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STATE OF OHIO,)
)
COUNTY OF MEDINA.)

CITY OF MEDINA PLANNING COMMISSION

MEETING MINUTES

April 11, 2019

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Transcript of the partial minutes of the
City of Medina Planning Commission, as taken before
Timothy R. Peters, Notary Public within and for the
State of Ohio, on Thursday, the 11th day of April,
2019, at the Medina City Hall, 132 North Elmwood
Avenue, Medina, Ohio 44308.

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I N D E X

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APPEARANCES 3
CASE NO. P19-06 7
CASE NO. P19-08 39
CASE NO. P19-09 78

- - -

1 APPEARANCES:

2 City of Medina Planning Commission,
3 Rick Grice, Chairman,
4 Bruce Gold, Member,
5 Brian Hilberg, Member,
6 Monica E. Russell, Esq., Member,
7 Paul Rose.

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

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PROCEEDINGS

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3 THE CHAIRMAN: Okay. Are you
4 guys ready?

5 All right. Good evening, everyone.
6 Sorry that the Planning Commission meeting is
7 starting a little late, but here we go.

8 Welcome to the April 11th, 2019 Commission
9 meeting.

10 The minutes were mailed out to the
11 Commission Members. Are there any additions or
12 corrections?

13 MR. GOLD: Mr. Chairman,
14 I put forth a motion to accept the minutes as
15 submitted.

16 MS. RUSSELL: Second.

17 THE CHAIRMAN: We have a
18 motion and a second.

19 Any other discussion?

20 (No response.)

21 THE CHAIRMAN: Roll call.

22 MS. DAVIS: Grice.

23 THE CHAIRMAN: Yes.

24 MS. DAVIS: Russell.

25 MS. RUSSELL: Yes.

1 MS. DAVIS: Hilberg.

2 MR. HILBERG: Abstain.

3 MS. DAVIS: Rose.

4 MR. ROSE: Yes.

5 MS. DAVIS: Gold.

6 MR. GOLD: Yes.

7 MS. DAVIS: Motion

8 approved; four yeas, one abstention.

9 THE CHAIRMAN: Thank you.

10 Announcements, Mr. Mendel.

11 MR. MENDEL: Just that --

12 a reminder for everybody that we do have the

13 special meeting for the parking garage on

14 April 25th for site plan review for the new

15 City Hall parking garage, and we will have

16 another case that is looking to get -- looking

17 for a review for conditional zoning, so we'll

18 include that since we're having a meeting.

19 There's no reason not to help out that

20 applicant and get on that schedule. So that'll

21 be April 25th.

22 So thank you for letting us know your

23 availability.

24 THE CHAIRMAN: Okay, great.

25 Thank you.

1 Mr. Rose, City Council, any announcements?

2 MR. ROSE: None at this
3 time, sir.

4 THE CHAIRMAN: As has been
5 the Planning Commission's practice for the
6 last, oh, I don't know, thirty-five years plus,
7 we have a court reporter and, as many of you
8 were here for the Board of Appeals, you see
9 the gentleman (indicating).

10 At this time, I would ask that everybody
11 that -- well, just everybody please stand and
12 be sworn in at this time.

13 (Whereupon, all those intending to
14 testify were then placed under oath by the
15 notary.)

16 THE CHAIRMAN: Thank you.

17 We have no old business this evening.

18 We have four items of new business, and
19 without any unnecessary delay, we'll get right
20 into it.

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1 CASE NUMBER P19-06

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3 THE CHAIRMAN: The first case
4 is Case P19-06. This is for Trillium Creek,
5 LLC, for the property at 1088 South Court
6 Street. This is for site plan approval.

7 MR. MENDEL: Yes. As you
8 said, 1088 South Court Street, site plan
9 approval for a drive-through bank kiosk and
10 access drives.

11 The property is zoned currently R-3 -
12 high-density residential. It's at the -- it's
13 in the east side of the 1000 block of South
14 Court Street adjacent to the City corporate
15 limit.

16 As I said, they have proposed a single bank
17 drive-through ATM and accessory driveway and a
18 new -- and second driveway from South Court
19 Street public right-of-way. The site is also
20 occupied by existing buildings used for
21 personal storage and maintenance by the
22 Applicant's -- for equipment for maintenance
23 of the Applicant's adjacent property to the
24 South in Montville Township.

