

Ch. Fischer called the April 6, 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 had an excused absence, Engleman, Spellman

In the audience were alternate Aceto and Trustees Augustine. Trustee Ascherl attended virtually.

Ch. Fischer noted that Spellman would be a full voting member in Manley's absence.

Ch. Fischer asked if everyone had received and reviewed the minutes from the Zoning Commission Regular Meeting on March 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 March 2, 2023 Zoning Commission Regular Meeting minutes, as written.

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

Ch. Fischer stated there is no Old Business.

Ms. Crew presented her research regarding the history of zoning for Buzzard Cove. Ms. Crew stated in late 1988 a zoning member approached the Board with a request to change the zoning of Buzzard Cove to Business/Recreation. Ms. Crew stated there was a lot of discussion regarding the topic and, in early 1989, the new owner of that property came before zoning with plans for a multi-million dollar recreational complex. Ms. Crew stated the plan included upgrading the putt-putt and a restaurant that was on-site, also the proposed plan included a skating rink among other things. Ms. Crew stated this went to the public for a vote in November, 1989 – the vote was to change the zoning in that area from Business to Business/Recreation. Ms. Crew stated she contacted the Board of Elections for those election results and the vote read as follows:

Hinckley Township Trustees, on January 9 1989, created a new recreational business district section amending the Hinckley Township Zoning Resolution by adding Section 6BR – Recreational Business District to Section 6 in Article 16 to Section 7.4. Shall the Hinckley Township Zoning Resolution create a recreational

business district in the area of Hinckley Hills and Bellus Roads adjacent to the Metropark be adopted. The vote was 728 – yes and 1124 – no.

Ms. Crew stated she found this information interesting considering their current discussion on this topic. This isn't the first time the Zoning Boards and the residents of Hinckley have had to vote on a zoning change in that area. Ms. Crew stated she has a lot of information from her research. Ms. Crew stated that according to her research residents were initially excited about this proposed plan, but after thought and discussion a lot of people were worried about what type of people would come because of video games. Further discussion followed.

Ch. Fischer thanked Ms. Crew and asked if anyone else would like to add to the discussion or if anyone would like to speak regarding the Bellus/Hinckley Hills topic. There was nothing further.

Ch. Fischer stated there are 2 items that have come up where there is some vagueness in terms in the Zoning Regulations that should be clarified. The first is "Floor Area" vs. "Living Area" vs. "Living Space". Ch. Fischer stated there is a definition of "Living Space" on page 10 of the Zoning Regulations, but "Living Space" does not appear anywhere else in the Zoning Regulations. Also, "Living Area" shows up on pages 44, 61, and 88 " of the Zoning Regulations but is never defined in the Code so it is Ch. Fischer's thought that "Living Space" should be changed to "Living Area". Discussion followed regarding the use of these terms in the Zoning Regulations.

Ch. Fischer discussed several sections of the Zoning Regulations where the term "Floor Area" is used and noted that within the Residential District section "Floor Area" is defined one way, and it is defined differently within the area regarding parking and businesses. Ch. Fischer stated on page 91 within the non-conforming use section "Floor Area" is used regarding enlargement or alteration of the "Floor Area" of a building or structure, and this was a concern that was brought up by the Board of Zoning Appeals as far as what does "Floor Area" mean. Ch. Fischer stated a resident wanted to add on to their porch and it was not clear what definition of "Floor Area" should be considered. Ch. Fischer discussed further sections of the Zoning Regulations where "Floor Area" is used including on page 95 regarding parking and in Chapter 16 where it refers to "Gross Public Floor Area" on page 138.

Ch. Fischer stated assuming "Living Space" and "Living Area" are the same, they could remove "Living Space" from the Zoning Regulations and that would leave them with just two terms – "Living Area" and "Floor Area" and what should they do with these terms, leave them or create a general definition.

Ms. Engleman asked about the calculation of parking spaces during their review of the expansion of First Day School Supplies, and Ch. Fischer stated they were calculating for a warehouse. Discussion followed.

Mr. Marzullo stated he feels they probably need a definition for "Floor Area", and use it in the Business District, whereas in R-1 " Living Area" is used and that should be maintained in the R-1. Mr. Marzullo stated this could potentially include porches and balconies. Discussion followed.

