

Ch. Kman called the August 4, 2016 Regular Hinckley Township Zoning Commission meeting to order at 7:00 p.m.

Roll Found: Kman, Spellman, Powell, Dermody and Schneider present. In the audience found Alt Marzullo present. Recording Secretary made note that Trustee Catherwood, two BZA members (*J. Hoop and D. Boleman*), two residents (*Mr. Gary and Mrs. Sharon Wolny*), Susan Hirsch from Medina County Planning Services and Mrs. Palik were also present in the audience. (*Retired Zoning Inspector arrived after the start of the meeting*).

Ch. Kman asked if everyone received a copy of the minutes from the June 2, 2016 meeting and if so, were there any corrections to be made to the minutes? There were no comments.

The Zoning Commission approved the minutes of the Regular Zoning Commission Meeting held on June 2, 2016. Mr. Powell seconded. No further discussion.

Ch Kman polled the board and asked if everyone was in favor of approval. All in favor. V. Ch. Spellman abstained.

Ch. Kman commented that before reviewing the old business on the agenda, he would open the floor to Mr. and Mrs. Gary Wolny. Ch. Kman commented that the Wolny's were present to provide an overview about some property located at Rt 303 and W 130th. Ch. Kman added that this was an informal presentation by the Wolny's and appreciated the Wolny's coming in to enlighten the Zoning Board with what their intentions are for the property. Ch. Kman asked that they introduce themselves and provide their address.

Mr. Gary Wolny introduced himself and gave his home address as 2505 Laurel Road, Hinckley. Mr. Wolny handed out a plot plan showing the property located at the corner of W 130th and Rt 303 which entails about 33 acres of commercial property. This property is deeded under Emil Wolny Properties LLC. and Mr. Wolny stated that he is the managing partner of the LLC and part of the family. There are also four (4) residential parcels that are part of the Emil Wolny Properties LLC.

Over the past ten (10) years, Mr. Wolny stated that they have been actively positioning the property for sale. They have had a variety of people come and go who have made offers. They have been talking with their real estate agent, CBR E. Richard Ellis. The agent's recommendation was to look at the four (4) residential parcels, (zoned as residential) and consider going before the Zoning Commission to request a change to commercial zoning. Mr. Wolny stated that from his standpoint, the purpose would make the property more saleable. And as the future comes along, it would create a bigger package to have their abutting properties to be zoned the same way.

Mr. Wolny referenced the plot plan and pointed out the location of Buzzard's Roost, and the next two commercial .84 acre parcels that are currently vacant. Emil Wolny Properties LLC owns four (4) additional residential parcels; three (3) 66 foot parcels contiguous to the commercial property with the fourth (4th) 66 foot parcel split by three (3) residential parcels owned by other parties. Mr. Wolny's question is, could he jump over the three residential parcels not owned by the Wolny's to the fourth (4th) parcel owned and zone it commercial along with his three parcels he has next to the existing commercial properties. Mr. Wolny commented that his assumption is that the three parcels abutting the commercial property may be an easier conversation and the fourth (4th) parcel that is not abutting the commercial property may not be – but asked if it could be considered and how would he go about doing so.

Ch. Kman asked for clarification as to the parcel numbers that are for the residential properties that Mr. Wolny is referencing noting the following: 02-002 (*PPN 01703C02002*), 02-003 (*PPN 01703C02003*), 02-004 (*PPN 01703C02004*) and 02-008 (*PPN 01703C02008*) as residential. Ch. Kman noted that 01-005 (*PPN 01703C01005*) is part of the Wolny properties. Mr. Wolny confirmed that 01-005 (*PPN 01703C01005*) is, as well as 01-004 (*PPN 01703C01004*) is commercial property next to Buzzard's Roost which equates to the 33 acres.

