

**MONTVILLE TOWNSHIP
ZONING COMMISSION MEETING
December 14, 2011**

PRESENT

Alan Piatak, Chairperson
John Vujevich, Vice Chairperson
Ron Potter
Pat Ryan
Elayne Siegfried

ALSO PRESENT

J. Emrick, Zoning Inspector
P. Jeffers, Field Assistant
B. Schwehm, Zoning Secretary
T. Crane B. Molena
L. Frisch L. Rimpf
J. Gerspacher Marilyn Smith
D. Hammon Mike Smith
D. Justice R. Stricker
D. Lenc S. Tafoya
T. Macosko T. Valore
R. Madarasz R. Wilson

HANDOUTS: Woodford Commons/Clearing and Grading Limits Plan & Photos
Blackberry Farm/Updated Preliminary Development Plan
Montville Tire Express/Aerial

- AGENDA:**
1. Approval of Minutes – 10/12/11, 10/26/11, and 11/9/11
 2. Motion to Approve Zoning Commission Meeting Schedule for 2012
 3. Public Hearing (tabled from 11/9/11 meeting): Text Amendments: Congregate Care/Chapters 210, 430, and 450.
 4. Preliminary Development Plan Review (tabled from 11/9/11 meeting): Woodford Commons
 5. Preliminary Land Disturbance Review (tabled from 11/9/11 meeting): Woodford Commons
 6. Preliminary Development Plan Review: Blackberry Farm Subdivision
 7. Preliminary Land Disturbance Review: Blackberry Farm Subdivision
 8. Preliminary Development Plan Review: Montville Tire Express
 9. Preliminary Land Disturbance Review: Montville Tire Express
 10. Zoning Inspector Updates

The December 14, 2011 meeting of the Montville Township Zoning Commission was called to order at 7:03 p.m. by Chairperson, Mr. Alan Piatak.

ROLL CALL: Mr. John Vujevich – “Here”; Ms. Pat Ryan – “Here”; Ms. Elayne Siegfried – “Here”; Mr. Alan Piatak – “Here.”

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

Field Assistant Jeffers responded, “Yes, they have.”

Commission Chairperson Piatak said, “Everyone in attendance should sign in if they have not already done so. If you wish to speak, you should state your 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

October 12, 2011

MOTION: Commission Member Vujevich moved to approve the October 12, 2011 meeting minutes as written.

SECOND: Commission Member Siegfried

ROLL CALL: Ms. Elayne Siegfried – “Yes”; Ms. Pat Ryan – “Abstain”; Mr. John Vujevich – “Aye”; Mr. Alan Piatak – “Aye.”

October 26, 2011

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

SECOND: Commission Member Siegfried

ROLL CALL: Ms. Pat Ryan – “Yes”; Mr. John Vujevich – “Aye”; Ms. Elayne Siegfried – “Yes”; Mr. Alan Piatak – “Aye.”

November 9, 2011

MOTION: Commission Member Vujevich moved to approve the November 9, 2011 meeting minutes as written.

SECOND: Commission Member Siegfried

ROLL CALL: Ms. Elayne Siegfried – “Yes”; Mr. John Vujevich – “Aye”; Ms. Pat Ryan – “Aye”; Mr. Alan Piatak – “Abstain.”

2. Motion to Approve Zoning Commission Meeting Schedule for 2012

MOTION: Commission Member Vujevich moved to adopt the Zoning Commission Meeting Schedule for 2012 as presented.

SECOND: Commission Member Siegfried

ROLL CALL: Mr. John Vujevich – “Aye”; Ms. Pat Ryan – “Aye”; Ms. Elayne Siegfried – “Yes”; Mr. Alan Piatak – “Aye.”

Alternate Zoning Commission Member Potter filled the vacant seat on the Zoning Commission for the remainder of the meeting.

3. Public Hearing: Text Amendments: Chapters 210, 430, and 450/Congregate Care

Commission Chairperson Piatak suggested moving the Public Hearing for the text amendments to the last item on the agenda since the people attending the meeting were there for other agenda items.

4. Preliminary Development Plan Review (tabled from 11/9/11): Woodford Commons

Commission Chairperson Piatak introduced the agenda item and said that it was tabled from the November 9, 2011 meeting pending the outcome of a variance request and preliminary plan approval from County Planning.

Mr. Travis Crane, TGC Engineering, 387 Medina Road, Medina, Ohio said that the variance request was granted and the preliminary plan approved at the December 7, 2011 County Planning meeting. The preliminary plan approved by the county showed more restricted open space than the plan tabled by the Zoning Commission on November 9th because an area previously shown as possible future development (on the eastern side of the property) was changed to restricted open space. There was still a block of land to the north for possible future development (Phase III).

Commission Chairperson Piatak thought Mr. Valore agreed to install sidewalks within the subdivision.

Mr. Crane pointed out that sidewalks were shown on one side of the street.

Commission Chairperson Piatak thought previous discussion was held about connecting the existing sidewalk on Woodford Boulevard to the existing sidewalk on Montville Drive that was located just south of Woodford Boulevard. He thought it made sense to connect the two sidewalks.

Mr. Crane did not recall a discussion about connecting the sidewalks.

Commission Member Vujevich did not recall a discussion regarding the sidewalk on Montville Drive.

Mr. Crane agreed to provide sidewalks within the development, connecting with the existing sidewalk on Woodford Boulevard.

Commission Chairperson Piatak requested that the minimum rear yard setback be added to the information block on the plan.

