

Ch. Spellman called the meeting to order at 7:05 p.m.

Roll found: Spellman, Powell, Schneider, Marzullo and Alternate McCarthy sitting in for Dermody. Vice-Chairman Dermody and Alternate Burns had an excused absence.

Also in the audience were Trustee Schulte, Zoning Inspector Wilson and Administrative & Zoning Office Manager Peterlin along with Gayle Prebis, Lisa Berardinelli, Vince Berardinelli, Gary Wolny and Donna Boleman.

Ch. Spellman opened discussion regarding the need to review and approve the minutes from the Regular Meeting held on September 7, 2017.

Chairman Spellman entertained a motion to accept the minutes as submitted.

- Motion was made by Mr. Marzullo
- Seconded by Mr. Schneider
- No further discussion
- Roll was called

VOTE: Spellman – Yes, Powell – Yes, Schneider – Yes, Marzullo– Yes, McCarthy– Yes

Ch. Spellman asked if everyone had received and read the minutes from the Work Session held on September 21, 2017. Ch. Spellman entertained a Motion to approve the minutes from the September 21, 2017 Work Session meeting.

- Motion was made by Mr. Powell
- Seconded by Mr. McCarthy
- No further discussion
- Roll was called

VOTE: Spellman – Yes, Powell – Yes, Schneider – Abstained, Marzullo – Yes, McCarthy – Yes

Ch. Spellman returned to the Agenda and reviewed Old Business giving a brief review of the process that the Commission used in order to get to the Proposed TEXT Change document presented to the Board. The final line-by-line review was completed at the September 21, 2017 Work Session. Ch. Spellman then highlighted the next steps that will follow in with the final process for the official text amendment changes:

- It will go to Planning Services
- It will then go to the Prosecutor
- It will return to the Zoning Commission
- It will be sent to the Trustees who will also hold a Public Hearing

Ch. Spellman then read into record the following:

“HINCKLEY TOWNSHIP ZONING COMMISSION – PROPOSED TEXT CHANGES TO THE HINCKLEY TOWNSHIP ZONING REGULATIONS:

Summary of Changes:

- 1) Add Text: *4.17 Medicinal Marijuana* (Chapter 4 – General Regulations) and update Table of Contents (page 23, 30 and v)
 - *Medicinal Marijuana cultivators, processors, and dispensaries are prohibited from being located in all zoning districts of Hinckley Township.*
- 2) Change Text: 33,000 square feet to *32,670 square feet (0.75 Acres)* (Chapter 5 – Section 5.2 Districts; Chapter 6 – District Regulations – Section 6R2, where applicable) (pages 31, 35, 41, 57, 59)
- 3) Change Text: Definition of Senior Citizen Residential Facility to read as follows:
 - A facility consisting of three or more dwelling units, the occupancy of which is limited to ~~persons (60) years of age or older~~ *senior citizens in compliance with the Fair Housing Act, as amended.* (page 14)
- 4) Add Text: Height exception for I1 and I2 Districts (Chapter 6: Sections 6I1.4 & 6I2.5)
 - *Maximum Height of Buildings or Structures: 35 feet with the exception of any HVAC equipment shall not exceed 10 (ten) feet above the maximum building height, be open or mechanically self-contained with no livable space or housing accommodations.* (page 74 & 78)
- 5) Change Text: *Management responsibilities plan* (Chapter 6: Conservation Development) (page 53)
- 6) Standardization of references to Zoning Commission, Board of Zoning Appeals, Trustees, Zoning Inspector and Medina County Agencies will read throughout the Zoning Regulations as follows:
 - *Township Zoning Commission*
 - *Township Board of Zoning Appeals*
 - *Township Board of Trustees*
 - *Township Zoning Inspector*
 - *Medina County Planning Commissions*
 - *Medina County Health Department*
 - *Medina County Engineer*
 - *Medina County Soil and Water*
 - *Medina County Prosecutor*
 - *Township Legal Advisor*
- 7) Remove Appendix Reference (Chapter 13 and 14) (Pages 127, 129 and 151)
- 8) Clerical in nature: Correct mis-spelled words (put to *puts* (page 17), ships to *shops* (page 13), form to *from* (page 119), principle to *principal* (page 60); add capitalization and remove capitalization; bold areas; add commas.”

