



CITY of MEDINA

Planning Commission

Planning Commission Meeting

Meeting Date: October 13, 2016

Meeting Time: 7:00 pm

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

Absent: Bruce Gold, Paul Rose

The Court Reporter swore in all attendees, board members, and staff.

Minutes: Mr. Becks made a motion to approve the September 8, 2016 minutes as submitted. Mr. Lash seconded the motion.

Vote:

Grice	<u>Y</u>
Russell	<u>Y</u>
Lash	<u>Y</u>
Becks	<u>Y</u>
Approved	4-0

Announcements: Mr. Grice stated Old Business Case P16-19 will be moved to the end of the agenda in order to move the New Business cases along for the applicants.

New Business:

1. P16-20 795 Progress PP#029-19A-15-197 Osborne CZC

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated the site is located in the northwesterly portion of Progress Drive west of N. State Road.

Mr. Mendel stated the applicant has been operating a concrete recycling/crushing operation on the subject property since at least 2007. Mr. Mendel stated over the intervening years, the operation has increased in area, scale and moved to other portions of the subject site.

Mr. Mendel stated due to a further historical analysis of the subject site and operation, it has been determined that the concrete recycling/crushing operation required review and approval of a conditional zoning certificate as “Manufacturing, Heavy” under the conditionally permitted use table and definition in the City of Medina Planning and Zoning Code.

Mr. Mendel stated the applicant proposes keeping the site and operation layout similar to how the operation is currently located throughout the property (see schematic site plan dated August 17, 2016).

Mr. Mendel stated the Zoning Code requires the Planning Commission to conduct a Public Hearing for the proposed Conditional Use. Mr. Mendel stated the legal notices have been issued to permit the Public Hearing at the October 13, 2016 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 in reviewing the existing concrete crushing/recycling operation at the applicant’s property and the surrounding mix of zoning districts, land uses and landscape, several of the above standards require scrutiny as they relate to the subject heavy manufacturing land use. Standards #2, 3 & 4 require further analysis below:

- (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;*

Mr. Mendel stated concrete and rock crushing/recycling is an intensive outdoor land use and has features that can affect the appearance and character of its surrounding vicinity. Mr. Mendel stated in the case of the neighborhood surrounding the subject property, Progress Drive is an industrial neighborhood zoned I-1 under the City of Medina

Planning and Zoning Code and is a mix of light, moderate and intensive industrial land uses ranging from professional offices, product assembly, commercial equipment rental and bulk building materials distribution/production. Mr. Mendel stated the applicant's land use is not completely out of character or expectation for an industrial neighborhood and does not change the area's essential character. Mr. Mendel stated the secondary impacts/effects of the land use can be addressed through operational changes/restrictions, but the land use is not inconsistent with the intent and practice of an industrial neighborhood.

- (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;*

Mr. Mendel stated the applicant's concrete crushing/recycling is an intensive land use and has the potential to have actual and perceived impacts on neighboring land uses. Mr. Mendel stated generally, the applicant's land use produces sound, visual and physical impacts on neighboring land uses.

Mr. Mendel stated to the north, east and south are industrial land uses of varying intensity (multi-tenant industrial building, commercial equipment rental, etc.) and vacant land. Mr. Mendel stated the impacts on these neighboring uses generally involve sound, visual objection and fugitive dust (i.e. dust coming from the movement of vehicle within and to/from the site and the act of processing the concrete crushing).

Mr. Mendel stated to west is a single family residential neighborhood through the existing forested buffer. Mr. Mendel stated the forested buffer provides sufficient dust and visual buffer of the applicant's land use, but sound still travels to the rear of the residential properties and is an audible impact.

Mr. Mendel stated staff proposes operational and site restrictions that should help mitigate the impacts. Mr. Mendel stated the following restrictions should address negative impacts (aerial photo provided):

Hours of Operation

- Limit to 8a-5p weekdays only
 - Weekend hours of any amount would be audibly disruptive to the residential areas to the west, which is 200 feet away at the nearest distance Mr. Mendel stated he conducted a site visit and stood on the west lot line and the noise was mostly due to the hydraulics of the machine. Limiting operating hours would be courteous to adjoining residential properties.

Site Plan Layout

- The crushing activity and stockpiling shall be limited to the 3.8 acre area outlined in dashed-red on the attached aerial photo map.
 - This is the most appropriate area for the crushing operation as it is furthest from other properties and land uses in the surrounding vicinity. The current area at the south end of the property is too small an area given the visual, physical and auditory impact on the surrounding vicinity.
- Continue the landscaped berm, currently along the Progress Drive frontage, south to the south property line. This landscaped berm extension shall be the same height and planted with grass and evergreen trees as the existing berms.

