

Ch. Kalina called the August 6, 2020 Public Hearing to order at 6:30 p.m.

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

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

Ch. Kalina welcomed everyone to the public hearing and introduced the Zoning Commission members.

Ch. Kalina asked for abstention for any member of the Zoning Commission who may have a conflict of interest.

Ch. Kalina provided the attendees an overview of the public hearing as follows:

- Per ORC Chapter 519, all text and/or map amendments to 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 additions and associated changes to Chapter 15 pertaining to Temporary Sales and Special Event Regulations.
- Comments can be positive, negative or neutral.
- All who would like to comment must sign in with their names 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 but the Zoning Commission Public Hearings are limited to 2 hours so please be considerate of other's time.
- Should additional time be needed, a continuance can be noted along with date and time stated.
- All comments must be directed to the Zoning Commission.
- This public hearing is being taped for transcription purposes and written minutes will be the official record of this meeting. Please speak loud and clear.
- 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.
- All comments will also be taken into consideration by the Zoning Commission.

Ch. Kalina asked Ms. Dermody to read the Public Hearing Notice that was published on July 23, 2020.

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 Temporary Sales and Special Events in our community. The Board's goal is to allow residents and businesses the opportunity to continue to hold these sales or community events, programs and festivals in compliance with updated regulations in an effort to minimize any potential nuisance or adverse safety and environmental impacts of these uses.

Ch. Kalina stated this text amendment is intended to establish zoning regulations that are consistent with the intent of our current text, as some items such as garage sales are virtually unchanged; while developing standards and criteria that do not exist in the current Chapter 15 language. For example, if someone wants to have a music festival the Zoning Inspector has no basis to deny, so that is an essential flaw. We currently have a one size fits all language applying the same set of rules to many activities so the goal was to separate

these events. For example, a yard sale or garage sale is a simple straight forward event; however, through discussion with community members and the Board, we discussed the differences between a non-profit holding a fundraiser or a community event sponsored by the Township or another public entity and commercial events, which are each unique, and the way these are addressed needs to be separate.

Ch. Kalina stated that to move forward the Township hired professional planner Mr. George Smerigan to help draft the proposed language. To address this Mr. Smerigan divided the events as those that occur in a residential district and community events which are separate from commercial events. These are events that take place in a non-residential district, the purpose of which is to attract customers and generate revenue. Mr. Smerigan further divided this into two separate groups, a temporary sales event lasting no longer than 3 calendar days, which are typically the type of thing that occur over a weekend, and events lasting longer than 3 days. The type of event lasting longer than 3 calendar days has impacts that go beyond the short duration events, which would be reviewed in front of the Board of Zoning Appeals, because depending on the scale of the event there could be many issues, including, first aid facilities, trash receptacles, adequate sanitation facilities, parking and security.

Ch. Kalina stated further that Mr. George Smerigan proposed a set of criteria so that when events occur they can be addressed properly. The applicant needs to demonstrate to the Board of Zoning Appeals that they have taken adequate measures to assure that everything is covered. Mr. Smerigan defined each type of event so they are not treated the same. He then divided the commercial events depending on their potential impact and created different permitting structures for each one. Mr. Smerigan listed criteria for the larger commercial events that the Board of Zoning Appeals can follow when reviewing the request, for example, parking, hours, noise, etc. The whole idea is to protect the Township and our neighbors.

Ch. Kalina stated that correspondence was submitted by Hinckley Township resident Mr. Pearl.

Ch. Kalina explained that everyone received a packet with proposed language – the white colored pages contain the language the Board started from last month and reviewed and discussed, any changes are consistency changes and the purple pages contain the proposed language and where it would be placed in the Resolution. Ch. Kalina summarized those changes.

