

Ch. Kman called the August 18, 2016 Hinckley Township Zoning Commission work session to order at 7:00 p.m.

Roll Found: Kman, Spellman, Powell, Dermody and Kamps present. Absent were Schneider and Alt. Marzullo. Recording Secretary made note that Trustee Catherwood and Zoning Inspector Wilson were in the audience. (*Retired Zoning Inspector Schaefer arrived after the start of the meeting*).

Ch. Kman thanked the Board for attending the work session and taking the time to be present to continue discussion on the Zoning Book.

Ch. Kman handed out an updated Reference Guide for Review of the Zoning Book. Ms. Peterlin stated that two columns were added to assist with tracking the items as to when they were discussed by the board as well as the status or decision of the Board.

Ch. Kman commented that he would like to focus on an area that we can complete and directed the Board to reference the Master Policy Plan. Ch. Kman commented that based on the discussion at the last Zoning Commission meeting that the Board agreed to remove all references to the Master Policy Plan within the Zoning Book. The review should include review of the sentence structure/paragraph when Master Policy Plan is removed.

Ch. Kman directed the Board to page 1, item 2 of the spreadsheet – PREFACE (page i of the Zoning Book). Ms. Dermody commented that on the website the plan is referred to as The Comprehensive Plan 2015 and the Board should consider consistency as to how it is referenced. V. Ch. Spellman added that the sentence structure could be changed to include, in accordance with the Comprehensive Plan 2015. Mr. Kamps disagreed as then it reads as it is part of the Zoning Resolution pointing out that the Prosecutor's Office recommended removing any reference from within the Zoning Resolution. Mr. Kamps stated that the Comprehensive Plan is not part of the Resolution that can be enforced; however, adding in a paragraph that the Comprehensive Plan is a guide or guideline would make sense.

V. Ch. Spellman referenced the ORC 519 and asked what the wording is or how Comprehensive Plan or Master Policy Plan is outlined in the ORC and Mr. Kamps commented that he did not believe there is too much reference to it. Further discussion ensued.

PREFACE: The Zoning Commission agreed to remove the reference to Master Policy Plan for now and come back to it. The text change to read as follows: (paragraph 3 - lines 11 through 13)

"These township officials are readily available and most anxious to serve you to make certain your plans coincide with the Zoning Regulations." ~~as well as fit into the Township's Master Policy Plan.~~

Ch. Kman directed the Board to page 1, item 3 of the spreadsheet – Chapter 1 PURPOSE (page 1 of the Zoning Book). The Board reviewed the text and agreed to remove the reference to the Master Policy Plan, as well as in accordance with a general plan in paragraph one.

CHAPTER 1: PURPOSE – The Zoning Commission agreed to change the text to read as follows: (paragraph 1 - lines 3 through 7)

"The zoning districts and the regulations specified for each district established by this Resolution have been constructed ~~in accordance with a general plan~~ for the physical development of the Township of Hinckley". ~~This plan, called the Master Policy Plan for the Township of Hinckley, provides thoroughly considered objectives for the sound and order development of the Township Community.~~

Ch. Kman directed the Board to page 1, item 3 of the spreadsheet – Chapter 1 Purpose (page 1 of the Zoning Book). The Board reviewed the text and agreed to remove the reference to the Master Policy Plan by ending the sentence at community development.

CHAPTER 1: PURPOSE – The Zoning Commission agreed to change the text to read as follows:
(paragraph 2 lines 15 and 16)

“.....by establishing herein standards for community development.” ~~in accordance with the objectives contained in the Master Policy Plan and by providing for the enforcement of such standards.~~

Ch. Kman directed the Board to page 6, item 18 of the spreadsheet – Chapter 4 – SIMILAR USE FINDING (page 29 of Zoning Book). The Board reviewed the text and agreed to remove number 8 from Similar Use Finding (Section 4.15)

CHAPTER 4: SECTION 4.15.8 SIMILAR USE FINDING – The Zoning Commission agreed to remove the text as follows: (line 37) ~~8. It will not adversely affect the intent of the Township’s Master Policy Plan.~~

Ch. Kman directed the Board to page 7, item 21 of the spreadsheet – Chapter 6 – PURPOSE (page 37 of Zoning Book). The Board reviewed the text and agreed to remove the reference to Master Policy Plan and add “this section” to the end of the sentence.

CHAPTER 6: Sub-Section 6R1.B PURPOSE – The Zoning Commission agreed to remove the text and change as follows: (lines 15 and 16) *“B. To promote the most desirable and beneficial use of the land in conformity with Township Master Policy Plan this section.”*

Ch. Kman directed the Board to page 8, item 27 of the spreadsheet – Chapter 6 – DEVELOPMENT STANDARDS AND CRITERIA CONSERVATION DEVELOPMENT (page 44 of Zoning Book). The Board reviewed the text and agreed to remove the reference to Master Policy Plan and add “, as defined in this sub-section.”

