

**MONTVILLE TOWNSHIP
ZONING COMMISSION MEETING
February 23, 2011**

PRESENT

John Vujevich, Chairperson
Alan Piatak, Vice Chairperson
Mary Pawlowski
Pat Ryan
Dave Wetzel
Ron Potter, Alternate
Elayne Siegfried, Alternate

ALSO PRESENT

J. Emrick, Zoning Inspector
B. Schwehm, Zoning Secretary

HANDOUTS: Zoning Text Amendments
Safety Services Center Plan
Appendix for Procedures Manual
Zoning Resolution Update – Golf Courses

AGENDA: 1. Approval of Minutes – January 26, 2011
2. Public Hearing: Zoning Text Amendments/Chapters 410 & 730
3. Discussion: Safety Services Center
Procedures Manual
4. Zoning Inspector Updates

The February 23, 2011 meeting of the Montville Township Zoning Commission was called to order at 7:04 p.m. by Chairperson, Mr. John Vujevich.

ROLL CALL: Mr. Alan Piatak – aye; Ms. Mary Pawlowski – here; Mr. Dave Wetzel – here; Ms. Pat Ryan – here; Mr. John Vujevich – aye.

Commission Chairperson Vujevich asked, “Has the meeting been properly advertised and the necessary contiguous property owners notified?”

Zoning Inspector Emrick responded, “Yes.”

Commission Chairperson Vujevich said, “Everyone in attendance should sign in if they have not already done so. Anyone who wishes to speak should state their name and address for the record. The meeting is taped for transcription purposes. The official minutes of the meeting are the typed transcripts.

1. Approval of Minutes

January 26, 2011

MOTION: Commission Member Wetzel moved to approve the January 26, 2011 meeting minutes as written.

SECOND: Commission Member Piatak

ROLL CALL: Ms. Mary Pawlowski – abstain; Ms. Pat Ryan – abstain; Mr. Dave Wetzel – aye; Mr. Alan Piatak – aye; Mr. John Vujevich – aye.

2. Public Hearing: Zoning Text Amendments

Chapter 410, Single-Family Residential Dist., Section 410.8 L. 13. Chapter 730, Conditional Zoning Cert., Section 730.9

Commission Chairperson Vujevich introduced the agenda item and read the letter from the Office of the Prosecuting Attorney, Medina County, Ohio dated February 23, 2011 which was signed by Mr. David J. Folk. (See Attachment I)

After reading the letter, the Zoning Commission reiterated that the intent of the proposed text revision was only to ensure compliance by conducting a review of the conditional use.

Commission Member Ryan thought that Mr. Folk may be concerned that an applicant would be required to meet any newly adopted regulations when their conditional zoning certificate was reviewed for renewal. Zoning Inspector Emrick said that was not the intent.

Commission Chairperson Vujevich read the *Staff Comments* from the Medina County Department of Planning Services' Staff Report that was prepared for the Zoning Commission's Public Hearing on February 23, 2011. (See Attachment II)

Taking the comments referenced above into consideration, the Zoning Commission (ZC) did not propose any additional changes to Section 410.8 L. 13. of Chapter 410, Single-Family Residential Districts.

Referring to Section 730.9 B. and C., the ZC expressed a need to clarify that the conditional zoning permit would be reviewed for compliance – not reissued. Banks may be reluctant to fund projects that were conditionally permitted if the approval may be withdrawn or denied upon expiration/renewal.

Zoning Inspector Emrick pointed out that conditional use compliance was confirmed on an ongoing basis – not just every three years. If a violation was noticed during a field inspection, it was addressed immediately. Scheduling a formal review every three years for conditionally permitted subdivisions/developments, provided an opportunity for concerns to be addressed and questions to be answered. However, if something came up prior to the formal review, it would be addressed.

Under the old zoning text, Commission Member Ryan said the three-year term was a special condition that could be added as an extra safeguard. It was not a mandatory condition.

