

Ch. Kalina called the March 9, 2020 Zoning Commission Regular Meeting to order at 7:01 p.m.

Roll found: Kalina, Dermody, Schneider, Marzullo, Fischer, and Ms. Crew and Mr. Manley (Alt.) had an excused absence

Also in the audience: Zoning Inspector Wilson and Trustees Schulte and Augustine

Ch. Kalina asked if everyone had received and read the minutes from the February 6, 2020 Zoning Commission Regular Meeting. He asked if there were any comments or changes. There were none.

Ch. Kalina stated he would entertain a motion to accept the February 6, 2020 Zoning Commission Regular Meeting Minutes.

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

Fischer – yes, Marzullo – yes, Schneider – yes, Dermody – yes, Kalina – yes

Ch. Kalina stated the first item was the final site plan for the new Hinckley Elementary school building.

Ch. Kalina stated that anyone who would like to speak must sign the sign-in sheet with their name and address.

Ch. Kalina stated this meeting will be taped for transcription purposes and written minutes will be the official record of this meeting.

Ch. Kalina then invited the representative for the project to come to the podium:

Mr. Joseph Steines – GPD Group, 520 S. Main Street, Akron, OH

Mr. Steines discussed the site plan for the Hinckley Elementary School building and grounds. Mr. Steines stated the access to the school building is off of Route 3, the site falls toward the east and there is a large amount of earth work involved requiring 3 retaining walls.

Ch. Kalina asked the height of the walls and Mr. Steines stated 15 feet at the highest point and 6 feet at lowest.

Mr. Steines explained there will be parking in the front of the building and the bus parking will be to the North of the building and there will be a paved access road. Mr. Steines stated they have discussed with local safety services and the County Sheriff who stated they wanted an access road wide enough for safety vehicles.

Mr. Steines stated there is a well for water and the wastewater will be taken care of by the wastewater treatment plant in the back of the property. Also, there are 2 areas for detention of storm water.

Mr. Steines indicated there is an open grass area in the back of the school for a play area.

Mr. Steines stated a traffic study was completed and the State asked for a right turn lane off of Ridge Road onto the property. For traffic flow purposes there will be a right turn lane out of the site.

Mr. Steines explained there will be extra striped parking in the rear for overflow parking. There are 64 parking spots per the Zoning Regulations and 45 cars can be parked along the access road. Mr. Steines stated they had discussions with the School District regarding the parking situation.

Mr. Marzullo asked if the number of spots took into consideration all school staff and Mr. Steines stated yes.

Mr. Steines stated there will be a fence around the playground area which attaches to the building and there will be a fence around the wastewater treatment facility. Mr. Steines then discussed the landscaping plan. Mr. Steines indicated the tree line won't be disturbed and they are far from the adjoining property lines. Mr. Steines stated further that they worked with the School District to determine the best location for the wastewater treatment plant.

Ms. Dermody asked if there was anything between the playground and the wastewater treatment plant and Mr. Steines stated there is a fence.

Ms. Dermody asked how many total cars could be accommodated and Mr. Steines stated there are 64 parking spaces, overflow parking will hold another 20 cars when the busses are not parked there. Mr. Steines indicated he is not sure of the maximum capacity of cars.

Ms. Dermody asked if there is an extra lane on the entrance road to the building and Mr. Steines explained there is an extra lane for exiting purposes, because there is no light the extra lane allows for 9 cars to stack upon exiting.

Mr. Fischer asked if there will be a left turn lane into the school and Mr. Steines stated Ohio Dept. of Transportation had done a traffic study which didn't require a left turn lane into the school.

Trustee Augustine stated there is not enough parking especially when there are events at the school. Mr. Steines stated they had discussed parking with the Superintendent and they had worked together to determine the parking. Almost 100% of the site is utilized. Discussion followed regarding parking.

Mr. Schneider asked if a study had been done to determine the daily number of cars picking up children from school and Mr. Steines stated yes, there were between 50 – 60 cars daily.

Ms. Dermody asked how much bigger is the new school compared to the current elementary school and Mr. Steines stated it is based on the same population, which is 400 students.

