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CITY OF MEDINA PLANNING COMMISSION
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Transcript of Proceedings held on Thursday, the
10th day of September, 2020 before the City of
Medina Planning Commission, commencing at
approximately 5:30 p.m., as taken by
Nicholas Glatzhofer, Notary Public within and
for the State of Ohio, and held in Medina City Hall,
132 North Elmwood Avenue, Medina, Ohio 44256.

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APPEARANCES:

City of Medina Planning Commission,
Rick Grice, Chairman,
Monica Russell, Esq., Member,
Bruce Gold, Member,
Andrew Dutton, Member,
Paul Rose, Member.

City of Medina Planning and Community,
Development Department,
Jonathan Mendel, Community Development Director,
Sandy Davis, Administrative Assistant.

1 PROCEEDINGS

2 OLD BUSINESS

3 - - -

4 MR. CHAIRMAN: Good evening,
5 everyone. I would like to welcome you to the
6 September 10th Medina City Planning Commission
7 meeting.

8 Our minutes were mailed out for the
9 August 13th meeting. Are there any additions
10 or corrections?

11 MR. GOLD: Mr. Chairman,
12 I would like to approve the minutes as
13 submitted.

14 MR. ROSE: Second.

15 MR. CHAIRMAN: We have a
16 motion, a second.

17 Roll call.

18 MS. DAVIS: Was that
19 Mr. Rose?

20 MR. ROSE: Yes.

21 MS. DAVIS: Okay.

22 Dutton?

23 MR. DUTTON: Yes.

24 MS. DAVIS: Grice?

25 MR. CHAIRMAN: Yes.

1 MS. DAVIS: Russell?

2 MS. RUSSELL: Yes.

3 MS. DAVIS: Gold?

4 MR. GOLD: Yes.

5 MS. DAVIS: Rose?

6 MR. ROSE: Yes.

7 MS. DAVIS: Motion

8 approved, five-zero.

9 MR. CHAIRMAN: Okay.

10 Mr. Rose, behind me, do you have any
11 announcements from City Counsel?

12 MR. ROSE: No, sir.

13 MR. CHAIRMAN: Jonathan,
14 anything?

15 MR. MENDEL: No, other than
16 I have not received any indication from the
17 architects for the County's courthouse project
18 of when it may be coming through its regulatory
19 process.

20 MR. CHAIRMAN: Okay. At
21 this point in our agenda, it's been a
22 practice for the Planning Commission for the
23 last - I don't know - thirty years plus, we
24 have a court reporter with us this evening,
25 and at this time I would ask anyone -- well,

1 make it simple. If everyone would stand and
2 be sworn, and that will eliminate the, "I
3 don't think I want to speak but maybe later I
4 do."

5 So whoever is going to do the swearing in.

6 (Whereupon, all those intending to
7 testify were then placed under oath by the
8 notary.)

9 MR. CHAIRMAN: Thank you.

10 We're going to alter our agenda just a
11 little this evening. We have couple a items
12 that will probably be a little quicker than one
13 of them at least.

14 In all cases, if you would like to
15 address the Commission, we ask you to go
16 back to the podium, give us your name and
17 address, and limit your comments to a
18 reasonable time. We've always said about
19 five minutes, in that general range. And if
20 you have something that somebody else has
21 said, to be quite honest with you, we don't
22 necessarily need to hear it twenty times if
23 it's the same thing. If you have something
24 else to add, you know, we obviously would
25 like to hear from you.

1 Case Number P20-11

2 - - -

3 Additional Appearances: Edwin Gonzales, FASTSIGNS.

4 - - -

5 MR. CHAIRMAN: With that in
6 mind, I would like to alter the agenda and take
7 Case 20-11 for St. Matthew Lutheran Church at
8 400 North Broadway. This is for a conditional
9 sign permit for a digital sign.

10 Jonathan.

11 MR. MENDEL: Yes, thank
12 you.

13 As you said, this is for St. Matthew
14 Evangelical Lutheran Church at 400 North
15 Broadway. It's a conditional sign approval
16 for an electronic message center sign.

17 The property is zoned R-3, high density
18 urban residential. The applicant seeks the
19 conditional sign approval for the installation
20 of the electronic message center sign into the
21 existing brick sign structure. In the R-3
22 zoning district, non-residential signs,
23 non-residential uses are permitted a
24 forty-square-foot sign, six-feet tall. EMCs,
25 or electronic message center signs, require

1 conditional sign approval by the
2 Planning Commission, that's why we're here
3 tonight.

4 Generally, there's specific requirements
5 for the electronic message center signs and
6 that's laid out in Items 1 through 3 on the end
7 of -- on the bottom of the Page 1 of your staff
8 report. It just talks about frequency of copy
9 change, color, illumination. Those are
10 requirements that are in the code that have to
11 be complied with to be the frequency. That's
12 an item that is an ongoing enforcement --
13 enforcement work for City staff after these
14 EMCs are done.

15 Sign height, the sign complies with the
16 minimum required height of six-feet tall and
17 forty square feet and, therefore, is compliant.

18 The sign, as proposed, does meet with
19 the -- does comply with the conditional sign
20 permit review guidelines. It's harmonious to
21 the neighborhood and the building.

22 It could be -- any potential detriment to
23 adjacent properties could be mitigated by
24 turning off the sign, the EMC portion of the
25 sign at night. There are occupied residential

1 across the street and adjacent to the site, so
2 we recommend a conditional approval that the
3 EMC portion be turned off by 10:00 p.m. each
4 night.

5 So with that, I would recommend approval of
6 the proposed sign with the condition of
7 necessary building permits, and then the
8 electronic message center sign portion be
9 turned off by 10:00 p.m. every night.

10 Thank you.

11 MR. CHAIRMAN: Okay. Who is
12 representing St. Matthew?

13 MR. GONZALES: (Indicating.)

14 MR. CHAIRMAN: If you would,
15 step back to the podium and give us your name
16 and address, it could be the church address.

17 MR. GONZALES: Good evening.

18 My name is Ed Gonzales, FASTSIGNS Medina.
19 Again, I'm representing my client St. Matthew,
20 which is addressed 400 North Broadway.

21 Questions in terms of the specs, I mean, we
22 meet the specs in terms of height. The size is
23 a three-by-five.

24 When you look at the frequency aspects, we
25 would certainly have the ability to program it

1 in so that, again, we're within the
2 specifications.

3 The illumination, again, we also have the
4 capability. In fact, that's built in where it
5 automatically adjusts the illumination because
6 of the photocell technology.

7 In terms of the design and flowing in or
8 blending in with the architecture, again, that
9 brick structure is harmonious with the existing
10 brick structure of the church.

11 So with that, any questions?

12 MR. CHAIRMAN: Any questions
13 by members of the Commission?

14 MR. DUTTON: Yes.

15 I would just note that you recommend off by
16 10:00 p.m. Should there be an on-time on the
17 other end so that we know the gap there?

18 MR. MENDEL: I mean,
19 there could be. But I would imagine -- I know
20 when we've had these for either, like, the
21 high school or Heritage Elementary or the
22 veteran's building on North Broadway, we just
23 had this -- the night time restriction; we
24 didn't have a beginning morning restriction.

25 MR. DUTTON: I don't have

1 an issue with it and I don't think, you know,
2 the church is one that's going to exploit it,
3 but, technically, turn it off at 10:00, turn it
4 on at 10:00 would be the condition I suppose.

5 MR. MENDEL: If the
6 Commission felt they wanted to add that little
7 bit to it, I have no issue with it.

8 MR. CHAIRMAN: Any other
9 questions, comments, by members of the
10 Commission?

11 (No response.)

12 MR. CHAIRMAN: Anybody else
13 with us this evening have any comments other
14 than the applicant?

15 (No response.)

16 MR. CHAIRMAN: The brick
17 portion is existing, so it's just a sign
18 insert, correct?

19 MR. GONZALES: Yes.

20 MR. CHAIRMAN: Okay. Anybody
21 want to put forth a motion?

22 MR. DUTTON: I'll make a
23 motion to approve P20-11 with the conditions
24 that the project should be subject to all
25 necessary building permits, and the electronic

1 message center portion of the sign should be
2 turned off between 10:00 p.m. and 6:00 a.m.

3 MR. GOLD: I second.

4 MR. CHAIRMAN: We have a
5 motion, a second.

6 Any other discussion?

7 (No response.)

8 MR. CHAIRMAN: Roll call.

9 MS. DAVIS: Dutton?

10 MR. DUTTON: Yes.

11 MS. DAVIS: Gold?

12 MR. GOLD: Yes.

13 MS. DAVIS: Russell?

14 MS. RUSSELL: Yes.

15 MS. DAVIS: Rose?

16 MR. ROSE: Yes.

17 MS. DAVIS: Grice?

18 MR. CHAIRMAN: Yes.

19 MS. DAVIS: Motion

20 approved, five-zero.

21 MR. CHAIRMAN: Okay. Thank
22 you very much.

23 - - -

24

25

1 Case Number P20-12

2 - - -

3 Additional Appearances: Arline B. Gant,
4 Dakota P. Productions.

5 Bob Bajko,
6 HSB Architects + Engineers.

6 - - -

7 MR. CHAIRMAN: The next item
8 on our agenda would be Case 20-12. This is for
9 Dakota P. Enterprises at 6237 West Smith Road.
10 This is for site plan approval.

11 Jonathan.

12 MR. MENDEL: Yes. Sorry,
13 breaking my rules. If you can just give me a
14 second, I just have -- I distributed some
15 e-mails that we received, and I just wanted the
16 applicants.

17 If you guys want to come down, you can grab
18 these chairs here. I just want to give them
19 copies of it for their records.

20 Whenever we receive those, we give them to
21 the Commission and the -- we keep one for the
22 file, save it for the file, and then we give
23 them to the applicant as part of necessary due
24 process.

25 So what we have here is

1 Dakota P. Enterprises LLC. It's on a -- about
2 a one-hundred-and-sixteen-acre parcel,
3 property, various ownerships. One of the
4 parcels is addressed 6237, so that's why we use
5 that address.

6 What they are proposing is a
7 ninety-thousand-square-foot film/TV production
8 facility on about twenty-five acres of a --
9 it's technically 115.9 acres, and this is for
10 site plan review.

11 This property is zoned I-1 industrial
12 within the City of Medina. As I said, this
13 is on one hundred and sixteen acres of land on
14 the west side of the City of Medina on the
15 6200 Block of Smith Road.

16 The applicant proposed the
17 ninety-thousand-square-foot film production
18 studio. "The proposal includes a 30,000 sqft
19 3-story office building flanked by a 40,000
20 sqft soundstage and a 20,000 sqft soundstage,"
21 two separate soundstages. "Adjacent to these
22 buildings will be a 128 space parking lot and a
23 drive encircling the site with one access point
24 to Smith Road," which is going to be here
25 (indicating).

1 "The intent of the land use is an insular,
2 primarily indoor film/TV production facility
3 campus that would be used -- that would be
4 contracted for use by outside production
5 companies. There would be approximately -- a
6 maximum of about 30 employees of the facility
7 and the productions that use the facility could
8 be 50+ person operations.

9 "The proposed use is not explicitly listed
10 on either the permitted or conditionally
11 permitted use table of the I-1 zoning district,
12 but the permitted use table of the I-1 zoning
13 district does have Other Uses as Determined by
14 the Planning Commission" for instances such as
15 the -- as this.

16 In your packet, you've got the full plans,
17 their narrative, project narrative, staff
18 report, and aerial photograph.

19 So getting into the district regulations,
20 as I said, this is not an explicitly listed
21 land use in the I-1 zoning district's permitted
22 or conditionally permitted use table, but the
23 other uses, as determined by the
24 Planning Commission, land use, is there to --
25 for the Planning Commission to review specific

1 plans and look at it on a case-by-case basis
2 for consistency with the intent and purpose of
3 the industrial zoning district and the
4 permitted use table of the industrial zoning
5 district.

6 So as I said, "This generalized permitted
7 use is designed to accommodate case specific
8 determinations by the Planning Commission for
9 compliance and appropriateness of land uses not
10 already contemplated by the Planning and
11 Zoning Code." So the Planning Commission would
12 then evaluate the detail of the proposed land
13 use in relation to the purpose and intent of
14 the industrial district and the proposed uses
15 actual or potential impact on neighboring
16 properties, property's uses, and the general
17 vicinity.

18 And then some of the other regulations, the
19 lot area, lot requirements, setback
20 requirements, the proposed project meets all of
21 those as they are on a one hundred and sixteen
22 acre parcel property. The area that they would
23 be developing is about twenty-five acres of
24 that one hundred and sixteen acres, and it's
25 got ample setbacks from all of the adjacent

1 properties to the north, east, south, and west.

2 So under the presumption of it complying
3 with the other uses as determined by the
4 Planning Commission and the permitted use
5 table, it would just be -- this would fall
6 under site plan administrative review. So the
7 site plan guidelines are listed on Page 2 of
8 the staff report, and then for industrial land
9 uses, for uses in the industrial district,
10 there are several other -- three other specific
11 design standards for projects in the I-1 zoning
12 district.

13 Looking at the project as proposed -- let
14 me pull up the building plans here.

15 So here are two renderings of, kind of, the
16 site - artist conceptualization (indicating).

17 This would be looking kind of from the
18 southeast looking northwest (indicating).

19 And then here is kind of what it would look
20 like on the ground (indicating).

21 So looking at the design of the buildings
22 and materials being used and the site plan in
23 general, this would comply with the
24 requirements of the general site plan
25 improvement requirements, site plan design

1 guidelines, and any of the three specific
2 guidelines for developments in the I-1 zoning
3 district. This is done because "The principal
4 building, accessory uses and site landscaping
5 will be harmonious within the site and
6 neighborhood, because of the location, size and
7 attention to buffers, setbacks and transitions
8 with adjacent properties."

9 Now, in terms of parking, since there's
10 kind of two different land uses here, two
11 different kinds of parking uses, there's an
12 office building, thirty thousand square foot,
13 and two soundstages of sixty thousand square
14 feet. So a soundstage is basically just a
15 giant warehouse, empty warehouse space, that
16 can be used for lots of different purposes.

17 The proposed one hundred and twenty-eight
18 parking space parking lot that's proposed,
19 seventy-five spaces would be the required for
20 the office space. And the soundstages, I
21 think, would fall under the standard that we
22 have for warehousing, manufacturing, light
23 industrial, where it's kind of as determined by
24 the need of the applicant. I think, given the
25 nature of what happens inside of a sound

1 studio, it's not as if you're going to have,
2 you know, three hundred machinists working on
3 the floor of a production facility. There
4 might be a lot more space that's accommodated.
5 The large open space of the soundstage would
6 not -- large open interior spaces intended to
7 spread occupants around to accommodate sets and
8 associated operational equipment and supplies.

9 So the parking lot design layout and
10 dimensional requirements are being met under
11 the Zoning Code and reconfirmed during -- they
12 will be reconfirmed during the building permit
13 and site plan improvement plan permit review
14 process.

15 Site lighting. They do provide a
16 photometrics plan. It's low-scale light
17 standards, and due to the nature of how they
18 are designing the site, there will not be --
19 there shouldn't be any intrusion or light
20 escape onto adjacent properties.

21 In terms of the site landscaping,
22 they're -- you know, they're cutting into a
23 portion of the wooded area of the site, here,
24 the pond, and this area (indicating). They
25 have said that, you know, they're going to try

1 to be as sensitive as possible because that
2 existing forest area is very important to
3 their -- to why they, you know, saw this piece
4 of property and, you know, targeted this piece
5 of property. And, plus, there is a large berm
6 that they are building at the, kind of, north
7 and northeast corner of the area that they are
8 disturbing. This is presumably the dirt that's
9 going to be moved off of the construction site,
10 and it's easier to berm it up and landscape it
11 on the site than truck it off. So that meets
12 the requirements for industrial -- for
13 development in the I-1 zoning -- I-1 industrial
14 district.

15 And then in the staff report, there are
16 some comments from various building departments
17 that -- various departments within the City
18 that deal with land development. That would
19 just be stuff that would be worked through
20 during the permit review process for site
21 improvements or a building permit.

22 General comments. This project complies
23 with all the regulations of the Zoning Code.
24 The applicant has been cognizant of the actual
25 potential impacts on adjacent properties in the

1 surrounding immediate neighborhood and designed
2 the project to remove and/or mitigate them.

3 "In regards to the land use in relation to
4 the I-1 district's permitted use table purpose
5 and intent, this Film/TV production facility is
6 unlikely to have objective negative impacts on
7 the immediate neighboring properties and uses
8 or the surrounding immediate vicinity." The
9 actual operations as described by the applicant
10 is, that the "...use will be similar to, or
11 less than, the external impacts of the
12 corporate headquarter offices, light
13 manufacturing and warehousing land uses next
14 door to the west on Commerce Drive," such as
15 Discount Drug Mart or Sandridge Foods. The
16 proposed land use is likely to be actually an
17 appropriate transitional land use between the
18 more intensive -- more intense industrial land
19 uses to the east in the City of Medina and the
20 large lot rural residential to the west in
21 York Township.

22 So I would recommend approval of the
23 proposed site plan with the two conditions as
24 listed on Page 4 of the staff report, kind of
25 just subject to review and approval of permits

1 by the -- by the City's Building Department and
2 Engineering Department.

3 Thank you.

4 MR. CHAIRMAN: Thank you.

5 And who is here representing this?

6 MR. BAJKO: We both are.

7 MR. CHAIRMAN: If you would
8 like to go back to the mic, both of you or one
9 of you, or however.

10 MR. BAJKO: I think both,
11 yes.

12 MR. CHAIRMAN: That's fine.

13 Give us your name and address, and if you
14 have anything you would like to add to what
15 Jonathan said, we would like to hear that.

16 MR. BAJKO: My name is
17 Bob Bajko, I'm with HSB Architects,
18 1250 Old River Road in Cleveland, architect for
19 the project. I'm a civil engineer.
20 Working with me on this design is Arline.

21 Introduce yourself.

22 MS. GANT: Hello. I'm
23 Arline, and I'm with Dakota P. Productions.

24 MR. MENDEL: Just give your
25 address.

1 MS. GANT: 31400 Jackson
2 and 14154 East Aurora Road, and we're also out
3 of Los Angeles and Orlando, Florida.

4 MR. CHAIRMAN: Thank you.

5 MR. BAJKO: I mean,
6 Jonathan did a very good job of explaining the
7 project. We worked with him over the last
8 month or month-and-a-half to, you know,
9 fine-tune this proposal for the City. We're
10 very excited, obviously, to bring this to you
11 guys.