CHAPTER 6: Sub-Section 6R1.7.A.5 DEVELOPMENT STANDARDS AND CRITERIA CONSERVATION DEVELOPMENT – The Zoning Commission agreed to change the text to read as follows: (line 35) *“5. Ensure that the proposed Conservation Development complies with the objectives of Hinckley Township, ~~as expressed in the Master Policy Plan & Update~~ as defined in this sub-section.”*

Ch. Kman directed the Board to page 12, item 47 of the spreadsheet – Chapter 6 – Purpose (page 57 of Zoning Book). The Board reviewed the text and agreed to remove the reference to Master Policy Plan and add “...the most” within the sentence and add “with this section” at the end of the sentence.

CHAPTER 6: Sub-Section 6R2.1.B Purpose – The Zoning Commission agreed to remove the text and change to read as follows: (lines 10 and 11) *“B. To promote the most desirable and beneficial use of the land in conformity with ~~the Township Master Policy Plan~~ this section.”*

Ch. Kman directed the Board to page 17, item 65 of the spreadsheet – Chapter 7 – CONDITIONAL USE CERTIFICATE: PROCEDURES FOR MAKING APPLICATION (page 82 of Zoning Book). The Board reviewed the text and discussed the Zoning Commission’s role for the advisory review process. Mr. Schaefer made comment to remove C. in its entirety as the Zoning Commission does not hold a public hearing. Mr. Schaefer asked if the Zoning Commission would be advising the BZA with their (ZC) recommendation to assist the BZA

in interpreting the code and Trustee Catherwood intervened and said yes – for the reason that the Zoning Commission has written the code and understands the codes and needs to interpret the use being requested for a Conditional Use Permit and that it meets the intentions of the code. Trustee Catherwood added that her point is not to insinuate that the Zoning Inspector or BZA does not know the code. Mr. Schaefer added that he believes that between the Zoning Inspector and the BZA, they can come up with the right decision.

V. Ch. Spellman asked if it is the Zoning Commission to interpret the use request or is it a facet of the BZA to interpret? Trustee Catherwood commented that there have been times where the BZA has questioned or had questions regarding the intent of the code – with having the Zoning Commission providing a recommendation from their review process that it would help clarify the use being requested to how the code is written. Trustee Catherwood added that it is giving assistance or support to the BZA. Additional discussion ensued.

Mr. Kamps commented that there is no provision in the ORC for review of a Conditional Zoning Permit by the Zoning Commission and added that the prosecutor's office has emphasized that point – and that there is no legal reason or justification for the Zoning Commission to make that review. He recommends that it be taken out. Trustee Catherwood noted that the Zoning Commission is only giving a recommendation (as they do with Site Plans) and that our current procedure is a check and balance – and that we do like having another group of residents (Zoning Commission/a resident board) to look at these Conditionals and it adds enhancement to the overall process.

Ch. Kman stated that Ms. Hirsch from Planning Services had provided feedback to the Board that this kind of review process is repetitious and not really necessary and should go directly to the BZA. Mr. Powell commented that it is the preference by the Zoning Commission and the Trustees is that the Zoning Commission reviews a Conditional.

Ch. Kman commented that the Zoning Commission should be informed of the Conditional Request – being informed for awareness if anything. (This would help support the Board to provide feedback to the community if asked, or if the BZA would have questions.) There was discussion that the Organizational Minutes could include that there be representation by the Zoning Commission at the BZA Public Hearings. The Board agreed that an informal review process would be beneficial to the applicant – it could assure that all information has been filed and the process understood. Mr. Schaefer commented that the informal review could be an administrative procedure with notification by the Zoning Inspector to the Board.

Ms. Dermody commented that the text could read “may” review the proposed request (the packet) and that the applicant doesn't necessarily have to be present for an informal review.

V. Ch. Spellman voiced his concerns of leaving the text in if there is no legal authority of the Zoning Commission to review then why have it in the book – however, he likes the idea of being informed of when there is a Conditional.

Trustee Catherwood commented that the review with the Zoning Commission assists the applicant is and the first line of support, especially when there is a questionable use being requested. She added that she does not look at it as authority of the Zoning Commission, but that they are helping the applicant understand the code.

V. Ch. Spellman recapped on two key points: 1) the Zoning Commission wants to be informed; and 2) and the Zoning Commission wants to help the applicant along the way in the process. His concern is making it mandatory to go through the Zoning Commission if by law the Commission does not have the legal authority.

V. Ch. Spellman added that they could add that it is an optional step in the process for the applicant to review with the Zoning Commission and not a mandatory procedure. This could help the applicant determine if the Conditional fits in line with the code or not. It would allow the Zoning Commission to be informed, at the will of the applicant. The current process allows the Zoning Commission to receive the application packet from the Zoning Office and review for code compliancy or interpretation of the code. He added that if the Commission is strongly against the request, as it does not fit in or conform with the code, that the Zoning Commission can then provide their input publically to the BZA during the Public Hearing.

