



CITY of MEDINA

Planning Commission

Planning Commission Meeting

Meeting Date: January 11, 2018

Meeting Time: 7:00 pm

Present: Bruce Gold, Monica Russell, Andrew Dutton, Paul Rose, Rick Grice, Jonathan Mendel (Community Development Director), Sandy Davis (Administrative Assistant)

Absent: None

Mr. Gold made a motion to nominate Rick Grice as Chairman for 2018. The motion was seconded by Mr. Rose.

Vote:
Dutton Y
Grice Y
Rose Y
Russell Y
Gold Y
Approved 5-0

Mr. Rose made a motion to nominate Bruce Gold as Vice-Chairman. The motion was seconded by Mr. Dutton.

Vote:
Dutton Y
Grice Y
Rose Y
Russell Y
Gold Y
Approved 5-0

Minutes: Bruce Gold made a motion to approve the minutes from the December 14, 2017 meeting of the Planning Commission as submitted. The motion was seconded by Mrs. Russell.

Vote:

Dutton	<u>Y</u>
Grice	<u>Y</u>
Rose	<u>Y</u>
Russell	<u>Y</u>
Gold	<u>Y</u>
Approved	5-0

The Court Reporter swore in all attendees.

Mr. Grice swore in Paul Rose for a renewed term and Brian Hilberg as a new alternate for the Planning Commission.

Announcements: There were no announcements.

1. P18-01 755-A West Smith Rd. John Hutchings CZC

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a request for a Conditional Zoning Certificate review for Hutch Sports. Mr. Mendel stated the site is located on the north side of the 700 block of W. Smith Rd.

Mr. Mendel stated the applicant proposes an athletics training facility in the I-1 Zoning District, which is defined as “Commercial Recreation”. Mr. Mendel stated in the I-1 district, such uses require Conditional Zoning Certificate review and approval by the Planning Commission. Mr. Mendel stated the applicant indicates the facility will be open Monday through Friday 7:30a-7:30p for training classes. Mr. Mendel stated the site will have approximately 6-10 students and trainers at peak and many students will be dropped off, reducing the parking demand on the site.

Mr. Mendel stated Commercial Recreation is a conditionally permitted use within the Industrial District.

Mr. Mendel stated the Zoning Code requires the Planning Commission conduct a Public Hearing for a proposed Conditional Use. Mr. Mendel stated the legal notices have been issued to permit the Public Hearing at the January 11, 2018 meeting. Mr. Mendel stated based on the review of the case and the public hearing the Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for the insuring that the intent and objectives of this Zoning Ordinance will be observed.

Mr. Mendel stated the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards:

- (1) *Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Land Use and Thoroughfare Plan of current adoption;*
- (2) *Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;*
- (3) *Will not be hazardous or disturbing to existing or future neighboring uses;*
- (4) *Will not be detrimental to property in the immediate vicinity or to the community as a whole;*

(5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such service adequately;

(6) Will be in compliance with State, County and City regulations;

(7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic or surrounding public streets or roads.

Mr. Mendel stated Code section 1145.04 details ratios for off-street parking for various use groups. Mr. Mendel stated the proposed use doesn't fit easily with the categories under "Commercial Recreation" in the schedule of parking requirements, but the most similar is the "outdoor playground" subcategory. Mr. Mendel stated this requires 1 spaces per 500 sqft of playground area. Mr. Mendel stated the proposed tenant space is 10,000 sqft, which requires 20 spaces. Mr. Mendel stated as a multi-tenant building at 755 and 713 W. Smith Rd. the total required parking is 41. Mr. Mendel stated the subject site and adjacent site at 713 W. Smith has 54 existing striped spaces, which is a 13 space surplus.

Mr. Mendel stated the proposed site is located within a high intensity industrial neighborhood with high truck traffic frequency. Mr. Mendel stated the likely reason Commercial Recreation uses are conditionally permitted in the I-1 district is that such uses are not necessarily appropriate in all areas zoned I-1 and should be subordinate to the appropriate industrial land uses. Mr. Mendel stated such uses typically mandate large floorplates and high ceilings, which are most prevalent in the I-1 district.

Mr. Mendel stated it is important for the applicant and future clients to understand that this specific area of the City is already a high intensity industrial neighborhood and the heavy vehicle traffic and industrial activities occurring are integral and inseparable from this specific vicinity.