12 As he pointed out, we're being as cognizant
13 as possible and respectful of our neighbors,
14 and Arline can speak to more of this, but the
15 intention is to be invisible almost. The idea
16 is that we don't want -- you know, this has to
17 be a very private kind of facility - and you
18 can correct me if I'm wrong - but, you know,
19 from the nature of -- you know, it doesn't want
20 to be public, that's why we've tucked it into
21 the woods. It wants to be both soundproof
22 inside and out, right? We don't want any sound
23 to be escaping the property, and we don't want
24 any sound coming into the stages, right? It's
25 a very sound-sensitive production.

1 As you can see, you know, we cut into the
2 woods. There's a pond, there's amenities and,
3 obviously, as John has pointed out, we're
4 berming up to provide as much privacy as
5 possible. We want to hide these buildings and
6 the facility inside. Its access is off to the
7 south, and the idea is there is going to be a
8 security booth here, very reminiscent of
9 probably what you saw at MGM Studios or
10 something you probably saw in film somewhere,
11 where it's going to be controlled access to the
12 site. When people visit the site, they'll be
13 allowed to access it, and then the entire
14 perimeter of the building and the pond is going
15 to be fenced as well. So there's going to be
16 no -- you know, it's security and privacy. So
17 that's the intent of this design.

18 And, you know, this was the first -- you
19 know, we've done many iterations of this, but
20 the idea is to refine it as possible. Again,
21 with Jonathan's help and guidance and your
22 Commission's guidance and with the City's
23 guidance - engineering specifically - to make
24 sure that we're complying with all the
25 different rules and regulations you guys might

1 wish upon us.

2 So we're excited for the opportunity;
3 hopefully you guys are as well. Again, the
4 idea is that, again, it is very private, right?
5 There's not going to be any -- you know, we
6 don't want people roaming around here or making
7 a spectacle of this place. That's not the
8 intent.

9 Is that good?

10 MS. GANT: Hm-hm.

11 MR. CHAIRMAN: Okay.

12 Anything else?

13 MR. BAJKO: No, I think
14 that's -- we'd be happy to answer questions.

15 MR. CHAIRMAN: Any members of
16 the Commission have any comments or questions?

17 MR. ROSE: Mr. Chairman.

18 MR. CHAIRMAN: Yes.

19 MR. ROSE: Thank you.

20 Will there be -- I've got three questions
21 here. Will there be any outdoor filming
22 anticipated?

23 MS. GANT: Yes.

24 MR. ROSE: "Yes," there

25 will?

1 MS. GANT: Yes.

2 MR. ROSE: Okay. And how
3 do you -- where do you think that will take
4 place, within this compound or out on the --

5 MS. GANT: What happens
6 is, we take and put trees all the way around
7 the facility and a wall, so that makes sure
8 that it makes everything soundproof and no one
9 can come in or go out except, of course, with
10 security itself. But it's to insulate
11 everything and, also, to make sure that the
12 neighbors feel safe, and at no time are we
13 crossing over into their land and them crossing
14 over to ours.

15 MR. ROSE: Okay, thank
16 you. And then I have two more.

17 Times of the filming, when do you
18 anticipate? Is it like, say, 9:00 to 5:00 or
19 is it twenty-four hours a day?

20 MS. GANT: No.

21 At one point, when we first opened the
22 production offices, which is your office area
23 which is in the center, they're generally there
24 between 9:00 and 5:00 as we build, and then
25 your studios on both sides, depending on which

1 one is working, what they are doing is they
2 come in, and depending on their hours, which
3 can be anywhere from -- they usually start at
4 7:00 or 8:00, but vans bring them in. So
5 there's no issue with a lot of traffic, and
6 they are totally isolated.

7 MR. ROSE: So in a
8 way, kind of like a music-recording gig,
9 where you'll allot a team six hours or
10 whatever --

11 MS. GANT: Yes.

12 MR. BAJKO: -- and they'll
13 come in and they do their things for six hours
14 and then they leave, and then another group
15 comes in. Something like that?

16 MS. GANT: No, we only
17 allow one production to come in on the forty
18 thousand square foot one, and one production in
19 the twenty thousand square foot. Twenty
20 thousand is usually for TV; forty thousand is
21 usually for film.

22 MR. ROSE: All right. So
23 they'll come in, they'll stay however long they
24 need, and then leave?

25 MS. GANT: Well, we sort

1 of regulate that in case. They generally like
2 to work not longer than ten hours.

3 MR. ROSE: Okay. So is
4 that going to make it a round-the-clock
5 operation --

6 MS. GANT: No.

7 MR. ROSE: -- as far as
8 the filming goes?

9 MS. GANT: No.

10 MR. ROSE: No? Okay.

11 And then all that land that you have to the
12 east of the compound here, what are your future
13 plans for that (indicating)?

14 MS. GANT: That's totally
15 locked in with trees all the way around it, so
16 that's beautification, for one thing, and
17 privacy and safety for the neighbors. Then you
18 have a wall that is inside of those trees that
19 no one can view from outside so that you don't
20 have to worry about sound.

21 MR. ROSE: Okay, so --

22 MR. BAJKO: Let me just
23 expand on that.

24 The intent is to -- because it is a fairly
25 open area just east of this, what we're

1 showing, right? So the rest of the property is
2 pretty open. The intent that Arline is
3 explaining is, we're going to start planting
4 trees. We're going to start planting trees
5 literally along the south face of the property
6 and the north face. So as we have
7 opportunities to do some outdoor sets, perhaps,
8 we're already ahead of the game. We're not
9 going to let this -- we would not do anything
10 external to this compound unless it was
11 properly hidden and screened. The idea is to
12 start planting vegetation and then, as Arline
13 pointed out, when those trees are developed far
14 enough, we're going to put a wall inside those
15 trees exactly like an MGM Studio basically.
16 You know, the idea is to protect and make it
17 private.

18 MR. ROSE: Thank you.

19 MR. CHAIRMAN: Any other
20 members of the Commission have questions?

21 MR. DUTTON: Will there
22 be any future connection to Branch Road to
23 the north with that stub there, or that's
24 just --

25 MR. BAJKO: We originally

1 had shown something like that, and, I guess,
2 just for cost and privacy purposes, we decided
3 that it was best to maintain one access point.
4 I would think if the fire department or the
5 engineers would want us to connect through, we
6 can discuss that with them, but we didn't see a
7 need to keep extending the development any
8 further than we needed to. You know, keeping
9 another thousand feet of road off the project
10 seemed like it made sense. We can control
11 things better.

12 MR. DUTTON: Thank you.

13 MR. CHAIRMAN: Anybody else
14 on the Commission?

15 (No response.)

16 MR. CHAIRMAN: Okay. Anybody
17 with us this evening have any comments?

18 MR. FREDRICK: (Indicating.)

19 MR. CHAIRMAN: Yes, sir.

20 MR. FREDRICK: Mark Fredrick,
21 6146 West Smith Road.

22 That site is directly across from the
23 thirty acres that I now have, and I really
24 don't seem to have any objection to this. I
25 contributed to the development of thirty acres

1 for the corporation in my backyard, and I think
2 this would be a boon to Medina also.

3 My only fear is knowing the slope of that
4 land. That big patch of empty cornfield right
5 across the street to the south is mine, and
6 with a hundred and twenty-eight parking spaces
7 that I heard, that's an awful lot of water if
8 we have three inches of rain like we had the
9 other day. I don't want that water going into
10 the road ditch under Smith Road and into my
11 front yard or hayfields.

12 Will there be some sort of adequate
13 water-retention basin as there is by the
14 Drug Mart site?

15 MR. MENDEL: On their civil
16 engineering plan here, you can see one
17 (indicating).

18 There's a proposed one here down at the
19 south end -- southerly front edge of the
20 building of the site (indicating).

21 And they've got one on the north end here
22 (indicating).

23 And then I believe they are probably going
24 to probably use some of the pond that's already
25 here as detention (indicating).

1 But typically, usually always, a
2 civil-engineered new site development is
3 always better than the -- than the
4 existing conditions, particularly on
5 long-time farm fields. So the -- you know,
6 the City Engineering Department has very strict
7 requirements under our own Codes, Ohio EPA,
8 U.S. EPA, for stormwater management and
9 stormwater runoff, clean water requirements,
10 and everything. So you will probably -- it
11 will probably become a better condition for
12 stormwater management on this property than
13 there is now.

14 MR. FREDRICK: Other than
15 that, I have no objections.

16 Probably no sound if all the roosters in my
17 red barn across the street don't bother you, I
18 suppose nothing over there coming out of that
19 soundstage will. And I also have about a dozen
20 German Shepherds keeping track of those
21 chickens in the barn. They bark at everything,
22 including a bunny.

23 MR. CHAIRMAN: Okay, thank
24 you, sir.

25 Any other --

1 MR. POSATIERE: (Indicating.)

2 MR. CHAIRMAN: Yes, sir.

3 MR. POSATIERE: Hello.

4 Bob Posatiere, I'm on 6320 Branch Road, so
5 I'm in the northwest corner.

6 This gentleman asked about the water, so he
7 answered that for me.

8 My other concern is the setback that you
9 mentioned, sir. Just so I can plan accordingly
10 on my property, like how far off the property
11 line from the northwest corner?

12 MR. MENDEL: You are Gary?

13 MR. POSATIERE: Robert.

14 MR. MENDEL: What was your
15 last name? I'm sorry.

16 MR. POSATIERE: Posatiere.

17 MR. MENDEL: Okay.

18 MR. POSATIERE: I'm up in
19 the --

20 MR. MENDEL: I mean, if
21 you're one of these smaller -- if you're one of
22 the smaller lots here, or one of the larger
23 lots in this corner, this would be the
24 northwest corner (indicating).

25 So their -- basically their site plan is

1 here (indicating).

2 You're about here (indicating). This
3 one is -- so you're up here (indicating).

4 This site is pretty much -- what they're
5 developing is right here (indicating).

6 MR. POSATIERE: Okay.

7 MR. MENDEL: So there's all
8 this tree line that they are preserving between
9 you and their portion of the site that they are
10 developing.

11 MR. POSATIERE: Okay, perfect.

12 And then the only other concern would
13 be to the farmland. I don't know if that
14 would still be able to be leased to farmers
15 in the local area. I know my neighbors are,
16 so --

17 MR. MENDEL: That would be
18 something that would be a private arrangement
19 between future property owners.

20 MR. POSATIERE: Understood.

21 MR. MENDEL: Okay.

22 MR. POSATIERE: Thank you for
23 your time.

24 MR. CHAIRMAN: Thank you.

25 MR. MENDEL: Mr. Chairman,

1 if I could just -- we have two items, two
2 e-mails that we received this afternoon from
3 Ms. Anita Mullins, which I believe her
4 address is 6069 Smith Road. It's one of
5 these houses on this island here (indicating).
6 And I passed these e-mails out to Commission
7 and to the applicant.

8 And then one is from Amanda Macklin, I
9 believe her address is 5989 Smith Road.

10 So you have those for the record, and you
11 can read them. We don't need to read them in
12 total into the record, just to state that they
13 were here and that they were put into the
14 record.

15 Thank you.

16 MR. CHAIRMAN: Okay, thank
17 you.

18 Anything else by members of the Commission?

19 MS. RUSSELL: I would
20 just say I think it's a pretty exciting
21 plan, and I love how they have the development
22 set up so that they're preserving all those
23 trees and it will be set up off the road.
24 Considering the variety of uses you can have
25 in the industrial district, I think this is

1 a good one, as you said, to be a transition
2 from your more heavy uses to the east moving
3 to the west. So I think it will be a good
4 spot.

5 MR. DUTTON: And, also, I
6 would note the plan showed wetland area
7 northwest of the developed area, so that would
8 probably be -- it would probably never expand
9 northwest. It would be most difficult to get
10 into that area, so that's further security for
11 a buffer to the north and the west.

12 MR. CHAIRMAN: Okay. Does
13 anybody want to put forth a motion?

14 MS. RUSSELL: I would move
15 to approve the site plan subject to review and
16 approval by the Medina Building Department and
17 the Medina Engineering Department.

18 MR. ROSE: I'll second.

19 MR. CHAIRMAN: We have a
20 motion, a second.

21 Any other discussion by members of the
22 Commission?

23 (No response.)

24 MR. CHAIRMAN: Roll call.

25 MS. DAVIS: Grice?

1 MR. CHAIRMAN: Yes.

2 MS. DAVIS: Dutton?

3 MR. DUTTON: Yes.

4 MS. DAVIS: Gold?

5 MR. GOLD: Yes.

6 MS. DAVIS: Russell?

7 MS. RUSSELL: Yes.

8 MS. DAVIS: Rose?

9 MR. ROSE: Yes.

10 MS. DAVIS: Motion

11 approved, five zero.

12 MR. CHAIRMAN: Thank you very

13 much. Good luck with it.

14 MS. GANT: Thank you.

15 MR. BAJKO: Thank you.

16 MR. MENDEL: Mr. Chairman,

17 if I could just have a minute to organize

18 myself here?

19 MR. CHAIRMAN: Sure, not a

20 problem.

21 MS. RUSSELL: Actually,

22 Rick, I wouldn't mind a couple minutes to read

23 through the information that was handed out

24 when we came in.

25 MR. CHAIRMAN: That's fine.

1 We'll take just a few minutes to review
2 everything and let Jonathan get organized,
3 and then we'll move on to Case 20-08 for
4 1125 Wadsworth Road.

5 (Recess taken.)

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1 Case Number P20-08

2 - - -

3 Additional Appearance: Brian Phillips,
4 KMK Development.

5 Theodore J. Lesiak, Esq.,
6 Roderick Linton Belfance LLP,
7 on behalf of KMK Development.

8 - - -

9 MR. CHAIRMAN: We'll move
10 on then to Case P20-08. This has been
11 continued from the July 9th meeting. This is
12 for 1125 Wadsworth Road. It is a request for
13 the creation of a special planning district.
14 Jonathan.

15 MR. MENDEL: Thank you,
16 Chairman.

17 As you said, this is a rezoning request by
18 KMK Development LLC for a special planning
19 district rezoning for the -- and the conceptual
20 development planning guidelines for that
21 rezoning. This is for property that's
22 effectively at the 1100 Block of West Wadsworth
23 Road, and it is a continuation of a meeting, a
24 review from July 9th, 2020, from the
25 Planning Commission.

As I said, this is "in the 1100 Block at

1 the south end of Wadsworth Road at the City
2 boundary and extends about 1,100 feet to the
3 west of Wadsworth Road. The subject site is
4 the eastern 6.01 acres of a total 6.95 acres
5 currently owned by the applicant. The site
6 is currently zoned R-1, Low Density Urban
7 Residential and surrounded by the following
8 zoning districts and land uses within --
9 both within the City of Medina and in
10 Montville Township. Within the City; R-1,
11 Low Density Urban Residential developed as
12 detached single family dwellings. Within
13 Montville Township; R-2 and R-3 (single family
14 residential) developed primarily with single
15 family dwellings."

16 Now, the background. "On July 9th, 2020,
17 the original rezoning request was reviewed by
18 the Planning Commission at a public meeting.
19 There was extensive discussion between the
20 Planning Commission and the applicant
21 regarding the instructiveness of conceptual
22 development plan, the proposed unit density and
23 the range of proposed building forms. This
24 discussion resulted in the applicant tabling
25 their request in order to reevaluate it in

1 light of the Planning Commission discussion and
2 return at a later date. The July 9th, 2020
3 Planning Commission packet and meeting minutes
4 are attached..." They have been attached to
5 the packet that -- with the staff report that
6 we're reviewing this evening.

7 The applicant has revised their plans
8 and returns -- and is returning to the
9 Planning Commission for the continued review.

10 The revised proposal now for the special
11 planning district is still six acres, but it's
12 forty-eight units, multi-family dwellings,
13 spread across up to one -- up to ten, one- to
14 two-story buildings with revised development
15 plan as such; "48 units," which is about eight
16 units per acre, with a "yet to be determined
17 mix of 2 & 3 bedroom units."

18 Full vehicular entry and exit, about
19 one-third of the units to and from
20 Wadsworth Road; about two-thirds of the
21 units two and from the to-be-completed portion
22 of Asherbrand Drive.

23 Parking supply is consistent with the
24 regular multi-family zoning requirement of two
25 unit plus one for every five dwelling units for

1 visitor parking.

2 The setbacks, they are proposing front
3 setbacks of forty feet to properties along
4 Asherbrand Drive and Wadsworth Road and to the
5 rear property, and forty foot rear yard setback
6 to the property line of the existing
7 neighboring property of 1118 Asherbrand Drive.
8 Side setbacks are proposed at ten feet from the
9 northerly and southerly property lines.

10 Site design is twenty percent net common
11 open space preserved through a deed restriction
12 or a homeowners' association. It would have
13 full pedestrian access to surrounding
14 neighborhoods and vicinity. Site perimeter
15 landscaping is designed to maximize buffer with
16 adjacent properties.

17 The building design would be equal or
18 superior exterior material design and execution
19 of the surrounding vicinity.

20 And all site utilities would be
21 underground.

22 So attached to the report is the
23 "Applicant's Revised Conceptual Development
24 plans and guidelines," the "2007 City of Medina
25 Comprehensive Plan Update - Future Land Use

1 Map," the aerial photograph of the site with
2 the City Zoning Districts overlay, and then
3 also the Planning -- the July 9th, 2020
4 Planning Commission packet; the July 9th, 2020
5 Planning Commission meeting minutes; and then,
6 as we were putting the packet together, we had
7 received a number of public comment letters and
8 e-mail or letter form, which I added to the
9 packet prior to us distributing it.

10 And then, just while I'm at it, we did
11 receive -- in the interim since last
12 Thursday, we received an additional number
13 of comment letters and a petition and then
14 another one which I have passed out to the
15 Planning Commission. I'm just going to cite
16 the person that added it, that submitted it,
17 just for the record, but I'm not going to go
18 through each individual document. First one --
19 since the ones that are not in the packet that
20 we received between the packet distribution and
21 today.

22 One from Candice Baumann at 8500 (sic)
23 Wadsworth Road; one from the Byards, Theron and
24 Erin, at 1096 Wadsworth Road; one from Donna
25 and Joseph Toth at 1113 Asherbrand Drive; one

1 from Mr. and Mrs. Zychowski at 4550 Colinas
2 Drive; one from Sheryl and Rob Sluder at 1164
3 Ty Drive. These are all 44256 area code -- or
4 Zip Code. Let's see here, this other one is
5 Kyle Kalessa at 901 Brandywine Drive, Medina,
6 Ohio.

