

Zoning Commission

Regular Meeting

March 7, 2013

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Ch. Spellman called the meeting to order at 7:00 p.m.

Roll Found: Spellman, Siarkowski, Kamps, Kman and Walrath present. Also present were Trustee Schulte, Zoning Inspector Schaefer, Administrative Zoning Office Manager Peterlin, Mr. Ben Hauser, Mr. Ron Joyce, Mr. Arnoud Klapwijk and Mr. John Marzullo.

Ch. Spellman noted that John Nehrenz and Calvin Powell have an excused absence.

ZI Schaefer introduced the new assistant zoning inspector, Mr. John Marzullo.

Ch. Spellman asked everyone to review the minutes from the Regular Meeting held February 7, 2013. No items were noted for correction or completion.

Ch. Spellman asked for a motion to approve the minutes of the Regular Meeting held on February 7, 2013. Mr. Kman moved and Mr. Kamps seconded.

Vote: Spellman – yes, Siarkowski – yes, Kamps – yes, Kman – yes, Walrath - yes

Ch. Spellman noted in January information was received regarding a potential zoning district change but was then put on hold. He noted Mr. Ron Joyce is here this evening to discuss the issue. Mr. Joyce stated he spoke to ZI Schaefer regarding automotive in the B1 district and that it is not currently allowed. He stated he understood that there were upcoming changes but has since found out that it won't be allowed under the new regulations either. Ch. Spellman asked for clarification if he was discussing automotive repair. Mr. Joyce stated he is talking about repair. Ch. Spellman noted he is correct that they do not have provisions in the new regulations for auto repair. Ch. Spellman asked ZI Schaefer if this location is B1 and in future B2. ZI Schaefer noted that yes it would be future B2 and may be something that may be able to go under a conditional. Ch. Spellman noted that in order to achieve his goal, there would need to be either a zoning change or a change in regulations. Mr. Kamps noted that there are no provisions currently being considered for allowing auto repair in the B2 district. He also noted that it could be taken into consideration although it has been discussed previously and discounted. He noted that B1 currently has a conditional approval for a service station but not auto repair and that the current auto repair shop in the area has likely been grandfathered in to the current regulations. He stated that the Board can take it into consideration and that Mr. Joyce is welcome to attend the future public hearing regarding all changes being made to the regulations.

Ch. Spellman noted the next item on the agenda is to review the feedback from the Planning Commission on Chapters 1-6. He noted he doesn't intend to review the feedback word for word and noted that planning board approved it with comments, one comment regarding item 4.9 for fence heights. He is asking the Board to review the notes before the public hearing and then they

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will be read into the public record at that time. Mr. Kamps noted some of the comments are the same comments as previously noted but also noted that the Board was commended for their work on these resolution revisions.

Ch. Spellman noted they will now review Chapters 7 through Appendix.

Page 88, Section 7.2.B.6, Ch. Spellman discussed the removal of the chapter 7 reference. After discussion, it was agreed to leave the chapter reference as it leads to a specific item and should remain.

Page 89, Section 7.2.F, it was agreed that the last sentence should read “As provided herein, the Board of Zoning Appeals, may set...”

Page 90, Section 7.3.G, it was noted to remove the reference to Chapter 9. It was also noted to remove the reference to Sections 7.4 and 7.5 in the paragraph below this section.

Page 91, Section 7.5.A.3, sentence should read “The conducting of a home *based* occupation...”

Page 91, Section 7.5.A.6, sentence should read “The proposed use shall *not* generate...”

Page 91, Section 7.5.B.2, there is a space in operations that should be deleted.

Page 91, Section 7.5.B.4, the boulevard entrance should read 34 feet, not 43 feet.

Page 91, Section 7.5.B.9, it was discussed that this should read “Signs shall conform with current sign regulations.” Ch. Spellman asked Ms. Peterlin to be sure this is consistent throughout the resolutions.

Page 92, Section 7.5.B.11, sentence should read “...and within seventy five feet...”

