



Zoning & Planning Commission Meeting
Monday, February 22, 2021

Call to Order:

Chair Rick Stallard called the meeting to order at 7:00 p.m.
The meeting was held via zoom.com due to the COVID-19 Pandemic.

Roll Call:

Present: Chair Rick Stallard, Mayor Carol Carter, Dave Gilson, Kevin Nehrenz and Matt Sturgeon

Amendments to Agenda:

None.

Approval of Minutes:

Mayor Carol Carter made a motion to approve the minutes for the January 25, 2021, meeting. Dave Gilson seconded the motion. Aye votes all. The minutes approved as written.

Privilege of the Floor:

None.

Zoning Inspector's Report:

Mr. Bittaker said he had nothing to report at this time.

Economic Growth Report:

Chair Stallard said they having a virtual Creative Reinvestment Area Agreement (CRA) Meeting Review for local businesses on Thursday, February 25th.

New Business:

Mr. George Milsop, Premier Automotive & RV Service, requested a zoning amendment to Zoning Code Sections 606(B) and 905 with regard to servicing motor vehicles greater than 1 ½ ton rated capacity. After a short discussion, Dave Gilson made a motion to recommend to Council to approve the zoning amendment change per Ordinance 2021-12. Matt Sturgeon seconded the motion. Aye votes all. Mr. Bittaker informed Mr. Milsop it will take three months for the zoning amendment approval. After the approval, Mr. Milsop will need to apply for a Conditional Use Permit and provide a final site plan including utilities, storm, and water retention.

Mr. Bruce Rinker introduced David Mastrostefano and Troy Daniel as representatives for the Sheetz lot split and zoning classification change requested. Mr. Daniel shared his screen and showed maps with locations of the properties and where they would like to have the lot split and zoning change on Center Street. It was confirmed the properties are two parcels owned by the same person. This parcel would be 11 acres. A copy the map is attached. There was discussion on the entrance location and possible sub streets in the future. Matt Sturgeon made a motion to recommend to Council to approve the lot split with application submitted January 21, 2021. Dave Gilson seconded the motion.

Zoning & Planning Commission Meeting

February 22, 2021

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New Business (continued):

Aye votes all. Dave Gilson made a motion to recommend to Council to approve the zoning change request as presented with application submitted January 21, 2021. Kevin Nehrenz second the motion. Aye votes all.

Mr. Benjamin Ockner reviewed Seville 2018, LLC (Bates Crossing) responses to a letter dated February 18, 2021, from Tony Burgoyne, Village Engineer, regarding the final site plan review. Mr. Burgoyne's letter is attached. Mr. Ockner said he sent a written response out earlier this afternoon. Letter is attached.

There was a discussion about the dead end street in Phase 1 being a temporary turn around for safety vehicles. Mr. Ockner pointed out over half the lots were widened from 50 feet to 55 feet wide. The pending traffic study was discussed. Mayor Carol Carter made a motion to table the decision of Seville 2018 Final Site Plan until the March Zoning & Planning Meeting.

Pending/Completed Legislation:

2021-10 Ordinance approving a lot split for the Village of Seville PPN 012-21A-04-043. First reading will be March 8th.

2021-11 Ordinance to change the zoning classification on property within the Village PPN 012-21A-xx-xxx from Local Commercial and R-1 to the Industrial District. First reading will be March 8th.

2021-12 Ordinance amending the Seville Village Zoning Code Sections 606(B) and 905 with regard to servicing motor vehicles greater than 1 ½ ton rated capacity. First reading will be March 8th.

Old & Pending Business:

No updates for the Historic Application.

Privilege of the Floor:

Mr. Rinker asked for time after the meeting to have an informal discussion about the Sheetz facility after the meeting. The Commission agreed.

Motion to adjourn by Mayor Carter and seconded by Dave Gilson. All were in favor. The meeting adjourned at 8:07 p.m.

Respectfully Submitted,



Rick Stallard, Chairman
Zoning & Planning Commission



520 South Main Street, Suite 2531
Akron, Ohio 44311

Phone 330.572.2100
www.gpdgroup.com



Village of Seville
Planning and Zoning Commission
120 Royal Crest Dr.
Seville, OH 44273

February 18, 2021

Attn.: Kevin Bittaker
Village Zoning Inspector

RE: Seville 2018, LLC Proposed Multi-use Subdivision – Final Site Plan Review

Dear Mr. Bittaker:

GPD Group has reviewed the subject plans in accordance with the Village of Seville Zoning Ordinance and the articles contained therein. Review of the proposed plans indicates certain deficiencies as outlined below. Final council and subsequent zoning permit approval should be subject to the recommended plan revisions and/or inclusions.

