Call Meeting to Order**

Chair Wetterman called the Brunswick Hills Township Zoning Commission October 3, 2024 regular meeting to order at 7:00 p.m.

A roll call of the board was executed.

- **Board Members in Attendance:** Mr. McFarland, Mrs. Wetterman, Mr. Kelly,
- **Alternate Board Members as voting members:** Mr. Smerek
- **Board Members Absent:** Ms. Brunn, Mr. DeCastra, Mr. Witt (Alternate board member)
- **Others in Attendance:** Trustee Mrs. Murphy, Mr. Strazzo, Fire Chief, Mr. Humphrey, Assistant Zoning Inspector, Dalith Beck, Zoning Secretary

Mr. Smerek led the Pledge of Allegiance, held a moment of silence for our troops, first responders and the victims of the hurricane.

**APPROVAL OF THE MINUTES:**

**Approval of the ZC September 5, 2024 regular meeting minutes**

Mrs. Wetterman asked the board if there were any additions or corrections to the minutes. Being none, Mrs. Wetterman asked for a motion to approve the minutes.

**Motion:** Mrs. Wetterman motioned to accept the minutes as written for the Zoning Commission regular meeting, September 5, 2024.

**Roll Call:** Mr. McFarland- yes, Mrs. Wetterman- yes, Mr. Kelly- yes, Mr. Smerek- yes.

**OLD / CONTINUED BUSINESS:** None

**NEW BUSINESS:**

1. Applicant: Keith Mitchell/Palmieri Enterprises  
Owners: Robert & Michelle Haberman- PP#001-02C-19-004- Conservation Development/Single Family Subdivision

Present: David Lewis, Lewis Land Professionals 8691 Wadsworth Rd.

Stated his name same as above. Mrs. Wetterman advised that we don't have a full board this evening and that he has the option to wait until the next meeting when we have a full board, or he can continue. Mr. Lewis stated he would like to continue.

Mr. Lewis advised that this the Haberman property which was used as a horse farm for many many years. It's 77 acres, he stated that he is here tonight as they are requesting conditional zoning approval to use the conservation development overlay district. Which instead of diving the whole farm into two acre lots, it calculates the density of what you could get. Due to water and sewer, they would put the houses closer together, close to a three quarter acre lot (32,670 sq feet minimum) and the remainder of the property is open space . The intent of the overlay district is to encourage this type of development to maintains a rural character as you don't have a bunch of driveways on Marks Rd. It keeps some of the land and the frontage as opened space which is undeveloped.

He stated that the most important aspect of the zoning overlay district is that the township doesn't have to maintain as much street, you have the same number of lots and 50% of the street. Which is a benefit for

the township. The lots in his opinion are adequately sized. The houses we are showing on the plan are 80 ft X80 ft and there is still additional room. You could build a pretty decent sized homes, these will be pretty nice homes in around the \$750,000 range. The intent for the existing lake will be for storm water management. They will use county engineering approved materials, concrete, etc. There will be a HOA, the HOA will be responsible for any maintenance of the open space areas, storm water management, landscaping. The old houses are currently uncopied, those structures would come down. There will be 38 lots.

The front area will have some landscaping, it will have a pillared entrance with the subdivision sign. Mrs. Wetterman asked what they will be using for landscaping and stated they will need to preserve as much of the land as possible. Mr. Lewis stated they are leaving the existing trees that along Marks Rd, and the trees around the building. On both sides of the entrance/street they would install pillared landscaping (provided a drawing to the board) Mrs. Wetterman asked about walking trails. Mr. Lewis stated yes, they are proposing walking trails, the intent of the walking trail is to wrap around the south side of the wooded area, there is a large wooded area by the lake towards Marks, they would not cut down those trees. The trail would wrap along the wooded area between agricultural area right up close to the trees.

Mrs. Wetterman asked if the agricultural field will be farmed.

Mr. Lewis stated yes, that the request is that we would be permitted to continue that in farm use, if it's not permitted that is fine as well. They just thought it would be nice to use the land. It would primarily be used for corn, soy beans or winter wheat like its currently being used. If that is not permissible by the code, it will grow into woods over time.