Mr. Mendel stated although understanding the above, the proposed use/business should be appropriate at the proposed location, thereby meeting the review criteria of Section 1153.03(b), provided the applicant, operator and clients acknowledge that the subject tenant space is part of a multi-tenant industrial building. It would be unreasonable for the applicant's clients to have an expectation that they are less responsible for safe travel, whether pedestrian or vehicle, on the property than other commercial industrial site users. All user of the subject and adjacent properties are equally responsible for safe travel within and to/from the subject property.

Mr. Mendel stated after reviewing the applicant's proposal, staff recommends the Planning Commission grant a Conditional Zoning Certificate for a Commercial Recreation (athletics training facility) use with the following condition:

1. Review and approval of permits by the City of Medina Building Department.

Present for the case was John Hutchins, 755 W. Smith Road. Mr. Hutchins stated he feels his work makes a big difference in the community. Mr. Hutchins stated he has worked with many great athletes from Medina. Mr. Hutchins stated he currently works with a basketball team from 9th to 12th grade. Mr. Hutchins stated they help many kids get scholarships.

Mr. Grice opened the public hearing at 7:36pm and asked for comments either for or against the application. Having no comments from the public, the public hearing was closed at 7:36pm.

Mr. Rose asked if he anticipates any training outside the facility. Mr. Hutchins stated there will be no training outside the facility.

Mrs. Russell made a motion to approve a Conditional Zoning Certificate for a Commercial/Recreation Use, in this case as an athletics training facility at 755-A West Smith Road with the following conditions:

1. Review and approval of permits by the City of Medina Building Department.

The motion was seconded by Mr. Gold.

Vote:

Grice	<u>Y</u>
Gold	<u>Y</u>
Dutton	<u>Y</u>
Rose	<u>Y</u>
Russell	<u>Y</u>
Approved	5-0

2. P18-02 1011 Wadsworth Rd. Stanley D. Scheetz COM

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a request for rezoning for a Special Planning District 3. Mr. Mendel stated the current zoning is R-4, Multi-Family Residential.

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 proposes a Special Planning District (SPD) for the subject 3.35 acres. Mr. Mendel stated the proposed land use is a six building self-storage facility. Mr. Mendel stated the development has:

- Five cold storage buildings and one heated storage building
- Full vehicular entry/exit to Wadsworth Road
- Full vehicular and emergency vehicle access around the buildings and site
- Setbacks

- Front setback – 50 feet to Wadsworth Road
- Side setbacks – 50 feet from the north property line and 30 feet from the south property line
- Rear yard – 55 feet from west rear property line
- Building exterior detailing – vinyl siding and brick accents
- Building height – 12 feet
- Extensive site perimeter and buffer/screening landscaping

Mr. Mendel the purpose of the Special Planning District is to regulate the development and use of property in areas of the City that contain sensitive or unique environmental, historic, architectural, or other features which require additional protections and flexibility not provided through the application of the standard zoning district regulations, and to promote creative and sensitive site planning. Mr. Mendel stated it is the intent of this chapter to provide for a district which will permit a greater range or mixture of compatible uses in areas than would be allowable in the standard zoning classifications of this Zoning Ordinance while also requiring features that protect against negative impacts of incompatible land uses or harm to the environment. Mr. Mendel stated it is the purpose of these regulations to provide an effective method for the City to guide the development of such areas so as to preserve such unique characteristics or to provide for the greater range or mixture of land uses when appropriate.

Mr. Mendel stated the applicant proposes the development as a Special Planning District (SPD) in order to address the above purpose for this particular site given the existing context.

Mr. Mendel stated Section 1114.04 of the Planning and Zoning Code requires that in a proposed SPD one or more of the five conditions outlined in 1114.04 must or will exist. Mr. Mendel read the five conditions are outlined as follows:

- (a) A concentration of retail and service oriented commercial establishments serving as a principal business activity center for the community.*
- (b) An area recommended in the Comprehensive Plan for special zoning regulations.*
- (c) A property located in a transition area where there is a need to provide for a greater mixture of uses than would be permitted in standard zones of this Ordinance.*
- (d) Lands which permit for ingenuity, imagination and design efforts on the part of builders, architects, site planners, and developers that can produce residential developments which are in keeping with overall land use intensity and open space objectives while departing from the strict application of use setback, height and minimum lot size requirements contained in this Ordinance.*
- (e) Land that is occupied by substantial natural characteristics worthy of preservation or which are historic aids to the identification of residential communities which help residents relate to their communities and to relate the social organization of communities to their physical environments.*

Mr. Mendel stated the proposed SPD does not meet any one of the above conditions for the establishment of a SPD as a single use self-storage facility.