7 We received a petition, which has three
8 pages of signatures, and this was submitted by
9 Ms. Candice Baumann at 5800 Wadsworth Road,
10 Mario and Lauren Cecchi at 1133 Brynmar Lane,
11 Evannell Baker at 454 Cambridge Drive, and
12 then, lastly, from Rupert and Nancy Bittner at
13 472 Cambridge Drive. These, along with the
14 others that are in the packet, come from a
15 range of residents -- of people -- of property
16 owners within the City of Medina and/or in
17 Montville Township. So thank you, we got that.

18 As I stated at the July 9th meeting, there
19 is a purpose statement for creating an SPD
20 that's listed on Page 3 of the staff report,
21 it's labeled "Section 1114.01." That kind of
22 goes through the intent and purpose of the
23 special planning district legislation.

24 Next, there are "Requirements for
25 Establishing a SPD," which is Section 1114.04

1 of the Planning and Zoning Code, and there are
2 (a) through (e) standards, and the applicant
3 would need to express -- and the Council, if
4 they approved it, would have to state that one
5 or more of those are being complied with.

6 Now, for the actual application for special
7 planning district, there are items in Section
8 1114.05 of the Zoning Code that are required to
9 be submitted, and those have been submitted.

10 Since this is a rezoning and it's
11 professional practice -- professional best
12 practice to kind of say "What does the
13 comprehensive plan say for these?" and the
14 comprehensive plan is in the future land use
15 map which designates properties within the
16 City, throughout the City, specific kind of
17 land use types, this property is -- the subject
18 property is designated as residential low
19 density within the comprehensive plan future
20 land use map, and these future land use maps
21 are -- can be used as a guide for making
22 decisions on rezonings within the City.

23 The legislative review process for a
24 special planning district: So a special
25 planning district has three steps; there's a

1 conceptual step, rezoning, and then there's the
2 preliminary and final site plan review
3 processes. The request in front of you is for
4 the rezoning to SPD, it would probably be
5 SPD-3, and that has to be accompanied by a
6 conceptual development plan and design
7 guidelines which are here on this plan but also
8 in narrative form in the packet as well. That
9 establishes basically the development plan and
10 the Zoning Code for the special planning
11 district.

12 Now, as a rezoning, that's -- the
13 Planning Commission is only a recommending body
14 for rezonings, so the Planning Commission would
15 make a recommendation one way or the other and
16 that would then -- it would move into the
17 legislative process for City Council, and then
18 that's -- the City Council makes the final
19 decision on rezoning requests. So if the -- if
20 it goes through this process and it was
21 approved for the conceptual development plan,
22 there still is a preliminary site plan review
23 of the actual what-is-going-to-be-on-the-ground
24 development plan and then a final development
25 plan. Those two steps, preliminary site plan

1 and final site plan, only go to the
2 Planning Commission for review and approval.

3 Now, if special planning district rezoning
4 occurs in a development and the conceptual
5 development plan and design guidelines are
6 approved, there's no timeline on implementation
7 of those. It could be twenty years from now
8 before they -- before someone decides to go
9 through the preliminary and final site plan
10 process.

11 So looking at this project, it's passed
12 around at several of the City departments.
13 Service Department had some comments about
14 water access, water distribution within the
15 site.

16 The Fire Department has some comments in
17 here that would -- and all these comments maybe
18 would be addressed during the site improvement
19 development plan, that would be after the
20 preliminary site plan review and approval and
21 the final site plan review and approval by the
22 Planning Commission. So these are items that
23 would come into play when there's actually the
24 construction development review plans are
25 being reviewed by the City -- by the City

1 Administration.

2 So general discussion, the proposed SPD
3 meets the -- continues to meet the submittal
4 requirements of Chapter 1114 to permit the
5 review by the Planning Commission and
6 ultimately City Counsel. The City's
7 comprehensive plan future land use map
8 designates the subject property low density
9 residential which is consistent with the
10 existing detached single-family development
11 patterns in the immediate vicinity, both within
12 and outside the City of Medina.

13 The proposed SPD would still result in a
14 distinctly multi-family development that would
15 be more consistent with the residential high
16 density designation in the 2007 comprehensive
17 plan future land use map and generally
18 permitted within the R-4 multi-family zoning
19 district of the City's Planning and Zoning
20 Code.

21 Also, the revised proposed unit density,
22 which is now 7.99 units per acre, is equal to
23 the R-4 zoning district's eight units per acre.
24 The -- in July 9th, their proposal had, I
25 believe, about 10.3 units per acre, so they

1 have reduced that, but it is still equal with
2 the maximum density of the R-4 zoning district.

3 And then, as I said, there's, you know,
4 lots of comment letters from concerned public,
5 interested public, provided with the packet and
6 further described as we -- of the ones we
7 received since the packet was distributed.

8 So the next step, Planning Commission
9 should weigh the information provided, provide
10 a recommendation to City Council on the
11 rezoning request from R-1 low density urban
12 residential to the proposed Special Planning
13 District #3.

14 Thank you.

15 MR. CHAIRMAN: Okay, thank
16 you.

17 And who would be here representing this
18 this evening?

19 MR. LESIAK: Ted Lesiak and
20 KMK Development.

21 MR. CHAIRMAN: Mr. Lesiak, if
22 you can go back to the podium, and I -- just
23 because of the number of folks that are here,
24 were you guys here when we first started the
25 meeting?

1 MR. LESIAK: No.

2 MR. CHAIRMAN: Okay. You
3 have not been sworn in then.

4 MR. MENDEL: You guys can
5 stand up so the court reporter can swear you
6 in.

7 (Whereupon, Theodore J. Lesiak and
8 Brian Phillips were then placed under oath by
9 the notary.)

10 MR. CHAIRMAN: And, if you
11 would, step back to the podium and give us your
12 name and address. And if you have anything to
13 add to what Mr. Mendel said, that would be
14 great.

15 MR. LESIAK: I'm
16 Ted Lesiak, and my business address is
17 50 South Main, 10th Floor, Akron, Ohio 44308.

18 And we did have extensive discussion at the
19 previous meeting, and we had asked for this to
20 be tabled so we could go back to the drawing
21 board and make some changes that we felt that
22 the Board was looking for, and I'm going to
23 have Mr. Phillips here explain just
24 specifically those changes so we can discuss
25 them with you if you have any questions.

1 So, Mr. Phillips.

2 MR. PHILLIPS: Hello. My
3 name is Brian Phillips, I live at 920 Beechwood
4 Drive, Medina, Ohio.

5 So what we've done is, we've reduced the
6 density by twenty percent, from sixty-two units
7 down to forty, and eliminated any third-story
8 buildings.

9 This layout here is -- would be based on
10 ranch-style units (indicating). These would be
11 single-family ranch-style but, you know, in a
12 multi-family configuration where you have four
13 units, six units, maybe eight units together.

14 We've added some detail on landscaping,
15 open space, and, you know, we tried to address
16 most of the concerns that the Planning Board
17 gave us.

18 Giving a little more detail, these are the
19 type of units we're looking at building
20 (indicating). We included the two-story
21 townhome, just that's kind of a fallback. If
22 ten years from now we sell it to another
23 developer and they don't want to do the ranch
24 style, they instead want to do a townhome
25 version, which is similar to what's over at

1 Beacon Park, these would be two-story townhomes
2 that would be for sale with, you know,
3 basements and would offer some type of
4 transitional home, transitional housing in the
5 neighborhood.

6 MR. LESIAK: And with that,
7 the original plan had a possibility of
8 three-story units, and that's been reduced to
9 two. Is that correct?

10 MR. PHILLIPS: Correct, yes.

11 MR. LESIAK: And at this
12 point, there is an issue that was brought forth
13 by the fire department. Originally, we had --
14 we didn't have the road going through
15 completely, and this plan is gated and,
16 obviously, that is something for the site plan,
17 but we are flexible with regard to that issue
18 as to whether or not that would be gated to
19 have half the -- or part of the residents
20 exiting on Wadsworth Road and part on
21 Asherbrand.

22 At this point, I suppose with regard to the
23 Commission itself, are there any questions or
24 concerns that we can address for you?

25 MS. RUSSELL: I had a

1 question.

2 What is it about this property that would
3 prevent you from developing it within the R-1
4 guidelines, just doing the single-family homes
5 as opposed to changing it?

6 MR. PHILLIPS: The road was
7 left unfinished, so the cost to bring storm
8 sewers, utilities to finish that, and because
9 of -- to match the setbacks that are required
10 in the R-1, it makes it somewhat cost
11 prohibitive to finish that road and to develop
12 it into an R-1 setting. So that's why we're
13 trying to increase the density. We want to try
14 to, you know, produce something that will fit
15 into the neighborhood, but, obviously, that's
16 the long-term goal. But it's primarily the
17 cost of finishing the road.

18 There's also a stream going through, so we
19 have some physical limitations on the site that
20 eat up some of the property where we can't
21 actually put structures on. So that's --
22 that's primarily the shape (indicating). The
23 fact that there's a stream and there's
24 additional costs because the road was never
25 finished fifteen, twenty years ago.

1 MR. CHAIRMAN: Any other
2 questions by members of the Commission?

3 MR. DUTTON: Can you help
4 me understand how the application meets the
5 requirements of Section 1114.01? You cite (c)
6 and (d).

7 MR. LESIAK: (C) applies to
8 a mixed development, and this is, because half
9 of -- well, not half, a portion of the
10 property, east of where the road would be --

11 MR. MENDEL: Ted, if you
12 could, just --

13 MR. LESIAK: I'm sorry.

14 MR. MENDEL: -- keep on top
15 of the microphone.

16 MR. LESIAK: I'm sorry.

17 A portion of the property on the -- if
18 Asherbrand were to be completed, would be
19 for single-family housing to the west and
20 multi-family housing to the east, so it is a
21 mixed use.

22 With regard to (d), that does call for
23 imaginative development with special
24 characteristics, that Mr. Phillips just
25 provided with regard to the -- the water and

1 the creeks and that type of thing.

2 MS. RUSSELL: But doesn't
3 (d) state, "...in keeping with the overall land
4 use intensity..."? And what you're suggesting
5 is to have twice the amount of housing as
6 permitted by the R-1 district that it is
7 currently.

8 MR. LESIAK: I'm sorry, did
9 you say (d)?

10 MS. RUSSELL: Yeah, I'm
11 looking at (d). You see in the middle, it
12 says, "...and developers that can produce
13 residential developments which are in keeping
14 with overall land use intensity."

15 I mean, the point here is that you're going
16 from -- you have six acres, so would that be
17 twenty-four homes under an R-1 district?

18 MR. DUTTON: A real gross
19 number would be twenty-five --

20 MS. RUSSELL: Okay.

21 MR. DUTTON: -- under the
22 seven -- the seven acres west of what -- east
23 of what Asherbrand -- if Asherbrand was
24 connected.

25 MS. RUSSELL: Okay. So

1 twenty-five to forty-eight is a pretty --
2 obviously, it's about double.

3 MR. LESIAK: Yes, I agree.

4 But, obviously, one of the things that I
5 went through today when I looked at this, from
6 Broadway South to 162, there are twelve
7 multi-family developments on that front on 57.
8 So generally -- and eleven of them are in the
9 City of Medina. So generally, this type of
10 development, although not currently zoned, is
11 permitted in the area.

12 MR. DUTTON: Back to the
13 mixed use response, I suppose, you believe --
14 you can honestly say that a mixed-use
15 development is one single family and then
16 forty-some multi-family? That's what the
17 Code intended when we talked about a mixed use?

18 MR. LESIAK: Well, I
19 can't --

20 MR. DUTTON: That's the
21 accurate portrayal of the intent of the
22 Code?

23 MR. LESIAK: Well, the Code
24 is what the Code is. I don't know what Council
25 intended when they created this particular

1 ordinance, but it does say "mixed use," and
2 that is a mixed use.

3 MR. DUTTON: I would say
4 that's thin at best.

5 MR. CHAIRMAN: Other
6 questions by members of the Commission?

7 MR. GOLD: Mr. Phillips,
8 why did you seek an SPD as opposed to, say, an
9 R-4?

10 MR. LESIAK: I can address
11 that.

12 The area has no R-4 contiguous to it. So
13 you created into your Code this SPD as,
14 basically, a way around the issue of spot
15 zoning. If you can meet the Code, then you are
16 able to do different types of projects in areas
17 that are not particularly zoned that way.

18 MR. DUTTON: I don't
19 believe that's the intent of that section at
20 all.

21 If we want to get into definitions, you
22 state there's twenty percent open space. By
23 our Code, there's pretty much zero percent open
24 space on this entire project. There's really
25 nowhere that has use for recreation and other

1 leisure activities normally carried on
2 outdoors. That's our Code definition of open
3 space. I don't see one spot on this whole
4 project that's not a building, parking, or a
5 drive.

6 I'm just going with what the Code says
7 since we're going line-by-line with the Code.

8 MR. PHILLIPS: The open space
9 is going to be the perimeter and the setbacks
10 and then the detention ponds around there and
11 then the creek going through there. So when
12 this is finally designed, it will have to meet
13 that twenty percent open space or it will be in
14 conflict with the SPD that would get approved.
15 So that would be something that -- that is a
16 bar that we're setting that will have to be met
17 at the next round of planning, so --

18 MR. DUTTON: I'm saying
19 what you're showing here is basically zero
20 percent open space.

21 MR. PHILLIPS: But this is --

22 MR. DUTTON: So that's the
23 only special thing about this that's not a
24 straight multi-family development, other than
25 the one house across the road, is you're not

1 providing any open space.

2 MR. PHILLIPS: This is just a
3 conceptual plan at this point, so we still --

4 MR. DUTTON: So we should
5 disregard it?

6 MR. PHILLIPS: No, you don't
7 disregard it.

8 This is -- you know, where, potentially,
9 the buildings could be laid out, but we're
10 still going to meet the twenty percent open
11 space. You know, it's written into the SPD
12 that there will have to be twenty percent open
13 space.

14 MR. DUTTON: Okay.

15 MS. RUSSELL: Actually, I
16 have a question for Jonathan.

17 For a special planning district, I
18 understand the process that right now we're
19 just talking about the zoning and you've got a
20 conceptual plan. How much can that conceptual
21 plan change if the SPD is granted? How much
22 are they beholden to what they provide in their
23 conceptual plan? I mean, if the SPD is
24 granted, will it always have to be multi-family
25 residential that's built there? How much could

1 it change in the future? As you said --

2 MR. MENDEL: Well, you've
3 got the -- there's the conceptual development
4 plan, which would be this plan that I'm
5 pointing at here, that's got a basic layout of
6 buildings and drives and parking areas and
7 access points and setbacks, potential
8 stormwater management areas (indicating). That
9 one, you know, it would have to be a judgment
10 call at the time of preliminary review for site
11 plan to see how much of an actual proposed site
12 plan is consistent with this development plan.

13 But then there's also the design
14 guidelines, which are, you know, different
15 types of buildings forms, setbacks, heights,
16 unit density, types of units, open space,
17 setbacks. Those are more black-and-white
18 compliance. There might be a little more
19 flexibility in here.

20 So of the two other special planning
21 districts we have, one is South Court Village,
22 which is the forty acres at Route 3, and
23 High Point Drive, which pretty much all of the
24 residential designated areas of that forty-acre
25 SPD has been developed or is developing right

1 now. That conceptual development plan had more
2 of a bubble diagram -- was more of a bubble
3 diagram, like, "Okay, here's a bubble cloud of
4 residential area, buffer edges around there,
5 commercial here, commercial small lot, small
6 office building area here." It wasn't as --
7 with specific building footprints. So that one
8 had a little more flexibility.

9 This one could be -- you know, if this
10 isn't the plan as shown on this aerial
11 photograph, administration staff at the time
12 can say, "You're not consistent with that
13 because of..." whatever nature it is. You have
14 to be consistent with this plan and the
15 development guidelines.

16 MS. RUSSELL: Okay.

17 MR. MENDEL: If they
18 wanted to -- if that was the determination by
19 staff at the time, they would have to amend it,
20 and that would require going back through
21 Planning Commission and City Council for
22 amending the conceptual development plan and/or
23 the development guidelines. Basically, it
24 would have to go back through this process.

25 MS. RUSSELL: Okay, thank

1 you.

2 I just wasn't sure how permanent it is.

3 MR. MENDEL: You know,
4 things change. I mean, the special planning
5 district at South Court Village went through at
6 least four iterations of conceptual development
7 plan and design guideline changes from its
8 inception in 1999 until it started building out
9 in 2016, and those all had to go back through
10 Planning Commission and City Council for
11 ultimate approval.

12 MS. RUSSELL: Thank you.

13 MR. CHAIRMAN: Okay. Other
14 questions, comments by members of the
15 Commission?

16 MR. ROSE: Mr. Chairman.

17 MR. CHAIRMAN: Yes.

18 MR. ROSE: Thank you.

19 Mr. Phillips, you said something that
20 troubles me. You said you included the design
21 of the townhomes so in ten years down the road,
22 if somebody wanted to build them. I've got a
23 problem with "ten years down the road." You're
24 asking for us to do something now, and maybe
25 ten years from now it will be done. I've got a

1 big problem with that. I would expect, if
2 you're coming here and taking all of our time
3 up, that you're going to do it now. You're not
4 going to sit here and say, "This is what I want
5 to do, but maybe we can do that later." I
6 don't like that at all. Could you elaborate,
7 please?

8 MR. PHILLIPS: Yeah.

9 My example is -- our intention is to get
10 the conceptual approval to -- we already have
11 an architect. We'll then get them working on
12 the next preliminary phase, we'll get
13 engineering going, we'll start working with the
14 City. So our intention is to begin this
15 immediately; it's not ten, fifteen, twenty
16 years.

17 We, as the property owners, are looking to
18 maximize our value in this property, and having
19 it sit vacant for ten or fifteen years and
20 paying taxes every year is not very suitable to
21 us at this time. So we're looking to do this
22 right away.

23 However, the reason I brought that up is,
24 sometimes things happen, whether it's a
25 pandemic or you have to go back in front of the

1 City Council four times and it takes seven or
2 eight years. So that's why -- in that time,
3 that's why we added the contingency for the
4 two-story townhomes, because this is somewhat
5 permanent once it's written into the SPD.

6 So our goal is to move ahead with it. We
7 want to move ahead with it. We would like to
8 start breaking ground next summer and have
9 these on the market for sale late summer/early
10 fall of next year.