Mr. Crane agreed to add the notation to the plan. Mr. Crane thought that the minimum rear yard setback was approximately thirty feet.

Commission Chairperson Piatak asked how many phases the project would include.

Mr. Valore said that there would be just one phase.

Mr. Crane clarified that the existing homes which had been platted were considered Phase I. The proposed development was considered Phase II. Phase III was the area designated for possible future development.

Commission Member Siegfried said that in 2001 a plan showing 237 dwelling units was approved. The current plan proposed forty units, with another twenty or twenty-five future units possible. The new plan with fewer units would have far less of an impact on the area than the original plan with 237 units.

Commission Chairperson Piatak referred to the comments from the Zoning Office and noted the following:

In accordance with Section 720.11, a bond was required for the landscaping which included the fifteen pine trees on the southern portion of the property.

Section 414.6 D. 2. stated that the maximum net density on any one acre was six dwelling units. Depending upon the rear yard setback, Commission Chairperson Piatak said that it appeared there were a couple of areas that exceeded the requirement.

Mr. Crane thought the requirement was deemed not to be an issue at the first discussion in June.

Commission Chairperson Piatak did not think it was an issue at that point because there were only thirty proposed units, but the current plan needed to be reviewed for compliance with the requirement.

Commission Chairperson Piatak asked about the proposed square footage of the homes.

Mr. Valore said the size was projected to be from 1,800 to 3,000 square feet. The market would drive the size. The minimum 1,400 square foot requirement would be exceeded.

Mr. Valore said that the proposed street pattern helped to preserve the remainder of the property. He was not aware of the requirements of Section 414.6 D. 2., and did not want to be challenged by the requirements.

Mr. Crane thought there was a similar street layout with 110 units shown on the plan that was discussed in June. However, at that time, the street connected with Gateway Drive. The street connection was eliminated on subsequent plans due to the obstacles of the terrain and environment of the property. Mr. Crane recalled discussing the net density requirements and recalled agreeing that the plan complied with the requirements.

Commission Chairperson Piatak thought the requirement could be met, and asked Mr. Crane to review the current plan in relationship to Section 414.6 D. 2. and be prepared to discuss it at the final development plan review.

Field Assistant Jeffers said that it appeared the requirement could be met by adjusting the location of the houses on the lots.

Commission Chairperson Piatak asked if all of the units would have two-car garages.

Mr. Valore said that the units would have a minimum of two-car garages; some units may have three-car garages.

Commission Chairperson Piatak pointed out that a line of pine trees (six-foot minimum height) was proposed along the south side of Woodford Boulevard.

Mr. Valore said that the existing trees had matured. It would not be possible to match the height of the existing trees, but they planned to use six or eight foot trees.

Commission Chairperson Piatak opened the discussion to the public.

No one from the public had any comments and/or questions.

Commission Chairperson Piatak closed the public portion of the meeting.

Commission Member Vujevich asked what was happening in regards to the comments from the Fire Marshal regarding fire suppression systems. Would additional hydrants be required?

Mr. Valore agreed to explore the possibility of installing a fire system in each home. The cost would determine if it could or could not be done. If a fire system was not installed in each home, fire hydrants would be located every 300 feet. There would

either be sprinklers in the homes and hydrants every 1,000 feet, or no sprinklers in the homes and hydrants every 300 feet.

Mr. Crane said that Fire Marshal Crumley stated his position on the record at the meeting with the county on December 7th.

Mr. Valore also had a letter from Fire Marshal Crumley. A determination would be made before final plan review.

Field Assistant Jeffers said that the hydrants would have to be noted on the final plat. If each home was to include a sprinkler system, that should also be noted on the final plat.

Since the Trustees liked islands to be landscaped, Zoning Inspector Emrick asked Mr. Valore if he would consider landscaping Block D.

Mr. Valore said that he would landscape the island; he also liked landscaped islands.

MOTION: Commission Member Vujevich moved to accept the Preliminary Development Plan for Woodford Commons with these additional items in consideration for the final review: 1) sprinkler system or hydrants every 300 feet will be addressed; 2) all units will have a minimum of two-car garages; 3) the south boundary will have six to eight-foot pine trees planted; 4) will comply with maximum net density per Section 414.6 D. 2. of the Zoning Resolution; and 5) Block D will have landscaping.

SECOND: Commission Member Ryan

ROLL CALL: Ms. Pat Ryan – “Aye”; Mr. Ron Potter – “Aye”; Ms. Elayne Siegfried – “Yes”; Mr. John Vujevich – “Aye”; Mr. Alan Piatak – “Aye.”

5. Preliminary Land Disturbance Review (tabled from 11/9/11 meeting): Woodford Commons

Commission Chairperson Piatak introduced the agenda item and asked Mr. Crane to explain the tree survey.

Mr. Crane said that he walked the property and identified three locations (south, central, and north) to sample. Three 100-foot by 100-foot grids were marked, and the trees were counted within the grid. A count of the young trees and mature trees was provided for each location. However, every tree less than six inches in diameter at breast height (DBH) was not counted.

Based on the zoning code’s definition of a *stand of trees*, a determination was made that the parcel was a forty-two acre stand of trees. Looking at the definitions for mature and young woodlands and the canopy cover, a determination was made that the area was a young woodland. The zoning text required 25 percent of the trees to be preserved.

Commission Chairperson Piatak said that the plan proposed to preserve 58 percent of the trees.