Mr. Mendel stated the applicant has provided plans as required for the proposal. Mr. Mendel read the following:

- A. Circulation Plan – Mr. Mendel stated the conceptual site plan provides ample site circulation and entry/exit for vehicles and emergency access.
- B. Land Use Plan – Mr. Mendel stated provides sufficient detail for the proposed use of the land and surrounding existing built environment
- C. Density – Mr. Mendel stated this is not applicable as there is no residential component.
- D. Transitions – Mr. Mendel stated a conceptual site plan is provided showing how the applicant will treat the transition from this proposed development to the existing adjacent land uses, especially to the residential properties immediately adjacent to the west, north and south.
- E. Development Guidelines – Mr. Mendel stated the conceptual development guidelines are included with the plans received December 21, 2017 and January 4, 2018.

Mr. Mendel stated a SPD has Conceptual, Preliminary and final review process stages. Mr. Mendel stated the conceptual review process involves Planning Commission and City Council review of a rezoning of the subject site to SPD-3. Mr. Mendel stated the SPD-3, if approved by the City Council, will rezone and create its own zoning code for the subject site. Mr. Mendel stated this requires a public hearing at both the Planning Commission and City Council stages.

Mr. Mendel stated once the SPD and conceptual development plan and guidelines are approved and established on the zoning map, the developer returns to the Planning Commission for review of preliminary and final site plan approvals at a Planning Commission public meeting. Mr. Mendel stated further detailed site development plans will be provided and delineated during these stages of development review.

Mr. Mendel stated not applicable at the Conceptual Plan review stage. Mr. Mendel stated Department comments will be necessary at the Preliminary and Final Site Plan review stage, if the SPD-3 rezoning is approved by the City Council and takes effect.

Mr. Mendel stated the proposed SPD-3 does not adhere to the five conditions required to establish a SPD under Section 1114.04 of the Planning and Zoning Code. Mr. Mendel stated the proposed single use self-storage facility is not a concentration of retail and service oriented commercial uses as a principal business area for the community. Mr. Mendel stated the proposed SPD-3 is not a designated SPD area on in the current City of Medina Comprehensive Plan and is not a transition area of the City of Medina. Mr. Mendel stated there is no residential component and the subject land does not have substantial natural characteristics to preserve which aid the residents in relating to their community and physical environments.

Mr. Mendel stated based on review of applicable sections of the City of Medina Codified Ordinances and the findings detailed above, staff **does not recommend rezoning** the subject property from R-4 Multi-Family Residential to Special Planning District-3 due the following reason:

1. The SPD-3 does not adhere to or include any of the five conditions for the establishment of an SPD District outlined in Section 1114.04(a) through (e) of the City of Medina Planning and Zoning Code.

Mr. Mendel stated this request is one of the three regulatory processes that are available to the applicant for changes to the regulatory framework for this property. Mr. Mendel stated the applicant can do a text amendment to the zoning code, a Special Planning District, or a Land Use Variance.

Present for the case was Stanley Scheetz, 225 E. Liberty Street, Medina, representing 57 South Storage LLC.

Mr. Scheetz stated they are here with the same plan as 4 or 5 months ago. Mr. Scheetz stated they processed that plan under a text amendment requesting a conditionally permitted use to be added to the R-4 District. Mr. Scheetz stated that was denied about 4 months ago by both Planning Commission and City Council. Mr. Scheetz stated when he met with Jonathan, he was told about the three alternatives Mr. Mendel stated earlier. Mr. Scheetz stated he did not select the use variance because he did not think he could make an argument because there are other economically viable uses of the property under the R-4 Multi-Family Use. Mr. Scheetz stated he proceeded with a Conditionally Permitted use as a text amendment but when it was discovered that there were 6 or 7 properties that would be effected, it was an issue because it would allow those other locations to potentially have self-storage within the city.

Mr. Scheetz stated they tried to eliminate that portion of the objection by going to a site specific plan that would only effect one lot within the community. Mr. Scheetz stated this is a site specific application for the Special Planning District for a single lot, a single use, in an area is a transitional area of the City of Medina. Mr. Scheetz stated adjacent to this is condominiums, apartments, cluster homes, duplexes, split-levels, the Medina City Fire Station, and previously other conditionally permitted uses which were other than residential, one being a church and a daycare center. Mr. Scheetz stated since then the site has been dormant. Mr. Scheetz stated based on that, they felt it was a transitional area having single family to the west, multi-family to the south, and apartments to the north. Mr. Scheetz stated the packet contained several people who signed off that they do not object to this use.

