

Ch. Kalina called the 2/6/2020 Zoning Commission regular meeting to order at 7:00 p.m.

Roll found: Kalina, Dermody, Schneider, Marzullo, Crew

Also in the audience: Alternates Fischer and Manley and Zoning Inspector Wilson.

Ch. Kalina asked if everyone had received and read the minutes from the January 9, 2020 Zoning Commission Organizational meeting and if there were any comments. Mr. Fischer stated there was an extra comma in language on page 2; Mr. Fischer asked for clarification on item 10 regarding which board member made the motion and additionally Mr. Fischer asked for clarification regarding language on page 5 which was discussed and amended.

Ch. Kalina stated he would entertain a motion to accept the January 9, 2020 Zoning Commission Organizational Meeting Minutes as amended.

- Ms. Dermody moved and Mr. Marzullo second.
- There was no further discussion.
- Ch. Kalina called for vote to approve.
- All were in favor.

Crew – yes, Marzullo – yes, Schneider – yes, Dermody – yes, Kalina – yes

Ch. Kalina asked if everyone had received and read the Organizational Guidelines from the January 9, 2020 Zoning Commission Organizational meeting and if there were any comments. Discussion followed regarding changes.

Ch. Kalina stated he would entertain a motion to accept the January 9, 2020 Zoning Commission Organizational Guidelines, as amended.

- Mr. Marzullo moved and Ms. Crew second.
- There was no further discussion.
- Ch. Kalina called for vote to approve.
- All were in favor.

Crew – yes, Marzullo – yes, Schneider – yes, Dermody – yes, Kalina – yes

Ch. Kalina asked if everyone had received and read the minutes from the Zoning Commission Public Hearing on January 9, 2020 and if there were any comments. There were no comments.

Ch. Kalina stated he would entertain a motion to accept the January 9, 2020 Zoning Commission Public Hearing minutes.

- Mr. Schneider moved and Mr. Marzullo second.
- There was no further discussion.
- Ch. Kalina called for vote to approve.
- All were in favor.

Crew – yes, Marzullo – yes, Schneider – yes, Dermody – yes, Kalina – yes

Ch. Kalina asked if everyone had received and read the minutes from the Zoning Commission Regular meeting on January 9, 2020 and if there were any comments. There were no comments.

Ch. Kalina stated he would entertain a motion to accept the January 9, 2020 Zoning Commission Regular meeting minutes.

- Ms. Dermody moved and Mr. Marzullo second.
- There was no further discussion.
- Ch. Kalina called for vote to approve.
- All were in favor.

Crew – yes, Marzullo – yes, Schneider – yes, Dermody – yes, Kalina – yes

Ch. Kalina requested to move Old Business to later in the meeting in order to address New Business.

New Business

Ch. Kalina stated the first item of new business would be to review the concept plan for the Bailey Subdivision, which is located in the R-1 district. This subdivision is proposed to be located where Stony Hill dead ends into Mattingly. Ch. Kalina described the Zoning Commission's role in the subdivision process:

- Informal review
- Preliminary review
- Final site plan review – The final plan will be reviewed by Fire Department, Police and Medina County Department of Planning Services

The purpose for this review is to discuss early and formally with the applicant the intent and effect of the zoning regulations and the criteria and standards contained therein. To aid in the discussion the applicant should prepare a discussion plan drawn approximately to scale showing the relationship of the development to the surrounding properties, the locations of buildings and parking areas, internal traffic circulation patterns, proposed sizes of buildings and proposed use to be included in the development.

No formal action shall be taken at this meeting and no discussions, opinions, suggestions or recommendations discussed at a pre-application meeting shall indicate subsequent approval or disapproval of the plan or recommendation of approval or disapproval in the case of a subdivision plan.

Ch. Kalina stated that at this meeting this Board will not be voting on the plan, they are simply providing feedback from the Board and the Township Zoning Inspector.

Ch. Kalina also stated that the meeting is being recorded for transcription purposes and if anyone will be speaking they should provide their name and address for the record.

