

Ch. Fischer called the July 7, 2022 Zoning Commission Regular meeting to order at 7:00 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. Ch. Fischer then noted that the order allowing virtual participation had expired, and the state had not renewed it. Therefore, virtual participation is no longer permitted.

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

Audience: Alternate Engleman, Trustees Augustine and Ascherl and Zoning Inspector Wilson; Trustee Swedyk attended virtually.

Ch. Fischer asked if everyone had received and reviewed the minutes from the Zoning Commission Regular Meeting on June 2, 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 June 2, 2022 Zoning Commission Regular Meeting minutes.

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

Ch. Fischer displayed a proposed table of permitted and conditional uses for discussion regarding a possible rezoning of Hinckley Town Center into a B3 district.

Ch. Fischer began discussion by explaining that he has recommended, based on preliminary discussions, separating the Business Districts into 3 Business Districts as follows:

- B-1 District – the area along W. 130th and 303
- B-2 District would be a Light Business District – the W. 130th and Boston Section
- B-3 would be the Hinckley Town Center District which would be downtown Hinckley

Ch. Fischer discussed the proposed table of permitted and conditional uses, attached here to as Appendix A, for each of the following categories: Offices, Professional and Corporate, Retail Services; Automotive Uses; Recreation; and Other. Ch. Fischer discussed his suggestion for making specific uses either a principal use or a conditional use.

Mr. Marzullo asked where the Buzzard Cove property would fall within the proposed Business Districts, and Ch. Fischer stated that is a discussion they should have. Ch. Fischer stated that based on the proposed table, Outdoor Recreation is not permitted in the B-2 or B-3 Districts and Buzzards Cove has a driving range and putt putt golf, both of which can be considered Outdoor Recreation, so Ch. Fischer suggested making a conditional use in the B-2 for Outdoor Recreation and then putting Buzzards Cove in the B-2 District – it is currently in the B-1 where it is a conditional use. Ch. Fischer stated he believes that Buzzards Cove zoning district depends on where they want Outdoor Recreation to be. Further discussion followed regarding what Business District to put Buzzards Cove in.

Mr. Marzullo stated he believes it makes more sense for Buzzards Cove to be in B-3 because it's tied more closely to the downtown business district than anything else. If they are going to create development regulations as to the aesthetic, they should want that to be out of the same aesthetic requirement as the historic district. Mr. Spellman stated he believes it is an option. Ch. Fischer stated he believes they will need to have more of a discussion.

Ch. Fischer asked Mr. Marzullo if he is suggesting maintaining automobile service stations in the B-2. Mr. Marzullo stated in that section of the Township it makes sense.

Ch. Fischer stated the next Zoning Commission Regular meeting will be August 4, 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 continued going through the proposed table. Ch. Fischer referred to schools, whether private or public, as a conditional use in both of the current Business Districts and asked whether they should maintain this as conditional in the B-3 District or remove it from B-3. If they are trying to create a business district town center that is very pedestrian friendly and walkable, do they want that use there that could take up a significant amount of acreage. Ch. Fischer stated that schools are also conditional within the Residential Districts, so there are other places for schools outside of Town Center. Discussion followed and Mr. Marzullo and Ms. Crew felt that schools could stay in Town Center. Ch. Fischer asked about day care centers in Town Center, and Ms. Crew stated she felt they could stay as a conditional use. Mr. Marzullo stated that he would not want Day Care Centers in Town Center because he sees something more institutional, more like a managed care facility. Discussion followed regarding the possibility of an adult facility there and if that would fit in Town Center. Mr. Spellman stated he does not see an issue with keeping the use as a conditional, this would give the Board of Zoning Appeals the ability to put the appropriate conditions on the facility taking safety and other items into consideration. Mr. Manley agreed.

Ch. Fischer stated this is just tentative as they work through this section, and he is just trying to get an idea of what everyone is thinking as they work through this.

Ch. Fischer discussed assembly halls and meeting places for social organizations and the possibility that these could be larger facilities. Ch. Fischer stated he believes that assembly halls and meeting places fit within their goals of Town Center as outlined in the comprehensive plan, but he wanted to point out

because it does have the potential to be large. The Board agreed they were fine keeping this as conditional.

Ch. Fischer continued discussion on the proposed table of uses referring to indoor and outdoor recreation. Ch. Fischer stated he doesn't see any issues with indoor recreation and based upon the evening's discussion the Board would like Outdoor Recreation conditional within the B-1 and B-3 Districts. Ch. Fischer asked why Outdoor Recreation wouldn't be permitted in the B-2 if it's permitted in the B-3. Ch. Fischer stated when he thinks about Outdoor Recreation there is the possibility of lighting and noise issues, so why would it be allowed as a conditional in B-3 and not B-2. Discussion followed regarding the different types of recreation that would generate a lot of light pollution and noise pollution, including gun ranges.

