



Medina Township Zoning Commission

MEDINA TOWNSHIP BOARD OF ZONING COMMISSIONERS and STEERING COMMITTEE Comprehensive Plan Review Joint meeting February 9, 2015

Chairperson of the Zoning Commission, Alliss Strogin, called the joint meeting of the ZC and the Steering Committee to order at 7:04 pm to discuss the changes the ZC made to the Comprehensive Plan. Zoning Commission members Don Kuenzer, Mac Overmyer and alternate Jimmy Traynor were in attendance. Steering Committee members Vice Chairman Chris Traynor, Robin Gray, Anthony Ratijczak, Susan McKiernan and former member, now new Trustee, Bill Ostmann were present. Zoning Secretary Laurie Shoemaker, Zoning Inspector Elaine Ridgley and Trustee Ray Jarrett were also present.

Chairperson Strogin opened the floor for questions.

Trustee Ray Jarrett wanted to confirm this meeting was advertised. Chairperson Strogin said yes it was in the paper. Mac Overmyer asked "what is the sequence of the events following this meeting as it pertains to the comprehensive plan?" Chairperson Strogin explained the Steering Committee worked diligently to develop the plan, then made a final vote and gave it to the trustees. The trustees then gave it to the Zoning Commission to review. The bulk of the work was done by the Steering Committee but the ZC then had it for a few months to go through it as it pertained to zoning. The ZC unanimously voted on the minor corrections their board made then gave it back to the Trustees. A letter was sent to the Prosecutor to be sure all events moving forward abide by the rules and regulations. It is now the Trustees job to either have a public hearing and/or vote to adopt the plan.

Chairperson Strogin explained the reasons for some of the changes that were made to the Comprehensive Plan as some Steering Committee members had concerns regarding some of the changes made. She reiterated that in reviewing the results of the survey, the residents did not want route 3 and 71 developed. Chairperson Strogin explained that conservation development is nothing more than a PUD (planned unit development) with a larger percentage of open space. The question isn't whether the ZC board considered conservation PUD's to be desirable, they do. The question is where you put them. Mac Overmyer added that saying "conservation PUD" is like saying "round ball." A PUD is a conservation device used in zoning. That's the only reason they exist is to conserve, especially in areas that can't be developed, like swamps. Chairperson Strogin said the ZC board wanted to make sure the word "conservation" didn't get confused in people's minds because the main job of a generic PUD of any kind is to cluster homes together, leave a lot of open space and to protect runoff and such. These things are

already in our zoning. We were the first ones to put PUD's in our zoning, first ones to allow them and it has worked very well. Again, the main question is where you put them, you don't put them everywhere.

Chairperson Strogin said she did some research and found Montville Township put conservation PUD's in almost every district, and what happened was – in the year 2000 census they had 5410 units, and by 2010 they had 11,185 – it more than doubled because of conservation PUD's, and as a result they have a lot of issues. Chairperson Strogin said Medina Township had their spurt in the 1990's. They developed PUD's where they would be beneficial to the Township and residents because they would be close to the commercial district. Robin Gray stated she recently read in the paper that Montville Twp. will have to put a levy on for the roads because of all the PUD's. They don't have enough money to take care of the roads.

Depending on where PUD's are placed, they can be beneficial or detrimental. Chairperson Strogin explained most of the changes made by the ZC to the Comprehensive Plan were to correct grammatical and technical errors. On page 3.2, Chapter Three, recommendations - Residential policies - the initial plan developed by the Steering Committee read "restrict multi-family residential development in areas designed for rural residential development." Chairperson Strogin commented that going by that statement, the Steering Committee felt that PUD's should not be in the rural residential areas, said Chairperson Strogin. The areas in the plan where the PUD's were in the rural residential areas, ZC took them out.

