

Ch. Fischer called the April 7, 2022 Public Hearing to order at 6:30 p.m.

Roll found: Fischer, Crew, Marzullo, Manley, Spellman

Ch. Fischer stated that Cindy Engleman was sworn in as alternate to Zoning Commission for a one-year term that will expire on December 31, 2022 and Ms. Engelman is present.

Also in the audience: Trustees Augustine and Ascherl, Trustee Swedyk is attending virtually.

Ch. Fischer stated that the meeting is being recorded for transcription purposes only and the written minutes and attachments, if any, will serve as the official record of this meeting.

Ch. Fischer stated that on behalf of the virtual audience, they ask that the public joining in person to approach the podium in the event that they would like to speak, and announce their name and address prior to speaking. Additionally, the audience is asked to save personal conversation for after the meeting as additional voices cause confusion for those attending virtually. The State of Ohio has extended the option of virtual participation and the Trustees have allowed that as well. So we will also allow those that are attending virtually to speak if they wish to do so, and they ask they raise their hand and the proctor will admit you as a speaker.

Ch. Fischer stated that the purpose of the public hearing is the map amendment that has been proposed for the old Hinckley Elementary school which is located at 1586 Center Road, Hinckley, Ohio which Ch. Fischer shared on the screen.

Ch. Fischer asked Ms. Crew to read the public hearing notice.

Ch. Fischer stated that he has put on the screen the proposed area for rezoning, a single parcel occupied by the former Hinckley Elementary school; it is adjacent on the west side B-2, there is a small section of R-1 directly behind it, but then connects to another Business District and across the street is also a B-2 District. Ch. Fischer stated that they don't have comments from the Medina Planning Commission because they will not hear this proposed amendment until their May meeting. The likely outcome of this public hearing will be a continuance until the Zoning Commission's May meeting when they should be able to conclude the Public Hearing. Thereafter, they will make recommendations and a motion to either approve, to approve with conditions, or deny the proposed amendment. Regardless of the Zoning Commission's recommendation, it will be forwarded to the Township Trustees and they will set another public hearing. Township Trustees will make a final decision to agree with the Zoning Commission's recommendation or disapprove of their recommendation. Ch. Fischer stated that for the public record he noticed that Zoning Inspector Wilson has also joined in the audience.

Ch. Fischer stated he will now open up the discussion to the public, and if anyone would like to speak they should approach the podium and state their name and address for the record.

Chris Wolny, on behalf of the Highland School Board, 2813 Weymouth Road

Mr. Wolny stated he wanted to add a few points as to how the School Board came to ask for this request. Mr. Wolny stated they met with their legal counsel and real estate agent and they felt this was in their best interest. Mr. Wolny stated that one of the tools they used to come to that conclusion was the 2015 Comprehensive Plan and he wanted to share the 2 sections they referred to. On page 9, it talks about what a

comprehensive plan is and Mr. Wolny read from that section. “That a comprehensive plan is a broad policy document intended to guide decision making that manages long-term growth comprised of goals, objectives, actions, maps, and tables. The plan guides the physical, social, and economic development of community. A comprehensive plan is implemented over time through decision-making processes that include annual budgeting, departmental work, programs and rezoning and subdivisional land.” Mr. Wolny stated when looking for direction in any of the Townships they have properties in, they treated this more like a constitution, what drives the decision is a comprehensive plan. Mr. Wolny stated that also on page 39 is a future map and even though there are no true parcel boundaries, he would say that when this was documented in 2015 that red Town Center section does seem to include the old school property. Mr. Wolny stated that this is what they used to get to this point. Mr. Wolny stated the comprehensive plan is a nice tool because it takes out the I, me, we, and allows it to drive the conversation. Mr. Wolny stated that is all he wanted to add from last time.

