

Ch. Spellman called the Work Session to order at 6:34 p.m.

Roll found: Spellman, Dermody, Powell, Schneider and Alternate McCarthy.

Ch. Spellman said that the purpose of this Work Session is to bring our 3<sup>rd</sup> Party, George Smerigan of Tactical Planning up to speed and to discuss the Skyland Development. Ch. Spellman asked that the notice of this meeting, which was printed in the Thursday January 18, 2018 edition of The Gazette, page A2, be read into the record:

- Hinckley Township Zoning Commission Work Session, 6:30 p.m., Administration Building, 1410 Ridge Road

Ch. Spellman explained the purpose of the Work Session:

- There will be no decisions made
- Intent is to review the General Development Plan for Skyland Development
- To engage with the 3<sup>rd</sup> party to aid the Zoning Commission
- There would be no input from the public
- Public is welcome to email Ch. Spellman with questions and concerns

Ch. Spellman said they would review the General Development Plan along with HOA documents. He accepted the new revised plans that Mr. Crane brought to the Work Session which were distributed to the members of the Zoning Commission. Mr. Crane said there were two slight changes that were made to the plan:

- Block G is no longer a part of the development
- On the location map, the site was placed in the wrong space and should appear between Stony Hill and Ridge Rd

Ch. Spellman asked if the members of the Zoning Commission had a chance to review the documentation; and if they read through and made reference to the codes that appear on Pages 44-56. He said the intent is to get the 3<sup>rd</sup> Party consultant up to date in preparation for the February Regular Meeting. He said they should make this their independent review.

George Smerigan, Tactical Planning, LLC took the floor and gave the Zoning Commission a brief personal review:

- He has worked in the area of city and regional planning for 45 years
- He has a Masters Degree in city and regional planning
- He has lived in Ohio since 1980
- He has vast experiences with Plan Review and Zoning Ordinances
- He has worked closing with Zoning and Planning Commissions
- He has been an expert witness in over 100 cases
- One of his processes is to make sure all decisions are defensible and will stand up in court
- His job is to help you do it the way you want to do it

Mr. Smerigan said that he has reviewed the Comprehensive Plan and feels:

- Growing carefully

- Maintaining rural character of the Township
- Preserving and Protecting natural environment
- Part of the policy includes Density Renewal Conservation in certain areas
- Subject property is within one of those designated areas
- They are consistent within the Comprehensive Plan

Mr. Smerigan said that with the resolution he has assessed the following:

- Use as permitted right
- Not a rezoning
- Not a conditional use permit
- Important to realize that your discretion is somewhat limited
- Do they meet the standards
- Obligation where they are deficient
- They have an opportunity to correct
- Understand and know why the code contains certain language
- In order to retain large lots involving density requirements, have to provide an alternative development technique
- Hinckley has done a good job with their Comprehensive and Zoning Regulations and are in good shape within the standards to enforce the 2 acres requirement
- Still have some ability to regulate the use by right and community values
- He has completed his review and have highlighted those points
- Not what makes me happy, it's what makes you happy

At this point Ch. Spellman asked Mr. Crane to explain the two changes to the Site Map. He said there were two slight changes that were made to the plan:

- Block G is no longer a part of the development as the original owner decided not to sell
- This was about .64 acre
- Has no impact on the density or open space
- On the location map, the site was placed in the wrong space, a drafting error, and should appear between Stony Hill and Ridge Rd

Ch. Spellman returned the floor to Mr. Smerigan. He said that he reviewed the report from the Medina County Planning Commission and their comments concerning the following:

- The length of the cul-de-sac
- The number of units on the cul-de-sac
- Their variances were warranted
- He looked at 4 other sites
- It is difficult to take a position that you would deny based on the proposal
- ie., defensible

Mr. Smerigan continued concerning 6R1.8 Project Review Procedures for Conservation Development with the following:

- 6R1.8 – Minimum acreage and calculations

- Odd language
- Provisions – 25% wetlands, deep slopes
- Providing restricted open space
- None of this will be a factor

Concerning Restricted Open Spaces and Common Open spaces Mr. Smerigan stated:

- Restricted open space vs. conservation easements and conservation steward will be a requirement
- Critical to keep them separate
- Common open space will be regulated by the HOA
- There is an issue with the club house and restaurant
- Block G has been removed
- Restricted areas on Blocks A, B, C, D, and E wrap the perimeter
- Block F – the use of this block must be identified – need to know to make sure it will comply by the code
- The clubhouse can be shared by the residents as common ground – this is allowable
- If there is a restaurant it cannot be opened to the public

The next issue that Mr. Smerigan raised concerned the set back provisions in 6R1.7.C.2.E (setbacks):

- List of things that cannot be in an open space calculation
- Redesign it in a way to put lots on the perimeter
- The language in the Code is unfortunate in the way it is written
- Net impact causing something you don't want to see
- Concerned about lots 12, 13, 46, 81, 82 and 83 have 50 foot setbacks and touch the perimeter
- There is an interpretation problem
- Lots 4, 5, 21, 22 and 41 back up to open space
- There is nothing about rear yard setbacks
- Should designate minimum rear lot setbacks where it abuts anything but open space

The next issue Mr. Smerigan raised concerned 6R1.7.G.:

- Allows you to waive any requirements other than density
- You will want to be sure to apply that waiver
- You will not apply the waiver to setbacks
- Issue with the regulations
- Must decide how you want to handle the waiver requirements

A discussion ensued about the waivers (6R1.7.G). Mr. McCarthy questioned if we allow a waiver now will it bring additional issues down the road. Mr. Smerigan said that the standard should not apply – it should be equal or better. There is no obligation to allow it somewhere else if it doesn't meet the same criteria.