Mr. Scheetz stated they are requesting one additional use which is much less impactful than the prior uses. Mr. Scheetz stated the land has been dormant for five years. Mr. Scheetz stated there were discussions about a bait and switch proposition because of the request for R-4 zoning for Elaine Jones who had sold the property to Mr. Russell. Mr. Scheetz stated were doing that to make it more available for potential sales of the property. Mr. Scheetz stated Mr. Russell's intention was to move forward with a residential, garage style, low rise, and self-storage facility.

Mr. Scheetz stated they then looked at a site specific request for a single lot for a single use which is their third option. Mr. Scheetz stated they were basing the SPD on Section

1114.04 requirements for establishment of a Special Planning District letter C which states “a property located in a transition area where there is a need to provide for greater mixtures of uses than would be permitted by your standard zoning”.

Mr. Scheetz stated on Rt. 42 and Lafayette Rd. have storage facilities and also by Excalibur in Medina. Mr. Rose stated that is Township. Mr. Scheetz stated there is commercial on State Route 3 coming into the city and in the township.

Mr. Scheetz stated they were denied the application for one additional conditional use within the R-4 District because there were too many areas that could utilize the request. Mr. Scheetz stated there were to be no commercial uses and the C-S District was turned down in 2016. Mr. Scheetz stated this is not a commercial use and the covenants and restrictions within the leases prohibit any commercial, industrial or business uses of the property. Mr. Scheetz stated this use is a landlord/tenant situation where the applicant is renting space for the payment of a rental with no business to be conducted in the units or on the site.

Mr. Scheetz stated any activity conducted within the site would be confined to a time frame of 7 a.m. to 7 p.m. within the gated community with one entrance and one exit to the facility utilizing a digital keypad that only allows entry during those hours.

Mr. Scheetz stated the Comprehensive Plan calls for apartments for that area. Mr. Scheetz stated the site is 11 years old and there has never been a proposal for any form of apartments during the last 40 to 50 years. Mr. Scheetz stated the only thing that was approved to be built on the property was a conditionally permitted use of a church which closed and became a daycare center which was a conditionally permitted use. Mr. Scheetz stated this makes the argument that this is a transitional area after having a church, a daycare center, and a public building across the street. Mr. Scheetz stated the subject property frontage mirrors the public building across the street so there is no damage by the subject site being developed because it is facing a public building at this time.

Mr. Scheetz stated a Comprehensive Plan is meant to be a planning tool. Mr. Scheetz stated it is not the law, it is not etched in stone but is meant to be something that is evolving, not a sole determining factor for a site but one of many other variables.

Mr. Scheetz stated he provided in his packet to the board 43 reasons why the applicant feels this is a reasonable request for this site specific development. Mr. Scheetz stated the applicant feels this should be approved as a site specific special planning district for garage style self-storage units within a gated secure limited access by digital keypad entrance area and limited to activity between 7 a.m. and 7 p.m. daily for access solely by residents to their personal storage items.

Mr. Scheetz stated the plan leans 56% open space on the site. Mr. Scheetz explained why apartments would not provide such open space.

Mr. Scheetz reiterated all the reasons he had already discussed of why this is a reasonable and responsible request.

Mr. Scheetz stated he respectfully requests that the board approve the application to re-zone lot 5019 on 3.35 acre parcel to a Special Planning District allowing 1 site specific use of residential garage style self-storage units at 1011 Wadsworth Road, Medina, Ohio.

Mr. Grice asked for comments from the public. There were no comments from the public. Mr. Dutton asked Mr. Scheetz if he agrees that the proposal does not meet any of the requirements for establishing an SPD except C. Mr. Scheetz stated that is correct.

Also present for the case was the property owner Brian Russell, 3480 Cook Road, Medina, Ohio. Mr. Russell stated he owns the storage facility on Rt. 3 by Boyert's. Mr. Russell stated he thought the lot would really make sense for this use. Mr. Russell stated his facility on Route 3 is full. Mr. Russell stated there are no outlets in the buildings for contractors to use and in 11 years the buildings have been there, only 6 people have defaulted. Mr. Russell stated 3 died and the other one's disappeared. Mr. Russell stated he has never had any problems and Montville Police have never been out to the facility. Mr. Russell stated he understands the safety concerns and he has never had problems. Mr. Russell stated there are cameras for 24 hr. surveillance. Mr. Russell stated he doesn't think he has ever seen more than 3 cars in his facility at any time. Mr. Russell stated Saturdays are a little busier. Mr. Russell stated the gates do not work at night for safety reasons.