Commission Chairperson Piatak said that Field Assistant Jeffers walked the site, took pictures, and concurred with Mr. Crane’s determinations.

Field Assistant Jeffers confirmed that he agreed with the survey provided by Mr. Crane. He thought the property contained a 70/30 mix of young/mature woodlands.

Commission Chairperson Piatak asked what would be done with the topsoil that was stripped from the site.

Mr. Crane said a significant percentage of the topsoil would remain on the site. The topsoil was usually re-spread over the lots.

Commission Chairperson Piatak assumed a wetland survey had been done, and the wetland categories had been identified. He asked that the wetland categories be noted on the final development plan.

Based on the stream and wetland disturbance, Commission Chairperson Piatak asked if they would be covered under a nationwide permit or if they were seeking an individual permit.

Mr. Crane said that their intent was to have zero stream and/or wetland disturbance. They would not be impacting wetland areas, but they would be crossing two streams. The intent was to cross the streams with three-sided box culverts.

Commission Chairperson Piatak asked if the public had any questions or comments regarding the land disturbance. Commission Chairperson Piatak noted that there were no additional comments from the Zoning Commission, Zoning Office representatives, or the public.

MOTION: Commission Member Vujevich moved to accept the Preliminary Land Disturbance for Woodford Commons with a note that the wetland categories should be shown on the final development plan.

SECOND: Commission Member Siegfried

ROLL CALL: Mr. Ron Potter – “Aye”; Ms. Pat Ryan – “Aye”; Ms. Elayne Siegfried – “Aye”; Mr. John Vujevich – “Aye”; Mr. Alan Piatak – “Aye.”

6. Preliminary Development Plan Review: Blackberry Farm Subdivision

Commission Chairperson Piatak introduced the agenda item. Mr. Rich Wilson, Engineer, Rolling & Hocevar, introduced himself as the representative for the item.

Mr. Wilson said that the most recent preliminary plan was very similar to the previous plan that was reviewed by the Zoning Commission. Only the location of the intersection with Wadsworth Road had changed. In securing a permit from the Ohio Department of Transportation (ODOT) for the street opening, ODOT suggested moving the access point for the subdivision further to the north, away from the existing intersection at Sharon Copley Road. The plan still included twenty-two lots, but the street hooked in a little differently.

Commission Chairperson Piatak read the following comments into the record:

- Mr. Andy Conrad, Medina County Highway Engineer’s Office (Attachment I)
- Mr. Dale H. Clark, Medina County Sanitary Engineering Dept. (Attachment II)
- Ms. Dawn Roxberry, ODOT District Three (Attachment III)
- Mr. Thomas K. James, Medina County Park District (Attachment IV)

Commission Member Ryan asked how large of a variance was granted by ODOT for the location of the entranceway from the intersection.

Mr. Wilson thought the variance was approximately 440 feet.

Commission Member Ryan thought the location of the access point would make it difficult for residents to get out of the development in the morning.

Mr. Wilson reiterated that there were only twenty-two lots in the subdivision.

Commission Chairperson Piatak pointed out that site distance improved after the intersection at State Routes 57 and 162 had been reconfigured.

Commission Chairperson Piatak referred to the comments provided by the Zoning Office regarding the project.

Section 720.4 K. requested phasing information. Mr. Valore and Mr. Wilson indicated that the project would be done in one phase.

Section 720.11 required a bond for landscaping. Mr. Valore said that the mounds along State Route 57 would be constructed during street development. The trees along the streets would not be planted until the homes were built.

Field Assistant Jeffers said that the bond should cover the mounding, entranceway, and cul-de-sac landscaping.

Commission Chairperson Piatak asked if there would be lighting at the connection point with State Route 57.

Mr. Valore said that there would be lighting at the intersection, and he planned to have decorative ground lighting on the entrance sign.

Field Assistant Jeffers said that street lighting was not required, but he thought it was something that Mr. Valore may want to discuss with ODOT.

Commission Chairperson Piatak referred to the comment regarding Section 530.10 C. that indicated the buffering and screening along the west project boundary did not comply with the zoning regulations.

Field Assistant Jeffers pointed out that the plan now complied with the regulations of Section 530.10 C.

Commission Member Ryan asked about buffering and screening on the east side of the property.

Mr. Valore said that the land to the east was a country setting – rolling and natural, with a split rail fence. After an initial discussion with the property owner to the east, Mr. Valore indicated that the property owner seemed to approve.

Commission Chairperson Piatak asked if the mounds would be mulched beds, or if the mounds would be grass with plantings dispersed among the grass.

Mr. Valore said pampas grass would be used on the mounds. He added that ODOT was to have planted pampas grass on the mound. The grass was to be randomly planted for a natural appearance. The mounds would not be cut and manicured.

Field Assistant Jeffers pointed out that the mounding was partially located on some of the proposed lots. If there was maintenance to be done on the mound, he wondered if the homeowners association (HOA) would do the maintenance. He said that there was a similar situation in Montville Lakes which turned into a nightmare; however, he did not have any specific suggestions to resolve the issue.

In Montville Lakes, Zoning Inspector Emrick said that it took eighteen months to get crown vetch growing on the mounds, and then a couple of homeowners did not like it and cut it down. She did not have a solution to the problem, but knew it had been a problem in Montville Lakes.

Mr. Valore said that five properties would be impacted by the mounds. On the tops of those lots, a preservation strip would be designated for the mounds. The homeowner could do what they wanted outside the preservation area, but the preservation area had to be left natural. A preservation area in Westlake that was to remain natural had been handled in a similar manner.

