

ZONING COMMISSION

Public Hearing

November 2, 2017

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Ch. Spellman called the Public Hearing to order at 6:34 p.m.

Roll found: Spellman, Dermody, Powell, Schneider, and Alternate McCarthy sitting in for Marzullo.

Also in the audience were Alternate Burns, Zoning Inspector Wilson and Administrative & Zoning Office Manager Peterlin along with Jerry Schieve, Gary & Sharon Wolny, Judy & Dave Ginn, Chris & Jake Studor, Kim Solak, J. Larry Bindofer, Lorie Strand, Becky Lutzko, David Terry and Dawn Liebenguth.

Ch. Spellman welcomed the public to the hearing and introduced the Zoning Commission Members to the hearing attendees. Ch. Spellman proceeded to give attendees a public hearing overview:

- Per ORC Chapter 519, all text and/or map amendments to Township zoning must go through a specific and well defined process; part of which ensures the right to public input into the process
- This meeting is for the purpose of hearing public comments regarding
 - Proposed text amendments as submitted to Medina County Planning Commission (MCPC) on 10/5/2017
 - Proposed zoning district change as submitted to Medina County Planning Commission (MCPC) on 10/5/2017
- Comment can be positive, negative, or neutral
- All who would like to comment must sign the sign in sheet with their name and address. Presenters will be taken in the order in which signed in. Please note that everyone who wishes to speak will be allowed to speak.
- All comments must be directed to the Zoning Commission
- This public hearing will be taped for transcription purposes and written minutes will be record of this meeting
- Order should prevail throughout this hearing and debates, argumentative questioning, and/or cross-examining are not allowed
- Comment must be specific to the topic at hand
- All comments will be taken into consideration as the Zoning Commission finalizes the draft resolution

Vice-Ch. Dermody proceeded to read the Notice of Hearing that was available for viewing on October 17, 2017.

Ch. Spellman asked how many people received a notice in the mail. How many people read about the public hearing in the newspaper? How many people were just interested in zoning issues? He explained the process of how we got to the point of having the Public Hearing on the two amendments.

Ch. Spellman returned to the agenda for discussion concerning Amendment 1 – Proposed Text Changes.

Text Amendment to revise the Hinckley zoning resolution as follows:

- Standardization of references to the Zoning Commission, Board of Zoning Appeals, Trustees, Zoning Inspector, Zoning Clerk and all Medina County Agencies.
- Edit Chapter 3: Sub-Section 3.2 definition of Senior Citizen Residential facility.
- Add new Section Chapter 4: Section 4.17 Medicinal Marijuana under General Regulations.
- Change text from “33,000 square feet” to “32,670 square feet (0.75 acres)” in Chapter 6: Sub-Section 6R1.4.J.1.a, Sub-Section 6R2, Sub-Section 6R2.1.A, and Sub-Section 6R2.4.A.
- Change text re: required documentation for Chapter 6: Conservation Developments: Sub-Section 6R1.8.A.3.c.
- Add text re: “Height Exceptions” to maximum height of structures in Industrial Districts, Chapter 6: 6I1.4.F and 6I.5.F.
- Remove references to Appendices; Chapter 13: Section 13.2, Chapter 14, Appendix List

Ch. Spellman made reference to the Planning Commission Recommendations (document was submitted on 10/05/2017):

- Medina County Planning Services – Recommended Approval
- Medina County Planning Commission – Approved

Ch. Spellman asked if there were any Public Comments:

- Becky Lutzko asked if the Prosecutor expressed concerns about legalities about prohibiting Medicinal Marijuana. Ch. Spellman stated that they used the language recommended by the Prosecutor
- Jim Burns stated that he thought the language that was used came from the State. Ch. Spellman said that the State of Ohio granted municipalities and townships the right to allow or prohibit Medicinal Marijuana

Ch. Spellman returned to the agenda for discussion on Amendment 2 – Proposed Map Change.

Modifications of 4 parcels located on Rt 303 from an R1 to a B1 District.

