



CITY of MEDINA
Planning Commission
Organizational Meeting

Planning Commission Meeting

Meeting Date: July 14, 2016

Meeting Time: 6:00 pm

Present: Rick Grice, Bruce Gold, Jerry Lash, Paul Becks, Paul Rose, Sandy Davis, Administrative Assistant, Justin Benko (Associate Planner), Jonathan Mendel (Community Development Director)

Absent: None

Minutes: Mr. Gold made a motion to approve the June 9, 2016 minutes as submitted. Mr. Rose seconded the motion.

Vote:

Grice	<u>Y</u>
Gold	<u>Y</u>
Rose	<u>Y</u>
Lash	<u>Y</u>
Becks	<u>Y</u>
Approved	5-0

Announcements: Mr. Mendel stated he is still working on the text amendments for Rock Crushing/Heavy Manufacturing and Substance Abuse Facilities.

Mr. Rose stated City Council is on break and will resume on the last Monday in August.

Old Business: None

New Business:

1. P16-16 821 E. Washington Lorraine Mion COA

Mr. Benko gave a brief overview of the case. Mr. Benko stated the property is located on the north side of E. Washington Street east of Spring Grove Street and west of Guilford Blvd.

Mr. Benko stated the applicant purchased 825 E. Washington Street on February 29, 2016 and the sale included the vacant lot to the west. Mr. Benko stated the applicant proposes the construction of a new 2,961 sq. ft, 4 bedroom, 3 bathroom ranch style house on the vacant 1.09 acre lot. Mr. Benko stated the house will feature vinyl siding with a covered front porch, an attached 2 car garage, a full walkout basement and a high pitched roof to allow for a great room with a cathedral ceiling. Mr. Benko stated as this site is located within the Transitional Corridor Overlay District, design review and approval is required by the Planning Commission.

Mr. Benko stated the proposed house will be compatible with the neighborhood and consistent with the character of the surroundings. Mr. Benko stated the front of the house does exceed the 50 feet in horizontal length guideline; however, the garage and the covered front porch should break up the visual mass of the structure. Mr. Benko stated the colors, materials and detailing are consistent with the intent of the TCOV. Mr. Benko stated the proposed house adheres to all applicable setback requirements. Mr. Benko stated overall, the house as proposed will be a nice addition to this residential section of the TCOV.

Mr. Benko stated there is a conforming blend of house types and styles on this section of E. Washington Street. Mr. Benko stated the house to the east (owned by the applicant) is a 1940's masonry bungalow and the house to the west is a split level style home constructed in 1962. Mr. Benko stated the houses directly across the street are ranch and colonial style homes. Mr. Benko stated although the applicant's proposed house will be among one of the larger homes on this section of E. Washington, the house will look in character due to the large lot size and because the a majority of the massing of the house projects towards the rear of the property.

Mr. Benko stated staff recommends that the Planning Commission grant a Certificate of Appropriateness for the above application as submitted.

Present for the case was property owner and applicant, Lorrain Mion, 825 E. Washington Street, Medina, Ohio. Ms. Mion stated this will be a nice addition to the area. Ms. Mion stated the majority of the home projects backwards so should not present as out of place.

Mr. Becks stated it is nice to see infill of new residential buildings.

Mr. Gold made a motion to approve a Certificate of Appropriateness for a new house in the Transitional Corridor Overlay District, 821 E. Washington Street, as submitted.

The motion was seconded by Mr. Lash.

Vote:	
Grice	<u>Y</u>
Lash	<u>Y</u>
Becks	<u>Y</u>
Gold	<u>Y</u>

Mr. Mendel stated in light of the timing, staff would recommend an approval be conditioned on the applicant finalizing the property acquisition and consolidation.

Mr. Mendel stated in reviewing the proposed site plan and applicable code requirements, staff recommends the Planning Commission **approve** the Site Plan application with the following condition:

1. The applicant shall finalize the acquisition of the property from the adjacent property owner to the east before a zoning certificate can be issued.

Present for the case was Charles F. Coleman Jr., owner. Mr. Coleman stated they have the signed agreement with A.I. Root Co. Mr. Coleman stated he appreciates the city staff working with them to stay in operation. Mr. Coleman stated they need to transfer material around the site and this will allow them to manage the new site plan. Mr. Coleman stated there are no curbs being proposed as they would be destroyed by trucks and tow motors.

Mr. Lash asked if there will be semis or large trucks unloading in the back. Mr. Coleman stated no, all trucks will unload from State Road.

