

**Monclova Township Zoning Commission
Regular Meeting
Summary of Discussion**

Monday, October 22, 2018

The duly posted meeting of the Monclova Township Zoning Commission commenced as duly at 6:00 p.m. with the Pledge of Allegiance to the Flag.

Roll Call of Zoning Commission Members:

Present: Keith Trettin, Allen Underwood, Dan Grna, Adam Hoff, Tom Baker, and Cathy Shepherd

As all members are present, Alternate will not have voting rights at this meeting.

Staff Present: Fire Department Deputy Chief Michael George, Zoning Administrator Eric Wagner, and Recording Secretary Kathleen Stewart Kuns

Record of Proceedings:

Trettin moved and Baker seconded the motion to suspend the reading of the January 22, 2018 minutes and approve as submitted by the Recording Secretary. Roll Call: Trettin, yes; Underwood, yes; Grna, yes; Hoff, yes; Baker, yes.

Other matters brought before the Commission: Trettin noted that the likelihood of having a meeting for the rest of the year is slim; would like to amend the agenda to allow for discussion of organizational items either now or in January.

Public Hearing:

Chair Trettin commenced the public hearing noting the item before the Commission is for Zoning File Z17-C358, a zoning change request from R-A Residential and R-C Residential to R-A and R-C with a Planned Unit Development (PUD) for property known as parcel # 38-09857. Applicant: Jerry Miller, Miller Diversified; Agent: Don Feller, Feller-Finch and Associates.

Trettin opened the public hearing on Z17-C358. Seconded by Grna. Roll Call: Trettin, yes; Underwood, yes; Grna, yes; Hoff, yes; Baker, yes.

Trettin explained the process to the general public.

Chair recognized Don Feller, 1683 Woodlands Drive, Maumee, who came to the podium and was sworn in. Feller is representing the owner of the property as well as the developer.

Feller noted the following: Zoned R-C and R-A. Asking for a PUD. Development is geared towards empty nesters, has 20% open space.

Zoning Administrator reviewed the case noting the following: Confirmed facts as told by Feller. Added that last year it was changed in terms of zoning. Last year a preliminary drawing was not submitted. Last years conditions: open space, walking trail, mounding, landscaping consistent with Plat 4 of Winterbourne, and connectivity to Wabash Cannonball Trail.

Feller: Plan Commission recommended approval. Confirmed that they are providing access to the Trail. Asked Plan Commission to eliminate trail around pond, which the Plan Commission did. Provided access to Wabash Cannonball Trail.

Shepherd stated her concurrence with not having access to backyards.

Baker commented on name changes needed for subdivision and streets. Feller recognized that they will make changes at final platting time and will review with Fire Department prior to submission. With regards to that subject, Deputy Chief commented on county policy and EMS services.

Shepherd inquired about common area. Feller noted common area lot by Wabash Cannonball area. Stormwater detention area will most likely be wet.

Hoff inquired about rear yard setback. Asked about perimeter greenspace.

Wagner stated that his opinion there should be perimeter green space. Small lots for innovative design. Wagner stated that a PUD should have consolidated, useable open space.

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Baker asked about landscaping plan. No specific plan other than what is displayed – street trees.
Hoff: Property to the east, is that a landlocked property? Wagner will check. Feller believes it has access to Black Road. Hoff asked for confirmation. Wagner received information from attendee that property owner off of Black Road owns the parcel that Hoff is inquiring about.

Hoff asked about pipeline. Feller confirmed location.

Baker asked if communication was had with neighbors.
McCarthy stated that he has not communicated with neighbors. McCarthy stated that Miller Diversified did that when the zoning change occurred last year.

Baker: Items put to rest when neighbors are communicated with; shows courtesy.

Trettin asked about HOA. Who maintains areas in early days? McCarthy stated that his company will stay with development through to the last lot. They will make sure maintenance is done.

Brian McCarthy, McCarthy Development, was sworn in. 3618 King Road, Toledo. McCarthy stated that the proposed subdivision lots are 30% larger lots than Crystal Ridge. Will have varied fronts. All detached, individual homes. 70' lots.

