

Chairman Calabro called the December 22, 2021 Board of Zoning Appeals Public Hearing to order at 7:00 p.m.

Ch. Calabro noted that this meeting is being taped for transcription purposes only and the written minutes and attachments, if any, will serve as the official record of this meeting. Ch. Calabro stated that any Board member that has any monetary interest or has a conflict including ex parte communication should disclose at this time.

Roll found: Calabro, Hoop, Zeleznak, Budd, Mainzer (excused absence), Schaefer (filling Mainzer's seat)

In the audience: Trustees Augustine, Kalina and Zoning Inspector Wilson; Alternate Wolny was in the audience but was recused.

The Recording Secretary read the legal ad.

Ch. Calabro stated that the Hinckley Township Board of Zoning Appeals acts within the authority of Section 519 of the Ohio Revised Code and exercises its power as provided under Chapters 7 and 13 of the Hinckley Township Zoning Regulations. All public hearings are open to the public. All persons wishing to testify must do so from the podium, must identify themselves and give their address and must be sworn in. Ch. Calabro stated that evidence and testimony must be pertinent to the hearing. It is the Chairman's discretion to limit personal comments, personal attacks, opinions and/or repetitious statements or testimony or evidence previously given. Disruptive persons will lose the right to remain at this hearing. Personal attacks will not be tolerated.

Ch. Calabro stated that this is the first of two hearings upon the application of Tyler Rice -Fabo Architecture, Inc. on behalf of discount Drug Mart, potential buyers of property owned by Emil Wolny Properties, LLC of property located at 2736 Center Road, 2714 Center Road and 1423 W. 130th Street, Hinckley, Ohio requesting a conditional use permit. The second hearing is also for a conditional use permit by the same applicant. Although discussion of the second hearing for the conditional use permit may overlap with the first hearing, we will be voting on them separately and the discussion and the vote will depend on the results of the first hearing.

Ch. Calabro stated for the record the Township process in accepting an application for a conditional use permit is as follows:

1. The entire completed application must be received by the 22nd day of the month in order to be placed on the public meeting agenda of the following month.
2. The application is forwarded to the Zoning Commission for review prior to the Board of Zoning Appeals public hearing.
3. The Board of Zoning Appeals receives the application for review and study.
4. Public Notice is given in a newspaper of general circulation in the Township for at least 10 days prior to the date of the public hearing.
5. The published notice states the place, time and subject of hearing (as just read by the secretary).

Ch. Calabro stated that she understands that some folks believe that this public hearing was snuck in during the holidays. That is not the case. Procedures were consistently followed as every other hearing. This application was submitted on November 19, 2021, which is within the deadline to be on this month's agenda for a public hearing.

Ch. Calabro noted that the applicant has submitted an application to this Board of Zoning Appeals and has also submitted certain documents in support of his application.

Ch. Calabro stated that notice of the application was properly given in local newspapers, and the application and supporting documentation has been available for public review and comments.

Ch. Calabro noted that each member of the Board of Zoning Appeals has been provided a copy of the application and supporting documentation.

Ch. Calabro asked the Secretary if there were any phone calls. The secretary stated no.

The Secretary polled the Board as to whether the Board members received the packet of information and inspected the properties located 2736 Center Road, 2714 Center Road and 1423 W. 130th Street, Hinckley, Ohio 44233.

Response: Calabro – yes and yes inspected on 12/18/2021, Hoop – yes and yes inspected on 12/18/2021, Zeleznak – yes and yes inspected on 12/18/2021, Budd – yes and yes inspected on 12/18/2021, Schaefer - yes and yes inspected on 12/18/21

Ch. Calabro noted for the record that non-written communication or written communication made by known or unknown persons not under oath and not properly given during the hearing are not accepted by the Board of Zoning Appeals as testimony. Ch. Calabro stated that written communication from persons not present this evening may include communication that are not

made by affidavit because these communications are made by persons not under oath they are not accepted by this Board. Written communication may include writing by affidavit by persons not present this evening and therefore cannot be subjected to cross examination. These affidavits will not be given much weight, if any, in the decision of the Board on this matter.

