

Ch. Marzullo called the May 6, 2021 Zoning Commission Regular meeting to order at 7:03 p.m.

Ch. Marzullo stated that this 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.

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

Also in attendance: Alternate Wrubel, Trustees Kalina ~~and Burns~~, Zoning Inspector Wilson, and Trustee ~~Augustine~~ <sup>Burns</sup> virtual

Ch. Marzullo stated that the first order of business is the swearing in for the new alternate board member Andrew Arline. Trustee Kalina stated that the Board of Trustees interviewed a number of high quality candidates. Andrew is a 20 year resident of the Township, he is a graduate of West Virginia University with an MBA and completed coursework through JFK school of management with Harvard. Trustee Kalina administered the oath of office to Mr. Arline.

Ch. Marzullo asked if everyone had received and read the minutes from the Zoning Commission regular meeting on April 1, 2021 and if there were any comments or corrections. There were none.

Ch. Marzullo stated he would entertain a motion to approve the April 1, 2021 Zoning Commission Regular Meeting minutes.

- Mr. Schneider moved and Ms. Crew second.
- There was no further discussion.
- Ch. Marzullo called for vote to approve.
- All were in favor.

Ch. Marzullo asked if everyone had received and read the minutes from the Zoning Commission Special Meeting on April 22, 2021 and if there were any comments or corrections. There were none.

Ch. Marzullo stated he would entertain a motion to approve the April 22, 2021 Zoning Commission Special Meeting minutes.

- Ms. Crew moved and Mr. Fischer second.
- There was no further discussion.
- Ch. Marzullo called for vote to approve.
- All were in favor, except Mr. Schneider who abstained.

Ch. Marzullo stated that regarding Old Business, they had discussed definitions for Automobile Refuel and Recharging Station and Automobile Repair and Service and put these in place of the existing definition for Automobile Service Station. Additionally they proposed some text amendments for Conservation developments. Ch. Marzullo asked if Mr. Schneider had a chance to review everything and if he had any comments. Mr. Schneider stated he reviewed everything and he thought everything came out really well.

Ch. Marzullo reviewed the existing definition for automobile service station. Ch. Marzullo stated the Zoning Commission is suggesting they replace that existing definition with two separate definitions as follows: Automobile Refuel and Recharging Station defined as a place where the primary purpose is for the sale or distribution of fuel or electricity for the powering primarily of non-commercial motor vehicles and the associated building may be used for retail sales. Ch. Marzullo stated the Board is trying to define the modern day gas station/convenience store. Ch. Marzullo stated the second definition they are proposing is Automobile Repair and Service which would be defined as a place primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment excluding paint, body and fender repairs which is conducted within a completely enclosed building.

Ch. Marzullo stated the Board talked at length about excluding or including the bodywork and painting language and he reached out to Big Three Racing Team currently in the I-2 District to see if they do that work because he doesn't want to create a legal non-conforming business that would create barriers if that business wants to expand in the future.

Zoning Inspector Wilson stated he spoke with the Assistant Fire Chief and asked for a list of body shops in the Industrial District. Zoning Inspector Wilson stated there are several businesses and industries that have a reason to do painting so this is something to consider. Zoning Inspector Wilson stated that he is waiting to receive that list.

Ch. Marzullo stated that he doesn't know if the painting in an enclosed building is a problem for that surrounding area.

Zoning Inspector Wilson stated that by law those businesses are inspected twice a year, but he is not sure who does the inspections.

Mr. Schneider stated those painting units have to be state-certified because of the type of lacquers that are used.

Mr. Fischer asked if Zoning Inspector Wilson is aware of any complaints regarding the painting at body shops and Zoning Inspector Wilson stated in the 5 years he has been here there have been no complaints.

Trustee Burns stated he lives next to a large garage where body shop work was done and the biggest problem was the noise and the smell from the vapors.

Ch. Marzullo stated that in the B-1 District that type of work is not allowed. The Board is discussing the I-2 District, where that work is a permitted use and the refueling and recharging station would be a conditional approval in a B-2.

Mr. Fischer stated that zoning shouldn't be created based on speculation as to what will be in a particular district.

Ms. Peterlin asked about the references to the definition being titled Automobile Refueling or Recharging Station or Motor Vehicle, which would they like to use. Discussion followed.

