

Prior to the start of the March 2, 2023 Zoning Commission Regular Meeting, Trustee Augustine swore in Bill Spellman as an alternate for the Zoning Commission.

Ch. Fischer stated that Mr. Spellman has previously served on the Zoning Commission in various capacities, including Chairperson and they are grateful to have him back.

Ch. Fischer called the March 2, 2023 Zoning Commission Regular Meeting to order at 7:00 p.m.

Ch. Fischer stated that this meeting is being recorded for transcription purposes 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.

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

In the audience were alternates Spellman and Aceto, 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 February 2, 2023 and if there were any comments or corrections. There were no requested amendments.

Ch. Fischer stated he would entertain a motion to approve the February 2, 2023 Zoning Commission Regular Meeting minutes, as written.

- Ms. Crew moved and Ms. Engleman second.
- There was no further discussion.
- Board was polled, Mr. Marzullo abstained.
- All others were in favor and minutes were approved.

Ch. Fischer stated the first order of business is the discussion regarding the B-1 District at Bellus and Hinckley Hills. Ch. Fischer stated at the last meeting there was a request that they review the table of permitted and conditional uses within each of the B-1 through B-3 Districts and then consider what might be useful for this particular area, which is currently zoned as B-1, and if it makes sense to rezone the area to B-2 or B-3 or to possibly consider a fourth district. Ch. Fischer displayed the table of permitted and conditional uses for their discussion.

Ch. Fischer suggested they go through the table and determine what they think would be appropriate within the Bellus/Hinckley Hills area where Buzzards Cove is located and then they can evaluate to determine if they should create a new district or if this area will fit into an existing district.

The Board reviewed and discussed the uses described in the table and determined that there were certain uses that were permitted or conditional that would require further discussion, including buildings less than or greater than 12,000 square feet, restaurants, bars, automobile service stations, and assembly halls.

After discussion of the uses in the business districts outlined in the table, Ch. Fischer reviewed where the differences took place and asked if the Board would like to look into creating a fourth business district. Ch. Fischer stated the benefit of creating a fourth business district is they can look at lot areas and lot requirements for that area. Mr. Manley asked if it would make sense to involve the residents and the businesses and ask their thoughts regarding what should be there. Mr. Marzullo stated if they do move forward there would be a public hearing, so the residents and businesses would have a chance to share their thoughts.

Ch. Fischer stated for now they will work toward a fourth business district. Ch. Fischer asked if there were any public comments.

Zoning Commission Alternate Bill Spellman – Hinckley, Oh

Mr. Spellman asked if they have first answered the fundamental question of whether they want it to be a business district as opposed to a residential district because they have spent a lot of time on this topic, and this district sits in an interesting location.

Ch. Fischer stated he felt residential was not an option because they went through the process last year of hearing public comments, and he didn't think it was necessary to hear the same public comments this year. Ch. Fischer stated they heard from the public, the Medina County Planning Commission, and the Trustees, and it was decided it didn't make sense as residential at that time. Ch. Fischer stated he doesn't think there has been a change in circumstances that would justify having that discussion repeated.

Mr. Spellman stated that from his perspective, last year he didn't want to move forward with residential not because he didn't think it would make sense, but because he didn't feel they had enough information at that time to proceed and it was best to keep it as it was at that time. Mr. Spellman stated his opinion is that area doesn't fit as a business district, especially considering the uses they just discussed. If the Commission is intent on keeping this area as a business district, his opinion is to make it a separate district to give it a lot more flexibility beyond the permitted and conditional uses. Mr. Spellman also suggested they make all uses conditional in that area to give them the most amount of latitude in terms of keeping any use harmonious with that area.

Ms. Crew stated she preferred that area stay residential but they all voted not to change it. Mr. Spellman stated his vote last year was based on the thought that they were rushing into it and he

wanted more information, but after listening to the Board's discussions he feels the area is more suited as a residential district.

Ch. Fischer stated he agrees that it makes sense for that area to be residential, but other than hearing from a surrounding neighbor there was very little input favoring residential. However there was a lot of input from the homeowners in that district, and they felt strongly they wanted to keep the district as a business district. Ch. Fischer stated he felt they had several robust discussions regarding the matter and really felt it was going to be residential until they heard public comment, which is what changed the way he looked at the matter. Mr. Spellman stated he feels like there really isn't closure on the matter, and Ch. Fischer stated the closure for him was when the property owners spoke and stated they wanted the area to remain as business.

Ms. Engleman stated that she felt at the time they could try for residential but that was before the property owners spoke, and they are the ones with the greatest interest.

Mr. Spellman stated he sees that area as a business district surrounded very tightly by residential in a park-like setting, and they have an opportunity as a Zoning Commission to review and discuss what's best for that area and the Township, and is making another business district in the Township really driving rural character. Mr. Spellman stated these are just some things to consider.

