

Ch. Fischer called the June 2, 2022 Zoning Commission Regular meeting to order at 7:01 p.m.

Ch. Fischer 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.

Ch. Fischer stated that on behalf of the virtual audience, we ask that the public joining in person approach the podium in the event they would like to speak, they will need to announce their name and address prior to speaking, additionally we ask that the audience save personal conversation for after the meeting as additional voices cause confusion for those attending virtually. For those attending virtually please raise your hand to be recognized.

Roll found: Fischer, Crew, Marzullo, Manley – excused absence, Spellman, Engleman

Audience: Trustee Ascherl and Zoning Inspector Wilson attended in person, Trustee Augustine attended virtually.

Ch. Fischer stated that because Mr. Manley has an excused absence, Ms. Engleman will be filling in for him at this meeting.

Ch. Fischer asked if everyone had received and reviewed the minutes from the Zoning Commission Public Hearing on May 5, 2022 and if there were any comments or corrections. There were no requested amendments.

Ch. Fischer stated he would entertain a motion to approve the May 5, 2022 Zoning Commission Public Hearing minutes.

- Mr. Spellman moved and Ms. Crew second.
- There was no further discussion.
- Board was polled.
- All were in favor - Mr. Marzullo abstained.

Ch. Fischer asked if everyone had received and reviewed the minutes from the Zoning Commission Regular Meeting on May 5, 2022 and if there were any comments or corrections. There were no requested amendments.

Ch. Fischer stated he would entertain a motion to approve the May 5, 2022 Zoning Commission Regular Meeting minutes.

- Ms. Crew moved and Mr. Spellman second.
- There was no further discussion.
- Board was polled.
- All were in favor – Mr. Marzullo abstained.

Ch. Fischer stated there is no Old Business to discuss, they are waiting for a request to move forward on the Preliminary Site Plan for the Serenity Court subdivision.

Ch. Fischer stated they would move to New Business. Ch. Fischer stated at the last meeting the Board discussed two topics they would like to start a conversation on and put together language to be discussed at the July meeting. Ch. Fischer asked Mr. Spellman if he would like to discuss in-law suites.

Mr. Spellman stated that the topic of in-law suites came up when he was in his first or second year on the Zoning Commission and this topic has come up periodically over the years. Mr. Spellman stated he would like to discuss in-law suites as an alternative for senior living and he is open to discussions regarding other options for the aging community. Mr. Spellman stated in his opinion it would be terrible for someone to have to make a decision to either stay on a property they cannot take care of anymore or move out, so he is introducing this discussion as a way to possibly give people as they grow older a different option so they can remain in the Township.

Mr. Spellman discussed language he had regarding in-law suites. Mr. Spellman stated they have talked about definitions and making it something conditionally approved in both the R-1 and R-2 districts. Mr. Spellman stated he has looked at several Ohio communities that have in-law suites in their books to get some ideas in terms of conditions and regulations. Mr. Spellman discussed research he had put together regarding in-law suites ranging from how an in-law suite can be established to other standards such as setbacks and design.

Mr. Marzullo stated if they are talking about setbacks they would be talking about a totally separate structure, and Mr. Spellman stated he is talking about if they add on to an existing structure, how do they stay in compliance.

Mr. Marzullo stated the in-law topic had been on the agenda until last year and the topic had been discussed and what they came up with is nothing prevents an in-law suite currently. Discussion followed.

Ch. Fischer stated that he discussed this topic with the Zoning Department and there are many things allowed within a structure, such as a second master bedroom and a second kitchenette – they allow many things that form an in-law suite within a structure. Additionally, there are finished basements that have bedrooms, kitchens, and bathrooms, all permitted. Ch. Fischer stated that a former Zoning Inspector stated that someone can't have another unit that basically has no common access to the main house, so there can be a secondary entrance to a structure, but it has to have some connection to the main home and if it does, it's probably not an in-law suite, it's just an addition to the home. If it is actually being partitioned so no internal flow between the two units, then it's an in-law suite that probably would not be permitted. Discussion followed regarding common access.

Mr. Marzullo stated that what ultimately led them to dropping in-law suites from the agenda was knowing there are different situations, including a family member with disabilities or someone with an aging parent, and they don't want to preclude that. Mr. Marzullo stated also they don't want to put in language that requires a definition of who would be allowed to live in a home. Discussion followed.

Mr. Marzullo stated that once they start to say in-law suites are permissible under certain circumstances it could open other doors.