Bailey Subdivision – Jason Brenner, Lewis Land Professionals 8691 Wadsworth Road, Wadsworth

Mr. Brenner stated that Lewis Land Professionals is a civil site engineer firm that generated the plan - as requested by the developer who is not present at the meeting. The developer (Bailey) asked them to come up with a concept drawing to include 2 acre lots with septic systems and Medina County Sanitary Engineer water system. Ch. Kalina asked if they will have Medina County water and Mr. Brenner confirmed they will. Mr. Brenner stated they propose a single cul-de-sac with a public drive. Mr. Brenner described to the Board where the homes and septic systems will be located. Mr. Brenner stated there are some wetlands issues that are being looked at by an environmental services company, and they are awaiting those reports. Mr. Brenner stated they are cognizant of the Mattingly/Stony Hill curve/intersection and they positioned their proposed road 160 feet south which is in compliance with County Highway Engineers intersection spacing. They would like to use the existing pond for some stormwater management, along with 2 or 3 other ponds. The topography is challenging but they feel they can handle that with road grades.

Ch. Kalina asked how they are crossing through the center of the property where the main ravine is.

Mr. Brenner stated they will be constructing a box culvert that would be engineered and then a combination of cutting some material down and filling to meet road grades.

Mr. Marzullo asked if there will be any HOA maintained property. Mr. Brenner described what areas would be HOA maintained.

Ch. Kalina asked about the odd-shaped lot, subplot 26, at the entrance and Mr. Brenner stated the main reason for the odd shape is because they didn't want to put the road next to the adjoining property because they will be grading and they wouldn't want to have to seek a grading variance and they will need a 12 foot easement. Ch. Kalina's stated his concern is this lot is at the entrance and everyone maintains their lot differently and that lot could become contentious if people in the development don't like how the homeowners maintain it. Ch. Kalina recommended having the HOA maintain it instead of having a house attached to it. Mr. Brenner stated they would look into that.

Mr. Marzullo asked if there will be a sign and Mr. Brenner stated it hasn't been discussed, but most likely.

Mr. Fischer asked about the pond and the amount of water that would be flowing into it. Mr. Fischer asked if that could potentially be a separate lot that someone can build on and, if so, what would stop a homeowner from filling in the pond.

Mr. Brenner stated that any pond dedicated for stormwater management has an easement over top so it cannot be filled in. Discussion followed regarding the location of the pond on the property. Mr. Brenner stated the pond is part of the property, but not included in the subdivision. If they could split that off they could start a model home there before putting the roadway in.

Mr. Fischer asked about the possibility of a house being built on the south side of the pond and Mr. Brenner stated that would be possible with a driveway onto Stony Hill. Discussion followed.

Mr. Marzullo discussed if the homes in the subdivision have to be accessed from the primary road dedicated to the subdivision, so they wouldn't be part of the subdivision and have a driveway on Stony Hill.

Ch. Kalina stated this particular area is part of R-1, Rural Residential, which are 2 acre lots requiring 175 foot frontage and the Board looks at the building envelope, which includes setbacks, and how much room is remaining on each lot to locate a home.

Zoning Inspector Wilson stated he noticed that about six of the lots don't have the 175' frontage. The Code states they can go less than 175' if curved street.

Mr. Brenner stated the Code says if the road is curved they can drop to 70' and otherwise they would stay at 175'. Discussion followed.

Mr. Fischer asked about the speed limit on Stony Hill and Mattingly, which is 45 mph. Mr. Brenner explained that Stony Hill and Mattingly are considered an intersection and the 160' foot distance from the intersection meets what the County Highway Engineers allows for intersection sight distance. Mr. Fischer asked if sublots 1 and 2 could be moved further from the turn. Mr. Brenner explained it is not possible because of the topography.

Ms. Dermody stated she has concerns about the road entrance.

Mr. Schneider stated that the curve will be a safety issue. Further discussion followed regarding lot locations and topography.

Mr. Marzullo stated his concerns have already been addressed.

Ms. Crew stated that her concern is the treacherous curve. If they could possibly put a curb lane for access.

