

**Zoning Commission
Regular Meeting
September 7, 2006**

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Chairman Kamps called the public meeting to order at 7:30 pm.

Roll found: Kamps, Pope, Pajk, Walrath, Powell, Ascherl and Siarkowski present, as well as Trustee Garapick, and Martha Catherwood.

The minutes of the July 6, 2006 meeting were reviewed.

Mr. Walrath made a motion to accept the minutes as corrected.

Mrs. Pajk second.

Vote: Powell – yes Walrath – yes Pajk – yes Pope – yes Kamps – yes

Correspondence and Clerk's Report:

The Medina County Transfers for July and August were reviewed.

The fee report was unavailable at this time.

New Business:

Trustee Garapick discussed his Green Space tax proposal in detail and took questions. The proposal will be on the ballot this November. The levy consists of 9/10 of a mill to provide the funding to acquire vacant land. This would cost a homeowner of a \$100,000 home approximately \$13.80 per year. Brochures were distributed. Mr. Garapick explained that this plan was modeled after Anderson Township's plan, near Cincinnati. They began their plan in 1990 and it has been successful. The committee pays for all promotion of this proposal through donations and selling t-shirts. Mr. Garapick explained that it is one way to slow down development of land within the township. Through this plan, donations of money or land can be accepted through a conservation easement, the owners could still live on that property. We are trying to keep this area rural and spread the vacant land throughout the township. By distributing vacant land throughout the township, more people can benefit.

Mrs. Pajk pointed out that although we do have the Hinckley Reservation of the Cleveland Metroparks, that land is owned by Cleveland Metroparks. Even though we have open land there, it is not our own.

Ch. Kamps commented that it would be very difficult for the Metroparks to divest itself of that land and it cease from being a public park.

Discussion of Metroparks acquisitions and sale of lands ensued.

Mr. Garapick stated that main goal of this plan is preservation of the land, not recreation.

Mr. Powell commented that controls must be established over these acquisitions so it doesn't become a political football.

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Mr. Garapick recognizes the concern of Mr. Powell and added that the committee at this time recommends a Greenspace advisory committee to control exactly that. The committee may consist of members from all over the township, not just from one geographic section.

Mrs. Pajk suggested that the Board find out how Anderson Township runs their advisory committee. It is important that the proper criteria be met to keep everything fair and running properly.

Mr. Garapick reported that the plan would collect the taxes in 2007 for the 2006 tax year. He also stated the operational costs will be very minimal. The land would be left in its natural state or reforested if it was farmland. The trees would only be cut if there was a danger. Farmland could possibly remain as farmland.

Ch. Kamps mentioned that there are grant funds available that could be used for administrative fees and operations.

Martha Catherwood invited all residents to sign her petition for this cause.

Mr. Al Pfaum requested to be on tonight's meeting agenda. He was expected to attend but did not show up for the meeting. He attended a trustee work session recently and questioned why Hinckley Township did not have a provision for senior housing in our zoning. Mrs. Pajk reminded all that Hinckley Township does have a provision for senior housing.

An application for a conditional use permit was submitted by Terry Kaufman, 253 W. 130th St., requesting permission to continue to run a group home for veterans. The reason to examine this at this time is that the police have had a complaint and a resident has written letter of complaint.

The board discussed the conditional zoning permit for this group home. Ch. Kamps reported that the Medina County Prosecutor stated that this would be considered a federally authorized facility. The township cannot stop a facility of this nature from functioning. However, the township can put conditions on the permits such as a request for fences or safety equipment. Therefore, it is the advice of Ch. Kamps that the Zoning Commission recommend approval of the permit but also include conditions such as a fence to satisfy the neighbors. Since the house was constructed before zoning regulations pertaining to sideyard setbacks existed, the prosecutor suggested that the owners apply for a variance (the house is only 12' from the property line) at the same time to be heard with the conditional. There would be no extra charge for this additional filing.

Mr. Garapick agreed with the recommendation.