11 So that's all I -- that's the only reason I
12 brought that up, in case you were wondering why
13 we show the townhome plan.

14 MR. ROSE: So your intent
15 is to sell these units, not to rent them?

16 MR. PHILLIPS: Our intent is
17 to sell them, although we haven't written that
18 into it, in case a company like Redwood or
19 someone else came in and said, "Hey, you know,
20 we would like to take this over," and then they
21 buy -- they buy them from us and then they
22 start to rent them, so there is the potential
23 for that. Right now our intention is to build
24 single-family structures and bring them to
25 market.

1 MR. ROSE: Thank you.

2 MR. CHAIRMAN: Okay.

3 Anything else by members of the Commission?

4 MR. DUTTON: Yeah.

5 Not to beat a dead horse on this
6 Section (c), but as one of the two things we're
7 allowed to consider this by, it states,
8 "...where there is a need to provide for
9 greater -- a greater mixture of uses than would
10 be permitted in the standard zones of this
11 Ordinance."

12 So it's where you provide a mixture of uses
13 that you can't provide in any other zoning
14 district. Well, in the R-4 zoning district,
15 you can put in single family and multi-family.
16 So it does not meet that section because there
17 is a Code Section R-4 where you can use -- have
18 both of these uses without the need for a
19 special district.

20 MR. LESIAK: Well, as we
21 said in the last meeting, we dispute that. The
22 mixture of uses here applies to this district,
23 and it's an R-1 district.

24 MR. DUTTON: I'm agreeing
25 that there's a mixture, but I'm saying that you

1 can do this in the R-4, both of these uses.

2 MR. LESIAK: But we are
3 talking about land in the R-1, and that's why I
4 said -- that's why I respectfully disagree.

5 MR. DUTTON: Okay.

6 MR. CHAIRMAN: Anything else
7 by members of the Commission?

8 (No response.)

9 MR. CHAIRMAN: Okay. Anybody
10 with us this evening have any comments they
11 would like to make?

12 MR. KOVALIK: (Indicating.)

13 MR. CHAIRMAN: Yes, sir.

14 If you would step back to podium, give us
15 your name and address, keep your comments to a
16 few minutes and --

17 MR. KOVALIK: I just have to
18 catch my breath here after wearing this mask
19 for so long.

20 MR. CHAIRMAN: No fun?

21 MR. KOVALIK: No.

22 My name is Anthony Kovalik, and I live on
23 464 Cambridge Drive in Medina. I've been a
24 resident in that house for eight years.
25 Previous to that, I lived at 651 Sturbridge

1 Drive, which is just around the corner, and I
2 lived there since 2002.

3 I'm here on behalf of myself and many of my
4 neighbors. I would like to describe our
5 neighborhood as kind of idyllic in the sense
6 that we have kids playing up and down the
7 street all the time. We are a diverse and a
8 very close-knit community, and we oppose this
9 particular zoning change and the intended
10 development. There are kind of two
11 conversations here, and you will have to
12 forgive me, I have not really had a chance to
13 get coached up on zoning and planning, but we
14 have spoken to Council.

15 First, as a matter of the zoning issue, we
16 oppose that on the grounds that we do not feel
17 the proposal meets the -- either the purpose or
18 the requirements of the SPD, and I think you
19 have -- with the papers Mr. Mendel provided,
20 you have what our Council said and the
21 comments. Basically, I will just reiterate and
22 say that the proposal is not a greater range or
23 mixture of compatible uses; it is a wholesale
24 creation of an entirely new zoning
25 classification and a solely low density

1 single-family area within the City and
2 surrounding Township.

3 As regards to purpose -- or actually as
4 regards to the requirements, the effective area
5 is not in transition. The proponent has
6 submitted no evidence that there is a need to
7 provide a greater mixture of uses, and the
8 proposal does not meet with the existing land
9 use. So I guess in terms of the request to
10 change the zoning, we have stated that
11 rationale.

12 We've collected at least twenty-five
13 signatures over a couple days. We probably
14 could have come in with a hundred if given a
15 week.

16 Finally, I don't want to take up too much
17 of your time, and I do not want to reiterate
18 things that have already been said and
19 questions that have already been raised. I
20 just want make a few statements about why in
21 particular I'm opposed to this proposal.

22 The traffic analysis was solely done at the
23 intersection of Sturbridge and Wadsworth.
24 Please correct me if I'm wrong about that. It
25 did not discuss how people get to that

1 intersection through Colinas or Asherbrand.
2 There was no traffic study done there. And, as
3 you know, kids in Medina who live within two
4 miles of their school need to either walk or
5 ride their bikes, and I think that this
6 definitely creates a safety concern for those
7 kids.

8 There's increased noise. I noticed that
9 the proposal has been reduced from three
10 stories down to two, potentially taking an
11 eyesore issue away; however, as stated by the
12 Board, the Committee here, these plans are
13 subject to change. The SPD seems to me to be
14 more of a catch-all or a loophole or a kind of
15 anything-goes sort of zoning change, and that
16 is one of our primary concerns.

17 There is a water runoff issue. For that
18 particular proposal, you're talking about a
19 hundred and twenty parking spaces, which is at
20 two forty-two spaces per acre. You're looking
21 at half an acre of parking alone. It does not
22 include the street or the roofing.

23 There's also a pond and lots of wildlife
24 that we feel that this particular proposal
25 threatens and, in addition, will lead to the

1 widening of Route 57 behind the property or --
2 well, in front of that one behind our homes.

3 Essentially, what I'm saying is, that this
4 proposal does not fit in with the existing
5 neighborhood, and it is essentially going to do
6 nothing for our property values. And I
7 certainly understand that people should be able
8 to get value from their property and to be able
9 to use it for their own profit or pleasure;
10 however, that should not be done at the expense
11 and cost of the property values of others.

12 There's already great concern among all my
13 neighbors. We're talking about dozens of
14 homes, people concerned about their property
15 values, their neighborhood, and what they will
16 be able to leave for their children.

17 Thank you very much for your time, and I
18 appreciate the opportunity.

19 MR. CHAIRMAN: Thank you,
20 sir.

21 Is there anybody else with us this evening
22 that has any other comments other than what
23 this gentleman has raised? Something
24 different.

25 MS. BAUMANN: Hi.

1 Candi Baumann, 5800 Wadsworth Road. Actually,
2 my house -- actually, the other picture is
3 better. That little road is my driveway on the
4 bottom of that picture (indicating). That's my
5 pond, my home (indicating).

6 I just feel -- I understand this is your
7 land, you have every right to develop it, I
8 just feel like the whole thing was thrown
9 together. There's no -- this movie production,
10 I read through that, this woman had every
11 little millimeter of that drawn out,
12 blueprinted. "Here's the color we're using.
13 Here's the lights we're using."

14 This is like, "Well, we may use this
15 townhouse, we may not. Here's a picture from
16 2015 from Madison Township. We might rent
17 them, we might sell them." Like, it's just --
18 there's no rhyme or reason to it.

19 I understand single-family homes would be a
20 much better suit to this area.

21 Not only that, it's like, how are you going
22 to prevent people from walking right on my
23 property? I have a pond. I don't want kids
24 drowning in my pond. There's just -- there's
25 so many open questions.

1 Thank you.

2 MR. CHAIRMAN: Thank you.

3 MR. THUR: My name --

4 sorry. My name is Michael Thur, Sr. I live at
5 1124, directly across from the development.

6 MR. MENDEL: Sorry, which
7 street?

8 MR. THUR: Wadsworth
9 Road, 1124. It's directly right across from
10 the main portion of the development.

11 I threw this together to come up with it.
12 I only got the notice about a week-and-a-half
13 ago that there was going to be a meeting
14 pertaining to this, so I'm going to try to
15 avoid any duplicate talk.

16 MR. CHAIRMAN: We appreciate
17 that.

18 MR. THUR: They did say
19 that one-third of the traffic is going to come
20 onto Wadsworth, the other two-thirds is going
21 to go onto the west.

22 MR. MENDEL: Asherbrand.

23 MR. THUR: Asherbrand.

24 I'm sorry.

25 That's not going to happen, because we did

1 have in the notes by the fire department that
2 they need full access. Now, they just
3 mentioned pertaining to a gate. A gate is not
4 going to stop people from coming onto -- more
5 cars coming onto Wadsworth.

6 Sorry. I'm going to read over the notes so
7 I don't duplicate.

8 What I did do is, I stood out in front of
9 my property. If you stand on my sidewalk right
10 now and talk to someone on the porch, you
11 really can't hear them, you have to really
12 yell. With this proposal, you're saying more
13 traffic is coming on my road in front of me
14 now. The noise level that hurts your ears is
15 rated at eighty to eighty-five decameter (sic).
16 Okay? The traffic that is going on here now is
17 on a seventy-five to eighty. Trucks just going
18 down without stopping, without the turn lane
19 that you're talking about or maybe a signal
20 light for going into that property, the trucks
21 are now going at an eighty-five to ninety-five
22 level. Now, if you put in a stop sign or a
23 turn lane or a signal, the trucks have to gear
24 down, then they have to go up. This is an
25 incline on 57 going south. That decimal (sic)

1 reading is maxing out at one hundred and three.

2 I went on the Internet and tried to find
3 out with apartments coming into R-1
4 development, what happens? The crime rate, the
5 crime rate goes up. Police are called in more
6 because the high density that you're talking
7 about. I moved out of a crime area into Medina
8 to have my kids grow up safe. Now you're
9 putting my family - my grandchildren now - into
10 danger because of this.

11 I just found out that you lowered
12 your building from a three to a two,
13 so that wipes all this out right here
14 (indicating).

15 You say that your family grew up in Medina,
16 three out of four still live there, but they
17 don't live in the area that you're proposing,
18 and you probably don't have a two-story
19 building going up next to your house that is
20 ten feet or forty feet away from you. I picked
21 going to Wadsworth Road because I liked it.
22 Now, I didn't pick to have this housing
23 development be put on our -- across from our
24 property.

25 The reason I'm a little upset is because

1 I'm kind of worried about your production and
2 how you do things. Across the street from us,
3 that only gets cut maybe once, maybe twice a
4 year - okay? - four feet, five feet tall. Now,
5 I'm very worried, and I don't want this ever to
6 happen, but what happens if a fire happens in
7 our -- one of our houses. That fire department
8 from Number 3 comes flying down and can't find
9 a fire hydrant. Why? The grass is four to
10 five feet, not maintained. What are you going
11 to do with this development?

12 Second, there is a tree on the power line
13 that has been leaning on this power line since
14 wind went through Medina. Have you ever gone
15 out there? I got a picture, I'll show you. I
16 got a picture.

17 Have you ever gone out there and looked at
18 this property that you own? No, you probably
19 didn't. You probably had someone or whoever
20 mowed the lawn come out and do it and continued
21 on. This tree can fall any time. It may not
22 land on the road, but if you're driving down
23 doing forty-five, fifty miles an hour and
24 something comes down in front of you, what are
25 you going to do? Swerve right into incoming

1 traffic.

2 Now, I don't want to see anyone get hurt
3 because of your negligence. That's what's
4 making me worried about your building. What
5 are you going to cut corners on to make this
6 happen?

7 Twenty percent open area, there is no
8 twenty percent open area in this. The traffic
9 is so fast going up and down Wadsworth, it is
10 kind of scary just to walk up and down there.
11 I grant you, in front of my house it says
12 thirty-five, but you tell me how many people
13 really slow up at thirty-five miles an hour at
14 that point, even though there's signs that say
15 "slow up."

16 I'm just going to cut my time. I
17 apologize.

18 MR. CHAIRMAN: That's fine.
19 Thank you.

20 MR. THUR: I want to
21 thank you for letting me speak and to try to
22 stop this development. Now, I'm begging you to
23 stop this development. I want my grandchildren
24 to grow up safe, and with this kind of
25 development here, it's not going to provide the

1 safety.

2 Thank you.

3 MR. CHAIRMAN: Thank you for
4 being with us this evening.

5 Something new?

6 MR. ZYCHOWSKI: Yes.

7 Frank Zychowski, 4550 Colinas.

8 One thing that I -- if you look at the
9 circle on the property there, you can see it's
10 the house with the driveway going all the way
11 around it.

12 That drainage pond, or what used to be a
13 pond, has issues to begin with with the
14 drainage coming through. Taking out another
15 six-whatever acres and having over a hundred
16 parking spaces is really going to put a lot of
17 strain and stress on the drainage of the area.

18 So I'm asking you to do basically what the
19 applicant's own counsel said, which is, "The
20 Code is what the Code is." I ask you to
21 believe what the Code is.

22 Thank you.

23 MR. CHAIRMAN: Thank you.

24 MS. KOVAL: Hi.

25 Lisa Koval, 1114 Asherbrand Drive. So I am

1 the second house next to 1118, which is the one
2 at the end, which would only have ten feet.

3 A couple things I would just like the
4 Planning Commission to review. I did submit a
5 two-page letter, and I would like you to review
6 my comments on the R-4 and the SPD and what
7 those are really meant to be, which this is not
8 the appropriate zoning for this type of
9 establishment.

10 Second of all, he keeps saying --
11 Mr. Phillips continues to say "conceptual
12 plan." That means no plan. We, my husband and
13 I, have been in the area now for eighteen
14 years; my neighbors even longer. This empty
15 area over there, it's been barren that long, so
16 why now? How do we know that you don't get a
17 proposal to build something and then you sit on
18 it another ten, fifteen years - it's been
19 eighteen years for us already - and then we
20 have townhouses going up or something like
21 that? So we're very concerned about that.

22 We have children everywhere, they are
23 running around.

24 Like the gentleman before me just
25 stated, the runoff. I actually took

1 pictures from the storm that we had on
2 Monday. It was a pond. My neighbors at 1118,
3 it was literally a running river next to
4 their house going into their -- you know,
5 where their water collects. This is a
6 concern.

7 When we moved in the first time, in my
8 letter, there were mattresses, there was tires
9 that were thrown into this area.

10 So according to the August Planning
11 Commission letter, he was going to build a
12 house at 1111 and build a road through there.
13 So we have water issues. How do we know that
14 the road won't collapse, the house won't
15 collapse because of what is in that
16 wetland/landfill underneath there?

17 We're requesting that we keep him from
18 building in that area unless it is going to go
19 with our single-family homes of an R-1.

20 Thank you.

21 MR. CHAIRMAN: Thank you.

22 Okay. I presume --

23 MR. DEAN: (Indicating.)

24 MR. CHAIRMAN: Yes, only
25 if it's something new that doesn't do with

1 all of the things that we just already
2 heard.

3 MR. DEAN: I appreciate
4 that, sir. It certainly is. Thank you.

5 Sean Dean is my name, I live at 5800
6 Wadsworth Road. I live with Candice Baumann
7 and everything.

8 The twenty percent green space, I just want
9 to add to it real quick. I don't see anything
10 on here in the drawings and whatnot for --
11 other than him mentioning -- Mr. Phillips
12 saying that the natural ponds on the north and
13 south side of property, which is ours on the
14 south side.

15 I don't see anything for fencing,
16 landscaping mounds, or anything that can deter
17 people from coming onto our property in that
18 corner as well.

19 She just mentioned the water runoff from
20 the last weekend's storm which was very, very
21 bad.

22 You guys, thank you for your time today, I
23 greatly appreciate it.

24 Mr. Phillips, I know what you want to
25 do, I understand. As a businessman and

1 everything, I get it, I just don't like this at
2 all.

3 That's all. Okay, thank you.

4 MR. CHAIRMAN: Thank you.

5 Any other questions by members of the
6 Commission? Any other comments?

7 MR. GOLD: Mr. Chairman,
8 I would like to put forth a motion to forward a
9 recommendation of approval to City Council from
10 rezoning from R-1 to an SPD.

11 MR. CHAIRMAN: We have a
12 motion. Is there a second?

13 MR. ROSE: Second.

14 MR. CHAIRMAN: Just so you
15 all realize, all of our motions are always made
16 in the, I'll say, positive, so the vote isn't
17 backwards, if you will.

18 Okay. We have a motion and a second.

19 Is there any other discussion by members of
20 the Commission?

21 (No response.)

22 MR. CHAIRMAN: Roll call.

23 MS. DAVIS: Grice?

24 MR. CHAIRMAN: No.

25 MS. DAVIS: Dutton?

1 MR. DUTTON: No.
2 MS. DAVIS: Gold?
3 MR. GOLD: No.
4 MS. DAVIS: Russell?
5 MS. RUSSELL: No.
6 MS. DAVIS: Rose?
7 MR. ROSE: No.
8 MS. DAVIS: Motion denied,
9 five-zero.

10 MR. CHAIRMAN: This will be
11 forwarded on to City Council as our action is
12 only a recommendation. Okay?

13 Thank you very much.

14 And if there's nothing else to come before
15 the Commission --

16 MR. MENDEL: There is not.

17 MR. CHAIRMAN: -- we are
18 adjourned.

19 (Hearing concluded.)

20 - - -

21

22

23

24

25

1 STATE OF OHIO)
2) ss:
3 COUNTY OF MEDINA.)

4 CERTIFICATE

5 I, Nicholas Glatzhofer, Notary Public within
6 and for the State of Ohio, duly commissioned and
7 qualified, hereby certify that before the giving of
8 their testimony, all speakers were first duly sworn to
9 testify to the truth, the whole truth, and nothing but
10 the truth in the cases aforesaid and that the
11 testimony was taken by me by means of stenotype in the
12 presence of said speakers.

13 I further certify that said hearings were held
14 at the time and place specified in the above caption
15 and was concluded on the 10th day of September, 2020.

16 Further, I certify that I am not a relative,
17 counsel, or attorney at law for any party to this
18 suit, nor am I interested in the event of same.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 and affixed my seal of office at Medina, Ohio this
21 21st day of September, 2020.

