

Ch. Kalina called the January 9, 2020 Zoning Commission Public Hearing to order at 7:03 p.m.

Roll found: Crew, Marzullo, Schneider, Dermody, Kalina

Also in the audience: Alternates Fischer and Manley, Zoning Inspector Wilson and Trustees Schulte, Burns and Augustine.

Ch. Kalina asked if there were any abstentions for any member of the Zoning Commission who may have a conflict of interest and there were none.

Ch. Kalina provided an overview of the Public Hearing as follows:

- Per O.R.C. Chapter 519, all text and/or map amendments to Hinckley Township zoning must go through a specific and well-defined process, part of which ensures the right to public input into the process.
- This meeting is for the purpose of hearing public comments regarding the proposed text amendment changes submitted to Medina County Planning Commission and reviewed on January 8, 2020 requesting a review of several changes to the Hinckley Township Zoning Resolution, Section 4.2 Agricultural Uses and 10.4 Signs Exempt from Regulations.
- Comments can be positive, negative or neutral.
- All who would like to comment must sign the sign-in sheet with their name and address. Presenters will be taken in the order in which they signed in. Please note that everyone who wishes to speak will be allowed to speak for 3 minutes.
- All comments must be directed to the Zoning Commission.
- This public hearing will be taped for transcription purposes and written minutes will be the official record of this meeting.
- Order should prevail throughout this hearing. Debates, argumentative questioning and/or cross-examining are not allowed.
- Comments must be specific to the topic at hand.
- Should additional time be needed, a continuance can be noted along with date and time stated.
- All comments will be taken into consideration by the Zoning Commission.

V. Ch. Dermody read the public hearing notice which was published on December 26, 2019.

Ch. Kalina stated the purpose of this Text Amendment is to revise the Hinckley Township Zoning Resolution in the interest of public health and safety to promote the harmonious use of agricultural and agritourism activities. The Board's goal is to allow residents to recognize the benefits of agricultural uses throughout our community, while also minimizing any potential adverse safety and environmental impacts of these uses. This text amendment is intended to establish zoning regulations that are consistent with changes that were made to the O.R.C. Section 519.21 by the 131<sup>st</sup> General Assembly in September,

2016. These changes were enacted in order to provide protections to entities engaged in agritourism and associated businesses. One of the ways these changes addressed agritourism was to specifically identify what and how agritourism uses and structures may be regulated by Township zoning. The items proposed are drafted to close some loopholes within the text.

Ch. Kalina gave a brief history on how the proposed text amendment language was developed. Last year the Zoning Commission was presented with a draft resolution of proposed text amendment language prepared by a professional planner, which was presented at a public meeting. The community provided comments on the proposed language and the Board used those comments to prepare the current proposed text amendment language. The proposed language was submitted and reviewed by the Medina County Department of Planning Services, which recommended approval with modifications. The proposed language was also submitted and reviewed by the Medina County Planning Commission who gave unanimous approval with modifications and the proposed language was reviewed by the Medina County Prosecutor's office, which is the Township's legal representative.

Ch. Kalina asked if any correspondence was received and there was none.

Ch. Kalina stated that at this Public Hearing the Board will take everyone's comments, but the Board will not take a vote at this Public Hearing. The Board will discuss all comments at the Zoning Commission Regular meeting which will immediately follow this Public Hearing. If the Board moves this forward, the Board will either approve, modify and approve or decide they won't move forward with changes. If approved then it will move to the Board of Trustees who will then hold another Public Hearing.

Ch. Kalina then asked for comments from the public:

**Mr. Jim McClintock – 2205 Stony Hill Road**

Mr. McClintock submitted to the Board copies of an email addressed to Ch. Kalina and pictures of properties that he wished to discuss. Mr. McClintock stated he will be addressing Skyland Estates (located across 303 from the old Skyland Golf Course) and Brookside Estates and the property located at 445 Center Road and all pertain to language addressing additional setbacks for agriculture buildings. Mr. McClintock discussed the property at Skyland and Bellus, he stated that the current building at this location does not meet the proposed setback requirements. Additionally, Mr. McClintock discussed pictures of Skyland Estates which show that there are several properties that have buildings that are close to the lot lines, as well as Brookside Estates. Mr. McClintock stated that it looked as though most of these buildings were sheds that people constructed from kits they purchased at Home Depot and it's possible most homeowners don't have a building permit for those buildings. Mr. McClintock stated there are roughly 2000 properties affected by the proposed new setback language and these properties would be governed by these new regulations but there are properties that would not be affected by the new language and he feels this is inconsistent enforcement which can cause confusion and animosity and the

Board is creating a rule that is not enforceable. Mr. McClintock stated that Page 54 of the Zoning Code Master Plan states residents of Hinckley feel it is important to maintain our agricultural and rural roots.

Mr. McClintock stated the property located at 445 Center Road has a greenhouse and shed in a front yard and that property would not fall into the regulations.