Mrs. Wetterman stated she would have to look in the zoning book but doesn't believe that it's permitted in a conservation overlay because if you're going to be farming you would be disturbing the houses. Mr. Lewis stated he understands. Mrs. Wetterman stated that it was mentioned back in 2023, there were a lot of questions about who would be handling the rent of the property. Mr. Lewis stated it would be through the HOA. Mr. Lewis stated that the field is far enough away. Mrs. Wetterman stated, isn't it part of the opened space? Mr. Lewis agreed, and stated that if it's not permissible that is fine. They just thought it may be beneficial to the community if the HOA allowed for it and stated they are not asking for special approval to continue farming. Mr. Lewis stated that if the board wants to have a discussion about this later on, they can certainly come back and ask for a variance if the community and the board thought it would be beneficial in some way. Mrs. Wetterman stated that if it's part of your open space, that could present a problem. Mr. Lewis stated as we give this consideration tonight, we would not be farming. It's clearly not permissible in the opened space. Mrs. Wetterman asked how the pond space would be handled. The out pipe would be replaced, its probably forty years. It would be in accordance to the Medina county engineers. Mrs. Wetterman asked where the pipe would be draining. Mr. Lewis stated that it would be discharged into the same place it is now. It would just be a replacement of the old rusty pipe.

Mrs. Wetterman stated she would like to some time to look into the farming thing. Mr. Lewis stated that is fine and they can come back and consider that. If the intent is to truly maintain that rural feel, it would be beneficial to farm a portion of it. Doesn't have to be whole thing. Mrs. Wetterman asked how many field would they be cultivating. Mr. Lewis replied, on this map it would be this one field. They can do it on a limited trail basis too and stated that it would be that or it would revert back into being natural, there is nothing wrong with that. 30 years from now it would be more like woods. Mr. Lewis reiterated that tonight, they are not asking for that. They are asking for the conditional use to use the conversation overlay district and submit the plan over to the Medina County Planning Commission. Mrs. Wetterman stated yes, it has to go through the Planning Commission and then come back to us. Mr. Lewis stated yes, that's true however we do need the boards approval prior as it's conditional zoning. Mr. Lewis stated that they have Medina County Water, there is a 16 inch water main on Marks Rd, they will be installing hydrants every 250-300 feet along the new road. He stated that the sanitary sewer is a gravity sewer so there is no up stations. The lake park its on the east of the property, there will be a cluster mail box in a

central area as well. They were going to locate it back about 2/3 of the way back from Marks, it would be ideal to be by Marks towards the front, however they don't want cars to back up into Marks as people get their mail. Mr. Lewis stated there will be probably 1 cluster mailbox.

Mrs. Wetterman asked if they will be using all natural planning/country efficient planning as much as possible? Mr. Lewis stated yes, they plan to leave a wooded section that runs through the middle of the property and there is also woods on the east and all of that will remain. The homes for the most part are being built in the agricultural fields.

Mr. Smerek stated that he intends in creating an HOA and the HOA will maintain the existing pond as well as the new storm water basin? Mr. Lewis stated yes, that's correct, the HOA is responsible for that. Mr. Lewis stated that he does have a draft copy of the HOA documents. They are pretty standard, it's a set of documents that has been approved by Medina County Council in the past, therefore they would use the same. It states that when you buy a lot, you are required to be part of the HOA and you can't get out and you share the cost in the maintenance.

Mrs. Wetterman asked and HOA will be responsible in maintaining the path? Mr. Lewis replied yes, what they were going to use for the nature path is a fine aggregate path instead of concrete. Compacted grave like a 411 like you see in some of the parks.

Mr. Kelly asked who will be maintaining the storm sewer system? Mr. Lewis replied Medina County maintains the storm sewer. The developer has to pay into a storm water maintenance, which is about \$500 per lot which is placed into a fund that way when there is a clog or something like that, they have money to fix it. The county requires this. The lake being used for water retention, Medina county had the HOA sign an agreement. There will be an easement in case the county engineer needs to get in to unclog something but for the most part the HOA will be required to mow, weed, etc around there. Mr. Wetterman asked then they would be responsible for maintaining that whole atmosphere there? Mr. Lewis, yes they will be responsible for mowing along Marks rd and the landscaping.

Mrs. Wetterman asked if there was any public comment.

**PUBLIC COMMENT:**

Robert Murphy, 4451 Foskett Rd

Mr. Murphy asked who is going to be in charge of the road? Mr. Lewis responded that the street will be a public street so that would become a township street. The road would be billed up to county standards, engineering plans would be submitted to the Medina County Engineer and they will make sure we put in the pavement to the proper thickness.

Mrs. Wetterman stated that we need a motion to pass this on to the trustees for it to go to the Medina County Planning Commission.