Mr. Fischer stated in the definition they have motor vehicle, and this is just the title, and that automobile is used more frequently throughout the Code. Mr. Fischer suggested they make both of those the same, if they use motor vehicle for refueling they use it for repair and service so the definition stay next to each other in the books.

Ch. Marzullo stated he is tempted to leave it as Automobile for the simplicity of it. It does say motor vehicle in the definition and anything propelled by electricity or gas would be under this definition. Discussion followed. Ms. Peterlin stated she would strike the reference in parenthesis.

Ms. Peterlin asked for clarification on the use of electric or electricity. Ch. Marzullo stated they should use electricity.

Ch. Marzullo stated that with regard to paint, body and fender repair is that something that they should exclude if they already have it and in five years there have been no complaints.

Mr. Fischer stated that I-2 is the most industrial district so if that use would go anywhere in Hinckley that should be where it goes. It seems okay to include that use.

Ch. Marzullo stated that since these facilities already exist in the I-2 then it would be an overreach to exclude the use.

Ms. Wrubel stated under Revised Code 3745 there are very specific rules that apply to the enclosed booths and filters for these painting booths, so it seems they are very well regulated.

Ch. Marzullo stated he would like to include that use if there is no opposition from the Board and there was none.

Mr. Fischer asked if they want to use Automotive Repair and Service Station or Automotive Repair and Service. Discussion followed. Ch. Marzullo stated that at some point electric charging station will have to be included in the resolution. The Board agreed to the leave it as Station.

Ch. Marzullo referred to Chart C-1 in the Board's packet that shows the permitted and conditional uses within the B-1 District. Currently it states Automobile Service Stations, they will strike that and replace with Automobile Refueling and Recharging Stations as a conditional use.

Ch. Marzullo referred to page 77 where it states in the I-2 section 6I.2.2.H they will change Auto Repair and Service to Automotive Repair and Service. "I" would be sales of commercial vehicles. Mr. Fischer stated they should cross off commercial based on their previous discussion.

Ch. Marzullo stated he recalls the discussion, but they should review. Ms. Peterlin referred the Board to the minutes from the April 22 Special Meeting where the Board discussed the matter. The Board Members

reviewed. Ch. Marzullo asked if there was opposition to making it sales of commercial vehicles or leave as is. Mr. Fischer suggested striking commercial. Ch. Marzullo stated a commercial lot tends to be a lot less busy. Mr. Manley asked where in a commercial district can you put a car dealership based on the space available. Discussion followed.

Mr. Schneider stated he believes they should take commercial out because it is in an industrial area and basically anything can be done within limits. Ms. Crew asked what happens if you take commercial out, would it create harm in that area. Discussion followed regarding different types of dealerships that could be in the area.

Ms. Peterlin asked by removing the word repair is that accommodated in H. Mr. Fischer stated yes. Ch. Marzullo stated that sales of commercial vehicles could mean different things. Further discussion followed.

Ms. Crew stated they should leave as is since there hasn't been a problem. Ch. Marzullo stated they would take out repair and leave as sale of commercial vehicles.

Ch. Marzullo asked everyone to refer to page 95 in the Resolution, Schedule 9.4 shows required off-street parking spaces, the D2 and D4 will likely need to be adjusted due to the change in definition. D2 has Automobile Service Station and Vehicle Repair and D4 has Gasoline Station plus applicable Retail Space. Ch. Marzullo stated the Gasoline Station plus applicable Retail Space should be Automobile Refueling and Recharging Station and Automotive Repair and Service for Automobile Service Station and Vehicle Repair.

Ch. Marzullo asked if there were any questions or comments, there were none.

Ch. Marzullo stated the next matter is the conservation language. Regarding Section 6R1.7.E.2 the proposed changes would be to strike all of 3, but add to 2 .e. and .f. .e should read no lot shall be less than 500 feet from the public right of way of any existing public street and .f no lot shall be less than 100 feet from the project boundary. Discussion followed.

Ms. Peterlin asked Ch. Marzullo if she could ask Zoning Inspector Wilson a question. Ms. Peterlin asked Zoning Inspector Wilson regarding 3, the proposal to remove the language, is that for the lot or is that the building requirement that must be met for the actual home.

Zoning Inspector stated he thought this language referred to the front of the conservation project itself. Ms. Peterlin stated that 3 is talking about the perimeter building requirements. Zoning Inspector Wilson stated that the building requirement is at least 30 foot between houses and a 10 foot setbacks from side lots, this is very different from R-1 and R-2.