Commission Member Ryan asked for a clarification regarding *natural*. She wondered if *natural* included tall weeds, along with the pampas grass. That was what had occurred along the other side of State Route 57, and it was not attractive. She did not mind *natural* so long as it did not mean tall, straggly weeds mixed with pampas grass and other plantings.

Mr. Valore said that *natural* referred to the plantings used in the area. The maintenance of the area between the plantings would be driven by the spirit of the HOA. As the developer, they would set the standard until 60 percent (thirteen) homes were built, and the association had been turned over to the homeowners.

Commission Member Ryan said that natural settings had to be maintained to some degree.

Mr. Valore agreed. He said that he lived in a development in Westlake with a similar situation, and the plantings were maintained. They had been replanted twice when the weeds got out of control.

Commission Member Siegfried said the concern was that the plantings did not get to the point where they had to be removed and replaced.

Mr. Valore acknowledged that he understood.

Zoning Inspector Emrick asked Mr. Valore if he was familiar with the mounds for the cluster units south of Crocker Park in Westlake.

Mr. Valore said the area to which Zoning Inspector Emrick referred was beautiful.

Zoning Inspector Emrick agreed that it was absolutely beautiful and beautifully maintained. She thought it would be nice if the mounds for Blackberry Farm looked the same.

Mr. Valore said that there was a big difference between the Westlake location and Blackberry Farm. The development in Westlake had curbs, tree lawns, and sidewalks. However, he would try to make it look similar.

Mr. Valore said another challenge would be how ODOT maintained the berm of the road. His goal would be to draw a straight line where ODOT's gravel (between the edge of the road and the right-of-way) ended, and landscape up to that line. They could make it even in the beginning, but it may change over time with snowplows, etc.

Commission Chairperson Piatak opened the meeting for public comment.

Ms. Lisa Frisch, 5852 Jonathan Court, Medina, Ohio said that she managed homeowners and condo associations, and leaving the mounds natural was heading for

trouble. Natural meant natural – not cutting it. The situation was being left as a future problem for the homeowners association and for the association to maintain. She thought it was going to look like the other side of State Route 57. She thought that the mounding should either be part of the homeowner's lot, or it needed to be defined and maintained by the HOA from the beginning. Leaving it natural would cause homeowners to become angry – they would not want to look at it in their backyard and would not want to have the association tell them to keep it natural.

Ms. Susan Tafoya, 5804 Churchill Way, President, Lexington Ridge Homeowners Association, agreed with Ms. Frisch. She referred to a housing development in Medina that was located near the hospital on State Route 18. The buffering included beautiful blue spruce trees, and then the area between the trees and the side of the road was nothing but weeds and bramble. She thought it looked horrible, and thought it would look nice to plant crown vetch or something to crowd out everything else.

Ms. Tafoya said that a gas line was recently installed on the east side of State Route 57. Both sides of the road had been flagged by OUPS. Lexington Ridge's common area was on the west side of State Route 57, and numerous flags and stakes had been placed in the common area. She assumed the flagging and staking was done in conjunction with the gas line installation for the proposed subdivision. She wondered why the flags were there; and if the digging had been completed, who would be removing all of the flags and stakes.

Commission Chairperson Piatak was not aware of any gas line work on State Route 57. It was not related to the proposed development.

Field Assistant Jeffers suggested calling the Medina County Engineer's Office for additional information and clarification.

Mr. Robert Stricker, 4035 Sharon Copley Road, Medina, Ohio said that their property was located just to the east of the proposed development. They had concerns regarding the drainage. When the intersection at State Routes 57 and 162 was redone, one large culvert pipe was put under the road which directed extra water onto their property. The driveway had washed out three times in the past year. The State of Ohio had been contacted, and they were trying to get the issue resolved. He wondered what would happen to all of the water coming off of the new development. Where was the water going to go? Would it come onto his property and wash out even more things?

Mr. Stricker said that there were natural creeks on the back portion of the property that could not be moved. What was going to happen with those? Was he going to be left with a big lake on the back of his property?

Commission Chairperson Piatak said that the developer would have to comply with the Medina County Engineer's requirements for stormwater control. All of the runoff had to be routed through a retention basin and retained at, if not more than, the pre-developed rate.

Commission Chairperson Piatak said that he was sorry to hear about the issues with water after the intersection work, but that was an issue that ODOT would have to address.

Mr. Stricker said that he understood.

Commission Chairperson Piatak did not believe any of the streams on the property were being disturbed.

Mr. Wilson confirmed that was correct, and asked Mr. Stricker if he was referring to the stream in the back.

Mr. Stricker replied, "Yes."

Mr. Wilson said that they would not be getting near or touching that stream. There were dry storm detention basins shown on the plan. The purpose of the basins was to detain additional runoff from the development. He said there should be no difference in the runoff after development than the runoff today.

Mr. Stricker asked how the lots would be graded.

Mr. Wilson said that the backyards would be graded toward Mr. Stricker's property. The water from the rooftops, houses, and driveways would be sloped to the cul-de-sac, and that water would run through the detention facility. According to the contours, Mr. Stricker's property was currently getting all of the runoff. After development, Mr. Stricker's property would continue to get the runoff from the grass areas (just as he did today); however, the developed areas would be funneled through the detention basin.