Mr. Marzullo stated that the new design of schools increases the class density, so there are more kids in class than the old school. They are not allowed to plan for anticipated growth.

Ch. Kalina asked how the parking compares to other schools and Mr. Steines stated it is very similar.

Ch. Kalina asked to discuss some of the items that Zoning Inspector Wilson listed as follow up items. The first item was if there was any feedback on the Army Corps of Engineers Wetlands Report and Mr. Steines stated they mitigated one small wetland area in front, but the rest of the areas were avoided. The next item was the Environmental Engineers Report and Mr. Steines stated Phase I and soil borings have been accounted for. Additional items included the fencing and the parking, which have both been addressed, along with drainage which is noted with a very detailed topographic map. Ch. Kalina asked about the plan for outdoor lighting and Mr. Steines stated the lights are positioned downward and they are photometric to comply with the regulations.

Ch. Kalina stated there is concern about light pollution. Mr. Steines explained the lighting consists of LED fixtures which are designed to illuminate down and are concentrated on the ground. Ch. Kalina asked what are the height of the lights and Mr. Steines indicated he would get that information and let the Board know.

Ch. Kalina then asked what the Ohio Department of Transportation requested regarding the right turn lane into the school property. Mr. Steines stated the turn lane has not officially been approved. There is a bit of widening before the lane begins, but the turn lane starts after the property line. Ch. Kalina asked if they are requiring any additional right of way from the neighboring property and Mr. Steines stated no.

Zoning Inspector Wilson inquired about the school zone hours and the school zone lights. Mr. Steines stated his understanding is if children are present the area becomes a school zone regardless of the flashing lights being on or off. Mr. Steines stated that the Ohio Dept. of Development determines where the school zone is located.

Mr. Schneider asked about the amount of water run-off and where it will be going. Mr. Steines explained that the only time there would be water run off would be after a major storm event. The detention basins are designed so that the water drains into the ground and doesn't surface flow off of the property.

Mr. Marzullo asked if the fence height was adequate because of how close the playground area is to the stormwater management area. Mr. Steines stated this is a typical fence height and style, but they could certainly take into consideration the height of the fence for safety.

Trustee Schulte stated that some of the neighboring residents have concerns about noise pollution from the water treatment plant. Mr. Steines stated they have done what they can to address that issue, there is a good tree line, they will build a concrete wall with shrubs on the top, the treatment plant is designed to have no odor and there is a hum from the exhaust fan, but that is located above the roof height of houses so the sound will go up. Additionally, Mr. Steines stated that the plant is located approximately 200 feet from the back of the closest neighbor's garage and the neighbor's house is located farther away.

Ch. Kalina stated the Board received correspondence from representatives of 350 Hinckley and in that correspondence, they indicate that they made a presentation to the Highland Board of Education on January 13 regarding permeable pavement at the site of the new elementary building. They also indicated they were planning to sit down with Superintendent Aukerman to discuss using this material. Ch. Kalina asked Mr. Steines to address that.

Mr. Steines stated they did meet with Superintendent Aukerman to discuss the pros and cons of using permeable pavement, but the School District is not interested in using this because the permeable pavement loses its advantages in a rural setting and it would be an ongoing expense because of the required maintenance. Discussion followed. Ch. Kalina stated that 350 Hinckley's concern is the run off into the creek on-site with de-icing, salt, fertilizer, gasoline residue and other pollutants. Ch. Kalina asked how are they dealing with these issues and water run-off. Mr. Steines stated they are required to address all these issues through state and local regulations and they are addressing these issues with the detention basins and they are meeting all requirements with the current design.

Ch. Kalina asked about the depth of the stormwater facility and Mr. Steines indicated they are as shallow as possible because they were trying to eliminate as much earth movement as possible. Ch. Kalina asked what calculations are used to calculate a rain event and Mr. Steines stated the Engineers would know but that the facilities are designed for a 100 year event and to some extent for a 200 year event.

Mr. Fischer asked if there are spillways on the ponds and if there is spillover from the facilities will it run onto adjoining properties. Mr. Steines explained that the basis of the design is to have the water run off the same as before the property is developed. The design is reviewed by Medina County Soil and Water.