Additional review of the plot plan and discussion of the Wolny properties ensued with the Board. Mr. Powell inquired about the property cleared next to Buzzard's Roost. Mr. Wolny explained the location of the Caddy Shak, Driving Range, Buzzard's Roost, and vacant property next to Buzzard's Roost which are all zoned commercial in conjunction to the location of the residential parcels owned by the Wolny's.

Mr. Wolny explained that there is a garage on the middle property (*PPN 01703C02003*) and then there is a home owned by another party on parcel (*PPN 01703C02006*) between his three (3) residential properties and his 4th property. He stated this area is part of an old development called something like Pleasant Hill subdivision noting that each parcel having a frontage of about 66 feet and goes back about 500 or so feet. He also commented that these parcels are lined up like that up to the doctor's office. There is a garage on one for the three (3) parcels that he is referencing and a house that has been taken down on that property.

Mr. Powell commented that he had heard there was some kind of wetlands on the properties. Mr. Wolny stated that there was a wetlands delineation done in 2008 and it was found that in the back area there was about an acre and a half (1 ½) deemed wetlands of the 33 acres reviewed. Mr. Wolny stated that he just had another wetlands delineation done – as the term for a study is every five years. He stated that an acre and a half (1 ½) was deemed as wetlands in three (3) different areas combined and he showed the Zoning Commission Board the locations.

Mr. Wolny stated that he is asking what the process is to begin the discussion to change the residential parcels into commercial and understands that the first step would be to come before the Zoning Commission Board, to start the discussion. He is willing to answer any general questions that the Zoning Commission Board would have.

Ch. Kman asked about the contiguous residential parcels, as well as the stand alone residential parcel. Ch. Kman stated that Mr. Wolny would have to make a formal application through the Zoning Office. By making a formal application, to include all the required paperwork, would set the process in motion. Ch. Kman added that this would entail completion of a Map Amendment Application, with one application fee of \$500.00. (Trustee Catherwood concurred that only one Map Amendment Application request was necessary for the request to change the three or four parcels presented.)

Ch. Kman referenced the Ohio Revised Code (ORC) 519.12 and outlined the steps and timelines involved once the application process is initiated. Ch. Kman suggested Mr. Wolny to review the statute for informational purposes. Mr. Wolny stated that he would do so.

Ch. Kman stated that after the Zoning Commission Board accepts the Map Amendment Application, within five (5) days of the acceptance, the Zoning Commission Board will forward to the Medina County Planning Commission (MCPC) office for their review. The MCPC will forward their comments and recommendations for approval/disapproval back to the Zoning Commission. In accordance to 519.12, the Zoning Commission will schedule a public hearing between twenty (20) and forty (40) days from the time the Map Amendment Application was accepted. Advertisement will go to the Gazette and to adjacent property owners ten (10)

days before the public hearing. At the Public Hearing, the Zoning Commission will consider the Map Amendment request, and based on testimony and comments from the public and recommendations from the MCPC, the Zoning Commission Board will approve/disapprove all or part of the request and forward their recommendations to the Township Board of Trustees. Within thirty (30) days of receipt of recommendation from the Zoning Commission, the Township Trustees will hold a public hearing, (advertised accordingly) and approve/disapprove all or part of the Map Amendment request. The Trustees decision will become effective thirty (30) days from the date of their adoption (decision).

Mr. Wolny asked if he can jump over parcels to create his stand alone parcel as commercial and the response was anything is possible. Mr. Wolny also asked if the 26 acres (currently the driving range) zoned as commercial would allow for multi-family homes. Further discussion ensued regarding the B1 and B2 Zoning Districts and what is permitted or allowed. Trustee Catherwood asked Mr. Wolny to clarify what type of multi-family homes or cluster housing he was thinking of and he stated senior housing. Trustee Catherwood explained that this type of housing would require approval of a Conditional Use Permit. She explained that the process would require an application for Conditional Use Permit and review by the Zoning Commission as well as a Public Hearing with the Board of Zoning Appeals. Trustee Catherwood gave an overview of the process.