Ch. Calabro stated that the Board has the power to grant an applicant's request for a conditional use permit and anyone wishing to speak must come to the podium and be sworn in.

Ch. Calabro asked the applicant to step up and give a summary of their proposal.

Kristy Carter – 211 Commerce Drive, Medina

Ms. Carter was sworn in accordingly.

Ms. Carter stated that Discount Drug Mart would like to purchase the property at the corner of W, 130th and route 303 and their proposed building would be 28,500 square feet and she understands they have to receive conditional approval for a building of that size. Ms. Carter stated they offer 50,000 items for retail purchase in their stores, including health care equipment and they offer pharmacy services and the convenience of a drive thru for contact less pharmacy pick up. Discount Drug Mart is an Ohio based company and they are employee and family owned and primarily focused on servicing the more rural communities who may have less access to resources nearby and Hinckley was on the top of their list to pursue for future development.

Ch. Calabro asked why Hinckley was chosen to build a Drug Mart.

Ms. Carter stated that the area east of 71 doesn't offer ease of quick runs to get groceries or pharmacy care so they felt that east of 71 would be a primary target because of the limited retail in the Hinckley area.

Ch. Calabro asked Ms. Carter if she feels they will be serving a need and Ms. Carter stated yes. Ms. Carter stated they asked Aldi's if they would be willing to part with some of their land on the corner and they were not interested so the Wolny property seemed like a great fit, especially with the residential development going in behind their proposed store.

Ch. Calabro asked if the 28,500 square feet is a typical sized store for Drug Mart and Ms. Carter stated yes that is their typical prototype size, all new construction is 28,500 square feet. Ms. Carter stated this is the same size as all the other new stores in the surrounding including Strongsville, Broadview Heights and North Ridgeville. Ch. Calabro asked if they are all the same

site plan and Ms. Carter stated the site plan varies depending on the property itself but the building is the same.

Mr. Zeleznak asked if they feel the parking is adequate to cover their needs. Ms. Carter stated they try to design to have between 120 and 130 parking spaces to be able to accommodate all the customers, so 136 for this location is a great number.

Mr. Zeleznak stated that this question relates to the other hearing, but he would like to ask how many people typically go through a drive thru at the same time. Mr. Zeleznak asked what would be the average and what would be the worst conditions. Ms. Carter stated that on average it could be 2 to 3. Ms. Carter stated they calculate how many prescriptions per day to determine how many drive thru lanes are necessary so when they are building a new store in a new demographic they start with 1 drive thru lane and should that store reach 400 to 500 prescriptions per day then they would install the second drive thru lane. They install the drive thru canopy and they design the drive lanes and the parking lot to be able to accommodate a second drive thru lane should the need arise.

Ch. Calabro asked Ms. Carter to describe the flow of traffic as far as deliveries. Ms. Carter stated they expect most of the delivery traffic to come from 71 and they would travel east on Route 303 and take a right into the driveway off of Route 303 and drive the perimeter of the building back into the dock and exit onto W. 130th.

Mr. Schaefer asked Ms. Carter to explain the driveway on the west end, is that a right turn only. Ms. Carter stated that the right in and right out is a customer convenience curb cut that they had proposed, not allowing anyone to turn left at that location near the intersection, this is for safety and convenience.

Ch. Calabro asked if the monument sign plan they submitted is the only sign and Ms. Carter stated yes. Ch. Calabro asked if there will be any enter or exit signs on Route 303 or W. 130th. Ms. Carter stated they typically install illuminated enter and exit signs at their curb cuts that would be submitted through a signage submittal.

Mr. Schaefer asked how the sign would be placed and Ms. Carter stated they are in the design process but right now it looks like it is east/west at the exit. Ch. Calabro asked if the sign is part of the landscape plan and Ms. Carter stated yes, they typically plan daylilies around the monument sign. Mr. Schaefer stated on the plan it shows the sign north/south, the faces will be

east/west and the sign will be north/south and Ms. Carter stated yes, she understands Mr. Schaefer's interpretation.

Ch. Calabro asked where is the closest Drug Mart to this location and Ms. Carter stated probably the Pearl Road store in Brunswick, however, they don't feel it will have any affect on that store because the distance is great enough between the two. Discussion followed.