Mr. Marzullo stated they wouldn't be creating another area of business in the Township because it is currently a business district, realistically what they are discussing is what are appropriate business uses in an existing business district. Mr. Marzullo stated the feedback they received indicated it should remain a business district, and one resident asked if anyone had actually requested the change to the area. Mr. Marzullo stated after months of discussion, what they are trying to do now is determine what does make sense in the area. Mr. Spellman stated it is the Zoning Commission's responsibility to look at every aspect of things, and zoning doesn't have to be prompted by a property owner, it can start with the Zoning Commission.

Ch. Fischer stated he agrees but he hasn't seen or heard anything that would prompt further discussion. Ch. Fischer stated he was advocating for the change to residential in this district, but there was an extensive discussion on the matter and there was no desire to change this area to residential. Mr. Marzullo stated he believes at this point the risk of doing nothing in this area is greater than the risk of creating a new business district. Further discussion followed.

Ch. Fischer stated one of the things they can do is look at the tables again and look at the area requirements and the building setback requirements and possibly make some changes there, but it helps to have a starting point to work from and build upon.

Doug Mainzer – 1727 Hinckley Hills Road, Hinckley

Mr. Mainzer stated, when considering outdoor recreation, he believes they need to consider safety and golf balls as a nuisance. Mr. Mainzer stated he would also like to request that the Zoning Commission amend the zoning of prohibited nuisances to include projectiles, where such projectiles from any business or person engaging in outdoor activity or recreation, be required to maintain all projectiles within the limits of their own property, such that no harm, damage, or risk be passed on to another property, person or put the public at risk. These projectiles should include golf balls which have been documented by the Hinckley Police Department to cause personal injury and property damage.

Ch. Fischer stated the Board has received the email from the Mainzers, and his Chairman's Report contains topics received that will be evaluated as part of this.

Ch. Fischer stated Zoning Inspector Wilson wanted to discuss some points. Zoning Inspector Wilson stated that at the Board of Zoning Appeals meeting a question was brought up regarding floor area versus living space. Zoning Inspector Wilson stated that when he figures a fee schedule on a new home or accessory building he looks at the footprint and he looks at the architectural plans showing size of each floor. Zoning Inspector Wilson stated that sometimes architects don't include porches and steps and things like that so he adds that to the determination. On pg. 44 of the Zoning Resolution it discusses living space and that refers to measuring correctly the minimum house allowed in Hinckley and right now it is 1,280 square feet, which is small. He is bringing the Board's attention to this because they discuss how the Code reads. Regarding the fee schedule, a Township zoning permit is required for a new house before it can go for County review, and then Hinckley's Zoning Department has to agree with the County. Occasionally they don't agree, so the County wants to make sure the fees they charge are taking into consideration the footprint that the Township is looking at. The Zoning Regulations don't say footprint, it was just the way he was trained by the County and former inspector.

Ch. Fischer stated living area is discussed on pgs. 44, 61, and 88 of the Zoning Regulations, living space is only a definition on page 10, and then floor area appears in several places. Ch. Fischer stated most notably on pg. 116 there is language regarding a business area or floor area which is related to site plan. Ch. Fischer stated as far as he can tell most floor area is defined within each section, but for business on pg. 116 it refers to floor area -- the Zoning Commission might want to look at this moving forward, but otherwise he feels that living area and living space are synonyms, likely they can replace living space in the definition with living area, but they do have to look at floor area. Additionally, as Zoning Inspector Wilson stated regarding fee calculation, he doesn't use floor area, he uses the term floor plan because he calculates part of the basements since they can include some living space. Living space and floor area definitions both exclude basements.

Ch. Fischer stated regarding institutions of human care and family homes versus group homes, which are all discussed in the Zoning Resolution, he will forward to the Board the U.S. Dept. of Housing and Urban Development and U.S. Department of Justice Joint Statement regarding State and Local Land Use Laws and Practices as they apply to group homes -- it gives a brief definition and explains what they can

and cannot do with Group Homes/Family Homes. Ch. Fischer stated regarding Institutions of Family Care he did find a few definitions for Human Care, which is a broad definition so it is surprising it is a conditional use in the residential districts because it includes buildings or groups of buildings providing health, medical, or rehabilitation services such as hospitals, nursing in residence homes, and orphanages — it is very expansive.

Ch. Fischer stated that term consistency will be the topic they focus on next meeting.