22 _____
23 Nicholas Glatzhofer,
24 Notary Public within and for
25 the State of Ohio.
My commission expires 10/24/2023

ability

based

A	
ability (9:25)	answered (33:7)
able (34:14)(57:16)(70:7)(70:8)(70:16)	anthony (66:22)
above (83:13)	anticipate (26:18)
access (14:23)(24:6)(24:11)(24:13)(30:3)(42:13) (47:14)(60:7)(73:2)	anticipated (25:22)
accessory (18:4)	anybody (11:12)(11:20)(30:13)(30:16)(36:13)(66:9) (70:21)
accommodate (16:7)(19:7)	anyone (5:25)(76:2)
accommodated (19:4)	anything (5:14)(22:14)(25:12)(29:9)(35:18)(50:12) (65:3)(66:6)(80:9)(80:15)(80:16)
accompanied (46:5)	anything-goes (69:15)
according (79:10)	anywhere (27:3)
accordingly (33:9)	apartments (74:3)
accurate (56:21)	apologize (76:17)
acre (16:22)(41:16)(48:22)(48:23)(48:25)(69:20)(69:21)	appearance (39:3)
acres (14:8)(14:9)(14:13)(16:23)(16:24)(30:23)(30:25) (40:4)(41:11)(55:16)(55:22)(60:22)(77:15)	appearances (2:3)(3:1)(7:3)(13:3)
across (9:1)(30:22)(31:5)(32:17)(41:13)(58:25)(72:5) (72:9)(74:23)(75:2)	applicant (7:18)(11:14)(13:23)(14:16)(18:24)(20:24) (21:9)(35:7)(40:5)(40:20)(40:24)(41:7)(45:2)
action (82:11)	applicants (13:16)
activities (58:1)	applicant's (42:23)(77:19)
actual (16:15)(20:24)(21:9)(45:6)(46:23)(60:11)	application (45:6)(54:4)
actually (21:16)(37:21)(47:23)(53:21)(59:15)(68:3) (71:1)(71:2)(78:25)	applies (54:7)(65:22)
add (6:24)(11:6)(22:14)(50:13)(80:9)	appreciate (70:18)(72:16)(80:3)(80:23)
added (43:8)(43:16)(51:14)(64:3)	appropriate (21:17)(78:8)
addition (69:25)	appropriateness (16:9)
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CITY OF MEDINA PLANNING COMMISSION

Transcript of Proceedings held on Thursday, the 10th day of September, 2020 before the City of Medina Planning Commission, commencing at approximately 5:30 p.m., as taken by Nicholas Glatzhofer, Notary Public within and for the State of Ohio, and held in Medina City Hall, 132 North Elmwood Avenue, Medina, Ohio 44256.

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I N D E X

APPEARANCES.....3

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APPEARANCES:

City of Medina Planning Commission, Rick Grice, Chairman, Monica Russell, Esq., Member, Bruce Gold, Member, Andrew Dutton, Member, Paul Rose, Member.

City of Medina Planning and Community, Development Department, Jonathan Mendel, Community Development Director, Sandy Davis, Administrative Assistant.

PROCEEDINGS

OLD BUSINESS

MR. CHAIRMAN: Good evening, everyone. I would like to welcome you to the September 10th Medina City Planning Commission meeting.

Our minutes were mailed out for the August 13th meeting. Are there any additions or corrections?

MR. GOLD: Mr. Chairman, I would like to approve the minutes as submitted.

MR. ROSE: Second.

MR. CHAIRMAN: We have a motion, a second.

Roll call.

MS. DAVIS: Was that Mr. Rose?

MR. ROSE: Yes.

MS. DAVIS: Okay.

Dutton?

MR. DUTTON: Yes.

MS. DAVIS: Grice?

MR. CHAIRMAN: Yes.

1 MS. DAVIS: Russell?
 2 MS. RUSSELL: Yes.
 3 MS. DAVIS: Gold?
 4 MR. GOLD: Yes.
 5 MS. DAVIS: Rose?
 6 MR. ROSE: Yes.
 7 MS. DAVIS: Motion
 8 approved, five-zero.
 9 MR. CHAIRMAN: Okay.
 10 Mr. Rose, behind me, do you have any
 11 announcements from City Counsel?
 12 MR. ROSE: No, sir.
 13 MR. CHAIRMAN: Jonathan,
 14 anything?
 15 MR. MENDEL: No, other than
 16 I have not received any indication from the
 17 architects for the County's courthouse project
 18 of when it may be coming through its regulatory
 19 process.
 20 MR. CHAIRMAN: Okay. At
 21 this point in our agenda, it's been a
 22 practice for the Planning Commission for the
 23 last - I don't know - thirty years plus, we
 24 have a court reporter with us this evening,
 25 and at this time I would ask anyone -- well,

1 make it simple. If everyone would stand and
 2 be sworn, and that will eliminate the, "I
 3 don't think I want to speak but maybe later I
 4 do."
 5 So whoever is going to do the swearing in.
 6 (Whereupon, all those intending to
 7 testify were then placed under oath by the
 8 notary.)
 9 MR. CHAIRMAN: Thank you.
 10 We're going to alter our agenda just a
 11 little this evening. We have couple a items
 12 that will probably be a little quicker than one
 13 of them at least.
 14 In all cases, if you would like to
 15 address the Commission, we ask you to go
 16 back to the podium, give us your name and
 17 address, and limit your comments to a
 18 reasonable time. We've always said about
 19 five minutes, in that general range. And if
 20 you have something that somebody else has
 21 said, to be quite honest with you, we don't
 22 necessarily need to hear it twenty times if
 23 it's the same thing. If you have something
 24 else to add, you know, we obviously would
 25 like to hear from you.

1 Case Number P20-11
 2 - - -
 3 Additional Appearances: Edwin Gonzales, FASTSIGNS.
 4 - - -
 5 MR. CHAIRMAN: With that in
 6 mind, I would like to alter the agenda and take
 7 Case 20-11 for St. Matthew Lutheran Church at
 8 400 North Broadway. This is for a conditional
 9 sign permit for a digital sign.
 10 Jonathan.
 11 MR. MENDEL: Yes, thank
 12 you.
 13 As you said, this is for St. Matthew
 14 Evangelical Lutheran Church at 400 North
 15 Broadway. It's a conditional sign approval
 16 for an electronic message center sign.
 17 The property is zoned R-3, high density
 18 urban residential. The applicant seeks the
 19 conditional sign approval for the installation
 20 of the electronic message center sign into the
 21 existing brick sign structure. In the R-3
 22 zoning district, non-residential signs,
 23 non-residential uses are permitted a
 24 forty-square-foot sign, six-feet tall. EMCs,
 25 or electronic message center signs, require

1 conditional sign approval by the
 2 Planning Commission, that's why we're here
 3 tonight.
 4 Generally, there's specific requirements
 5 for the electronic message center signs and
 6 that's laid out in Items 1 through 3 on the end
 7 of -- on the bottom of the Page 1 of your staff
 8 report. It just talks about frequency of copy
 9 change, color, illumination. Those are
 10 requirements that are in the code that have to
 11 be complied with to be the frequency. That's
 12 an item that is an ongoing enforcement --
 13 enforcement work for City staff after these
 14 EMCs are done.
 15 Sign height, the sign complies with the
 16 minimum required height of six-feet tall and
 17 forty square feet and, therefore, is compliant.
 18 The sign, as proposed, does meet with
 19 the -- does comply with the conditional sign
 20 permit review guidelines. It's harmonious to
 21 the neighborhood and the building.
 22 It could be -- any potential detriment to
 23 adjacent properties could be mitigated by
 24 turning off the sign, the EMC portion of the
 25 sign at night. There are occupied residential

1 across the street and adjacent to the site, so
2 we recommend a conditional approval that the
3 EMC portion be turned off by 10:00 p.m. each
4 night.

5 So with that, I would recommend approval of
6 the proposed sign with the condition of
7 necessary building permits, and then the
8 electronic message center sign portion be
9 turned off by 10:00 p.m. every night.

10 Thank you.

11 MR. CHAIRMAN: Okay. Who is
12 representing St. Matthew?

13 MR. GONZALES: (Indicating.)

14 MR. CHAIRMAN: If you would,
15 step back to the podium and give us your name
16 and address, it could be the church address.

17 MR. GONZALES: Good evening.

18 My name is Ed Gonzales, FASTSIGNS Medina.
19 Again, I'm representing my client St. Matthew,
20 which is addressed 400 North Broadway.

21 Questions in terms of the specs, I mean, we
22 meet the specs in terms of height. The size is
23 a three-by-five.

24 When you look at the frequency aspects, we
25 would certainly have the ability to program it

1 in so that, again, we're within the
2 specifications.

3 The illumination, again, we also have the
4 capability. In fact, that's built in where it
5 automatically adjusts the illumination because
6 of the photocell technology.

7 In terms of the design and flowing in or
8 blending in with the architecture, again, that
9 brick structure is harmonious with the existing
10 brick structure of the church.

11 So with that, any questions?

12 MR. CHAIRMAN: Any questions
13 by members of the Commission?

14 MR. DUTTON: Yes.

15 I would just note that you recommend off by
16 10:00 p.m. Should there be an on-time on the
17 other end so that we know the gap there?

18 MR. MENDEL: I mean,
19 there could be. But I would imagine -- I know
20 when we've had these for either, like, the
21 high school or Heritage Elementary or the
22 veteran's building on North Broadway, we just
23 had this -- the night time restriction; we
24 didn't have a beginning morning restriction.

25 MR. DUTTON: I don't have

1 an issue with it and I don't think, you know,
2 the church is one that's going to exploit it,
3 but, technically, turn it off at 10:00, turn it
4 on at 10:00 would be the condition I suppose.

5 MR. MENDEL: If the
6 Commission felt they wanted to add that little
7 bit to it, I have no issue with it.

8 MR. CHAIRMAN: Any other
9 questions, comments, by members of the
10 Commission?

(No response.)

11 MR. CHAIRMAN: Anybody else
12 with us this evening have any comments other
13 than the applicant?

(No response.)

14 MR. CHAIRMAN: The brick
15 portion is existing, so it's just a sign
16 insert, correct?

17 MR. GONZALES: Yes.

18 MR. CHAIRMAN: Okay. Anybody
19 want to put forth a motion?

20 MR. DUTTON: I'll make a
21 motion to approve P20-11 with the conditions
22 that the project should be subject to all
23 necessary building permits, and the electronic
24
25

1 message center portion of the sign should be
2 turned off between 10:00 p.m. and 6:00 a.m.

3 MR. GOLD: I second.

4 MR. CHAIRMAN: We have a
5 motion, a second.

6 Any other discussion?

(No response.)

7 MR. CHAIRMAN: Roll call.

8 MS. DAVIS: Dutton?

9 MR. DUTTON: Yes.

10 MS. DAVIS: Gold?

11 MR. GOLD: Yes.

12 MS. DAVIS: Russell?

13 MS. RUSSELL: Yes.

14 MS. DAVIS: Rose?

15 MR. ROSE: Yes.

16 MS. DAVIS: Grice?

17 MR. CHAIRMAN: Yes.

18 MS. DAVIS: Motion
19 approved, five-zero.

20 MR. CHAIRMAN: Okay. Thank
21 you very much.

22 - - -
23
24
25

Case Number P20-12

- - -

Additional Appearances: Arline B. Gant,
Dakota P. Productions.

Bob Bajko,
HSB Architects + Engineers.

- - -

MR. CHAIRMAN: The next item on our agenda would be Case 20-12. This is for Dakota P. Enterprises at 6237 West Smith Road. This is for site plan approval.

Jonathan.

MR. MENDEL: Yes. Sorry, breaking my rules. If you can just give me a second, I just have -- I distributed some e-mails that we received, and I just wanted the applicants.

If you guys want to come down, you can grab these chairs here. I just want to give them copies of it for their records.

Whenever we receive those, we give them to the Commission and the -- we keep one for the file, save it for the file, and then we give them to the applicant as part of necessary due process.

So what we have here is

Dakota P. Enterprises LLC. It's on a -- about a one-hundred-and-sixteen-acre parcel, property, various ownerships. One of the parcels is addressed 6237, so that's why we use that address.

What they are proposing is a ninety-thousand-square-foot film/TV production facility on about twenty-five acres of a -- it's technically 115.9 acres, and this is for site plan review.

This property is zoned I-1 industrial within the City of Medina. As I said, this is on one hundred and sixteen acres of land on the west side of the City of Medina on the 6200 Block of Smith Road.

The applicant proposed the ninety-thousand-square-foot film production studio. "The proposal includes a 30,000 sqft 3-story office building flanked by a 40,000 sqft soundstage and a 20,000 sqft soundstage," two separate soundstages. "Adjacent to these buildings will be a 128 space parking lot and a drive encircling the site with one access point to Smith Road," which is going to be here (indicating).

"The intent of the land use is an insular, primarily indoor film/TV production facility campus that would be used -- that would be contracted for use by outside production companies. There would be approximately -- a maximum of about 30 employees of the facility and the productions that use the facility could be 50+ person operations.

"The proposed use is not explicitly listed on either the permitted or conditionally permitted use table of the I-1 zoning district, put the permitted use table of the I-1 zoning district does have Other Uses as Determined by the Planning Commission" for instances such as the -- as this.

In your packet, you've got the full plans, their narrative, project narrative, staff report, and aerial photograph.

So getting into the district regulations, as I said, this is not an explicitly listed land use in the I-1 zoning district's permitted or conditionally permitted use table, but the other uses, as determined by the Planning Commission, land use, is there to -- for the Planning Commission to review specific

plans and look at it on a case-by-case basis for consistency with the intent and purpose of the industrial zoning district and the permitted use table of the industrial zoning district.

So as I said, "This generalized permitted use is designed to accommodate case specific determinations by the Planning Commission for compliance and appropriateness of land uses not already contemplated by the Planning and Zoning Code." So the Planning Commission would then evaluate the detail of the proposed land use in relation to the purpose and intent of the industrial district and the proposed uses actual or potential impact on neighboring properties, property's uses, and the general vicinity.

And then some of the other regulations, the lot area, lot requirements, setback requirements, the proposed project meets all of those as they are on a one hundred and sixteen acre parcel property. The area that they would be developing is about twenty-five acres of that one hundred and sixteen acres, and it's got ample setbacks from all of the adjacent

1 properties to the north, east, south, and west.

2 So under the presumption of it complying
3 with the other uses as determined by the
4 Planning Commission and the permitted use
5 table, it would just be -- this would fall
6 under site plan administrative review. So the
7 site plan guidelines are listed on Page 2 of
8 the staff report, and then for industrial land
9 uses, for uses in the industrial district,
10 there are several other -- three other specific
11 design standards for projects in the I-1 zoning
12 district.

13 Looking at the project as proposed -- let
14 me pull up the building plans here.

15 So here are two renderings of, kind of, the
16 site - artist conceptualization (indicating).

17 This would be looking kind of from the
18 southeast looking northwest (indicating).

19 And then here is kind of what it would look
20 like on the ground (indicating).

21 So looking at the design of the buildings
22 and materials being used and the site plan in
23 general, this would comply with the
24 requirements of the general site plan
25 improvement requirements, site plan design

1 guidelines, and any of the three specific
2 guidelines for developments in the I-1 zoning
3 district. This is done because "The principal
4 building, accessory uses and site landscaping
5 will be harmonious within the site and
6 neighborhood, because of the location, size and
7 attention to buffers, setbacks and transitions
8 with adjacent properties."

9 Now, in terms of parking, since there's
10 kind of two different land uses here, two
11 different kinds of parking uses, there's an
12 office building, thirty thousand square foot,
13 and two soundstages of sixty thousand square
14 feet. So a soundstage is basically just a
15 giant warehouse, empty warehouse space, that
16 can be used for lots of different purposes.

17 The proposed one hundred and twenty-eight
18 parking space parking lot that's proposed,
19 seventy-five spaces would be the required for
20 the office space. And the soundstages, I
21 think, would fall under the standard that we
22 have for warehousing, manufacturing, light
23 industrial, where it's kind of as determined by
24 the need of the applicant. I think, given the
25 nature of what happens inside of a sound

1 studio, it's not as if you're going to have,
2 you know, three hundred machinists working on
3 the floor of a production facility. There
4 might be a lot more space that's accommodated.
5 The large open space of the soundstage would
6 not -- large open interior spaces intended to
7 spread occupants around to accommodate sets and
8 associated operational equipment and supplies.

9 So the parking lot design layout and
10 dimensional requirements are being met under
11 the Zoning Code and reconfirmed during -- they
12 will be reconfirmed during the building permit
13 and site plan improvement plan permit review
14 process.

15 Site lighting. They do provide a
16 photometrics plan. It's low-scale light
17 standards, and due to the nature of how they
18 are designing the site, there will not be --
19 there shouldn't be any intrusion or light
20 escape onto adjacent properties.

21 In terms of the site landscaping,
22 they're -- you know, they're cutting into a
23 portion of the wooded area of the site, here,
24 the pond, and this area (indicating). They
25 have said that, you know, they're going to try

1 to be as sensitive as possible because that
2 existing forest area is very important to
3 their -- to why they, you know, saw this piece
4 of property and, you know, targeted this piece
5 of property. And, plus, there is a large berm
6 that they are building at the, kind of, north
7 and northeast corner of the area that they are
8 disturbing. This is presumably the dirt that's
9 going to be moved off of the construction site,
10 and it's easier to berm it up and landscape it
11 on the site than truck it off. So that meets
12 the requirements for industrial -- for
13 development in the I-1 zoning -- I-1 industrial
14 district.

15 And then in the staff report, there are
16 some comments from various building departments
17 that -- various departments within the City
18 that deal with land development. That would
19 just be stuff that would be worked through
20 during the permit review process for site
21 improvements or a building permit.

22 General comments. This project complies
23 with all the regulations of the Zoning Code.
24 The applicant has been cognizant of the actual
25 potential impacts on adjacent properties in the

1 surrounding immediate neighborhood and designed
2 the project to remove and/or mitigate them.

3 "In regards to the land use in relation to
4 the I-1 district's permitted use table purpose
5 and intent, this Film/TV production facility is
6 unlikely to have objective negative impacts on
7 the immediate neighboring properties and uses
8 or the surrounding immediate vicinity." The
9 actual operations as described by the applicant
10 is, that the "...use will be similar to, or
11 less than, the external impacts of the
12 corporate headquarter offices, light
13 manufacturing and warehousing land uses next
14 door to the west on Commerce Drive," such as
15 Discount Drug Mart or Sandridge Foods. The
16 proposed land use is likely to be actually an
17 appropriate transitional land use between the
18 more intensive -- more intense industrial land
19 uses to the east in the City of Medina and the
20 large lot rural residential to the west in
21 York Township.

22 So I would recommend approval of the
23 proposed site plan with the two conditions as
24 listed on Page 4 of the staff report, kind of
25 just subject to review and approval of permits

1 by the -- by the City's Building Department and
2 Engineering Department.

3 Thank you.

4 MR. CHAIRMAN: Thank you.

5 And who is here representing this?

6 MR. BAJKO: We both are.

7 MR. CHAIRMAN: If you would
8 like to go back to the mic, both of you or one
9 of you, or however.

10 MR. BAJKO: I think both,
11 yes.

12 MR. CHAIRMAN: That's fine.

13 Give us your name and address, and if you
14 have anything you would like to add to what
15 Jonathan said, we would like to hear that.