- Additionally, the existing tree line throughout the west side of the subject property shall not be reduced or removed.
 - The existing forested area on the west side of the subject property provides a sufficient visual and physical buffer.
- Pave the access driveway from Progress Drive to the existing landscaped berm along the site's Progress Drive frontage.
- Dust suppression/removal shall be routine during operating hours to prevent, as much as possible, fugitive dust from leaving the property. Dirt and debris shall be removed from Progress Drive roadway on a routine basis during working hours or more frequently if necessary.

Mr. Mendel stated the above restrictions should adequately lessen the various impacts to the different types of neighboring land uses through operational and physical improvements to the subject land use and property. Mr. Mendel stated the restrictions should lessen and reduce the potential detrimental effects on the immediate vicinity and the community as a whole.

Mr. Mendel stated staff recommends approval of the proposed conditional use certificate for a Heavy Manufacturing use (concrete and rock crushing/recycling) at PID 029-19A-15-197 (Progress Dr.), subject to the following condition:

1. Hours of Operation

- a. Limit to 8a-5p weekdays only

2. Site Plan Layout

- a. The crushing activity and stockpiling shall be limited to the 3.8 acre area outlined in dashed-red on the attached aerial photo map provided by City staff.
- b. Continue the landscaped berm, currently along the Progress Drive frontage, south to the south property line. This landscaped berm extension shall be the same height and planted with grass and evergreen trees as the existing berms.
- c. Additionally, the existing tree line throughout the west side of the subject property shall not be reduced or removed.
- d. Pave the central access driveway from the Progress Drive to the existing landscaped berm along the Progress Drive frontage.
- e. Dust suppression/removal shall be routine during operating hours on the site to prevent, as much as possible, fugitive dust from leaving the property. Dirt and debris shall be removed from Progress Drive roadway on a routine basis during working hours or more frequently if necessary.

Present for the case was Gary Nied, 645 Crestwood Avenue, Wadsworth, Ohio. Mr. Nied stated he is the Environmental and Safety Consultants for Osborne Medina. Mr. Nied was sworn in by the Court Reporter. Mr. Nied reviewed a report submitted as part of the record, labeled "Exhibit A".

Mr. Nied stated Osborne Medina has all of the required Air Pollution permits from the City of Akron. Mr. Nied stated the applicant has a storm water discharge permit from Ohio EPA until December 31, 2016 and will be renewed at that time. Mr. Nied stated a water sampling was done for a two year period from 2014 through 2016 and the

discharged water quality meets all State and Federal EPA guidelines for a concrete operation.

Mr. Nied stated no hazardous waste materials or chemicals are disposed of and no industrial waste is discharged to the sewer system.

Mr. Nied stated this is an Industrial Park and the operation of Osborne Medina at the site is not out of character with the existing land use. Mr. Nied stated the secondary impacts are not inconsistent with the intent or practice of the industrial neighborhood.

Mr. Nied stated the concrete crushing and recycling is intensive land use and has an actual perceived impact on the neighboring land use.

Mr. Nied stated the site has industrial neighbors which are being taken into account. Mr. Nied stated there is a forest buffer between the industrial site and the residential neighborhood which provides both a dust and visual buffer.

Mr. Nied stated there is no noise ordinance for the City of Medina, State of Ohio, or Federal Government; however, the EPA has come out with a model community noise ordinance. Mr. Nied stated any city may adopt this ordinance. Mr. Nied stated in looking at this ordinance, it states during the normal business days of 250 days per year, the steady noise should not exceed 73 decibels and intermittent 78. Mr. Nied stated during the 16 hours per day the site is not operating over the course of a year, it comes to 68 decibels and 73 decibels. Mr. Nied stated over the entire year, when factoring in weekends and holidays, the number drops to 66 decibels and 71 decibels. Mr. Nied stated EPA's recommended average for a 24 hour exposure for an entire year should not exceed an average of 55 decibels. Mr. Nied stated this level has no adverse effects on people.

Mr. Nied stated he conducted a noise survey by walking through Liberty Woods and all the cul-de-sac roads east of Yorktown Drive to the west. Mr. Nied stated Appendix A in his report is a result of the decibel readings. Mr. Nied stated in the cul-de-sac roads he could not hear the crusher on Waterloo Lane and Revere Circle. Mr. Nied stated it could be heard on the lanes it could be heard as a distant sound. Mr. Nied stated the highest noise level was 45 on the roads you could not hear the crusher on the corner of Waterloo Lane and Yorktown Drive. Mr. Nied stated the result was influenced by passing traffic and a barking dog. Mr. Nied stated the lowest reading was on Revere Circle at 34 decibels. Mr. Nied stated on the remaining cul-de-sac streets in Liberty Park, the highest was 55 decibels in the cul-de-sac on Quincy Court. Mr. Nied stated this was the closest position to the crusher.