There were comments regarding the ORC 519 and what is mandated. Hinckley is the only township in the county that has the procedure written as it is for Conditional Use Requests to be reviewed by the Zoning Commission.

After further discussion, the board agreed to TABLE SECTION 7.2.C for later discussion. Ch. Kman committed to put something together for the next meeting. The Board also asked for a legal opinion or a third party opinion that outlines if the Zoning Commission is doing something wrong or not?

Ch. Kman directed the Board to page 17, item 66 of the spreadsheet – Chapter 7 – CONDITIONAL USE PERMIT- GENERAL STANDARDS (page 84 of Zoning Book). The Board reviewed the text and agreed to remove the reference to Master Policy Plan by taking out point A. This will require changing the alphabetical sequence for the following points.

CHAPTER 7: Sub-Section 7.3 GENERAL STANDARDS – The Zoning Commission agreed to remove the reference to the Master Policy Plan as follows: (lines 2 and 3) *“A. ~~Will be harmonious with and in accordance with the general objectives or with any specific objective of the Master Policy Plan of current adoption.~~”* The alphabetical sequence will be updated (i.e. A. B. C. etc.)

Ch. Kman directed the Board to page 18, item 67 of the spreadsheet – Chapter 8 – NON-CONFORMING USES- PURPOSE (page 89 of Zoning Book). The Board reviewed the text and agreed to remove the reference to the Master Policy Plan by ending the sentence with the word exists in the first paragraph and taking out “and with the Master Policy Plan of the Township.”

CHAPTER 8 – SECTION 8.1 PURPOSE – The Zoning Commission agreed to remove the reference to the Master Plan as follows: (lines 12 & 13 in first paragraph) *“Non-Conforming status is considered to be incompatible with permitted use in the zoning district in which it exists. ~~and with the Master Policy Plan of the Township.~~”*

V. Ch. Spellman asked to comment on subject matter discussed at the last meeting. V. Ch. Spellman referenced the gentleman who came in to talk about his property located up at the corner of 303. V. Ch. Spellman pointed out that the individual mentioned that his lots are 66 ft wide by 512 ft. V. Ch. Spellman wanted to know if those lots are legal non-conforming or not. Mr. Schaefer responded that that are not legal non-conforming lots if they are vacant and someone wants to build on them because they do not meet the minimum frontage requirement and therefore, making them not buildable lots.

Ch. Kman directed the Board page 19, item 76 of the spreadsheet – Chapter 11 – Site Plan Review – Purpose (page 113 of Zoning Book). The Board reviewed the text and after another lengthy discussion, agreed to TABLE SECTION 11.1 PUROSE Paragraph 1 until additional comment is received from the third party (Prosecutor’s Office) regarding Site Plan Review. Trustee Catherwood reminded the Zoning Commission that they represent the whole community in their role and should have some sort of review process.

Ch. Kman directed the Board to page 19, item 77 of the spreadsheet – Chapter 11 – Site Plan Review – Purpose (page 113 of Zoning Book). The Board reviewed the text and agreed to TABLE SECTION 11.1.G. PURPOSE until additional comment is received from the third party (Prosecutor’s Office) regarding Site Plan Review.

Ch. Kman directed the Board to page 22, item 88 of the spreadsheet – Chapter 11 – Site Plan Review – Zoning Commission Review (page 118 of Zoning Book). The Board reviewed the text and agreed to remove the reference to the Master Policy plan and add the word this to the sentence structure.

CHAPTER 11 – SECTION 11.7.C ZONING COMMISSION REVIEW – The Zoning Commission agreed to remove the reference to the Master Plan as follows: (line39) *“The development will have properly designed open spaces that meet the objectives of ~~the Township’s Master Policy Plan and~~ this Zoning Resolution.”*

Ch. Kman directed the Board to page 22, item 89 of the spreadsheet – Chapter 17 – Establishment of Riparian Setbacks (page 138 of Zoning Book). The Board reviewed the text and agreed to remove the reference to the Master Policy plan by taking out the last sentence noted in item E.

CHAPTER 17 – SECTION 17.1.E PURPOSE – The Zoning Commission agreed to remove the reference to the Master Plan as follows: (lines 23 – 25 last sentence of item E.) *“~~Guidance regarding the functions and characteristics of riparian areas in Hinckley can be found in the Hinckley Township Master Policy Plan.~~”*

Ch. Kman stated that the Master Policy Plan review process was completed except for the three items that were tabled requiring feedback from the Prosecutors Office.

Ch. Kman noted that the next Zoning Commission meeting will be held on September 1, 2016 at 7:00 p.m. With no further business, Ch. Kman stated that he would entertain a motion to adjourn.

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

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

Meeting was adjourned at 8:40 p.m.

Suzanne Peterlin, Acting Recording Secretary

Minutes Approved: _____, 2016

Mel Kman, Chairman

Bill Spellman, V. Chairman

Calvin Powell, Member

Diane Dermody, Member

James Kamps, Member (Alt.)