16 MR. BAJKO: My name is
17 Bob Bajko, I'm with HSB Architects,
18 1250 Old River Road in Cleveland, architect for
19 the project. I'm a civil engineer.
20 Working with me on this design is Arline.

21 Introduce yourself.

22 MS. GANT: Hello. I'm
23 Arline, and I'm with Dakota P. Productions.

24 MR. MENDEL: Just give your
25 address.

1 MS. GANT: 31400 Jackson
2 and 14154 East Aurora Road, and we're also out
3 of Los Angeles and Orlando, Florida.

4 MR. CHAIRMAN: Thank you.

5 MR. BAJKO: I mean,
6 Jonathan did a very good job of explaining the
7 project. We worked with him over the last
8 month or month-and-a-half to, you know,
9 fine-tune this proposal for the City. We're
10 very excited, obviously, to bring this to you
11 guys.

12 As he pointed out, we're being as cognizant
13 as possible and respectful of our neighbors,
14 and Arline can speak to more of this, but the
15 intention is to be invisible almost. The idea
16 is that we don't want -- you know, this has to
17 be a very private kind of facility - and you
18 can correct me if I'm wrong - but, you know,
19 from the nature of -- you know, it doesn't want
20 to be public, that's why we've tucked it into
21 the woods. It wants to be both soundproof
22 inside and out, right? We don't want any sound
23 to be escaping the property, and we don't want
24 any sound coming into the stages, right? It's
25 a very sound-sensitive production.

1 As you can see, you know, we cut into the
2 woods. There's a pond, there's amenities and,
3 obviously, as John has pointed out, we're
4 berming up to provide as much privacy as
5 possible. We want to hide these buildings and
6 the facility inside. Its access is off to the
7 south, and the idea is there is going to be a
8 security booth here, very reminiscent of
9 probably what you saw at MGM Studios or
10 something you probably saw in film somewhere,
11 where it's going to be controlled access to the
12 site. When people visit the site, they'll be
13 allowed to access it, and then the entire
14 perimeter of the building and the pond is going
15 to be fenced as well. So there's going to be
16 no -- you know, it's security and privacy. So
17 that's the intent of this design.

18 And, you know, this was the first -- you
19 know, we've done many iterations of this, but
20 the idea is to refine it as possible. Again,
21 with Jonathan's help and guidance and your
22 Commission's guidance and with the City's
23 guidance - engineering specifically - to make
24 sure that we're complying with all the
25 different rules and regulations you guys might

1 wish upon us.

2 So we're excited for the opportunity;
3 hopefully you guys are as well. Again, the
4 idea is that, again, it is very private, right?
5 There's not going to be any -- you know, we
6 don't want people roaming around here or making
7 a spectacle of this place. That's not the
8 intent.

9 Is that good?

10 MS. GANT: Hm-hm.

11 MR. CHAIRMAN: Okay.

12 Anything else?

13 MR. BAJKO: No, I think
14 that's -- we'd be happy to answer questions.

15 MR. CHAIRMAN: Any members of
16 the Commission have any comments or questions?

17 MR. ROSE: Mr. Chairman.

18 MR. CHAIRMAN: Yes.

19 MR. ROSE: Thank you.

20 Will there be -- I've got three questions
21 here. Will there be any outdoor filming
22 anticipated?

23 MS. GANT: Yes.

24 MR. ROSE: "Yes," there
25 will?

1 MS. GANT: Yes.

2 MR. ROSE: Okay. And how
3 do you -- where do you think that will take
4 place, within this compound or out on the --

5 MS. GANT: What happens
6 is, we take and put trees all the way around
7 the facility and a wall, so that makes sure
8 that it makes everything soundproof and no one
9 can come in or go out except, of course, with
10 security itself. But it's to insulate
11 everything and, also, to make sure that the
12 neighbors feel safe, and at no time are we
13 crossing over into their land and then crossing
14 over to ours.

15 MR. ROSE: Okay, thank
16 you. And then I have two more.

17 Times of the filming, when do you
18 anticipate? Is it like, say, 9:00 to 5:00 or
19 is it twenty-four hours a day?

20 MS. GANT: No.

21 At one point, when we first opened the
22 production offices, which is your office area
23 which is in the center, they're generally there
24 between 9:00 and 5:00 as we build, and then
25 your studios on both sides, depending on which

1 one is working, what they are doing is they
2 come in, and depending on their hours, which
3 can be anywhere from -- they usually start at
4 7:00 or 8:00, but vans bring them in. So
5 there's no issue with a lot of traffic, and
6 they are totally isolated.

7 MR. ROSE: So in a
8 way, kind of like a music-recording gig,
9 where you'll allot a team six hours or
10 whatever --

11 MS. GANT: Yes.

12 MR. BAJKO: -- and they'll
13 come in and they do their things for six hours
14 and then they leave, and then another group
15 comes in. Something like that?

16 MS. GANT: No, we only
17 allow one production to come in on the forty
18 thousand square foot one, and one production in
19 the twenty thousand square foot. Twenty
20 thousand is usually for TV; forty thousand is
21 usually for film.

22 MR. ROSE: All right. So
23 they'll come in, they'll stay however long they
24 need, and then leave?

25 MS. GANT: Well, we sort

1 of regulate that in case. They generally like
2 to work not longer than ten hours.

3 MR. ROSE: Okay. So is
4 that going to make it a round-the-clock
5 operation --

6 MS. GANT: No.

7 MR. ROSE: -- as far as
8 the filming goes?

9 MS. GANT: No.

10 MR. ROSE: No? Okay.

11 And then all that land that you have to the
12 east of the compound here, what are your future
13 plans for that (indicating)?

14 MS. GANT: That's totally
15 locked in with trees all the way around it, so
16 that's beautification, for one thing, and
17 privacy and safety for the neighbors. Then you
18 have a wall that is inside of those trees that
19 no one can view from outside so that you don't
20 have to worry about sound.

21 MR. ROSE: Okay, so --

22 MR. BAJKO: Let me just
23 expand on that.

24 The intent is to -- because it is a fairly
25 open area just east of this, what we're

1 showing, right? So the rest of the property is
 2 pretty open. The intent that Arline is
 3 explaining is, we're going to start planting
 4 trees. We're going to start planting trees
 5 literally along the south face of the property
 6 and the north face. So as we have
 7 opportunities to do some outdoor sets, perhaps,
 8 we're already ahead of the game. We're not
 9 going to let this -- we would not do anything
 10 external to this compound unless it was
 11 properly hidden and screened. The idea is to
 12 start planting vegetation and then, as Arline
 13 pointed out, when those trees are developed far
 14 enough, we're going to put a wall inside those
 15 trees exactly like an MGM Studio basically.
 16 You know, the idea is to protect and make it
 17 private.

18 MR. ROSE: Thank you.

19 MR. CHAIRMAN: Any other
 20 members of the Commission have questions?

21 MR. DUTTON: Will there
 22 be any future connection to Branch Road to
 23 the north with that stub there, or that's
 24 just --

25 MR. BAJKO: We originally

1 had shown something like that, and, I guess,
 2 just for cost and privacy purposes, we decided
 3 that it was best to maintain one access point.
 4 I would think if the fire department or the
 5 engineers would want us to connect through, we
 6 can discuss that with them, but we didn't see a
 7 need to keep extending the development any
 8 further than we needed to. You know, keeping
 9 another thousand feet of road off the project
 10 seemed like it made sense. We can control
 11 things better.

12 MR. DUTTON: Thank you.

13 MR. CHAIRMAN: Anybody else
 14 on the Commission?

15 (No response.)

16 MR. CHAIRMAN: Okay. Anybody
 17 with us this evening have any comments?

18 MR. FREDRICK: (Indicating.)

19 MR. CHAIRMAN: Yes, sir.

20 MR. FREDRICK: Mark Fredrick,
 21 6146 West Smith Road.

22 That site is directly across from the
 23 thirty acres that I now have, and I really
 24 don't seem to have any objection to this. I
 25 contributed to the development of thirty acres

1 for the corporation in my backyard, and I think
 2 this would be a boon to Medina also.

3 My only fear is knowing the slope of that
 4 land. That big patch of empty cornfield right
 5 across the street to the south is mine, and
 6 with a hundred and twenty-eight parking spaces
 7 that I heard, that's an awful lot of water if
 8 we have three inches of rain like we had the
 9 other day. I don't want that water going into
 10 the road ditch under Smith Road and into my
 11 front yard or hayfields.

12 Will there be some sort of adequate
 13 water-retention basin as there is by the
 14 Drug Mart site?

15 MR. MENDEL: On their civil
 16 engineering plan here, you can see one
 17 (indicating).

18 There's a proposed one here down at the
 19 south end -- southerly front edge of the
 20 building of the site (indicating).

21 And they've got one on the north end here
 22 (indicating).

23 And then I believe they are probably going
 24 to probably use some of the pond that's already
 25 here as detention (indicating).

1 But typically, usually always, a
 2 civil-engineered new site development is
 3 always better than the -- than the
 4 existing conditions, particularly on
 5 long-time farm fields. So the -- you know,
 6 the City Engineering Department has very strict
 7 requirements under our own Codes, Ohio EPA,
 8 U.S. EPA, for stormwater management and
 9 stormwater runoff, clean water requirements,
 10 and everything. So you will probably -- it
 11 will probably become a better condition for
 12 stormwater management on this property than
 13 there is now.

14 MR. FREDRICK: Other than
 15 that, I have no objections.

16 Probably no sound if all the roosters in my
 17 red barn across the street don't bother you, I
 18 suppose nothing over there coming out of that
 19 soundstage will. And I also have about a dozen
 20 German Shepherds keeping track of those
 21 chickens in the barn. They bark at everything,
 22 including a bunny.

23 MR. CHAIRMAN: Okay, thank
 24 you, sir.

25 Any other --

1 MR. POSATIERE: (Indicating.)

2 MR. CHAIRMAN: Yes, sir.

3 MR. POSATIERE: Hello.

4 Bob Posatiere, I'm on 6320 Branch Road, so
5 I'm in the northwest corner.

6 This gentleman asked about the water, so he
7 answered that for me.

8 My other concern is the setback that you
9 mentioned, sir. Just so I can plan accordingly
10 on my property, like how far off the property
11 line from the northwest corner?

12 MR. MENDEL: You are Gary?

13 MR. POSATIERE: Robert.

14 MR. MENDEL: What was your
15 last name? I'm sorry.

16 MR. POSATIERE: Posatiere.

17 MR. MENDEL: Okay.

18 MR. POSATIERE: I'm up in
19 the --

20 MR. MENDEL: I mean, if
21 you're one of these smaller -- if you're one of
22 the smaller lots here, or one of the larger
23 lots in this corner, this would be the
24 northwest corner (indicating).

25 So their -- basically their site plan is

1 here (indicating).

2 You're about here (indicating). This
3 one is -- so you're up here (indicating).

4 This site is pretty much -- what they're
5 developing is right here (indicating).

6 MR. POSATIERE: Okay.

7 MR. MENDEL: So there's all
8 this tree line that they are preserving between
9 you and their portion of the site that they are
10 developing.

11 MR. POSATIERE: Okay, perfect.

12 And then the only other concern would
13 be to the farmland. I don't know if that
14 would still be able to be leased to farmers
15 in the local area. I know my neighbors are,
16 so --

17 MR. MENDEL: That would be
18 something that would be a private arrangement
19 between future property owners.

20 MR. POSATIERE: Understood.

21 MR. MENDEL: Okay.

22 MR. POSATIERE: Thank you for
23 your time.

24 MR. CHAIRMAN: Thank you.

25 MR. MENDEL: Mr. Chairman,

1 if I could just -- we have two items, two
2 e-mails that we received this afternoon from
3 Ms. Anita Mullins, which I believe her
4 address is 6069 Smith Road. It's one of
5 these houses on this island here (indicating).
6 And I passed these e-mails out to Commission
7 and to the applicant.

8 And then one is from Amanda Macklin, I
9 believe her address is 5989 Smith Road.

10 So you have those for the record, and you
11 can read them. We don't need to read them in
12 total into the record, just to state that they
13 were here and that they were put into the
14 record.

15 Thank you.

16 MR. CHAIRMAN: Okay, thank
17 you.

18 Anything else by members of the Commission?

19 MS. RUSSELL: I would
20 just say I think it's a pretty exciting
21 plan, and I love how they have the development
22 set up so that they're preserving all those
23 trees and it will be set up off the road.
24 Considering the variety of uses you can have
25 in the industrial district, I think this is

1 a good one, as you said, to be a transition
2 from your more heavy uses to the east moving
3 to the west. So I think it will be a good
4 spot.

5 MR. DUTTON: And, also, I
6 would note the plan showed wetland area
7 northwest of the developed area, so that would
8 probably be -- it would probably never expand
9 northwest. It would be most difficult to get
10 into that area, so that's further security for
11 a buffer to the north and the west.

12 MR. CHAIRMAN: Okay. Does
13 anybody want to put forth a motion?

14 MS. RUSSELL: I would move
15 to approve the site plan subject to review and
16 approval by the Medina Building Department and
17 the Medina Engineering Department.

18 MR. ROSE: I'll second.

19 MR. CHAIRMAN: We have a
20 motion, a second.

21 Any other discussion by members of the
22 Commission?

23 (No response.)

24 MR. CHAIRMAN: Roll call.

25 MS. DAVIS: Grice?

1 MR. CHAIRMAN: Yes.

2 MS. DAVIS: Dutton?

3 MR. DUTTON: Yes.

4 MS. DAVIS: Gold?

5 MR. GOLD: Yes.

6 MS. DAVIS: Russell?

7 MS. RUSSELL: Yes.

8 MS. DAVIS: Rose?

9 MR. ROSE: Yes.

10 MS. DAVIS: Motion

11 approved, five zero.

12 MR. CHAIRMAN: Thank you very

13 much. Good luck with it.

14 MS. GANT: Thank you.

15 MR. BAJKO: Thank you.

16 MR. MENDEL: Mr. Chairman,

17 if I could just have a minute to organize

18 myself here?

19 MR. CHAIRMAN: Sure, not a

20 problem.

21 MS. RUSSELL: Actually,

22 Rick, I wouldn't mind a couple minutes to read

23 through the information that was handed out

24 when we came in.

25 MR. CHAIRMAN: That's fine.

1 We'll take just a few minutes to review

2 everything and let Jonathan get organized,

3 and then we'll move on to Case 20-08 for

4 1125 Wadsworth Road.

5 (Recess taken.)

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1 Case Number P20-08

2 - - -

3 Additional Appearance: Brian Phillips,

4 KMK Development.

5 Theodore J. Lesiak, Esq.,

6 Roderick Linton Belfance LLP,

7 on behalf of KMK Development.

8 - - -

9 MR. CHAIRMAN: We'll move

10 on then to Case P20-08. This has been

11 continued from the July 9th meeting. This is

12 for 1125 Wadsworth Road. It is a request for

13 the creation of a special planning district.

14 Jonathan.

15 MR. MENDEL: Thank you,

16 Chairman.

17 As you said, this is a rezoning request by

18 KMK Development LLC for a special planning

19 district rezoning for the -- and the conceptual

20 development planning guidelines for that

21 rezoning. This is for property that's

22 effectively at the 1100 Block of West Wadsworth

23 Road, and it is a continuation of a meeting, a

24 review from July 9th, 2020, from the

25 Planning Commission.

As I said, this is "in the 1100 Block at

1 the south end of Wadsworth Road at the City

2 boundary and extends about 1,100 feet to the

3 west of Wadsworth Road. The subject site is

4 the eastern 6.01 acres of a total 6.95 acres

5 currently owned by the applicant. The site

6 is currently zoned R-1, Low Density Urban

7 Residential and surrounded by the following

8 zoning districts and land uses within --

9 both within the City of Medina and in

10 Montville Township. Within the City; R-1,

11 Low Density Urban Residential developed as

12 detached single family dwellings. Within

13 Montville Township; R-2 and R-3 (single family

14 residential) developed primarily with single

15 family dwellings."

16 Now, the background. "On July 9th, 2020,

17 the original rezoning request was reviewed by

18 the Planning Commission at a public meeting.

19 There was extensive discussion between the

20 Planning Commission and the applicant

21 regarding the instructiveness of conceptual

22 development plan, the proposed unit density and

23 the range of proposed building forms. This

24 discussion resulted in the applicant tabling

25 their request in order to reevaluate it in

1 light of the Planning Commission discussion and
2 return at a later date. The July 9th, 2020
3 Planning Commission packet and meeting minutes
4 are attached..." They have been attached to
5 the packet that -- with the staff report that
6 we're reviewing this evening.

7 The applicant has revised their plans
8 and returns -- and is returning to the
9 Planning Commission for the continued review.

10 The revised proposal now for the special
11 planning district is still six acres, but it's
12 forty-eight units, multi-family dwellings,
13 spread across up to one -- up to ten, one- to
14 two-story buildings with revised development
15 plan as such; "48 units," which is about eight
16 units per acre, with a "yet to be determined
17 mix of 2 & 3 bedroom units."

18 Full vehicular entry and exit, about
19 one-third of the units to and from
20 Wadsworth Road; about two-thirds of the
21 units two and from the to-be-completed portion
22 of Asherbrand Drive.

23 Parking supply is consistent with the
24 regular multi-family zoning requirement of two
25 unit plus one for every five dwelling units for

1 visitor parking.

2 The setbacks, they are proposing front
3 setbacks of forty feet to properties along
4 Asherbrand Drive and Wadsworth Road and to the
5 rear property, and forty foot rear yard setback
6 to the property line of the existing
7 neighboring property of 1118 Asherbrand Drive.
8 Side setbacks are proposed at ten feet from the
9 northerly and southerly property lines.

10 Site design is twenty percent net common
11 open space preserved through a deed restriction
12 or a homeowners' association. It would have
13 full pedestrian access to surrounding
14 neighborhoods and vicinity. Site perimeter
15 landscaping is designed to maximize buffer with
16 adjacent properties.

17 The building design would be equal or
18 superior exterior material design and execution
19 of the surrounding vicinity.

20 And all site utilities would be
21 underground.

22 So attached to the report is the
23 "Applicant's Revised Conceptual Development
24 plans and guidelines," the "2007 City of Medina
25 Comprehensive Plan Update - Future Land Use

1 Map," the aerial photograph of the site with
2 the City Zoning Districts overlay, and then
3 also the Planning -- the July 9th, 2020
4 Planning Commission packet; the July 9th, 2020
5 Planning Commission meeting minutes; and then,
6 as we were putting the packet together, we had
7 received a number of public comment letters and
8 e-mail or letter form, which I added to the
9 packet prior to us distributing it.