Page 93, Section 7.5.E.2.b., it was noted to remove the boxed reference and have it state “...with the conditions set forth in this resolution.”

Page 93, Section 7.5.C, the last sentence was discussed that it doesn’t read well. It was noted to revise it to read “...same lot as the use, which shall be in addition to required parking spaces within this resolution. The number of waiting spaces shall also comply with this resolution.”

Page 93, Section 7.5.E.3.b.2), it was noted to remove the boxed reference and state “as provided herein.”

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Page 94, Section 7.5.G, it was noted the sentence should read "...without first obtaining approval from the State of Ohio Board of Health.", removing reference to ORC 3730.

Page 96, Section 8.2.B, it was noted to remove the boxed reference and state "...pursuant to this resolution..."

Page 96, Section 8.2.D, it was noted to remove the boxed reference and state "...shall comply herein."

Page 96, Section 8.3.A, ZI Schaefer noted that the second paragraph here should read the same as Section 8.2.B

Page 97, Section 8.4, it was noted to delete *Chapter 9* and insert *this Resolution*.

Page 97, Section 8.6.B, Ch. Spellman and Mr. Kamps questioned if there was any legal issues regarding this item. After discussion, it was agreed to leave it as is.

Page 98, Section 8.9, Mr. Kamps noted that the wording in this section not correct. After discussion, it was agreed to have Mr. Henwood review this section for advice.

Page 100, Section 9.4.A, it was noted to remove the word below after 9.4. It was also noted to remove "See Chapter 4, Similar Use Provision.

Page 103, Section 9.7.A.1, second column should be "waiting".

Page 103, Section 9.7.A.3, first column should be ATM.

Page 104, Section 9.9.B, it was noted to delete Chapter 7 and replace it with this Resolution.

Page 106, Section 9.12, it was noted to delete the boxed chapter reference and replace it with "the landscaping of the Business District."

Page 106, Section 9.13, it was noted to delete Chapter 4 and replace it with this Resolution.

Page 107, Section 10.2.A.2, it was noted in the middle of the first sentence, it should read "...encompass the smallest rectangle, or a sombination of geometric shapes..."

Page 108, Section 10.2.A.3, it was noted the sentence should read "The sign area shall not include the pole or other structural support unless such structural support is designed to constitute a display device."

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Page 108, Section 10.2.A.5, it was noted to delete “(as described in Chapter 13)”.

Page 109, Section 10.3.A.2, it was noted to delete the boxed reference to Chapter 6.

Page 109, Section 10.3.C and C.2, it was noted to delete the references to the ORC.

Page 110, Section 10.3.E.2.a.2), it was noted that the reference to Chapter 6 should remain as it is a conditional permitted use.

Page 110, Section 10.3.H., it was noted that the reference to Chapter 6 should remain as it is a conditional permitted use.

Ms. Peterlin questioned the consistency of leaving the chapter 6 references in 10.3 as just discussed compared to the rest of the resolution where these references are being removed. ZI Schaefer noted the chapter references for these could be removed and just note for “conditionally permitted uses.”

Page 112, Section 10.3.I.c, it was noted the last sentence should read “Temporary signs for conditional permitted use authorized by...”

Page 113, Section 10.5, first sentence should read “All signs not expressly permitted in this Chapter or exempt from regulation in this Chapter are prohibited...”

Page 113, Section 10.5.B, it was noted to delete “in this Section”.

Page 113, Section 10.5.F, it was noted to delete “under the previous section”.

Page 118, Section 11.3.C, it was noted the sentence should read “Requests for informal review by the Zoning Commission that are made by the 22nd of the month prior to the next meeting...”

Page 119, Mr. Kamps questioned if 15 sets of drawings were needed for the application. After discussion, it was agreed to leave it as is.

Page 121, Section 11.5.G, it was noted to delete the chapter reference and add “...when required by The Medina County Highway Engineer.”

Page 121, Section 11.5.L, it was noted the sentence should read “The applicant shall pay such fees as set by the Trustees.”