25 Additionally, the property is zoned R-3,

1 and earlier this evening it had gone to the
2 Board of Zoning Appeals for a land-use variance
3 to permit this land use, and that was denied by
4 the Board of Zoning Appeals.

5 District regulations. As I said, this is
6 not a permitted use in the R-3 district.

7 Under site plan review guidelines, we --
8 you know, Page 3 of the staff report outlines
9 those items -- or Page 2 outlines a lot of the
10 general standards and then some specific
11 standards where it talks about approaches and
12 drives into parking areas should be appropriate
13 in size and appearance.

14 In order to provide appropriate scale
15 and harmony with adjacent properties and the
16 public realm, I do -- I do recommend to the
17 Planning Commission for site plan approval that
18 the north driveway to South Court Street should
19 be removed and access to the property owner's
20 existing buildings and land use on the site be
21 moved -- to be moved into the proposed drive
22 for the proposed bank drive-through circulation
23 drive so those traffic patterns for the two
24 separate operations should use one driveway
25 coming into the site and not two driveways.

1 Parking and circulation. So there's the
2 simple ATM drive-through which doesn't have
3 parking requirements unto itself. The queuing
4 line is pretty much its parking requirement.

5 Also, there's a section in the code that
6 talks about shared parking and driveways. It
7 talks about groups of adjoining commercial
8 properties developed and owned separately.
9 The Planning Commission should find a way to
10 consolidate those -- consolidate access and
11 circulation drives.

12 So although that's kind of talking about a
13 slightly different situation than we have here,
14 I think it's applicable within the site plan
15 review guidelines listed on Page 2 that, you
16 know, we combine turning -- you know, driveways
17 that could create -- that could bring turning
18 patterns and traffic patterns into one driveway
19 to prevent the potential for additional turning
20 vehicle conflicts in and out from this property
21 at two separate locations, in addition to the
22 traffic that's already on Court Street and
23 vehicles coming in and out of adjacent
24 driveways on properties to the north and across
25 the street on South Court Street.

1 Site lighting. The approval of the
2 exterior site lighting plan is compliant.

3 The site for landscaping is a large grass
4 area in which it's occupying and will continue
5 to have a large grass area around it. So it
6 would comply with the code requirements for
7 perimeter site landscaping, that is.

8 So really, this is -- if this was a
9 commercial zoned district and this was being
10 proposed, the real issue would be the multiple
11 drives for the site. The traffic volumes to
12 this kiosk -- ATM kiosk are probably going to
13 be fairly low since it's designed for KeyBank,
14 so mostly it would be KeyBank customers.
15 Additionally, my understanding is, there's not
16 a lot of traffic coming in and out for the
17 owner's current use of the land that uses the
18 north driveway now, so all that traffic for the
19 site could easily be consolidated into one
20 access drive to and from South Court Street.

21 Now, with the -- as I said, the land use
22 variance was denied by the Board of Zoning
23 Appeals. The code doesn't say one or the other
24 has to occur. They do still have the option of
25 rezoning the property available to them, so if

1 the Planning Commission made a motion to
2 approve this, it could be conditioned on future
3 rezoning, potentially. But also, it could be
4 approved, and that approval is good for a year
5 to implement the construction, and that may
6 give them the time to find the regulatory
7 zoning framework that permits them to, you
8 know, take advantage of the -- of a site plan
9 approval.

10 So with that recommendation, I would
11 recommend the Planning Commission approve the
12 site plan for the bank drive-through and
13 accessory drive, subject to conditions of its
14 approval permits by the Building Department,
15 Engineering Department, the existing north
16 drive from South Court Street be removed, and
17 all access to it go through the proposed south
18 drive.

19 And I think at this point, if the
20 Applicant sought a rezoning, which is the
21 only other option available to them, we would
22 change Condition Number 4 to be subject to
23 City Council approval of a rezoning of the
24 property from the current zoning.

25 So that's it. Thank you.

1 THE CHAIRMAN: Okay. Thank
2 you.

3 Is the Applicant with us this evening?

4 MR. EDDY: (Indicating.)

5 THE CHAIRMAN: If you'd give
6 us your name and address and any comments.

7 MR. EDDY: Yes. Thank
8 you very much.

9 Justin Eddy, Tucker Ellis. I'm land use
10 counsel for the Applicant in this case.
11 Address is 950 Main Avenue, Suite 1100,
12 Cleveland, Ohio 44113.