Ch. Spellman entertained a Motion to accept the Change document to present to the Medina County Planning Commission.

- Motion was made by Mr. Schneider
- Seconded by Mr. Marzullo
- No further discussion

- Roll was called

VOTE: Spellman – Yes, Powell – Yes, Schneider – Yes, Marzullo – Yes, McCarthy – Yes

Ch. Spellman gave a time-line as to what will need to be done next with the Proposed Text Changes to the Hinckley Township Zoning Regulations. He cited the Ohio Revised Code that states a Public Hearing concerning these changes must be held within 20-40 days after we receive the recommendations from the Planning Sessions. Mr. Powell proposed that the Public Hearing be held prior to the next regular Zoning Commission Meeting.

Ch. Spellman entertained a Motion to hold the Public Hearing for the Proposed Text Changes to the Hinckley Township Zoning Regulations to be held on November 2, 2017 at 6:30 pm with the Regular Zoning Commission Meeting to start directly after.

- Motion was made by Mr. Marzullo
- Seconded by Mr. Powell
- No further discussion
- Roll was called

VOTE: McCarthy – Yes, Marzullo – Yes, Schneider – Yes, Powell – Yes, Spellman – Yes

Ch. Spellman returned to the Agenda and said there were three new items on the agenda. For the attendees in the audience, he explained the process of what to expect when bringing an issue to the Zoning Commission. Normally there are three different hearings:

1. The Informal Hearing that involves a casual conversation with the board with their thoughts
2. The Preliminary Hearing that would be an intermediate discussion with a more detailed plan
3. The Final Hearing which would include their own set of requirements and is more formal in nature

Mr. Wilson told the Commission that this particular Change of Use is straightforward and he felt a final decision could be made after the discussion was completed.

New Business (1) Change of Use

The first item on the agenda involved Gayle Prebis, a Hinckley resident for 22 years, and her partners Lisa and Vince Berardinelli. Ms. Prebis was the spokeswoman for the group. She understands that this is an informal hearing. She and Ms. Berardinelli are Yoga instructors and they bought the property at 1360 Ridge Road, which is about 2 acres. They plan to open a Yoga Studio. Ms. Prebis presented an informal site plan to the Commission and said they were aware that once the residential use change is made to a legal conforming B2 they would not be able to go back to the original non-conforming B2 use.

She said that the plans are to use the current structure for:

- Phase 1 – Open a Yoga Studio using the current building which will require no need for any structural changes as the floor plan fits their use perfectly.
 - Expect 1-3 Classes per week
 - Expect 4-5 people plus an instructor per class
 - They would only use the first floor for the Yoga Studio
 - The first floor is about 1,200 sq. ft; unknown size of the 2nd floor
- Phase 2 – Build a Barn to use as a Wellness Complex including moving the Yoga Studio to the new building.
 - The current building will be rented to other wellness-type practitioners

Discussion entailed concerning personal service classification, parking and signage:

- Mr. Wilson feels yoga studios match up with the personal service classification
- Mr. Wilson explained how to calculate number of needed parking spaces
- Ms. Prebis said they will have 6 parking spaces but easily have enough for 10 spaces
- Ms. Prebis pointed out where the parking spaces will be placed
- Ms. Prebis said the area will be cleaned, removal of a hedge, possible removal of a fences and the removal of a deck
- Ms. Prebis stated that they own a small portion of Foster's current parking lot
- Ms. Prebis stated that the first sign would be 32 sq ft. (8'x4') and eventually a new electronic sign will be erected during Phase 2

Mr. Schneider asked if we should proceed concerning the Change of Use adding that he feels parking is an important issue. Mr. Wilson read into the record a letter based upon conversations he has had.