10 And then, just while I'm at it, we did
11 receive -- in the interim since last
12 Thursday, we received an additional number
13 of comment letters and a petition and then
14 another one which I have passed out to the
15 Planning Commission. I'm just going to cite
16 the person that added it, that submitted it,
17 just for the record, but I'm not going to go
18 through each individual document. First one --
19 since the ones that are not in the packet that
20 we received between the packet distribution and
21 today.

22 One from Candice Baumann at 8500 (sic)
23 Wadsworth Road; one from the Byards, Theron and
24 Erin, at 1096 Wadsworth Road; one from Donna
25 and Joseph Toth at 1113 Asherbrand Drive; one

1 from Mr. and Mrs. Zychowski at 4550 Colinas
2 Drive; one from Sheryl and Rob Sluder at 1164
3 Ty Drive. These are all 44256 area code -- or
4 Zip Code. Let's see here, this other one is
5 Kyle Kalessa at 901 Brandywine Drive, Medina,
6 Ohio.

7 We received a petition, which has three
8 pages of signatures, and this was submitted by
9 Ms. Candice Baumann as 5800 Wadsworth Road,
10 Mario and Lauren Cecchi at 1133 Brynmar Lane,
11 Evanel Baker at 454 Cambridge Drive, and
12 then, lastly, from Rupert and Nancy Bittner at
13 472 Cambridge Drive. These, along with the
14 others that are in the packet, come from a
15 range of residents -- of people -- of property
16 owners within the City of Medina and/or in
17 Montville Township. So thank you, we got that.

18 As I stated at the July 9th meeting, there
19 is a purpose statement for creating an SPD
20 that's listed on Page 3 of the staff report,
21 it's labeled "Section 1114.01." That kind of
22 goes through the intent and purpose of the
23 special planning district legislation.

24 Next, there are "Requirements for
25 Establishing a SPD," which is Section 1114.04

1 of the Planning and Zoning Code, and there are
2 (a) through (e) standards, and the applicant
3 would need to express -- and the Council, if
4 they approved it, would have to state that one
5 or more of those are being complied with.

6 Now, for the actual application for special
7 planning district, there are items in Section
8 1114.05 of the Zoning Code that are required to
9 be submitted, and those have been submitted.

10 Since this is a rezoning and it's
11 professional practice -- professional best
12 practice to kind of say "What does the
13 comprehensive plan say for these?" and the
14 comprehensive plan is in the future land use
15 map which designates properties within the
16 City, throughout the City, specific kind of
17 land use types, this property is -- the subject
18 property is designated as residential low
19 density within the comprehensive plan future
20 land use map, and these future land use maps
21 are -- can be used as a guide for making
22 decisions on rezonings within the City.

23 The legislative review process for a
24 special planning district: So a special
25 planning district has three steps; there's a

1 conceptual step, rezoning, and then there's the
2 preliminary and final site plan review
3 processes. The request in front of you is for
4 the rezoning to SPD, it would probably be
5 SPD-3, and that has to be accompanied by a
6 conceptual development plan and design
7 guidelines which are here on this plan but also
8 in narrative form in the packet as well. That
9 establishes basically the development plan and
10 the Zoning Code for the special planning
11 district.

12 Now, as a rezoning, that's -- the
13 Planning Commission is only a recommending body
14 for rezonings, so the Planning Commission would
15 make a recommendation one way or the other and
16 that would then -- it would move into the
17 legislative process for City Council, and then
18 that's -- the City Council makes the final
19 decision on rezoning requests. So if the -- if
20 it goes through this process and it was
21 approved for the conceptual development plan,
22 there still is a preliminary site plan review
23 of the actual what-is-going-to-be-on-the-ground
24 development plan and then a final development
25 plan. Those two steps, preliminary site plan

1 and final site plan, only go to the
2 Planning Commission for review and approval.

3 Now, if special planning district rezoning
4 occurs in a development and the conceptual
5 development plan and design guidelines are
6 approved, there's no timeline on implementation
7 of those. It could be twenty years from now
8 before they -- before someone decides to go
9 through the preliminary and final site plan
10 process.

11 So looking at this project, it's passed
12 around at several of the City departments.
13 Service Department had some comments about
14 water access, water distribution within the
15 site.

16 The Fire Department has some comments in
17 here that would -- and all these comments maybe
18 would be addressed during the site improvement
19 development plan, that would be after the
20 preliminary site plan review and approval and
21 the final site plan review and approval by the
22 Planning Commission. So these are items that
23 would come into play when there's actually the
24 construction development review plans are
25 being reviewed by the City -- by the City

1 Administration.

2 So general discussion, the proposed SPD
3 meets the -- continues to meet the submittal
4 requirements of Chapter 1114 to permit the
5 review by the Planning Commission and
6 ultimately City Counsel. The City's
7 comprehensive plan future land use map
8 designates the subject property low density
9 residential which is consistent with the
10 existing detached single-family development
11 patterns in the immediate vicinity, both within
12 and outside the City of Medina.

13 The proposed SPD would still result in a
14 distinctly multi-family development that would
15 be more consistent with the residential high
16 density designation in the 2007 comprehensive
17 plan future land use map and generally
18 permitted within the R-4 multi-family zoning
19 district of the City's Planning and Zoning
20 Code.

21 Also, the revised proposed unit density,
22 which is now 7.99 units per acre, is equal to
23 the R-4 zoning district's eight units per acre.
24 The -- in July 9th, their proposal had, I
25 believe, about 10.3 units per acre, so they

1 have reduced that, but it is still equal with
2 the maximum density of the R-4 zoning district.

3 And then, as I said, there's, you know,
4 lots of comment letters from concerned public,
5 interested public, provided with the packet and
6 further described as we -- of the ones we
7 received since the packet was distributed.

8 So the next step, Planning Commission
9 should weigh the information provided, provide
10 a recommendation to City Council on the
11 rezoning request from R-1 low density urban
12 residential to the proposed Special Planning
13 District #3.

14 Thank you.

15 MR. CHAIRMAN: Okay, thank

16 you.

17 And who would be here representing this
18 this evening?

19 MR. LESIAK: Ted Lesiak and
20 KMK Development.

21 MR. CHAIRMAN: Mr. Lesiak, if
22 you can go back to the podium, and I -- just
23 because of the number of folks that are here,
24 were you guys here when we first started the
25 meeting?

1 MR. LESIAK: No.

2 MR. CHAIRMAN: Okay. You
3 have not been sworn in then.

4 MR. MENDEL: You guys can
5 stand up so the court reporter can swear you
6 in.

7 (Whereupon, Theodore J. Lesiak and
8 Brian Phillips were then placed under oath by
9 the notary.)

10 MR. CHAIRMAN: And, if you
11 would, step back to the podium and give us your
12 name and address. And if you have anything to
13 add to what Mr. Mendel said, that would be
14 great.

15 MR. LESIAK: I'm
16 Ted Lesiak, and my business address is
17 50 South Main, 10th Floor, Akron, Ohio 44308.

18 And we did have extensive discussion at the
19 previous meeting, and we had asked for this to
20 be tabled so we could go back to the drawing
21 board and make some changes that we felt that
22 the Board was looking for, and I'm going to
23 have Mr. Phillips here explain just
24 specifically those changes so we can discuss
25 them with you if you have any questions.

1 So, Mr. Phillips.

2 MR. PHILLIPS: Hello. My
3 name is Brian Phillips, I live at 920 Beechwood
4 Drive, Medina, Ohio.

5 So what we've done is, we've reduced the
6 density by twenty percent, from sixty-two units
7 down to forty, and eliminated any third-story
8 buildings.

9 This layout here is -- would be based on
10 ranch-style units (indicating). These would be
11 single-family ranch-style but, you know, in a
12 multi-family configuration where you have four
13 units, six units, maybe eight units together.

14 We've added some detail on landscaping,
15 open space, and, you know, we tried to address
16 most of the concerns that the Planning Board
17 gave us.

18 Giving a little more detail, these are the
19 type of units we're looking at building
20 (indicating). We included the two-story
21 townhome, just that's kind of a fallback. If
22 ten years from now we sell it to another
23 developer and they don't want to do the ranch
24 style, they instead want to do a townhome
25 version, which is similar to what's over at

1 Beacon Park, these would be two-story townhomes
2 that would be for sale with, you know,
3 basements and would offer some type of
4 transitional home, transitional housing in the
5 neighborhood.

6 MR. LESIAK: And with that,
7 the original plan had a possibility of
8 three-story units, and that's been reduced to
9 two. Is that correct?

10 MR. PHILLIPS: Correct, yes.

11 MR. LESIAK: And at this
12 point, there is an issue that was brought forth
13 by the fire department. Originally, we had --
14 we didn't have the road going through
15 completely, and this plan is gated and,
16 obviously, that is something for the site plan,
17 but we are flexible with regard to that issue
18 as to whether or not that would be gated to
19 have half the -- or part of the residents
20 exiting on Wadsworth Road and part on
21 Asherbrand.

22 At this point, I suppose with regard to the
23 Commission itself, are there any questions or
24 concerns that we can address for you?

25 MS. RUSSELL: I had a

1 question.

2 What is it about this property that would
3 prevent you from developing it within the R-1
4 guidelines, just doing the single-family homes
5 as opposed to changing it?

6 MR. PHILLIPS: The road was
7 left unfinished, so the cost to bring storm
8 sewers, utilities to finish that, and because
9 of -- to match the setbacks that are required
10 in the R-1, it makes it somewhat cost
11 prohibitive to finish that road and to develop
12 it into an R-1 setting. So that's why we're
13 trying to increase the density. We want to try
14 to, you know, produce something that will fit
15 into the neighborhood, but, obviously, that's
16 the long-term goal. But it's primarily the
17 cost of finishing the road.

18 There's also a stream going through, so we
19 have some physical limitations on the site that
20 eat up some of the property where we can't
21 actually put structures on. So that's --
22 that's primarily the shape (indicating). The
23 fact that there's a stream and there's
24 additional costs because the road was never
25 finished fifteen, twenty years ago.

1 MR. CHAIRMAN: Any other
2 questions by members of the Commission?

3 MR. DUTTON: Can you help
4 me understand how the application meets the
5 requirements of Section 1114.01? You cite (c)
6 and (d).

7 MR. LESIAK: (C) applies to
8 a mixed development, and this is, because half
9 of -- well, not half, a portion of the
10 property, east of where the road would be --

11 MR. MENDEL: Ted, if you
12 could, just --

13 MR. LESIAK: I'm sorry.

14 MR. MENDEL: -- keep on top
15 of the microphone.

16 MR. LESIAK: I'm sorry.

17 A portion of the property on the -- if
18 Asherbrand were to be completed, would be
19 for single-family housing to the west and
20 multi-family housing to the east, so it is a
21 mixed use.

22 With regard to (d), that does call for
23 imaginative development with special
24 characteristics, that Mr. Phillips just
25 provided with regard to the -- the water and

1 the creeks and that type of thing.

2 MS. RUSSELL: But doesn't
3 (d) state, "...in keeping with the overall land
4 use intensity..."? And what you're suggesting
5 is to have twice the amount of housing as
6 permitted by the R-1 district that it is
7 currently.

8 MR. LESIAK: I'm sorry, did
9 you say (d)?

10 MS. RUSSELL: Yeah, I'm
11 looking at (d). You see in the middle, it
12 says, "...and developers that can produce
13 residential developments which are in keeping
14 with overall land use intensity."

15 I mean, the point here is that you're going
16 from -- you have six acres, so would that be
17 twenty-four homes under an R-1 district?

18 MR. DUTTON: A real gross
19 number would be twenty-five --

20 MS. RUSSELL: Okay.

21 MR. DUTTON: -- under the
22 seven -- the seven acres west of what -- east
23 of what Asherbrand -- if Asherbrand was
24 connected.

25 MS. RUSSELL: Okay. So

1 twenty-five to forty-eight is a pretty --
2 obviously, it's about double.

3 MR. LESIAK: Yes, I agree.

4 But, obviously, one of the things that I
5 went through today when I looked at this, from
6 Broadway South to 162, there are twelve
7 multi-family developments on that front on 57.
8 So generally -- and eleven of them are in the
9 City of Medina. So generally, this type of
10 development, although not currently zoned, is
11 permitted in the area.

12 MR. DUTTON: Back to the
13 mixed use response, I suppose, you believe --
14 you can honestly say that a mixed-use
15 development is one single family and then
16 forty-some multi-family? That's what the
17 Code intended when we talked about a mixed use?

18 MR. LESIAK: Well, I
19 can't --

20 MR. DUTTON: That's the
21 accurate portrayal of the intent of the
22 Code?

23 MR. LESIAK: Well, the Code
24 is what the Code is. I don't know what Council
25 intended when they created this particular

1 ordinance, but it does say "mixed use," and
2 that is a mixed use.

3 MR. DUTTON: I would say
4 that's thin at best.

5 MR. CHAIRMAN: Other
6 questions by members of the Commission?

7 MR. GOLD: Mr. Phillips,
8 why did you seek an SPD as opposed to, say, an
9 R-4?

10 MR. LESIAK: I can address
11 that.

12 The area has no R-4 contiguous to it. So
13 you created into your Code this SPD as,
14 basically, a way around the issue of spot
15 zoning. If you can meet the Code, then you are
16 able to do different types of projects in areas
17 that are not particularly zoned that way.

18 MR. DUTTON: I don't
19 believe that's the intent of that section at
20 all.

21 If we want to get into definitions, you
22 state there's twenty percent open space. By
23 our Code, there's pretty much zero percent open
24 space on this entire project. There's really
25 nowhere that has use for recreation and other

1 leisure activities normally carried on
2 outdoors. That's our Code definition of open
3 space. I don't see one spot on this whole
4 project that's not a building, parking, or a
5 drive.

6 I'm just going with what the Code says
7 since we're going line-by-line with the Code.

8 MR. PHILLIPS: The open space
9 is going to be the perimeter and the setbacks
10 and then the detention ponds around there and
11 then the creek going through there. So when
12 this is finally designed, it will have to meet
13 that twenty percent open space or it will be in
14 conflict with the SPD that would get approved.
15 So that would be something that -- that is a
16 bar that we're setting that will have to be met
17 at the next round of planning, so --

18 MR. DUTTON: I'm saying
19 what you're showing here is basically zero
20 percent open space.

21 MR. PHILLIPS: But this is --

22 MR. DUTTON: So that's the
23 only special thing about this that's not a
24 straight multi-family development, other than
25 the one house across the road, is you're not

1 providing any open space.

2 MR. PHILLIPS: This is just a
3 conceptual plan at this point, so we still --

4 MR. DUTTON: So we should
5 disregard it?

6 MR. PHILLIPS: No, you don't
7 disregard it.

8 This is -- you know, where, potentially,
9 the buildings could be laid out, but we're
10 still going to meet the twenty percent open
11 space. You know, it's written into the SPD
12 that there will have to be twenty percent open
13 space.

14 MR. DUTTON: Okay.

15 MS. RUSSELL: Actually, I
16 have a question for Jonathan.

17 For a special planning district, I
18 understand the process that right now we're
19 just talking about the zoning and you've got a
20 conceptual plan. How much can that conceptual
21 plan change if the SPD is granted? How much
22 are they beholden to what they provide in their
23 conceptual plan? I mean, if the SPD is
24 granted, will it always have to be multi-family
25 residential that's built there? How much could

1 it change in the future? As you said --

2 MR. MENDEL: Well, you've
3 got the -- there's the conceptual development
4 plan, which would be this plan that I'm
5 pointing at here, that's got a basic layout of
6 buildings and drives and parking areas and
7 access points and setbacks, potential
8 stormwater management areas (indicating). That
9 one, you know, it would have to be a judgment
10 call at the time of preliminary review for site
11 plan to see how much of an actual proposed site
12 plan is consistent with this development plan.

13 But then there's also the design
14 guidelines, which are, you know, different
15 types of buildings forms, setbacks, heights,
16 unit density, types of units, open space,
17 setbacks. Those are more black-and-white
18 compliance. There might be a little more
19 flexibility in here.

20 So of the two other special planning
21 districts we have, one is South Court Village,
22 which is the forty acres at Route 3, and
23 High Point Drive, which pretty much all of the
24 residential designated areas of that forty-acre
25 SPD has been developed or is developing right

1 now. That conceptual development plan had more
2 of a bubble diagram -- was more of a bubble
3 diagram, like, "Okay, here's a bubble cloud of
4 residential area, buffer edges around there,
5 commercial here, commercial small lot, small
6 office building area here." It wasn't as --
7 with specific building footprints. So that one
8 had a little more flexibility.

9 This one could be -- you know, if this
10 isn't the plan as shown on this aerial
11 photograph, administration staff at the time
12 can say, "You're not consistent with that
13 because of..." whatever nature it is. You have
14 to be consistent with this plan and the
15 development guidelines.

16 MS. RUSSELL: Okay.

17 MR. MENDEL: If they
18 wanted to -- if that was the determination by
19 staff at the time, they would have to amend it,
20 and that would require going back through
21 Planning Commission and City Council for
22 amending the conceptual development plan and/or
23 the development guidelines. Basically, it
24 would have to go back through this process.

25 MS. RUSSELL: Okay, thank

1 you.

2 I just wasn't sure how permanent it is.

3 MR. MENDEL: You know,
4 things change. I mean, the special planning
5 district at South Court Village went through at
6 least four iterations of conceptual development
7 plan and design guideline changes from its
8 inception in 1999 until it started building out
9 in 2016, and those all had to go back through
10 Planning Commission and City Council for
11 ultimate approval.

12 MS. RUSSELL: Thank you.

13 MR. CHAIRMAN: Okay. Other
14 questions, comments by members of the
15 Commission?

16 MR. ROSE: Mr. Chairman.

17 MR. CHAIRMAN: Yes.

18 MR. ROSE: Thank you.

19 Mr. Phillips, you said something that
20 troubles me. You said you included the design
21 of the townhomes so in ten years down the road,
22 if somebody wanted to build them. I've got a
23 problem with "ten years down the road." You're
24 asking for us to do something now, and maybe
25 ten years from now it will be done. I've got a

1 big problem with that. I would expect, if
2 you're coming here and taking all of our time
3 up, that you're going to do it now. You're not
4 going to sit here and say, "This is what I want
5 to do, but maybe we can do that later." I
6 don't like that at all. Could you elaborate,
7 please?