Ch. Kalina stated there will be an opportunity once an updated plan is presented and the Board can share their comments with the County Planning Commission before they review.

Mr. Fischer stated he had no additional comments.

Mr. Manley stated he had no additional comments.

Ch. Kalina asked who is the developer and Mr. Brenner stated Chris Bailey is the developer.

Ch. Kalina asked if there were questions from the audience and there were none. Ch. Kalina thanked Mr. Brenner for coming in.

Ch. Kalina stated the next item is a concept plan for the Pine Hills Subdivision. Hinckley Township has a section in the Northwest corner of the Township which is zoned R-2, which is higher density, which is where this property is located. This zoning allows for $\frac{3}{4}$ acre lots, 100' frontage and a 15 foot side yard setback. This property is owned by Pine Hills and is in the Brunswick City School District.

Chris Bender, Parkview Homes and North Park Developers, 22700 Royalton Road, Strongsville, Ohio

Mr. Bender thanked everyone for the opportunity to speak. Parkview Homes has been in business close to 50 years. They have built in several different communities in the area. Mr. Bender distributed photographs of houses they envision building on the property.

Mr. Bender stated that 90% of the homes are custom, they try to honor everyone's taste. Mr. Bender stated he is in favor of homeowners' associations, he likes to incorporate attractive entrances to the development. They are excited about the opportunity to be in Hinckley. The lots are a minimum of 300' deep, with 50' setbacks and they will be a long way from Forest Lane. They value the wooded lots so they work to maintain the rural flavor to the development.

Travis Crane – TGC Engineering, 1310 Sharon Copley Road, Sharon Center, Ohio

Mr. Crane stated there will be public water and public sanitary sewer. Mr. Crane explained the stormwater management plan.

Ch. Kalina asked about the 50' change in elevation and what are the plans for long term management of open space.

Mr. Bender stated the plan is to have the Homeowners Association (HOA) responsible for open space maintenance. HOAs are set up with deed restriction, every house and property are subject to it. This way they can control architecture. Any changes to the houses have to be approved by the HOA before applying for a building permit. The two main responsibilities of the HOA are maintenance of all landscaping and maintenance of all stormwater systems.

When each house is sold, a portion of the sale proceeds goes into a fund to kickstart the association. When development is finished the engineers are asked to recertify the capacity of stormwater.

Ch. Kalina asked if they will have a 3rd party overseeing the open space.

Mr. Bender stated they keep the ownership of the property in HOA but they put a conservation easement on it and a third party oversees it.

Ch. Kalina asked when the Army Corps will be looking at wetlands on the property and Mr. Bender stated they have engaged a consultant, but they are waiting for the weather to get better.

Ch. Kalina questioned what type of envelope will be on some of the lots because of the topography and Mr. Bender stated they are confident that the property is buildable.

Ms. Dermody had no questions or comments.

Mr. Schaefer asked about the space located to the north of the proposed development.

Mr. Bender stated they will have to obtain a lot split for that piece. Pine Hills golf course will maintain the northern portion of that piece.

Mr. Marzullo asked about the inactive gas wells and if they get capped.

Mr. Bender stated that Mr. Studor contacted ODNR who stated that based on their records no gas wells had been dug, there is nothing there to cap or remove. Before they close on the sale, they will bring in an environmental engineer to review the site and they will also check on that. Mr. Bender stated that if it's determined there is something there, it will be removed.

Ch. Kalina asked what the lots might sell for and Mr. Bender stated lots and house package would be approximately \$600,000 - \$650,000 and they will control who builds there. Parkview Homes very much wants to build on the lots.

Ms. Crew had no questions or comments.

Mr. Fischer asked about the lot split and will the remainder of the area be merged or will it be landlocked. Mr. Bender stated they will merge so there are contiguous parcels.

Mr. Crane stated he believes the County requires that.

Ch. Kalina stated that if it is a non-buildable parcel the Township would include that statement on the mylar.

Ch. Kalina asked if there were any comments or questions from the audience.