Ch. Marzullo stated that the perimeter building requirements would basically become obsolete with this new language because currently the language states the minimum building setback from the existing public street, but now the proposed language is saying the first lot has to be 500 feet off of the street and now instead of having a minimum setback from the boundary on the east or west side, instead of being 50 feet, it would now be 100 feet.

Mr. Fischer stated that instead of defining where the buildings are located relative to the boundaries, they are saying where the sublots are located relative to the boundaries. Because sublots have to be located much farther in from the boundaries than the buildings they won't have to worry about section 3 anymore because the sublots have to be so far in. Mr. Fischer asked for clarification from Zoning Inspector Wilson regarding whether a perimeter building meant a home or any structure such as a shed, does a mailbox constitute a building?

Zoning Inspector Wilson stated it depends on whether they call that a structure or not.

Mr. Fischer stated that he is ok if a mailbox is within 500 feet of the main road, as long as all the sublots are pushed back to 500 feet they have met their objective and they don't need to specify where the building is.

Ch. Marzullo asked about a clubhouse in a development and discussion followed whether that building would be on a subplot also. Ch. Marzullo stated that the clubhouse would be on community common space which is not defined as a lot. Ms. Wrubel stated that technically it is a separate parcel and depending on how the County values it, it should be at zero value, but it is possible that entire conservation area and common space is one single parcel but plat map may show different. This may defeat the Board's purpose.

Trustee Kalina stated that Trustee Burns pulled up the GIS for Skyland showing the overlay of existing lots and where their clubhouse is located. This was an existing clubhouse. Ch. Marzullo asked how it is taxed, is it considered a lot. Discussion followed.

Ch. Marzullo stated another option would be to keep 3 and just change the numbers and then add in what a perimeter building is.

Mr. Fischer asked if it would be as opposed to .e and .f or in addition to and Ch. Marzullo stated it would be as opposed to .e and .f and Mr. Fischer stated that he thinks .e and .f captures their objective and he suggests they keep that language. Discussion followed.

Ch. Marzullo asked if that is preventing people from using their land as they saw fit and Mr. Fischer stated that the conservation development is just one option so if they don't want to follow the conservation guidelines they can always go back to a 2-acre lot.

Ch. Marzullo stated that's what he told Mr. Richter and Mr. Richter stated it would be a hard argument for him to make. Ch. Marzullo stated he is fine putting this in, but he wants the Board members to know what Mr. Richter said. Ms. Crew asked for Mr. Richter's reasoning and Ch. Marzullo stated that the argument would be that the owner could no longer sell their land as a conservation development so it's not worth as much to a developer and it doesn't affect the health, safety or welfare of the residents to put these requirements in.

Ms. Wrubel stated that she is one of 9 Ohio State Bar Association's certified residential real estate specialists in the state and she will not give legal advice because the Township is not her client, but wouldn't it be possible that they would have to take away any value and basically eliminate their ability to do anything with the property.

Mr. Fischer stated he would be comfortable putting it in and seeing what happens.

Ch. Marzullo stated it sounds like everyone is on the same page. Ch. Marzullo stated they should keep 3 and adjust the perimeter requirements, do those perimeter requirements need to mirror the new verbiage which is 500 foot. Ch. Marzullo stated he believes it achieves the overall goal of the creation of a building envelope that pushes the conservation development off of the primary thoroughfare and still maintains conservation space and still lowers the cost for a developer, but doesn't impede what the Hinckley residents are looking for.

Zoning Inspector Wilson stated that there is a formula when someone wants to put a conservation district in, he questioned if the Board is shrinking their buildable space with the proposed language, does this mean they can have the same number of houses but shrink the remaining lots. Ch. Marzullo stated that is a mischaracterization of what they are doing, they are just pushing further into the space. The same size buildable space, instead of all conservation space at the back it's now in the front. Discussion followed. *(Lost recording momentarily, working to get back)*

The proctor welcomed everyone back after they corrected the connection issues.

Ch. Marzullo stated that to pick up where they left off, Zoning Inspector Wilson was asking if they were diminishing the building envelope of the conservation development. Zoning Inspector Wilson stated that the requirement is 100 acres, why not say that the conservation has to be out front instead of worrying about the 500 feet. Ms. Crew stated they want the perimeter around it, not just in front. Mr. Fischer stated they were trying to use existing language and limit the number of modifications and inherently specifying how far back a lot has to be will make a developer stick some of that conservation land in the 500 feet, so is it not necessary to further modify the language to require the conservation land be in the front exclusively. Mr. Fischer stated their goal with .e and .f is to have conservation development on all sides. Discussion followed.