Ch. Kman asked why the property was cleared adjacent to Buzzard's Roost. Mr. Wolny responded that the two parcels are designated as agricultural property through the county and part of the wood lots program (CAUV). He stated he had to harvest the wood to maintain his CAUV status and plans to plant something else to meet CAUV requirements for the real estate tax advantage.

Mr. Schaefer commented that Sheetz had a proposal to build on the corner and Sheetz had concerns with the documented wetlands. Mr. Schaefer asked what happens with the wetlands since the property was cleared? Mr. Wolny responded that he is in line with the requirements of the Army Corp of Engineers. He added that if the land is ever developed, it would have to meet the Corp's standards.

Ms. Hirsch commented that if Mr. Wolny proposes any senior housing that it will require a site plan review with the Zoning Commission and review by the Medina County Planning Commission. It was noted that there are two separate processes – 1) Map Amendment Request; and 2) A Site Review and Conditional Use Permit Request for Senior Housing. At this time, the Zoning Commission was only addressing the Map Amendment process based on the points presented by Mr. Wolny.

Mr. Schneider asked Mr. Wolny why he wanted to rezone that property as business and Mr. Wolny responded that he felt this would increase the value of these three (3) lots, as well as bringing the properties together and increasing the overall frontage and more attractive as a sales standpoint.

Ms. Hirsch asked what the plan would be for the stand alone parcel should it be rezoned commercial and Mr. Wolny stated at this time he did not know. He commented again, it would be for future value for sale – it may be a mute-point and not be able to tie it all together. He was here to see what he may be able to do.

Ms. Peterlin commented that since the Map Amendment Request goes through the Planning Commission there may be some requirements that Ms. Hirsch could comment on. Ms. Hirsch stated that the plot plan he had presented tonight would be adequate as long as it is clear what parcels are to be reviewed and district designation represented (to include existing structures, etc.)

Ms. Hirsch also stated that they have a Planning Commission schedule to meet. If information is submitted by the deadline date of September 6th, their (Planning Commission) review process would not be until October. Mr. Wolny understands that there is a process and he is not in a hurry – he was simply here as start of conversation and knows that it could be four to six months once the process begins.

His first thought was that the property could be sold before he endeavored in this process.

Mr. Kman asked if there were any further questions or comments from the board or audience. No further comments.

Mr. Kman thanked Mr. and Mrs. Wolny for their presentation and informal dialogue.

Mr. Wolny asked Ms. Hirsch if she could provide an overview of their process review at the County Planning Commission. Ms. Hirsch stated it is a similar review process to the Hinckley Township Zoning Commission review. The MCPC receives the information, and upon review, the MCPC writes up a staff report detailing their recommendations. This staff report is forwarded to the Township Zoning Commission to be included with their review at the Public Hearing. The MCPC suggests that if the Zoning Commission has not received the staff report from MCPC by the Public Hearing, that the subject matter be tabled until the staff report received.

Ch. Kman stated the next item on the agenda is Old Business. The plan is to continue discussion on the review of the Zoning Regulations and discuss areas that may require change or update. Ch. Kman added that it was strictly for open discussion purposes and no formal decision would be made at this time.

He directed the floor to Susan Hirsch from the Medina County Planning Services and asked that the Board continues with Chapter 3 – Definitions. He asked Ms. Hirsch to provide comments on the lot definition. Ms. Hirsch handed out a copy of the Lodi Township lot definition as suggested text. Ms. Hirsch stated that she had spoken to Bill Thorne regarding the definition. She stated that Mr. Thorne's concern with the definition is to include lot recorded as part of the definition. Ms. Hirsch stated his concern came about when he was reviewing the Ledges of Stone Creek (new development) HOA covenant. He is concerned that anyone can purchase several lots and combine the property and build a house. At a later time, the property could be split, thus potentially no longer meeting zoning requirements. By including the words "Lot of Record" (or as recorded), for a single lot or combined would make anyone looking at the parcel history aware that the property is one lot. Ms. Hirsch stated that Mr. Thorne agreed that he may be overly cautious, but would recommend that the wording be added.