Mr. Becks asked if the front parking lot where the handicap space is located has an appropriate depth and width. Mr. Mendel stated yes, it is a continuation of the condition that exists. Mr. Mendel stated they are not required to comply.

Mr. Coleman stated there will be more room with the new plan for the handicap parking area.

Mr. Rose made a motion to approve the Site Plan for 260 State Road as submitted.

The motion was seconded by Mr. Becks.

Vote:

Grice	<u>Y</u>
Rose	<u>Y</u>
Lash	<u>Y</u>
Becks	<u>Y</u>
Gold	<u>Y</u>
Approved	5-0

3. P16-17 1011 Wadsworth Rd. Elaine Jones COM

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a request to rezone 1011 Wadsworth Road from R-2 to C-S.

Mr. Mendel stated the subject property is 3.35 acres on the west side of Wadsworth Road just north of the intersection of Wadsworth Road and Sturbridge Drive. Mr. Mendel stated the site is occupied by an approximately 3,000 sqft one story building and an accessory parking lot.

Mr. Mendel stated the applicant requests rezoning the property from R-2, Medium Density Residential to C-S Commercial Service. Mr. Mendel stated in 1998, 2000 and 2002, the applicant's husband was granted a Conditional Zoning Certificate for an office development at the property. Mr. Mendel stated the project was not implemented and the approvals expired. Mr. Mendel stated the applicant wishes to sell the property and believes the C-S zoning district is more appropriate for this property than the current R-2 zoning.

Mr. Mendel stated the subject property is presently zoned R-2 Medium Density Urban Residential. Mr. Mendel stated the permitted uses include single-family detached dwellings. Mr. Mendel stated the conditionally permitted uses include two-family dwellings, group homes, schools, churches, etc. Mr. Mendel stated Commercial and office uses are not permitted in the R-2 zoning district.

Mr. Mendel stated the applicant proposes rezoning the subject property to C-S Commercial Service. Mr. Mendel stated the permitted uses include general office and personal/professional service uses and is designed to be a limited intensity commercial zoning district. Mr. Mendel stated the conditionally permitted uses include churches, child daycare centers, hospital, schools, conference centers, etc.

Mr. Mendel stated the applicant provides discussion points which they believe support the request to rezone from R-2 to C-S. Mr. Mendel stated the applicants supporting arguments include the following highlights:

- The Planning Commission approved a Conditional Zoning Certificate for a professional/medical office development plan in the past.
- No residential developers have inquired about the property while it has been for sale.
- C-S zoning uses would benefit the surrounding residential neighborhoods by potentially providing more convenient offices uses nearby and possibly reducing trips to other parts of the City where such uses already exist.
- The concern about spot zoning is minimized due to the size of the property and the greater potential for buffering from adjacent residential areas/uses.
- Professional/medical office uses will not negatively impact the surrounding residential uses.

Mr. Mendel stated the Future Land Use map in the Comprehensive Plan Update is a visual guide to future municipal planning and land use within the city. Mr. Mendel stated the map currently designates the subject property 'Residential High Density' as part of a specific area of the same designation to the north and south along Wadsworth Road.

Mr. Mendel stated in evaluating the proposed rezoning, the following items must be considered:

- Consistency with the 2007 City of Medina Comprehensive Plan Update – Future Land Use Map

- Consider all possible permitted and conditionally permitted uses in the proposed zoning district.
- Intrusion of commercial development and change of neighborhood land use character

Mr. Mendel stated the City's 2007 Comprehensive Plan Update designates the subject property as 'Residential High Density', which is consistent with the multi-family development patterns on neighboring properties to the north and south along Wadsworth Road. Mr. Mendel stated the future land use map designation represents the community's wishes that the subject property be consistent in land use and development intensity with the surrounding existing residential multi-family developments.

Mr. Mendel stated to be consistent with the Future Land Use Map designation, the more appropriate zoning district for the subject property would be the R-4 Multi-Family Residential district.

Mr. Mendel stated although the permitted uses in the C-S district are limited, the conditionally permitted uses in the C-S district provide for a wider range of high intensity land uses (such as churches, child daycare centers, hospitals, schools, conference centers, etc.) that can have a greater potential for negative impacts on the surrounding residential land uses.

Mr. Mendel stated the surrounding neighborhood is a mix of single family detached housing, low scale townhouse style multi-family developments and a fire station. Mr. Mendel stated the nearest commercially zoned and developed areas are about a mile to the west along Sturbridge Drive at S. Court Street and north along Wadsworth road at Lafayette Road.

