

## ZONING COMMISSION

Regular Meeting

May 3, 2018

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Int. Ch. Dermody called the regular meeting to order at 7:00 p.m.

**Roll found:** Dermody, Powell, Schneider, Marzullo with McCarthy moving into member position.

Also in the audience were Alternate Kalina, Trustee Schulte, Zoning Inspector Wilson, Walter and Savina Pavluk, Chris Studor, David Terry, David Hart, William Athens, Jason Brenner and Trustee Burns and Ann Marie Brobst (arrived late).

Int. Ch. Dermody asked if everyone had received and read the minutes from the Zoning Commission Public Hearing held on April 5, 2018 and if any comments. There were no comments.

Int. Ch. Dermody entertained a motion to accept the minutes for the April 5, 2018 Public Hearing Meeting as written: Motion was made by Mr. Schneider and seconded by McCarthy. No further discussion

**Roll: McCarthy – Yes, Marzullo – abstain, Schneider– Yes, Powell – abstain and Dermody – Yes**

Int. Ch. Dermody asked if everyone had received and read the minutes from the Zoning Commission Regular Meeting held on April 5, 2018 and if any comments. There were no comments.

Int. Ch. Dermody entertained a motion to accept the minutes for the April 5, 2018 Regular Meeting as written: Motion was made by Mr. McCarthy and seconded by Schneider. No further discussion

**Roll: McCarthy – Yes, Marzullo – abstain, Schneider– Yes, Powell – abstain and Dermody – Yes**

Int. Ch. Dermody returned to the agenda.

### **Old Business:**

Trustee Schulte provided an update on the Proposed TEXT changes to the Conservation Development Language (Chapter 6). The Trustees held a Public Hearing on May 1, 2018 where Zoning Commission Alternate Chris Kalina and Member Calvin Powell were present to discuss the changes. At the Regular Trustee Meeting that followed the hearing, the Trustees unanimously passed with resolution to adopt the changes to the Zoning Regulations as proposed. The changes will be forwarded to the Recorder's Office to be recorded with an effective date of May 30, 2018.

### **New Business:**

Mr. David Terry, a developer, was present to review a project sketch for a 60 acre parcel owned by Pavluk Family Limited located on Center Road. He introduced his planner David Hart, with CT Consultants, who he had asked to give the presentation. Mr. Hart began by stating at this time, no formal application has been made, and that the purpose of the presentation was for discussion only.

Mr. Hart continued with a brief introduction and back ground of himself, stating that he is a Senior Advisor with CT Consultants and represents the developer David Terry. He noted his history with Hinckley Township and his involvement with updating the Comprehensive Plans and the Township Zoning Resolution back in the 80's and 90's. He added that Civil Engineer Jason Brenner with Lewis Land Professionals was also present and is working with Mr. Terry on the project.

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Mr. Hart handed out a May 3, 2018 update to the April 10, 2018 materials that had been previously submitted to the Zoning Office providing a clearer project summary and rationale of the project, as well as an outline of the proposed text changes. Included is a location map showing the property (Route 303 between W 130<sup>th</sup> Street and Stony Hill Road) and adjacent properties with an alternative sketch depicting how the 60 acre parcel would be developed. The proposal, in summary, is for a new Planned Unit Development District to permit Senior Housing in this location with a gross density of 1 unit (single family home) per acre.

Mr. Hart stated that they are seeking direction as to how they should approach this project. The proposal is based on three fundamental considerations:

- 1) One key factor, is that sanitary sewers are available to the site (property) and based on their understanding, and he thinks that Rob Henwood with Medina County Planning Services concurs with this, that if sewers are available that they must be used. Therefore, with central systems (water and sewer) being required, that with the current zoning (1 unit per 2 acres) it is not economically feasible. Mr. Hart referred to the packet materials and added that he had a supporting letter from Doug Leohr, with PrideOne Construction concurring with Mr. Hart's opinion that it is not economically feasible to have 2 acre lots with 175 feet frontage.
- 2) The Township has a long standing objective to provide an alternative for senior housing options in the community. Current zoning only allows for Senior Housing in the Business districts with very little land opportunity.
- 3) This property has a unique location in conjunction with the highway, commercial industry to the west, smaller residential lots and cemetery to the north, and surrounding residential developments to the east and south – compared to other areas in Hinckley.