Further discussion ensued regarding the definition of lot. Ch. Kman offered that Mr. Schaefer had suggested removing all text and have the definition read "A parcel of land that has been legally recorded with the Medina County Recorder's Office." Mr. Schneider suggested that the Board also define parcel and plot. After further review, it was noted that plot and parcel is noted in Chapter 3 – Section 3.1.D. Ms. Hirsch commented that the word plot is an old term used – but the Board could consider adding the word "plot" and "parcel" into Chapter 3 – Definitions and just state "See Lot" in the definitions.

Ms. Hirsch cited the definition found in the Planning Dictionary, and emphasized that there are several definitions used. Ch. Kman commented that the intent at looking at the definition is to change the current definition to include "legally recorded piece of land" and keep lot, plot and parcel as part of the definition. Additionally, it was recommended to add the following words "must meet minimum zoning requirements".

Trustee Catherwood commented that she had some concern with adding the words “must meet minimum zoning requirements” because she has seen, often times, where an individual will purchase a portion of their neighbor’s property to expand their parcel and then choose not to combine that portion with their property. The new portion would not meet the minimum lot requirements and therefore, the Township could not sign off on that request with that verbiage in the definition. She agrees with adding lot of record or legally recorded, but does not think it is right to inflict an added burden, to someone requiring that the parcels be combined.

Ms. Hirsch commented that there is a term “exempt parcel” and the Board could consider adding to the definitions. An individual could purchase a piece or portion of their neighbor’s parcel, which would not be a buildable lot on its own and require that the piece of land be combined. Trustee Catherwood stated that she would not support that mandate, as this is putting an extra burden on the individual.

It was agreed that if the wording “must meet minimum zoning requirements” was added to the lot definition then a definition for “exempt parcel” would have to be created and added to Chapter 3. The understanding is that an exempt parcel would not meet the minimum zoning requirements and not be considered a buildable lot.

Mr. Schaefer commented that when an individual buys a piece of land or parcel that is land locked or that does not meet the minimum zoning requirements, the plat (mylar) is noted that it is a non-buildable lot.

Mr. Powell stated that as long as the mylar is marked that it is a non-buildable lot, that would eliminate potential confusion.

Further discussion ensued referencing examples of when an individual may purchase a parcel of land (piece of land) when it does not meet zoning requirements.

Ch. Kman directed the Board to page 2, item 6 of the spreadsheet – Lot Definition (page 10 of the Zoning Book). In accordance to the request of Bill Thorne, and comments from Ms. Hirsch, Mr. Schaefer and Trustee Catherwood and further discussion of the Board, the lot definition will be redefined. The Board agreed to use parts of the Lodi Township lot definition.

CHAPTER 3: Definitions – Lot (TABLED): The Zoning Commission agreed to a text change to read as follows: *“A parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and that has been legally recorded and of sufficient size to meet minimum zoning requirements. Such lot shall have frontage on an improved public street, or on an approved private street as required by these regulations.”*

It was noted that a definition for exempt lot (as “Lot, Exempted”), plot and parcel should be added to Chapter 3 of the Zoning Book. For “Exempt Lot” Trustee Catherwood suggested definition to include “Exemption may apply if duly noted on the plat when recorded at the Recorder’s office.”

Mr. Powell commented that it seem logical that there should be a county wide definition for “lot” instead of each township having their own definition. He added that it would be helpful if the Prosecutor’s Office came up with a standard lot definition for all township’s to use. Ms. Hirsch read the definition of a lot from the Planning Services Sub-Division Regulations.

After further discussion, the Board agreed to TABLE the “lot” definition as it is noted and agreed upon above until Ms. Hirsch can obtain clarification from the Prosecutor’s Office.