Chairperson Strogin directed her comments to Anthony Ratijczak regarding his concern about ZC taking out sewer and water. Chairperson Strogin explained the prosecutor told them to take it out years ago. The Prosecutor said that zoning shouldn't be based on sewer and water, it should be based on the Township's desires and wants, and if zoning put it in as a condition, and sewer and water got into that area, then the residents could use that as a leverage to do what they want. Trustee Ostmann further explained controlling density is a valid reason for zoning but if you make it contingent on water and sewer then any place there was a water and sewer line, the property owner could apply for and probably justify a higher density zone.

Chairperson Strogin then brought up a concern Mr. Ratijczak had regarding bicycle paths. Chairperson Strogin explained at the last meeting they attended in Columbus, one of the workshops concentrated on that subject and they promoted bike paths on main roads but they made a clear statement that bike paths on rural roads is not recommended because the roads are not designed for them. Mr. Ratijczak said there needs to be connectivity between subdivisions and existing multiuse paths that are outside subdivisions. Chairperson Strogin agreed, yes if it's possible. Zoning has no regulations to stop that.

Chairperson Strogin said the wording in the comprehensive plan was mandating changes to the zoning book when it talked about bike paths. The Comprehensive plan is a guide, which is why the wording was changed by the ZC. Trustee Jarrett reminded the group that the County Planning Commission has a pre meeting with the developers to discuss connectivity before final plans are released. Chairperson Strogin said you have to have an ingress and egress for every fifty units on a road. Much is accomplished in preliminary meetings. Once developers do the final drawings, they are not too excited about making changes and that's why the CPC has concept meetings. Chairperson Strogin said, often times developers

ask Medina Township to meet with them informally and that is why our Zoning Inspector Elaine Ridgley and I have no problem meeting with them. They don't always agree with us but at least they get the opportunity to see what the Township is looking for and what our zoning says and how it will work for them. If there is an issue that needs to be juggled it saves a lot of money.

Mac Overmyer explained these preliminary meetings between the township and developers are not confrontational, they are more to help smooth the process. Mac continued to say another point is, we are dealing with private land owners. Whether they are developers or not, there are rightful limits in what a government can tell someone to do with their property. We can encourage it and have various means of enticing them. We can point out the benefits of connectivity but also the impact on insurance and whether you can get emergency vehicles in and out, something like that is a necessity. Whether or not bike lanes are economically beneficial, that's arguable but it's not something we can say you have to have.

Chairperson Strogin asked if there were any other questions. Don Kuenzer asked what was going to be done with all the run off. Chairperson Strogin said they weren't going to do anything about it, the EPA and Soil and Water are going to worry about that. Mr. Kuenzer said "and if they want to put in sewers?"

Chairperson Strogin said, "Again, it is the EPA, County Soil and Conservation's responsibility." The Township does not get involved in the aspect of runoff on the property. Any time a property is developed, it must go through the county, who does the work because none of the ZC members are qualified for that. They go through and check the runoffs, the soil conditions and whatever is needed. EPA gets involved if it's needed, they have the flood plain regulations that must be met and it doesn't matter what our zoning says. If the soils can't support it, the EPA and Soil and Water will not let the land be developed. It's not a zoning function.

Mr. Kuenzer responded by saying "so if EPA lets the sewers in, zoning will just let them? All these people who don't want sewers in will get them anyway?" Chairperson Strogin stated, that's not what I said. When there is new development, the EPA and Soil and Water will review those new developments and will make them come up to specs and curve any run off. Mr. Kuenzer asked why we were under a phase one right now and Chairperson Strogin stated she did not know. Mr. Kuenzer said because there is too much run off. Chairperson Strogin said she did not disagree but it is not a zoning issue. That is a Soil and Water and EPA issue. Our zoning cannot zone for runoff. Mr. Kuenzer said "so what you're telling me is that you can't plan a development that takes care of its runoff?" Chairperson Strogin said no, what I'm saying is we can and we do. When you plan for any kind of development, those plans have to go through the county divisions; Soil and Water, EPA and Sanitation. They have to meet the specs and maintain the water flow and correct any problems, that's what it's for. We are not saying we don't want a conservation, we are saying that is the job of the county and EPA. They dictate what our zoning can do based on the results they are responsible for. Mac Overmyer commented that the retention basins that exist throughout the community were ordered to be put there by the County, we have nothing to do with that.

