

ZONING COMMISSION

Regular Meeting

January 5, 2017

Page 1 of 7

The meeting was called to order at 7:42 p.m.

Roll call was called: Present were: Spellman, Dermody, Powell, Schneider and Marzullo as well as

Alternates: Burns and McCarthy

Trustee Schulte and Zoning Inspector Wilson were also present.

Chairperson Spellman opened discussion regarding need to review and approve meeting minutes for 4 sets of minutes, discussion for each was pursued.

Chairperson Spellman entertained a motion to approve the following minutes as written:

- Minutes from Oct. 20<sup>th</sup> 2016 Special Meeting to discuss Medical Marijuana Zoning Discussion
- Motion made by Member Schneider, second by Member Marzullo.
- Discussion was entertained, Roll was called.

**Vote: All in Favor: All members responded – Aye with none opposed**

- Minutes from Nov. 3<sup>rd</sup> 2016 Public Hearing to discuss proposed text amendments
- Motion made by Member Powell, second by Member Marzullo.
- Discussion was entertained, Roll was called.

**Vote: All in Favor: Members Spellman, Dermody, Powell and Schneider responded – Aye; Marzullo abstained**

- Minutes from Nov. 3<sup>rd</sup> 2016 Regular Meeting
- Motion made by Member Schneider, second by Member Powell.
- Discussion was entertained, Roll was called.

**Vote: All in Favor: Members Spellman, Dermody, Powell and Schneider responded – Aye; Marzullo abstained**

- Minutes from Dec 1st 2016 Regular Meeting
- Motion made by Vice Chairperson Dermody, second by Member Marzullo.
- Discussion was entertained, Roll was called.

**Vote: All in Favor: All members responded – Aye with none opposed**

Chairperson Spellman advised that there would next topic of discussion would be the Final Site Plan Review for the Ledges at Stone Creek (Doug Krause in attendance)

- In May 2016 approval was given by the Hinckley Township Zoning Commission (HTZC) for the preliminary site plan approval
- A set of full size drawings were made available to all HTZC members prior to the meeting
- HTZC Final Site Plan Review Worksheet (4/1/2015 Revision) SUBMISSION REQUIREMENTS was completed

ZONING COMMISSION

Regular Meeting

January 5, 2017

Page 2 of 7

- Requirements Chapter 11 Sub-section 11:5 Items A, B, C, D, E, F, J, K and L were answered with “Yes” without further discussion
- Requirements Chapter 11 Sub-section 11:5 Items G, H, N, P, S and U were answered with “Not Applicable” without further discussion
- Requirements Chapter 11 Sub-section 11:5 Item I was discussed:
  - Retention pond was moved from lot 14 to lot 15 as required by the Medina County Highway Engineer due to grades, the creek is now the dividing point for water drainage from the development. Lot dimensions remain unchanged.
  - True Ponds, not retentions basins were constructed.
  - Natural creek remains unchanged and is protected.
  - Homeowners Association will maintain the drainage function only
  - Aesthetic Maintenance of the area surrounding the ponds will be the responsibility of the individual homeowner.
  - Member Marzullo questioned Mr. Krause regarding the size of the home that would be built on SubLot 1, Mr. Krause responded that the lot will allow a home that exceeds the minimum square footage requirement as required by the Legacy of Stone Creek declaration – minimum of 3500 sq. feet for a 2 story home and 2800 sq. feet for a ranch home.
  - Following Discussion Requirements Chapter 11 Sub-section 11:5 Item I was answered “Yes”
- Requirements Chapter 11 Sub-section 11:5 Item M was discussed:
  - Would any screening be provided for Lot 1?
    - Sandstone from the excavation will be used at the entrance to the development
  - Following Discussion Requirements Chapter 11 Sub-section 11:5 Item M was answered “Yes”
- Requirements Chapter 11 Sub-section 11:5 Item O was discussed:
  - Summary table was located and confirmed.
  - Following Discussion Requirements Chapter 11 Sub-section 11:5 Item O was answered “Yes”
- Requirements Chapter 11 Sub-section 11:5 Item Q was discussed:
  - Member Powell inquired as to what is necessary to obtain a culvert permit.
  - Member Schneider inquired regarding the bridges that were being constructed on Sublots 8 and 9. Specifically whether they would be rated to accommodate a fully loaded triple axel dump truck.
    - Mr. Krause replied he would need to check that specification but if the weight of a loaded fire truck was equal to or greater than that weight that the bridges which would be constructed would meet accommodate such a load. And that the bridges would meet the Township road standards which were significant structures.
  - Member Powell inquired if the bridges would be maintained by the township
    - Mr. Krause confirmed that the bridges would be maintained by the individual lot owners.
  - Following Discussion Requirements Chapter 11 Sub-section 11:5 Item Q was answered “Yes”