Mr. Nied stated the highest reading in Liberty Woods was at the corner of Patriot's Way and Marks Road. Mr. Nied stated this was mostly due to the traffic going by. Mr. Nied stated the cul-de-sac at Tremain Place was 60 decibels at the highest and the lowest in that area along Patriot's Way.

Mr. Nied stated he used the calculation model for attenuation of sound with distance. Mr. Nied reviewed the calculations from several locations. Mr. Nied stated while you can hear the noise from many of the locations, it is far below what the EPA recommends.

Mr. Nied stated other noises, i.e. traffic, dogs barking, trains, and measured a noise level in the 50-60 range.

Mr. Nied stated the suggestion of restricted crushing hours from 7:00 a.m. to 5:00 pm to be changed to 8:00a.m. to 5:00 pm is acceptable to Osborne.

Mr. Nied stated they would like to have the option to run the crusher on Saturdays only in an emergency situation. Mr. Nied stated thus far in 2016, they have only used the crusher on one Saturday.

Mr. Nied stated Osborne Medina is in agreement to extending the berm to the south border with the same height and dimensions as the current berm. Mr. Nied stated it will be seeded with grass. Mr. Nied stated they will also plant green Spruce trees to match the existing berm all the way to the end.

Mr. Nied stated there may be other trees planted if agreeable to the board. Mr. Nied stated the trees would be hardwood trees for the purpose of enhancing the visual appearance.

Mr. Nied stated the west side property will remain the same with the trees. Mr. Nied stated there are some dead trees that will need to be taken down but new trees will be planted in their place.

Mr. Nied stated the applicant agrees to concrete pave an access drive on Progress Drive per staff recommendations.

Mr. Nied stated Osborne has begun to use a new watering truck which has triple the capacity of the existing truck in order to keep the dust to a minimum.

Mr. Nied stated dirt and debris on Progress Drive will be tended to on a regular basis. Mr. Nied stated Osborne is looking at purchasing a street sweeper or possibly contracting out the street sweeping. Mr. Nied stated either way, the streets sweeping will be done.

Mr. Nied stated this type of industry creates dust. Mr. Nied stated according to the Ohio EPA, legally you are permitted to create a certain amount of dust. Mr. Nied stated there are three size categories that are regulated. Mr. Nied reviewed and explained all three categories.

Mr. Nied stated the most concerning matter is smaller than cigarette smoke.

Mr. Nied stated he conducted a test to see the impact on the property to the west and to the north. Mr. Nied stated the direct impact by prevailing winds over a 24 hour basis for a year, there is only 6% of the time that the wind is blowing toward the west.

Mr. Nied stated from the south there is only 21% of the total time on a yearly basis.

Mr. Nied reviewed particulate readings from various locations around the site.

Mr. Nied reviewed data on silica. Mr. Nied stated not all silica is hazardous to human health. Mr. Nied stated only the silica in a crystalline state is considered harmful.

Mr. Nied gave a lengthy explanation of how the fine dust created is created.

Mr. Nied stated he conducted a site visit to address the concern of odor. Mr. Nied stated this is a subjective sense and not all people will find a smell offensive. Mr. Nied stated he did not experience an offensive odor at the site.

Mr. Nied stated Osborne Medina will commit to all of the recommendations included in the staff report.

Mr. Nied stated the material to be crushed will be watered down prior to breaking to help reduce dust at that point. Mr. Nied stated the crushing and screening operation is controlled by spray bars.

Mr. Nied stated dust suppression will take place with the watering of the interior roadways, cleaning of Progress Drive. Mr. Nied stated all dirt and debris will be removed.

Mr. Nied stated the concrete crushing activity will be reduced to 3.8 acres with one request to work the piles in the purple zone through the normal schedule and new concrete will not be put in that area. Mr. Nied stated they will clean the area and make it part of the buffer zone once the pile has been removed.

Mrs. Russell asked how long it will take to remove the materials in the purple area. Rick Buccini from Osborne Medina stated they have been in the purple section for about five years now. Mr. Buccini stated they may need to bring in a larger crusher. Mr. Buccini stated their goal is to have that section cleared before the end of the year.

