

## ZONING COMMISSION

Regular Meeting

March 1, 2018

Page 1 of 8

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

Roll found: Spellman, Dermody, Powell, Schneider and Marzullo.

Also in the audience were Alternate McCarthy, Trustee Schulte, Trustee Burns, Zoning Inspector Wilson, John Sumodi, Travis Crane, Doug Krause and George Smerigan.

Prior to the review of the Minutes, Trustee Schulte officially swore in Member Schneider and Alternate McCarthy.

Ch. Spellman returned to the agenda and asked if everyone had received the updated Zoning Commission, Organizational Guidelines and Procedures. There were no comments.

Ch. Spellman asked if everyone had received and read the minutes from the Zoning Commission Regular Meeting held on February 1, 2018. There were no comments.

Ch. Spellman entertained a motion to accept the minutes for the 2/1/18 Regular Meeting Minutes, as amended by Vice-Ch. Dermody:

- Motion was made by Mr. Powell
- Seconded by Mr. Marzullo
- Vice-Ch. Dermody said on page 7 "side" should be "size"
- No further discussion
- Roll was called

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

Ch. Spellman asked if everyone had received and read the minutes from the 2/25/18 Zoning Commission Skyland Site Review Minutes.

Ch. Spellman entertained a motion to accept the minutes for the 2/25/18 Skyland Site Review Minutes as amended:

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

**VOTE: Marzullo – Abstained, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman – Yes**

Ch. Spellman asked if everyone had received a piece of correspondence from a Hinckley citizen. He said there was only one item under Old Business – the continuation of the Skyland Development Review.

Ch. Spellman thanked everyone for the walk through and said the purpose of this review is to address three issues:

## ZONING COMMISSION

Regular Meeting

March 1, 2018

Page 2 of 8

- Modifications to the Skyland Development Preliminary Plan
- Modifications to the HOA Covenants
- Review of Management Plan for Open Restricted areas

Ch. Spellman asked Mr. Crane to discuss the modifications to the Skyland Development Preliminary Plan which included the following:

- **MODIFICATION TO THE SKYLAND DEVELOPMENT PRELIMINARY PLAN**
  - Biggest change was adding the recreational open space in the front – Right side of Street A just south of sub lot 40; and west side of Street A and everything south of Street B
  - Conservation open space on Lot 98 added an additional 5 acres
  - Made requested changes to Lots 16, 17,18 off of the wetlands adding conservation to F
  - Made requested changes to Lots 45 and 46 west of the wetlands
  - Shortened and widened Lot 49 (this originally needed a variance)
  - Will use the existing walking trails (cart paths) and added new trails
  - There were no other expecting modifications by the Zoning Commission
  - There were no other questions concerning the plan lay out by the Zoning Commission

Ch. Spellman asked Mr. Krause to discuss the modifications to the HOA Covenants which included the following:

- **MODIFICATION FOR HOA COVENANTS**
  - Section 2.2.b.10 – Areas of Common Responsibility
    - Conservancy has no responsibility for maintaining walking trails
  - Page 3 (g) Class “B” Control – was changed to 75%
    - Mr. Powell asked if they would be building and selling the lots
    - Clarification that the 75% ownership will be met when 75% of the lots were sold not necessarily when the homes would be built
    - best to let neighbors control the neighborhood
  - Page 3 Common Expenses - Clarification of (i)
    - HOA’s standard maintenance responsibility
    - Assessments will be paid on a yearly basis to the conservation holder
  - Page 3 Common Properties - Clarification of (j)
    - Does not include the 2<sup>nd</sup> 5 acres east of Lot 98 which will still be owned by the homeowner but will be a part of the Conservation Easement
    - Restrictions for the Conservation Easement will be the same on both of the 5 acres from Lot 98 but Mr. Sumodi will pay taxes on the 2<sup>nd</sup> 5 acres
    - Mr. Smerigan is unsure what the tax break will be under the new law; a discussion of the taxes ensued
  - As a side note, Mr. Krause explained their use of the term “Township” throughout the Covenant
  - Page 15 7.1(d) – Definition of Assessments
    - Constant Dollars – for increases; will be adjusted; consumer price index

## ZONING COMMISSION

Regular Meeting

March 1, 2018

Page 3 of 8

- Page 22 10.2 Light Posts – changes made
- Page 22 10.3 Residence Size – changes made with a provision that the concept can't be amended without going back to the Township
- Page 22 10.4 Garages – Goal remains to still keep everything attractive; no auxiliary buildings
- Page 26 10.19 Clothing Lines; Trampolines and Swing or Play Sets – added new items
- Page 26 10.22 Sexual Predators – Private Restrictions that the HOA will monitor
- Page 27 10.23 Group Home – Private Restrictions
- Page 33 12.3.B Amendment of the Declaration
  - Added Mr. Smerigan's suggestion to include "without coming back to the Township"
- Page 34 12.3B Termination – clean up referencing 75%
- The HOA has not yet been formed even though Lot 98 already has a resident
- Mr. Krause stated that they tried to be more thorough, although they used a standard template with modifications to eliminate issues with the Township
- No one has challenged 10.4 regarding signs
- Trustee Burns asked what the consequences would be if the HOA dissolved, discussion ensued
- The By-laws governing the HOA are separate from the declarations and will be recorded when it gets established

### MANAGEMENT PLAN

- A draft of the Management Plan was distributed by Mr. Crane with the reminder that it is just a draft and needs to be fine tuned
- Walking Path – page 3
  - The bridge and walking path will not be maintained by the Conservation Group
  - Discussion on the size of the path and the side brush ensued
  - The Zoning Board 's recommendation is that the walking paths should be 6 feet across with no side cut

Ch. Spellman asked if there was any other discussion necessary before making a decision. Mr. Smerigan was asked to comment.