13 With me tonight is Aaron Funk. Aaron is
14 the CFO of the Applicant.

15 Could you please give your address.

16 MR. FUNK: 4082 Montauk
17 Pointe, Medina, Ohio.

18 MR. EDDY: So hopefully
19 we can do this pretty quickly; Mr. Mendel gave
20 a really good description of the site and
21 everything that we're seeking to do here.

22 I can say that, with respect to the staff
23 recommendation, we are amenable to those
24 conditions. We've spoken with KeyBank as it
25 relates to the installation of -- or removal of

1 the northern drive and consolidating that drive
2 such that we maintain access to the buildings
3 that were already located on the property
4 through some other fashion, sort of to be
5 determined at this point. But I think that,
6 you know, that is something that's feasible in
7 this case.

8 THE CHAIRMAN: Okay. Thank
9 you.

10 Questions by Members of the Commission?
11 Comments?

12 MR. GOLD: Mr. Chairman,
13 I have a question.

14 Would you be concerned that people entering
15 the loop for the ATM would potentially veer off
16 going back towards your property and the sheds
17 and so forth?

18 MR. FUNK: You know, I
19 can't control what one is thinking. I would
20 hope not. We'd work with KeyBank to make it,
21 hopefully, obvious to those driving around the
22 circle that that is geared maybe towards the
23 maintenance, including probably putting a sign
24 there that says maybe "Private Property" or
25 something to make sure it's very clear to those

1 that this is not an entrance that's appropriate
2 for them.

3 MR. GOLD: Okay.

4 Jonathan, a question for you. The driveway to
5 the south that you propose relocating, isn't
6 that their main drive to the --

7 MR. MENDEL: (Indicating.)

8 MR. GOLD: No, south.

9 MR. FUNK: To the north,
10 maybe.

11 MR. MENDEL: So on this
12 site, so there is -- in the aerial photograph,
13 there's one that's in the township.

14 MR. GOLD: Okay.

15 MR. MENDEL: I'm not
16 referencing this one (indicating). This one
17 is -- I can't require them to use property
18 outside of my jurisdiction, outside of the
19 Planning Commission's jurisdiction. That's
20 in Montville Township.

21 I'm suggesting this north driveway, which
22 is the existing driveway, be removed from the
23 site and all traffic for this entire property,
24 proposed and existing access to this new
25 proposed -- use this driveway to access either

1 KeyBank's ATM or into the site where the
2 existing development -- the existing use on the
3 property; that way, we're reducing curb cuts
4 along this corridor, considering the proximity
5 of this existing one to the Pinewood Drive and
6 Pinewood condominium driveway. So reducing --

7 MR. GOLD: I mean, the
8 curb cut's already there.

9 MR. MENDEL: It is, but
10 it's just one less curb cut.

11 Curb cut management is a very important
12 thing in site planning, particularly in a
13 corridor like this where you're transitioning
14 from more urbanized to less urbanized areas.
15 And the speeds -- all kind of vehicle speeds
16 increase as well. So it's good to separated
17 driveways as much as possible to help reduce
18 the potential for vehicle turning conflicts.

19 Additionally -- if I can just real quick?

20 I did provide you a letter of comment from
21 the Pinewood Condo Association, which is
22 immediately to the east of the proposed site,
23 just comments that they have regarding the
24 proposed project that I had received earlier
25 this week and have provided to you.

1 MS. RUSSELL: Jonathan, did
2 you discuss with the Pinewood people the idea
3 of just having the south drive access?

4 MR. MENDEL: I did not
5 express it explicitly during this process when
6 I -- when they had talked with me previous to
7 the application, previous to my zoning review,
8 but I do believe that a number of them did get
9 access to the staff report when it was
10 published and have reviewed it in that
11 instance. As you can see from their letter,
12 they are mainly concerned about traffic.

13 MS. RUSSELL: Right. That's
14 why I was wondering if their position had
15 changed at all, if they understood that there
16 would only be one drive on that parcel.