Trettin inquired as to why there is no additional landscaping?
McCarthy: Will continue mounding from Winterbourne. Street trees will be planted. Homeowners will provide their own landscaping.

Baker inquired about landscaping and identifier in the front entranceway. McCarthy-Most likely evergreen trees. Will be the nicest stock they can find at the time.
Feller: Deciduous and landscape tree mix.
Baker: How large?
McCarthy stated that they are typically 6 feet, with 2 inch caliper.

Shepherd commented that the pine trees in her back yard, after 18 years, are large and provide a noise barrier as well.

Hoff: Is there a recommended tree list from township?
Wagner confirmed.
Hoff confirmed Wagner's point of view, there should be a landscape plan along perimeter.
Hoff noted 6 feet setback in sideyard.

Trettin asked for further questions of developer and agent.

Trettin asked if anyone would like to comment in support. No one came forward.
Trettin asked if anyone would like to speak against the change or make comment:

John Nehay, 8831 Monclova Road, was sworn in. Mr. Nehay owns 5355 Waterville-Monclova Road, has owned for seven years; is adjacent to subject parcel. Nehay commented that he is concerned about how development might negatively impact his lot, i.e. not maintaining landscaping, standing water, run off, mosquitos.

McCarthy noted open green space-no houses in the back of Mr Nehay's property; will have wet stormwater pond.

Wagner stated that subdivisions are under EPA regulation. When complete subdivision cannot throw off any more water than what occurs as current farmland (6:37 PM).

Baker asked what he would like to see from the developer.
Nehay: Does not want it to be 'swampy.' Wants it to look nice.

Feller stated that rear yards will have drainage. The will collect and drain properly.

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Gavin Pike, 4950 Black Road, adjacent property owner. Pike stated that he met with McCarthy and gave him some ideas. Why not create buffer for existing homes. Supportive of 70' wide. His neighbor asked about empty nesters. If you future out your housing, what will that do to property values and community, housing depression. Overall, what is Monclova Township saturation level? By statistics, EMS has most subdivision calls in empty nester-type communities. We used to have a master plan with a map. In the original, we didn't have a mismatch of types of homes. Philosophically, there is tax revenue but no student, so that is desirable for the schools, but at what point do we reach a saturation level.

Additionally, Pike stated preference for more creative landscaping
Pike stated that lot B is a cemetery. Suggested greenspace near there for access to family members for that lot. People buried from 1800's. It is a private cemetery. Think overall, what is plan. Does it make sense to have an island retirement community?

Various members expressed surprise that there was a cemetery in the midst of the proposed subdivision.

Baker-Stoney Creek changed their marketing and it now empty nesters focused. That is contrary to the public hearing information.

Hoff asked about buffers. Feller commented that the lots are backing up to Winterbourne Subdivision, lots to lots, nearly the same as Winterbourne, so no need to buffer. Spoke of stormwater detention and pipeline making it difficult to develop the corner, so the greenspace was added there.

Feller commented that they will mow the grass at cemetery. They will allow access. Access will be street parking. 12-15 individuals buried. Hoff confirmed that HOA will maintain common area of cemetery. Hoff questioned Wagner about cemetery. Hoff concerned about how managed and cared for. Not sure he would consider that common area for development.

Trettin and Hoff commented on surprise of cemetery aspect of the project.

Wagner stated that it is not useable common space. The HOA would just maintain it.
Nehay commented about uniqueness of cemetery; historical markers (7:00 PM).

Grna: No one is going to use this as common area.
Trettin agreed. Should not be part of common space calculation.
Baker commented on security of markers.

Pike noted that 2005 was the last burial, though no one else can be buried there per deed restrictions.

Pike stated his desire for a different, more creative layout.
McCarthy stated that they will landscape it.
Trettin comment that a landscape plan would be useful.

Trettin suggested counsel perspective regarding cemetery.
Grna received confirmation that as it stands right now, it does not comply with PUD because of the landscaping plan.

Kyle Kreft, 4357 Beverly Dr., Toledo, owns 5239 Waterville-Monclova Road, came forward and was sworn in. Stated concern about adjacent parcel that is currently farmed. Has the developer spoken to the owner in terms of purchasing the lot? Would like to see perimeter buffering to offer protection and privacy for his property. Would also offer protection from headlights with the road layout.