## ZONING COMMISSION

Regular Meeting

January 5, 2017

Page 3 of 7

- Requirements Chapter 11 Sub-section 11:5 Item R was discussed:
  - Chairmain Spellman inquired if the township had been provided letters from the appropriate public agencies.
    - Mr. Krause advised that the letter from the Army Corps and that of the Sanitary Engineers office.
    - Trustee Schulte and Zoning Inspector Wilson advised that they had not seen the letters.
    - Member Powell inquired about the plans for septic tank and field on Sublot 1.
      - Mr. Krause identified the approved location for the Septic Tank and field on the submitted drawings.
      - Each lot was soil tested and approved for a primary and secondary location for septic tank and field locations.
  - Following Discussion Requirements Chapter 11 Sub-section 11:5 Item R was answered “Yes” with the requirement that copies of the letters from the Army Corps and Sanitary Engineers office be received by the Zoning Inspector within 30 days of the date of this meeting.
- Requirements Chapter 11 Sub-section 11:5 Item T was discussed:
  - Chairmain Spellman inquired if the Zoning Inspector Wilson had any additional needs in terms of information or documentation.
    - Zoning Inspector Wilson confirmed that all necessary information had been provided.
  - Following Discussion Requirements Chapter 11 Sub-section 11:5 Item T was answered “Yes”
- HTZC Final Site Plan Review Worksheet (4/1/2015 Revision) ADDITIONAL REVIEW CRITERIA was completed
  - Requirements Chapter 11 Sub-section 11:8 Items A, D, E, F, K, and N were answered with “Yes” without further discussion
  - Requirements Chapter 11 Sub-section 11:8 Items G, M and O were answered with “na” without further discussion
  - Requirements Chapter 11 Sub-section 11:8 Item B was discussed:
    - Member Marzullo raised concern regarding the home south of the street, specifically whether car headlights may be of a concern
      - Mr. Krause advised that the Hinckley Police Dept. required that the street was moved 35 feet to the west which results in headlights in the window of the home directly across from the street.
        - Mr. Krause will approach the homeowner and offer to plant pine trees.
      - No complaints have been entered at this time.
    - Following Discussion Requirements Chapter 11 Sub-section 11:8 Item B was answered “Yes”