Mr. Smerigan said that a decision must be made on how we will allow how the clubhouse can and cannot be used.

Mr. Smerigan raised thoughts on the conservation open space in the front of the development including the club house and Block F:

- 90 foot setback
- There is currently no vegetation in that area
- Recommends swapping some of the restricted open space with Lot 40 and the right-of-way
- Make that common open space
- Landscape and screening for the front entrance – more appropriate since you can't do that with a restricted open space
- Block A and Block F should be adjusted
- They can do landscaping in Block F if it is non-restricted
- Make the signage pretty and entrance landscaped

A discussion ensued concerning Blocks F and A including:

- Lot 40 and the Right of Way
- Block A doesn't connect well with the other spaces - isolated
- Block A is 2.32 acres
- If Block A is removed they still might be able make the acreage
- How was the open space calculated
- Common open space vs. restricted space
- Mr. Schneider pointed out what he was referencing on the map

Alternate McCarthy left the work session.

Mr. Smerigan discussed the lot sizes:

- There is a 15 foot separation
- They want a 10 foot setback on the side yard
- Confusing – need clarification
- The separation between buildings should be 30 feet
- Allow for flexibility
- Minimum lot of 100 feet makes sense
- Regulations must be made clear
- Must do some clean-up and clarification
- Future enforcement of the Zoning Inspector

Mr. Smerigan said he went through their proposed covenants and restrictions with the following observations:

- Common Area (HOA) vs. Restricted Area (Township)
- Must make standards for design of the development
- Lighting
- Page 22 of the covenants – post light on each lot – very common
- Minimum units and house sizes
- Partial and full basements

- Single house is 3000 square feet
- 1 ½ house is 3200 square feet
- Full house is 3500 square feet
- Lot sizes are less but house sizes are larger
- Houses will match other house sizes within the neighborhood
- Commitment that the garage doors will face the side or rear – not facing front – important criteria since it looks better

Mr. Powell asked if once everything is approved what happens if they change things on down the road. Mr. Smerigan said, if done correctly, changes to certain things must go back to the Zoning Commission for approval. He said you have the ability to lock in requirements like:

- Masonry in front of all units
- Garage doors facing the side yard

Mr. Smerigan stated that his final assessment of his review of the covenants and restructure includes:

- He did not see anything cause for concern
- They have high standards and good practice
- There needs to be a little modification and a few changes but other than that it will be a high end development – exactly what you want to see

Mr. Powell stated that there is a need for more information on what to do with the restricted open space and reviewing the language under C.2.3. He understood that has not been done yet. Ch. Spellman said on page 53 under 6R1.8.A.3 that will be a different document. A 3<sup>rd</sup> party conservation agency and an easement agreement will be responsible for that. Mr. Smerigan added that there are formats that can be used and since they are in the early stage it is not currently a critical thing. They know they need to do it.

Mr. Smerigan said that the Common Area will be controlled by the HOA – they have acceptable documents that will just need some minor changes.

Vice-Ch. Dermody wanted to know how they are going to handle conservation areas when homes are encroached in conservation areas. How will they be marked? Mr. Smerigan said that will be handled by a 3<sup>rd</sup> party conservation agency.

Mr. Schneider questioned as to how they came about the total acreage which led into a discussion concerning lot 98:

- Being a part of the association even though it is not connected to the rest of the development
- Is it a part of the conservation open space
- The only entrance to the lot is an existing driveway with entrance on Ridge Rd which is outside of the development
- Was originally 20 acres but 5 acres are now a part of the restricted open space
- Mr. Smerigan said it was an unfortunate way the regulations were written – should try to change that
- Mr. Smerigan said that the perimeter set back thing needs to be changed, too

Mr. Smerigan returned to his initial assessment and stated that there are a couple of minor things in the regulations that need to be tweaked:

- Use permit by right
- Need to do a waiver that is reasonable
- As positive an addition to the Township is possible

Ch. Spellman asked that after the preliminary review process would it be possible to pull out specific items, ie. Waivers, etc. and have it ready for the next meeting. Mr. Smerigan said he will submit a written report with suggestions.

Discussion continued concerning the existing house on Lot 98 and how it can be tapped in – it just doesn't fit in and why would it be included. Mr. Smerigan said having large lots with small lots doesn't violate anything. They are using acreage to create density. The fact exists that although it seems odd to have a large lot like that but it doesn't specifically violate anything using his acreage to help create the density. From a design standpoint it is odd but there is no code and Lot 98 will be a part of the Association even though it appears to be separate. A suggestion was made that perhaps a driveway could be brought in through his property, following along the proposed waterline, to make that connection.