Mr. Mendel stated he invited Kelly Kanoza from the Akron Regional Air Quality Management District to speak. Ms. Kanoza stated she is the Air Quality Engineer for Medina County. Ms. Kanoza stated she writes permits, inspects facilities, and conducts testing. Ms. Kanoza stated crushers are a source of dust. Ms. Kanoza stated the USEPA has National Ambient Air Standards that were established to protect public health. Ms. Kanoza stated particulate matter is one of the six criteria that has been established in the air quality standards. Ms. Kanoza stated the most relevant standard is the 35 micrograms per meters cubed averaged over a 24 hour period. Ms. Kanoza stated each stated must

develop an implementation plan on how to maintain the pollution standards. Ms. Kanoza stated in Ohio the rules are under Chapter 17 of the Ohio Administrative Code 3745. Ms. Kanoza stated her agency will review the source when the application comes in and find the applicable regulations to put into the permit in order to inform the facility the amount they are permitted to emit into the air. Ms. Kanoza stated the permit will also contain control measures, typically water or an enclosure. Ms. Kanoza stated at the Osborne site, for visible particulate emissions from the crusher they are not to exceed 20% over a 3 minute average. Ms. Kanoza stated diesel generator is also limited to 20%. Ms. Kanoza stated there are control measures of water usage. Ms. Kanoza stated the crusher belongs to Fechko Excavating.

Ms. Kanoza stated she received a complaint last week and evaluated Osborne Medina and did not observe any emissions in excess of the 20% limit. Ms. Kanoza stated she observed them running the watering truck as required.

Ms. Kanoza stated she looked at the USEPA website about health effects. Ms. Kanoza discussed findings of particulate matter leading to health problems. Ms. Kanoza explained attainment and non-attainment.

Mr. Becks asked if a homeowners witnesses a violation, what would they be advised to do. Ms. Kanoza stated she advises them to take a photo.

Mr. Grice opened the public hearing at 7:55 pm.

Roseanne Kennedy of 884 Cornell Court asked Mr. Nied if he measured the sound from Cornell Court. Ms. Kennedy stated there is a difference being in the middle of a cul-de-sac and being in the back yard. Ms. Kennedy stated she can carry on a conversation on her back deck when someone is running their lawnmower. Ms. Kennedy stated she cannot carry on a conversation when the crusher is operating. Ms. Kennedy stated the train is also used by Osborne. Ms. Kennedy asked how much sound a company can produce. Ms. Kennedy stated her house shakes from the sounds of the Osborne site.

Mr. Mendel stated the zoning code does not contain any sound regulations. Mr. Mendel stated the rock crushing operation is Heavy Manufacturing. Mr. Mendel stated the batch plant material storage facility is an existing use and is not part of this review tonight. Mr. Mendel stated the railroad is owned by the City of Medina and provides the service of moving the cars to the site by Wheeling and Lake Erie Railroad.

Ms. Kennedy stated they are loading train cars at 2a.m. and 3a.m. Ms. Kennedy stated there needs to be something in place to protect the community around them. Ms. Kennedy stated she cannot sit on her deck and hold a conversation from 8a.m. to 5pm Monday through Friday.

Mike Kennedy, 884 Cornell Court stated all the leaves and foliage are all gone after fall until spring. Mr. Kennedy stated the buffer is gone during those months which makes the noise levels higher.

Jim Henzey, 885 Cornell Court commented that most of the other facilities in the area are closed but this one is outdoors and makes the most noise. Mr. Henzey stated the use has been an issue on his property appraisal which mentioned the noise. Mr. Henzey asked if the facility is monitored year round or once or twice a year. Mr. Henzey stated averages do not tell the whole story.

Greg Conley, 664 Tremain Place, Liberty Woods, Medina commented. Mr. Conley stated he works at 879 S. Progress Drive across from the crushing facility. Mr. Conley stated he addresses the board as a resident, business owner, and advocate for safety. Mr. Conley stated he does not want a business to hurt him or his property values. Mr. Conley talked about past years and experiences with the facility. Mr. Conley stated when the crushing operation moved to the site he thinks it was located on the far corner of the property. Mr. Mendel stated it was in the northwesterly corner. Mr. Conley stated it was small at that time. Mr. Conley stated it has expanded through the years and has posed many issues with noise and pollutants. Mr. Conley spoke on all the issues.

Mr. Grice closed the public hearing at 8:13pm.

Mrs. Russell asked the level of work at the site when the use was originally approved. Mr. Mendel stated in 2011 the work was taking place on a relatively small stock pile on the site. Mr. Mendel stated the current stock pile is outside of the norm due to the number of road construction projects in the last few years. Mr. Mendel stated the pile is not being processed as quickly as it could be.