Ch. Fischer stated he thinks it would be fine to leave Outdoor Recreation as conditional and it would go to the Board of Zoning Appeals and Mr. Manley agreed that the Board of Zoning Appeals could set the conditions. Mr. Marzullo stated that there is the possibility that the Board of Zoning Appeals wouldn't have the guidance they need for some of these issues. Further discussion followed regarding restrictions on lights and noise.

Mr. Manley stated he believes Outdoor Recreation should be conditional and it would be a good idea to have language regarding having appropriate conditions in place. Ch. Fischer stated they should discuss light pollution in general and some Townships do have standards regarding permitted lighting, including lumens and direction of the lighting. Ch. Fischer stated it is easier to work on lighting but it's difficult to work on noise language because it is so variable and hard to measure.

Mr. Spellman stated he feels Outdoor Recreation should be left as is, where it is not conditional in the current B-2 and future B-3 District. Mr. Spellman stated if they start allowing everything to be conditional everywhere then what is the real identity of the B-3, what is the point. Mr. Spellman asked what do they really want in the downtown area as a community. Ch. Fischer stated they want to encourage pedestrian oriented retail office and service uses with parking located to the side or rear of the buildings to encourage walking and an enhanced pedestrian realm. Ch. Fischer stated they want to continue to encourage buildings to be developed closer to the street and enhance and expand the existing pedestrian network in Town Center – Ch. Fischer stated that is the current objective in the Comprehensive Plan. Ch. Fischer stated it is very tailored toward retail office services and pedestrian friendly.

Ms. Crew stated that based on what was just read, outdoor recreation doesn't fit into that at all, so if they are basing on what is in the Comprehensive Plan conditional should be removed out of the B-3. Mr. Spellman asked what they should do with Buzzards Cove then, and Ch. Fischer stated they could put Buzzards Cove in the B-2 and if there are concerns with a service station there, they can remove that from the B-2 District. Ch. Fischer stated he doesn't have concerns about a service station there because he doesn't believe it has the infrastructure for a service station.

Mr. Spellman asked what Ch. Fischer had for Automobile Service Stations in the proposed table of uses, and Ch. Fischer stated he put that as a conditional in the B-2, currently it is not permitted in the B-2. Ch. Fischer stated he expanded that into the B-2 District because he thought a service station made sense

along the W. 130th – Boston corridor. Mr. Spellman stated he is not sure they really need to do that. Ch. Fischer asked if they want to remove the conditional use for automobile service station in the B-2 District, and Mr. Marzullo stated that as these properties become more developed they will have more specific development guidelines, wouldn't they want these same requirements on a parcel as it gets developed. Mr. Marzullo stated that if they move Buzzards Cove back to the B-2, it wouldn't be subject to those design restrictions and if they are going to have design restrictions they need to be imposed on the current Buzzards Cove B-1 as well as downtown now. Mr. Marzullo stated that they are saying Buzzards Cove is a small property with riparian setbacks, and if someone wants to develop that property they could put in multiple retail stores and make it into a walkable outdoor space, someone could put a small strip center in there. Mr. Marzullo stated if they don't incorporate design guidelines what will that look like.

Mr. Spellman stated that outside of Outdoor Recreation why is that a business district and why would they want the potential for retail space going in there, it seems out of character. Further discussion followed regarding the Buzzard Cove property and the size of the property. Resident, Mr. Pearl stated that Buzzards Cove is on 9.7 plus 1.2, there are two lots, next to that is .54 going up Hinckley Hills Road and next to that is 2.25 and next to that is 2.26 and then one more that measures 0.6. Mr. Pearl stated that many of those lots are substandard and do not meet the B-1 lot size. Mr. Marzullo stated that they are really looking at about 17 acres where someone could easily put in a strip center. Mr. Marzullo stated they need to consider what it should look like and that's why he is suggesting they move it into B-3 if they are going to do anything with it. Mr. Manley stated that strip malls would be controlled by sewer and water and there is no sewer and water there. Further discussion followed regarding sewer and water use by businesses in the Township. Mr. Marzullo stated he doesn't see the water and sewer as insurmountable to putting in a strip center.