**Motion:** Mr. McFarland made a motion to pass this on to the trustees and the planning commission. Mr. Smerek seconds.

**Roll Call:** Mr. Kelly- yes, Mr. Smerek- yes, Mr. McFarland- yes, Mrs. Wetterman- yes.

Mrs. Wetterman stated that we look forward to the next meeting where we can cover the agricultural part of it. Mr. Lewis asked if he should attend the trustees meeting. Mrs. Murphy stated that she believes it should be passed on to the planning commission under section 402.6.

Tom Lunt, Executive Vice President for Drug Mart, 211 Commerce Dr, Medina, OH & Carl Frey, Civil Engineer with LaBella Associates, 6150 Parkland Blvd, Mayfield Hts, OH

Mr. Lunt stated they are looking to further develop their property. GPD Development is a real estate subsidiary of Drug Mart. They would like to bring in new infrastructure and new businesses and build something that the community can be proud of and create jobs along the way.

Mr. Fry will walk through the site plan that was provided to the board. The original drug mart building and there are a few tenants there as well. They are asking and would like feedback as they would like to update that concept and vision. There will have some work with ODOT and county as well but before they dive into those traffic studies they wanted to have the boards thoughts.

The new concept has a couple of uses shown. A couple of uses are shown on the plans currently. The plan for McDonald's which the board is already aware of and a gas station has approached them as well. Both entities would like to own their property so they would be sub dividing and they would have the ownership there. A couple of highlights on the plan: The center drive way on Center Rd where the existing drive way is. The gas station needs good access. They are looking for a driveway on the north side, across from the Shell. Mrs. Wetterman asked if they are putting another gas station on the property. Mr. Fry responded that is one of the users that they are talking to. In the original plan there was an access plan on Marks Rd. They would like to bring that farther north for it to be better for the public. On the far east side on Newman Dr. There is existing cross access to the HOA. They are suggesting that the cross access be relocated and bring that all the way out to 303. He stated he doesn't have all the history however it looks like that was always the intent, because the property wasn't fully developed that maybe that's why it never happened.

Mrs. Wetterman asked if they intent to keep the buildings when they come in to build as rural as possible? Mr. Frye responded from an anticultural standpoint, each end user will need to come before you and present their plan. As land owner and developer for the project they want to set the stage as if it were, however they won't be able to control their architecture directly.

Mr. Smerek asked in regards to the entrance that exists there right now, there is only 1 correct? Mr. Fry and Mr. Lunt responded yes. Mr. Smerek asked if there is stacking system to the McDonalds? What you don't want is traffic backing up as he doesn't see a separate turning lane just to turn into the McDonald's. Mr. Lun advised that there is a company doing a traffic study and that's in process and ODOT has the final jurisdiction on the turn lanes but they have seen some renderings where they are going to require a right turn lane, etc. That will most likely happen but he doesn't have the final info on that.

Mr. Fry shared that McDonald' also has as much stacking as possible with double ordering lanes so there's as much as stacking as possible going around the building before it backs up into any of the shopping center.

Mr. Fry stated they had a couple of meetings with the residents/HOA to get their thoughts and show them what they were thinking about. They had some concerns about how this will affect them but generally speaking they liked what they said. They are listening to them and want them to be comfortable with the changes. Mr. Lunt mentioned they also had some meetings with the county, to talk about storm water management, now the board here and the HOA to get the communication out.

Mr. Lunt stated they welcome any feedback and comments. He believes it's a property that it's a property that is long overdue to be developed. He stated they look forward to building something that everyone can be proud of and invite comments, questions, suggestions, and feedback.

Mr. McFarland asked in regards to the egress coming out of the development, is there anything that would prompt people from the shopping area to drive through the residential area? Mr. Lunt stated that is a great

question, that is one of the concerns that the HOA/residents had as well; Are people going to start using that as a cut through. Mr. Lunt said that they talked about a possible gated entrance off of Newman where they can get in with a cart, etc. There are some options out there, he stated that they don't want that to turn into a cut through between 3030 and Marks where people are trying to avoid the intersection. That's the last thing they are trying to do. They want to make it safer through the parking lot and that the home owners have 2 access to the property instead of the one just off of Marks. The original design for that road where they come from the HOA and they cut through the drive, he doesn't think it wasn't designed to be that way. They don't want to shut it down until they have another solution for that.

Mr. Fry shared that one of the initial conversations with ODOT they learned that they have been looking at improvements that may be needed on 303 and the intersection and they have done some preliminary planning. What they hope to the extend that they can is by planning for the overall project that they can limit the construction cycles that may be needed and go in there one time. Whether that is possible with ODOT or not is unclear but they would like the impact to the community be limited.

Chief Strazzo asked about ODOT and how they had discussed putting in a round a bout, how will this affect the plans, if that were to be the option that they choose?