Mr. Becks asked the use that is permitted on the site. Mr. Mendel stated the site is not permitted for any use. Mr. Mendel stated there has been rock crushing on this property since approximately 2007-2011. Mr. Mendel stated he has not found evidence of a site plan or conditional zoning approval was given. Mr. Mendel stated that is the reason the applicant is before the board, to make sure that they are compliant with the procedural requirements for site development in the city and that the city administration is making sure the enforcement of those processes are occurring as they should.

Mr. Becks asked if enforcement actions have happened to date. Mr. Mendel stated the discussion since June with the applicant has been there is no approval for the rock crushing operation. Mr. Mendel stated the applicant was told if they would like to continue the operation, they need to go through this process. Mr. Mendel stated the applicant has been very cooperative with the process, understanding that they are a "Heavy Manufacturing" use which they do not contest. Mr. Mendel stated Osborne Medina has been working through the process in a timely manner.

Mr. Becks asked what the site across the railway is permitted for. Mr. Mendel stated it is just an existing Heavy Manufacturing use which has been there since 1994 in various stages of expansion. Mr. Mendel stated it is there as an existing land use.

Mr. Lash asked if a bigger crusher would be louder. The applicant stated it would not be louder, only quicker. Mr. Buccini from Osborne stated the crusher would not necessarily be larger in size but would do more tons per hour. Mr. Buccini stated they do not operate 8 hours per day but if they did, the stock pile would go away quicker.

Mr. Lash asked the options in terms of covers or sound barriers around the crusher. Mr. Buccini stated he never considered it since there is no city sound standard and they have been following the national standard. Mr. Buccini stated they have been watering daily to keep the dust down and they can water the stock pile.

Mr. Buccini stated he has never been aware of railroad cars being unloaded at 3 a.m. Mr. Kennedy stated there was a complaint filed about it so the company had to be aware of it. Mr. Kennedy stated he thought the operation in 1994 was brought in as light industrial. Mrs. Kennedy stated the cars are being unloaded at 3a.m. and the crushing is happening for more than four hours a day, it is continuous for 8 hours per day.

Mr. Becks asked if the noise readings were taken in the cul-de-sac. Mr. Nied stated they were taken on the sidewalk. Mr. Becks asked Mr. Nied if he took readings at the back property line. Mr. Nied stated he did at the end of Cornell Court for a reading of 48 and a reading of approximately 68 on Quincy Court and Alden Ct. was 48.

Mr. Grice asked if a sound barrier would help. Mr. Nied stated the best sound barrier is the existing woods. Mr. Nied stated concrete will cause the noise to echo.

Mr. Grice stated he observed the piles of concrete being extremely high. Mr. Grice asked if there are limits to the height. Mr. Mendel stated there are no limits to the height of the piles. Mr. Mendel stated he has tried to come up with a height for a stock pile that is easy to enforce.

Mr. Grice suggested a mound along the red line on the site plan. Mr. Mendel stated there is an existing mound in place.

John Reno, 673 Cornwallis Court commented that the decibel numbers are averages. Mr. Mendel stated if the operation is not running for 2/3 of the year, the level is zero. Averaged out would make it over 200 decibels since it is concentrated over the 1/3 of the day the operation is running.

Mr. Nied stated his readings were done as he stood in place, not over a period of time.

Mr. Lash asked Mr. Buccini if the back line of the pile could have the barrier raised from four feet to 12 to 15 feet. Mr. Mendel stated along the edge of the tree line there is no regulations for mound heights. Mr. Mendel stated it could reduce the functional square footage of the ground available to the applicant. Mr. Lash asked if along the property line next to the resident's property line could have a berm installed. Mr. Buccini stated he would like to keep the foliage there and extend the buffer to 400 feet.

Mr. Mendel stated the Zoning Code requires the Planning Commission to conduct a Public Hearing for the proposed Conditional Use. Mr. Mendel stated the legal notices have been issued to permit the Public Hearing at the October 13, 2016 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 Religious Places of Worship have the following specific conditionally permitted use regulations of Section 1153.04:

- (1) All structures and activity areas should be located at least 100 feet from all property lines.*
- (3) All points of entrance or exit should be located no closer than 200 feet from the intersection of two (2) major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.*
- (7) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.*
- (12) Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.*
- (14) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general. A bond may be required to insure that this provision will be met.*

Mr. Mendel stated the proposed Religious Place of Worship use at the subject property complies with all the applicable standards and regulations listed above. Mr. Mendel stated the subject site does not comply with the setback regulations of 1153.04(1), but since the proposed use/operation is not changing the existing site conditions, the setbacks and site improvements would be able to remain as is as legal nonconforming conditions.