Mr. Jim Bialosky, 2300 Sandy Creek Trail

Mr. Bialosky stated that as they consider this, he asks them to look back at the zoning map that they brought up previously, the first two properties shown at the beginning of the meeting are currently zoned as B-2 for the Hinckley Town Center, then it changes to R-1 residential as it expands further toward Richfield as they move out 303; in fact there is a housing development, Kubala Farms, going in further down. Mr. Bialosky asked the Zoning Commission to consider what the Board of Zoning Appeals does when they look at the Duncan Factors --- will the property yield a reasonable return or can there be a beneficial use of the property without a variance or change in the current zoning? Mr. Bialosky stated his opinion is yes, if it is zoned residential someone will buy it and there is potential to add to the development going in next door. Mr. Bialosky stated, “Is the variance or change substantial, and in his opinion it is substantial.” Mr. Bialosky stated, “Will the essential character of the neighborhood be substantially altered or will the adjoining properties suffer a detriment if the variance is granted?” Mr. Bialosky stated that is debatable, it will come down to their opinions, because it is adjoined by residential, commercial, and a proposed residential development. Mr. Bialosky stated, “Will the variance adversely affect the deliverance of governmental services such as fire or ambulance, no it won’t.” Mr. Bialosky stated, “Did the property owner purchase the property with knowledge of the zoning variance? Mr. Bialosky stated this is not applicable because it has been the school zone. When they decided to build the new school they were aware of what it was zoned today, and when they started to get initial estimates of what to do with the property, potentially they were given estimates if it was residential or commercial. Mr. Bialosky stated, “Can the problem be solved by some manner other than granting a variance?” Mr. Bialosky stated in his opinion yes, because it could go residential. Mr. Bialosky asked as this change is being evaluated by the Board and the Trustees, would they also consider what is best for the Township, who would benefit from the change and how does it fit within the comprehensive plan. Mr. Bialosky stated the comprehensive plan is up to everyone’s interpretation and does this negatively impact the immediate neighbors – it depends on what side – if talking residential with the new development, a change to commercial could negatively impact them. Mr. Bialosky asked if the change is solely for the benefit of the property owner. This is public money and this is the school system. When the first comments were made regarding them getting more money from the property if it’s zoned commercial as opposed to residential, so is it strictly a financial move or what is best for the Township.

Ch. Fischer stated he would like to make one point of clarification, Mr. Bialosky had mentioned that there were 2 properties to the west, but there are multiple properties, there is the Hinckley historical building, a vacant property then the glass shop, then two homes that are currently being used as residence, but they are zoned B-2 and then they get to the school parcel – all of those parcels are zoned B-2.

Ch. Fischer asked if any more comments.

Karl Kastl, 1388 Ridge Road

Mr. Kastl asked if the property is changed to commercial, what type of commercial businesses could it be used for.

Ch. Fischer stated in the Zoning Resolution on page 64 and 65, under B-2, so permitted are offices, professional and corporate, retail less than 12,000 sq. feet, personal services including closed buildings, banks, savings and loans, and restaurant. Some conditional uses would include, lawn nursery services, drive up and drive through windows in association with a permitted, conditional use, taverns, bars, night clubs, churches, libraries, schools, day care centers, post office, assembly halls, meeting places, indoor recreation, a dwelling unit above the first floor of a building and hospitals, medical clinics, urgent cares and ambulatory facilities and senior citizen residential facilities – these are all conditional uses within the B-2 District.

Mr. Kastl asked what it couldn't be and Ch. Fischer stated it can't be large retail, something over 12,000 sq. ft., funeral homes, automobile service stations, small power repair equipment and outdoor recreation – these are neither permitted nor conditional in the B-2 District.

Mr. Kastl asked how many of those businesses need well water, can that area handle a well, is there enough water there?

Janice Goloversic – 945 Marwin Drive

Ms. Goloversic asked if that means if they can't get the capacity with wells, that water lines will be run into the city to accommodate that in the school. Ch. Fischer said he suspects that the first logical approach would be to haul in water, that would be his guess, but they would have the option of public water if they wanted, but he doesn't know if there is public water anywhere near there, it would be quite an expense.

Ms. Goloversic questioned if they would be running water lines somewhere on Ridge Road and Ch. Fischer stated they would have that option, but it would be a very considerable expense.