ZONING COMMISSION

Regular Meeting

January 5, 2017

Page 4 of 7

- Requirements Chapter 11 Sub-section 11:8 Item C was discussed:
  - Chairperson Spellman inquired if all riparian setbacks required had been met.
    - Mr. Krause affirmed that all riparian setbacks had been met.
  - Member Schneider inquired regarding the tree removal and whether the properties to the east of the development would have potential excess storm water draining into or through their properties
  - Mr. Krause affirmed that no water leaving site should travel to the silt basins, ponds and into natural streams.
  - Following Discussion Requirements Chapter 11 Sub-section 11:8 Item C was answered “Yes”
- Requirements Chapter 11 Sub-section 11:8 Item I was discussed:
  - Mr. Krause confirmed that on the 43 acre site there was just under 6 acres of land cleared for the project.
  - Following Discussion Requirements Chapter 11 Sub-section 11:8 Item I was answered “Yes”
- Requirements Chapter 11 Sub-section 11:8 Item J was discussed:
  - Mr. Krause confirmed that the cul-de-sac was designed with input from the Fire Department to ensure a Fire apparatus can make a complete turn.
  - Following Discussion Requirements Chapter 11 Sub-section 11:8 Item J was answered “Yes”
- Requirements Chapter 11 Sub-section 11:8 Item L was discussed:
  - Mr. Krause confirmed that the HOA Declaration requires 1 (one) post light per individual lot with power tied to the home on each individual lot
  - Following Discussion Requirements Chapter 11 Sub-section 11:8 Item L was answered “Yes”
- Requirements Chapter 11 Sub-section 11:8 Item M was discussed:
  - Zoning Inspector Mr. Wilson inquired whether there were any provisions for Accessory Buildings.
  - Mr. Krause confirmed that design for any Accessory Buildings must match house in terms of same finish and roof pitches and windows and be submitted and approved by both the HOA and the Hinckley Townships Covenants and Conditions prior to build.
  - Following Discussion Requirements Chapter 11 Sub-section 11:8 Item M was answered “Yes”
- Upon completion of the Submission Requirements and Additional Criteria Chairperson Spellman opened for any further discussion, concerns that may exist by the Board, Zoning Inspector Wilson or Trustee Schulte.
  - Trustee Schulte raised inquiry regarding the language in the HOA covenants related to the language pertaining to the requirement that only one home be built per one lot.
    - Mr. Krause confirmed that the bylaws had been changed to remove the language in question and had been approved by the Medina County Civil Division Prosecutor Mike Lyons.
    - Mr. Krause to forward the approval to Trustee Schulte.

## ZONING COMMISSION

Regular Meeting

January 5, 2017

Page 5 of 7

Member Powell inquired regarding the curbing requirements for this road.

- Discussion ensued.
- Mr. Krause advised that there was no curbing and that 2 feet of river rock above the drain tile is being installed.
  - Mr. Krause could not recall as to whether this was included in the HOA requirements that this be maintained.
- Member Schneider inquired as to the thickness of the road concrete.
  - Mr. Krause confirmed that the concrete installed was poured on a heavy stone base at 7" thick with metal reinforcement.
- Chairperson Spellman entertained motion to approve the Approval of the Final Site Plan for the Ledges of Stone Creek with stipulations.
  - Motion was moved by Member Powell and 2<sup>nd</sup> by Member Dermody with stipulations as follows:
    - Documentation confirming items listed under Letter R is provided within a 30 day time frame.
    - Final Declaration of the HOA approved by Medina County Civil Prosecutor be forwarded to the Hinckley County Trustees. Roll was called.

**Vote: Spellman – Yes, Dermody – Yes , Powell – Yes, Schneider – Yes, Marzullo – Yes**

Chairperson Spellman addressed items of Other Business:

- Contact Sheet/Phone List for Internal use only
  - Information is not to be shared with parties outside of the Commission
    - Members asked to confirm the information listed is correct.
    - An updated copy including contact information for the BZA will be provided at the February meeting
  - Medina County Directory of Public Officials will be reviewed & posted on the Medina County Website.
    - All information provided will be publicly available
  - Hinckley Township Trustees approved the Text Amendments in December 2016 as proposed by the HTZC. Rather than providing full copies of the Hinckley Township Zoning Regulations, each Member is receiving the updated pages to be swapped by each Member.

Chairperson Spellman addressed items of Old Business/Master List as was discussed in the December 2016 HTZC Meeting and proposed the following items be addressed in 2017:

- Chairman Spellman has emailed each of the Members examples of information regarding the language used by other municipalities regarding In-Law Suites language and encouraged review of the information.
- Height exceptions 6I 1 & 2 to address situations such as Aldi's refrigeration units
- Consistency within the code as references are made to the HTZC. Suggestion is that the code be reviewed to ensure all references to the HTZC be the same and as ORC section 519 states.