Chairperson Strogin continued to explain some of the changes the Zoning Commission made to the Comprehensive Plan. Most were grammatical, misspelled words and redundancies. One change that was made was to Pleasant Valley Golf Course. The Steering Committee categorized Pleasant Valley Golf

Course as private but it is actually public. Mr. Ratijczak commented that one of his concerns was on page 3.19, the recent purchase of the parklands. Chairperson Strogan explained the Comprehensive Plan is a living document. No matter what we do it will never be 100% current. The map should represent the recent purchase and the ZC members talked about letting Brandi at Mackin Engineering know about that when she does the final printing of the approved document.

Chairperson Strogan commented on Mr. Ratijczak asking why percentage was taken out on the second bullet point for Density and Open Space on pages 3.19, 3.22 And 3.24. She stated it was taken out because the percentages are in the zoning book. Mr. Kuenzer said "does that mean it cannot be changed?" Chairperson Strogan said, no, anything can be change if we go through the formal process.

Mr. Kuenzer commented on the concerns of Steering Committee member Robert Henwood. Mr. Kuenzer said Mr. Henwood had some good suggestions. Mr. Kuenzer read from Mr. Henwood's email: ♦*There are several policy areas where conservation subdivisions, clusters, residential uses are deleted in policies, 1, 3 and 8. - These development techniques can provide many benefits, storm water volume restrictions, decrease in distributed land, and zero gross density changes.* Mr. Kuenzer asked why they were removed. Chairperson Strogan explained that she spoke with Mr. Henwood at a meeting they both attended on December 19, 2014, and reminded him, which he had forgotten, that zoning had PUD's in there, we had conservation developments with our PUD's and we did not take them out. All the ZC did was define where they should be. Not that we don't want conservation PUD's, they are in our zoning and if you are going to have a PUD, that's the kind of PUD you would try to have. The question is "where" you have them, not "do" we have them. Chairperson Strogan said we have them, the ZC supports them, and we think they are a good thing. The question is, where we put them. Chairperson Strogan said when she explained that to Mr. Henwood, he was fine with that. Chairperson Strogan then referred to Mr. Kuenzer and reminded him that he, as a ZC board member, agreed with those changes and Mr. Kuenzer acknowledge that he did. Chairperson Strogan then reviewed the list of other concerns Mr. Henwood had that haven't yet been discussed:

- ***Are Zoning Commission edits final or are they recommendations to the Trustees?*** Chairperson Strogan told Mr. Henwood, when she saw him prior to this meeting, no and explained the ZC recommendations go to the Trustees.
- ***A Comp. Plan should be reviewed more often than every 10 years; annually may not be practical but 5 year updates are common.*** Chairperson Strogan said it takes a long time to get the document finalized but if the Comp. Plan needs to be revised, or small corrections made, that can be done at any time – you are not held to 5 or 10 years.
- ***Appendices should be available for viewing with the Comp. Plan.*** Chairperson Strogan explained the zoning secretary thought the steering committee members were already given a copy from Brandi / Mackin Engineering. The zoning secretary sent a follow up email to all steering members to include the appendices.
- ***The land use/land cover map used in Fig. 1 distracts from the intent of depicting the major thoroughfares and surrounding communities; a simplified map would be more appropriate. Consider adding a regional map depicting Medina Twp. in relation to Cleveland and Akron and NE Ohio.*** Chairperson Strogan explained the maps were done by Mackin Engineering.

- *Page 2.20 Fig. 8, Zoning District Map. Suggest utilizing traditional zoning colors (yellow residential, red commercial etc.); transition between light and dark colors communicates increase in density or intensity of use types.* Again, this was done by Mackin Engineering but also may have gotten changed when having to convert the PDF file to a word document.
- *After page 3.9, all pages are displayed as 3.1 until the first page of Policy Area 9, then the remaining pages a displayed as 3.2.* Chairperson Strogin explained the ZC Board did not have an electronic copy of the Comp. Plan available to them and had to work with a PDF file. In order to make electronic corrections for the ZC members viewing, the PDF file needed to be converted to a word document and in the conversion, the formatting of the document, including the maps, changed. Again, Brandi/Mackin Engineering will be printing the final document and the formatting will be correct.