Ch. Spellman stated that although the Township was only required to send out letters concerning this issue to properties that immediately adjoined the parcels in question; the decision was made to send the notices to residents within one thousand feet. He said that the proposed amendment is very specific to the 4 parcels (owned by Mr. Wolny and Mr. Terry), which are each 66’x505’ non-conforming properties. Ch. Spellman encouraged the attendees

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to give feedback and it is imperative that they understand the Township Zoning Commission is not looking to make a sweeping change at this time. He added the following:

- The 4 specific parcels are: 017-03C-02-002, 003, 004 & 005
 - North I-1 Office/Light Industry – Aldi distribution center
 - East R-1 Residential Single-family residence – Vacant, wooded
 - South B-1 General Business Parking – Vacant, wooded
 - West B-1 General Business – Vacant, wooded (2 parcels) Buzzard's Roost (Bar), Caddyshack (restaurant/bar)

Ch. Spellman made reference to the Planning Commission Recommendations:

- Medina County Planning Services – Recommended Approval
- Medina County Planning Commission – Approved

Ch. Spellman then opened the floor to public comments. Comments were taken in the order that the attendees signed in when they entered the room.

Comments made by Gary Wolny:

- Explained history as to why he is making the Map Change request
- He began the process about one year ago
- He and Mr. Terry filed the application one month ago
- Mr. Wolny owns 9 parcels of B-1 property; and, 3 parcels of R-1 parcels and Mr. Terry owns 1 parcel
- Mr. Powell asked if there were any plans on the use of the land; Mr. Wolny said no
- Mr. Powell said he understands that by making the change now it would make it more sellable for Mr. Wolny in the future

Comments by Christine Studor:

- Ms. Studor said that her comments were made as a resident and not as a reporter.
- She stated that there was a need for seniors to stay in Hinckley when they wanted to downsize and asked if senior cluster homes could be built on that land
- Ch. Spellman said the short answer is yes but there are conditional types of use that will have to be addressed

Comments by Kim Solak:

Ms. Solak will be affected by the map change because she owns a home on Center Rd. Her biggest concern is that she will eventually be forced out of her home and eminent domain issues.

- Questioned why there is a need for a zoning change if senior housing goes on that land

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- Ch. Spellman said this map change is only for the 4 parcels in question although the Township Zoning Commission could have asked to rezone the entire block. He added that even if additional zoning changes would occur, her property would be rezoned as B-1 Non-Conforming
- Zoning Inspector Wilson reiterated that it is only for the 4 parcels and there is no automatic rezoning in the future
- It was stated that there are different zoning rules for Business districts vs. Residential districts.

Ms. Solak said that she loves her home and loves living in Hinckley and was glad she came to the hearing to project her concerns. She said she felt much better.

Comments by J. Larry Bindofer (The Buzzard Guy):

Mr. Bindofer was very passionate with his reason for commenting at the public hearing. He loves living in Hinckley for the past 20 years and plans on spending the rest of his life in his home on Center Rd. Mr. Bindofer's concerns included:

- What will happen if all of the trees are torn down (presented pictures of the property) and when it would happen
- Mr. Bindofer and Ms. Solak presented pictures showing the flooding in the front yards and feel it is mandatory that a Storm drain-off study be conducted although he does not have flooding in his yard
- He has spoken with Mr. Wolny and Zoning Inspector Wilson
- He already has to deal with noise from Caddyshack at night and is concerned with additional noise in the future
- Stated that he and Ms. Solak both received letters from the realtor about buying their property
- Questions if more commercial properties are really needed in Hinckley since he feels it should remain a residential community
- The Law of Diminishing Returns
- He is not concerned about the value of his property but more about the intangibles and his living conditions so at this time he would like to stop the progress even though the progress will eventually prevail
- Reiterated that his home truly is his little piece of Heaven

Ch. Spellman thanked Mr. Bindofer for his comments and addressed some of his concerns:

- The reality is that as the current owner of the land, Mr. Wolny, can cut down his trees whenever he wants.
- Storm Water issues are a different subject
- Noise, Lights, Water and traffic congestion, visuals
- Permitted vs. conditionally permitted

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- Any developer will have to take into consideration traffic studies, flooding and water run-off issues
- Developers are required to do certain studies and obtain permits required for soil and water
- Commercial vs. subdivision – all goes into account and standards get higher
- Mr. Wolny already did a wetland study on the 30 acres he owns