Jake Studor – Pine Hills Golf Course

Mr. Studor stated that they started the project in 2007 to enhance what they have. They have been operating the golf course for 60 years and they have a great history there. They want to sustain it and that involves generating more revenue. They know they won't build any more golf related things on that piece of property and Parkview Homes was their first choice.

Ch. Kalina stated they want the golf course to stay and be successful. Ch. Kalina then asked if there were any other comments from the audience and there were none. Ch. Kalina thanked everyone.

Ch. Kalina stated they would take a 3 minute break to allow the room to clear.

Ch. Kalina stated the next topic is Buzzard Cove and reminded everyone to provide full name and address if speaking.

Chris Carter – 492 Prospect Street, Berea, Ohio

Mr. Carter stated last year was the first year he got involved with the Scream Park at Buzzard Cove.

Ch. Kalina asked what Mr. Carter's position is and Mr. Carter stated he is community relations. He handles the complaints and makes sure everyone is safe and he addresses issue with police and fire.

Mr. Carter stated he realized that the noise was a problem last year and the time frame was a problem. Mr. Carter stated he worked with a few families to try to resolve issues. They moved the truck horn to face the ground. They would like to use chain saws and promise they are off by 10:30. He wants to work with community to be respectful. Also, they would like to make the event family friendly with face painting and hayrides and other things. Mr. Carter stated the barn has always been there and in the past it didn't do too well. Mr. Carter stated that last year more people visited and they hire police for safety. They want to work with the neighbors and make it workable for everyone. They invite the community to speak with them so they can work things out. Mr. Carter suggested new operating hours, Friday and Saturday 7:00-11:30 and Sunday 7:00 – 10:30. They want to operate from the last 2 weeks in September through the end of October.

Jerry Petry – 1942 Marks Road, Valley City, Ohio

Mr. Petry stated he is the contract holder for the Haunted Barn. Mr. Petry stated they are expanding because when they first opened there were many rules which placed a lot of limits and there was very low volume, so they needed to add more to make it work. He realizes that they aggravated some of the neighbors and he has tried everything to accommodate.

Mr. Carter explained that he would like to donate \$3.00 from every ticket sold to the Medina Women's Shelter. He is trying to be part of the community. He apologized for causing any problems with the neighbors. Mr. Carter thanked everyone for allowing him to speak.

Ch. Kalina stated that Buzzard Cove is in a unique location and the challenge is that it is zoned B-1, Commercial and completely surrounded by residential zoning. Ch. Kalina explained the purpose of the B-1 area. Ch. Kalina stated that Buzzard Cove is a great business and everyone likes it, but there has to be a balance between the community and the business. Ch. Kalina stated that in 2016 the business was given a special event permit by the Township, the proposal that was approved was a special event to help support the golf course. At that time there were questions raised about noise levels and the Township was told there would be police officers on site to maintain control of crowds. At that time Mr. Schneider asked if there would be outdoor speakers and music and the Board was told there wouldn't be any.

Zoning Inspector Wilson explained that last year he issued a special event permit for the business.

Mr. Carter further explained some of the changes they have made to reduce the noise levels.

Ch. Kalina stated that the Board has heard from some residents who have been quite tearful about how this period of time has interfered with their ability to enjoy their home. Further discussion followed regarding what Mr. Carter and Mr. Petry are doing to reduce the noise levels.

Ch. Kalina stated that the Township Resolution for the B-1 District has listed what are principal uses by right which includes indoor recreation. Outdoor recreation is conditional and that would need to be heard by the Board of Zoning Appeals. Mr. Petry asked if there was language relating to tents and Ch. Kalina stated he thought that may be considered temporary. Mr. Petry stated he felt having a tent would help with the sound. Further discussion followed amongst the Board regarding tents and whether they would be a building or structure.

Mr. Fischer asked where they would consider putting the tent and Mr. Petry said they would like to put it closer to the barn.

Ch. Kalina asked for comments from the audience:

Richard Pearl - Ridge Road, Hinckley

Mr. Pearl asked if it was possible to go back to 1985 and review promises made when the B-1 came into existence knowing that it was surrounded by neighbors.