Ch. Marzullo stated where they left off is do they continue to add 6R1.E.2 .e and .f and maintaining 6R1.7.E.3 but then adjusting the measurements from 90 and 50 to 500 and 100 feet, respectively. Ch. Marzullo asked if everyone agrees. Discussion followed regarding whether to use building or another term because there is no definition for perimeter building.

Trustee Kalina provided an example of what the Board is suggesting and Ch. Marzullo summarized that what the Board is trying to create with the verbiage is the conservation development is pushed further back and the conservation land provides an envelope all the way around the development and specifically along the primary thoroughfare and the first 500 feet into the development is conservation land or potentially common space, but no buildings or dwellings there. Discussion followed.

Ch. Marzullo stated the language they are currently suggesting is the minimum setback from the public right of way of an existing public street shall be 500 feet, the minimum setback from the project boundary shall be 100 feet.

Mr. Fischer suggested using the minimum setback from the public right-of-way of any existing public street shall be 500 feet or any building, excluding any structure for common mailboxes. Discussion followed.

Ch. Marzullo asked if they would be able to put limitations on the size of that structure, discussion followed. Ms. Wrubel suggested using the language as follows: excluding any structure primarily used for common mailboxes.

Mr. Fischer stated the suggested language will read: the minimum setback from the public right of way of any existing public street shall be 500 feet or any building, excluding any structure primarily used for common mailboxes.

Mr. Fischer stated in b the only thing they are changing is: shall be 50 feet to shall be 100 feet. Also in 3 the only thing they are changing is perimeter building requirements to building requirements.

Ch. Marzullo stated to recap the suggested language, for Section 6R1.7.E.2 they will be adding: e. no lot shall be less than 500 feet from the public right of way of any existing public street; they will also be adding: f. no lot shall be less than 100 feet from the project boundary; Section 3 they will remove the word perimeter and it will now be building requirements; the minimum setback from the public right of way of any existing public street shall be 500 feet for any building, excluding any structure primarily used for common mailboxes; 3b will read the minimum setback from the project boundary shall be 100 feet.

Ch. Marzullo stated they will now review the suggested updates for the solar language. Ch. Marzullo stated they can start with Section 4.16 and Ch. Marzullo reviewed what is currently written. Ch. Marzullo stated they will be adding in the first sentence: appurtenances such as skylights, sills, cornices, ornamental features and solar panels attached to the principal building may project a maximum of 12 inches into a required yard. The ordinary projections of chimneys or flues are permitted into the required side, rear and front yards. A roof overhang and/or a cantilever of up to 2 feet are permitted and are not used in setback calculations.

Ms. Peterlin asked if this applies to accessory buildings and Mr. Fischer stated this is attached to a principal building. Discussion followed regarding language for accessory buildings and structures and overhangs.

Ch. Marzullo summarized the proposed changes to the language in Section 4.16. Ch. Marzullo moved to the next change on page 38 e.5 it should say roof and wall mounted solar arrays pursuant to Chapter 18. Alternative Energy. The next change is on page 9, 6R2.2.D.5 will read roof and wall mounted solar arrays pursuant to Chapter 18. Further discussion followed regarding the proposed changes to solar language in Chapter 18. Ch. Marzullo reviewed the current language in Section 18.3 and stated that they want to amend the language to read: alternative energy facilities shall only be permitted as an accessory use to a permitted use. Where not designed as an integral part of the principal or accessory building such facilities shall be considered accessory structures. Such facilities shall be designed, installed and constructed to provide electrical power and/or heat to be primarily consumed by the principal use and/or accessory buildings. Cooperative facilities and/or distribution of power to other properties are prohibited.

Ch. Marzullo then reviewed changes to Section 18.5 including adding: and wall. Also, in 18.5A the proposed language reads: roof and wall mounted solar arrays shall require a zoning certificate as an accessory use but shall be considered part of the principal or accessory building and not an accessory structure. Roof and wall mounted solar arrays may be located on principal and accessory buildings. All solar arrays and accessory components shall be located to allow emergency access, allow for smoke ventilation and provide for emergency egress. In 18.5B they will add: in no case shall solar panels mounted on roofs and walls of any building exceed the maximum height regulations specified for principal and accessory buildings within each of the applicable zoning districts.