Chairperson Strogin stated, after discussing the reasons for the changes with Mr. Henwood he was satisfied.

Mr. Kuenzer asked about another of Mr. Henwood's concerns: *the preferred future land use, policy area one, what are the conservation uses?* Chairperson Strogin explained this was meant to suggest an environmental way of preserving land during construction and is also covered under chapter three, recommendations, residential policy, bullet point 2: Encourage residential development to take care of the existing natural landscaping features such as streams, wooded areas, and topographic so the natural landscape is used as environmental amenity rather than a physical obstacle. Chairperson Strogin said that's what conservation means as far as Zoning is concerned. It is in the Comprehensive Plan and put in by the Steering Committee.

Mr. Kuenzer stated he still cannot believe that some of the developments we have meet stormwater. He said "you're running downhill, you've got a big driveway going down and you've got everybody's driveway going into it and it goes into a wooded area." Chairperson Strogin again explained the County approved it and that's how it got there. Chairperson Strogin said she is not an engineer and cannot say it's wrong, all she can say is zoning has the county review all the documents. Where there are floodplains, the EPA gets involved. Mr. Kuenzer commented that we don't use common sense even though EPA says one thing. Chairperson Strogin said she would love to use common sense but EPA says it doesn't matter if it's common sense, that's what they want, that's what rules are for and Zoning did not make those rules. Every agency has what they think is going to be the best thing for that area and they are the ones who make those rules and make the developers abide by them. Mac Overmyer commented that common sense is not recognized in a court of law.

Mr. Kuenzer stated he has been getting very negative responses from our zoning and why aren't we more prone to trying to eliminate some of these problems. Chairperson Strogin asked what problems he was referring to. Mr. Kuenzer said, "Like the runoff". Again, Chairperson Strogin explained that zoning has no authority to do that. The County Soil and Water and the EPA are the ones that can do that. Zoning does not have the technical ability or an engineering staff in our zoning department. Zoning Inspector Elaine Ridgley asked Mr. Kuenzer who it was that had the negative comments and Mr. Kuenzer said people in other departments around the county. Trustee Jarrett commented that another agency who has say in new development regulations is the Army Corp. of Engineers. They dictate back to the County

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Agencies, who then dictate to the developer what he has to do with stormwater management. Mr. Kuenzer said he sees lots of problems in those developments and why we can't do something is beyond him.

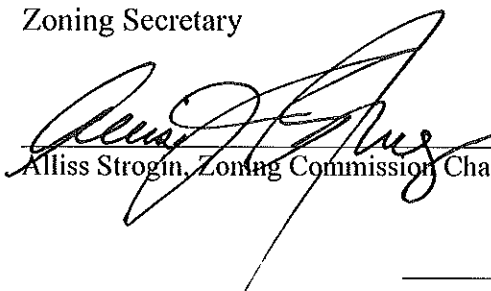
Sally Gardner asked Mr. Kuenzer if he was referring to doing something about existing developments and Mr. Kuenzer said yes. Ms. Gardner said you can't go back and change what's already been done. Mr. Kuenzer then said he understood that you can't go back and change it but are the same mistakes being made moving forward? Ms. Gardner said she would hope that EPA and Soil and Water have learned from their past mistakes and make the appropriate changes to certain requirements. She said 50 years ago EPA let them build in floodplains, they didn't care, but you can't build in flood plains now, the County Agencies have tighten the rules and regulations. Chairperson Strogin told Mr. Kuenzer that there are people out there who are trying to make things right but nobody is perfect.

