

Ch. Marzullo called the July 1, 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, Trustee Kalina, Trustee Burns and Trustee Augustine and Zoning Inspector Wilson

Ch. Marzullo asked if everyone had received and read the minutes from the Zoning Commission Public Hearing on June 3, 2021 and if there were any comments or corrections. There were none.

Ch. Marzullo stated he would entertain a motion to approve the June 3, 2021 Zoning Commission Public Hearing minutes, ~~as amended~~.

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

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

Ch. Marzullo asked if everyone had received and read the minutes from the Zoning Commission Regular Meeting on June 3, 2021 and if there were any comments or corrections. Ms. Crew asked for clarification on some of the language but stated she didn't have any changes after the clarification was made. Ch. Marzullo asked for clarification on some of the language on page 8 of the minutes and after clarification was made, Ch. Marzullo stated he had no changes. There were no further comments or changes.

Ch. Marzullo stated he would entertain a motion to approve the June 3, 2021 Zoning Commission Regular Meeting minutes, ~~as amended~~.

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

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

Ch. Marzullo addressed public comments and correspondence that were received by email. Ch. Marzullo read into record a question from Mr. Paul Suhay regarding a development being built on W. 130th by Pine Hills Golf Course and who is the developer. Ch. Marzullo stated it is Parkview Homes 22700 Royalton Road, Strongsville.

Ch. Marzullo read into record an email from Nikki Long regarding the proposed TireMax and who submitted the request for the changes in the resolution language regarding service stations. Ch. Marzullo stated these changes were started before the Tire Max application came before them, and the new language is being proposed to give further clarification to the Board of Zoning Appeals.

Mr. Manley stated that the service station language discussions began approximately 5 years ago when a transportation company wanted to come to Hinckley and it was determined that the service station language was outdated.

Mr. Fischer stated that anything that has to do with TireMax will be reviewed under the current definition not the proposed definition.

Ch. Marzullo read into record an email from James Larsen regarding the application filed by TireMax. Ch. Marzullo stated there was an application for a conditional use request filed with the Zoning Office and reviewed for acceptance and submittal on May 27, 2021. The TireMax site plan was submitted and reviewed for acceptance by the Zoning Office on May 27, 2021. Ch. Marzullo stated they are looking at applications submitted after the text amendment language was submitted and, because these proposed amendments have not been adopted, the TireMax application will be reviewed under the current Resolution language. In response to additional questions in Mr. Larsen's email, Ch. Marzullo stated an application for permit was required and he believes in the last meeting the applicant stated they had spoken to a Trustee previously.

Ch. Marzullo asked if Mr. Larsen wanted to address the Board.

James Larsen – 20 Carr Road, Hinckley

Mr. Larsen stated he wrote the email because he went through prior meeting minutes and the first mention of TireMax occurred on April 2020 and the dialogue in prior meeting minutes stated that something happened before this and therein lies the issue for him - the coincidence of the TireMax project being submitted and the proposed definition of what a gas station is becoming a priority at the same time. Mr. Larsen asked how often a Township Trustee meets with someone regarding a proposed project, he feels this seems wrong. Mr. Larsen stated he cares about the small business owner getting the same attention as a big business owner.

Ch. Marzullo stated that it is not uncommon for a Trustee and Inspector to visit properties for proposed projects. Ch. Marzullo discussed Mr. Larsen's statement regarding the coincidence of the timing of the project and the submittal of the proposed current language.

Mr. Fischer stated that the Resolution has some gray areas and when they identify a part of the Resolution that has a gray area, then the Zoning Commission should address that to assist the Board of Zoning Appeals with interpretation. Discussion followed regarding the Resolution and when to address language updates.

Ch. Marzullo addressed Mr. Larsen's question regarding guidance on the TireMax project, and Ch. Marzullo stated he doesn't know the answer to that question. Ch. Marzullo stated that Zoning Inspector Wilson is employed by the Township to help people with filing their projects.

Ch. Marzullo read into record recommendations submitted by Scott Cintrick, Nikki Long and Angela and Tony Chesnick including: amend the zoning code and comprehensive plan to 1) restrict multi-family units, 2) further define seniors in accordance with the Older Persons Act of 1995, 3) prevent the exploitation of our community, 4) prevent the spread of any new development that does not meet the values of our community, and 5) create a Township wide survey regarding minimum acreage.