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Page 124, Section 11.9.C, it was noted to delete the boxed reference and have it read "...set forth in this Resolution."

Page 128, Section 12.4, it was noted to delete the reference to the ORC. It was also noted the sentence should read "...upon conviction, shall not be more..."

Page 129, Section 12.5.F, it was noted the second sentence should read "...minimum completion requirements provided herein within this time period..." (Delete given in Section 450).

Page 129, Section 12.6, it was noted that "based on the recommendation of the Township Zoning Commission" should be deleted. Also a procedural discussion took place. Ch. Spellman questioned if the trustees rescind the current resolutions and then accept the new ones and if the expenses/fees need to be redone. ZI Schaefer noted that the trustees change the fees on their own. Trustee Schulte noted that fee changes can be recommended and the trustees take it into consideration, but the ultimate decision is by the trustees.

Page 131, Section 13.1, it was noted to delete references to Chapter 519 and have it read "...in accordance with the Ohio Revised Code as amended."

Page 131, Section 13.2, it was noted to delete the reference to Chapter 519 of the ORC.

Page 133, Section 13.5, it was discussed to remove the entire section and add ORC 519 into the appendix. After a discussion, it was agreed to remove this section and just have it read "the township Board of Zoning Appeals shall have those duties as set forth in the ORC."

Page 135, Chapter 14, it was noted that the sentence should read "...shall be conducted pursuant to the ORC." It was questioned if the administrative procedures or the ORC should be copied into the appendix. Mr. Kamps noted that both could be entered since the appendix is not a part of the Resolution. Ch. Spellman noted that the date and most current section of the ORC should be referenced in Ch. 14 as well as Section 13.5.

Page 138, Section 15.4.B, it was noted the sentence should read "...the procedures set forth in this Resolution."

Page 138, Section 15.5, it was first noted to delete the reference to Chapter 10, but after further discussions, it was decided that the chapter and section references should be left in throughout the entire Resolution as it will assist in reading the Resolution. Ms. Peterlin will make all the revisions accordingly.

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Page 139, Preamble, Mr. Walrath questioned if the last sentence was needed since the entire document will be adopted. Ms. Peterlin questioned if the entire preamble was needed. Mr. Walrath stated it was as they were told by the prosecutor's office that their justification was needed to be left in to the resolution. After discussion, it was agreed to leave the preamble as is.

Page 140, Section 16.1.B, it was noted in the last sentence that Section should be changed to Chapter.

Page 140, Section 16.2.A, it was noted that the sentence should read "...to the locations specified herein unless the store complies..." It was also noted that the last of the sentence should read "...retail establishment permitted in zoning districts B-1 and B-2."

Page 144, Section 17.1.C, it was noted to end the sentence at 2003 and delete the remainder of the sentence.

Page 144, Section 17.1.D, it was noted to delete Chapter 519 and have the sentence read "...authority of the Ohio Revised Code that provides..."

Page 145, Section 17.2.E, the end of the sentence should read Chapter 8, Nonconforming Use, not Section 8.

Page 145, Section 17.3.A.2, it was noted to spell out SWCD.

Page 145, Section 17.3.C.1, it was noted to delete the boxed reference and have it read "...as addressed in this chapter."

Page 145, Section 17.3.C.3, it was noted to spell out FEMA.

Page 146, Section 17.3.C.4, it was noted to spell out EPA.

Page 146, Section 17.3.C.5, the reference to Section 1804 should be deleted so the sentence reads "...and floodplains as detailed in the Chapter."

Page 147, Section 17.5.B, it was noted to spell out SWCD.

Page 147, Section 17.6.F, was noted to spell out EPA.

Page 148, Sections 17.7.A and B, it was noted to delete the section reference to the US Army Corp of Engineers (delete "Section 404 Permit (either a Nationwide Permit, including the Ohio

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State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification)").

After a discussion, it was decided that if an abbreviation is in the definitions, it does not need to be spelled out (FEMA, EPA, SWCD, etc.).