Mr. Mendel stated the subject property is in the downtown parking district established by Ordinance 26-78. Mr. Mendel stated therefore, the proposed use is exempt from the parking requirements in Chapter 1145.

Mr. Mendel stated the existing parking area for the property is currently a gravel parking area and is existing nonconforming. Mr. Mendel stated since the applicant is not making changes to the site with this request, they are not required to bring the parking area into compliance with the requirements of Chapter 1145 of the Planning and Zoning Code, but once improvements or changes are planned for the exterior of the site, the extent of compliance will need to be reevaluated.

Mr. Mendel reviewed the Staff Comments below:

Building Department.

Regarding: 215 West Liberty – New Tenant (10 Towns Church).

Currently this is a vacant space. The current building *use group/occupancy* is classified as a “B”-*Business*.

10 Towns Church would be using the space, per the floor plan provided, as an "A-3"-*Assembly* (use intended for worship and assembly).

The Ohio Building Codes requires that any existing building that would undergo a change of occupancy - shall be made to comply with the requirements of the current Building Codes.

In this case a change of use/occupancy from a *B-Business occupancy* to an *A-Assembly occupancy*. The current codes would require the site, facilities, building and building elements be accessible to, and usable by people with physical disabilities.

It would also require the installation of emergency and exit lights. It would also have requirements for the number of exit discharges from each floor.

The 2011 Ohio Building Code does provide an exception:

Section 303

Assembly Group A

303.1 *Assembly Group A* occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for the purposes such as civic, social or religious functions; recreation, food or drink consumptions or awaiting transportation.

Exceptions:

- 1. A building or tenant space used for assembly purpose with an occupant load of less than 50 persons shall be classified as a Group B occupancy.**

The purposed use of the space by 10 Towns Church would need to meet the requirements of the exception (less than 50 people). If not the requirements of the current building codes would need to be applied.

There would also be a walk thru inspection of the building by both the Building Department and Fire Department to make sure that the building is safe for use, that the building has been maintained, that all exits are structurally sound, fire extinguishers are current and in place. May also require emergency lighting, exit lights and smoke detectors.

I would also like to note that the building has been vacant for several years and is in need of exterior repairs and maintenance.

Fire Department We agree and support the comments of the building department. This building has been vacant for a number of years so prior to opening a Fire Safety Inspection will need to be conducted.

Mr. Mendel stated staff recommends approval of the proposed conditional use certificate for the Religious Place of Worship at 215 W. Liberty St, subject to the following condition:

1. Subject to review and approval of building and/or occupancy permits from the City of Medina Building Department.

Present for the case was Scott Gray, 801 E. Smith Road, Medina. Mr. Gray stated he serves as the Pastor of the proposed church. Mr. Grey stated they believe this is a great location to work with small groups. Mr. Gray stated it needs work as it has been empty for several years. Mr. Gray stated they have the materials and are ready to make the improvements on the property.

Mr. Grice opened the public hearing at 9:01pm, and asked for comments from the public for or against the proposal. Hearing no comments, the public hearing was closed at 9:01pm.

Mrs. Russell made a motion to approve a Conditional Zoning Certificate for a Religious Place of Worship to be located at 215 W. Liberty Street as proposed subject to the following:

1. Subject to review and approval of building and/or occupancy permits from the City of Medina Building Department

The motion was seconded by Mr. Becks.

Vote:

Russell	<u>Y</u>
Grice	<u>Y</u>
Lash	<u>Y</u>
Becks	<u>Y</u>
Approved	4-0

3. P16-28 504 W. Liberty Delane Nagel-Spitzer House SPA/COA/TCOV

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated the property is located on the southwest corner of W. Liberty St and Prospect St. Mr. Mendel stated it is zoned M-U and currently used as a bed and breakfast. It is surrounded by M-U, R-4 and R-3 zoning and a mix of commercial, single-family and multi-family residential uses.

Mr. Mendel stated the applicant is the owner operator of the bed and breakfast and wishes to modify a small portion of the existing attached garage located on the west side of the existing Victorian house. Mr. Mendel stated the proposal replaces the existing overhead garage doors on the north façade of the garage with new fixed walls that simulate coach

house doors. Mr. Mendel stated in addition, the applicant proposes adding five transom windows in the west façade of the garage. Mr. Mendel stated it is his understanding that this space will go from being a garage to being an “activity space”. Mr. Grice asked if there are any changes from the 2014 Planning Commission approval. Mr. Mendel stated there are no changes from the 2014 approval, it is just that the approval expired before they did the project.