Ch. Marzullo stated these are recommendations they can take under advisement if it is something they need to do. Ch. Marzullo stated that previously he stated he would research how to put a referendum on the ballot, and he couldn't find an answer after doing extensive research. Ch. Marzullo stated that the Board of Elections suggested hiring an attorney to prepare any paperwork that they wanted to submit.

Ch. Marzullo stated to get into the public record that there were emails received from several people with statements of concern regarding Keep Hinckley Rural from Teal Rickerts, Mark Kowalski, Sue Campbell, Connie Seibert, Mike and Sherry Ullrich, Alexander Zordavich, Sharon Magill, Frank Tomaro, Heidi Rouser, Penny Molnar, Kim Kuchinsky and Angela Chesnick.

Ch. Marzullo asked if anyone had any comments or feedback.

Mr. Manley stated that this might not be the time to discuss language regarding multi-family units.

Mr. Fischer stated he listened to the Board of Zoning Appeals discussion and vote regarding the Senior Housing and this can inspire changes and he can see the Zoning Commission reviewing the senior care facilities and multi-family language. Changing language in the resolution is a very long and slow process. The Zoning Commission's role is not to advocate advancing items to the ballot, that is another way to make change and anyone can do that, but it's not something the Zoning Commission is involved with.

Mr. Schneider discussed the roles of the Zoning Commission and the Board of Zoning Appeals.

Ch. Marzullo asked if there were any more questions from the public.

Trustee Augustine stated that all 3 Trustees have the Comprehensive Plan as an agenda item for the next regular Trustee meeting. The Trustees determined that the Zoning Commission should not handle the review of the Master Plan; for integrity purposes the Trustees should handle the review of the Master Plan. The Trustees did request at the last Trustee meeting that the senior housing language be better defined.

Ch. Marzullo discussed that the senior housing definition is tied to the federal definition so it is difficult for the Zoning Commission to change without facing legal recourse. Ch. Marzullo also discussed information he found through the Medina County Farm Bureau regarding the increase in acreage

proposed by Keep Hinckley Rural. Ch. Marzullo stated that the information suggested that property values decrease. Ch. Marzullo discussed the proposed text amendment for conservation developments.

Ch. Marzullo asked if there were any questions or comments.

Dawn Livingstone – 784 Stony Hill, Hinckley

Ms. Livingstone asked if there are any more conservation developments proposed, and Ch. Marzullo stated no. Ms. Livingstone asked if the loopholes will be fixed before another application is filed for a conservation development, and Ch. Marzullo discussed the process moving forward for approval of the proposed text amendments.

Ch. Marzullo asked if there were any more comments.

Mr. Larsen stated that it seems long-time residents have been left out of consideration regarding conservation developments, and Mr. Larsen asked that extra green space remain for neighboring residents of conservation developments.

Ch. Marzullo stated that in the proposed text amendment there is an increased setback to a 100 foot setback from 50 feet. A traditional 2-acre development allows the developer the right to clear the land and put a house near the property line. They are trying to preserve the rural nature of Hinckley and still allow for a development. The Commission is trying to find the right balance.

Ms. Wrubel stated that what continues to resonate with her is when looking at how to change the zoning to protect the rural feel, consideration should be made regarding how to balance everything so as not to put too many restrictions on building. They have to keep in mind, if they are putting too many restrictions on real property, they could possibly be challenged legally and it might not accomplish the goals they are hoping to achieve. Discussion followed regarding zoning and property owner's rights regarding what they want to do on their property.

Mr. Fischer stated that the Zoning Commission is always considering how zoning language changes affect the current rights of property owners, the changes they just worked on and proposed are more for clarification and not changing the rights of the homeowner, but they are always mindful of how language changes affect the rights of homeowners. Mr. Fischer stated they felt the change to the conservation land language didn't limit the homeowner's right to build homes. Mr. Fischer stated they are constantly balancing the homeowner's current rights on the land and how much do they want to impede upon those rights.

Ch. Marzullo addressed New Business agenda items. Ch. Marzullo stated the TireMax preliminary site plan review was continued by the Board of Zoning Appeals, so the Zoning Commission will wait for the Board of Zoning Appeals decision before they review the site plan.

Discussion took place regarding the TireMax preliminary site plan and whether they should wait until they receive the Board of Zoning Appeals decision.

