

Ch. Kalina called the July 2, 2020 Zoning Commission Regular Meeting to order at 7:00 p.m.

Roll found: Kalina, Marzullo, Crew, Manley, Fischer; Dermody had an excused absence and Schneider was not present at roll call.

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

Ch. Kalina asked if everyone had received and read the minutes from the June 4, 2020 Zoning Commission Regular Meeting. He asked if there were any comments, there were none.

Ch. Kalina stated he would entertain a motion to accept the June 4, 2020 Zoning Commission Regular Meeting Minutes as written.

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

Kalina – yes Marzullo – yes, Crew - yes, Manley – yes, Fischer – yes

Ch Kalina stated there are two items for new business – the Pine Hills Subdivision (aka Preserve at Pine Valley Subdivision) Site Plan Review and the Site Plan Review for a parking lot expansion at Aldi.

Ch. Kalina described the Board's role and duties for the review of site plans per the zoning resolution.

Ch. Kalina asked the applicant for the Pine Hills Subdivision to come forward and describe the project.

Applicant – Chris Bender, North Park Developers, LLC 22700 Royalton Road, Strongsville

Mr. Bender is the site developer for the project and he also introduced Chris Schmidt of TGC Engineering, 1310 Sharon Copley Road, Sharon Center who is the Engineer for the project and available to answer any questions.

Mr. Bender thanked the Board for allowing them to meet. Mr. Bender stated he took all prior suggestions into consideration. The Zoning Code will allow for approximately 40 lots and Mr. Bender started out with 36 proposed lots. After review of the wetlands they were able to reduce the number of lots to 31. They widened the lots, the expectation is the homes will be approximately 3,500 square feet with side porches and 3 car garages with side entry, which

would make the development more appealing. Mr. Bender further explained that the site is completely wooded and the design will allow for minimal disruption of existing trees. Mr. Bender stated they want to respect their neighbors on Forest Lane and Pine Hills Golf Course.

Ch. Kalina stated the County Engineer gave conditional approval for sanitary and there is EPA approval. Mr. Bender stated there will be water and sanitary sewer.

Ch. Kalina explained that the property is zoned R-2, they are 3/4 acre lots with 10% of dedicated open space. Ch. Kalina further stated that the development site plan meets the Township Zoning and fits into the Master Plan and the Fire Department approved the hydrant locations. Ch. Kalina stated that Soil and Water recommended that open space areas need to be marked so homeowners do not extend their yards into the open space. Ch. Kalina stated it is a common problem that homeowners use open space as an extension of their yards. Ch. Kalina recommended that markers be used on properties so residents know where their property ends and the open space begins.

Ch. Kalina asked about the turnaround as Phase I is developed. Mr. Bender explained that they discussed this issue with the Medina County Engineer's office and they proposed a temporary turnaround for safety vehicles, they would put down temporary pavement. Mr. Bender stated they would be happy to follow any recommendations.

Ch. Kalina inquired about Medina County Planning Services and the northern parcel lot split and consolidation.

Mr. Bender stated they understand it will split. They will be maintaining that property. It's the only way to deed out properties.

Mr. Marzullo stated that his biggest concern was the property split, but he is satisfied that it was addressed. Mr. Marzullo commented that he liked how they addressed the ponds, it brought together a nice plan. Mr. Marzullo asked if there will be an island in center of cul-de-sac.

Mr. Bender stated that right now it will be pavement but they are not opposed to an island.

Trustee Schulte stated the Trustees are not in favor of an island because they are not maintained properly and they can damage the snow plows. Mr. Bender stated that if the Township is concerned about an island in the cul-de-sac, they won't put one in. Discussion followed regarding the matter.

Mr. Manley asked about the gas wells and if they are capped.

Mr. Bender referred to Mr. Studor the owner of Pine Hills Golf Course and the previous owner of the property. Mr. Studor stated one is capped and not operational and the northerly one is drilled, but not in service.

Mr. Manley asked if there were any plans to consider another entrance/exit to the development.

Mr. Bender stated it was discussed with the County Planning Commission. There is a lot of concern that the residents on W. 130th street will have problems getting out of their driveways because of increased traffic. Additionally, there were concerns that an additional entrance/exit would encourage a cut-through for traffic so the County Planning Commission recommended no additional entrance to the subdivision.

Ch. Kalina stated there was a lot of discussion for an additional entrance to the subdivision, but ultimately the County Planning Commission unanimously approved the Township's request for no additional entrance.

Mr. Fischer stated the development is very nicely done. Mr. Fischer asked about the by-laws and the creation of classes of voting rights at end of development period. Mr. Fischer asked what happens if there is a problem. There should be language in place to allow the HOA to maintain the property if something happens and the developer cannot complete the development.

Mr. Bender stated he has experienced that and he will have the attorneys add "what if" language.

Mr. Fisher asked if there are sidewalks in the subdivision. Additionally, Mr. Fischer asked about the light post requirements, the by-laws don't state where the light post should be placed and Mr. Fischer suggested they might want to consider language indicating where to place the light posts.