17 MR. MENDEL: I don't know
18 exactly. But some representative from the
19 association may give testimony to you this
20 evening.

21 MS. RUSSELL: Okay.

22 MR. GOLD: They're
23 referencing a planned construction of two
24 hundred and fifty or more single-family units.

25 MR. MENDEL: Yes. That's

1 in Montville Township on the east side -- west
2 side of the basic intersection of 162 Wedgwood
3 Road and south -- and Wooster Pike/Route 3,
4 about a quarter of a mile south of this spot.

5 MR. GOLD: A little bit
6 farther, but --

7 MR. MENDEL: A quarter,
8 half, yep.

9 MR. FUNK: If I may make
10 a comment to what you were mentioning there
11 earlier?

12 We put this together and then we heard from
13 the folks at Pinewood, and they expressed to us
14 what were their concerns; and their biggest
15 concern when we met here a month or so ago was
16 the fact that we had those two drives so close
17 to each other. So actually, it was today, in
18 talking with Justin, that I -- you know, we had
19 then brainstormed the idea of, potentially,
20 could we go off of that KeyBank circle. So
21 that's just recently developed.

22 And understanding, really, what are the
23 concerns Pinewood folks had and listening to
24 them and saying, how do we potentially find a
25 solution that doesn't disrupt everyone but

1 still works for everyone?

2 And so this was something we just kind of
3 discussed about today, at least I did.

4 MR. EDDY: And we've --
5 we've talked about these issues conceptually
6 with KeyBank, and they're amenable to it
7 particularly because of the -- the, I guess,
8 light-traffic use that is generated by the
9 buildings in the back.

10 Basically, there are two employees --
11 correct?

12 MR. FUNK: Correct.

13 MR. EDDY: -- that access
14 that site, and they come in, in the morning
15 and then they leave at night pretty much, so
16 we're talking, you know, four to eight trips
17 per day.

18 MR. FUNK: We --
19 basically, in those buildings are decorations,
20 medical records. It's nothing that we're
21 really accessing throughout the day that much.

22 MR. ROSE: Mr. Chairman?

23 THE CHAIRMAN: Yes, sir.

24 MR. ROSE: One big
25 concern I have is where the suggested curb cut

1 is on the south end. You're going to be -- at
2 certain times of the day, you're going to have
3 people coming out of Hartford and people coming
4 out of the ATM vying for the same spot.

5 I know most of the time, most of the
6 days -- times of the day it's going to be --
7 everybody is going to be able to see
8 everything. But if you get there during rush
9 hour and I want that spot, I think we're going
10 to be adding to some traffic hazards by leaving
11 it there, leaving that curb cut there at the
12 south, mainly with people coming out of
13 Hartford.

14 MS. RUSSELL: And going
15 left?

16 MR. ROSE: And going
17 left. And people coming out of the ATM going
18 right or making a left turn. You've got a
19 potential problem there.

20 With that, maybe we want to make it
21 right-turn-only going out of there, if that's
22 -- if the Board agrees to that.

23 A couple other suggestions I have is, why
24 this spot here? Why couldn't KeyBank maybe
25 look at leasing a spot over by the Minit Mart

1 across the street and up a half a block?

2 MR. FUNK: I don't know
3 that I can answer that correctly. But I know
4 they did share with me that they did some
5 studies in Medina. They looked at multiple
6 spots within Medina, and I'm going to assume
7 with Huntington, they knew Huntington was
8 closing. There really was no option down here
9 for those that maybe need to access an ATM,
10 that this might be an attractive location to
11 them.

12 MR. ROSE: Okay. The
13 other suggestion I was going to have is the
14 vacated Huntington spot.

15 MR. FUNK: So what
16 happens is, when Huntington sold, they go dark
17 for so many years. They cannot sell a bank
18 property to a competitor because what's going
19 to happen is, if I bank, will I bank with
20 Huntington? The convenience of Huntington
21 being right there across from me, if that turns
22 into a full-blown KeyBank, Huntington is
23 probably going to lose me as a customer.

24 MR. ROSE: That's their
25 fault for closing. Maybe they should lose you

1 as a customer.