Mr. Russell stated the buildings run perpendicular to the road so when driving by you can look down the aisles. Mr. Russell stated he does not put units in the back. Mr. Russell stated he spoke with the adjoining property owner on the north side of the subject property who said she is fine with the proposal and it is much better than apartments. Mr. Russell stated the residents in the back of the property said it would be great and one stated he would rent a unit.

Bill Lamb, 721 S. Court Street, Medina, Ohio commented. Mr. Lamb stated he looked at the property and his hope is there is some way to fit this project on the site in a legitimate reasonable way because of the following:

1. The impact on infrastructure – If this were apartments, the impact on infrastructure would be much greater with more traffic in and out of the site and utilities to be brought to each building and apartment.
2. Response of adjoining properties – Mr. Lamb stated the adjoining property owners having no objections leads some credence to the viability of the project.
3. Mr. Lamb stated the Comprehensive Plan is no Codified but is simply a plan. Mr. Lamb stated sometimes we use it, sometimes we don't.
4. Mr. Lamb stated he agrees that this is a transitional area with the variety of things that exist there.
5. Mr. Lamb stated also the hours being 7 a.m. to 7 p.m. is a good limiting factor

6. Mr. Lamb stated this is a vacant property that generates no benefit to the community with no income, no reinvestment and has been vacant for 5 years, it makes sense to try and make this project work.

Mrs. Russell stated she lives down the street and the first time this project came up, she was concerned about it because it could have effected multiple other locations in the city. Mrs. Russell stated this is a much less impactful use than having apartments there. Mrs. Russell stated it does make a difference to her that it is across the street from the Fire Station. Mrs. Russell stated she doesn't feel it would look that out of place with the fire station across the street. Mrs. Russell stated this property would not cause as much traffic and it would have a lot more open space than if it was fully developed with apartments. Mrs. Russell stated she understands the argument that it is a transition area. Mrs. Russell stated if you go further north on Route 57 there are other uses as well.

Mr. Dutton stated the current zoning allows for single family, multi-family, and a government facility conditionally. Mr. Mendel read the permitted uses and the conditionally permitted uses. Mr. Dutton stated he does not believe this is a transitional area but the current zoning district already provides for all the uses that are around it. Mr. Dutton stated if you read the whole section of the code, it doesn't just say this is transitional, it says where the zoning code is not capable of providing transition.

Mrs. Russell stated it doesn't say capable, it says where there is a need to provide for a greater mixer of uses. Mrs. Russell stated she thinks the code could be opened for interpretation of what is the need in that surrounding area for this type of use. Mrs. Russell stated she understands that there are other storage facilities that are available but at the same time, there are a lot of apartments and condos in that area where she can see they might need this facility.

Mr. Rose stated he keeps hearing the words "transitional area". Mr. Rose stated Mr. Scheetz's word stated "transitional lot" or parcel of property. Mr. Rose stated as he sees it, the area is all residential. Mr. Rose stated if you look at an aerial view, there is a fire station, a bunch of residential properties, and then this lot with a former church on it. Mr. Rose stated he does not see how that could be a transitional area. Mr. Rose stated he can see specifically a transitional piece of property.

Mr. Dutton stated as a planner, if you read the code sections and what this Special District is supposed to be for, it is for some kind of creative design where there is a mix of uses like commercial or residential and it all hooks together but it doesn't quite meet our code. Mr. Dutton stated it is not to shoehorn a use into an area.

Mr. Rose stated site specific equals spot zoning. Mr. Rose stated asked for clarification that the rent would be for storage space and not residential space. Mr. Scheetz stated that is correct.

Mrs. Russell asked the last time the site was used. Mr. Mendel stated approximately 5 years ago when it was a daycare and before that it was a church. Mr. Mendel stated that during his tenure at the city which is 4 years, there has not been any activity at the site.

Mr. Gold made a motion to recommend to City Council changing the zoning at 1101 Wadsworth Road to an SPD-3 as submitted by the applicant.

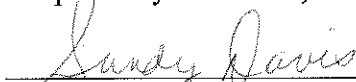
Mrs. Russell seconded the motion.

Vote:


Rose	<u>N</u>
Russell	<u>Y</u>
Grice	<u>N</u>
Dutton	<u>N</u>
Gold	<u>N</u>
Denied	4-1

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Rick Grice, Chairman