Steve Price – 1540 Center Road (next to the old elementary school)

Mr. Price stated that one of his concerns is about the water, the new development will be drawing off the water table and what will that do to his well; he has a shallow well, about 65 feet deep or so. Mr. Price stated his second concern is if it does become commercial property what would happen with the parking lots because he has put up with a lot of water run-off from the school which funnels down to the back of his building. If it becomes residential, he imagines they would level everything there, and put a couple houses. Or if the building stays there and is used for commercial use, the asphalt would stay there.

Ch. Fischer stated that would be their option. Mr. Price asked if this is the proper time to address the water run off because it was never addressed from the beginning because he has lived there for awhile and had to put up with it. Ch. Fischer asked if Mr. Price is in the house just east of the school and Mr. Price stated yes.

Ch. Fischer asked Mr. Wolny if he has an idea of the size of the well and Mr. Wolny stated the size is acceptable for the school, they did not leave the property because of the lack of well pressure, it was because

of the size of the acreage which is 6.8-7 acres, and the State of Ohio now recommends a 25 acre plot at least for a new building, so most new elementary buildings are now that size.

Mr. Wolny stated that the well was checked every 3 days by an EPA outfit, and he can't speak about the daily use of the building and the draw on the well. Mr. Wolny stated they had a crew capturing footage of the building in the fall and he spoke with a water inspector who told him that it was a healthy well. Mr. Wolny stated there has never been a negative EPA report.

Ch. Fischer stated that he believes the Medina Sewer District would also do a review of any proposal for that building to make sure the sanitary and well are sufficiently sized for whatever the proposal is and the number of people occupying that building. Mr. Wolny stated he is looking at this as a conversation and Mr. Price has a valid question, but this is hard to answer today. Mr. Wolny stated they are a property owner, but it is an interesting circumstance and this building has never been up for a conversation. Mr. Wolny stated he is there because they have to do their due diligence as property owners of a public building to return as much as they can. Mr. Wolny stated at a later time will be a conversation about what the next owner wants to do with this and then at that point Mr. Price could look to Medina County Planning and the engineers.

Ch. Fischer asked if there are any questions from the virtual audience; if so, they should please raise their hand.

Mr. Kastl asked if the property stays residential will the new tenant have to get more approvals? Ch. Fischer stated that this is an R-1 district so the size of the lot and the frontage of the lot will basically permit 2 parcels, so the school could potentially subdivide this into 2 parcels and sell off each one and that person would have the right to build a home. Mr. Kastl asked if commercial could come in and tear down the existing building and put a street in and build commercial buildings. Ch. Fischer stated it wouldn't be zoned for commercial – if it stays residential they could potentially put in a street, but even if they did they probably couldn't get in more than 2 homes. Ch. Fischer stated it would require the standard R-1 restrictions, which mandate the frontage, there is no limit to the size of the home, but it's based on the setbacks.

Trustee Augustine stated there was no one virtually that wished to speak.

Ch. Fischer asked if there were any other comments from the audience.

Angela Chesnick – 2362 Countrybrook Drive

Ms. Chesnick asked how much property there is and Ch. Fischer stated 6.8 acres. Ms. Chesnick asked if this would fall into the 2 acre minimum if it stayed residential and Ch. Fischer confirmed that. Ms. Chesnick asked if the property the new school is built on is residential and Ch. Fischer stated yes. Ms. Chesnick asked if that is still residential and Ch. Fischer stated yes and he believes a school is permitted in an R-1 district. After some review of the Zoning Resolution, it was confirmed that a school is a conditional use in an R-1 district.

Richard Pearl – King Road

Mr. Pearl stated the application states that Hinckley Township will benefit by having a contiguous B-2 district and Mr. Pearl stated the benefit to the Township is questionable in his opinion. Mr. Pearl referred to the Steering Committee and stated that some residents have expressed the desire to develop the Town Center business district, but no residents have expressed a desire to expand the B-2 business district and considering the Township is halfway through a six month long audit, now may not be the time to be expanding the B-2

district without a written plan aligned with the comprehensive plan and approved by the Trustees. Mr. Pearl stated that perhaps this parcel should be kept residential so it could some day be rezoned with maybe a new residential district so it could be rezoned for small lots for senior housing. Mr. Pearl also stated there is a misstatement on the application – it states it is surrounded by B-2 property but there is really only B-2 to the north and to the west.