Mr. Valore proposed standing by Mr. Stricker's barn and looking toward the proposed development site. He thought that about one-half of the site's drainage was currently directed toward Mr. Stricker's property. After the street was constructed, only about 200 feet of the property would drain toward Mr. Stricker's property, which was a dramatic improvement. Mr. Valore added that the site was over twenty acres, and more than seven acres was being left untouched, which included the area where the stream was located.

Mr. Stricker was concerned about the traffic on State Route 57. He wondered if there would be a stop light at the entrance to the subdivision.

Commission Chairperson Piatak said that the previous discussion was in reference to a street light – not a stop light.

Mr. Stricker said that the entranceway was not a very visible area. What would stop accidents from happening?

Commission Chairperson Piatak said that the development was required to get an access permit from ODOT, and ODOT looked at the site distance at the intersection and identified the safest possible place to locate the connection. Access to the property could not be denied.

Mr. Valore indicated that ODOT approved the safest place deemed possible for access to the property. Mr. Valore had owned the property since 2000, and the intersection (at State Route 57 and State Route 162) had been raised up approximately twenty-four feet, which improved gaining access to the property. Mr. Valore suggested looking into lowering the speed limit on State Route 57.

Commission Member Ryan said that the Township had previously suggested changing the speed limit, but the request was denied by ODOT. However, the proposed development may warrant taking another look at lowering the speed limit. ODOT could be petitioned to look at it again.

Mr. Stricker asked if there was anything proposed along his property line for privacy from the project.

Mr. Valore said that three homes backed up to Mr. Stricker's property. He estimated the proposed development was fifteen feet above the level of Mr. Stricker's property. It would be impossible to create a buffer that was fifteen feet or higher and was able to shield a house that was twenty-four feet in the air.

Mr. Stricker purchased his property in part for the privacy it provided. He thought there should be some type of privacy barrier required. He did not want people in the proposed development looking into his windows from above.

Commission Member Ryan said that she used three staggering rows of poplar trees to remedy a similar situation. Poplars grew seven feet or more each year and provided a nice screen in the summer. The neighboring subdivision did not bother them much in the winter when they were inside most of the time. The trees were obtained through the Conservation District at a very reasonable cost.

Mr. Stricker did not think that he should be responsible for creating the buffer.

Commission Member Vujevich asked Zoning Inspector Emrick if there was anything in the Zoning Resolution that required buffering between single-family residential properties. At one time, the site was proposed to be commercial. If the property was zoned commercial, there would be specific regulations for buffering from a residential property.

Mr. Stricker said that the split rail fence was located on his property. He asked if the fence would be compromised.

Mr. Valore said that the fence would not be compromised. The fence was Mr. Stricker's fence. He planned to leave the fence regardless of who owned it; it looked nice. Mr. Valore was considering extending the split rail fence.

Commission Member Vujevich said that the proposed project was a drastic improvement over other projects that had been proposed in the past. The developer was honoring all of the wetlands on the property and the riparian way that passed through the property.

Field Assistant Jeffers said that he would ask the Trustees to look at the speed limit on State Route 57.

Commission Chairperson Piatak closed the public portion of the meeting. He asked if the Commission was comfortable with what had been proposed as far as maintenance was concerned of the mounds facing State Route 57.

Mr. Valore said that grass and trees would be fine with him. He did not have an issue if the Zoning Commission preferred trees and grass. He did not want residents to be uncomfortable with the arrangements after he (as the developer) was finished with the project.

Commission Chairperson Piatak said that turf grass could be planted and there could be a preservation easement that the homeowners association maintained.

Mr. Valore confirmed that was true.

Commission Member Ryan thought that pampas grass was beautiful, but she did not want to see straggly weeds mixed with pampas grass.

Commission Member Siegfried said that if the pampas grass was not planted close enough together to form a continuous buffer, weeds would grow in between.

Mr. Valore confirmed that ODOT was supposed to plant the pampas grass when the mounds were created. However, he would not know if it was planted until spring. The pampas grass could be replanted if it had not been planted. Mr. Valore stressed that he also wanted the mounding to be attractive.

Based on the above discussion, the majority of the Zoning Commission members agreed that it would be best to have turf grass planted on the mound, along with the proposed plantings, and the portion of the mounds located on the sublots noted as a preservation easement.

Mr. David Hammon, 6088 Wadsworth Road, Medina, Ohio wondered if grass would be planted in the wetland area.

The Zoning Commission clarified that the mounds stopped before the property sloped to the wetland. The wetland area would remain untouched.

Mr. Hammon said there would be scraggly weeds in the wetland area.

Commission Member Siegfried said that the wetland area had to be preserved – nothing could be done in the wetland area.

MOTION: Commission Member Vujevich moved to accept the Preliminary Development Plan for Blackberry Farm Subdivision with a note that the mounds will be planted with turf grass, along with the landscape plan. The mound would be set as a preservation area, so it would remain untouched by the property owners.

SECOND: Commission Member Siegfried

ROLL CALL: Ms. Pat Ryan – “Yes”; Ms. Elayne Siegfried – “Yes”; Mr. John Vujevich – “Aye”; Mr. Ron Potter – “Yes”; Mr. Alan Piatak – “Aye.”

7. Preliminary Land Disturbance Review: Blackberry Farm Subdivision

Commission Chairperson Piatak introduced the agenda item and referred to the land disturbance plan which indicated 57 percent of the treed area would be preserved.

Mr. Wilson pointed out a discrepancy in the Tree Removal/Preservation Schedule. Stand C would be removed entirely from the site, but the line item of the table indicated that it would be preserved. The column totals were correct, and 57 percent of the mature woodlands would be preserved.