Mr. Hart commented on the Comprehensive Plan and that it acknowledges the community interests as follows:

- 1) changing demographics and needs of the older population with 35% of Hinckley being age 55 or older
- 2) senior housing should be expanded
- 3) current zoning should be amended to allow detached independent living on small lots in cluster developments

Mr. Hart said that this proposal, allowing for higher density, is not the traditional Senior Housing project. Typical Senior Housing projects are either townhouse developments or apartment developments with independent or congregate living with additional assisted living or supportive services. This proposal is a single family development only and for seniors looking for more maintenance free environment on smaller lots, and therefore, attracting younger seniors that seek to downsize.

Mr. Hart stated there is wet land delineation since the previous sketch. The new sketch shows that the lot arrangement has been reconfigured by reducing the size of the lot to allow for more common space and work around the identified wetlands.

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Mr. Hart commented that this development proposal will have no adverse impact on the existing adjacent residential areas. He emphasized that this is a sketch and that there may be other iterations before a formal application is made.

Mr. Hart stated that the last part of the outline provided is a sense of what some of the proposed Zoning Regulations would be highlighting the following:

- 1) One unit per acre
- 2) Minimum project size of 50 acres
- 3) Minimum home size (first floor area of 1,800 square feet with possible loft areas allowing for additional square feet)
- 4) Increased the open space from what was listed on original draft (15% to 30% - 50%)
- 5) Decreased the minimum lot size

Mr. Hart said that this is their proposal in a nut shell by using a different zoning district. He added that they had looked at the Conservation Development language but found there to be too many hurdles with too many variances. They believe that the Planned Unit Development (PUD) approach is a better approach for this project and the property location makes sense.

Mr. Hart stated that Mr. Terry controls 60 acres. There are three or four parcels to the west, between the 60 acre parcel and the commercial business district. Mr. Hart said that they suggest that if the Zoning Commission is inclined to adopt this proposal that the Zoning Commission consider, by their initiative, to apply those three or four parcels as part of the PUD District. He added that they would put a provision in the code that says the Planned Unit Development could be expanded as long as it is integrated into and in connection with the initial 60 acre planned unit development. Mr. Hart said that that is a standard way of utilizing adjacent parcels.

Jason Brenner, with Lewis Land Professionals gave some background of his 24 year experience in developing land in Medina County, adjacent Township's and properties in other states. He reiterated on what Mr. Hart had presented, and concurred that the proposal for the senior community is in line with the Township's Comprehensive Plan. Mr. Brenner stated that he is seeing more proposals for senior housing projects in the surrounding areas.

Mr. Brenner commented that sanitary sewer and water does add an enormous amount of burden of cost to any of these projects. There is sanitary sewer to the west of this parcel, along with a sewer system that is being brought in by another developer for a development to the east. Mr. Brenner stated that it is mandated that this parcel or new development utilizes sewer. He added that there is an option not to use them – the Ohio EPA and the area wide coordinating agency for northeast Ohio are mandating that sewers be used. Many projects are extending sewer systems to eliminate the septic systems – as sanitary sewer is the preferred choice for handling the waste.

Mr. Hart raised the question “why do we need relief from the two acre zoning requirement to do a cluster development when Wakefield Run didn't?” At the time that development went in, there were sewers available to the north that they had to use. There were cluster regulations that were put into place after the development went in. In effect, the development went in with one unit per acre on the developable portion of the property and met the two acre requirement by essentially controlling and

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buying the undevelopable land. So the developer did not have the land cost associated with one unit per two acres. Mr. Hart believes that that is a distinct difference between this relatively flat site with few little wetlands that is all developable and therefore has value across the entire 60 acres. That is the significant difference to Wakefield Run.

Mr. Powell asked if two acre lots were proposed and sanitary sewer was brought in, what is the difference in cost or cost savings between a sewer system and a septic system? Mr. Powell added that the argument, (by Mr. Hart) is that the developer has to put in sanitary sewer or, if not, it makes the property unusable/unbuildable.