2 MR. FUNK: I'm not happy
3 about it either. But they won't allow their
4 competitor to go in there.

5 MR. ROSE: Okay. All
6 right.

7 MR. GOLD: Mr. Chairman?

8 THE CHAIRMAN: Yes.

9 MR. GOLD: Having lived
10 in this neighborhood and utilized the
11 conveniences of Goodyear, of BP, and Handel's,
12 we see the congestion, and it's -- even at peak
13 rush hours, I just have not seen a problem with
14 traffic flow. Yes, you may have to wait, but
15 it's nothing that is too great that would --
16 and I, personally, have never seen any
17 accidents there.

18 MR. ROSE: But we haven't
19 had somebody pulling out of an ATM.

20 MR. GOLD: But you have
21 the exact same situation at Handel's, and
22 Handel's is busier than --

23 MR. ROSE: Handel's is
24 not as close to a residential street.

25 MR. GOLD: No. But you

1 have a business right across from Handel's,
2 catty-corner from it, and there's more traffic
3 flow there than you'll ever experience out of
4 an ATM, and it's just not a problem.

5 MR. ROSE: Well, I just
6 know from looking at the traffic that we have
7 at the PNC Bank now, that's all enclosed in
8 that parking lot on North Court Plaza up there,
9 but there's still quite a bit of traffic at
10 that ATM at certain times of the day.

11 THE CHAIRMAN: Any other
12 questions by Members of the Commission?

13 (No response.)

14 THE CHAIRMAN: Is anybody
15 with us this evening that has any comments
16 regarding this?

17 Okay.

18 MR. ROSS: (Indicating.)

19 THE CHAIRMAN: I'm sorry.

20 MR. ROSS: I do have one
21 more question.

22 My name is Lee Ross, 57 Pinewood Drive,
23 Medina. That's one of the units in the
24 Pinewood. I'm a trustee of the Pinewood
25 Association.

1 In hearing a discussion relative to an
2 opinion on whether it's dangerous or it's not
3 dangerous, there hasn't been, to my -- I
4 haven't witnessed but three accidents in twenty
5 years; however, as you sit in our driveway to
6 go out, we have several issues, a lot of
7 traffic going both ways. People accelerating
8 from Lexington Ridge, when they hit the little
9 hill -- and I'll address something about that
10 hill in a minute. They hit that little hill
11 and they see the light's still green -- the
12 speed goes up to fifty, okay? And that's a
13 thirty-five zone. We have -- and one of our
14 gentlemen is going to address some of the
15 details.

16 But overall, our concern is, we have a
17 two-lane street that is also a highway, and
18 according to the traffic study that was made
19 for the go-around at Route 162 and 3, the
20 traffic up and down, north and south on Route 3
21 is nine thousand cars a day. And I can't
22 verify this; I read it in the paper, but I
23 haven't seen the study.

24 So most of those cars are going in and out
25 of Medina, all right? Our concern is that

1 there are about a dozen access roads and
2 driveways in and out in a two-tenths-of-a-mile
3 stretch from Sturbridge to the city line south.
4 And there's a lot of in-and-outs, so if I'm
5 going south and I want to make a right-hand
6 turn onto Pinewood, I've got to wait for the
7 traffic coming.

8 If a hundred feet down the road there's
9 another one, it's just going to compound that
10 issue. Because the main problem is, we have a
11 two-lane highway where we ought to have more
12 lanes. Our concern is whether we -- whatever
13 we put in, okay, it's just going to be one
14 more, and there probably isn't room for any
15 others, but the point being that the traffic
16 issue is going to get worse for the development
17 that's going in south of us.

18 And before something is approved, I would
19 think the Planning Commission ought to look
20 at a traffic study which, from talking to
21 Jonathan, there is none current and there's no
22 plan for one. But before we add one more
23 entity into that activity, that the Planning
24 Commission take a look and see, should there be
25 a widening of more lanes or some way to better

1 accommodate that traffic that's in that area,
2 okay?

3 We also have concern about our property
4 value because, historically, I remember in the
5 '70s the north side of town was going through
6 a lot of development, and Montville -- or
7 Medina Township was replacing properties
8 with -- farms with commercial property. A lot
9 of development came up commercial, but no road
10 improvements were made, or not significant, and
11 the problem there was property values started
12 to drop. If we're going to have to go south on
13 the same kind of development, I think it
14 behooves the City to make sure we don't have a
15 major traffic issue.