Plan Review

1. Please indicate on the plan how mail delivery will be accommodated. Our understanding is that individual mailboxes will not be permitted. Instead, the Medina County Post Office will require gang mailboxes located at the development's entry points. Provide pull-offs to accommodate mail delivery and access.
2. Please provide clarification on how open space areas were estimated. The landscaping plan provided indicates area for trees and natural vegetation to remain that extend outside of the landowner's parcel boundaries. Many of the open spaces are either reserved for stormwater management or proposed in areas behind planned homes. How will the open spaces be maintained? Further, how will access to maintain those areas be provided?
3. Neither the Final Site Plan(s) nor the Phase 1 construction plans provide details for the designated mounded and landscaped areas along the west and south sides of the development. What is the proposed spacing of the evergreen trees to provide adequate screening?
4. Please confirm that only 0.37 acres of jurisdictional wetlands will be impacted. The table provided on the Overall Site Plan indicates 0.389 acres. Nonforested and forested wetland credits obtained from the North Coast ILF program on January 19, 2021 are for compensatory mitigation for only 0.37 acres.
5. Please confirm that a full copy of the mitigation agreement was transmitted to the USACE prior to the discharge of any fill materials in accordance with the developments NWP No. 29, Special Condition No. 2.

6. How will periodic inspections of the site be managed to confirm compliance with all Special Conditions of the NWP No. 29, especially if any previously unknown historic or archaeological sites are uncovered during any part of the authorized activity, Special Condition No. 8?
7. Please confirm that no tree clearing will take place between March 31 and September 30 in accordance with the developments NWP No. 29, Special Condition No. 9.
8. A traffic impacts study shall be prepared and coordinated in conjunction with ODOT for the accesses proposed. Note the following as indicated in our communique dated February 9, 2021 entitled Seville 2018, LLC – TIS in response to the developer's traffic engineering consultant. Included with the communique were turning movement counts recently obtained at each ramp terminal of the I-76 interchange that can be used within your study. Acceptable COVID adjustment factors, growth factors, and DHV factors can be provided for use in your study through coordination with ODOT. Further, traffic signal plans and timing printouts for the signalized ramp intersections were provided to help with the analysis.
 - a. *The Village has requested the assistance of ODOT District 3 with regards to reviewing Traffic Impact Studies along State Route 3 to ensure proper operation will be maintained along the corridor. In addition to the drive intersections suggested below, ODOT District 3 has requested that both ramp terminals be included in studies being performed in the vicinity of the I-76 interchange (such as your project) and the Village concurs with this request.*
 - b. *As the property is under common ownership, it would be expected that the Traffic Impact Study be prepared for the full development, including the commercial component using assumptions on the most likely development composition. The development can be evaluated with the residential component as Phase 1 and the commercial component as Phase 2 in order to differentiate any off-site improvement needs if necessary. Both the Village and ODOT need to have a clear understanding of the full traffic potential of this property when evaluating this project as well as other development proposals in the area.*
 - c. *The study should be prepared in accordance with the ODOT State Highway Access Management Manual. It is assumed that a 10-year study horizon will be acceptable unless the full development is expected to exceed the 500 peak hour trip threshold which would require a 20-year study horizon as specified in the State Highway Access Management Manual.*
9. Please show the rear yard setbacks on the plan(s), particularly the Detailed Site Plans which include building envelope optional dimensions.
10. Provide proposed easement language for all infrastructure that shall be maintained by the Village of Seville for review.
11. How will exposed foundations be treated? Will decorative materials to match the home facades be provided?

12. What materials will be used to construct the proposed foot bridge?

This concludes our Final Site Plan review. Feel free to call with questions.

Sincerely,

GPD Group

A handwritten signature in black ink, appearing to read "R. Tony Burgoyne", with a long horizontal flourish extending to the right.