Ch. Kman directed the Board to page 3, item 8 of the spreadsheet – “Lot of Record” Definition (page 11 of the Zoning Book). The Zoning Department suggested that the Lot of Record definition be reviewed to assure that it coincides with the “lot” definition proposed. After discussion, it was agreed to use the Lodi Township Lot of Record definition (number 60) but reference Medina County Recorder’s Office.

CHAPTER 3: Definitions – Lot of Record: The Zoning Commission agreed to a text change to read as follows: *“A lot which is part of a subdivision, the ~~map~~ plat of which has been recorded in the office of at the Medina County Recorder’s Office; or a parcel of land, the deed to which ~~has been recorded~~ was of record on or prior to the actual date of this Zoning Code.”*

Ch. Kman directed the Board to page 3, item 4 of the spreadsheet – Section Interpretation of Terms and Words 3.1.D – the word “lot” includes the words “plot” or “parcel”. The Zoning Commission agreed to leave as written.

Ch. Kman stated the next topic of discussion would be to address the Master Policy Plan and how it is referenced in the Zoning Regulations. Ms. Hirsch stated she would recommend that the reference to the Master Policy Plan be taken out of the book, where ever it is referenced.

Ms. Hirsch commented that Zoning is an implementation tool for the Comprehensive Plan. The Plan does not get adopted as Zoning, so making references to the Plan seems to be a problem. The reference appears in the purpose statement of Chapter 6: Sections 6R1 and 6R2 (as examples) and really should not be referenced there. The Comprehensive Plan is not setting any regulations – the easiest solution is to take all the references out of the Zoning Book.

Mr. Powell commented that the philosophy years ago, was that it was necessary to reference the Comprehensive Plan in the Zoning Book; that the Board had no justification or lacked justification and that is why it had been mentioned throughout the Zoning Book.

Trustee Catherwood asked if it can be referenced in the general purpose statement or in the Preface, as it should be referenced at least once. She is not opposed to removing it from within the Zoning Book.

After a lengthy discussion regarding the Comprehensive Plan and looking at it as a guide to potential (hypothetical) situations, the Board agreed that the reference to the Master Policy Plan can be removed, except from the Preface. The intent of the Comprehensive Plan is to look at it as a guide.

Trustee Catherwood emphasized that the Preface should read “in accordance of” and that change, the key word change – is in accordance with the Comprehensive Plan. She referenced Conditional Uses where the Comprehensive Plan is referenced and that it should be looked at for guidance and what the wishes of the community are.

Ch. Spellman stated that some references state “in conformity with” and that might not be stated appropriately. However, using the words “in accordance to” and it was the Master Plan that was the motivator or the driver in terms of the direction the Board took. Trustee Catherwood stated “in accordance to” or in the “spirit ” of the Comprehensive Plan. She added that one initial reference to the Comprehensive Plan would be good.

Several Board members commented that it is referenced several different ways: Master Policy Plan, Hinckley Township Master Policy Plan, Comprehensive Plan, and the general consensus was that it should be referenced one way and stated in the Preface.

Ms. Hirsch and the Board agreed that the Preface was a good place to reference the Master Policy Plan and that the Preface will need to be reworded to reference the Master Policy Plan (or Comprehensive Plan) appropriately and include that it is an overall guide.

Ch. Kman asked that Board if they would entertain meeting for a work session to continue with the review process of the Zoning Book. The Board agreed and two dates were given – August 18 and August 25. Ms. Peterlin will follow up by email to notify the board as to the date set.

With no further business, Ch. Kman stated that he would entertain a motion to adjourn.

Mr. Schneider moved to adjourn the meeting and Powell seconded. All in favor.

Meeting was adjourned at 8:38 p.m.

Suzanne Peterlin, Acting Recording Secretary

Minutes Approved: _____, 2016

Mel Kman, Chairman

Bill Spellman, V. Chairman

Calvin Powell, Member

Diane Dermody, Member

Bruce Schneider, Member