There was additional discussion from the floor that included Mr. Bindofer and Ms. Solak that included:

- The Metro Parking changed the course of water causing flooding
- If the first line of trees were not torn down, it would be a better buffer as opposed to putting up a fence
- Aldi's worked with the homeowners about buffers
- Developers usual like to work with homeowners and townships and try to preserve the surroundings as best as they can
- Ms. Solak said the flooding didn't start until the Industrial Park was put in

Comments by Becky Lutzko:

- Ms. Lutzko said that she understood the benefit of Mr. Wolny getting the Map Change done prior to putting the land up for sale but wanted to know why the township needs to approve the Map Change now
- Ch. Spellman referred back to the Master Plan, the three locations that were targeted for business growth and property values
- Ms. Lutzko reiterated that she felt there was no value to the township to rezone those 4 parcels at this time
- Ch. Spellman said that if Mr. Wolny can improve the sale of his property, the property value will increase which would be beneficial for the township
- Ms. Lutzko said that she personally didn't see the need to approve the zoning change now as opposed to waiting to see what is going in there or waiting for a Master Proposal
- Mr. Schneider added that Mr. Wolny had a right to ask for the Map Change now, at his discretion, so he can have an opportunity for selling his property

Comments by David Terry:

Mr. Terry, a land developer, resident of Hinckley and owner of one parcel of land that is a part of the Map Change and the developer of the Hinckley Corporate Park on the north side of Center Rd. raised the following:

- He has spoken with Mr. Wolny about the use of the four parcels
- He has no intention on developing the land

- Understands that the land cannot be developed for Residential due to the size of the parcel
- He worked with the county concerning flooding issues
- His Industrial Park is not the cause of the current flooding issues
- He is concerned with the deep ditches along Center Rd.
- 20 years ago he thought the area would be good for senior housing and feels it would still be a good for Hinckley residents to be able to remain in Hinckley when they downsize; but he doesn't think the Wolny property will work out for that type of housing
- He had shields put in on the lights in his parking lot but the light and noise comes from Aldi's
- There will be problems getting a curb cut by ODOT for Center Rd

Comments by Dawn Liebenguth:

- Ms. Liebenguth was also concerned about the depth of the ditches on Center Road
- With new development where will all the water go
- If Center Road will ever be turned into a 4 lane highway at some point
- Traffic congestion

At the completion of all of the Public Comments, Ch. Spellman thanked everyone for attending the public hearing and for speaking and stated:

- Tough decisions have to be made
- He has heard from residents and personally feels that no one wants the township to change into a big city
- He and the Township Zoning Commission appreciates everyone's feedback
- Should additional time be needed, there will be a continuance

Ch. Spellman continued by explaining the next steps:

- All public comments, Medina County Department of Planning Services (MCDPS) and Planning Commission recommendations, and Prosecutor feedback will be taken into consideration as the final draft resolution is created
- Within 30 days of the conclusion of the public hearing, the Township Zoning Commission will forward the finalized resolution to the Hinckley Township Trustees
- Within 30 days of receipt by the Township Trustees, a public hearing date will be set for their public hearing
- Within 20 days of the conclusion of the Trustees' public hearing date, the Township Board of Trustees shall vote on the proposed resolution
- If adopted, the proposed resolution shall become effective in 30 days after the date of its adoption

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Ch. Spellman told everyone that they could stick around for the Regular Meeting which will take place following the Public Hearing. He asked the Township Zoning Commission if there was a need for more time and he would ask for a continuance; if not he would entertain a motion to adjourn. Vice-Ch. Dermody asked if they had 30 days to make a decision. Ch. Spellman said that we did but again, the Township Zoning Commission is only making a decision as an advisory to the Township Board of Trustees.

Ch. Spellman stated that he would entertain a Motion to adjourn the Public Hearing for the Township Zoning Commission.

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

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

The Public Hearing was adjourned at 8:26 pm.

Carolyn Chism, Recording Secretary

Minutes Approved: _____, 2017

William Spellman, Chairman

Diane Dermody, Vice-Chairman

Calvin Powell, Member

Bruce Schneider, Member

Sean McCarthy, Alternate