Mr. Bender stated he would change the language. They will have ground lighting, they contract with Ohio Edison to put a typical light at each side of entrance. Mr. Fischer stated that he believes that ^{lighting} is required. The more the street is illuminated the safer it will be. Mr. Bender agreed they want people to feel welcome and safe when they enter. Mr. Kalina noted that entrance street lights are installed at intersections in Hinckley Twp. and personally, he was not in favor of illuminating streets with anything more than a residential lamp post as many residents of Hinckley prefer less light pollution. Discussion followed regarding lighting.

Mr. Fischer asked if open space is intended to be non-maintained. Mr. Bender stated that it's intended to be the bare minimum, it's a nice aesthetic and they don't want to invite a lot of activity in that area. Mr. Fischer asked if the area is owned by the HOA and Mr. Bender confirmed that is correct. Mr. Bender stated it is only intended to stay natural. The Township has an interest to make sure water courses are maintained.

Mr. Fischer asked if there is anything preventing the HOA from clearing the controlled open space and Mr. Bender stated no, but they would be subject to building and zoning permits.

Ch. Kalina stated he would like to see language requiring the open space to stay natural in perpetuity. Mr. Bender indicated there are wetlands in that area. He would be willing to add language indicating Township Trustee approval would be required.

Mr. Fischer stated HOA should be able to use the property but limit future improvements, so they would need Trustee approval.

Mr. Manley stated he disagrees, the space belongs to the homeowners and they should be trusted to do what they want to do. The Trustees shouldn't be able to tell them what to do.

Ch. Kalina stated it's been his experience that HOAs will do things with the open space that was not originally intended, especially when there is a small group of people controlling what can happen.

Mr. Marzullo stated that it's important to get a majority vote, the homeowners should be able to understand what is being done. Mr. Marzullo further stated that he is very much for property rights and if the HOA owns the property why is the Township adding another layer. Discussion followed.

Mr. Bender stated that a common sense approach suggested they require 75% approval with a simple majority present. This would hopefully eliminate the back room dealings.

Mr. Schneider stated that it's a very nice plan, they should make sure people don't get pinned in, the homes should be 200 feet away from the golf course.

Ch. Kalina thanked everyone for their comments and asked Zoning Inspector Wilson if he had anything to add.

Zoning Inspector Wilson stated he thought everything had been covered.

Ch. Kalina then reviewed the Site Plan Worksheet. Ch. Kalina summarized that they discussed the declarations, that the open space boundary should be marked with signage, successfully

complete the lot split and consolidation, review back up language in covenants regarding development period, consider locations of lamp posts, and study methods to preserve the open space in a natural state in perpetuity.

Ch. Kalina stated that in his experience good subdivisions happen when collaboration is good with the developer and the property owners and the township.

Mr. Bender stated he had great communication and direction and they received enough information along the way to move in the right direction.

Ch. Kalina asked if there were any comments from the audience and there were none.

Ch. Kalina stated he would entertain a motion to approve the preliminary site plan for Preserve at Pine Valley Subdivision (aka Pine Hills Subdivision) with the modifications and recommendations discussed.

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

Kalina – yes Marzullo – yes, Crew - yes, Manley – yes, Fischer – yes

Ch. Kalina thanked Mr. Bender for his time.

Ch. Kalina stated the next item on agenda is the Site Plan submitted by Aldi for a parking lot expansion. Ch. Kalina stated that conversations had taken place with Trustee Schulte and Aldi and they didn't think that it was necessary to have Aldi go through the zoning process for the parking lot expansion. There is a clause for site plan waiver if there are inconsequential changes. Ch. Kalina stated he feels that a parking lot expansion doesn't require the complete zoning process, he feels this is an inconsequential change.

Trustee Schulte stated there is one driveway into the existing parking lot which is shared by the semi-trucks, Aldi's feels this is a safety issue for their employees.

Zoning Inspector Wilson stated the application arrived late so he saw it today for the first time. Zoning Inspector Wilson stated the spaces are the correct size and location. It is a good project and he doesn't think they need site plan reviews.

Mr. Marzullo asked if the expansion portion will be concrete. Trustee Schulte called a representative of Aldi to ask that question and it was confirmed the expansion portion will be

concrete. Trustee Schulte asked the Aldi representative if there will be any landscape screening between the road and the parking lot and the Aldi representative stated no, there will be islands with trees and light poles similar to what they have. They will expand the storm water pond between the parking lot and the road for storm water run off.

Ch. Kalina stated he would entertain a motion to waive the site plan review process for the Aldi parking lot expansion.

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

Kalina – yes Marzullo – yes, Crew - yes, Manley – yes, Fischer – yes

Ch. Kalina asked Trustee Schulte to follow up with the Board regarding the project.

Ch. Kalina stated that the next order of business is the review of the revised language for Chapter 15: Temporary Sales & Special Event Regulations reflecting changes George Smerigan made based on the Board's comments.

Ch. Kalina stated that previously there was considerable discussion regarding the use of the words "shall" and "may" with the Board recommending using the word "shall". Ch. Kalina stated that Mr. Smerigan used "shall" when referring to residential and community events and "may" when referring to commercial events.