Chairman's Report

Ch. Fischer stated that Sunbelt Tools applied for a Similar Use Finding. They are an equipment rental company – the Township allows business construction/equipment within the Industrial District and Sunbelt asked to be considered a Similar Use to that. Ch. Fischer stated this is the first time the Board of Zoning Appeals reviewed a Similar Use, since it was determined to move Similar Use determination from the Zoning Commission. Ch. Fischer stated the Board of Zoning Appeals had about a 30 minute discussion and agreed that Sunbelt was a Similar Use. Ch. Fischer stated Sunbelt is still evaluating if they need variances and, if so, they will go back to the Board of Zoning Appeals for that, otherwise, if Sunbelt moves forward, the Zoning Commission will see them for a Preliminary Site Plan in the future.

Ch. Fischer stated regarding the Arborcrest replat – there is a large parcel in the back of Arborcrest and there is a request that it be replatted to divide into 3 sublots, this extends to Bellus Road. They want to have 2 cul-de-sac lots and another lot directly off of Bellus Road, this will go before the Medina Planning Commission because this is a replat of a subdivision. The lots within the subdivision will be a little over 2 acres, and the other lot directly off of Bellus will be much larger. Their HOA has provided comments opposing this, but from a zoning perspective there is no reason for the Zoning Inspector to have any opposition to this. Ch. Fischer stated they are asking for Zoning Commission comments, so if anyone has any comments, please send to Suzanne Peterlin in the Zoning Office.

Ch. Fischer stated that according to the Organizational Minutes the Zoning Board can elect to have someone attend this Planning Commission meeting, which will be April 5, and Ch. Fischer asked if anyone would like to go, but stated they don't need to have a representative present. Ms. Engleman stated if they have comments she feels there should be representation at the Medina Planning Commission meeting and asked for clarification on what type of comments Ch. Fischer was asking for. Discussion followed regarding conservation development language that referred to lots being off a subdivision thoroughfare.

Trustee Augustine stated she received an email from the Arborcrest HOA President with regard to their concerns about the replat, and they have been trying to contact the new homeowners who are required to contact the HOA before they do anything with the lot. Additionally, there was a previous Planning Commission report that dates to 2011 that states in staff comments that if approved, subplot 48 will have access to both Arborcrest Drive and Babcock Road and the applicant has indicated that the subject

parcel is to be used as a nature preserve. Staff suggests that access should be limited to one of the two streets. In the alternative the interior layout of the parcel should be designed so that it prohibits, or at least, discourages through traffic. Trustee Augustine stated the Township comprehensive plan is very specific on having little pods of neighborhoods and not through streets. Trustee Augustine stated she submitted this to the Medina County Planning Commission on behalf of the HOA president.

Ch. Fischer stated there has been a request for annexation of the corner where Buzzards Roost is located and where Drug Mart was proposed. Ch. Fischer stated this doesn't have an impact on them yet, the Board of Zoning Appeals did review and provide a conditional use for a drive through. Ch. Fischer stated from a zoning perspective, for an annexation, the property to be annexed has to be continuous so they will want to watch if the property does get annexed because of the properties next to this lot. Ch. Fischer stated when they look at what they want to do in this area, the Zoning Commission should start looking at what Brunswick is doing and consider trying to mirror that to discourage property owners from seeking annexation. If they start restricting what can happen near the senior housing, then there is greater incentive to annex and that can move further down Route 303.

Ch. Fischer stated the next Regular Zoning Commission meeting is April 6, 2023.

Ch. Fischer stated they received 2 emails regarding future items for discussion, one related to nuisances and the other senior housing. That is a topic that he feels should be discussed, and he feels they should look at the nuisance section as part of the next set of text amendments.

Ch. Fischer stated regarding senior housing, specifically multi-dwelling units within senior housing, senior housing is conditionally permitted within the B-1 and B-2 districts, and they will probably want to wait to see what happens with the annexation to discuss this because the outcome of the annexation will most likely determine how they want to proceed. Ch. Fischer stated they can evaluate this in a few months if this is a topic they want to proceed with.

Ms. Engleman asked if Conservation Developments are still on the list of items to discuss, and Ch. Fischer stated yes and also Automobile Service Stations. Ch. Fischer stated he doesn't list all discussion topics on the agenda, only the ones he think they can get to at a meeting, because people might show up to a meeting thinking a particular topic on the list will be discussed when realistically that discussion could take place months from that time.

Ch. Fischer asked if there were any other comments from the Board, the Trustees, Zoning Inspector Wilson, or the audience, and there were none.

There being no further business, Ch. Fischer entertained a motion to adjourn the March 2, 2023 Zoning Commission Regular Meeting.

- Mr. Marzullo moved and Ms. Crew second.
- No further discussion.

- Board was polled.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 8:39 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2023

Marcus Fischer, Chair

Michelle Crew, Vice-Chair

Matt Marzullo, Member

Dave Manley, Member

Cindy Engleman, Member