Ch. Fischer stated that there is a current comprehensive plan and that plan was the result of public comment and it was approved by the Township, and this application was submitted while that current comprehensive plan was in place. So, very similar to when they make text amendments, when a submission comes in prior to final approval of those text amendments, this will likely be reviewed under the same standards, meaning it will be reviewed under the comprehensive plan as it currently exists.

Mr. Price asked what was the comprehensive plan? Ch. Fischer stated there is a comprehensive plan done about every 10 years and this started in the 80s. It used to be called a master plan. They survey the community to express their desire for what types of items they would like to see in the community and then that is compiled into a report and that is used as guidance for the Zoning Commission to consider what types of regulations to put into place. Ch. Fischer stated the last comprehensive plan was done in 2015 and that plan can be found on the website. Ch. Fischer stated the plan is not specific to any property, it is a general overview of the goals they would like to achieve within the community.

Mr. Wolny asked to speak to the points that were brought up. Mr. Wolny stated this was done under the intent of what was the plan in 2015 because it talks about future growth in the Town Center and he thinks the school property is within the Town Center. Mr. Wolny stated the way they saw the 2015 plan, it talked about the growth of the Town Center in the future and now they are in that future.

Mr. Manley stated that he was on the 2015 committee for the comprehensive plan and to the best of his knowledge, they never considered anything east of the historical society or the church as Town Center, whether it is or not, he cannot answer. Mr. Wolny stated his reference was the map on page 39. Mr. Manley stated they didn't emphasize the Town Center at that time because there were major impediments to what people thought might happen there.

Mr. Marzullo stated that he appreciates that Mr. Wolny sees the school as part of the Town Center, but it's not because it's not zoned that way. Mr. Marzullo stated that what they are considering here is a significant change because any time something is rezoned it should not be done lightly. Mr. Wolny stated that from a geometry standpoint it is out and it falls under the guise of let's have a conversation but it's close proximity to Town Center. Mr. Marzullo stated he disagrees, it wasn't cut out because it was zoned R-1. He doesn't believe the residential district existed when it was built so when they did create the different zoning districts it was specifically zoned R-1. Mr. Wolny stated he understands but that building hasn't come up for discussion for a property change and Mr. Marzullo stated it was done when they put it in that district.

Ms. Engelman asked at the time the budget was done for the construction of the new elementary school part of the cost was the demolition of the 3 old schools, and where is that today – Granger Elementary was demolished, what is the status. Mr. Wolny stated that Sharon is gone. Ms. Engelman stated that the budget shows the demolition of all 3 schools. Mr. Wolny stated the budgeting was there based upon the conversations with the legal team and real estate agent, the valuation was much higher than the other two buildings for Hinckley Elementary, based upon the shape it is in.

Mr. Marzullo stated that is based upon it getting rezoned and if it stays R-1 it is not more attractive to a property owner and Mr. Wolny stated it would probably be cheaper. Mr. Wolny stated when talking to a real estate agent and looking at residential verse business, the business, carries more. Mr. Marzullo said he is saying it is more attractive financially to leave the building, but that is only if it gets rezoned to B-2. Mr. Wolny stated that it is more attractive to leave the building – they have to leave it either way. Their first responsibility as a Board is fiduciary and if they carry an extra building with its expenses, that is not very responsible so they gave themselves a window of time to consider this scenario – either way they have to walk away from it. Mr. Wolny stated they have to at least try to get more money for the property because that's their fiduciary responsibility. Mr. Wolny stated let's say someone buys the property and they come before the Board and requests to change the property to commercial and somehow, they are permitted, they don't want to be in a position where they didn't even try.