Mr. Powell questioned the conservation language:

- Leaves open to see the conservation area
- Sometimes you don't even know where the conservation area is located
- Controlling density of
- Not all restricted areas are meant to be visible
- Some may lend to trails
- Some may include buffers to properties located behind the development
- It is the nature on environment restrictions on how they do it
- Units are set back from Stoney Hill
- Ch. Spellman asked Mr. Crane to explain the markings on the map:
  - Wetlands
  - Lakes and ponds
  - Stream
  - Pretty slopes and views
- What are the regulations and what will happen in the future

A conversation ensued concerning when the HOA will take over control of the association:

- They say when 90% of lots are sold
- Or you can include a drop dead date
- Hinckley says 75% occupancy
- Have to sort out the issue
- Strongly recommend you have both - a % plus a drop dead date
- Thinks about the nature of the language

- May have to change 90% to 75% and add a date
- This does not change the quality or design of the project

Ch. Spellman asked if there was any further discussion.

Mr. Smerigan added the following:

- He hit all of the major stuff
- Adjustments will be made with the new drawings
- They will need to make a decision on what will be or not be waived
- No other big things or surprises
- He said that he would document everything
- Some language won't work
- He would have them ready by the next meeting
- He would make available his report to the applicants

Ch. Spellman asked the Board if there were any other questions for Mr. Smerigan.

Mr. Schneider wanted to know what the setback was for properties that abut the wetlands, like Lot 49. He wanted to know what would keep someone from filling in the wetlands. Mr. Smerigan said the Army Corp of Engineers is going to make a road over the wetlands and will eliminate a small amount of the wetlands but it is beyond your control. You do have some choices on some of the variances but others are extremely minor. There was also discussion on the funny little strip of land between Lots 24 and 41 and what would keep someone from cutting down all the trees – you can take away that option.

Ch. Spellman highlighted an email from Zoning Inspector Wilson:

- How lot 98 fits in the plan and to explain the acreage
- Clubhouse
- Blocks F and G - explain
- Sanitary sewer size
- How will it appear – PUD, overlay
- Nothing will change the zoning will still be R1

Mr. Schneider said that ODOT will issue the right-of-way. Mr. Smerigan said that although we're not in control of traffic, we can make sure everything fits together. We have the opportunity to go back to the County to take another look at the main entrance. We need to make sure it is all acceptable. Mr. Schneider asked about putting the road on the west side of the clubhouse instead of the east side that appears on the map and need to know where they are going with Block F. Mr. Crane said they were in conversations with ODOT concerning the main road.

Mr. Schneider also raised the question about sewer size:

- 2" or 4" pipes
- Grinder pumps which forces the sewage up into the line
- Must use due to hilly terrain

- Not most desirable would rather have gravity flow
- Each house would have a grinder pump
- Grinder pumps are glorified sump pumps that are located on the outside of the house

It was once again expressed that everyone has a concern about Lot 98.

There was a discussion on the email that was sent to Ch. Spellman from James Bialosky who is with the Arborcrest HOA. Trustee Burns also sent in an email and he said the only unanswered question was question 1 which is a different interpretation from what he has heard and he would like that question addressed.

Vice-Ch. Dermody said that her concerns have been covered.

Trustee Schulte thanked Mr. Smerigan for putting together his presentation on such short notice and thanked the applicants for their responses.

Mr. Schneider said that he feels there is a need for clarification for:

- 172.85 Acreage – just for Skyland
- 193 Acreage with Lot 98
- Block F is important
- How much is density

Mr. Smerigan asked everyone to send him questions if they think of anything else.

Additional discussion ensued including Mr. Powell, Ch. Spellman and Mr. Smerigan:

- Everyone has done the math
- Mr. Crane has discussed this with Zoning Inspector Wilson
- Mr. Smerigan said he knows where the acreage is but it needs to be addressed
- Block F must include the clubhouse which should all be shaded
- Block C was missing from the original map

Ch. Spellman returned to the Agenda and asked for Board Member reports.

Vice-Chairman Dermody said she had nothing to report.

Ch. Spellman did not have anything to report.

Board Member Powell asked how we are going to incorporate what was learned today – more details and a time line.

Board Member Schneider had nothing to report but he did want to mention that the sewer line is being put in just for this development and no one else can tap into the forced line.

Ch. Spellman said he would not be adding anything new on the next agenda. He said the next Zoning Commission Regular Meeting will be Thursday, February 1, 2018 at 7:00 p.m.



Ch. Spellman stated that he would entertain a Motion to adjourn the Work Session.

- Motion was made by Vice-Ch. Dermody
- Seconded by Mr. Powell
- No further discussion
- Roll was called

**VOTE: Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman - Yes**

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

Carolyn Chism, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2018

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William Spellman, Chairman

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Diane Dermody, Vice-Chairman

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Calvin Powell, Member

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Bruce Schneider, Member

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Sean McCarthy, Alternate