CITY of MEDINA
Planning Commission

Planning Commission Meeting

Meeting Date: January 9, 2014

Meeting Time: 7:00 pm

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

Absent: Paul Rose, Janis Zachman

Election of Officers: Mr. Lash made a motion to approve Rick Grice as Chairman and Chet Pucilowski as Vice-Chairman for the year 2014. The motion was seconded by Mr. Gold.

Vote:	
Lash	Y
Pucilowski	Y
Gold	Y
Becks	Y
Grice	Y
Approved	5-0

Minutes: Mr. Pucilowski made a motion to approve the minutes from the December 12, 2013 meeting as submitted. The motion was seconded by Mr. Lash.

Vote:	
Lash	Y
Pucilowski	Y
Gold	abstain
Becks	Y
Grice	Y
Approved	4 yeas -1 abstention

Announcements: Mr. Grice swore in Mr. Lash for a new term on the Planning Commission.

New Business:

1. P14-02 233 W. Smith Habitat for Humanity COA

Justin Benko gave a brief overview of the case. Mr. Benko stated this is a request to Rezone the subject parcel from R-3 High Density to C-2 Retail Office. Mr. Benko stated the subject property consists of a vacant .40 acres parcel located on the north side of West Smith Road. Mr. Benko stated the property is located east of S. Huntington Street, west of S. Elmwood Avenue, North of the Wheeling and Lake Erie Railway and South of W. Washington Street.

Mr. Benko stated the subject parcel was bequeathed to Habitat for Humanity in April of 2010. Mr. Benko stated the mission of Habitat for Humanity is to eliminate poverty housing through the construction or rehab of housing units. Mr. Benko stated the parcel had a single family residential home on it that caught on fire and was subsequently demolished in 2009. Mr. Benko stated the applicant has proposed to rezone the vacant lot from R-3 High Density Residential to C- 2 Retail Office District. Mr. Benko stated the Wheeling and Lake Erie Railway, as it intersects Smith Road, is the southern boundary of the property. Mr. Benko stated the applicant determined that the parcel was not worth the risk for new housing since it is adjacent to the railroad and commercial properties. Mr. Benko stated the applicant has an interested buyer for the property if the property were to be rezoned commercial.

Mr. Benko stated the parcel is presently zoned R-3 High Density Residential. Mr. Benko stated the permitted uses include single-family dwellings. Mr. Benko stated the conditionally permitted uses include planned unit developments, two-family dwellings, medical care facilities, places for religious worship and mobile home parks. Mr. Benko stated Commercial uses are not permitted in R-3 zoning.

Mr. Benko stated the applicant has proposed to rezone the parcel to C-2 Retail Office. The permitted uses include numerous retail/ service uses, restaurants, and dwelling units that adhere to R-4 zoning requirements. Mr. Benko stated the conditionally permitted uses include places for religious worship, child day care centers, medical care facilities, and gasoline service stations.

Mr. Benko stated the neighborhood has a combination of commercial, multi-family and single family properties which contributes to the mixed nature of the block. Mr. Benko stated the subject parcel is adjacent to a multi-family dwelling to the west and single family residential to the east. Mr. Benko stated there is a city owned parking lot in the rear of the property. Mr. Benko stated there is an additional multi-family property located at the corner of W. Smith and S. Elmwood. Mr. Benko stated the properties across the street are zoned C-2 commercial and consist of a restaurant and a multi-family dwelling.

Mr. Benko stated the establishment of a C-2 parcel at this location would create compatible zoning with parcels across the street; however, it would create a relatively small isthmus of C-2 zoning in this block that would still connect to the C-2 zoning in the area to the south.

Mr. Benko stated Staff recommends the Planning Commission forward a recommendation of approval to Medina City Council for the proposed rezoning of the subject property from R-3 High Density Residential to C-2 Commercial.

Present for the case was David Lehotan, President of Homebuilders Realty All Construction Services and a board member of Habitat for Humanity.

Mr. Lehotan stated after acquiring the property, Habitat for Humanity examined it at length to see if it is suitable for a single family structure. Mr. Lehotan stated due to the railroad tracks and some of the surrounding commercial enterprises, they felt the property is not suited for what Habitat does as an entity. Mr. Lehotan stated Habitat for Humanity put the property up for sale and after a lengthy time, they only received one offer on the property for a use that is not consistent with the current zoning. Mr. Lehotan stated Habitat for Humanity does have a purchase agreement for the property subject to the rezoning to Commercial zoning. Mr. Lehotan stated the request is to give a recommendation to City Council for the rezoning of the property so that the property may be transferred to a new owner who has a much better use for it.

Mr. Gold asked what the intended use is for the property from the interested purchaser. Mr. Lehotan stated he has a construction company. Mr. Lehotan stated the buyer is proposing to build a structure that would house a construction company office.
Mr. Gold asked if the proposed buyer is aware of the setback requirements. Mr. Lehotan stated yes. Mr. Lehotan stated he had a preliminary meeting with the City to determine if the project would be feasible. Mr. Lehotan stated because of the current zoning, the project cannot go forward. Mr. Grice stated the intended use is only the intended use and the board needs to consider the types of things can are permitted in the C-2 District.

Mr. Lash stated he is not opposed to the request but is opposed to what is referred to as "spot zoning". Mr. Lash stated he would approve the request if the other property owners on the same side of the street agree to rezone also. Mr. Lash stated if it goes from the Elmwood corner through the subject property, he would agree with it but he will not approve one piece of property to be rezoned in the middle of a different zoning district.