## ZONING COMMISSION

Regular Meeting

January 5, 2017

Page 6 of 7

- ¾ acre square footage number to be corrected to 32,670 square feet replacing the 33,000 square feet which is currently listed.
- Include the above items in the February HTZC Meeting Agenda

Chairperson Spellman addressed items of New Business:

- Zoning Board Secretary Suzanne Peterlin to provide updated list at the February HTZC Meeting

Chairperson Spellman called for the Vice-Chairpersons report, this item was tabled.

Chairperson Spellman moved on to the Chairpersons Report

- Statehouse News Update was forwarded to Chairperson Spellman by Trustee Schulte regarding Medical Marijuana
  - Information will be forwarded by the Chairperson to HTZC Members for review
    - 12 Large and 6 smaller producers will be allowed within the State of Ohio
    - Licensing for a Level 1 producer requires a \$180,000 licensing fee, \$20,000 application fee and a \$200,000 annual renewal.
- Comprehensive Plan was distributed to the HTZC Alternates and can be reviewed on the Hinckley Township website.
- Zoning Secretary brought to attention of the HTZC that the ¾ acre figure is 32,670 square feet
- Chairperson Spellman recognized the resignation of Jim Kamps as Chairperson of the HTZC. Chairperson Spellman spoke kindly of the mentorship that Jim Kamps graciously and generously provided Chairperson Spellman. Chairperson Spellman wished Mr. Jim Kamps the very best as he moves on.

Chairperson Spellman moved on to the Member's Reports

- Member Powell advised that Sheetz may be moving into the property that is currently Gales Garden Center in Brunswick.
- Member Schneider – None
- Member Marzullo – None

Chairperson Spellman announced next HTZC Meeting to be held February 2<sup>nd</sup> at 7pm

Chairperson Spellman opened for comments from the Floor

- Zoning Inspector Wilson advised that he and Trustee Schulte met with a Developer interested in building a Senior Housing on a 28 acre site on the South and East Corner of Rte. 303 and 130<sup>th</sup>. To the East of the Buzzard's Roost. The project may be brought to the Board during the month of February.
- Zoning Department is quite busy with 3 – 4 new homes being built.
- Trustee Schulte advised that the proposed Senior Housing Development would be required to go through a Sub-Division process which will require involvement from the HTZC.
- Trustee Schulte will be attending the OTA (Ohio Township Association) Annual Meeting Jan. 25, 26 and 27<sup>th</sup> in Columbus, Ohio.
  - Expects to obtain further information regarding Medical Marijuana

ZONING COMMISSION

Regular Meeting

January 5, 2017

Page 7 of 7

- Expects to spend two solid days gathering information regarding zoning
- Trustee Schulte advised that the Trustees will interview applicants for the open Trustee seat created by Martha Catherwood’s move on Jan. 31<sup>st</sup>, 2017 to the Fiscal Officer position.
  - The Trustee position will be appointed unless Trustee Schulte and Trustee Sambor cannot agree a candidate will be appointed by a Judge.
  - Goal is to have third Trustee in place by Feb. 1<sup>st</sup>, 2017.

Chairperson Spellman addressed the creation of the February meeting agenda.

- Minutes review from January 2017 Organizational and Regular Meetings
- Old Business
  - Review of language regarding In-Law Suites
  - Height exceptions 6.I. 1 & 2
  - Consistency within the code as references are made to the HTZC.
  - ¾ acre square footage number to be corrected to 32,670 square feet replacing the 33,000 square feet which is currently listed.

Chairperson entertained a motion to adjourn the Regular HTZC Meeting.

- Motion made by Vice-Chairperson Dermody, second by Member Schneider.
- Discussion was entertained, Roll was called.

**Vote: All in Favor: All members responded – Aye with none opposed.**

The meeting was adjourned at 9:12 p.m.

Recording Secretary: Beth Wilding

Minutes Approved: \_\_\_\_\_, 2017

\_\_\_\_\_  
William Spellman, Chairman

\_\_\_\_\_  
Diane Dermody, Vice Chairman

\_\_\_\_\_  
Calvin Powell, Member

\_\_\_\_\_  
Bruce Schneider, Member

\_\_\_\_\_  
Matt Marzullo, Member

\_\_\_\_\_