Mr. Mendel stated the proposed alterations to the attached garage are consistent with the style and history of the existing Victorian house and complies with the above TCOV and Site Plan design guidelines. Mr. Mendel stated the project will also enhance the property overall and not affect the surrounding properties.

Mr. Mendel stated staff recommends the Planning Commission approve the Site Plan review and TCOV Certificate of Appropriateness for 504 W. Liberty St., subject to the following condition:

1. Subject to review and approval of building permits from the City of Medina Building Department.

Present for the case was Halley Benz, 504 W. Liberty Street, Medina. Ms. Benz stated the applicant, Delane Richardson is her mother. Ms. Benz stated she is the business operator. Ms. Richardson stated she has no other comments to add.

Mr. Becks made a motion to approve a Certificate of Appropriateness and Site Plan for 504 W. Liberty Street as submitted subject to the following:

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

The motion was seconded by Mr. Lash.

Vote:	
Russell	<u>Y</u>
Grice	<u>Y</u>
Lash	<u>Y</u>
Becks	<u>Y</u>
Approved	4-0

4. P16-29 699 W. Liberty Mann Parsons Grey Architects, Inc. SPA/COA

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated the property is near the intersection of W. Liberty St and State Rd. Mr. Mendel stated it is zoned C-3 and used as business storage. Mr. Mendel stated it is surrounded by C-3 and I-1 zoning and a mix of commercial and industrial uses.

Mr. Mendel stated the applicant proposes façade changes to adapt the building for office occupancy for their business which is adjacent to the north of the subject site. Mr. Mendel stated these changes mainly involve the introduction of more windows, replacing two overhead doors with storefront windows and changing exterior wall siding and texture.

Mr. Mendel stated the proposed alterations are generally acceptable, but the details are not necessarily consistent in relation to the TCOV and Site Plan design guidelines outlined above.

Mr. Mendel stated the proposed facades remove all the texture and detail from the existing façade by removing the vinyl shake siding, window/door frame and eave trim details from the façade and replacing with EIFS of an indeterminate color. Mr. Mendel stated this is a significant change from the detailing and aesthetics of the existing building façade design.

Mr. Mendel stated both the Site Plan and TCOV design guidelines discourage the removal of distinguishing architectural features. Mr. Mendel stated the Site Plan design guidelines discourage the use of unbroken expanses of EIFS. Mr. Mendel stated the EIFS is proposed to replace the vinyl shake siding and window/door frame detailing, but not incorporate any color change or surface dimensionality through the use of reveals, pilasters, etc. Mr. Mendel stated the proposal does retain the brick wainscoting along the facades, which does reduce the expanse of EIFS.

Mr. Mendel stated in order to better adhere to the TCOV and Site Plan design guidelines, staff recommends the applicant either provide more surface relief to the proposed expanses of EIFS or simply determine whether the proposed new windows and doors could be incorporated in to the building without requiring the removal of the existing vinyl shake siding and overall detailing.

Mr. Mendel stated the proposed professional office use requires 1 parking space for each 400 sqft of floor area. Mr. Mendel stated the subject building is 4,956 sqft which requires 12 parking spaces. Mr. Mendel stated the existing parking area on the southside of the subject building has 7 parking spaces. Mr. Mendel stated that is a 5 space deficit which will be accommodated on the existing company campus adjacent to the north and accessible by a new walkway between the subject site and the remainder of the company's property.

Mr. Mendel stated the subject site's parking area lighting complies with the standards of Section 1145.09(c) of the Planning & Zoning Code.

Mr. Mendel stated staff recommends the Planning Commission approve the Site Plan review and TCOV Certificate of Appropriateness for 699 W. Liberty St., subject to the following conditions:

1. In order to better adhere to the TCOV and Site Plan design guidelines, the applicant works with staff to either provide more surface relief to the proposed expanses of EIFS or simply determine whether the proposed new windows and doors could be incorporated to the building facades without requiring the removal of the existing vinyl shake siding and overall detailing.
2. Subject to review and approval of building permits from the City of Medina Building Department.

Present for the case was David Mann from Mann Architects. Mr. Mann stated this building was purchased by BPR Rico and is not very old. Mr. Mann stated it is attractive but the owner would like to connect this building architecturally in the look to their existing facility. Mr. Mann stated they would like this building to look more like the plant as they are relocating employees from the plant. Mr. Mann stated it is the applicant's desire to reskin the building. Mr. Mann stated discussed the definition of "historic". Mr. Mann stated there is less relief on the architecture being proposed but that is what the applicant is looking for.