Ch. Kalina thanked Mr. McClintock and stated that Zoning Inspector Wilson enforces the Code and any existing building is grandfathered. Also, Ch. Kalina stated that based on continuous amendments to the Code, those lots have a 15 foot setback. Discussion ensued and Mr. Kalina noted that this proposed language deals specifically with agricultural buildings very specifically defined in the O.R.C, and not storage sheds.

**Katie Laugeson – 2185 Hinckley Hills Road**

Ms. Laugeson stated she has a run in shelter on her property and she will have to put the run in shelter up occasionally and she has concerns how those will be viewed. Run in shelters have to be placed in certain locations to be protected from the wind. Ms. Laugeson stated her second concern is with the agricultural signage language. She will occasionally put up signs for 4-H advertising that she is selling products that her animals produced and she is concerned that she won't be able to do that with the proposed language.

Ch. Kalina thanked Ms. Laugeson for her comments. Ch. Kalina asked Zoning Inspector Wilson to address Ms. Laugeson's questions.

Zoning Inspector Wilson stated that the currently there is an ordinance for temporary signs that allows for a temporary sign for 180 days at \$1.00 per day and also a permanent sign for a base fee of \$50 and \$1.00 per sq. foot. Zoning Inspector Wilson stated he doesn't drive around look for agricultural signs, but he may have to in the future if the proposed language is enacted. Ms. Laugeson stated she does have concerns with having to pay for a temporary sign to sell eggs.

ZI Wilson clarified the 15 foot setbacks on Babcock Road.

**Sue Prior – 2405 Weymouth Road**

Ms. Prior stated her concern is the health and welfare of Hinckley Township. Ms. Prior stated she lives across the street from an agritourism business that has put up barns, fences and gates. All hours of the day and night semis pull into the business, in the spring there are noxious smelling sprays and every 3 minutes there would be a loud noise to scare the birds. Ms. Prior stated the business across the street has put a brightly lit sign in front of the business and it shines into Ms. Prior's house. Additionally, Ms. Prior is concerned because the cameras that the business owner installed on their property are pointed at Ms. Prior's property and are recording what is going on at her house. Ms. Prior has concerns for the

health and welfare of the community because this business could become very big and there is nothing that can be regulated and nothing can be done because it is considered an agritourism business. Ms. Prior stated she likes agritourism, but she feels the big business is hiding behind the term agritourism. Residents need to be aware of what agritourism can do to neighborhoods. She is worried about her property values and if she will be able to sell her house.

Ch. Kalina thanked Ms. Prior for sharing her thoughts and concerns and Ch. Kalina stated that the Board spends a great deal of time trying to balance being the least restrictive without negatively impacting neighbors.

Ms. Laugeson asked if the proposed language applies to properties of more than 5 acres. Ch. Kalina stated that will be discussed because that question was brought up by the Medina County Planning Commission. Discussion followed.

Mr. Fischer discussed the use of the word structure with regard to set backs and signage on page 17 of the Zoning Code. Mr. Fischer asked for clarification of the proposed language in section 4.2B regarding setbacks when there is no principal building. Mr. Fischer asked if the proposed C3 language should include a reference to employee parking and if there should be a distinction between parking facilities and parking areas in the proposed C4 language. Lastly, Mr. Fischer asked if there is a distinction between agritourism facilities used in Section D of the proposed language and agritourism operation used in C3 of the proposed language.

Ch. Kalina thanked Mr. Fischer and asked if there were any further comments. There were none.

Ch. Kalina stated that all public comments, Medina County Department of Planning Services comments along with the Medina County Prosecutor's recommendations will be taken into consideration. Within 30 days of the conclusion of the public hearing, the Zoning Commission will forward the finalized recommendation for approval or denial or approval with some modifications along with the recommendation of the County Planning Commission and Prosecutor's Office to the Hinckley Township Trustees. Within 30 days of receipt by the Trustees, a second public hearing date will be set. This will be advertised in one or more newspapers of general circulation in the Township, at least 10 days before the date of the hearing. Within 20 days of the conclusion of the Trustees public hearing date, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification of them. If adopted, the proposed resolution shall become effective 30 days after the date of its adoption unless within 30 days after the adoption, there is presented to the Board of Trustees a petition requesting the Trustees to submit the amendment to the electors for approval or rejection.

Ch. Kalina entertained a motion to adjourn the January 9, 2020 Zoning Commission Public Hearing.

- Mr. Marzullo moved and Ms. Dermody second.

- No further discussion.
- Ch. Kalina called for vote to approve.
- All were in favor.

The Zoning Commission Public Hearing was adjourned at 7:55 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2020

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Christopher Kalina, Chairman

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Diane Dermody, Vice-Chairman

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Bruce Schneider, Member

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Matt Marzullo, Member

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Michelle Crew, Member