Mr. Lunt stated they have been studying this for some time, it would probably affect all four corners and maybe give up a little bit of property. If this is done right maybe that would not be needed. He stated it's his understanding that it's their call (ODOT) but they haven't had the funding. They are going to try to get everyone together in the four corners to make sure they have the fundings and if they can guarantee ODOT that then they may be able to go out after some other government funding to supplement for the project. Chief Strazzo asked if this plan is based on it staying a normal signalized intersection? Mr. Lunt stated yes.

**PUBLIC COMMENT:**

Glenna Biggins, 1435 Newman Dr

Stated that several of them are here tonight and were not able to attend the meeting prior. She stated that she has concerns about the cut through traffic as those are private roads and they are not mentioned by the county. They are concerned how they are going to get in and out of their allotment with all of the extra traffic.

Mr. Frye stated that they are hoping to improve that by relocating the access so it's not cut through (and showed on the plans where it would change to and from) Mr. Biggins stated that the people that live there were told that the access road would never be developed and the GPS also takes them that way and there is no road so you have to go around in and out of Marks. Ms. Biggins, stated she is concerned for them too. She stated that if this is all going to be developed it has to be done in a way where it helps out the residents too. Mr. Frye stated that is the intent and that they are coming a bit bold to ODOT asking for 3 curb cuts on 303. Ms. Biggins said she sent them an email too.

Mr. Frye stated that out of all the conversations they had with the county and ODOT they would like to see the second access on Marks.

Ms. Biggins asked about the interchange on 71. Mr. Frye stated he didn't know anything regarding that.

Martha Garewal, 1468 Newman Dr

Stated it'll be harder for them to get out of their development, she thinks we should widen the road. There are 120 units and many people have 2 cars and some of them are elderly. She stated that every week there is an accident, there is a lot of traffic and there is always someone in a ditch.

Mr. Frye responded that they are going to analyze and they anticipate that there are improvements that will need to be made to Marks. Stated he is not a traffic engineer but he will let those people tell the developers and the county and ODOT will review and define improvements.

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Ms. Biggins stated she would imagine that this Drug Mart store is very profitable. Mr. Lunt shared that they just opened up their 79<sup>th</sup> store and this store is the number 2 store in the company. Number 1 is in Independence and the Brunswick Hills store is very close behind it. He stated it's a wonderful location and there is a lot of potential to bring it to me something special.

Ms. Biggins asked if Sheets and McDonald's were the only offers, they received. Mr. Lunt stated, serious offers yes. He's entertained other offers but Sheets is very serious and McDonalds has been under contract for almost 2 years.

Mr. Lunt stated that ODOT knows that improvements need made, he often sees semis, SUV's etc in a ditch because they try to make that turn. Hopefully this will drive them to make changes.

Penny Zamborsky, 1435 Newman Dr

Can the traffic situation and pattern be done up front before you do everything else? The concern that they have with the cross through traffic, it is 55+ community, there are a lot of people in scooters, walking and wheelchairs. It puts people in the community at risk if we don't figure out the traffic pattern and take that into consideration.

Mr. Frye responded that one of the first steps the county engineer will look at is the traffic patterns today and they will forecast from there. They will use all that information and advice.

Mr. Lunt stated the roads will be addressed up front. They want to do as much construction at one time instead of a little at a time. The infrastructure will be done first. In regards to the cut through traffic, that's the last thing they want. Right now, people are still cutting through the plaza to get out to Marks rd.

He agrees that needs to stop, he doesn't know if it will stop 100% but this will curve that and help the situation but again they need input from the traffic study people.

Dave Goodyear, 691 Pearl Rd

Stated he has nothing to say about the traffic. He stated that once they get it developed and with someone else buying land over there, are they going to turn around and annex it to Brunswick like Hinkley?

Mr. Lunt stated he can address that. They bought property to built a Drug Mart in Hinkley in the corner of 130<sup>th</sup> and 303. They loved the location and Hinkley and it made sense for Drug Mart, they will still build there in that spot. Part of the decision making was because Hinkley committed they would give them a tax credit of 50% over 10 years. They went through an election and they elected a few new trustees, and then they took that away. They met with them and asked them to reconsider, as it was a 700-800 dollar savings in taxes over 10 year period. They refused, Brunswick then reached out to Drug Mart and said they could annex into Brunswick since the properties meet and give them 100% tax credit over 15 years. They brought in a consultant; they had a hearing with the county commissioners and everyone from Brunswick and Hinkley was there. They talked it through and 6 of laws had to be proven and the county commissioner ruled in their favor that they should be allowed to annex to Brunswick. Hinkley appealed it and again they were awarded the appeal to annex to Brunswick. They have the right to appeal a second

time which is where they are right now. Drug Mart's intent was never to leave but after they bought the property and closed on it and with all the plans ready to build, they changed their mind. After 8 months Hinkley came back and said they would turn their decision. Drug Mart stated that it's been 8 months, so Drug Mart looks like the bad guys but the only reason why they were doing that is because Hinkley basically forced them to by changing their mind in the first place. Mr. Lunt stated he is just trying to be open and honest and they gave them every opportunity to give them what they told them from the beginning.