- Mr. Smerigan stated that everything has been addressed
- Mr. Smerigan felt that the General Development Plan should be granted with the specific condition of the submission of a satisfactory restricted area arrangement and that can be submitted and approved prior to going to the Final Development Plan Approval
- Ch. Spellman recommended they can recommend the plan but won't except the final development plan without the Conservation Easement
- Mr. Smerigan said it will give them time to work with their 3<sup>rd</sup> party conservation
- Mr. Smerigan's said there was no reason to hold up the general plan approval, just need to make it subject to receiving the Conservation Easement and Final Management Plan

Ch. Spellman asked everyone to read through the document before the next meeting. He then said that prior to voting there are some waivers that needed to be addressed:

## ZONING COMMISSION

Regular Meeting

March 1, 2018

Page 4 of 8

- Mr. Smerigan said that under 6R1.7C.2.e waivers will be required for the set-back to the common areas
- Common areas or restricted open space – lots 13, 81, 82
- 50 foot setback that is not included in the common area

Ch. Spellman said that the waiver for 6R1.7C.2.e should read:

- The granting of a waiver that will permit the required setbacks of the project boundary to be included in the restricted space or the common area for 6R1.7C.2.e specific to the project boundary
- They are not granting waivers for parking areas or between buildings

Ch. Spellman said the next requested waiver involves the 6R1.9F.2.b - Wetlands. The discussion included:

- Mr. Smerigan said they moved all of the wetlands off of the lots except for a small piece on Lot 49
- There will be no setback on Street C that crosses the wetlands; the waterways will flow on both sides of the road
- Mr. Crane said the setback remains the same since the location of the wetlands hasn't moved, the property lines have changed
- Mr. Smerigan said that there will be a total of 5 variances that will be required:
  - 0 foot setback for Road C
  - 5 foot setback for Lot 49
  - 10 foot setback for Lot 45
  - 10 foot setback for Lot 80
  - 10 foot setback for Lot 81
- There will be a limestone base

Ch. Spellman said that a decision needs to be made:

- Rejecting the request
- Approve it as is
- Approve it with the conditions and waivers

Ch. Spellman asked for discussion:

- Mr. Schneider said he still doesn't like Lot 49 and should be removed but acknowledged that they did make all of the changes.
- Mr. Smerigan said that they did reduce the setbacks on restricted open spaces that will protect the wetlands especially on Lot 49
- Mr. Krause said that no person can change the grade of the lot – that request would have to go through the HOA and there will be restrictions on dumping

Ch. Spellman entertained a motion to continue the meeting for an additional 30 minutes.

- Motion was made by Mr. Schneider
- Seconded by Vice-Chairman Dermody

ZONING COMMISSION

Regular Meeting

March 1, 2018

Page 5 of 8

- No further discussion
- Roll was called

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

Ch. Spellman entertained a motion to approve the Skyland Development Plan as submitted with conditions and waivers:

Condition #1 the Management Plan of the open restricted space shall be finalized and completed and ultimately approved by the Hinckley Township Zoning Commission as part of the Final Plan Approval.

In terms of waivers, #2 for 6R1.7C.2.e, the Hinckley Township Zoning Commission will grant a waiver in which we will permit required setbacks of the project boundary to be included in the open space restricted space and/or common area calculations.

With the granting of the following waivers to 6R1.7F.2.e, the Hinckley Township Zoning Commission will grant a waiver to allow the reduced setback of the wetlands as follows:

- There will be a reduction of that setback from 35 feet to 20 feet on Lots 45, 80 and 81
- There will be a reduction of that setback from 35 feet to 5 feet on Lot 49
- There will be a reduction of that setback from 35 feet to 0 feet for all areas where Street C crosses the wetlands

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

**VOTE: Marzullo – No with Lot 98 included**

**Schneider – Yes – needed to be done – after the walk through better refined the plan**

**Powell – Yes**

**Dermody – Yes**

**Spellman – Yes**

**Motion Passed 4-1**

Ch. Spellman stated that the motion carries. The General Development Plan of the Skyland Development is approved with the conditions and waivers as we have granted. Ch. Spellman thanked Mr. Sumodi and his team for working with them with the concessions.

Ch. Spellman returned to the agenda and said that there was one item of New Business to discuss enhancements to the Conservation Development Language. Ch. Spellman referred to a document from Mr. Smerigan concerning several proposed amendments to Section 6R1.7 Development Standards and Criteria Conservation Development.