Mr. Hart responded that the sewer and water costs are a huge additional cost to the street (project). Mr. Powell stated that septic systems are costly too. Mr. Hart commented that the well and septic systems is typically part of the house construction costs, not the developers cost. Mr. Powell asked what the total cost of the project would be. After further discussion, Mr. Hart stated that they have not quantified the difference. Mr. Powell said that if Mr. Hart is proposing a project, that a cost comparison should be given to support why the project is being proposed as it is.

Mr. Terry spoke stating that his intent of the project was to meet the needs of the community by proposing a senior housing community. Hinckley Township is with one third of the residents being 55 years of age or older. This senior housing community would offer the ability to downsize while staying in Hinckley. Based on conversation with his neighbors and what is outlined in the Comprehensive Plan, Mr. Terry added that this is what the residents are looking for. Mr. Terry added, that although there is senior housing permitted in the business districts, the land and topography does not lend condensed housing, from a builder's standpoint, who would buy it to develop it.

Mr. Terry said that this parcel is a great location, secluded away from the industrial/business areas, and designed to have a density where neighbors can look out for each other. He added that the land is not overpriced and affordable homes can be built. He is asking that the Board consider this proposal for the people. He added that he would not have a problem to go out to the community to seek public interest/market interest.

Mr. Powell commented in reality, the Zoning Commission understands his argument or need of Senior Housing. They are a Board that has to pay attention to the laws. He asked that Mr. Terry justify his concept plan, as there would be many rules of the current code that would need to be changed. Mr. Terry responded that he has submitted provisions for the Board to consider for his proposed senior housing. Ms. Dermody added that the Zoning Commission is asking for the information they need to make a well informed decision. Ms. Dermody commented that it is understood that there are Hinckley residents who would like to downsize to affordable senior housing to stay in Hinckley.

Mr. Marzullo said that where he has a disconnect is changing the density from a 2 acre requirement to a 1 to 1 acre lot when recently a new housing development just went in that met the requirements of a two acre minimum. There is available land where Senior Housing is permitted – so it is feasible, it's just not on property that you as the developer currently have or have interest in developing. Mr. Terry stated that many of the existing developments have a topography that has usable and unusable land.

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The unusable land supports larger lots with less density. The uniqueness of the 60 acre parcel lends the ability to use it all as buildable land. Further discussion ensued.

Mr. Hart went back to the economic question and stated that if the Zoning Commission Board is looking for more information, that at the time when submitting the formal proposal, he will be more precise and document the financial detail as well as outlining the uniqueness of the plan and quantify the costs of sewer vs. septic.

Mr. Schneider noted that Senior Housing is permitted in the Business Districts and this proposal is not in that district, thus requiring significant adjustments to the code. He added that if this was a normal subdivision proposal, the 60 acres, would equate to about 21 houses. A standard subdivision would allow for any type or size of home to be built. Further discussion ensued, including but not limited to the following:

- 1) current home values of aging residents;
- 2) proposed home values;
- 3) income of Hinckley residents;
- 4) size of lots, with opportunity to downsize.

Mr. Hart stated that they recognize the fact that this proposal requires a new district for this planned unit development and they will draft the new regulations for that district. He surmises that three things would happen concurrently:

- 1) the adoption of the text;
- 2) revising map to add PUD district; and
- 3) approving the development plan.

Mr. McCarthy commented that he appreciates Mr. Terry and Mr. Hart bringing this to the Zoning Commission. Senior Housing is something that the Board has been discussing for at least the last year plus. From the Zoning Commission's perspective, changing the Zoning rules all together and creating a new district is not something taken lightly.

Mr. McCarthy added that in addition to what Mr. Terry offered, that with the recent text amendment change, it now requires the developer to provide the financial difference between creating a normal housing development compared to the conservation development. At the very least, he would like to see the map showing what a two acre per unit plan looks like and what a one acre per unit looks like showing why it is not economically viable for you or the community that wants to move in there and the need to create a new district.

Mr. Terry discussed the changes that he has observed in the Township since he moved into Hinckley in 1975. The rural character of farms and large land parcels are being developed with a lot of roadway to accommodate few homes. There was discussion about the added infrastructure, aging of the roads that are in need of repair and the demands on the Road/Service Department, EMS and Police.