Mr. Goodyear thanked Mr. Lunt for taking the time to explain that.

Sharon Gall, 1441 Newman Dr

Stated she is concerned about the traffic, is there any guarantee that they can have tht the road will be done before the businesses come in?

Mr. Lunt, the plan is for the road and infostructure in place before McDonalds and sheets are built or it will happen at the same time. That is their desire as well. ODOT controls 303, if they say you can't have that curb cut for example then that won't be the plan.

Mr. Lunt stated that even if none of that happens, 303 still needs to be addressed. Mr. Lunt stated that he would be willing to share the traffic study once it comes back. The traffic study will give build and no build scenario and they look at twenty years.

Ms. Gall asked the board if there is anything that the township can do to make sure?

The board stated no. Mr. Frye stated they are staying on top of it so there isn't a construction cycle every year for the next seven years.

Penny Zamborsky, 1435 Newman Dr

Asked if the Newman Dr access for some reason is not approved is there some other way? Mr. Frye stated that they would have to have that conversation and see if there is another way they can organize it. Without any traffic analysis, just by looking at a picture they thought what about the far east end which is easier for ODOT to examine, it's the access closest to the intersection of Marks and Center that are more problematic. He thinks that's unlikely scenario but we will have to work through this process.

Mr. Lunt stated that the traffic study looks at down the road with additional businesses, etc and they take all of that into consideration.

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Ms. Wetterman asked how far away are they from the traffic study? Mr. Lunt replied about six weeks and will certainly share it.

Ms. Wetterman asked if there was any more public comment?

Ron Wetterman, 1085 Substation Rd.

Addressed his question to the owners of the property. Stated that they are in the overlay district and in the PMUO district you have to maintain a certain amount of property, if you start selling the units off are you still going to have enough property to maintain your PMUO status?

Mr. Lunt stated he doesn't have an answer to that. Mr. Lunt stated that they will still own the property where Drug Mart is at which is 7-8 acres and they will develop another 7-8 acres.

Mr. Wetterman asked what is the land requirement under the PMUO district?

Chief Strazzo stated that it's the Section 406. Ms. Wetterman stated that in order to maintain their PMUO district they have to have 40 continues acres. Mr. Lunt stated they don't own that now.

Mrs. Wetterman asked if there was any other public comment? There was none.

**Motion on the recommendation to the trustees to approve the site plan for GPD Development LLC PP# 001- 02C-01-012- West Valley Plaza with a condition of a traffic study being submitted.**

**Motion:** Ms. Wetterman made a motion to send a recommendation to the Brunswick Hills Trustees requesting the approval of the site plan for GPD Development LLC PP# 001-02C-01-012- West Valley Plaza with the condition that a traffic study must be provided within approximately 6 (six) weeks. Mr. McFarland seconds.

**Roll Call:** Mr. Kelly-yes, Mr. Smerek- yes, Mr. McFarland- yes, Ms. Wetterman- yes.

Ms. Wetterman asked if there was any other public comment again.

Dave Goodyear, 691 Pearl Rd

Wanted to check with the board if they had a chance to discuss what he brought up a few months back, the additional 10-15 feet setback on 42. Stated it would save money in the future.

Ms. Wetterman asked the secretary to place it in next months agenda.

**ANNOUNCEMENT OF NEXT MEETING:** Thursday, November 7, 2024 at 7pm.

Upcoming training: Thursday October 24<sup>th</sup> at 6:30 current trends in zoning  
Medina county University Center. Please let the secretary know if you plan on attending.

**MOTION TO ADJOURN:**

Ms. Wetterman motioned to adjourn, Mr. Smerek seconds.

**Roll Call:** Mr. Kelly- yes, Mr. Smerek- yes, Mr. McFarland- yes, Ms. Wetterman- yes

Meeting adjourned at 8:35 pm

Respectfully Submitted,  
Dalith Beck, Zoning Secretary

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Patricia Wetterman, Chair

Date