Discussion of group homes and the residents therein ensued.

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Mr. Powell suggested that the entities that are responsible for inspecting the homes be invited to the hearing so that they may explain the rules and regulations of the homes.

Clerk Garrett agreed to contact Francie Horn, Karen Strickland, and Michelle Armstrong from the Veterans Administrative Offices in Brecksville and Columbus.

Mrs. Pajk made a motion to approve of the Conditional Zoning permit with conditions set forth for the safety of the residents and surrounding neighbors.

Second Mr. Powell.

Vote: Powell – yes Walrath – yes Pajk – yes Pope – yes Kamps – yes

Ch. Kamps stated that he would draft the letter of recommendation to the BZA.

Ch. Kamps distributed a copy of the Riparian Setback Ordinance to the board. Medina County is far behind most of the surrounding communities. The riparian setback regulations fit into the zoning regulations.

Ch. Kamps discussed the Storm Water Management Plan. It encompasses most property in the Brookside Development and surrounding areas. This would be very simple to enact. This document can be used with some custom wording for Hinckley. We would formulate this as one of our zoning amendments and go through the usual process to get it approved.

Mr. Schulte stated that he would like to see this move forward and not get detained.

Ch. Kamps explained that there are various distances for the setback requirements based on the size of the watershed.

Mr. Garapick stated that he would like to see this ordinance adopted sooner than later.

Ch. Kamps stated that in the future, if a person applies for a building permit and the setbacks from water source are incorrect, our zoning inspector could deny the permit. So far, Richfield, Copley, Bath and Brunswick City have incorporated this ordinance into their regulations. He believes that the size of the Phase II area that is required under the Federal Clean Water Act will probably increase. As Hinckley grows, the number of people around the watersheds will increase therefore the requirements increase. Medina County seems a little reluctant to move forward too fast on this. They are just starting to research this on a county-wide basis. They do not want to offend the Home Builders Association. The EPA doesn't have enough manpower to inspect all of the places that need to be monitored as far as soil and water safety.

Mr. Powell would like to know if the entities that have enacted this ordinance are happy with it and the details of how it is working. It is a very long and complicated document.

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This will be an amendment and will require a public hearing. It is possible that the board can propose it as an amendment. The Board will meet for a work session on the Riparian Setback Ordinance on Sept. 21, 2006 beginning at 7:00 pm. Clerk Garrett is unable to attend that work session.

Mrs. Pajk will be unable to attend the meeting in October.

Old Business:

Ch. Kamps thanked Mr. Walrath for his work on drafting updates of the sign regulations section of the zoning regulations.

Discussion of the sign regulation updates ensued.

Discussion of zealous enforcement of signs for real estate open houses and garage sales ensued.

The Board decided that there needs to be revamping of the political signs, and section 16, temporary sales signs, verbiage in the zoning regulations so that they coincide with section 10, signs in general. This will be done in the near future.

The Board requests that the Zoning Inspector, Ken Livingstone, attend the next regular meeting to discuss signs from his perspective.

Mr. Powell led a discussion of size of garages permitted and whether the zoning code should be amended to have regulations changed to allow for more garage space.

3-Acre Minimum:

Ch. Kamps reported that he has discussed the three-acre zoning amendment with Mr. Hartt of DB Hartt Planning Co. Mr. Hartt stated that he would have a hard time supporting Hinckley to require 3 acres to build a house at this time. Mr. Hartt suggested that we consult an attorney. Ch. Kamps will talk to Trustee Rhodes and Trustee Schulte to request that a lawyer attend a meeting to discuss this with the Board. The Trustees have recommended that the Board draft an amendment instituting a three-acre minimum and present it to the attorney for an opinion letter. Ch. Kamps offered to draft an amendment using Mr. Rhodes's maps depicting proposed locations for zoning changes, and forward this proposal to an attorney.