Ch. Kalina reviewed the list of criteria that has to be met on a final site plan per the Zoning Resolution, all had been met, with the exception of lighting and it was determined to add language to the Board's motion to request the lighting not adversely affect neighboring properties.

Mr. Fischer asked if there was any consideration of putting in a sidewalk from the school to Route 303 and Mr. Steines stated that had been discussed but decided not to do that because there are no sidewalks on Route 303.

Mr. Marzullo stated there will be issues with the parking because there are events at the school every month and there won't be enough parking. Mr. Steines stated there are 139 available spots and the school district is aware of the situation. Discussion followed regarding parking for events at school.

Mr. Fischer inquired about a left turn lane out of the school to alleviate traffic back up and Mr. Steines stated they have data regarding turning lanes and that is what they use to determine if there is a need. Discussion followed.

Ch. Kalina asked if anyone in the audience had any questions or comments.

Lisa Rushworth – 1006 Bellus Road, Hinckley, OH

Ms. Rushworth asked what the data gathered for the right and left turn lanes was based on. Mr. Steines stated the information was calculated by the traffic engineers and the data was based on new population and the anticipated traffic counts flowing through the area.

Terri Walrath – 2150 Hinckley Hills, Hinckley, OH

Mr. Walrath asked if the Board had communicated with the School District and Ch. Kalina stated yes they had, a School Board member had attended a meeting to both share information and discuss the site plan with the Zoning Commission Board members.

Gary Jennrich – 1672 Skyline Drive, Hinckley, OH

Mr. Jennrich stated he is representing Hinckley 350 and he asked where the water goes when it drains from the detention pond.

Mr. Steines stated he is not a scientist; however, they are designed so that the water is held in the pond and the contaminants separate as the water seeps into the ground. Mr. Jennrich discussed a school in Akron that installed permeable pavers.

Ch. Kalina stated he did some research on pervious pavement and it doesn't have the strength for bus traffic and can potentially clog up if it's not maintained, however, he would have liked to have seen something on the site with pervious pavement. Ch. Kalina thanked Mr. Jennrich and the group for their efforts and their research.

Ms. Rushworth asked why the School District is not allowed to consider future growth when planning for a new school. Discussion followed. Mr. Steines stated they make an assessment and can anticipate some growth, but they cannot predict from empty fields.

Mr. Schneider stated that the fence around the playground area should be six feet. Ch. Kalina read and summarized Section 4.9 of the Resolution which addresses fences. Ch. Kalina stated the Resolution requirements are being met by the plan presented and the Board can't force them to do something outside of the Resolution requirements, however the Board can make a recommendation regarding the fence height.

Ms. Dermody asked about possibly installing a sidewalk on the driveway to the main road and Mr. Steines stated if a sidewalk is installed that doesn't lead anywhere it encourages people to create paths. Further discussion followed.

Trustee Augustine asked what they are doing with the old playground equipment and Mr. Steines stated they are using the existing basketball equipment at the new school but there will be new playground equipment.

Trustee Augustine asked if consideration could be given to include language in the motion for more parking. Discussion followed.

Ch. Kalina asked if there were any other comments and there were none.

Mr. Fischer asked if language could be added for a left turn lane and Ch. Kalina stated that is out of the Township's jurisdiction, that is an ODOT matter.

Ch. Kalina made a motion to approve the final site plan as presented noting that lighting shall not create a hazard or a nuisance to adjacent properties and recommending the height of the fencing is explored as the Board felt that the fencing may be too short.

- Mr. Marzullo moved and Mr. Fischer second.
- Ms. Dermody asked about the noise level of the HVAC equipment and Mr. Steines stated there will be a masonry wall around the chillers which will trap the sound. Discussion followed.
- There was no further discussion
- Ch. Kalina called for vote to approve.
- All were in favor.

Fischer – yes, Marzullo – yes, Schneider – yes, Dermody – yes, Kalina – yes

Ch. Kalina thanked everyone for their time.

Ch. Kalina then tabled the subject matter list because of the time and there was no new business to discuss.