8 MR. PHILLIPS: Yeah.

9 My example is -- our intention is to get
10 the conceptual approval to -- we already have
11 an architect. We'll then get them working on
12 the next preliminary phase, we'll get
13 engineering going, we'll start working with the
14 City. So our intention is to begin this
15 immediately; it's not ten, fifteen, twenty
16 years.

17 We, as the property owners, are looking to
18 maximize our value in this property, and having
19 it sit vacant for ten or fifteen years and
20 paying taxes every year is not very suitable to
21 us at this time. So we're looking to do this
22 right away.

23 However, the reason I brought that up is,
24 sometimes things happen, whether it's a
25 pandemic or you have to go back in front of the

1 City Council four times and it takes seven or
2 eight years. So that's why -- in that time,
3 that's why we added the contingency for the
4 two-story townhomes, because this is somewhat
5 permanent once it's written into the SPD.

6 So our goal is to move ahead with it. We
7 want to move ahead with it. We would like to
8 start breaking ground next summer and have
9 these on the market for sale late summer/early
10 fall of next year.

11 So that's all I -- that's the only reason I
12 brought that up, in case you were wondering why
13 we show the townhome plan.

14 MR. ROSE: So your intent
15 is to sell these units, not to rent them?

16 MR. PHILLIPS: Our intent is
17 to sell them, although we haven't written that
18 into it, in case a company like Redwood or
19 someone else came in and said, "Hey, you know,
20 we would like to take this over," and then they
21 buy -- they buy them from us and then they
22 start to rent them, so there is the potential
23 for that. Right now our intention is to build
24 single-family structures and bring them to
25 market.

MR. ROSE: Thank you.

MR. CHAIRMAN: Okay.

Anything else by members of the Commission?

MR. DUTTON: Yeah.

Not to beat a dead horse on this Section (c), but as one of the two things we're allowed to consider this by, it states, "...where there is a need to provide for greater -- a greater mixture of uses than would be permitted in the standard zones of this Ordinance."

So it's where you provide a mixture of uses that you can't provide in any other zoning district. Well, in the R-4 zoning district, you can put in single family and multi-family. So it does not meet that section because there is a Code Section R-4 where you can use -- have both of these uses without the need for a special district.

MR. LESIAK: Well, as we said in the last meeting, we dispute that. The mixture of uses here applies to this district, and it's an R-1 district.

MR. DUTTON: I'm agreeing that there's a mixture, but I'm saying that you

can do this in the R-4, both of these uses.

MR. LESIAK: But we are talking about land in the R-1, and that's why I said -- that's why I respectfully disagree.

MR. DUTTON: Okay.

MR. CHAIRMAN: Anything else by members of the Commission?

(No response.)

MR. CHAIRMAN: Okay. Anybody with us this evening have any comments they would like to make?

MR. KOVALIK: (Indicating.)

MR. CHAIRMAN: Yes, sir.

If you would step back to podium, give us your name and address, keep your comments to a few minutes and --

MR. KOVALIK: I just have to catch my breath here after wearing this mask for so long.

MR. CHAIRMAN: No fun?

MR. KOVALIK: No.

My name is Anthony Kovalik, and I live on 464 Cambridge Drive in Medina. I've been a resident in that house for eight years. Previous to that, I lived at 651 Sturbridge

Drive, which is just around the corner, and I lived there since 2002.

I'm here on behalf of myself and many of my neighbors. I would like to describe our neighborhood as kind of idyllic in the sense that we have kids playing up and down the street all the time. We are a diverse and a very close-knit community, and we oppose this particular zoning change and the intended development. There are kind of two conversations here, and you will have to forgive me, I have not really had a chance to get coached up on zoning and planning, but we have spoken to Council.

First, as a matter of the zoning issue, we oppose that on the grounds that we do not feel the proposal meets the -- either the purpose or the requirements of the SPD, and I think you have -- with the papers Mr. Mendel provided, you have what our Council said and the comments. Basically, I will just reiterate and say that the proposal is not a greater range or mixture of compatible uses; it is a wholesale creation of an entirely new zoning classification and a solely low density

single-family area within the City and surrounding Township.

As regards to purpose -- or actually as regards to the requirements, the effective area is not in transition. The proponent has submitted no evidence that there is a need to provide a greater mixture of uses, and the proposal does not meet with the existing land use. So I guess in terms of the request to change the zoning, we have stated that rationale.

We've collected at least twenty-five signatures over a couple days. We probably could have come in with a hundred if given a week.

Finally, I don't want to take up too much of your time, and I do not want to reiterate things that have already been said and questions that have already been raised. I just want make a few statements about why in particular I'm opposed to this proposal.

The traffic analysis was solely done at the intersection of Sturbridge and Wadsworth. Please correct me if I'm wrong about that. It did not discuss how people get to that

1 intersection through Colinas or Asherbrand.
2 There was no traffic study done there. And, as
3 you know, kids in Medina who live within two
4 miles of their school need to either walk or
5 ride their bikes, and I think that this
6 definitely creates a safety concern for those
7 kids.

8 There's increased noise. I noticed that
9 the proposal has been reduced from three
10 stories down to two, potentially taking an
11 eyesore issue away; however, as stated by the
12 Board, the Committee here, these plans are
13 subject to change. The SPD seems to me to be
14 more of a catch-all or a loophole or a kind of
15 anything-goes sort of zoning change, and that
16 is one of our primary concerns.

17 There is a water runoff issue. For that
18 particular proposal, you're talking about a
19 hundred and twenty parking spaces, which is at
20 two forty-two spaces per acre. You're looking
21 at half an acre of parking alone. It does not
22 include the street or the roofing.

23 There's also a pond and lots of wildlife
24 that we feel that this particular proposal
25 threatens and, in addition, will lead to the

1 widening of Route 57 behind the property or --
2 well, in front of that one behind our homes.

3 Essentially, what I'm saying is, that this
4 proposal does not fit in with the existing
5 neighborhood, and it is essentially going to do
6 nothing for our property values. And I
7 certainly understand that people should be able
8 to get value from their property and to be able
9 to use it for their own profit or pleasure;
10 however, that should not be done at the expense
11 and cost of the property values of others.

12 There's already great concern among all my
13 neighbors. We're talking about dozens of
14 homes, people concerned about their property
15 values, their neighborhood, and what they will
16 be able to leave for their children.

17 Thank you very much for your time, and I
18 appreciate the opportunity.

19 MR. CHAIRMAN: Thank you,
20 sir.

21 Is there anybody else with us this evening
22 that has any other comments other than what
23 this gentleman has raised? Something
24 different.

25 MS. BAUMANN: Hi.

1 Candi Baumann, 5800 Wadsworth Road. Actually,
2 my house -- actually, the other picture is
3 better. That little road is my driveway on the
4 bottom of that picture (indicating). That's my
5 pond, my home (indicating).

6 I just feel -- I understand this is your
7 land, you have every right to develop it, I
8 just feel like the whole thing was thrown
9 together. There's no -- this movie production,
10 I read through that, this woman had every
11 little millimeter of that drawn out,
12 blueprinted. "Here's the color we're using.
13 Here's the lights we're using."

14 This is like, "Well, we may use this
15 townhouse, we may not. Here's a picture from
16 2015 from Madison Township. We might rent
17 them, we might sell them." Like, it's just --
18 there's no rhyme or reason to it.

19 I understand single-family homes would be a
20 much better suit to this area.

21 Not only that, it's like, how are you going
22 to prevent people from walking right on my
23 property? I have a pond. I don't want kids
24 drowning in my pond. There's just -- there's
25 so many open questions.

1 Thank you.

2 MR. CHAIRMAN: Thank you.

3 MR. THUR: My name --
4 sorry. My name is Michael Thur, Sr. I live at
5 1124, directly across from the development.

6 MR. MENDEL: Sorry, which
7 street?

8 MR. THUR: Wadsworth
9 Road, 1124. It's directly right across from
10 the main portion of the development.

11 I threw this together to come up with it.
12 I only got the notice about a week-and-a-half
13 ago that there was going to be a meeting
14 pertaining to this, so I'm going to try to
15 avoid any duplicate talk.

16 MR. CHAIRMAN: We appreciate
17 that.

18 MR. THUR: They did say
19 that one-third of the traffic is going to come
20 onto Wadsworth, the other two-thirds is going
21 to go onto the west.

22 MR. MENDEL: Asherbrand.

23 MR. THUR: Asherbrand.

24 I'm sorry.

25 That's not going to happen, because we did

1 have in the notes by the fire department that
2 they need full access. Now, they just
3 mentioned pertaining to a gate. A gate is not
4 going to stop people from coming onto -- more
5 cars coming onto Wadsworth.

6 Sorry. I'm going to read over the notes so
7 I don't duplicate.

8 What I did do is, I stood out in front of
9 my property. If you stand on my sidewalk right
10 now and talk to someone on the porch, you
11 really can't hear them, you have to really
12 yell. With this proposal, you're saying more
13 traffic is coming on my road in front of me
14 now. The noise level that hurts your ears is
15 rated at eighty to eighty-five decameter (sic).
16 Okay? The traffic that is going on here now is
17 on a seventy-five to eighty. Trucks just going
18 down without stopping, without the turn lane
19 that you're talking about or maybe a signal
20 light for going into that property, the trucks
21 are now going at an eighty-five to ninety-five
22 level. Now, if you put in a stop sign or a
23 turn lane or a signal, the trucks have to gear
24 down, then they have to go up. This is an
25 incline on 57 going south. That decimal (sic)

1 reading is maxing out at one hundred and three.

2 I went on the Internet and tried to find
3 out with apartments coming into R-1
4 development, what happens? The crime rate, the
5 crime rate goes up. Police are called in more
6 because the high density that you're talking
7 about. I moved out of a crime area into Medina
8 to have my kids grow up safe. Now you're
9 putting my family - my grandchildren now - into
10 danger because of this.

11 I just found out that you lowered
12 your building from a three to a two,
13 so that wipes all this out right here
14 (indicating).

15 You say that your family grew up in Medina,
16 three out of four still live there, but they
17 don't live in the area that you're proposing,
18 and you probably don't have a two-story
19 building going up next to your house that is
20 ten feet or forty feet away from you. I picked
21 going to Wadsworth Road because I liked it.
22 Now, I didn't pick to have this housing
23 development be put on our -- across from our
24 property.

25 The reason I'm a little upset is because

1 I'm kind of worried about your production and
2 how you do things. Across the street from us,
3 that only gets cut maybe once, maybe twice a
4 year - okay? - four feet, five feet tall. Now,
5 I'm very worried, and I don't want this ever to
6 happen, but what happens if a fire happens in
7 our -- one of our houses. That fire department
8 from Number 3 comes flying down and can't find
9 a fire hydrant. Why? The grass is four to
10 five feet, not maintained. What are you going
11 to do with this development?

12 Second, there is a tree on the power line
13 that has been leaning on this power line since
14 wind went through Medina. Have you ever gone
15 out there? I got a picture, I'll show you. I
16 got a picture.

17 Have you ever gone out there and looked at
18 this property that you own? No, you probably
19 didn't. You probably had someone or whoever
20 mowed the lawn come out and do it and continued
21 on. This tree can fall any time. It may not
22 land on the road, but if you're driving down
23 doing forty-five, fifty miles an hour and
24 something comes down in front of you, what are
25 you going to do? Swerve right into incoming

1 traffic.

2 Now, I don't want to see anyone get hurt
3 because of your negligence. That's what's
4 making me worried about your building. What
5 are you going to cut corners on to make this
6 happen?

7 Twenty percent open area, there is no
8 twenty percent open area in this. The traffic
9 is so fast going up and down Wadsworth, it is
10 kind of scary just to walk up and down there.
11 I grant you, in front of my house it says
12 thirty-five, but you tell me how many people
13 really slow up at thirty-five miles an hour at
14 that point, even though there's signs that say
15 "slow up."

16 I'm just going to cut my time. I
17 apologize.

18 MR. CHAIRMAN: That's fine.
19 Thank you.

20 MR. THUR: I want to
21 thank you for letting me speak and to try to
22 stop this development. Now, I'm begging you to
23 stop this development. I want my grandchildren
24 to grow up safe, and with this kind of
25 development here, it's not going to provide the

1 safety.

2 Thank you.

3 MR. CHAIRMAN: Thank you for
4 being with us this evening.

5 Something new?

6 MR. ZYCHOWSKI: Yes.

7 Frank Zychowski, 4550 Colinas.

8 One thing that I -- if you look at the
9 circle on the property there, you can see it's
10 the house with the driveway going all the way
11 around it.

12 That drainage pond, or what used to be a
13 pond, has issues to begin with with the
14 drainage coming through. Taking out another
15 six-whatever acres and having over a hundred
16 parking spaces is really going to put a lot of
17 strain and stress on the drainage of the area.

18 So I'm asking you to do basically what the
19 applicant's own counsel said, which is, "The
20 Code is what the Code is." I ask you to
21 believe what the Code is.

22 Thank you.

23 MR. CHAIRMAN: Thank you.

24 MS. KOVAL: Hi.

25 Lisa Koval, 1114 Asherbrand Drive. So I am

1 the second house next to 1118, which is the one
2 at the end, which would only have ten feet.

3 A couple things I would just like the
4 Planning Commission to review. I did submit a
5 two-page letter, and I would like you to review
6 my comments on the R-4 and the SPD and what
7 those are really meant to be, which this is not
8 the appropriate zoning for this type of
9 establishment.

10 Second of all, he keeps saying --
11 Mr. Phillips continues to say "conceptual
12 plan." That means no plan. We, my husband and
13 I, have been in the area now for eighteen
14 years; my neighbors even longer. This empty
15 area over there, it's been barren that long, so
16 why now? How do we know that you don't get a
17 proposal to build something and then you sit on
18 it another ten, fifteen years - it's been
19 eighteen years for us already - and then we
20 have townhouses going up or something like
21 that? So we're very concerned about that.

22 We have children everywhere, they are
23 running around.

24 Like the gentleman before me just
25 stated, the runoff. I actually took

1 pictures from the storm that we had on
2 Monday. It was a pond. My neighbors at 1118,
3 it was literally a running river next to
4 their house going into their -- you know,
5 where their water collects. This is a
6 concern.

7 When we moved in the first time, in my
8 letter, there were mattresses, there was tires
9 that were thrown into this area.

10 So according to the August Planning
11 Commission letter, he was going to build a
12 house at 1111 and build a road through there.
13 So we have water issues. How do we know that
14 the road won't collapse, the house won't
15 collapse because of what is in that
16 wetland/landfill underneath there?

17 We're requesting that we keep him from
18 building in that area unless it is going to go
19 with our single-family homes of an R-1.

20 Thank you.

21 MR. CHAIRMAN: Thank you.

22 Okay. I presume --

23 MR. DEAN: (Indicating.)

24 MR. CHAIRMAN: Yes, only
25 if it's something new that doesn't do with

1 all of the things that we just already
2 heard.

3 MR. DEAN: I appreciate
4 that, sir. It certainly is. Thank you.

5 Sean Dean is my name, I live at 5800
6 Wadsworth Road. I live with Candice Baumann
7 and everything.

8 The twenty percent green space, I just want
9 to add to it real quick. I don't see anything
10 on here in the drawings and whatnot for --
11 other than him mentioning -- Mr. Phillips
12 saying that the natural ponds on the north and
13 south side of property, which is ours on the
14 south side.

15 I don't see anything for fencing,
16 landscaping mounds, or anything that can deter
17 people from coming onto our property in that
18 corner as well.

19 She just mentioned the water runoff from
20 the last weekend's storm which was very, very
21 bad.

22 You guys, thank you for your time today, I
23 greatly appreciate it.

24 Mr. Phillips, I know what you want to
25 do, I understand. As a businessman and

1 everything, I get it, I just don't like this at
 2 all.
 3 That's all. Okay, thank you.
 4 MR. CHAIRMAN: Thank you.
 5 Any other questions by members of the
 6 Commission? Any other comments?
 7 MR. GOLD: Mr. Chairman,
 8 I would like to put forth a motion to forward a
 9 recommendation of approval to City Council from
 10 rezoning from R-1 to an SPD.
 11 MR. CHAIRMAN: We have a
 12 motion. Is there a second?
 13 MR. ROSE: Second.
 14 MR. CHAIRMAN: Just so you
 15 all realize, all of our motions are always made
 16 in the, I'll say, positive, so the vote isn't
 17 backwards, if you will.
 18 Okay. We have a motion and a second.
 19 Is there any other discussion by members of
 20 the Commission?
 21 (No response.)
 22 MR. CHAIRMAN: Roll call.
 23 MS. DAVIS: Grice?
 24 MR. CHAIRMAN: No.
 25 MS. DAVIS: Dutton?

1 MR. DUTTON: No.
 2 MS. DAVIS: Gold?
 3 MR. GOLD: No.
 4 MS. DAVIS: Russell?
 5 MS. RUSSELL: No.
 6 MS. DAVIS: Rose?
 7 MR. ROSE: No.
 8 MS. DAVIS: Motion denied,
 9 five-zero.
 10 MR. CHAIRMAN: This will be
 11 forwarded on to City Council as our action is
 12 only a recommendation. Okay?
 13 Thank you very much.
 14 And if there's nothing else to come before
 15 the Commission --
 16 MR. MENDEL: There is not.
 17 MR. CHAIRMAN: -- we are
 18 adjourned.
 19 (Hearing concluded.)
 20 - - -
 21
 22
 23
 24
 25

1 STATE OF OHIO)
 2) ss:
 2 COUNTY OF MEDINA.)
 3
 4 CERTIFICATE
 5 I, Nicholas Glatzhofer, Notary Public within
 6 and for the State of Ohio, duly commissioned and
 7 qualified, hereby certify that before the giving of
 8 their testimony, all speakers were first duly sworn to
 9 testify to the truth, the whole truth, and nothing but
 10 the truth in the cases aforesaid and that the
 11 testimony was taken by me by means of stenotype in the
 12 presence of said speakers.
 13 I further certify that said hearings were held
 14 at the time and place specified in the above caption
 15 and was concluded on the 10th day of September, 2020.
 16 Further, I certify that I am not a relative,
 17 counsel, or attorney at law for any party to this
 18 suit, nor am I interested in the event of same.
 19 IN WITNESS WHEREOF, I have hereunto set my hand
 20 and affixed my seal of office at Medina, Ohio this
 21 21st day of September, 2020.
 22
 23 _____
 24 Nicholas Glatzhofer,
 25 Notary Public within and for
 the State of Ohio.
 My commission expires 10/24/2023