Ch. Kamps discussed a proposal:

Beginning at the intersection of State Rd. and River Rd.,
proceeding south on State Rd. to Bellus Rd.,
proceeding west on Bellus Rd. to Stony Hill Rd.,
proceeding north on Stony Hill to Mattingly Rd.,
proceeding diagonally thru woodlands to where Healy Creek

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crosses under Boston Rd.,
proceeding back across the county line to State Rd and River
Rd. (the origin)

This would be a block to amend to a 3-acre minimum zoning requirement. He has a threefold intention: 1) Conservation, 2) Riparian Setbacks, 3) Protecting the Rocky River channel. This area could be sustainable as a larger-lot zoning area.

Mr. Walrath stated that if the trustees are serious about this topic then they should provide the board with the wherewithal to obtain expert advice regarding not only the legality of such a resolution, but also recommendations as to where such a resolution would be appropriate based on ecological, environmental and commercial factors. Thus far, he hasn't seen any of those factors addressed.

Ch. Kamps: This all came about a year and one-half ago when the Trustees came to the Zoning Commission requesting that we formulate a feasibility study. So far we have not accomplished this study, mainly because we need the legal expertise.

According to Ch. Kamps, Mr. Hartt stated that if he helped us write it, and it is challenged in court, he cannot support it based on our Master Policy Plan. He (Mr. Hartt) suggested that we approach Mr. Slagter to write the proposal, and if he feels that he can support it, and then he might know a consultant that would write the proposal for the township.

Ch. Kamps is concerned that if we change some areas from 2 acre to 3 acre and if someone challenges this in court, all of our zoning could be compromised.

Mr. Garapick asked the Board why they haven't talked to an attorney.

Mr. Kamps stated that the new attorney fees have been quite large. He distinctly got the impression that the Trustees do not wish to pay for the attorney,

Mr. Garapick stated that the Board does need legal advice. Is that what the board wants?

The board responded yes.

Mr. Powell stated that the Board does need the advice of an attorney to determine the defensibility of such a proposal and then expertise to determine which land is most conducive to a 3-acre plan.

Chairman's Report:

Morning Star Farms final plat was approved at the Medina County Planning Commission meeting.

It is rumored with strong evidence that Forest City Enterprises has offered to purchase Valleyaire Golf Course for approximately 8-9 million dollars. It is 188 acres. It is also rumored that North Royalton may be in the plans to annex that area. The

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Medina County Prosecutor has told the Trustees that Hinckley could not stop the annexation if it was pursued by North Royalton. A certain portion of that land is in the 100 year flood plain. In a similar situation, it is also rumored that Hinckley Hills Golf Course was approached by Forest City. Trustee Rhodes has contacted the owners and they have denied selling their property.

Parklane Stables on State Road have been purchased by the Cleveland Metroparks for 1.1 million dollars. The Park will not be purchasing the houses, just the barn and about 40-45 acres.

Secluded Highlands have finalized deeding 2 lots to Hinckley Township and in turn Hinckley is turning them over to the Cleveland Metroparks.

House Bill 23 has passed in the state legislature that addresses adult entertainment. This new bill allows the trustees, by resolution, to control and set regulations on adult entertainment establishments. The law went into effect in August. This law allows for much more stringent controls than what was previously allowed under zoning.

There is a zoning seminar coming up in September. Ch. Kamps will approach the Trustees for payment of the tuition of all board members that wish to attend.

On the recommendation of Diane Pajk, reiterated by Mr. Powell, the Board will meet again on September 21, 2006 at 7:00 pm to have a work session to discuss the Riparian Setback Ordinance. All members were in agreement.

At 9:45 pm Mrs. Pajk made a motion to adjourn the meeting.
Mr. Powell second.

Vote: Powell – yes Walrath – yes Pajk – yes Pope – yes Kamps – yes

Minutes Approved: _____, 2006

Jim Kamps, Chairman

Chuck Pope, Vice-Chairman

Diane Pajk, Member

Terry Walrath, Member

Calvin Powell, Member

Toni Ascherl, Alternate Member

Karen Siarkowski, Alternate Member

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