

Zoning Commission

Regular Meeting

October 6, 2016

1

Ch. Kman called the meeting to order at 7:00 p.m.

Roll Found: Kman, Spellman, Powell, Dermody and Schneider present. Also present was Alternate Members Kamps and Marzullo, Trustee Schulte, Zoning Inspector Wilson, Mr. William Schaefer, Mr. Brian Richter, Esq. Assistant Prosecutor and Administrative and Zoning Office Manager Peterlin.

Ch. Kman asked if everyone had a chance to review the minutes from the Regular Meeting held September 1, 2016 and if there were any comments. There were no comments.

Ch. Kman asked for a motion to approve the minutes of the Regular Meeting held on September 1, 2016. Mr. Spellman moved and Mr. Powell seconded.

Vote: Kman – yes, Spellman – yes, Powell – yes, Dermody – yes, Schneider – yes

Ch. Kman asked if everyone had a chance to review the minutes from the Special Meeting (Buzzards Cove) held September 22, 2016 and if there were any comments. There were no comments.

Ch. Kman asked for a motion to approve the minutes of the Special Meeting (Buzzards Cove) held on September 22, 2016. Mr. Powell moved and Mr. Schneider seconded.

Vote: Kman – yes, Spellman – yes, Powell – yes, Dermody – Abstain, Schneider – yes

Ch. Kman asked if everyone had a chance to review the minutes from the Work Session held September 22, 2016 and if there were any comments. There were no comments.

Ch. Kman asked for a motion to approve the minutes of the Work Session held on September 22, 2016. Mr. Spellman moved and Mr. Schneider seconded.

Vote: Kman – yes, Spellman – yes, Powell – yes, Dermody – Abstain, Schneider – yes

Old Business:

- Ch. Kman noted that there was supposed to be a developer attend the evenings meeting but that is being pushed back until the November meeting.

New Business:

- Ch. Kman asked Mr. Richter to discuss agriculture. He noted there is a location that a resident is currently raising bees and chickens and the neighbor doesn't like it. Mr. Richter noted that the township could address it based on the Ohio Revised Code, which

Zoning Commission

Regular Meeting

October 6, 2016

2

does address such a situation. However he noted that even if they applied a new regulation, the current location in question would be grandfathered in as it was in place prior to the implementation of a new regulation. He also noted that if the resident wanted to address it, he could bring it to the board and pay the fee to do so but the neighbor would be grandfathered regardless of the Board's future decision.

- Ch. Kman noted that they have removed the term Master Policy Plan from the Regulations but are not sure if they should reference it in the Preface. Mr. Richter noted he saw the recommendations from Mr. Thorne but has not had a chance to review it with him so he cannot speak to his recommendations. After discussion, Mr. Spellman recommended that they keep the reference in the Preface but use the correct terminology Hinckley Township Comprehensive Plan in lieu of Master Policy Plan. Everyone agreed to this recommendation. Mr. Powell noted that they ask for guidance on the revision when it is sent to the planning commission. Everyone concurred.
- Ch. Kman noted the next item was the definition of Lot. Mr. Richter noted that the definition recommended is as follows: "A Parcel of land, legally recorded, of sufficient size to meet minimum zoning requirements. Ch. Kman asked ZI Wilson if that definition would give him the power he needs to determine a lot. ZI Wilson stated that it would be. Mr. Spellman noted that if they use this definition for Lot that the definition of Lot of Record can be deleted. The Board agreed on both items.
- Mr. Spellman made a motion to revise the Regulations for the following items:

Chapter	Section/Code	Page	Line(s)
Preface	Preface - change text	i.	14
Chapter 1	Purpose - remove text	1	4 – 7
Chapter 1	Purpose - remove semi-colon	1	13
Chapter 1	Purpose - add comma, remove text	1	15 – 16
Chapter 3	Definition – Lot - change	10	23 – 25 (26)
Chapter 3	Definition – Lot of Record - remove text	11	6 – 8
Chapter 3	Definition – Parcel - add definition	13	6 – 7
Chapter 3	Definition – Plot - add definition	13	21 – 22
Chapter 4	Section 4.15.8 - Similar Use Finding - remove text	29	36