Ch. Fischer asked Mr. Marzullo what he is suggesting, and Mr. Marzullo stated if it's conditional then it is conditional, and if not, it is legal, non-conforming. Mr. Marzullo stated he knows that is not the goal and he's not sure how they don't end up with more outdoor recreation in the footprint they currently have as the Town Center excluding Boston/W. 130th. Ch. Fischer stated that the area behind the historical society is all undeveloped business district.

Mr. Marzullo stated he would prefer moving Buzzards Cove to B-3 and make it legal, non-conforming. Ch. Fischer stated he understands there might be some justification for this, but he strongly dislikes this idea – from a business usage that parcel is well suited for outdoor recreation and it's right next to a park. Ch. Fischer stated that they should either put it in B-3 and make outdoor recreation conditional in B-3 or put it within B-2 and make it conditional, but they shouldn't make it legal, non-conforming. Mr. Marzullo stated he is fine with it being B-3 conditional. Ms. Crew stated she agrees. Mr. Spellman stated he agrees but what is the identity and what does the Township want out of a B-3 district. Mr. Spellman stated he is not opposed to outdoor recreation, but he doesn't know if this fits what the prior vision of what the area should be. Ms. Crew stated she likes the park aspect of outdoor recreation. Ch. Fischer stated he agrees, but he doesn't want to see large pieces of land between retail shops – if it's a single basketball court that would be great, but a much bigger area would possibly take away from the pedestrian and retail idea of the area. Mr. Marzullo stated to use any of the space in the area for outdoor recreation and make it profitable would be difficult. Further discussion followed regarding outdoor recreation in B-3.

Ch. Fischer stated that for the sake of moving on they can put outdoor recreation in all 3 districts and they can revisit when they go through final revisions.

Ch. Fischer moved to dwelling units, hospitals and senior citizen residential facilities on the table of uses. Ch. Fischer suggested removing dwelling units above the first floor from the B-2 District and continue allowing it in the B-3 District, this would allow for dwelling units above first floor in Town Center but not along the W. 130th corridor and it also allows for apartments within Town Center. Ch. Fischer stated that he suggests striking hospitals, medics, urgent cares, and Senior Citizen Residential Facilities from Town Center as a conditional use in order to keep the idea of small shops and pedestrian friendly area and not large complexes. The Board agreed with this.

Ch. Fischer stated that for the most part he believes they are in agreement with the suggested changes in the proposed Table of Uses other than what to do with Outdoor Recreation, and then the next step would be considering the rezoning of the B-2 in Town Center to B-3 and also the B-1 by Buzzards Cove, and the rest would remain as is. Ch. Fischer stated his suggestion for now would be to move over all of the code sections that relate to B-2 and copy them for the B-3 so they have the same parking restrictions, setback requirements, same buildable lot sizes, basically everything the same across those two Districts – and this can be refined over time.

Mr. Spellman asked if they should copy the B-2 code sections into B-3 or just refer to them in a matrix, which Ch. Fischer agreed with.

Ch. Fischer stated they would move to the next topic of Architecture Design Standards for Town Center, this is something that the current comprehensive plan suggests the Board does and Ch. Fischer stated he believes it makes sense for Town Center if they want to preserve what he considers to be the heart of Hinckley. Ch. Fischer stated he spoke with Olmsted Township to understand how their Architectural Review process works and he was told they have suggestions but not a lot of “teeth” to them, but they have had dialog with developers and they made suggestions – they are working with a Zoning attorney to consider tidying up their design standards in Olmsted Township. Ch. Fischer stated that in contrast – Boardman Township has significant design standards for multi-tenant and non-residential buildings. Ch. Fischer stated that if they want to have more regulations as opposed to less they should have something with teeth more than just suggestions – and they might want to bring in an outside consultant to help them draft those because that would be a significant addition to the book.

Mr. Manley stated they have to be able to justify the health, welfare, and safety of the regulations as they do this and Ch. Fischer stated that is why he is leaning toward a consultant. Ch. Fischer stated the State has granted architecture review committees for Townships. Ch. Fischer stated he feels they should bring someone in that has considerable knowledge and Mr. Manley agreed.

Ch. Fischer stated that the next question would be do they want to move forward with text amendments with what they have so far with respect to rezoning, revisit the short-term, clean up the solar panel energy topic and also do some clean up of the book that he is currently working on with the Zoning Department – would they like to move forward with just this without design standards or do they want to table all of

this and move forward with design standards and send a package once they have design standards in place at all.

Mr. Manley stated he prefers to move forward without the design standards because he believes that will take a long time, and Ms. Crew agreed.