Ch. Marzullo entertained a motion to table the TireMax site plan review until the August 5, 2021 meeting.

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

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

Ch. Marzullo began discussion on the Pride One Senior Housing project review. Ch. Marzullo stated that the Board of Zoning Appeals granted the conditional approval with changes and, as a result, the Medina County Planning Commission requested a review of the site plan again. Because the site plan is going back to the Medina County Planning Commission, the Zoning Commission cannot review until they receive comments from the Medina County Planning Commission. Ms. Crew asked about the wetlands issue and discussion followed.

Ben Weinerman on behalf of Pride One

Mr. Weinerman stated that on June 25, he received correspondence from the Army Corps which Mr. Weinerman distributed to the Board members.

Ch. Marzullo stated he will have to review the information, but they will have to table the discussion for the senior housing project.

The Board members agreed they would like to review the information that Mr. Weinerman presented.

Ms. Crew asked if Medina County Planning is going to review the sites for both TireMax and Senior Housing; her concern is that both entrances on 303 are not that far from each other, so Ms. Crew hopes that will be reviewed. Ch. Marzullo stated that it is his understanding that ODOT will provide their input on both projects, whichever project is presented first will be reviewed and the second project reviewed will be dependent on the review of the first project. Discussion followed.

Mr. Larsen asked if it is dependent on who starts first, and Ch. Marzullo stated yes.

Ch. Marzullo entertained a motion to table the Pride One Senior Housing site plan review until the August 5, 2021 meeting.

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

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

Ch. Marzullo discussed a recommended text amendment for Zoning Commission consideration regarding section 9.7, limited number of waiting spaces by type and use of establishment. Ch. Marzullo stated this verbiage should be updated in accordance with the current proposed text amendment language. Mr. Fischer suggested using “Distribution station for fuel or electricity”. Discussion followed regarding proposed language. It was suggested to use: “2 waiting spaces per accessible side of a dispenser of fuel or electricity.”

Ch. Marzullo stated an additional suggested amendment change to Section 18.9.i, the addition of an apostrophe which would make it consistent with the language in another amendment.

Ch. Marzullo discussed 6I2.2.h, changing language to automotive repair and service as opposed to automobile.

Ch. Marzullo asked if anyone caught any other changes that should be addressed in the proposed text amendments. There were none.

Mr. Fischer made a motion to make and submit the following proposed text amendment changes to Medina County Planning Commission as follows:

1. Amend Section 9.7.a.5 to Automobile Refueling and Recharging Station, also changing it from 2 waiting spaces per accessible side of a gasoline pump island to 2 waiting spaces per accessible side of a dispenser for fuel or electricity.

2. Section 18.9.i, add an apostrophe to “manufacturing specifications” so it is “manufacturer’s specification”.

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

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

Ch. Marzullo discussed his Chairman’s report.

Ms. Crew asked Ch. Marzullo to read Lisa Rushworth’s email again. Ms. Crew stated she thinks she understands Ms. Rushworth’s point because they removed the screening language from accessory components and left it separate. Ms. Crew asked if that is what they intended. Discussion followed. Ch. Marzullo stated he is hoping that Ms. Rushworth can clarify what she is asking so they can address this issue.

Ch. Marzullo discussed having a work session to discuss the input from the attorney-client information they received regarding the proposed text amendments. Discussion followed. It was determined they would reach out to Prosecutor Brian Richter to discuss.

Ch. Marzullo stated the public hearing will be continued to August 5, 2021 at 6:30 and the Zoning Commission Regular Meeting will follow.

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

Trustee Kalina stated for the record alternate Arline has been present virtually for the entire meeting.

There was no further business or comments.

Ch. Marzullo entertained a motion to adjourn the July 1, 2021 Zoning Commission Regular Meeting.


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

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

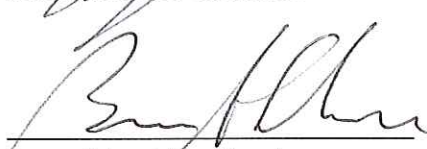
The Zoning Commission Regular Meeting was adjourned at 8:35 p.m.


Judi Stupka, Recording Secretary


Minutes Approved: 5 August, 2021


Matt Marzullo, Chairman


Marcus Fischer, Vice-Chairman


Bruce Schneider, Member


Michelle Crew, Member


Dave Manley, Member