Zoning Inspector Emrick said that subdivisions were no longer conditionally permitted uses. The conditional review process only applied to existing subdivisions that were previously approved as a conditionally permitted use. She added that over the years the wording had changed in regards to reviewing and renewing conditionals and reviewing conditionals for compliance. Zoning Inspector Emrick wondered if it would be helpful to include wording indicating that a review was conducted to ensure compliance.

Referring to Chapter 730, Conditional Zoning Certificates, Section 730.9 A., the Zoning Commission changed the word *less* to *more*. Less than three years from the date the conditional was approved, the Zoning Inspector would review the operation of a conditional use for compliance. The section would read as follows:

... the Zoning Inspector shall review the operation of the conditional use not more than three years from the date of issuance to determine if the use has been and is being operated in compliance with the conditions of the conditional zoning certificate.

To clarify the intent, the Zoning Commission changed Section 730.9 B. to read:

B. Subdivision/Development: Every three years, the conditional zoning certificate for a development/subdivision shall be reviewed for compliance by the Board of Zoning Appeals to determine that the said use has been and is being operated according to the specifications of the Zoning Resolution and the conditional zoning certificate. The three-year compliance review shall be removed when the approved development/subdivision plan has been completed and turned over to the homeowners association if applicable.

The Zoning Commission agreed to delete Section 730.9 C. The conditional zoning certificate for a wireless telecommunications tower would be reviewed according to the provisions of Section 730.9 A.

MOTION: Commission Member Piatak moved to approve the Zoning Text Amendments for Chapter 410, Single-Family Residential Districts, Section 410.8 L. 13. and Chapter 730, Conditional Zoning Certificates, Section 730.9 with the following additions, clarifications or deletions:

Replace *less* with *more* in Section 730.9 A. to read:

... the Zoning Inspector shall review the operation of the conditional use not more than three years from the date of issuance to determine if the use has been and is being operated in compliance with the conditions of the conditional zoning certificate.

Revise Section 730.9 B. to read as follows:

Subdivision/Development: Every three years, the conditional zoning certificate for a development/subdivision shall be reviewed for compliance by the Board of Zoning Appeals to determine that the said use has been and is being operated according to the specifications of the Zoning Resolution and the conditional zoning certificate. The three-year compliance review shall be removed when the approved development/subdivision plan has been completed and turned over to the homeowners association if applicable.

Remove Section 730.9 C.

SECOND: Commission Member Wetzel

ROLL CALL: Ms. Pat Ryan – aye; Mr. Dave Wetzel – aye; Mr. Alan Piatak – aye; Ms. Mary Pawlowski – aye; Mr. John Vujevich – aye.

3. Discussion:

Safety Services Center

Zoning Inspector Emrick said that consideration was being given to adding faux brick to the Safety Services Building. She looked at Bainbridge Township's police station that was constructed using a plan similar to the one being built in Montville Township and took pictures. Four drawings were provided showing different configurations for adding brick to the building. Zoning Inspector Emrick asked the ZC to look at the sample materials (siding, roofing, etc.) that were selected for the exterior of the building and asked the Zoning Commission to identify which layout of brick accents they preferred. No estimates had been received indicating the cost of adding brick to the building.

Commission Chairperson Vujevich asked where the money would be coming from to add brick to the building. He added that Hinckley Township had a building with a pitched roof and white siding (without any brick) that looked nice.

Commission Member Pawlowski said that the total project cost was approximately \$4 million (soft costs, furnishings, building, etc.). The building would include facilities for police, fire and Life Support Team (LST). Since the project did not go out to bid when originally expected, the bids did not come in under budget.

Commission Chairperson Vujevich said that it appeared to him that most of the money for the project was directed toward the inside of the building. If that was necessary in order to function properly, it was fine with him. He thought adding facilities for fire and LST were important because response times for the southern portion of the Township would be reduced. Zoning Inspector Emrick said that response times could also be cut by contracting with the rescue squads of Seville or Guilford Township.