Ch. Fischer stated he is hoping to have a full revision of the resolution to the Board within the next two weeks with changes noted, so they have time to review it before the next meeting when they can fine tune it with the hope of sending it to Planning Commission review shortly after. Everyone agreed with this.

Ch. Fischer stated that the Ohio Revised Code states that they have the opportunity to hire a design consultant and there are no funds allocated for that so he would like to go to the Trustees with the request to allocate money for a design consultant.

Mr. Spellman asked what is the idea behind putting together design standards and Ch. Fischer stated that the comprehensive plan has suggested having design standards in place and with regard to Town Center he has concerns regarding how the current resolutions are being enforced and as they move forward in the next 20 years he can see a substantial redevelopment and revitalization of Town Center and he wants to make sure they continue to protect the character of this Town Center. Ch. Fischer stated they don't have to do the design standards, but he has been working toward that with the idea of protecting the character of the Town Center.

Mr. Spellman asked if the outside consultant would be brought in to help guide them through the process and set those standards. Ch. Fischer stated the Township can set up a separate architectural review committee and they can ask an expert to be involved or they can turn it over to the Commission, which is what he initially recommends they do. Ch. Fischer stated his goal would be to have the consultant help them set these up and then the Commission would work through them and continue to revise them – Ch. Fischer stated he doesn't see a need for a separate consultant for a review on each item and he doesn't see the need for a separate commission to do the review process, he believes it can be handled by the Board.

Mr. Spellman asked what the cost would be for all of this, and Ch. Fischer stated the Township Trustees would go through the process of asking for bids. Mr. Spellman stated he believes it is something to explore but he would like an idea of cost before the Township commits to anything and then consider if they want to start now or later. Mr. Spellman stated he thinks they should move with the text amendments first but start to explore the idea of a consultant assisting with design standards. Further discussion followed regarding what other Townships have done regarding design standards.

Trustee Augustine stated she believes it would be best to explore the cost of a consultant and the Board can do their due diligence.

Ch. Fischer stated that concludes what he had on the agenda.

Ch. Fischer stated the next regular Zoning Commission meeting is August 4, 2022 at 7:00 p.m.

Ch. Fischer stated there were two items that arrived today from Denise Testa at Planning Services on behalf of the Planning Commission – the first is the final plat for the Reserve at Pine Valley, Phase IA of the subdivision is already under development in the R-2 District and they will begin the second portion of Phase IB soon. Ch. Fischer asked the Board to review and if they have any comments please submit to the Zoning Office.

Ch. Fischer stated the other plan that will come before the Planning Commission is the Stony Hill preliminary plan review. Ch. Fischer stated they have discussed the concept plan – there were two subdivisions that abutted one another – one is Pine Valley and the other is Stony Hill. Stony Hill is an R-1 district and Pine Valley is an R-2. Ch. Fischer stated Stony Hill will have public water and septic systems. Ch. Fischer stated it appears there is a pond with a road over it and a significant number of riparian setbacks and some wetlands on the property so they will have to wait to see what is done with that. Ch. Fischer asked the Board to review and if they have any comments please submit to the Zoning Office.

Ch. Fischer stated he was told by Martha Catherwood that the Board should be receiving their pay through direct deposit shortly.

Ch. Fischer asked if there was anything else.

Zoning Inspector Wilson updated the Board on the Senior Housing project -- the stormwater system is being put in and once that is in they will bring in permit applications for the buildings. Zoning Inspector Wilson updated the Board on Serenity Court which is located across from Arborcrest – ODOT has denied the request to put the street off of Center Road and that decision is being appealed and they will keep the Township updated on that.

Heidi Gutwein – 1530 Mattingly Road, Hinckley, OH

Ms. Gutwein asked how the process works – she stated she sent an email to everyone on the Board and she asked if she will get a response to her concern – she hasn't heard back from anyone.

Ch. Fischer thanked Ms. Gutwein and stated that she had raised the issue of short-term rentals Ch. Fischer stated they had worked on some language but then ultimately decided to table that partly because the Ohio legislature is considering legislation that will take the option away from the Townships to move forward so they don't want to put anything in their books that will be removed right away, so they are waiting to see what happens. Ms. Gutwein stated she feels things move so slowly that by the time things are on the books it's too late. Ms. Gutwein stated she has heard a lot of noise from an Airbnb and she didn't sign up for this, she moved to a residential, rural bedroom community and she hears about everyone else's rights, but what about the rights of the people who have moved to the community and like it the way it is.

Ms. Crew asked about the Airbnb that Ms. Gutwein is referring to. Ms. Gutwein stated it is at 1396 Mattingly Road and there is another one on River Road.