Zoning Commission

Regular Meeting

October 6, 2016

3

Chapter 6	Section 6R1.1.B - Purpose - remove text, add text	37	15 – 16
Chapter 6	Sub-Section 6R1.7.A.5. Development Standards and Criteria Conservation Development - remove text, add text	44	35 – 36
Chapter 6	Section 6R2.1.B - Purpose - remove text, add text	57	10 – 11
Chapter 7	Section 7.2.C – Procedures for Making Application - change text	82	28 – 31 (31–33)
Chapter 7	Section 7.3.A. General Standards - remove text	84	2 – 3
Chapter 8	Section 8.1 Purpose - remove text	89	12 – 13
Chapter 11	Section 11.1. Purpose - remove text, correct punctuation	113	11
Chapter 11	Section 11.1.G. Purpose - remove text	113	23 – 24
Chapter 11	Section 11.7.C. Zoning Commission Review of Preliminary Site Plan - remove text, add text	118	39
Chapter 17	Section 17.1.E. Purpose & Intent - remove text	138	23 – 25

He also noted that in the letter to the commission they will ask for their opinion and input with respect to the Preface and leaving in the wording as noted. Mr. Powell Seconded the Motion.

Vote: Kman – yes, Spellman – yes, Powell – yes, Dermody – yes, Schneider – yes

- Mr. Spellman made a motion to hold a public hearing to review the proposed changes on November 3, 2016 at 6:30pm with the regular meeting to follow immediately after the public hearing. Mr. Schneider Seconded the Motion.

Vote: Kman – yes, Spellman – yes, Powell – yes, Dermody – yes, Schneider – yes

Mr. Spellman noted that the Board is welcome to attend the planning commission meeting which will be on November 2 at 6:30pm.

- Ch. Kman noted the next item was to discuss the issue of medical marijuana. Mr. Richter asked if the Board received the letter regarding recommendations for handling this issue.

Zoning Commission

Regular Meeting

October 6, 2016

4

The Board stated they have received it. He noted that if the Board wanted to prohibit it in their township, they could amend the Regulations immediately. He noted that the concern is that if someone applies for a license and receives the approval, that anything the Board did at a later date would not apply and that anything already in place would then be grandfathered in. Mr. Richter noted that several communities have already made moves to prohibit it: Brunswick Hills, Sharon Township and others. Mr. Spellman asked what is the issue if the Board chooses to do nothing. Mr. Richter noted that if the Board chooses to do nothing and a grow site or dispensary applies and is approved prior to doing anything, they would be grandfathered in.

Mr. Schaefer noted that the Board can put the policy in place now and then can always change later.

Mr. Powell noted that if they make an amendment today, that it may confuse the situation at the public hearing and negate the positive changes being made. He prefers to wait and have a separate meeting and public hearing on this topic.

Mr. Kamps noted that the township could end up with a similar situation to other communities and wait too long and end up with something not desired in this community. Ch. Kman asked Trustee Schulte that if it is such an urgent matter, then why didn't the Trustees make a decision to do so already. Trustee Schulte noted that there were differing opinions on the subject and they couldn't agree on the topic.

Ch. Kman asked the Board if they want to make a motion on this issue tonight. The Board stated they do not and want more information before deciding. Mr. Schneider suggested that they hold a special meeting in two weeks to discuss the matter then and invite the public to the meeting to discuss it at that time. Ch. Kman requested that each board member give this consideration and be prepared to make a decision at the next meeting.

- Ch. Kman asked if there were any other items for discussion. Mr. Richter noted that for conditional use requests, the Board probably is overstepping their boundaries asking for plans to be submitted to them. Mr. Spellman noted they have already struck that from their Regulations and are just asking that they be notified of future conditional use requests.
- Ch. Kman asked for a date and time for a work session to discuss medical marijuana. Mr. Spellman made a motion to hold a special meeting/work session to discuss medical marijuana on October 20, 2016 at 6:30pm. Mr. Schneider seconded the motion. Mr. Powell requested that the meeting be advertised as such.

Vote: Kman – yes, Spellman – yes, Powell – yes, Dermody – yes, Schneider – yes

Zoning Commission

Regular Meeting

October 6, 2016

5

Vice-Chairman's Report

- Mr. Spellman noted there is an APA meeting on November 4, 2016.

Chairman's Report:

- There were no items reported.

Board Member's Report:

- There were no items reported

From the Floor:

- Trustee thanked Mr. Richter for attending the evenings meeting and for his input at the hearing.

Ch. Kman noted that the next meeting will be a Public hearing November 3, 2016 at 6:30pm with the Regular Meeting to follow immediately.

Ch. Kman asked for a motion for adjournment of the Regular Meeting. Ms. Dermody moved and Mr. Powell seconded.

Vote: Kman – yes, Spellman – yes, Powell – yes, Dermody – yes, Schneider – yes

Meeting was adjourned at 8:35 p.m.

Todd Gienger, Recording Secretary

Minutes Approved: _____, 2016

Mel Kman, Chairman

William Spellman, Vice Chairman

Calvin Powell, Member

Diane Dermody, Member

Bruce Schneider, Member