R. Tony Burgoyne, PE
Director

cc. Theodore J. Lesiak, Roderick Linton Belfance, LLP

BERNS, OCKNER & GREENBERGER, LLC

Douglas V. Bartman
Jordan Berns
Sheldon Berns
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Elizabeth Wells Rothenberg, Of Counsel

*Also admitted in New York and D.C.

February 22, 2021

Via Email: tlesiak@rbllp.com

Theodore J. Lesiak, Esq.
Roderick, Linton, Belfance LLP
50 South Main Street, 10th Floor
Akron, OH 44308

Re: Seville 2018, LLC – Final Site Plan and Phase I Improvement Plan

Dear Mr. Lesiak:

I write on behalf of Seville 2018, LLC in response to the review of its Final Site Plan (“FSP”) by the Village of Seville Engineer (“GPD”). Seville 2018 appreciates the thoroughness of GPD’s review and looks forward to the prompt resolution of the issues it raised. Our comments to the numbered paragraphs on the GPD review follow.

¶1 Cluster mailboxes

Seville 2018 is aware of the post office’s concerns and requirements for cluster mailboxes and will update the FSP to include locations for them. We are evaluating the issue including whether several clusters can be located throughout the residential development as opposed to just at the entry points.

¶2 Open spaces

Maintenance of and access to open spaces will be provided for in homeowners’ association documents, though much of the space will be for passive uses and left in its natural state.

¶3 Landscaping next to Park Ave. West Condominiums

Seville 2018 will provide a more detailed plan for the area showing the spacing of evergreens and/or other vegetation.

¶4 Impacted wetlands

The wetland credit requirements are set forth in ¶2 of the July 2, 2020 Special Conditions For Nationwide Permit No. 29 Verification previously submitted to the Village:

Compensatory mitigation is required to compensate for the permanent loss of aquatic resource functions resulting from the discharge of dredged and/or fill material into a total of

0.37 acre of seven (7) wetlands. The permittee will purchase 0.3 acre of non-forested wetland credits and 0.6 acre of forested credits from the North Coast Regional Council of Park Districts In-Lieu Fee Program. Prior to the discharge of dredged and/or fill material into waters of the United States, the permittee must provide the Corps a copy of the full executed agreement confirming the complete purchase of 0.9 acre of wetland mitigation credits.

As indicated on the FSP, 0.372 acres of wetlands are impacted, and Seville 2018 has purchased 0.9 credits for mitigating those impacted wetlands. It is our understanding that no such mitigation is required for the streams.

¶5 Wetland credits

Accompanying this communique are the following documents confirming Seville 2018's satisfaction of Special Condition ¶2: reservation of credits, the invoice, the North Coast Regional Council of Park Districts's In-Lieu Fee Program ("NCILF") Policies, the check, and the confirmation of payment which was sent to the Army Corps of Engineers.

¶6 Compliance

In performing its work, Seville 2018 will comply with all applicable laws and regulations, including those set forth in Nationwide Permit No. 29 including applicable general and special conditions. That includes ¶8 of the Special Conditions for encountering previously unknown historic or archaeological sites.

¶7 Tree clearing limits

A notation setting forth the prohibition of tree-clearing between March 31 and September 30 will be added to the FSP.

¶8 Traffic study

Seville 2018's traffic engineer is working with GPD and ODOT on a traffic study pertaining to the residential area. As we have previously pointed out, Seville 2018 has no end-user for the commercial area, though it has committed to limit the potential uses of that area as set forth in the FSP. Those uses are widely varied and there are substantial differences in the traffic generation by those uses. We agree that the residential and commercial areas can appropriately be regarded as separate "phases" as appears to have been suggested in ¶8(b) of the GPD report. Seville 2018 fully appreciates that the commercial use will entail further traffic study if and when it occurs. Respectfully, it is unfair and irrational to condition approval of the FSP for the residential development on the results of a traffic study on the commercial area.

¶9 Rear yard setbacks

These will be added to the plans.

Theodore J. Lesiak, Esq.
February 22, 2021
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¶10 Easement language

This will be coordinated through counsel and GPD and it is expected that it will be substantially like other similar easements.

¶11 Exposed foundations

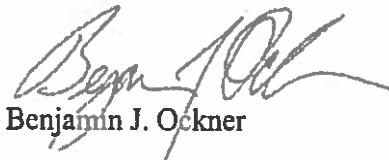
We understand that the exposed foundations will be concrete with a stamped brick pattern.