Ch. Kalina stated at this time they do not have feedback from the Medina County Dept. of Planning Services, they will be reviewing at a future meeting. Because of this and due to other items the Board has to review, Ch. Kalina suggested they hold the public hearing, take public input and then continue the public hearing until next month. Legally the Board has 30 days and they could close the public hearing and resume next month. Ch. Kalina stated there is a lot of information to review, but perhaps should consider continuing to next month. Ch. Kalina stated he did confirm with the Prosecutor's office that this is legal to do and was Mr. Richter's recommendation.

Ch. Kalina asked if the Board had any comments and there were none.

Ch. Kalina turned it over to the public if anyone would like to comment.

Trustee Augustine asked Ch. Kalina if he had received the documents she forwarded from Sharon Township regarding their Night Scream special event and Ch. Kalina stated he had received and reviewed the information. Ch. Kalina stated that based on what he read he thought it could be considered that law

enforcement be present during certain events. Discussion continued regarding the importance of safety at these types of events.

Ch. Kalina stated the Board is in favor of minimal regulations but they are concerned about safety. Trustee Augustine stated Sharon Township issues a seasonal use permit so it is required to be reviewed yearly.

Ch. Kalina stated that Mr. Pearl asked about time limits of permits. Ch. Kalina stated at this point he's not proposing that the Zoning Commission dictate timelines or limits to the Appeals Board, as they are a separate board. The other safeguard is that Zoning Inspector Wilson inspects the event to make sure they are doing what they said and if they are not, their permit will be revoked.

Mr. Marzullo stated the application requires the date of the events, it will be simple to require them to include the year they are applying for.

**Richard Pearl – 1785 King Road, Hinckley, Ohio**

Mr. Pearl discussed the email he sent and he stated he is sure his comments were heard and he is perfectly comfortable that everything is being done promptly and correctly.

Ch. Kalina then discussed the various zoning changes that a resident can request and how they can do that.

Ch. Kalina thanked Mr. Pearl for his comments.

Ch. Kalina then asked the Board their thoughts on Ms. Peterlin's suggestions regarding the definitions and adding the Chart of Conditional Uses into I-1 and I-2.

Mr. Manley stated that conditional use generally dealt with business and at one time the Zoning Department was going to develop a form and that might be helpful.

Zoning Inspector Wilson stated that the form is required for special events so the Township knows what they are planning to do. The applicant needs to submit a site plan for clarification on what they plan to do.

Discussion followed regarding the pandemic's impact on the yearly special events in the Township and Zoning Inspector Wilson confirmed the Township has no requests at this time for any special events. Trustee Schulte stated they are waiting for the Scouts to decide if they want to do the garage sale. Zoning Inspector Wilson stated he spoke with the Scream Park people and they stated the Health Department suggested they not hold the Scream Park this year. Discussion followed.

Mr. Fisher stated he likes the suggestion of moving the definitions and made a suggestion regarding placement of definitions.

**Lisa Rushworth – 1006 Bellus Road, Hinckley, OH**

Ms. Rushworth stated that she feels there is ambiguity in the language regarding sales at businesses outside of their regular course of business.

Mr. Schneider stated that if a business decides to sell something different then they usually do and it happens a couple times, it's not a big deal, but if it happens every weekend that's an issue.

Ch. Kalina stated that the idea is if a business sells flowers and they want to have a sale on their flowers, there is no need to contact the Zoning Inspector, however, if that business starts to sell something different like cars, for example, that is outside of their normal course of business so they would have to contact the Zoning Inspector. Ch. Kalina stated that the Zoning Inspector would be the one making the determination of what's outside of the normal course of business. If no one can make a determination, then they would consult the County Prosecutor.

Ch. Kalina asked if there was any other discussion and there was none.

Ch. Kalina entertained a motion that this public hearing be continued to September 3, 2020 at 6:30 p.m.

- Ms. Dermody moved and Mr. Schneider second.
- No further discussion.
- Ch. Kalina called for a vote.
- All were in favor

Kalina – yes; Dermody – yes; Schneider – yes; Crew – yes; Marzullo – yes

The Zoning Commission Public hearing was adjourned at 7:24 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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Michele Crew, Member