Ms. Dermody said that the Zoning Commission is charged with looking at what our community wants and what the current Zoning Code allows. She added that the Zoning Commission understands the concept, but is in need of more detail.

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Ann Marie Teresko Brobst, long time Hinckley resident, stated that she heard the Zoning Commission Board ask for more information, but did not hear from the developer that he would get that information to the Board. She added that if the Board (Zoning Commission) is asking for more information that the information should be provided. On a personal note, Ms. Brobst stated that her father, lived to be 93, who thrived in his Hinckley home without building on a smaller piece of land. She added that she could be considered a senior to some measure, and is completely content where she currently lives.

Mr. Hart responded that he is listening to what the Zoning Commission wants. He reminded the Zoning Commission Board that this is an informal discussion to bring forward comments as to what would be needed to move the review process along.

Walter Pavluk, owner of the property, commented that Hinckley has a great reputation and the schools are number one. He added that it is not the matter of economics, but that it is a sense of principle pride – and laws can be changed. This proposal creates the ability to provide the opportunity to meet the needs of the community by creating a Senior Housing community. This being a great change for Hinckley.

Mr. Marzullo commented that it is the rural nature that brings people to Hinckley – which the current zoning supports.

Mr. Terry stated that this is an encapsulated area. They are looking to use this area for a PUD. In terms of location they are very close to the existing B3 zoning. The way their proposal has been written does not allow them to pick up and move to the other end of town or up north/down south on Ridge. This would be unique to this one spot. Mr. Terry added it is like an overlay zoning to what is there now.

Mr. Hart stated that the facts of this proposed location, applies only to the 60 acre parcel, and doesn't necessarily apply elsewhere. Mr. Marzullo commented that by making this change, precedence is being made by creating a new district. Any other developer can come in and make the same claim as Mr. Terry has made. There was further discussion regarding recent changes implemented to the code and that occurred after the new conservation development went in.

Int. Ch. Dermody asked if there were any more comments. No comments were given.

Mr. Terry asked the Zoning Commission Board would else he needed to prepare and present to the Board. Ms. Dermody responded to prepare something that fits more in line to our current plan and zoning. The Zoning Commission Board would also like detail as to why it is not financially feasible to develop as a standard sub-division. She added that they will look at the proposal, they will speak to the Trustees, the Comprehensive Plan, weigh what the needs and interests of Hinckley are, and the needs of you, the developer.

Trustee Burns asked if Mr. Terry will or would get public comment and Mr. Terry said he could probably get in contact with some marketing companies to get a questionnaire out to the community. Mr. Terry believes that there is market for this type of housing.

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Mr. McCarthy commented that no one doubts that there is a market for Senior Housing. It is the fact that he, (Mr. Terry) is asking the Zoning Commission Board to change the Zoning Districts, to fit the current property he has to develop and not that there isn't other property that can be developed in the permitted areas. He also asked if it is unfeasible to build Senior Housing anywhere else in Hinckley Township the way the current rules are. To change the rules would be because Senior Housing cannot be built anywhere else but on this proposed parcel.

Mr. Terry stated you have to have sewer and water. If you want to have it as two acres, then septic systems could be used. Mr. Hart reminded the Board that sewers would be required, because sanitary sewer is available.

Trustee Schulte commented that based on the ORC, that a developer can request a PUD. Mr. McCarthy said he understands that a request can be made, he just wants to be assured that the Board is given the information that they are requesting for their review process. (i.e. 1) show why it is not feasible to develop land based on current zoning; 2) to change the comprehensive plan or zoning laws, explain why it cannot be done anywhere else under the current rules.) He agrees that there is a need in the community.

Mr. Hart commented on the terminology of Comprehensive Plan on page 38 where it reads to amend the Zoning Code to not higher than the maximum gross density of the zoning district. He asked what that is referring to? If that is referring to that it cannot be more than the R1 district gross density then that is a deal breaker. He added that you cannot do a Senior Housing project with a two acre lot, particularly when sewer and water is available. If you utilize the R2 district with the three quarter acre zoning, there is no flexibility with the three quarter acre lot and you are stuck with that requirement. He does not believe that leans towards a maintenance free environment for seniors. The business district does not have a lot of land to work with and in the R1 district, this parcel would work.