Commission Chairperson Piatak asked about the site’s topsoil. Were the mounds at their finished height?

Mr. Wilson said that the mounds were not as high as the contours showed on the plan, and the mounds needed topsoil.

Mr. Wilson said a wetland delineation had been done, but they did not have a permit. They were not disturbing the wetlands and should receive an exemption. They were currently working with the Army Corps of Engineers.

Commission Chairperson Piatak asked that a note be added to the Final Development Plan showing the category of the wetlands.

Commission Chairperson Piatak asked if there were any comments from the public.

No comments were noted.

MOTION: Commission Member Vujevich moved to accept the Preliminary Land Disturbance Review for Blackberry Farm Subdivision with a note that on the final plan the category of the wetlands will be noted.

SECOND: Commission Member Siegfried

ROLL CALL: Ms. Pat Ryan – “Aye”; Mr. Ron Potter – “Aye”; Mr. John Vujevich – “Aye”; Ms. Elayne Siegfried – “Aye”; Mr. Alan Piatak – “Aye.”

8. Preliminary Development Plan Review: Montville Tire Express/Wooster Pike (Parcel #030-11A-01-022 & 023)

Commission Chairperson Piatak introduced the agenda item, and Mr. Dave Justice, 24944 River Glen Drive, Columbia Station, Ohio and Mr. Ted Macosko, 24 Glen Oaks Lane, Berea, Ohio introduced themselves as the representatives for the item.

Mr. Macosko passed out a revised elevation plan. (Only the front and back elevations were shown, but the changes applied to all sides of the building.) A reveal was created by adding a frieze board below the overhang and a Dryvit (matching the color of the split-face block below). Below the Dryvit was a two-foot belt of flat stone in a darker color, with beige/buff split-face block below. Mr. Macosko presented samples of the building materials. The gutter and trim would be a darker color. A dark, textured shingle would be used for the roof, and anodized bronze colored aluminum frames would be used to match the darker color of the building.

Mr. Macosko said that three variances were required for the project:

1. Ten-foot front parking setback variance – parking was in line with McDonald’s parking. The widening of the roadway took ten feet from the property. The variance would allow the access drive to line up with McDonald’s and would eliminate a potential traffic hazard. Building met required setbacks.
2. Acreage variance – property was platted with two acres prior to the widening of the road. Roadway widening took ten feet which created a parcel slightly less than two acres.

Commission Member Ryan wondered if a variance was required because the lot was considered nonconforming. However, after reviewing the nonconforming section of the zoning text, she believed a variance was required.

3. Landscaping variance – due to the nature of the building and operation (tire and automotive repair store) a large portion of the building needed to have hard-surface access in order for vehicles to enter and exit the building. The building had been landscaped as much as possible around the perimeter of the building and generous amounts of landscaping had been added away from the building; however, 75 percent of the building’s façade, within twenty feet of the building, had not been landscaped.

Commission Chairperson Piatak said that reducing the front parking setback would reduce the area for landscaping. He mentioned the mounding in Westlake that was previously referenced and indicated that was what the Township would like to see.

Field Assistant Jeffers said that rolling mounds had been discussed with Mr. Justice and Mr. Macosko.

Mr. Macosko said that the proposed mounds were three feet in height. He pointed out that mounding for residential development was different than mounds for commercial property. They were trying to create a community feeling; however, a commercial use needed exposure.

Commission Chairperson Piatak said that the sign on the building was approximately fourteen feet high and would be visible above a three-foot or four-foot mound.

Mr. Macosko did not want to go with a super high mound. He preferred a mound that was three or four feet high and planted with vegetation. The property was already below grade – approximately three feet. He assumed the height of the mound was measured from the height of the current ground. They were not proposing to change the base level of the ground at the street prior to creating the mounds.

Commission Member Vujevich thought that the Zoning Resolution required the mound to be three feet above the surface of the road.

Mr. Macosko indicated that they would comply with whatever the regulations stipulated.

Commission Member Vujevich thought a three-foot mound was adequate since the property was below grade.

Mr. Macosko felt that they tried to comply with the spirit of the zoning regulations.

Commission Chairperson Piatak asked about the sidewalk that was previously discussed.

Mr. Macosko made several inquiries and had talked with Field Assistant Jeffers about the sidewalk. At this point in time, there was not a requirement for a sidewalk. Mr. Macosko did not plan to install a sidewalk until a sidewalk was required.

Commission Chairperson Piatak was not aware of any requirements for sidewalks, but wanted to see sidewalks on the plan because there was commercial development to the north. He also thought it would be nice if the sidewalk tied into Lexington Ridge.

Mr. Macosko said that if there was a requirement for a sidewalk, they would comply. He thought it would be premature to install a sidewalk without connections on either side, and later find out there were different requirements.

Commission Chairperson Piatak said that when McDonald's was developed, a sidewalk was not required; however, the connectivity was to be evaluated when the parcel to the north was developed.

Mr. Macosko said that they would be happy to participate in those discussions.

Commission Chairperson Piatak and Commission Member Vujevich said that sidewalks were shown on the approved plan for Drug Mart (to be located to the south, across Lexington Ridge Drive from McDonald's).

Zoning Inspector Emrick said that the sidewalk was not supposed to go in front of McDonald's. The sidewalk was to connect with the sidewalk on Lexington Ridge Drive (by the daycare center) and go along the side/back of McDonald's. With McDonald's landscaping, the sidewalk would be too close to the road if it was along State Route 3.