Page 153, Chapter 18 and Page 155, Chapter 19, it was decided to leave these chapters out completely as they are not needed to be included or referenced.

Ch. Spellman asked if the appendix needs to be sent to the Planning Commission. Mr. Kamps said it does not need to be sent.

Ch. Spellman noted that was the end of the review of the chapters to be sent to the planning commission. Mr. Kamps made a motion to send the document to the county for approval. Vice Ch. Siarkowski seconded the motion.

Vote: Spellman – yes, Siarkowski – yes, Kamps – yes, Kman – yes, Walrath - yes

Ch. Spellman noted that a public hearing date now needs to be set. He noted the next meeting is April 4. He also noted that it needs to be 20-40 days after sending the document to the county. Ms. Peterlin noted that 20 days is March 26 and 40 days is April 16. After discussion, it was decided to have the hearing on April 9 at 7:00pm.

Mr. Kamps made a motion to have the public hearing on April 9, 2013 at 7:00pm. Mr. Walrath seconded the motion.

Vote: Spellman – yes, Siarkowski – yes, Kamps – yes, Kman – yes, Walrath - yes

Mr. Kamps made a motion to amend the resolution to change the districts at W.130th Street and Boston Road area from B-1 to B-2 district and also send that revision to the county. Mr. Kman seconded the motion.

Vote: Spellman – yes, Siarkowski – yes, Kamps – yes, Kman – yes, Walrath - yes

Mr. Kamps made a motion to hear the district revision at the public hearing. Mr. Walrath seconded the motion.

Vote: Spellman – yes, Siarkowski – yes, Kamps – yes, Kman – yes, Walrath - yes

Ch. Spellman noted that he will send the resolution to the county on 3/8/13.

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Vice Ch. Siarkowski noted she had no items on the Vice Chairman's report.

Ch. Spellman noted he has a couple items under the chairman's report:

- The Department of Planning Services is starting their workshop series. Contact Ms. Peterlin if interested in attending.
- He reviewed the Trustee's Organizational Meeting items:
 - The ZC Board members and alternates will be paid \$35 per meeting.
 - The ZC Board members and alternates are required to attend at least one seminar per year and compensated for up to two additional seminars.
 - Mr. Schaefer was reappointed Zoning Inspector.
 - Ms. Peterlin was reappointed Administrative Zoning Office Manager
 - Mr. Kamps was reappointed storm water management coordinator
 - Mr. Magovac was appointed assistant to Mr. Kamps for the storm water management
 - Ms. Catherwood was appointed as liaison to the ZC.
- On 3/13/13, there is a BZA hearing for installation of a sign replacement for a new LED sign on Ridge Road.

For the Board members report, two items were noted.

- Mr. Kamps thanked Ben Hauser, who is working on his Eagle Scout project and attending a public meeting, for attending the meeting and being patient with the Board during the hearing.
- Mr. Walrath asked that the master policy plan be revisited. He noted that the trustees are discussing having input from surrounding communities but he recalls several years ago that the township worked very hard to reduce the influence of the other surrounding communities. He asked for a show of hands if they think it is a good idea. It was noted that no Board member raised their hand thinking that this is a good idea. Ch. Spellman noted that there has been no movement by the trustees on this issue at this point. It was noted that this item should be discussed further at the next meeting to see if a plan of action can be proposed to move forward.

Ch. Spellman asked for a motion for adjournment of the Regular Meeting. Mr. Kamps moved and Mr. Walrath seconded.

Vote: Spellman – yes, Siarkowski – yes, Kamps – yes, Kman – yes, Walrath - yes

Meeting was adjourned at 10:13 p.m.

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Todd Gienger, Recording Secretary

Minutes Approved: _____, 2013

William Spellman, Chairman

Karen Siarkowski, Vice Chairman

Jim Kamps, Member

(Absent)

Calvin Powell, Member

(Absent)

John Nehrenz, Member

Mel Kman, Alternate Member

Terry Walrath, Alternate Member