Ch. Calabro asked if anyone else had anything, including anyone in the audience, and there was nothing.

Zoning Inspector Wilson stated he doesn't see any conditions that need to be added to this site, but since there will be senior housing to the east of this location they should make sure the lighting from the parking lot will shine into the Drug Mart parking lot and not into the senior housing. Zoning Inspector Wilson stated it has been suggested that maybe there could be a walking path or a driveway to get into the Drug Mart from the senior housing to cut down traffic on Center Road and W. 130th, but this doesn't need to be a formal condition. Ch. Calabro stated that would have to be discussed with the senior housing property owner and Zoning Inspector Wilson stated he had discussed this with Ms. Carter and she may contact Pride One to discuss.

Ch. Calabro stated the conditions would be that the project will be in substantial conformance with the current plans submitted this evening, the same thing as the landscaping as approved by the Zoning Commission and they will read the conditions when they make the motion. Ch. Calabro stated there is one ground sign at the entrance which meets the requirements of the Zoning Code and also this conditional use permit would only be granted to Drug Mart and cannot be transferred without approval of the Board of Zoning Appeals. The Board members agreed these are the conditions for the conditional use permit.

There was nothing further.

Ch. Calabro asked for a motion. Mr. Hoop made a motion for an application for a conditional use permit (AP0258) submitted by applicant, Tyler Rice – Fabo Architecture, Inc. on behalf of Discount Drug Mart, potential buyer of property owned by Emil Wolny Properties LLC of Center Road property, Hinckley, Ohio permanent parcel # 01703C01001 (2736 Center Road), permanent parcel # 01703C01002 (2714 Center Road) and permanent parcel # 01703C02001 and 01703C01013 (1423 W. 130th Street) requesting to construct a Discount Drug Mart retail store greater than 12,000 square feet at said property. Zoning reference Chapter 6: District

Regulations, Subsection 6B.3.B.1b "C" Schedule of Permitted uses of the Hinckley Township Zoning Regulations with the following conditions:

1. The project shall be in substantial conformance with the current plans submitted this evening, December 22, 2021, to the Board of Zoning Appeals as part of the application for approval of a Conditional Use Permit.
2. All landscaping shall be in general accordance to the plan submitted this evening, December 22, 2021, and shall conform to a detailed landscaping plan as approved by the Hinckley Township Zoning Commission as part of the final site plan approval.
3. One ground sign per entrance meeting requirements of Hinckley Zoning Code 10.3.E.1
4. This conditional use permit for construction of a Discount Drug Mart is issued to Fabo Architecture, Inc. on behalf of Discount Drug Mart only. This conditional use permit may not be transferred to any other entity without approval of the Hinckley Board of Zoning Appeals.

The motion was seconded by Mr. Zeleznak.

Ch. Calabro stated that any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County on the ground the decision was unreasonable or unlawful and will have 30 days from the date of this meeting to appeal.

Ch. Calabro explained the voting process to the applicant as follows: Yes, simple majority with a quorum present is in favor of the applicant and a No, simple majority, or a tie vote denies the applicant's request. If the vote is favorable to the applicant, the applicant has one year from the date of the hearing to begin construction or to act on the approved request.

Vote: Ch. Calabro – yes; Hoop – yes, Zeleznak– yes, Budd – yes, Schaefer - yes

Ch. Calabro stated that the conditional use permit was granted.

The Board of Zoning Appeals Decision form was signed and a copy given to the applicant.

Ch. Calabro asked for a brief break before the start of the second hearing.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2022

Josephine Calabro, Chairperson

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

(absent)
Julie Mainzer, Member

Bill Budd, Member

Bill Schaefer, Alternate

Chairman Calabro stated that this is the second of two hearings upon the application of Tyler Rice -Fabo Architecture, Inc. on behalf of discount Drug Mart, potential buyers of property owned by Emil Wolny Properties, LLC of property located at 2736 Center Road, 2714 Center Road and 1423 W. 130th Street, Hinckley, Ohio requesting a conditional use permit a drive thru at the proposed Discount Drug Mart location. Ch. Calabro asked the Secretary to read the legal notice for the second public hearing.