Ch. Fischer stated they decided to put a hold on the discussion because, in addition to the pending legislation, there was disagreement within the Commission as to what they wanted, so they put a hold on the discussion until they felt they were able to move forward. Ch. Fischer stated he could put that in the proposed amendments and it can be reviewed again – Ch. Fischer asked the Board what they would like to do. Mr. Spellman stated he felt they should hold off because it is something that needs to be well thought through. The Board agreed to hold off for now.

Richard Pearl – 1785 King Road, Hinckley, OH

Mr. Pearl asked the Board, with respect to the Buzzard Cove discussion, to consider the spirit of the 1952 Trustee’s first Zoning Code which set aside 16 acres – six lots – near the Metropark. Mr. Pearl asked the Board to refer to the Zoning Commission minutes from last July or August – they were discussing a B-3 District by Hinckley Lake. Mr. Pearl asked if a new B-4 District would work for just the Buzzards Cove corner of 16 acres since this is completely different than the other Business Districts.

Ch. Fischer stated that he doesn’t want to create too many zones that have a lot of varying regulations so since they are already proposing one new district, is it a good idea to create more new districts since these areas are relatively small. Discussion followed regarding Buzzards Cove and the possibility of adding another Business District. Ch. Fischer stated everyone didn’t have a problem with recreation in the B-3 District, so what would they be achieving by creating a fourth district other than removing recreation from Town Center. Mr. Spellman stated what would be achieved is a limitation of what the conditional or permitted uses are going to be on that particular set of parcels in Buzzards Cove. Mr. Spellman stated it would be helpful to know the intent of the area. Further discussion followed regarding the history of the area.

Mr. Marzullo stated he wanted to address what Ms. Gutwein discussed. Mr. Marzullo stated when they tabled the topic they basically agreed on the verbiage and the duration – they said anything less than 30 days would be defined as a short-term rental. Ch. Fischer stated what they had problems with was whether it was conditionally permitted and where it was conditional and where it was permitted. Mr. Marzullo stated that originally there was opposition because they said it wasn’t a problem and now Airbnbs are popping up in Hinckley with nothing on the books. Mr. Marzullo stated whether it’s changed at the State level or not – this is an opportunity to consider. Mr. Spellman suggested they put it on the agenda to be discussed. Ch. Fischer stated he will do that and check where the legislation is at.

Ch. Fischer asked if there were any other comments and there were none.

Ch. Fischer entertained a motion to adjourn the July 7, 2022 Zoning Commission Regular Meeting.

- Mr. Spellman moved and Mr. Manley second.
- No further discussion.
- Board was polled.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 8:34 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

APPENDIX A

ZONING COMMISSION
 Regular Meeting
 July 7, 2022
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Printed
 8/04/2022

Schedule of Uses Land Used Category	B-1 General Business District	B-2 Light Business District	B-3 Hinckley Town Center District
	P = Principal use permitted by right. C = Conditional use.		
A. Offices, Professional/Corporate	P	P	P
B. Retail/Services			
1a. Retail in completely enclosed buildings (less than 12,000 sq. ft.)	P	P	P
1b. Retail in completely enclosed building (12,000 sq. ft. or greater)	C		
2. Personal Services in completely enclosed buildings	P	P	P
3. Banks, Savings and Loan Associations, and Credit Unions	P	P	P
4. Lawn, Garden and Nursery Sales & Service	C	C	C
5. Drive-up or drive through windows (or similar facility) in association with a permitted or conditional use	C	C	C
6. Outdoor Display Associated with a permitted or conditional use	C	C	C
7. Restaurant	P	P	P
8. Tavern/Bar & Night Clubs	C	C	C
9. Funeral Homes	P		
C. Automotive Uses			
1. Automobile Service Stations	C	C	
2. Small Power Equipment Repair	C		
D. Community Facilities			
1. Churches and Other Places of Worship	C	C	C
2. Library	C	C	C

3. School, private or public	C	C	C
4. Daycare Center, child or adult	C	C	C
5. Post Office	C	C	C
6. Assembly hall, meeting place for fraternal, charitable, social or other organization	C	C	C
E. Recreation			
1. Indoor Recreation	P	C	C
2. Outdoor Recreation	C	C	C
F. Other			
1. Dwelling unit(s) above the first floor of a building			C
2. Hospitals, medical clinics, urgent care facilities, and ambulance/emergency medical services.	C	C	
3. Senior Citizen Residential Facilities	C	C	
4. Signs	P	P	P
5. Similar Use Finding, as regulated in Chapter 4 – General Regulations.	P	P	P