Some Commission members expressed concerns regarding the durability of faux brick. With regards to the color of the siding for the building, some ZC members thought white provided a very classic appearance, but other members thought white may not be appropriate for the architecture of the building and was uninspiring.

After reviewing the materials and the proposed plans for adding brick to the building, Plan C was preferred by the majority of the Zoning Commission members and alternates. However, a couple Commission members indicated that they did not believe it was necessary to add any brick to the building.

Procedures Manual

The Zoning Commission reviewed the appendix documents that were provided as a handout. The Prosecutor's Office previously recommended including the documents in a procedures manual.

Alternate Commission Member Siegfried thought the procedures manual should be a document adopted by a resolution made by the Trustees. Zoning Inspector Emrick said that the Zoning Commission's bylaws were not approved by the Trustees.

Commission Member Ryan said that the proposed documents were general overviews. She said that the Trustees were responsible for appointing members to the Zoning Commission and Board of Zoning Appeals, and also thought the Trustees should adopt the procedures manual.

The Zoning Commission discussed that most of the information in the appendices was duplicated in the bylaws for the Zoning Commission and Board of Zoning Appeals. The possibility was discussed of adding all of the information to the bylaws and not including the information in the procedures manual.

Alternate Commission Member Siegfried suggested listing the Powers and Duties in Article I, Authority, of the Zoning Commission bylaws, and adding a reference to electing a chairperson/vice chairperson under Article IV, Officers and Their Duties, or Article III, Appointment and Terms of Members.

Commission Chairperson Vujevich asked what the differences were between a bylaw and an appendix and a procedure.

Alternate Commission Member Siegfried said a bylaw was how the Zoning Commission functioned as a group. She wondered if the Zoning Resolution should specifically state that the Zoning Commission, as well as the Board of Zoning Appeals, had been formed. A reference had been included in the original zoning code.

Commission Member Ryan said that the Trustees made a resolution to establish the Zoning Commission and Board of Zoning Appeals. She agreed that a statement should appear in the Zoning Resolution indicating that the Board and Commission had been formed.

The Zoning Commission decided to review and discuss the documents at their next meeting on March 9, 2011

4. Zoning Inspector Updates

Zoning Inspector Emrick referred to Section 410.8 F. 3. of Chapter 410, Single-Family Residential Districts which listed the purposes for which a driveway may be used. Trustee Bischof requested that the Zoning Commission consider revising Section 410.8 F. 3. b. which stated:

The parking of one commercial car or truck not exceeding 7,000 pounds gross weight that is used in connection with said occupant's livelihood, except for emergencies and making deliveries.

After reviewing the section and discussing the weight requirements and implications of restricting someone from bringing home a work-related vehicle, the Zoning Commission did not propose any changes to Section 410.8 F. 3. b.

Firestone/Bridgestone was moving forward with their proposed development.

Drug Mart was also moving forward with their project. Zoning Inspector Emrick planned to contact Drug Mart regarding the house on the property. The police had been called to the site on several occasions, and there was a hole in the floor of the house.

In reference to the Acme project in the City of Medina, Commission Member Piatak said that the road was being widened in 2011, but the building was not scheduled to open until 2012. Commission Member Ryan thought the Acme store may attract interest in State Route 3's commercial area.

Zoning Inspector Emrick said that the second entrance to Cobblestone Park would not likely open for a long time. There did not appear to be much activity/interest in developing the parcel at this time.

Commission Chairperson Vujevich said that Guilford Township was proposing to change their zoning districts along State Route 3 which may impact any potential interest in Cobblestone Park's commercial area.

MOTION: Commission Member Wetzel moved to adjourn the meeting.

SECOND: Commission Member Ryan

A collective oral vote was taken with all Zoning Commission members in favor of adjourning. The February 23, 2011 Zoning Commission meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Bonnie Schwehm

Signature _____
Chairperson

Date _____