Mr. Spellman stated he is happy to drop the topic if they are saying it is permissible, and Ch. Fischer stated if people apply to Zoning for an in-law suite, they would be rejected so in-law suites are not permissible, but they can do other options with their home. Mr. Spellman asked if the Zoning Department denies an application for an in-law suite, do they then offer other suggestions to people applying, and Zoning Inspector Wilson stated he does work with people. Zoning Inspector Wilson asked if a better way would be to say they are not allowed to create two dwelling units. Ms. Crew stated it's not just in-law suites, there are larger homes with nanny suites, and Ch. Fischer stated there are also offices over garages with full kitchens that are effectively another opportunity for a future bedroom space.

Mr. Marzullo stated if they don't include language regarding in-law suites and there is an extra room in a home, it allows for someone to move into a home for a period of time in the event they need a place to stay for awhile, but that doesn't mean the room would be open to anyone to stay there after that room is vacated. Mr. Spellman asked if this would be considered a single family dwelling unit at this point and what if an adult child moves back home and brings a girlfriend. Mr. Marzullo stated that is where the problem lies with adding language regarding in-law suites, how to define family.

Ch. Fischer stated he feels they have the opportunity to enforce if they need to but he is worried about losing if they try to come up with a definition. Loopholes are then created because what is a family is always evolving. Ch. Fischer stated he thought they might want to discuss the growing trend of putting a small cottage on your home, like an old barn that is converted to an in-law suite, so that is a direction they could look at – an accessory building that becomes a second unit. Ch. Fischer stated he does believe there are major challenges to something like this because it does open the door to short-term and long-term rentals. Ch. Fischer stated that if they want to look at the expansion of an in-law suite outside of the common building structure, their Code needs some work, but if they don't want to allow a secondary structure for an in-law suite, then he doesn't think the Code needs rework with respect to this. If they want to codify the idea that they have to have an interior passage for a single family he would be okay with the Board working on that.

Mr. Spellman stated that is a good point – if it's walled off to create a separate dwelling unit that would define it as a technical in-law suite- but put a door between the two and it is just a different space in their house. Mr. Spellman stated he doesn't think there is any point going any further with the topic if this is an option, but he doesn't know if the community knows this is an option. Discussion followed.

Ch. Fischer read the definition for an attached, single-family dwelling and stated that his example talked about a wall to permit flow within the single unit, but the existing definition doesn't say anything about that. Maybe they could amend the existing definition to say that there is no access to another dwelling, or add some language to make it clear that if there is access, it is not an attached single family dwelling, it is detached.

Mr. Marzullo asked Ch. Fischer if what he is saying is that without common access throughout the entire property then it becomes a detached single family, and Ch. Fischer stated yes and that is what they really want – they want an in-law suite to be part of the detached single family or the other structure, not an in-law suite. The fact that someone built a second entrance to a room shouldn't make that a detached single family with two entrances into the home. Ch. Fischer stated if they want to do something, maybe this is the way to clarify the definition.

Mr. Spellman stated that between that and the definition of dwelling unit and what is the objective of an in-law suite, which effectively is creating multiple dwelling units, it seems like a gray area. Discussion followed.

Mr. Spellman stated he doesn't want to look at accessory building detached in-law suites because he feels that becomes an opportunity for something else they don't want. Mr. Spellman stated he is not confident the only thing differentiating a true in-law suite versus a separate dwelling unit attached in a single family attached dwelling is a wall with a door. Discussion followed.

Mr. Marzullo asked if someone has the space to turn into an in-law suite versus adding an addition for an in-law suite, why would that be treated differently. Mr. Spellman stated if the intent is to make it a truly separated dwelling unit, then it would be treated differently. Mr. Spellman stated that if he wants to turn his basement into a dwelling unit and make it a true in-law suite, he's not going to wall off the door to the basement. Discussion followed regarding finished basements and in-law suites.

Ms. Crew stated that she doesn't think this needs to be revised and everyone agreed. Ch. Fischer asked Mr. Spellman if he was okay with removing in-law suites from the review list and Mr. Spellman stated he agreed with removing the topic of in-law suites.

Ch. Fischer stated the other topic to discuss is conditional and permitted uses in the B-1 and B-2 Districts which are listed on page 64 of the Zoning Code. Ch. Fischer stated he has considered the idea of adding a B-3 District because the B-2 District is currently covering Town Center and the area of W. 130th and Boston and he feels these are two different areas. Ch. Fischer stated, the other thing is he would like the Board to look at an Architectural Review in the Town Center. Ch. Fischer stated he has done some research on this and found Boardman Township and Olmsted Township both have Architectural Reviews and the statute does allow for that. Ch. Fischer stated this would be another reason to consider adding a B-3 District.

