

ZONING COMMISSION

Regular Meeting

November 2, 2017

Page 1 of 5

Ch. Spellman called the meeting to order at 8:38 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 Gary and Sharon Wolny, Becky Lutzko and Chris and Jake Studor.

Ch. Spellman asked if everyone had received and read the minutes from the Regular Meeting held on October 5, 2017. Ch. Spellman opened discussion regarding the need to review and approve those minutes. Mr. Schneider said there was a need to amend the minutes as follows:

- On Page 5, 2nd paragraph, “W. 130th” should be changed to “Center Rd”
- On Page 5, last paragraph 1st sentence, “W. 130th” should be changed to “Center Rd”

Ch. Spellman asked for any additional changes and Vice-Ch. Dermody said:

- On Page 7, under Conservation Development, “impute” should be changed to “input.”

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

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

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

Ch. Spellman returned to the agenda under Old Business and asked for any questions prior to addressing the Deliberation and Next Steps for the Text Amendment and to see if there are any other corrections. The following was discussed:

- Page 16 - “Ohio” and “Conservation District” should be removed from line 33 – “Medina County, Ohio Soil and Water Conservation District”
- Page 53 – the “T” on Township be capitalized on lines 28 and 34
- Page 55 - “Township’s Legal Advisor” on line 38 should be capitalized
- Page 147 – “The Township and Townships” on line 6 will not be changed
- “Township Zoning Clerk” should be added to the Proposed Text Changes to the Hinckley Township Zoning Regulations

Ch. Spellman entertained a Motion to accept the Text Amendment Changes as submitted to the Planning Commission, amended as follows:

- On Page 16, line 33, the language, as written, will remain as is for now
- On Page 53, lines 28 and 34, the proposed changes will be made to capitalize the “T”
- On page 55, line 38, “Township Legal Advisor” will be capitalized
- On page 147, line 6, it will be left, as is, due to legalized

And for that to move to the Hinckley Township Trustees to complete our cycle on the Text Amendment Changes.

- Motion was made by Vice-Chairman Dermody
- Seconded by Mr. Powell
- No further discussion
- Roll was called

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

Ch. Spellman stated the text amendment changes that the Commission has worked on over the past 10 months will be moved to the Hinckley Township Trustees. He will send them a note tomorrow along with a letter from the Planning Commission.

Ch. Spellman returned to the agenda for discussion on Old Business – Deliberation and next steps for Map Amendment. Review of the Letter and Summary from the Planning Commission along with discussion from Hinckley Residents who voiced their opinions at the Public Hearing.

Ch. Spellman began the discussion by reiterating what a tough job it is for the Commission to do when it comes to this type of Map Amendment decisions.

He began the discussion by citing the comment Robert Henwood, Planning Commission “... that it appeared like the Map Amendment request went against the Hinckley Comprehensive Plan” even though when reviewing the map it looked more industrial than residential”, the Planning Commission did give a unanimous approval. Ch. Spellman asked for comments and concerns regarding this issue especially in light of the mixed reactions received at the public hearing.

- Mr. Powell mentioned that there would be no changes to anything except for the map.
- Mr. Schneider said that whoever buys the property will be the one developing it and will have to deal with the changes for permitted use of the land.
- Mr. McCarthy said that he understands the concerns about trees being cut down, the water flow changes, lights, noise and the other concerns cited at the Public Hearing, but none of those concerns affect the rezoning issue since Mr. Wolny has the right to do any of those things now.

ZONING COMMISSION

Regular Meeting

November 2, 2017

Page 3 of 5

- Ch. Spellman concurred that Mr. McCarthy was correct and hopefully those considerations will be taken into account with whoever ends up developing the land.
- The reason for the need to rezone should a senior housing project be built; because Senior Housing needs a B-1 use.
- The land is not buildable as it stands due to the size of the lots. Could someone combine the lots and build a house? Yes but it would have to be a minimum of 3 lots. Would someone buy the land specifically to build a house? Probably not since it is not a desirable area to build a residence.
- Mr. Powell stated that part of his job is to listen to the people and keeping them satisfied. This change is against his principals but he understands both sides so he is conflicted and up in the air about it. Vice-Ch. Dermody agreed with his statement.

Mr. Powell asked how many letters were sent which would give the Commission an idea as to the response from the public concerning the map change. Ms. Peterlin said that there are 28 parcels that were included in the 1000 foot area, however, some of the owners owned more than one parcel. She said that 15 letters were mailed on October 26, 2017. Of those 15 letters, 5 residents attended the Public Hearing meeting. There were no written responses to the letters either by email, mail, text or phone calls from the other residents.