At Ch. Fischer's request, Ms. Aceto discussed the distinction, from a real estate standpoint, between Floor Area and Living Space.

Ch. Fischer stated with regard to what Mr. Marzullo suggested maybe they should change all of the Residential to be "Living Area" and define that and use that to replace "Living Space" and then create a definition for "Floor Area", similar to what they already see regarding parking and then clean up the references in the Zoning Regulations with respect to "Floor Area" and "Living Area". Ch. Fischer stated he will work on proposed definitions to be discussed at their next meeting.

Ch. Fischer stated the next topic is "Group Home" vs. "Family Home" vs. "Institution of Human Care", and each Board member should have received a copy of a memorandum of a joint statement from HUD and the Department of Justice that Ch. Fischer sent describing how local laws can and cannot impact group homes. Ch. Fischer stated with respect to "Institution of Human Care", which is a conditionally permitted use in the Residential District, there is no definition for this term in the Zoning Regulations. Ch. Fischer discussed definitions for this term that he found elsewhere and discussed if "Institution of Human Care" should be conditionally permitted. Ch. Fischer recommended they remove "Institution of Human Care" as a conditionally permitted use, and they wouldn't have to define that term. Mr. Marzullo asked if they remove this term would that cause additional issues or are they saying "Institution for Human Care" is too broad and the existing definitions are enough to determine where certain institutions can be in the Township. Discussion followed.

Mr. Marzullo stated he is looking at the accessory uses, including adult family homes, group homes, those type of things that are run by a business and is there any interest from the Board to allow those in a residential district or limit them to the Business District. Ch. Fischer stated they don't have a choice because they can't put limitations on group homes that are not on other types of homes. Discussion followed regarding group homes and these types of residences and if a hospice facility could be considered a single family home. Ms. Engleman suggested defining what family is instead of defining Group Homes which could allow for a more neutral way to define these type of things. Further discussion followed regarding defining family and group homes.

Ch. Fischer asked Ms. Engleman to come up with some definitions of family to discuss at the next meeting so they can consider if they want to incorporate some type of definition of family with regard to this matter. Ms. Engleman agreed to do that.

Ch. Fischer asked if there was anything else they would like to discuss with respect to this topic and there was nothing. Ch. Fischer stated if they do remove Group Home, would it also be removed from the parking section of the Zoning Regulations. Discussion followed, and Ch. Fischer stated they will continue to discuss this topic at the next meeting and then decide if they want to proceed.

Ch. Fischer asked if there were any comments regarding this topic, and Trustee Augustine stated they really need to consider many different situations if they want to try to define these things, including family.

Mr. Pearl stated he has a comment on floor space and that space to him means 3 dimensional and area means 2 dimensional and if there is a one room house that is all living area. Mr. Pearl stated that if a second floor is added with closets under the hip roof you can't live there but it is floor area. Mr. Pearl added that the appraisers consider whether a closet is dry-walled or not when considering floor space, if unfinished it is not considered floor space. Mr. Marzullo pointed out that the definition states first floor so the second floor is automatically excluded based on the current definition.

Ch. Fischer stated their final topic for the night is outdoor lighting control, and he wasn't sure where they left the topic at their previous discussion. Ch. Fischer stated he would like to find out if the Board wants to proceed with this topic – such as should there be more lighting or possibly a minimum lighting standard for certain areas, there has been a concern regarding not enough lighting in areas. Ch. Fischer asked if the Board would like to further discuss this topic and, if so, what direction would they like to move in regarding this matter.

Ms. Crew stated at the last meeting they discussed lighting and light pollution as a result of business, and she prefers less light due to aesthetics. Ch. Fischer stated the concern is there are some very dark areas in business districts, including Town Center, and how should they address that. Ms. Crew asked if they should be looking at a requirement for businesses, and Ch. Fischer stated he is speaking generally. Mr. Marzullo stated they need to look at what kind of Township they are, their Business District is not really designed as walkable, except for certain events. Ch. Fischer asked if that is what they want for Town Center, and he prefers to see people walking around that area. Ch. Fischer stated he agrees with Mr. Marzullo regarding the other business districts, but as far as Town Center, is that what they really want in 10-15 years – for people to drive in, park and then leave or would they like to see it more walkable. Mr. Marzullo stated he believes the conversation within the Township is do they really want Town Center more developed and should it be encouraged, if there is more lighting that would encourage development. Ms. Crew suggested they consider controlling light pollution. Further discussion followed regarding encouraging development of Town Center and how to enforce zoning regarding lighting.