Hinckley resident Mr. Pearl asked to speak. Mr. Pearl asked to review the section that refers to the power being consumed by the residents. Mr. Pearl explained that on a sunny day only a small portion of the power is being used by the residence and the remaining energy goes out to the grid so Mr. Pearl is concerned by the language "primarily consumed". Ch. Marzullo stated they are trying to preclude this from becoming an energy manufacturer and the primary purpose of the language is only to power the electrical needs of that location. Mr. Pearl stated he is in full agreement.

Mr. Pearl then asked to discuss the previous section regarding roof overhang and/or cantilever. A roof overhang is the description of a building element, a cantilever is a different kind of description, Mr. Pearl stated it should just be or – not and/or. Discussion followed regarding roof overhang and cantilever. Mr. Pearl agreed it is correct as written.

Ch. Marzullo stated that they will go over Section 18.5B and they suggest adding: in no case shall solar panels mounted on roofs and walls of any building exceed the maximum height regulations specified for principal and accessory buildings within each of the applicable zoning districts. In 18.6 they will add: and wall; they will add in Section a: roof and wall mounted solar arrays shall require a zoning certificate as an accessory use but shall be considered part of the principal or accessory building and not an accessory structure. Roof and wall mounted solar arrays may be located on principal and accessory buildings. All solar arrays and accessory components shall be located to allow emergency access, allow for smoke ventilation and provide for emergency egress. In 18.6B they will add: in no case shall solar panels mounted on roofs and walls of any building exceed the maximum height regulations specified for principal and accessory buildings within each of the applicable zoning districts. In 18.7.G amend to read: All accessory components shall be located either within the principal or accessory buildings or behind the front setback of the principal building and shall comply with the side and rear yard setbacks of the districts. Ground mounted electrical control equipment shall be labeled and secured to prevent unauthorized access.

Ch. Marzullo entertained a motion to extend the meeting time.

- Mr. Schneider moved and Mr. Fischer second.
- No further discussion.
- All were in favor.

Ch. Marzullo stated they are adding section i regarding screening. Discussion followed.



Ms. Peterlin stated she would include the revised Table of Contents with the submitted package.

Ch. Marzullo asked if anyone would like to further discuss the proposed language. Mr. Manley stated he felt they had gone over everything.

Mr. Manley stated he would like to make a motion to accept the proposed amendment changes as modified at this meeting.

Ch. Marzullo stated that just to be clear Mr. Manley is making a motion to send the proposed text amendment as discussed this evening, with tonight's modifications, to the Medina County Planning Commission to begin the text amendment process.

Ch. Marzullo entertained a motion as just stated to begin the text amendment process.

- Mr. Manley moved and Ms. Crew second.
- No further discussion.
- All were in favor.

Manley – yes; Crew – yes; Schneider – yes; Fischer – yes; Marzullo – yes

Ch. Marzullo entertained a motion to set the date and time for the text amendment public hearing as 6:30 p.m. on June 3, 2021.

- Mr. Manley moved and Mr. Schneider second.
- No further discussion.
- All were in favor.

Manley – yes; Crew – yes; Schneider – yes; Fischer – yes; Marzullo – yes

Ch. Marzullo discussed the Chairman's report. Ch. Marzullo stated the next regular meeting will be June 3, 2021 immediately following the public hearing at 6:30 p.m. Ch. Marzullo stated originally they were going to have Zoning Inspector Wilson discuss the Zoning Department at the next Regular Meeting but they will move that to the July meeting.

Ch. Marzullo asked if anyone else on the Board had any comments. Trustee Kalina thanked the Board for all of their effort on this and he understands how much hard work goes into these matters. Zoning Inspector Wilson shared what Trustee Kalina stated and stated they are still working on the senior housing matter.

Ch. Marzullo asked if any comments from the public and there were none.

There was no further business or comments.

Ch. Marzullo entertained a motion to adjourn the May 6, 2021 Zoning Commission Regular Meeting.

- Mr. Fischer moved and Mr. Manley second.
- No further discussion.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 9:10 p.m.


Judi Stupka, Recording Secretary

Minutes Approved: 3 June, 2021

  
Matt Marzullo, Chairman

  
Marcus Fischer, Vice-Chairman

  
Bruce Schneider, Member

  
Michelle Crew, Member

  
Dave Manley, Member