A discussion ensued concerning the curb cut and driveway. Mr. Marzullo asked if it is a single lane curb cut, will there be a requirement for a double lane curb cut? Mr. Wilson said that ODOT makes that decision. Also, Mr. Powell raised the question of needing to send out notices to the neighbors about a change of purpose but that is not required for this Change of Use since it doesn't involve a zoning change. Ch. Spellman appreciated all recommendations and discussions but reminded that the purpose of this meeting is for Phase 1 only; once the Zoning is changed from the B2 non-legal conforming use to B2 Legal Conforming use, those issues will be warranted when a informal meeting will occur during the Phase 2 process.

Ch. Spellman appreciated Mr. Wilson's recommendations. Ch. Spellman wanted to read into record **Sec. 11.2 (C):**

- **“Review of Site Plans Waived:** The Zoning Commission may determine that review of a site plan is not required where no changes are proposed for an existing site or where only inconsequential changes, as determine by the Zoning Commission, are proposed.”

Ch. Spellman recommended that the Commission waive the review of a site plan and entertained a Motion be made that the land owned by Barn Wellness, LLC be changed from B2 non-legal conforming use to B2 legal conforming Professional Services.

- Motion was made by Mr. Marzullo
- Seconded by Mr. McCarthy
- No further discussion
- Roll was called

VOTE: McCarthy – Yes, Marzullo – Yes, Schneider – Yes, Powell – Yes, Spellman – Yes

New Business (2) Map Amendment

wjg Gary Wolny was the spokesman for himself, Emil Wolny Properties LLC and David Terry (who was not present at the meeting). The request of Mr. Wolny is to make a map amendment for property that Mr. Wolny (33 acres) and a lot (66'x505') owned by Mr. Terry at Center Rd. (Route 303) and W. 130th. Most of Mr. Wolny's property is zoned B-1 General Business and he would like to have four parcels of property on ~~W. 130th~~ ^{Center Rd (Rt 303)}, one of the four parcels owned by Mr. Terry to be rezoned from R-1 Residential to B-1 General Business.

Prior to the beginning of the discussion, Ch. Spellman felt a clarification of the process was warranted. He said there were three ways in which Map Changes are made:

- Requests from Trustees
- Changes requested from the community
- Review of the Zoning Book

Ch. Spellman said there was another option found in the **ORC 519.12 (A1)** which reads:

- Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed ...

Ch. Spellman then explained the process that will be followed which is the same as the Text Change Amendment:

- Formal Motion
- Public Hearing

wjg Mr. Wolny said his intent is to combine the lots on ~~W. 130th~~ ^{Center Rd (Rt 303)} and to increase his frontage on Center Rd. He was asked if he had buyers for the land. He said he had no immediate buyers but two groups (Senior Housing and a Landscaping Garden Center) have shown an interest. He said he wanted to be proactive in resolving this issue so he could offer access to the property from both W. 130th and Center Roads. Mr. Wolny added that his family has owned the property since 1950.

A discussion ensued on flooding and drainage in that area, the size of the lots, wetlands, ODOT, other subjects of interest and the plans of the Township concerning future commercial growth in this area.

Ch. Spellman said that since this is an informal process the options are:

1. Ask for a motion to start the clock moving forward to the Formal Process
2. Do nothing and Mr. Wolny can speak with the surrounding landowners

Mr. Wolny said that he has spoken with some of the other landowners with unanswered results. He said he would like to start the clock with just the 4 pieces of property since there may be discussions with other landowners in the future. A discussion ensued including the following:

- Mr. Powell proposing that letters be sent to the neighbors to see what they have to say
- Ch. Spellman said that the Commission can do is to advance the 4 properties
- Send notification to the contiguous properties so they can weigh in

Ch. Spellman entertained a Motion to move forward with the zoning map change for the reclassification of the 4 pieces of property from R1 to B1 classification thereby starting the clock with the process; and all 15 property owners 500 feet East of Lot 28 will be notified of the change.

- Motion made by Mr. McCarthy
- Seconded by Mr. Marzullo
- No further discussion
- Roll was called

VOTE: McCarthy – Yes, Marzullo – Yes, Schneider – Abstained, Powell – Yes, Spellman – Yes

Ch. Spelling said that with the clock starting the following will take place:

- The request will go to the Planning Commission on Friday October 6
- A public hearing will need to be made within 20-40 days
- It was recommended that the public hearing on this issue be added to the public hearing that will already take place on Thursday November 2nd. Discussion on this issue ensued.