Ch. Fischer suggested they look at the Comprehensive Plan's discussion of Town Center, and Ch. Fischer read through and discussed language on pages 44 and 45. Ch. Fischer then referred to language on pages 54, 56 and 70 of the Comprehensive Plan. Ch. Fischer summarized the idea is to encourage high pedestrian traffic within the Town Center and work on design standards for the Town Center and promote small retail within the Town Center. Ch. Fischer suggested this should be the Board's guide with respect to zoning in the Business Districts. Ch. Fischer asked the Board for their thoughts on adding a third Business District to separate the B-2 on W. 130th and Boston from Town Center.

Ms. Crew stated she likes the idea, and Ms. Engleman stated she thinks Town Center is more historic and unique and W. 130th and Boston is newer development, and there are things that don't fit in Town Center, for example, 12,000 square foot retail space would be better suited at W. 130th and Boston as opposed to Town Center. Discussion followed.

Mr. Marzullo stated he is not opposed to the discussion, but he feels they need to consider Buzzards Cove which is currently B-1. All agreed they would have to consider this.

Ch. Fischer stated he would like to begin discussion of a proposal for retail in Town Center in completely enclosed buildings of less than 6,000 square feet. Ch. Fischer stated this would mean 6,000 square feet in a B-3 and 12,000 square feet in a B-2 and conditional buildings in excess of 12,000 in a B-1. Ch. Fischer stated this would be square footage for the lot, so in Town Center, if someone wanted to build a mixed-use development with three or four shops in it, then each of those places could only be about 1,000 square feet so they will have to consider proposed language carefully so they don't create unintended consequences. Discussion followed regarding lot square footage and building square footage.

Ch. Fischer stated that he was considering if they could designate the size of any one retail establishment within a lot, for example, no retail establishment on a lot will occupy more than a certain amount of square footage. Ms. Engleman asked if establishment meant the building and Ch. Fischer stated he meant a tenant. Zoning Inspector asked for clarification regarding the suggested amount of square footage. Zoning Inspector Wilson asked if the building size on a lot would follow the percentage allowed per the Code and the suggestion would be that any one shop could not be larger than 6,000 square feet, and Ch. Fischer stated he feels that is the direction the language should go. Ch. Fischer stated he doesn't know if they want to reduce the total amount that can be occupied for retail to 6,000 and then limit what people can build on a lot.

Mr. Spellman asked if the differentiation is they may not want to decrease the total square footage, but they may want to cap any one tenant, and Ch. Fischer confirmed that and added they may not want to specify any square footage because the square footage is dictated by the building size. Ch. Fischer stated they could say no one unit in the building can be more than 3,000 square feet, for example, and that would allow for a larger building but control the size of the tenant. Ch. Fischer stated this is just one possibility, so they are not limiting the number of retail shops on a lot. Discussion followed.

Mr. Spellman asked if they can dictate at a tenant level if the building is compliant with their zoning standards, and Ch. Fischer stated he believes they can and discussion followed regarding this.

Mr. Spellman stated he is looking at how much square footage can be placed on any parcel in any B District and Ch. Fischer stated that is determined by the 80% allowed in the Code. Ch. Fischer asked how the retail space and office space currently would be capped in a particular building, and Mr. Spellman stated that depends on the use being permitted or conditional and other restrictions such as the square footage. Mr. Spellman stated he is not sure about the suggestion that a larger building can be built and can be subdivided on use and further discussion followed.

Mr. Spellman stated he does like the idea of the B-3 District in order to separate the Town Center and W. 130th area. Ch. Fischer stated he would do some research regarding the ability to do this on a per tenant basis as opposed to maximum square footage of retail. Ch. Fischer stated there is no cap on how much office space there can be, so someone could build a bigger building based on the 80% of the lot size.

Mr. Marzullo stated do they want to entice professional management companies or are they looking for more mom and pop type establishments. Mr. Marzullo stated when they talk about the percentage of the lot that a building occupies, that could allow for a very massive building which could be professionally managed to make sure it is always full, which creates a lot of turnover with tenants. Mr. Marzullo asked if they should be looking for a single owner to construct and occupy a building and these are things that should be considered. Ch. Fischer stated that is why he suggested limiting the square footage of office space within buildings. Ch. Fischer stated the 80% threshold on some lots is significant, but not on smaller lots, so it would be difficult to lower that percentage and still have some lots be useable.

Zoning Inspector Wilson stated they might want to look at how much land is still available in the Business District. Discussion followed regarding how much land is available.

Ch. Fischer stated that based on their discussion it sounds like the Board likes the idea of looking further into a third Business District and they want to look into where the Buzzard Cove fits into their discussions regarding the Business Districts and they want to look into the retail square footage and how that is divided in a way that makes sense. Ch. Fischer stated the remaining topics will be relatively easy to go through as everything is further refined. Ch. Fischer stated they will see the result of the survey questions regarding senior citizen residential facilities to give them an idea of what is wanted. Ch. Fischer stated he believes there are some things that don't belong in Town Center, for example, hospitals. Ch. Fischer stated he believes Town Center should be pedestrian friendly and walkable, possibly shops, restaurants and some dwelling units on second floors of businesses. Ch. Fischer stated he believes larger structures don't belong in Town Center, they might belong in a different Business District. Ch. Fischer stated they should also consider some expansion in the Business Districts.