Commission Member Ryan said that Montville Tire Express would have a similar situation if a sidewalk was installed along State Route 3 – it would be too close to the road.

Commission Chairperson Piatak thought the Zoning Commission should discuss the sidewalk before Montville Tire Express came back for final review.

Mr. Justice asked if the Commission was thinking about going behind the proposed tire store building with the sidewalk.

Given the topography behind the proposed building, Commission Chairperson Piatak did not believe a sidewalk behind the building would be feasible.

Mr. Justice said it was very expensive to raise the level of the site. He thought that a sidewalk in front of the proposed building would either be located right on State Route 3 or would take up landscaping space.

Zoning Inspector Emrick said that was what happened with McDonald's. The sidewalk would have been too close to road to be considered safe.

Mr. Macosko thought there was enough room for a sidewalk on the Montville Tire Express site.

Commission Chairperson Piatak agreed. He thought there were twenty or thirty feet between the right-of-way and the curb line.

Mr. Macosko said that the site lighting was reviewed at the last discussion and met the requirements of the code. Full cut-off lighting and wall packs would be used. The business would not be operating after six o'clock at night or on weekends.

Mr. Justice said that the hours of operation were 8:00 a.m. to 6:00 p.m., Monday through Friday, at his other two stores. They were not open on weekends. At his Strongsville location, Mr. Justice opened on Saturdays for the first three months and may consider doing the same at this location. The stores offered free loaner cars, so repairs could be done during the week. He preferred a five-day schedule instead of working weekends.

At his Berea and Strongsville stores, if cars were left at the end of the business day, the cars were pulled into the shop. The cars were pulled in for safety reasons, as well as appearance. There was an extension to the building where all of the tires were stored. He also noted the sheltered/shielded temporary storage area for old tires.

Commission Chairperson Piatak read into the record the following comments:

- Mr. Matthew D. Martin, Medina County Engineer's Office, December 2, 2011 (Attachment V)
- Ms. Dawn Roxberry, ODOT District Three, December 1, 2011 (Attachment VI)

In response to the comments, Mr. Macosko said that the sign would be moved and the landscaping would be moved out of the right-of-way.

- Mr. Dale H. Clark, Medina County Sanitary Engineer's Office (Attachment VII)
- Ms. Christine Fienga, Medina County Health Department (Attachment VIII)

Commission Chairperson Piatak opened the discussion to the public.

Ms. Lisa Frisch, 5852 Jonathan Court, identified the location of her property. She had a walkout basement and her deck directly faced the proposed project. She wondered how the building was situated on the property.

Mr. Macosko presented the plan and said that the building would be shielded to the rear by a row of arborvitaes.

Ms. Frisch asked about parking behind the building. She wondered if cars were parked inside every night or just on the weekends.

Mr. Justice said that their goal was to have all of the cars leave the property each night, but any cars that remained were pulled inside the building every night.

Mr. Macosko suggested visiting Mr. Justice's store at 12300 Prospect Drive in Strongsville, Ohio in the evening.

Ms. Frisch said that she was concerned about lighting. McDonald's lights were bright and on until 1:00 a.m.

Mr. Justice said that he had night lights, but the lights would be covered and would shine downward.

Ms. Frisch said that it was too dangerous for students to cross State Route 3. Busing was not provided to A.I. Root middle school. She thought there should be sidewalks. The speed limit along State Route 3 was 55 mph until Dr. Torok's office. Her concern was a light at the intersection of Lexington Ridge Drive and State Route 3. Sidewalks would enable students to walk to the middle school.

Commission Chairperson Piatak said that ODOT planned to install the light when the Acme store (on the other side of State Route 3) was constructed. ODOT had jurisdiction over the traffic signals on a state route. It was his understanding that Acme planned to build 2012.

Ms. Frisch asked when Drug Mart planned to begin construction, and she wondered if any other businesses, besides Drug Mart, were building in the area.

Zoning Inspector Emrick said that Drug Mart's preliminary plan approval had been extended for one year. She hoped that they would build in 2012. There were not any other businesses locating in the area.

Ms. Frisch said that their house was one of the first fifteen houses built in North Hampton Highlands. They were originally told that the commercial area was a dedicated area and was supposed to be a park. They were shocked when they realized that was not the case. Her neighbor was the owner of the daycare center, and the daycare center had a nice buffer of trees. She was glad that there would be arborvitaes to screen the tire store, but she did not think arborvitaes were attractive.

Ms. Frisch said that there was a big storm detention area near their property. She wondered if there would be additional piping to the detention area for the proposed project.

Mr. Macosko said that they would be required to use the existing detention area and hard pipe to it.

Commission Member Vujevich asked if the property to the north was residential, and asked if any specific buffering was required.

Field Assistant Jeffers said the property to the north was nonconforming residential. The property was zoned commercial. There was a natural tree line between the proposed tire store and the residential use to the north.

Mr. Macosko said that a nice tree buffer already existed on the north property line boundary.

Field Assistant Jeffers said that the conditional zoning certificate and variance requests were scheduled with the Board of Zoning Appeals on January 9, 2012.

MOTION: Commission Member Vujevich moved to approve the Preliminary Development Plan for Montville Tire Express with a note that it was necessary to obtain the variances requested.