Mr. Lehotan stated the parcel backs up to a city owned parking lot and all adjoining property owners were notified by the city. Mr. Lehotan stated he does not feel it will be an issue to them. Mr. Lash stated the board needs to hear it from the adjoining property owners. Mr. Grice asked what the current land use plan for that block shows. Mr. Benko stated it shows residential long term.

Mr. Becks stated under C-2, front side and rear yards that are adjacent to a residential blocks, assume the setback requirements of those residential properties.

Mr. Grice stated he echoes Mr. Lash's comments regarding rezoning one lot in a block of residential zoning.

Mr. Lehotan stated the gentleman that lives on the corner of Elmwood and smith is currently running a repair shop of some type out of his house. Mr. Lehotan stated he understands how the board sees the rezoning as being inconsistent with the surrounding properties, however, the proposed commercial use would be consistent with the uses on three sides of the property.

Mr. Lehotan stated he has not received any negative comments or objections to the proposal as long as it has been for sale. Mr. Lehotan asked if the board is requiring the adjoining properties to file for a rezoning to C-2. Mr. Lash stated he would like to see a letter or statement or have them join the application request.

Mr. Becks stated it may be in the interest of the gentleman who is using his property as a home occupation.

Mr. Benko stated there have been no comments received from the adjoining property owner notices.

Mr. Pucilowski stated he agrees that the other property owners need to be on the application in order for him to be comfortable with the request. Mr. Benko showed the board which property owners were notified by mail.

Mr. Lehotan asked if the property owners to the east and north of the parking lot agree to commercial zoning, would the board consider the request. The board stated yes. Mr. Grice stated he would like the staff to look at the land use in the area.

Mr. Lehotan asked what the board would like to have presented to them. Mr. Lehotan asked if a signed letter from the property owners saying they would like to have their property rezoned to C-2 would be sufficient. Mr. Mendel stated he would like to check on procedures. Mr. Gold stated if the property is rezoned to C-2, a gas station would be allowable. Mr. Grice stated it would open the door to many other uses that are allowable in the C-2 District.

The board suggested that the applicant table the application in order to gather the information from the adjoining property owners. Mr. Lehotan stated he is willing to table the application as long as he knows what the board is asking for. Mr. Mendel stated the application can be amended to include additional property owners. Mr. Mendel stated the application can be tabled in order for the applicant to gather notarized letters from the adjoining property owners fronting the stretch on the north side of Smith Road stating they would like to join the application request for rezoning to C-2. Mr. Mendel stated the letters should specify the lots, the two properties immediately to the west and the three properties to the east along Smith Road – specifically the following properties:

- W. Smith Rd – 028-19A-21-275
- 229 W. Smith Rd – 028-19A-21-274
- 213 W. Smith Rd – 028-19A-21-272
- 207 W. Smith Rd – 028-19A-21-271
- 253 S. Elmwood Ave – 028-19A-21-270
- 247 S. Elmwood Ave – 028-19A-21-269

Mr. Mendel stated he will meet with Mr. Lehotan to assist with the process.

The application was tabled by Mr. Lehotan.

2. P14-03 203 W. Lafayette Gionino's CSP

Mr. Benko gave a brief orientation to the case. Mr. Benko stated this is an application for Conditional Sign Approval in the Transitional Corridor Overlay District.

Mr. Benko stated the 0.17 acre site is located on the north side of W. Lafayette Road east of S. Huntington Street and west of S. Elmwood Avenue. Mr. Benko stated the site is adjacent to commercial, multi-family and residential development on all sides.

Mr. Benko stated the applicant is proposing a new aluminum with plastic core wall sign for the front of Gionino's Pizzeria. Mr. Benko stated no new lighting is proposed at this time. Mr. Benko stated the sign is to be mounted on the primary façade and totals 48 square feet.

Mr. Benko stated the proposed sign is 2 ft x 24 ft totaling 48 sq. ft. Mr. Benko stated the building has 48 linear feet of frontage. Mr. Benko stated the sign is generally compatible with the aesthetics of the building.

Mr. Benko stated the Conditional Sign Permit Review guidelines in §1147.16 state that the proposed sign must be compatible with the design and materials of the building on which the sign is to be placed and must be harmonious character with the district. Mr. Benko stated the proposed sign should not be detrimental to adjacent property or property in the immediate vicinity.

Mr. Benko stated the lettering of the sign, while large, can be easily read and does not appear out of scale.

Mr. Benko stated the sign face is all aluminum with a plastic inner core which creates a harmonious use of materials and elements.

Mr. Benko stated the sign size, style and location is appropriate to the site and is generally aesthetically compatible with the surrounding district.

Mr. Benko stated the architectural space intended for signage is approximately 120 sq. ft., the sign is 48 sq. ft.

Mr. Benko stated the sign has already been installed on the building.

Mr. Benko stated staff recommends the Planning Commission approve the application.

Present for the case was Andy Derr, part owner of Gionino's.

Mr. Lash asked who the sign contractor is. Mr. Derr stated Eye Candy. Mr. Grice asked why the sign was already installed. Mr. Derr stated he was not aware that a permit was required. Mr. Grice stated the contractor should have known a permit was required. Mr. Derr stated the sign was already up and he does not have a ladder tall enough to get it down. Mr. Derr stated he owns nine other locations and they did not require a permit.

Mr. Lash made a motion to approve a Conditional Sign Permit as submitted for 203 W. Lafayette, Gionino's Pizza. The motion was seconded by Mr. Gold.

Vote:	
Grice	Y
Lash	Y
Becks	Y
Pucilowski	Y
Gold	Y
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sandy Davis

Sandy Davis

Rick Grice, Chairman