Ch. Fischer asked if anyone had any further thought for now on this topic. Ms. Crew asked when the Steering Commission survey results will be back, and Ch. Fisher stated he thought by the next Zoning Commission meeting, but he doesn't know what the next step is regarding that, but those results can possibly provide guidance for the Board. Discussion followed regarding the response to the survey.

Mr. Spellman asked if Ch. Fischer is also looking for an architectural review board for the Town Center district, and Ch. Fischer stated they could do this in two ways. They can either look at creating a B-3 District and then address the design standards or do both together. Mr. Spellman stated he doesn't have a preference how it is done – the ORC allows them to do this, but he doesn't know if the Board has the power and skill to do this or if they should bring someone in from the outside. Ch. Fischer stated the Trustees can create a new group that does the architectural review or they can send to the Zoning Commission or the Zoning Inspector. Ch. Fischer stated that since they do the site plan review, the Zoning Commission would hopefully retain that as part of their duties and if it gets busy maybe the Trustees would then create another group to do this. Ms. Engleman stated if they are creating a B-3 and new

standards for Town Center they may want to have some design standards. Ch. Fischer stated he would send the link for Boardman Township to the Board so they can look at what they have done.

Ch. Fischer stated that since design standards would be a new topic and there is no language, they can request the Trustees to bring in an expert or a planner to draft language.

Ch. Fischer asked if there was anything else on this topic and there was nothing.

Ch. Fischer continued with the Chairman's Report. Ch. Fischer stated the Trustees agreed with their recommendation regarding the map amendment and rejected the rezoning from R-1 to B-2 of the former school. Ch. Fischer stated that Serenity Court, the subdivision proposed across from Arbor Crest on 303, asked for a variance from ODOT for their entrance, which was going to be off of 303, and ODOT denied that variance. Ch. Fisher stated the Stony Hill concept plan went before the Medina Planning Commission and they will have public water and septic systems for sewer, and the EPA will have to review for wetlands. Ch. Fischer stated they recently discussed the discontinuance of use for more than two years for any conditional use, and this topic recently came up with the Adult Day Care. The owners were sent a notice that they no longer had their conditional use as a bar or tavern because their use had been stopped for a period of two years or more, and the owners of the Adult Day Care appealed that to the Board of Zoning Appeals. Their appeal was filed late, so the Board of Zoning Appeals dismissed the Appeal. Ch. Fischer stated they had a second inquiry this year regarding if vacation rentals are permitted in Hinckley Township, so they might want to revisit that topic at some point.

Mr. Spellman asked about the annual report that had been distributed, and Zoning Inspector Wilson stated they had 34 new homes and last year they had a little over 50. Zoning Inspector Wilson stated that based on what is happening this year he believes they will have more than 50 new homes. Discussion followed.

Ch. Fischer stated the next Zoning Commission Regular meeting will be July 7, 2022 at 7:00 p.m. Ch. Fischer stated the Trustees have said the Board is permitted to have work sessions if they want to expedite any of their work, so if anyone feels they want additional time to let him know.

Ch. Fischer asked for public comments.

Richard Pearl

Mr. Pearl stated solar power language amendments had been passed and they followed up with clean up language regarding wall-mounted solar panels and detail of screening of certain components, which is a different kind of screening that is done for developments. Mr. Pearl asked about the status of that agenda item and if the Board could look at that language and make sure it is clear for the Zoning Inspector.

Ch. Fischer stated he would like to address it prior to sending the proposed text amendments to the Medina County Planning Commission, but he doesn't think that by itself is enough to send to the Medina County Planning Commission and go through the process of holding public hearings, so it is his suggestion

to work through their current discussion to have a full packet of amendments for consideration by the Medina County Planning Commission.

Mr. Pearl stated he is acting as spokesperson for 350 Hinckley and wanted to make sure it is on their unwritten agenda.

Mr. Spellman asked about the screening issue, and Ch. Fischer reviewed the discussion regarding the screening issue. Further discussion followed regarding the screening language.

Ch. Fischer entertained a motion to adjourn the June 2, 2022 Zoning Commission Regular Meeting.

- Ms. Engleman moved and Mr. Marzullo second.
- No further discussion.
- Board was polled.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 8:29 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2022

Marcus Fischer, Chairman

Michelle Crew, Vice-Chairman

Matt Marzullo, Member

(absent)
Dave Manley, Member

Bill Spellman, Member

Cindy Engleman