¶12 Foot bridge

The foot bridge is part of Phase IV of the residential development and has not yet been designed. One possible design under consideration would be a boardwalk-type bridge constructed with treated lumber and supported with posts/piers, but that is subject to change.

As explained in my letter of January 26, 2021, and for the reasons stated therein, the proposed adjustments shown on the FSP and/or to be added in response to questions or concerns from the Village are subject to Seville 2018's right to return to the density and lot widths already approved by the Planning Commission should the Village proceed with considering the FSP as it had before the PSP was approved. And, as always, this letter is without prejudice to any of Seville 2018 LLC's rights or claims under applicable State or Federal law.

Very truly yours,



Benjamin J. Ockner

cc: Seville 2018, LLC
Maryann Chandler, Esq.
Majeed G. Makhoulf, Esq.
Nils Johnson

NCRCPD In-Lieu Fee Program
Huntington District
Acknowledgment of Reservation of Advance Credits

Date: July 9, 2020

Applicant's Name: Seville LLC

Applicant's Address: 865 W. Liberty Street, Suite 120, Medina, OH 44256

Applicant's Project Name/Identifier: Seville LLC Property
COE #LRH 2018-465 TUS

Project Location: 8660 Wooster Rd., Seville, OH

Advance Credits Reserved:

Resource Type	Service Area	Reservation Period	Credit Price/Unit	Number of Credits
Nonforested Wetland	05040001 (Tuscarawas River)	90 days	\$32,000	0.6
Forested Wetlands	05040001 (Tuscarawas River)	90 days	\$42,000	0.3

Reservation Period:

- 30 calendar days from date above for credits requested for level 1 isolated wetland impacts.
- 90 calendar days from date above for credits requested for level 2 or 3 isolated wetland and all jurisdictional wetland impacts.
- 90 calendar days from date above for credits requested for all stream impacts.

North Coast policies on credit reservations and sales should be reviewed and are available at www.wetlandsandwatershed.com


Vicki B. Derr
Mitigation Coordinator
vderr@envirotechcon.com
740-743-1669

June 2018

NCRCPD In-Lieu Fee Program
Huntington District
Acknowledgment of Reservation of Advance Credits

INVOICE

Date: July 9, 2020

Applicant's Name: Seville LLC

Applicant's Address: 865 W. Liberty Street, Suite 120, Medina, OH 44256

Applicant's Project Name/Identifier: Seville LLC Property
COE #LRH 2018-465 TUS

Project Location: 8660 Wooster Rd., Seville, OH

Advance Credits Reserved:

Resource Type	Service Area	Reservation Period	Credit Price/Unit	Number of Credits	Amount Due
Nonforested Wetland	05040001 (Tuscarawas River)	90 days	\$32,000	0.6	\$19,200
Forested Wetlands	05040001 (Tuscarawas River)	90 days	\$42,000	0.3	\$12,600
TOTAL:					\$31,800

Reservation Period:

- 30 calendar days from date above for credits requested for level 1 isolated wetland impacts.
- 90 calendar days from date above for credits requested for level 2 or 3 isolated wetland and all jurisdictional wetland impacts.
- 90 calendar days from date above for credits requested for all stream impacts.

North Coast policies on credit reservations and sales should be reviewed and are available at www.wetlandsandwatershed.com



Vicki B. Derr
Mitigation Coordinator
vderr@envirotechcon.com
740-743-1669

June 2018

North Coast In-Lieu Fee Program Policies on Advance Credit Requests, Reservation of Credits and Credit Purchases