Mr. Mendel stated locating a low scale limited use commercial zoning district, such as the C-S District, would be less intensive than the more intensive commercial zoning districts such as the C-1, C-2, or C-3 districts, but the C-S zoning district would be the only commercially zoned property in the immediate and surrounding neighborhood.

Mr. Mendel stated Staff **does not recommend rezoning** the subject property from R-2 Medium Density Urban Residential to C-S Commercial Service because of the following reasons:

1. The C-S district is not consistent with the 2007 City of Medina Comprehensive Update - Future Land Use Map designation of 'Residential High Density'.
2. The C-S district would be the only commercially zoned parcel in the immediate and wider vicinity and the range of permitted and conditionally permitted uses have greater potential for negative impacts on the surrounding residential land uses and is not appropriate in this location.

Present for the case was Elaine Jones, property owner, 461 Woodlake Dr., Medina. Mrs. Jones stated the reason for not going forward with the past approvals was her husband

passed away unexpectedly in January of 2007. Mrs. Jones stated he had an approval for medical offices and law offices in the building.

Mrs. Jones stated the building has been vandalized numerous times over the past few years. Mrs. Jones stated she does not believe the rezoning would have a negative impact on the neighborhood. Mrs. Jones stated she has numerous police reports of vandalism on the property. Mrs. Jones stated she has put up fences but has had people parking on the property, and skateboarding off the roof that was replaced 3 years ago. Mrs. Jones stated over the Memorial Day weekend, she had over \$500 in damage done to the property.

Mrs. Jones stated if the property were occupied, it would keep the vandalism down. Mrs. Jones stated it would be a benefit to the city by bringing in tax revenue. Mrs. Jones asked that those things be considered. Mrs. Jones stated she would like the ability to rent the property or sell the property as a church, nursery school, or medical offices. Mrs. Jones stated she lives in the neighborhood and is not looking at putting in a high traffic business. Mrs. Jones stated she has lived in the neighborhood for over 35 years and is mindful of what is going in there. Mrs. Jones stated she has spoken with Ken & Sherry Fuller from Ken Cleveland builders and has been told the property is not large enough to develop as residential. Mrs. Jones stated she has also called other builders and they are not interested in it. Mrs. Jones stated she has not been able to move on with her life and retire because she cannot do anything with this property. Mrs. Jones stated Real Estate agents have told her they cannot sell the property because of the zoning.

Also present for the case was Mrs. Jones' attorney, Christopher Jankowski. Mr. Jankowski stated there is a letter from Richard Kassouf from New Hope Realty who marketed the property from 2010 to 2011 that has been submitted as part of the request which states there were many proposals received for use of that property which included educational facilities, churches, daycare, etc. Mr. Jankowski stated none of which complied with the current zoning. Mr. Jankowski stated Lynn Methlie from REMAX submitted a letter stating when she had listed the property in 2012 to 2013, there were 16 perspective buyers including yoga centers, training/workshop for handicap citizens, and convenient stores, medical offices, condos, etc. Mr. Jankowski stated these did not comply with the current zoning. Mr. Jankowski stated there is also an e-mail from Paul Doerr Jr. indicating a potential buyer for an urgent care center. Mr. Jankowski stated there are letters of support from neighbors in the area who are in favor of the office/medical use. Mr. Jankowski entered photos of vandalism into the record.

Mrs. Jones stated when the sewers were repaired on Rt. 57, a truck was parked on her property for a week from a contractor working for the city. Mrs. Jones stated semis have parked in her driveway and she had repaired the driveway from the trucks.

Mr. Jankowski stated a letter was received today from someone who is interested in the property. Mr. Jankowski asked that the letter be entered into the record.

Mr. Grice asked Mr. Mendel to name all the permitted and conditionally permitted uses in the R-2 and also the same for the CS district.

Mrs. Jones stated she also had Montville Township Police Department interested in using the building as an adjunct station and they were told they could not due to the zoning.

Mr. Mendel stated he spoke with Chief Grice of the Montville Police Department and the discussion was under the existing zoning it would fit the R-2 zoning district under the conditionally permitted use categories. Mr. Mendel stated he did not tell them that it was not permitted or conditionally permitted in the existing zoning. Mr. Mendel stated they may have made the decision to not go forward with the project and he does not know what the Realtor stated.

Mrs. Jones stated she was told the opposite.

Mr. Mendel stated the following:

Permitted uses R-2 District-single family detached dwelling
Conditionally Permitted uses R-2 – group homes up to 8 individuals, in-law suite, 2 family dwelling, nursing home/assisted living facility/independent living facility, cemetery, conservation use, public or quasi-public owned park or recreation facility, public and parochial education institution for primary education, public and parochial education institution for secondary education, publically owned or operated government facility, religious place of worship.