Mr. Smerigan presented his document and a discussion ensued:

## ZONING COMMISSION

Regular Meeting

March 1, 2018

Page 6 of 8

1. Amending Section 6R1.7.B project area/permitted density by deleting subsection 3 and amending sub-section 2
  - Concerning 2 acre lots
  - A 2-Tier Test
  - Not just density but a yield plan which is a preliminary sketch plan
  - Would submit 2 plans
  - You get the lesser of the two
  - Density Neutral
2. Amend Section 6R1.7C and criteria for restricted open space by amending sub-section 2.e
  - Language Change
  - Won't need a waiver
3. Amend Section 6R1.7D standards and criteria for common areas by amending sub-section 7
  - Want to set a time limit along with the 75%
  - Better flexibility
4. Amend Section 6R1.7E development and site planning standards by amending sub-section 2 lot requirements by adding sub-sections C and D
  - Calculation of determining the lot sizes although you want to keep them within a certain size range
  - Must be a part of the development with only access to an internal street
5. Amend Section 6R1.7E development and site planning standards by amending sub-section 5 minimum dwelling size
  - Increase minimum house size

Ch. Spellman said that he would entertain a motion for the Hinckley Township Zoning Commission to start the text amendment process with amendments to the Zoning Resolution as Follows:

**Amendment #1** Section 6R1.7.B amending Sub-Section 2 – The Maximum density dwelling units shall be as set forth on the approved General Development Plan. In no case shall the density be greater than the lesser of either one (1) dwelling unit per two (2) acres of the total project area or the permitted density determined by a “yield plan” for a conventional two (2) acre lot subdivision that conforms to all of the provisions of both Sub-Section 6R1.r of this Zoning Resolution and the Medina County Subdivisions Regulations. For the purposes of this density calculation any public right-of-way within the project boundary existing at the time the development is submitted shall be deducted from the total project area.

**Amendment # 2** Section 6R1.7C Sub-Section 2-# - Required setbacks between buildings and/or parking areas and the project boundary lines unless such setbacks are part of a larger and continuous area of restricted open space that provides buffering for adjacent properties.

**Amendment #3** Section 6R1.7D Sub-Section 7 – The developer shall turn over control of the Common Areas to the HOA when seventy-five (75%) of the lots are sold or at such other time as may be established by the Township Zoning Commission.

## ZONING COMMISSION

Regular Meeting

March 1, 2018

Page 7 of 8

**Amendment #4** Section 6R1.7E Sub-Section 2 – Lots may be of varying sizes, however, no single lot shall be greater than four (4.0) times the median lot size. And, all lots within a Conservation Development shall be designed to provide for access from an internal street within the development. No dwelling unit, which is part of a Conservation Development, shall have a driveway access directly onto an existing public right-of-way.

**Amendment #5** Section 6R1.7E Sub-Section 5 – Minimum Dwelling Size: All dwelling units shall have a minimum first floor area of not less than 1,500 square feet.

- Motion was made, as amended by Mr. Powell
- Seconded by Mr. Schneider
- Mr. Marzullo made an amendment deleting 6R1.7B Sub-Section 3
- No further discussion
- Roll was called

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

Ch. Spellman said that he would send the proposed Text Amendments to the Medina County Commission.

Ch. Spellman entertained a motion to have a Public Hearing to be held on Thursday April 5, 2018 at 7:00 p.m. with the Zoning Commission Regular Meeting to be held immediately after the Public Hearing.

- Motion was made by Vice-Ch. Dermody
- Seconded by Mr. Schneider
- No further discussion
- Roll was called
- Mr. Powell said he would not be able to attend the April meeting

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

Ch. Spellman noted that Mr. Powell will have an excused absence from the April 5, 2018 meeting.

Ch. Spellman returned to the Agenda and asked for Board Member reports.

Vice-Chairman Dermody said she had nothing to report.

Ch. Spellman had nothing to report.

Board Members Powell and Marzullo passed.

Board Member Schneider said he would report on the BZA at the next meeting.

ZONING COMMISSION

Regular Meeting

March 1, 2018

Page 8 of 8

Trustee Schulte distributed and explained a new Zoning Fee Schedule and a new Zoning Commission 2018 Compensation and Appointments.

Ch. Spellman asked if there was any discussion from the floor. Trustee Burns thanked the Zoning Commission for acting so swiftly on the Zoning Resolution Amendments. Zoning Inspector Wilson said he had nothing new. Ch. Spellman thanked Mr. Smerigan on behalf of the Zoning Commission for doing a great job with Skyland and the proposed Amendment changes for the Township – seconded by the Zoning Commission.

Ch. Spellman said the next Zoning Commission Regular Meeting will be held on Thursday April 5, 2018 immediately following the Public Hearing which will start at 7:00 pm.

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

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

**VOTE: Marzullo – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman - Yes**

The Zoning Commission meeting was adjourned at 9:45 p.m.

Carolyn Chism, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2018

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William Spellman, Chairman

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Diane Dermody, Vice-Chairman

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Calvin Powell, Member

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Bruce Schneider, Member

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Matt Marzullo, Member