SECOND: Commission Member Siegfried

ROLL CALL: Mr. Ron Potter – “Aye”; Ms. Elayne Siegfried – “Aye”; Mr. John Vujevich – “Aye”; Ms. Pat Ryan – “Aye”; Mr. Alan Piatak – “Aye.”

9. Preliminary Land Disturbance Review: Montville Tire Express/Wooster Pike (Parcel #030-11A-01-022 & 023)

Commission Chairperson Piatak introduced the agenda item.

Zoning Inspector Emrick asked if there would be security cameras outside of the building.

Mr. Justice said that there would be security cameras inside and outside of the building and alarmed doors.

Mr. Macosko said there was one tree on the parcel. Mr. Justice said that most of the property was covered with brush/scrub trees.

Commission Chairperson Piatak asked what the project planned to use for fill on the site.

Mr. Justice said that he was going to talk with Mr. Gerspacher regarding fill for the site and hoped to explore local options. He may also contact the developer of Woodford Commons and Blackberry Farm to determine if they would have any extra fill material. Mr. Justice said that they hoped to move forward with the project as soon as possible.

Zoning Inspector Emrick said that before zoning certificates (building, sign, etc.) could be issued, it would be necessary for the Trustees to accept the bond for the project.

MOTION: Commission Member Vujevich moved to accept the Preliminary Land Disturbance Review for Montville Tire Express.

SECOND: Commission Member Siegfried

ROLL CALL: Ms. Elayne Siegfried – “Aye”; Mr. John Vujevich – “Aye”; Ms. Pat Ryan – “Aye”; Mr. Ron Potter – “Aye”; Mr. Alan Piatak – “Aye.”

Commission Chairperson Piatak said that the same lighting plan could be used for approval when the final development plan was reviewed.

The Zoning Commission held the public hearing that was originally scheduled at the beginning of the meeting.

Public Hearing: Text Amendments: Chapters 210, 430, 450/Congregate Care

Commission Chairperson Piatak referred to the letter from Mr. Brian M. Richter, Assistant Prosecuting Attorney, Medina County Prosecutor's Office, dated November 23, 2011.

The Zoning Commission thought it would be helpful to receive suggestions from the Prosecutor's Office regarding how the proposed text amendments should be amended to address the concerns expressed in the letter. Commission Chairperson Piatak asked Field Assistant Jeffers to seek legal counsel regarding the text amendments.

MOTION: Commission Member Vujevich moved to table the public hearing for text amendments to Chapter 210, Definitions, Item #44; Chapter 430, Commercial District Regulations, Section 430.3 H. 4.; and Chapter 450, Conditional Use Regulations, Schedule 450.5 until February 8, 2012 at 7:00 p.m.

SECOND: Commission Member Siegfried

ROLL CALL: Ms. Pat Ryan – "Aye"; Mr. Ron Potter – "Aye"; Mr. John Vujevich – "Aye"; Ms. Elayne Siegfried – "Yes"; Mr. Alan Piatak – "Aye."

10. Zoning Inspector Updates

Field Assistant Jeffers did not have any zoning updates.

With regards to the sidewalk at McDonald's, Commission Chairperson Piatak thought the Comprehensive Plan and Zoning Resolution should be reviewed to determine if either document addressed sidewalks.

Field Assistant Jeffers said that the Zoning Resolution did not address sidewalk requirements, but the Comprehensive Plan talked about connectivity.

Commission Member Vujevich agreed that the Comprehensive Plan addressed connectivity, but he thought it was related to bike trails and parks.

Field Assistant Jeffers said that ODOT wanted to see the Township and the City of Medina connected by a sidewalk, but ODOT was not requiring a sidewalk.

Commission Chairperson Piatak thought that a logical connection point needed to be identified for McDonald's; and after looking at the aerial, he was not sure one existed.

Field Assistant Jeffers said that a sidewalk along McDonald's would cut across two entranceways.

Commission Member Ryan said that if the sidewalk extended to the corner on Lexington Ridge Drive, maybe the City of Medina would require Acme to put a sidewalk along the west side of State Route 3. If the sidewalk went to the corner, there would at least be a location to cross State Route 3.

If there was not a logical location for a sidewalk on the McDonald's property, Commission Chairperson Piatak thought it would be difficult to request Montville Tire Express to install

a sidewalk, regardless of what the Comprehensive Plan said. There was enough room to install a sidewalk on the tire store property. The sidewalk would go within the right-of-way.

Field Assistant Jeffers said that when the roadway was widened, McDonald’s lost part of their mound – the part that flattened out a little bit. Now there was just the bank of the mound, and there was not room for a sidewalk.

Commission Chairperson Piatak said that the options for a sidewalk at McDonald’s were not very pedestrian friendly, and he could not justify taking down fifteen pine trees between McDonald’s and the daycare center to put in a sidewalk.

The Zoning Commission asked Field Assistant Jeffers to inquire if sidewalks on the west side of State Route 3 were shown on the approved plan for Acme.

Commission Chairperson Piatak thought a sidewalk to the corner on Lexington Ridge Drive may be a possibility.

Field Assistant Jeffers indicated that the owner of McDonald’s was aware that the Township wanted a sidewalk.

Commission Members Ryan and Siegfried had started reviewing the conditional uses and revising the text to make some of the conditionally permitted uses, permitted uses with standards. However, they had not yet completed the process.

MOTION: Commission Member Vujevich 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 December 14, 2011 Zoning Commission meeting was adjourned at 9:14 p.m.

Respectfully submitted,

Bonnie Schwehm

Signature _____
Chairperson

Date _____