With no other comments from the Board or the audience, Int. Ch. Dermody thanked Mr. Hart and Mr. Terry for their presentation.

Int. Ch. Dermody returned to the agenda.

### **Vice-Chairman's report:**

Int. Ch. Dermody asked that Mr. McCarthy move into a voting member through the end of the year and he agreed.

Int. Ch. Dermody asked that Mr. Powell move to pro-tem vice-chairman through the end of the year and he agreed.

Trustee Schulte commented on the upcoming requests regarding the PUD Senior Housing proposal. He added that he would recommend contracting with a consultant (planner), George Smerigan to support the Zoning Commission. Int. Ch. Dermody agreed and will discuss with the Zoning Commission Board. Trustee Schulte has forwarded the information provided by Mr. Terry to Mr. Smerigan to ascertain what he may charge to support this proposal. Trustee Schulte said that based on a quick overview of the proposal, the planning fee would be between \$3,500.0 and \$5,000.00. Further discussion ensued.

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Int. Ch. Dermody asked the Zoning Board if they agreed to hire Tactical Planning Services, George Smerigan to support them on this review process. The fees would be paid by applicant David Terry. All were in favor. (Trustee Schulte will forward to the Trustees for approval)

Mr. Kalina commented on his experience with a variety of developments when he was involved with other Township's zoning and trustee boards. He stated from the legal standpoint, that what the applicant is doing is taking the language from the ORC for PUD Zoning – which is separate from our Zoning text. This would follow the amendment process through the ORC which is an entirely different process. He is concerned with spot zoning, as was mentioned by others on the Board. Mr. Kalina added that he spoke with Mr. Henwood regarding the feasibility of the development and the paperwork and comments by the applicant were that it would not be economically feasible due to the centralized utilities. However, in Sharon Township, there are a few developments with larger lots with water and sewer. He mentioned several other developments and further discussion ensued.

There was additional discussion and several points were raised, but not limited to the following:

- 1) Mr. Terry's proposal is for smaller lots, but has no amenities for seniors
- 2) The new development on Center Road has smaller lots that can be purchased (but not limited to just seniors)
- 3) letter in the packet notes a deed restriction to age 55 or older with 85% being of that age
- 4) why can't the sewer costs be rolled into the project cost? Response based on Mr. Terry's comments is that is not how it is traditionally done
- 5) homeowner is going to pay for sewer or septic either way
- 6) business plan only applies to this parcel of land (spot zoning)
- 7) price of property
- 8) comprehensive plan was referenced – 55% of the residents were against supporting higher density with sewer service – 36% would support higher density with sewer service (refer to pages 37 and 38)
- 9) Zoning follows the comprehensive plan

Trustee Schulte stated that he spoke to Amy Lyon-Galvin at the county, and she and Jeremy Cinco would be happy to meet with the Zoning Commission to discuss the requirements for sewer and septic (acreage/size does not matter if sewer is available).

Int. Ch. Dermody asked if there were any more comments.

Ms. Brobst asked how the Township will be notified when Mr. Terry presents his plan, and if an agenda exists. Int. Ch. Dermody stated that the agenda is usually posted on the website a day or two before each meeting.

Int. Ch. Dermody stated, pending the submission a Map and Text Amendment request by Mr. Terry, that the Zoning Commission would like to hire consultant George Smerigan with Tactical Planning. All were in agreement.

Ch. Dermody said the next Zoning Commission Regular Meeting will be held on Thursday June 7, 2018 at 7:00 pm.



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Ch. Dermody stated that she would entertain a Motion to adjourn the Zoning Commission Regular Meeting. Powell moved and Marzullo seconded. All in favor.

The Zoning Commission meeting was adjourned at 8:17 p.m.

Suzanne Peterlin, Acting Recording Secretary

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

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Diane Dermody, Interim Chairman

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Calvin Powell, Member

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Bruce Schneider, Member

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Matthew Marzullo, Member

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Sean McCarthy, Member