Mr. Lash asked if the concrete area in front of the building on the Liberty side is going to remain as parking. Mr. Mann stated yes. Mr. Becks commented that he understands the extension of the architectural style on the existing plant, however, it is a plant and this is an office. Mr. Becks asked if there is a way to break up the large expanse of EIFS at least on the front of the building. Mr. Mann stated he spoke with the client about this prior to the meeting and they stated they would work with whoever they need to but they do not want to go back to the detail that was there before. Mr. Mann stated the applicant is willing to compromise and come to a mutually agreeable plan.

Mr. Grice stated this building is along Liberty Street which has century home and such so a compromise would be more acceptable to keep some of the Liberty Street streetscape.

Mr. Lash suggested keeping the front of the building the same other than the doors being removed and windows being put in, but keep the same look on the front side and on the back side of the building, make it more of a warehousing appearance.

Mr. Lash made a motion to approve the Site Plan and Certificate of Appropriateness for building alterations at 699 W. Liberty Street subject to the following:

1. In order to better adhere to the TCOV and Site Plan design guidelines, the applicant works with staff to either provide more surface relief to the proposed expanses of EIFS or simply determine whether the proposed new windows and doors could be incorporated to the building facades without requiring the removal of the existing vinyl shake siding and overall detailing
2. Subject to review and approval of building permits from the City of Medina Building Department.

The motion was seconded by Mrs. Russell.

Vote:

Russell	<u>Y</u>
Grice	<u>Y</u>
Lash	<u>Y</u>
Becks	<u>Y</u>
Approved	4-0

Old Business:

1. P16-19 City of Medina Text Amendment COM

Jonathan Mendel gave an overview of the case. Mr. Mendel stated on August 11, 2016, the Planning Commission reviewed a definition for Transitional Housing developed by staff. Mr. Mendel stated this review included a new use definition, amending an existing use definition and a discussion addressing the federal Fair Housing Act.

Mr. Mendel stated the Planning Commission indicated satisfaction with the proposed new and amended use definitions. Mr. Mendel stated the next step is determining the regulatory framework, appropriate zoning district(s) for the proposed new use and the approval processes (i.e. permitted or conditionally permitted uses) to apply.

Mr. Mendel provided to the Planning Commission the following documents:

- The Planning Commission accepted Transitional Housing use definition and amendment to the existing Group Home definition.
- The draft changes to the applicable Planning and Zoning Code to remaining sections.

- The City of Medina Zoning Map with possible areas for Transitional Housing uses.

Mr. Mendel reviewed the following proposed regulatory framework:

- Conditionally permitted use in R-4 and C-3 districts.
 - Most appropriate zoning districts for a residential use that straddles the line between a residential and commercial use. Such facilities would be most similar in nature to Assisted Living facilities in that clients do live at the site for a period of time (~60-90 days) and there are likely workers that come to the site.
 - Not overly restrict areas within which the use could be located. R-4 and C-3 allow ample locations for potential locations while restricting it from more sensitive areas of the City.
- Applicable conditionally permitted use regulations – #7 & 24
 - (7) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.*
 - (24) All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.*
 - These two regulations will provide specific and appropriate locations for the use and generally manage the impact of a specific operation on the surrounding properties in particular and the community in general.
- Parking requirement same as Assisted Living/Nursing Home – One space for each two resident rooms and one space for every 5 rooms for general parking
 - Most appropriate existing parking requirement for the proposed use

The above regulatory framework provides for appropriate and predictable siting of transitional housing uses/operations and provide a sufficient level of review and transparency to the approval process for such uses.

Mr. Mendel stated staff requests the Planning Commission recommend approval and forward to City Council the proposed text amendments outlined in this staff report as well as the regulatory framework and process.

Mr. Lash asked if this would stop a developer from putting a group home in a different location. Mr. Mendel stated no but they would require a land use variance which is a higher standard to meet than a Conditional Use approval.

Mr. Becks stated by giving a clear direction it reduces the likelihood of someone wanting to put a transitional housing facility in other zoning districts.

Mr. Mendel gave the example of an elementary school closing and for sale. Mr. Mendel stated it would be easily adaptable to this type of use. Mr. Mendel stated the applicant would need to look at the process and request a land use variance which would be a hard threshold to overcome.

Mr. Lash made a motion to forward to City Council the proposed text amendments outlined in the staff report dated 10-13-16 as well as the regulatory framework and process.

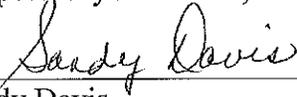
The motion was seconded by Mrs. Russell.

Vote:

Grice	<u>Y</u>
Russell	<u>Y</u>
Lash	<u>Y</u>
Becks	<u>Y</u>
Approved	4-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Rick Grice, Chairman