Ch. Calabro noted that the applicant has submitted an application to this Board of Zoning Appeals and has also submitted certain documents in support of his application.

Ch. Calabro stated that notice of the application was properly given in local newspapers, and the application and supporting documentation has been available for public review and comments.

Ch. Calabro noted that each member of the Board of Zoning Appeals has been provided a copy of the application and supporting documentation.

Ch. Calabro asked the Secretary if there were any phone calls. The secretary stated there were no phone calls or resident visits to the office, there was correspondence from Discount Drug Mart – renderings on December 8, 2021, landscape plan December 17, 2021 and Discount Drug Mart signage December 20, 2021.

The Secretary polled the Board as to whether the Board members received the packet of information and inspected the properties located 2736 Center Road, 2714 Center Road and 1423 W. 130th Street, Hinckley, Ohio 44233.

Response: Calabro – yes and yes inspected on 12/18/2021, Hoop – yes and yes inspected on 12/18/2021, Zeleznak – yes and yes inspected on 12/18/2021, Budd – yes and yes inspected on 12/18/2021, Schaefer - yes and yes inspected on 12/18/21

Ch. Calabro asked the applicant to step up to the podium again.

Kristy Carter – 211 Commerce Drive, Medina

Ch. Calabro stated there was no need to swear the applicant in again, since she was sworn in for the first public hearing. Ch. Calabro asked for a summary of the second conditional use request.

Ms. Carter stated they are asking for a conditional use permit for the drive -thru for the proposed store. Ms. Carter stated the drive thru is a contact-less touch point for the customer to be able to conveniently and quickly pick up their prescriptions if they don't want to go into the store.

Ms. Carter stated that they initially design their drive thru as a single lane with a window access to pharmacy staff and should the need arise if they reach 400 to 500 prescriptions a day or any stacking becomes a situation they could easily expand into a second lane using a tube system with video capabilities with the pharmacy team.

Mr. Zeleznak asked on the newer stores they've recently built if they have the same set up with the 3 cars waiting and Ms. Carter stated this proposed store is exactly the same as those. Mr. Zeleznak asked if they have seen situations where the volume increases and they have to add on. Ms. Carter stated they have had to do that in Montville. Mr. Zeleznak asked if the parking would be impacted if the drive thru is made larger. Mr. Zeleznak stated that anyone entering the drive thru after the third car would have to be in front of the parking spots. Ms. Carter stated the striping on the plan indicates where the lane would be so no one confuses it for parking. They use this to reserve the area for expansion in the future, so it wouldn't interfere with any drive lanes or parking. Mr. Zeleznak stated that would be his only concern presently – if more than 3 cars then they would be in the parking area.

Ms. Carter stated they typically install directional signage throughout the parking lot directing customers. Ch. Calabro asked for an explanation of the flow of traffic to the drive thru. Ms. Carter stated customers would enter from W. 130th and drive the back row --- so between the two islands directly across from entrance to the drive thru that is the cut through from the back row, --- customers would be directed by signage. Ms. Carter stated they are pretty intricate about providing directional signs, they want to make sure the customers understand the directions and where to go and they want it to be clearly visible. Ms. Carter stated she doesn't anticipate any stacking issues initially, but it is something they will monitor. Additionally, the pharmacy staff lets them know immediately if there are issues and if improvements are necessary.

Mr. Zeleznak asked if they are seeing any problems at any other stores besides Montville and Ms. Carter stated, no. Ms. Carter stated she had been at Drug Mart for 3 years, and although that is not her department, she has seen expansion at 2 stores. Ms. Carter stated these situations are constantly monitored and addressed if there are traffic issues at the stores.

Zoning Inspector Wilson stated that the Hinckley Zoning Code states that waiting spaces for any drive thru window should be not less than 6 spaces, so according to your plans will the drive thru area hold 6 cars. Ms. Carter stated the current design will only stack 4 cars, there is not any way in the current design to allow for 6. Ms. Carter asked if the Code is based on drive thru food

service – is there any specification for the type of drive thru and Zoning Inspector Wilson stated no. Discussion followed.

Ch. Calabro asked if it would be an issue to do a double drive thru initially. Ms. Carter stated she would have to discuss with Drug Mart due to the expense, but she can't say they wouldn't consider it.