Trustee Jarrett asked that Cynthia Szunyog's letter be addressed. Vice Chairman of the Steering Committee, Chris Traynor read Ms. Szunyog's letter aloud. (See attachment 1) Chairperson Strogin stated that most of Ms. Szunyog's concerns have been addressed at this meeting. Chairperson Strogin said the Steering Committee is a committee that is formed, add hock in the sense, and they give us a vision. Then the Zoning Commission looks at it and gives their opinion/recommendations and the final decision is made by the Trustees. The Comprehensive Plan is not a zoning document, unfortunately some of the statements in the document were turning into trying to change the zoning book, and this document cannot change zoning. The comprehensive plan can give you an idea of what may be a good idea to go back and make changes to the zoning book but it must go through the formal process to make changes. It's always a good idea to have other eyes view the work of others. This is an important document and the Steering Committee put a great amount of work into the project. Nobody would want such an important document to be finalized and distributed on good faith with the grammatical errors, typos and contradictions that were initially overlooked. Nobody gets it 100% correct the first time. Mac Overmyer commented that he did not think the ZC board did anything to dishonor the spirit or intent of the Steering Committee. There were very few changes that were made, and those that were, were very necessary.

Trustee Jarrett commented that this has been a long, ongoing process since 2008 and he commended the hard work that the Steering Committee and the Zoning Commission did to make this document come to fruition. He thanked all those involved.

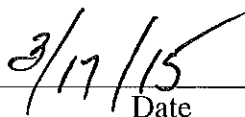
Having no further business before the board, the meeting was adjourned at 9:25pm.

Respectfully Submitted,
Laurie Shoemaker
Zoning Secretary



Alliss Strogin, Zoning Commission Chairperson

Chris Traynor, Steering Committee Vice Chairman



Date

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Comments concerning the alteration of the Medina Township
Comprehensive Plan by the Township Zoning Commission

I served on the first Township Comprehensive Plan Committee which was initiated in 2008 and the second Township Comprehensive Plan Committee which was formed in 2011. I have some fundamental concerns about what has happened to that plan after it was submitted to the township trustees.

Both planning experts, hired by the township, impressed upon the committee that the plan was to be a **vision** of what the residents of the township would like the township to be like in the future. A broad cross-section of residents was selected to serve on the Comprehensive Plan Committee and the township residents were invited to give their input into the plan at a public meeting. Comments derived from this meeting were given great importance in the final Comprehensive Plan and were largely in agreement with the product as presented at the public meeting.

Therefore, the comprehensive plan in the form that was presented to the trustees is a true vision of what residents would like their township to look like in the future, as a comprehensive plan is designed to be. It is meant to inform regulations within the township such as the Zoning Resolution, but it is not a zoning document.

As stated in the introduction to the 2008 plan, the comprehensive plan “develops a consensus-based direction for future preservation, growth and redevelopment”. The plan “allows participants to step back from pressing day-to-day concerns in order to clarify their ideas on the kind of community they wish to create”.

The alterations of the Comprehensive Plan by the Zoning Commission are not a product of resident input and thus, in that altered form, it is not a true

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comprehensive plan. I doubt that the members of the Comprehensive Plan Steering Committee would like their names attached to the alterations done by the Zoning Commission.

There has been a continuing misunderstanding by some people about the intent of a comprehensive plan. It has nothing to do with zoning. If the trustees wish to put in place some of the visions from the Comprehensive Plan, then it would be up to the Zoning Commission to create text which follows the laws of the State of Ohio.

Those of us who have served on both Comprehensive Plan committees have spent many hours of intense discussion and give and take in crafting the plan. It has been worked on for years. We did this because we thought we were producing a vision of what residents wanted for their township and that it would serve as a guide to the trustees and the Zoning Committee. The township spent a lot of money for the services of planning experts. It seems that all this may have been done in vain.

I am requesting that the trustees, the Zoning Board and the Comprehensive Plan Committee meet together to discuss the alterations to the Comprehensive Plan.

I sincerely hope that the plan, as submitted by the Comprehensive Plan Committee be adopted by the Trustees.

Cynthia Szunyog 4599 Hamilton Rd., Medina.