1. In general, written responses to advance credit requests will be provided within five business days of a complete advance credit request form. The NCRCPD reserves the right to establish purchase requirements and to refuse to accept the transfer of funds or to sell credits for any reason.
2. Advance credits will be reserved for up to 30 calendar days from the date of written acknowledgment of availability for credits requested for level 1 isolated wetland impacts.
3. Advance credits will be reserved for up to 90 calendar days from the date of written acknowledgment of availability for credits requested for level 2 or 3 isolated wetland impacts, all jurisdictional wetland impacts, all stream impacts and all mitigation credits required by other federal, state or local programs.
4. The written acknowledgment of credit availability can be submitted by the applicant to regulatory authorities to document its commitment to mitigate for authorized impacts to wetlands or streams. However, the applicant's transfer of legal responsibility to mitigate for authorized impacts to wetlands or streams is not final until the credit fees are accepted by North Coast.
5. North Coast shall have the right, but not the obligation, to grant an extension of the reservation period. Extensions must be requested in writing specifying the amount of additional time required and the reason therefor. Extension requests submitted to North Coast after the reservation period lapses are subject to a reinstatement fee of \$500 payable at the time the credit fees are paid.
6. Credit fees are due within 10 business days of applicant's receipt of its permit or other authorization.
7. Credit fee payments may be made by check payable to "NCRCPD In-Lieu Fee Program" and mailed to: Neil Munger, Secretary, North Coast Regional Council of Park Districts, c/o Wood County Park District, 18729 Mercer Road, Bowling Green, Ohio 43402. EFT payments can be accommodated, but require prior coordination with the North Coast Treasurer.
8. To request a payment invoice for credit fees, applicant will submit a copy of its permit or other authorization to the mitigation coordinator. Submitted information must include the permit or authorization date, permit number or other identification number, the number of credits required to be purchased, the specific resource type (forested or nonforested wetland or stream) of credits required to be purchased, the specific service area and the in-lieu fee program authorized to provide the mitigation credits.
9. Irrespective of the number of credits specified in the permit or other authorization, wetland credits are sold in whole tenths and stream credits are sold in whole credits.
10. Following acceptance of applicant's credit fees, North Coast will confirm the applicant's mitigation credit purchase to the applicant and appropriate regulatory authorities in accordance with its in-lieu fee program instrument. Credit fees are nonrefundable.

Contact Information:

North Coast Secretary: nmunger@wcparks.org (419) 353-1897

North Coast Treasurer: bburns@metroparks.cc (440) 458-5121

North Coast Mitigation Coordinator: vderr@envirotechcon.com (740) 743-1669

SEVILLE 2018 LLC
865 W LIBERTY ST. SUITE 120
MEDINA, OH 44256

FIRST FEDERAL OF LAKEWOOD

1086

PAY TO THE ORDER OF

NCRCPD In-Lieu Fee Program

\$ **31,800.00

1/11/2021

Thirty-One Thousand Eight Hundred and 00/100*****

DOLLARS

NCRCPD In-Lieu Fee Program
C/O Wood Co. Park District
18729 Mercer Rd
Bowling Green OH 43402

SECURITY FEATURES INCLUDED. DETAILS ON BACK

AUTHORIZED SIGNATURE

⑈001086⑈ ⑆Redacted

SEVILLE 2018 LLC

NCRCPD In-Lieu Fee Program

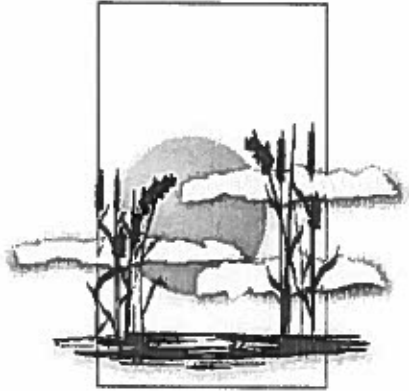
1/11/2021

31,800.00

1086

First Federal of Lakew

31,800.00



North Coast Regional
Council of Park Districts
12882 Diagonal Road
LaGrange, Ohio 44050

January 20, 2021

via email

To: Cecil M. Cox, Regulatory Project Manager, North Branch

Re: Sale of wetland credits, DA No. 2018-465-TUS

This will confirm that Seville 2018 LLC completed the purchase of 0.6 nonforested wetland credits and 0.3 forested wetland credits (HUC #05040001(Tuscarawas) from the North Coast ILF Program on January 19, 2021 as compensatory mitigation for 0.37 acres of impacts to federal jurisdictional wetlands associated with the referenced permit.

Thanks.