Ch. Spellman entertained a Motion to set the public hearing for this Map Amendment to be held on Thursday November 2, 2017 directly following the public hearing on the Text Amendment with the Regular Zoning Commission Meeting to be held directly after the public hearing with the understanding that should time be of essence, the Zoning Commission Hearing will be rescheduled.

- Motion made by Mr. Schneider
- Seconded by Mr. McCarthy
- No further discussion
- Roll was called

VOTE: McCarthy – Yes, Marzullo – Yes, Schneider – Yes, Powell- Yes, Spellman – Yes

Ch. Spellman then amended the motion to include that the Zoning Department will send notifications to all contiguous landowners 1000 feet east of the 4th property (02005) of the map amendment change and it will be limited to R1 properties only. Ch. Spellman entertained the new motion as extended.

VOTE: McCarthy – Yes, Marzullo – Yes, Schneider – Yes, Powell – Yes, Spellman - Yes

New Business (3) Conceptual Plan- Skyland Subdivision

Ch. Spellman said that they would not be reviewing this issue tonight because they will be going in front of the Planning Commission for conceptual review on October 18, 2017 at 9:00 am. Feedback will be needed by the 10th. Mr. Wilson said he would be meeting with Trustee Schulte on October 6th. Ms. Peterlin said that Mr. Sumodi originally came into the office about this issue sometime between March and May 2017. Ch. Spellman said that he may want to put this on the agenda for the next meeting although Ms. Peterlin said it may have to wait until the December meeting since the deadline to submit anything for the November meeting is October 22nd.

Returning to the Agenda Ch. Spellman said that there was no report from the Vice-Chairman since Ms. Dermody is absent from the meeting. Ch. Spellman gave a reminder about the Planning Seminar in Cleveland on October 27th and said he was waiting for feedback from Planning Services on the following questions:

- Text Amendment Process – how to list out things
- Legal Notices Perspective
- Inquired about the %, numeric, square footages
- In-law suites
- Conservation Development - *inputs* ~~input~~ to conception review, arrangement of homes in restrictive open spaces – who has the ability to make those decisions

Mr. Marzullo, Mr. Schneider, Mr. Powell, Trustee Schulte and Mr. Wilson had nothing to report.

Ch. Spellman noted that the next meetings to be held on November 2, 2017 will be held in the following order:

- Public Hearing for the Proposed Text Changes to the Hinckley Township Zoning Regulations will begin at 6:30
- Public Hearing for the Map Amendment will begin immediately thereafter
- Regular Zoning Commission Meeting will begin immediately at the end of the Public Hearings
- In the event the Public Meetings run longer than anticipated, the regular Zoning Commission Meeting will be rescheduled.

Ch. Spellman asked if there was any discussion from the floor. Mr. Wilson had no additional comments on Hoop Guru and a handout was discussed. Further discussion will be forthcoming.

Ch. Spellman stated that he would entertain a Motion to adjourn the Zoning Commission Meeting.

- Motion was made by Mr. McCarthy
- Seconded by Mr. Powell
- No further discussion
- Roll was called

VOTE: McCarthy – Yes, Marzullo – Yes, Schneider – Yes, Powell – Yes, Spellman - Yes

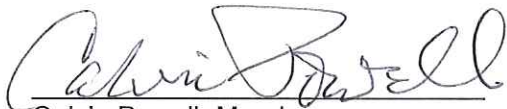
The Zoning Commission meeting was adjourned at 9:11 pm.

Carolyn Chism, Recording Secretary

Minutes Approved: November 2nd, 2017



William Spellman, Chairman

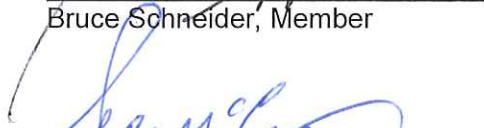


Calvin Powell, Member



Bruce Schneider, Member

Matthew Marzullo, Member



Sean McCarthy, Alternate