Ms. Crew asked about the areas of concern regarding lighting in Town Center and Trustee Augustine stated there are business owners and their employees in Town Center who call the police for an escort to their cars at night, and there was an event where people were visiting the businesses after dark and they were tripping because it was very dark to see where they were going.

Mr. Marzullo stated if they pass any regulations there would not be an immediate impact, and Ch. Fischer stated he agreed - this would be for 10-15 years in the future. Mr. Marzullo stated he believes it should be the business owners responsibility to update the lighting instead of the Township telling them what to do. Ch. Fischer stated they could consider ~~they could~~ outline possible expectations regarding lighting for new construction. Ms. Crew stated she would like to review the lighting requirements for businesses, and she ~~does have a concern with~~ doesn't have a good understanding of ~~the~~ lumens. Ch. Fischer stated if they are trying to control lighting they could possibly control the angle of the lighting, and he would suggest this option if that is what they want to do. Further discussion followed.

Mr. Spellman suggested the following language: *lighting should be designed as to create neither a hazard nor a nuisance to the adjacent properties*. Mr. Spellman stated if they choose to discuss this topic it should be regarding light pollution.

Ch. Fischer asked the Board if they want to discuss this topic or leave it out of their discussion for the next text amendment. Discussion followed.

The Board agreed they would remove lighting from their current topic list.

Ms. Engleman asked Ch. Fischer if he could provide a working list of topics to the Board for their reference since all of the topics are not listed on the agenda due to timing and space.

Ch. Fischer asked if there were any additional comments with respect to outdoor lighting, and there were none.

Ch. Fischer stated Medina Planning Commission reviewed the Arborcrest replat and approved it with the modification that the cul-de-sac has to remain as a cul-de-sac and cannot be made into a through street to cut through to Bellus.

Ch. Fischer stated the next Regular Zoning Commission meeting is May 4, 2023 at 7:00 p.m.

Ch. Fischer stated at the Township Trustees meeting on the prior Tuesday, there was a discussion regarding approximately 8 acres in the Business District that was recently purchased for some new business development. Numerous real estate transfers have occurred in Town Center over the past few years - this includes Binky Commons, the property 2 doors down from Binky Commons, the Huntington Bank Building, the Icon Building, the 8 acres including where Hoppy Dudes is located, the old outdoor store next to it, the small empty lot next to the historical society, and the elementary school property.

Ch. Fischer stated there is a lot of movement in downtown Hinckley, and should they consider doing anything as far as looking at the B-3 District and looking at doing any type of architectural standards because they are seeing substantial movement of properties which could produce substantial redevelopment in the next 5-10 years? Discussion followed. Ch. Fischer stated this is just something to think about and encouraged any Board member that had an interest to come up with ideas to discuss regarding the topic.

Ch. Fischer asked if there were any other comments from the Board, and Mr. Spellman made note of an upcoming Sunshine Law training. Ms. Engleman asked if there would be any interest in having work sessions to discuss these topics, and it was decided that wouldn't be necessary at this time.

Mr. Spellman stated upon hearing that 8 acres of property were purchased in Town Center, it made him wonder if there is some other driving factor in the Township that is bringing some cohesion to Town Center or will it just be a lot of different people purchasing properties. If there is cohesion then it could possibly be something bigger than the individual properties and businesses. Mr. Spellman stated that is just his thoughts on the matter.

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

There being no further business Ch. Fischer entertained a motion to adjourn the April 6, 2023 Zoning Commission Regular Meeting.

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

The Zoning Commission Regular Meeting was adjourned at 8:22 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2023

Marcus Fischer, Chair

Michelle Crew, Vice-Chair

Matt Marzullo, Member

(absent)
Dave Manley, Member

Cindy Engleman, Member

Bill Spellman, Alternate