NCRCPD, Sponsor

Vicki B. Derr

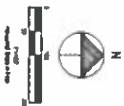
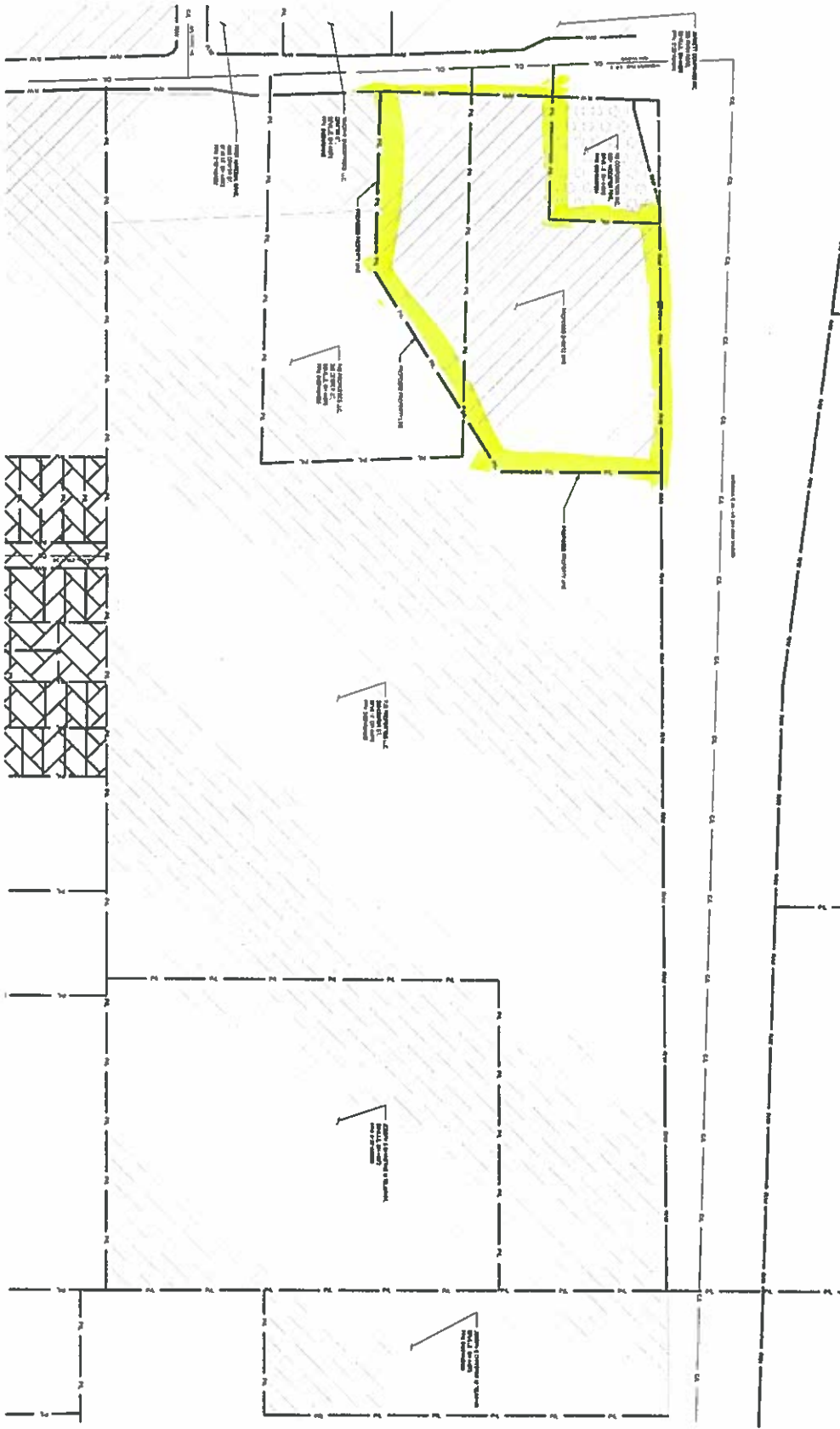
Mitigation Coordinator

ADJACENT PROPERTY OWNERS

7146
 7147
 7148
 7149

LEGEND

1. 100' BUFFER ZONE
 2. 200' BUFFER ZONE
 3. 300' BUFFER ZONE
 4. 400' BUFFER ZONE
 5. 500' BUFFER ZONE



SHEETZ
 S.R. & INTERSTATE 76
 GULFORD TOWNSHIP, OH 44723

REZONING EXHIBIT

REV	DATE	DESCRIPTION

DATE PLOTTED	2/20/21 17:14
SCALE	AS SHOWN
PROJECT NO.	7146-7149
DRAWN BY	
CHECKED BY	
DATE	