Steve Ferris – 211 Commerce Drive, Medina

Mr. Ferris was sworn in accordingly.

Mr. Ferris stated that typically when a store opens, the pharmacy business is at zero, so it takes a number of years to get to the 400-500 prescriptions a day. Mr. Ferris stated that Drug Mart wants to get customers through those lines as fast as they can so typically there will not be more than 2 or 3 cars at a time, they are doing everything on the inside of the store to move the line.

Mr. Zeleznak stated his only concern is that it is in the Zoning Code and Ch. Calabro stated they would have to get a variance. Zoning Inspector Wilson stated they could extend the canopy so they have 2 lanes and Mr. Zeleznak stated that will not work because it is 6 spaces in double lanes. Mr. Zeleznak stated it reads 10 spaces but not less than 6 spaces per window or stall when 2 or more windows. Mr. Zeleznak stated it is in the code so it has to be addressed.

Mr. Schaefer asked if they have any spare parking spots as far as what is required, can they remove any parking spots. Discussion followed regarding removing parking spaces.

Ms. Carter stated she understands the thought of removing parking spaces to increase the stacking but that would put cars crossing over closer to the entrance. Ms. Carter stated what is shown on the plan is their comfort zone with allowing traffic to cross and access the drive thru without creating a dangerous situation for customers.

Ch. Calabro stated it is in the Zoning Code so it has to be addressed. Ch. Calabro stated that possibly they could move ahead with the drive thru conditional and make it contingent upon getting a variance based on the Code unless they could change the plan. Ms. Carter stated she has not seen a plan where they can accommodate 5 cars stacking, they could only do 4 cars a lane because of the orientation of the building and there is nowhere else they can move it to.

Mr. Zeleznak read the Code language regarding the stacking and discussion followed regarding the need for a variance.

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

Ch. Calabro discussed the conditions for the drive thru conditional regarding the need for a variance for the stacking.

Ch. Calabro stated that any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County on the ground the decision was unreasonable or unlawful and will have 30 days from the date of this meeting to appeal.

Ch. Calabro asked for a motion. Mr. Hoop made a motion for an application for a conditional use permit (AP0259) submitted by applicant, Tyler Rice – Fabo Architecture, Inc. on behalf of Discount Drug Mart, potential buyer of property owned by Emil Wolny Properties LLC of Center Road property, Hinckley, Ohio permanent parcel # 01703C01001 (2736 Center Road), permanent parcel # 01703C01002 (2714 Center Road) and permanent parcel # 01703C02001 and 01703C01013 (1423 W. 130th Street) requesting a drive-thru for a proposed Discount Drug Mart retail store at said property. Zoning reference Chapter 6: District Regulations, Subsection 6B.3.5 (B1) “C” Schedule of Permitted uses of the Hinckley Township Zoning Regulations with the condition added that it will be contingent on the site plan to conform or changes made to conform to Section 9.7A3 or a variance for 9.7A3 is granted.

The motion was seconded by Mr. Zeleznak.

Ch. Calabro explained the voting process to the applicant as follows: Yes, simple majority with a quorum present is in favor of the applicant and a No, simple majority, or a tie vote denies the applicant’s request. If the vote is favorable to the applicant, the applicant has one year from the date of the hearing to begin construction or to act on the approved request.

Vote: Ch. Calabro – yes; Hoop – yes, Zeleznak– yes, Budd – yes, Schaefer - yes

Ch. Calabro stated that the conditional use permit was granted with those conditions.

The decision form was signed and a copy was given to the applicant.

Ch. Calabro asked for a motion to adjourn the Public Hearing. Mr. Schaefer moved and Mr. Budd seconded. All in favor.

The December 22, 2021 Board of Zoning Appeals Public Hearing was adjourned at 7:55 p.m.

Minutes by: Judi Stupka, Recording Secretary

Minutes Approved: _____, 2022

Josephine Calabro, Chairperson

Jeff Hoop, Vice-Chairperson

Dave Zeleznak, Member

(absent)
Julie Mainzer, Member

Bill Budd, Member

Bill Schaefer, Alternate