Mr. Marzullo stated that Mr. Wolny said they would leave the building no matter what – Mr. Wolny stated yes, they will sell whether it is R-1 or B-2. Mr. Marzullo stated that having the building there makes it more sellable if it is B-2. Mr. Marzullo asked if they would have to remove the building to sell it R-1, and Mr. Wolny stated no. Mr. Marzullo stated that in order to build on that lot the building will have to be removed, and Mr. Wolny stated the thought would be that the owner would take the responsibility of removal. Ms. Engelman stated they have already budgeted for removal and if it stayed R-1, it would be the School Board's responsibility to demo the building. Mr. Wolny stated the money would go back to the taxpayers. Mr. Marzullo asked if the money would go across the entire district or specifically Hinckley. Mr. Wolny stated it would go across the district. Mr. Marzullo stated that Hinckley would bear the burden but gets 1/3 of the benefit. Mr. Wolny stated, one could say burden, but he would say it is an uptick of cash back to the District, it is a bigger 1/3 than it would be the other way, not a burden, a reality. Mr. Wolny stated back to the Comprehensive Plan, it's what the plan dictates.

Ms. Crew stated it's up to interpretation what the plan dictates. Ms. Crew stated her concern is having this zoned B-2 and having a senior center complex in there. Discussion followed.

Ms. Engelman stated she would like to point out that if anyone goes to the Highland School Board (website) FAQ, question no. 12 – what would happen to the old school buildings, the answer is: The elementary buildings would be abated and demolished, the costs associated with this process is included in all new building scenarios --- Ms. Engelman stated that is what is out there today so any body in the School District would have the expectation that all 3 buildings would be demolished. Mr. Wolny stated that was day 1 conversation and things grow and change and there have been many meetings since then where they found out new information.

Mr. Marzullo asked if this is a money driven request. Mr. Wolny stated it is money-driven fiduciarily responsible. Mr. Marzullo stated he understands the process but it has to be labeled what it is and that alone is not a compelling enough argument for him, he can't speak for the entire Board. Mr. Wolny stated they as a Board are legally responsible to get evaluations on all the buildings that they tear down. So when they came back and found out what Hinckley Elementary was worth, it was their responsibility to try to get that amount because of what they have to do with the monetary funds. Ms. Engelman stated it's a matter of degree. Further discussion followed.

Lisa Rushworth

Ms. Rushworth asked what is the difference between the estimates for residential zoning and business. Mr. Wolny stated the residential value is about 1/3 of the B-2 evaluation. Ms. Rushworth stated, as a citizen,

they are not eager to see the Business District expand downtown. Ms. Rushworth asked if from the Township's perspective if the property was going to be rezoned, if it wouldn't be done at the request of a property owner who had a specific plan. Mr. Wolny stated he understands but they as a Board had to ask the question because of their responsibility to the School District.

Ch. Fischer stated he would like to note that the way they regulate what happens on a property in terms of use is through what is permitted and what is conditional within the B-2 district. When they look at many of the properties in the B-2 district they are very likely underutilized relative to the amount of space available on those properties. So if there is a concern about the types of uses that should take place on a property it really needs to come back to the Zoning Commission to look at what is permitted in the B-2 district and evaluate whether what is permitted or what is conditional still should be within the B-2 district, not looking at individual proposals and evaluating whether that proposal makes sense or not. For many of these other parcels that are already zoned B-2, they are not going to see a proposal, they are able to provide it as a permitted use and move it through without coming to the Zoning Commission –so that is how they regulate what happens on a property.

Mr. Price asked if it stays residential will they leave the building or will they tear it down. Mr. Wolny stated it depends on the agreement they would make with the new owner. Mr. Wolny stated a lot of this hypothetical.

Ch. Fischer stated he wants to remind everyone that they will likely be continuing this Public Hearing so there will be a second meeting in May where they will have more opportunity for public comment if there are any.

Nikki Long – 1941 Parker

Ms. Long asked with the School District expanding and more developments coming in, is there thought to holding onto the property in case they have to build another school.

Mr. Wolny stated that Hinckley was proposed to have the smallest growth. Mr. Wolny stated they have had conversations about what they do with the Sharon Township property and that is more of a reality in Sharon than it is in Hinckley, so there will probably not be a need because they sized the new elementary to adapt to the growth in the next 10 – 20 years.