Baker confirmed Kreft would like to see landscape buffer (7:09 PM).
Feller, Wagner, and Hoff had dialogue back and forth about Zoning Resolution and landscaping requirement. Feller's interpretation was corrected (7:12 pm).

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Hoff stated that a lot owner doesn't have to have an individual lot landscaping plan, but the PUD subdivision as a whole is required to have a landscaping plan.

Trettin: We have told the Zoning Administrator to always assure that a landscaping plan is submitted for review by the Commission (7:15 pm). Wagner stated that he had requested the plan several times.

Shepherd: PUD must have a landscaping plan.

Feller: The perimeter is backyard, not open space.

Hoff: Give and take in process to go from 75 feet to 70 feet; certain requirements can be applied. There is no leeway other than a perimeter buffer.

Grna concurred.

Trettin commented on issues with cemetery and no comprehensive landscaping plan.

Trettin asked what would be Mr. McCarthy's desire.

Baker received confirmation that McCarthy agrees to the conditions of the Plan Commission.

Baker stated his desire for McCarthy to address Kreft buffer, perimeter buffer

Feller agreed to plant against Karev property.

Hoff suggested creativity; the intent of the PUD is to offer creativity.

Feller noted Williams Way has groupings of landscaping. Feller asked for direction for what the township is looking for.

Grna stated that Zoning Administrator has discretion. Meet preliminarily with Eric, then come back to the Commission.

Trettin would like township solicitor to review the issue of the cemetery.

Hoff stated that he does not believe it should be considered common area in the calculation.

McCarthy stated that it is a private cemetery and no state law or case law governing it.

Trettin is suggesting postponing until we hear from solicitor, and give the developer an opportunity to work on landscaping plan.

Baker stated that they could come in with another name and street names.

Hoff asked about traffic study and turn lanes. Do you have any projections?

Trettin moved to postpone Z17-C358 to November 26th at 6:00 pm to allow time for additional information from the township solicitor regarding the cemetery, as well as submittal of a comprehensive landscaping plan. Motion was seconded by Grna.

Discussion:

Underwood stated that he sees protection for cemetery in proposed subdivision as opposed to its current circumstance.

Trettin: Want to make sure we are handling it properly as there are unknowns.

McCarthy reviewed agreement with cemetery. Providing a paved access to cemetery via the street.

Grna commented on unknown element of private cemetery within a subdivision.

Baker stated that information will give better protection for McCarthy.

Underwood asked about a deed restriction. Pike stated that it is in the purchasing agreement.

Thought access was through an easement.

On the motion: Roll Call: Trettin, yes; Underwood, yes; Grna, yes; Hoff, yes; Baker, yes.

Trettin moved to adjourn the hearing; Grna seconded.

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Baker suggested name of subdivision be presented at the November hearing. McCarthy, usually done at platting.

Roll Call: Trettin, yes; Underwood, yes; Grna, yes; Hoff, yes; Baker, yes.

Other matters to come before the Commission:

Organizational meeting discussion was postponed until November Zoning Commission Meeting.

Hoff asked about fill going in to floodplain at Brandywine. Wagner stated that Mike Melnyk nick at county level would have jurisdiction over the matter. Wagner agreed to investigate and touch base with Melnyk.

Hoff asked about an open lot in The Ridge at Wrenwood and the dumping that is occurring. Wagner will investigate.

Adjournment:

Baker moved, Underwood seconded, to adjourn at 7:35 PM. Roll Call: Trettin, yes; Underwood, yes; Grna, yes; Hoff, yes; Baker, yes.

Submitted:

Kathleen Stewart Kuns
Support Staff/Recording Secretary

Accepted:

Keith W. Trettin, Chair

Allen Underwood, Vice Chair

Daniel Grna

Thomas B. Baker

Adam Hoff

Cathy A. Shepherd, Alternate

Roll calls taken in random order. Official minutes will display signatures. This meeting was electronically recorded. Audio is available at monclovatwp.org during that same calendar year. Also on file in the Office of the Fiscal Officer in accordance with the township's Records Retention Schedule.