Ch. Kalina stated what they are talking about is the special event permit issued in 2016 for the Haunted Barn and now the business has expanded outside, so it is falling more under the special event permit process.

Gary Jenrich – Skyline Drive, Hinckley

Mr. Jenrich explained that they live above where the barn is and they can hear everything and they cannot be outside during the hours the Scream Park is open.

Mr. Marzullo asked if Mr. Jenrich heard anything from the barn and Mr. Jenrich stated no.

Scott and Lisa Rushworth – 1000 Bellus, Hinckley, Ohio

Mr. Rushworth explained they live across from Buzzard Cove and the sound amplifies up the hill. Mr. and Mrs. Rushworth explained the problems they have with the noise from Buzzard Cove putt putt and the Haunted Barn and Scream Park. Mrs. Rushworth explained that another concern they have is the possibility of fire from all of the extension cords plugged in outside which are used to run the Scream Park equipment. They are concerned about fires and wondered if there are safety inspections.

Ch. Kalina stated that he believes the Fire Department does inspections. Ch. Kalina stated this meeting is informal and they are simply listening to concerns and at what point does the operation of a business create a nuisance. They have a right to have a business because it is zoned commercial.

Ms. Dermody stated that the permit would be issued for specific dates. Discussion followed.

Zoning Inspector Wilson stated if there is a request for a conditional use or special use permit a site plan would be required.

Ch. Kalina stated his goal for this evening was to have an informal discussion and then follow up with the County Prosecutor to determine how to proceed.

Ch. Kalina made a motion to extend the meeting by 15 minutes.

Ch. Kalina entertained a motion to extend the February 6, 2020 Zoning Commission Regular Meeting by 15 minutes.

- Mr. Marzullo moved and Mr. Schneider second.
- No further discussion.
- Ch. Kalina called for vote to approve.
- All were in favor.

Ch. Kalina asked if they are trying to contain the majority of the event indoors and Mr. Petry stated that was his intent because he can't control the weather so having everything indoors is better.

Ch. Kalina asked if there were any more questions.

Ms. Dermody had no questions or comments.

Mr. Schneider asked Zoning Inspector Wilson if he could investigate what was done in 1985 with original agreements with Buzzard Cove.

Mr. Marzullo stated there is a lot to think about and he is glad it is being discussed in February.

Ms. Crew had nothing else to add.

Mr. Fischer stated that according to the current definition a tent is not a building. Discussion followed.

Mr. Manley stated he was there when the original discussion took place about Buzzard Cove and he believes anything outside should be addressed by the Board of Zoning Appeals.

Ch. Kalina thanked everyone for coming in and appreciates all the comments.

Ch. Kalina stated that he attended the Township Trustee meeting and presented the proposed text amendments and they were approved with a vote of 2-1. That will now move forward and in 30 days they will be able to update the text. Ch. Kalina stated he had a follow up conversation with a resident who asked hypothetically if they want to put in a green house is that agriculture and Ch. Kalina asked Mr. Richter and he said that he would expect Zoning Inspector to determine if agriculture and agricultural production is going on as defined in the Ohio Revised Code. The Zoning Inspector would have to determine if agriculture was going on and determine from that point on a case by case basis if the request would be an accessory or agricultural use.

Ch. Kalina discussed the paper that Mr. Pearl handed out regarding 350 Hinckley. Ch. Kalina then distributed the December and January Chairperson reports and briefly discussed.

Ch. Kalina stated that there were some housekeeping issues that needed to be addressed with the text amendment language, which was taken care of before it was introduced at the Township Trustees meeting, so that language was incorporated and approved and now ready to go directly into the book.

Ch. Kalina asked if there was anything else and there was nothing.

Ch. Kalina entertained a motion to adjourn the February 6, 2020 Zoning Commission Regular Meeting.

- Ms. Dermody moved and Mr. Schneider second.
- No further discussion.
- Ch. Kalina called for vote to approve.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 9:17 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2020

Christopher Kalina, Chairman

Diane Dermody, Vice-Chairman

Bruce Schneider, Member

Matt Marzullo, Member

Michelle Crew, Member