Ms. Long stated that on p. 36 and 38 of the 2015 comprehensive plan --- Ms. Long wants to point to the public input on page 36. The number one key themes state the community desires to: 1. Maintain large lots; 2. Preserve the rural character; and 3. Enhance the Town Center – so enhance, not necessarily enlarge. Ms. Long stated that on p. 38 there are four objectives – the first is promoting rural, low-density development and the last objective is grow consistently with the future land use map. Ms. Long asked Mr. Manley if this means that number one on the list is the number one objective and then it was ranked in order of most important or if it just happened to be listed that way. Ms. Long interprets the main objective of the Township is to promote low density development followed by two and three and the fourth would be to expand according to the future land use map.

Mr. Pearl stated that when attending the School Board meetings over the last few years his understanding was they could not build a school larger than the current capacity – they could not build larger estimating that it was going to expand. Mr. Wolny stated they are given current plus x where x is a small derivative based upon subdivisions coming into play. Mr. Wolny stated they looked at the numbers and they thought

the growth would be larger, and it was in Sharon Township. Mr. Wolny stated Mr. Pearl is correct, but the State does give them a little buffer, they are allowed a little bit of growth.

Jim Larson – 20 Carr Road

Mr. Larson stated that Mr. Wolny is arguing that they should treat the school property as if it was different than other property and he doesn't buy into that argument. Mr. Larson stated that he doesn't think they should be in the business of rezoning property just to make it more valuable. Mr. Larson stated the comprehensive plan was brought up numerous times and to him the plan is guidance and it is open to interpretation. Mr. Larson stated that since there is a new comprehensive plan being worked on now, he would like the comprehensive plan committee to give their thoughts on this matter and what they think should happen with that school property. Mr. Larson stated that the 2015 comprehensive plan had numerous objectives and goals and only two of those goals have come to fruition, number one was the senior housing and number two was the Redwood Development, and to the best of his knowledge the center of Town hasn't been improved.

Mr. Kastl asked if they made the school into a historical building and then changed to commercial what could they put in there. Ch. Fischer stated there are restrictions on historical buildings and he doesn't even know if it has been there long enough to qualify for a historical building. Mr. Manley stated it has been modified several times so he doesn't think it would qualify.

Mr. Pearl stated the school was built before they had a zoning code. When the first zoning code was written and the property was designated R-1 --- at the time the zoning written in about 1948 – he stated there is a copy of the second zoning code which was approximately four pages. Mr. Pearl would like to ask if there is a copy in the historical records and Mr. Manley stated he doesn't know.

Mr. Pearl stated he agrees with Mr. Marzullo that it was originally an R-1 and it is still R-1.

Trustee Augustine stated that to Mr. Larson's point, if they turn it over to the Steering Committee or the Comprehensive Plan Survey questionnaire, that would be making it a special project – that hasn't happened with any other tax or map amendment. Trustee Augustine stated they have a legal process they have to follow and that is what they are doing and they cannot deny someone because of timing.

Ch. Fischer stated that the statute is 519.12 of the Ohio Revised Code that dictates the process so if anyone wants to look it up that will explain the process they are going through.

Mr. Pearl asked if it is possible to withdraw the application for one year, would that be a huge expense for the School Board and then they can go through the Comprehensive Plan audit.

Ch. Fischer stated he is not sure that is legally possible. The process has been started and he would have to check with legal. Mr. Wolny stated that one of the reasons they decided to build the new buildings is they were spending a lot of money every year making repairs in the buildings. Mr. Wolny stated he appreciates all the comments, but there is a cost to run the buildings and the Board would like to get through this.

Mr. Larson stated he wouldn't offer a solution against Ohio law, but he objects to listening to something that plays on heart strings.

Mr. Pearl asked if this has been turned over to the Medina County Planning Commission, and Ch. Fischer confirmed it has. Mr. Pearl asked if any of the comments from the evening will be heard by them, and Ch. Fischer stated there will be a discussion about that at the Regular Meeting.

Ch. Fischer entertained a motion to continue the Public Hearing for the proposed map amendment for 1586 Center Road, Hinckley until May 5, 2022 at 6:30 p.m.

- Mr. Marzullo moved and Mr. Spellman second.
- No further discussion
- All were in favor.

The Zoning Commission Public Hearing was adjourned at 7:40 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2022

Marcus Fischer, Chairman

Michelle Crew, Vice-Chairman

Matt Marzullo, Member

Dave Manley, Member

Bill Spellman, Member