Ch. Spellman gave a review as to the next step of the process for the Map Amendment. He said the Zoning Commission has 30 days to make a decision. The decision could be made at this meeting or the Commission could reconvene at another date that falls within the 30 days if it is necessary for any members to take additional time to digest the information that was presented at this meeting. Ch. Spellman reminded the Commission that we are only sending the Trustees our recommendation; if we pass it or not. The Trustees are responsible for making the final decision. Once the Commission makes their recommendation the Trustees have 20 days to have a hearing.

After future discussion, the Commission decided that no additional time would be necessary.

Ch. Spellman entertained a Motion to accept and move forward with the rezoning of the 4 identified parcels 017-03C-02-002, 003, 004, and 005 to go forward with the redistricting them from an R-1 Residential to a B-1 General Business District:

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

VOTE: McCarthy – Yes, Schneider – No, Powell – No, Dermody - Yes, Spellman – Yes

Motion has carried and it will be passed onto the Trustees with a yes vote.

Ch. Spellman asked that due to the differences of votes, for each member of the Commission to state why they chose one way or another, with the understanding that the explanation was voluntary and not a requirement. It would be helpful to give the Trustees an idea of how we came to the decision.

- Mr. McCarthy stated the following: Felt that his decision to vote for the change followed the suggestion of the Planning Commission and the Hinckley Master Plan. He truly has a lot of sympathy for the residents involved. However, as previously stated, the redistricting the land from R1 to B1 doesn't change the concerns of what the current owner of the property can currently do with his property.
- Mr. Schneider stated the following: The Map is currently R-1 and this coincides with what the other residents surrounding the 4 parcels of land want. He really felt this could go either way. He also feels that the current property owner has done everything by the books. He just feels for the residents that are currently in R-1 properties and feels he has to go with what the zoning map shows and what the residents want.
- Mr. Powell stated the following: He said that he may feel differently when he has an opportunity to review an actual proposal from a developer. Currently the residents that spoke at the Public Hearing had a huge impact on him. He wouldn't want it either if he lived next door to it.
- Vice-Ch. Dermody stated the following: She said she has the same feelings as Mr. Powell but without a change there is nothing you can do with the land; you can't build on it and no one will build a home on it. She said, although it tore her heart out, she felt she had to vote for the rezoning of the land.
- Ch. Spellman stated the following: He has empathy for the property owners and with the emotions for the surroundings. He said he agreed with the Planning Services Recommendation that this is a good area to move forward with B-1 business development for Hinckley Township. He also doesn't believe that anyone will build a residence on the property. He said he would like to give Mr. Wolny an opportunity to go before the Hinckley Trustees. He just hopes that in the future, when a developer comes in to develop that land, they will want to work with the Township and the residents to address the concerns that were voiced at the Public Hearing.

Ch. Spellman said that he would send a note to the Trustees as to the outcome. He also acknowledged that this was not an easy decision to make and thanked everyone for taking concerned measures on reaching the decision.

Ch. Spellman said that there was no New Business on the agenda.

Ch. Spellman stated that the Board would proceed with the Agenda and asked for Board Member reports.

Vice-Chairman Dermody Passed.

ZONING COMMISSION

Regular Meeting

November 2, 2017

Page 5 of 5

Ch. Spellman gave a synopsis on the Planning Seminar that he and several people attended on October 27th in Cleveland. He said one seminar he attended stood out on Conservation of Land held by the TPL – Trust for Public Land; something that the Commission might want to look into further.

Board Member Powell passed.

Board Member Schneider reiterated comments about the TPL Seminar.

Ch. Spellman asked if there was any discussion from the floor. Mr. Wilson had no reports. Alternate Burns said he would table his discussion for the next meeting.

Ch. Spellman noted the next regular Zoning Commission Meeting will be December 7, 2017 at 7:00 pm.

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

- Motion was made by Mr. Schneider
- Seconded by Vice-Ch. Dermody
- No further discussion
- Roll was called

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

The Zoning Commission meeting was adjourned at 9:40 pm.

Carolyn Chism, Recording Secretary

Minutes Approved: _____, 2017

William Spellman, Chairman

Diane Dermody, Vice-Chairman

Calvin Powell, Member

Bruce Schneider, Member

Sean McCarthy, Alternate