Ch. Kalina stated he liked the flexibility, it made language clearer for the Zoning Inspector.

Mr. Fischer stated he felt Mr. Smerigan did a good job addressing the HOAs in the revised language. Mr. Fischer commented that it was an excellent revision to the Residential Event definition regarding an event limited to a maximum duration of 72 hours and in the definitions for Community Event and Commercial Event it states 3 days, and they should add 3 calendar days for consistency.

Mr. Fischer stated that in Section 15.3 language they should remove temporary and continue using Special Events for consistency. Mr. Fischer stated he does have a concern regarding the use of "may" and he is concerned with guidelines, they shouldn't arbitrarily deny a permit.

Ch. Kalina stated that if the Board decides to move forward with the proposed language, there are many steps in the approval process and during that process there are many professionals who review the language and can provide feedback.

Mr. Marzullo questioned the clarity of the use of temporary permit and special permit. Mr. Marzullo stated that aside from the use of "shall" and "may" he thought the language was good. Mr. Marzullo still had some questions regarding the definition of commercial event and how it would apply in a situation with a business like a landscaper who might have an inside sale and if that would require a permit.

Ch. Kalina stated that Mr. Smerigan felt confident that a business continuing to have a sale following a typical use, whether indoor or outdoor, would not necessitate a permit because the business is just continuing to do what they typically do.

Discussion followed regarding whether there was a need to obtain a permit for certain types of sales at businesses. Ms. Crew stated her concern was that a business owner shouldn't have to ask for a permit every time they want to have a sale. Mr. Marzullo felt they should remove the ambiguity in the language.

Mr. Fischer suggested adding language that says a permit would be required if event is out of the normal course of business.

Zoning Inspector Wilson stated there is more latitude with a permitted use, if there is a conditional use then a permit application would be necessary.

Mr. Schneider stated a business owner could always go to the Board of Zoning Appeals. Mr. Schneider suggested adding language that states "outside of normal business practice".

Ch. Kalina stated that ties in with what Mr. Fischer suggested and Ms. Crew stated she felt that would work.

Trustee Augustine asked if a residential event is limited to 3 days can she still have a garage sale Thursday through Sunday.

Mr. Marzullo stated that maybe the 72 hours would cover that because it would cover hours of operation and not days.

Discussion followed. Ch. Kalina summarized that Mr. Smerigan took into consideration that the Board didn't want to impact residents and certain annual community events with too many regulations.

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

Richard Pearl - 1785 King Road, Hinckley, OH

Mr. Pearl stated that a temporary use permit as described in the draft language expires, and he would like to know does a properly executed zoning permit expire.

Zoning Inspector Wilson stated they expire after 2 years.

Mr. Pearl asked if the applicant has to come back and reapply and Ch. Kalina stated yes they do after 2 years.

Gary Jennrich - 1672 Skyline Drive, Hinckley, OH

Mr. Jennrich thanked the Board for the work that has been done. Mr. Jennrich questioned the language in the proposed Section 15.3.2.b regarding a commercial event exceeding 3 day duration. Ch. Kalina stated that when there is an extended event it is necessary to go to the Board of Zoning Appeals so they can review for all the necessary criteria.

There being no further discussion, Ch. Kalina asked if the Board would like to move forward and submit the proposed language for Section 15: Temporary Sales & Special Event Regulations to the Medina County Department of Planning Services.

Mr. Marzullo stated yes if the language for commercial event was changed to reflect discussion.

Ch. Kalina stated he would entertain a motion to forward the proposed Chapter 15: Temporary Sales & Special Event Regulations language to Medina County Planning Services for review with the amendment that verbiage be included stating "special events outside of normal course of business operation" is added.

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

Kalina – yes Marzullo – yes, Crew - yes, Manley – yes, Fischer – yes

Ch. Kalina thanked everyone for their comments.

Ch. Kalina requested that the additional agenda subject matter be tabled. The next meeting of the Zoning Commission is scheduled for August 6, 2020.

Ch. Kalina stated that he had discussions over the past month regarding service stations and they contacted the Medina County Prosecutor's office for feedback. Trustee Schulte stated there is a tire business interested in the property at W. 130th and Route 303 and there was discussion if the business was a retail or repair facility. Zoning Inspector Wilson felt it was a retail business because they sold tires, however, in the business description it states they do repairs. The zoning definitions pertaining to repair service states that any time there is maintenance or mechanics taking place it's a conditional use, so they received clarification from the Prosecutor who confirmed the use would be conditional.

There was no further business.

Ch. Kalina entertained a motion to adjourn the July 2, 2020 Zoning Commission Regular Meeting.

- Mr. Manley moved and Ms. Crew second.
- No further discussion
- Ch. Kalina called for vote to approve by saying Aye
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 9:00 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: August 6, 2020



Christopher Kalina, Chairman



Michelle Crew, Member



Marcus Fischer, Member



Matt Marzullo, Member



Dave Manley, Member