Chairman's Report

Ch. Kalina stated he spoke with the Township's legal counsel, Assistant Medina County Prosecutor Mr. Richter, regarding clarification on agriculture definitions. Townships cannot regulate agriculture or an agricultural use. Ohio Revised Code Section 303.01 regulates and defines what is agriculture and if there is an issue that is not covered under this section, case law must be looked at for guidance. Any request should be reviewed on a situational, case-by-case basis. To explain how requests would be addressed, Ch. Kalina stated Zoning Inspector Wilson would meet with the landowner to determine if an agriculture use is taking place and if what the landowner is asking for is incident to the use of agriculture. It is not the Zoning Commission Board's role to provide legal interpretation, that is the responsibility of the County Prosecutor. Zoning Inspector Wilson should gather facts and discuss the request with the County Prosecutor as appropriate.

Ch. Kalina discussed an issue regarding a sign in the Township's right of way which appears to be permanent. A permanent sign cannot be placed in the Right of Way. Zoning Inspector Wilson is working on that matter.

Ch. Kalina stated he spoke with Assistant County Prosecutor Mr. Richter regarding the Scream Park business. The Resolution in Chapter 15 - Temporary Sales and Special Events in a business and industrial district states that the events, programs and festivals... "shall be permitted". Ch. Kalina reviewed the language as written. Temporary sales or community events that last 60 days or less shall be approved by the Township Zoning Commission and temporary sales and special events in a business district lasting longer than 60 days shall be approved by the Township Board of Zoning Appeals as a conditional use. Because the word "shall" is used they have to approve the permit.

Ch. Kalina stated that Mr. Richter asked what they need to operate the business and what can be done to keep the noise level down, can they operate in an enclosed area to keep the noise level down. Discussion followed regarding what can be done to find a compromise. Mr. Marzullo stated he had done research regarding the situation and the parties involved should try to find a happy medium. Possibly make the Scream Park more a carnival setting to dramatically reduce the volume of noise. Further discussion followed.

Mr. Walrath stated he doesn't see the business as a community event, he sees it as a business, it is not operated or owned by the community. Ch. Kalina stated because community event is not defined it is up to interpretation and it was previously approved as such.

Mr. Fischer made a motion to extend the 3/5/2020 Zoning Commission meeting by 15 minutes.

- Ch. Kalina second.
- No further discussion.
- All were in favor.

Scott Rushworth – 1006 Bellus Road, Hinckley, OH

Mr. Rushworth stated that the Scream Park is a 3rd party, not a property owner if that makes a difference. Further discussion followed.

Ch. Kalina stated that his goal was to establish the Board of Zoning Appeals as the ruling authority for this matter as they have greater authority than the Zoning Commission Board, but Mr. Richter confirmed the Zoning Commission is ruling authority.

Trustee Schulte stated he would reach out to Montville Township to discuss how they handle these matters.

Mr. Schneider discussed his attendance at the Medina County Planning Commission meeting.

Trustee Schulte stated he attended the conceptual meeting for the proposed Pine Hills and Bailey subdivisions and there was discussion regarding connecting the two subdivisions. Medina County Planning Services would like to see all subdivisions connected. The Trustees do not want cut throughs, they want to preserve the unique neighborhoods created by the various subdivisions. At the last Trustee

meeting the Trustees approved language for no cut-through roads and they are waiting for review and approval of that language. Ch. Kalina shared that this is also recommended in the Comprehensive Plan.

Zoning Inspector Wilson made a suggestion to include language in the Code that a project requiring a building permit has to be completed in a set amount of time in order to limit unfinished projects standing for an unlimited number of years.

Ch. Kalina asked if there was any further discussion. There was none.

Ch. Kalina entertained a motion to adjourn the March 5, 2020 Zoning Commission Regular Meeting.

- Ms. Dermody moved and Mr. Schneider second.
- No further discussion.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 9:24 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2020

Christopher Kalina, Chairman

Diane Dermody, Vice-Chairman

Bruce Schneider, Member

Matt Marzullo, Member

(absent)
Michelle Crew, Member

Marcus Fischer