Permitted uses CS District- office/professional/medical/administrative, personal and professional services (banks, barbershops, etc) and other similar uses as determined by the Planning Commission.

Conditionally Permitted uses CS- Bed & Breakfast Inn, cemetery, conservation use, education institution for higher education, publically owned or operated governmental facility, public or quasi-publically owned private park or recreation facility, public and parochial education institution for primary education, public and parochial education institution for secondary education, public utility, religious place of worship, urban garden, child daycare center and nursery, conference center/banquet facility or meeting hall, hospital, personal and professional services with a drive-thru, research and development laboratory and processing with no external hazardous noxious or offensive conditions.

Mr. Mendel stated the City Staff and Planning Commission need to conceptualize what could potentially go into that site if rezoned CS. Mr. Mendel stated the long range impact of all permitted and conditionally permitted uses need to be considered.

Adjoining property owner Jimmy Mitchell of 1095 Sunhaven Drive commented. Mr. Mitchell stated he is interested in the building for a school to teach music lessons. Mr. Mitchell stated he owns an organ repair business and is working out of a one car garage as his shop. Mr. Mitchell stated he repairs musical instruments. Mr. Mitchell stated the building would be what he needs. He feels the business would be a benefit to the community as it would give music lessons to low income children for free.

Mr. Rose asked if Mr. Mitchell's proposal could fit into the current zoning as a school. Mr. Mendel looked up the zoning and stated it would be a stretch.

Mr. Becks stated they are trying to see if there is any opportunities to work within the existing zoning. Mr. Becks asked how we are currently classifying a mission based with a religious type outreach center. Mr. Becks gave an example of the Salvation Army. Mr. Mendel stated that would not be a place of worship. Mr. Mendel stated they usually are classified as a retail store or office space since they typically have a retail component.

Mr. Mendel stated over the years there were several inquiries in which they had to say no to the type of business but also informed them that the option is there for a Conditional Zoning Certificate or a Land Use Variance.

Mr. Becks asked if under the current code, the existing owner could apply for a Land Use variance without transferring ownership. Mr. Mendel stated in his experience, the person operating the business needs to make that request. Mr. Mendel stated he does not feel it is a good practice to permit general land use variance requests. Mr. Mendel stated if there is a purchase agreement contingent on the approval of a land use variance would be acceptable.

Mr. Mendel stated staff is happy to educate the public on what potential is there for the property and what processes need to occur.

Mr. Lash asked Mr. Mitchell if his business involves any retail sales. Mr. Mitchell stated yes, but not on the premises and nothing that would generate traffic.

Mr. Mendel stated education institution refers to a public or private facility that provides the curriculum of elementary or secondary academic instruction including Kindergarten, Elementary school, Junior High School, and High School, technical and collegiate level courses. Mr. Mendel stated a home school is not considered an educational institution.

Mr. Mendel stated providing music lessons would not fit the above definition. Mr. Mendel stated it may be eligible for a Land Use Variance under the current zoning.

John & Terri Baisden of 451 Sturbridge Drive commented. Mrs. Baisden stated they are adjoining property owners. Mr. Baisden stated they are against the rezoning request. Mr. Baisden expressed concerns about his property value declining if the zoning were to change. Mr. Baisden stated changing the zoning to help get Mrs. Jones under the financial burden of the property should not place a burden on all the other property owners.

Mr. Grice advised the public that the Commission will only be making a recommendation to City Council. Mr. Grice stated City Council is the only entity with the authority to change the zoning but they do so with a recommendation from the Planning Commission.

Mr. Grice stated once the property is sold, any of the conditionally or permitted uses can be applied for which is why the Commission must look at the whole picture.

Tina Stepp of 991 Wadsworth Road, adjoining property owner, was sworn in by the Court Reporter. Ms. Stepp stated she lives next to the property and is concerned about what could potentially go into the space. Ms. Stepp stated she has concerns about the property values declining. Ms. Stepp stated she has lived there two years and has not been made aware of any vandalism.

Mr. Gold made a motion to approve a recommendation to City Council to rezone 1011 Wadsworth Road from R-2 to C-S as submitted.

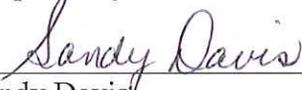
Mr. Lash seconded the motion.

Vote:

Grice	<u>N</u>
Lash	<u>N</u>
Becks	<u>N</u>
Rose	<u>N</u>
Gold	<u>N</u>
Denied	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Rick Grice, Chairman