16 That, essentially, is the summary. You
17 have my letter, and if you have any questions,
18 I'll be glad to answer them.

19 THE CHAIRMAN: Okay. Thank
20 you, sir.

21 MR. ROSS: Thank you.

22 MR. ROSE: Jonathan, I
23 do have one question with respect to this. I
24 do believe - thank you very much, sir - he
25 answered part of my question.

1 No, there hasn't been a recent study, but
2 has Patrick Patton looked at the current
3 situation at all with the information that he
4 has available to him, and has he made any
5 comment?

6 MR. MENDEL: He has not.

7 MR. ROSE: He has not?

8 Okay.

9 MS. RUSSELL: He didn't look
10 or he didn't make a comment?

11 MR. MENDEL: He didn't make
12 a comment.

13 MS. RUSSELL: But he did
14 look?

15 MR. MENDEL: I can't recall
16 if he looked at the plans or not that were
17 distributed to him.

18 MS. RUSSELL: Okay.

19 THE CHAIRMAN: Okay. Any
20 other questions by Members of the Commission?

21 MR. HOKE: (Indicating.)

22 THE CHAIRMAN: I'm sorry, I
23 thought --

24 MR. HOKE: Sorry, I
25 didn't hear anything that you said there. I

1 wasn't sure whether I would have an opportunity
2 to address you.

3 My name is David Hoke. I'm also a member
4 of the Pinewood Board of Trustees. I live at
5 28 Pinewood.

6 My biggest concern is the -- again, the
7 safety issue.

8 We've done a little study, a little sketch
9 of how close the driveways -- the existing
10 driveways are, and despite Mr. Funk's comment,
11 I don't believe that we expressed a lot of
12 concern about the north driveway because we
13 realized that it is only used, and according to
14 Mr. Funk, about eight times a day.

15 We're going to then have, even if that's
16 gone, those -- the traffic that is estimated by
17 Tucker Ellis to go in and out of the ATM is
18 sixty to eighty cars a day. And that's now,
19 before there's any development further south --
20 which, obviously, again, we were told that the
21 real point of that kiosk is a marketing effort
22 to bring attention to KeyBank. Well, I don't
23 know that they're going to have a marketing
24 effort and not appeal to the people who are
25 going to be living in the new buildings, new

1 homes south.

2 So, again, it's a safety issue, all the
3 cars that come in and out.

4 We are not a driveway. We represent
5 sixty-four units, over, you know, several
6 hundred cars a day, friends, relatives,
7 deliverymen, tradesmen, mailmen. So it's a
8 driveway, but it's used by several hundred
9 people every day, so take that into
10 consideration as we go out into Route 3.

11 From the plan, I can't tell -- the driveway
12 they propose has as a thirty-six-foot apron and
13 it's twenty-four feet wide. I can't tell from
14 their schematic if there's going to be two
15 exits - in other words, one north and one
16 south - and then one entrance, in other words,
17 that's similar to what they have at the
18 Minit Mart.

19 So I'd like to know if you fellows could
20 help me on that.

21 MR. MENDEL: Yes. It's a
22 two-way; there's one in and one out.

23 MR. HOKE: So it's a --
24 well, they're twelve-foot driveways then?

25 MR. MENDEL: Yes. Lanes.

1 MR. HOKE: Okay. So that
2 even proposes another problem, because people
3 who want to turn south are going to hold up the
4 people who want to turn north, so you're going
5 to have cars stacked up there. Again, when
6 does this happen? In rush hour. Generally,
7 that's where you get probably most business on
8 a kiosk because people stop and pick up some
9 cash on the way home.

10 The other thing I'm concerned about is -
11 whether or not this is in this purview - the
12 drainage from the asphalt that's going to be
13 there.

14 We see a drainage pipe going back to the
15 southeast corner of that piece of property.
16 Where is that water going? We have plenty of
17 water coming on our property from Trillium
18 Creek now. We certainly don't need more.

19 And the other issue is lighting. I don't
20 see any way -- how many lights will there be
21 there? How will they affect it? What kind of
22 lights will they be? How tall?

23 And finally, the signage that's in front
24 of that property. Medina, with the four little
25 additional signs on it. Is there anything that

1 would be planned to move those signs? Because
2 they're also a blockage to our view south when
3 we try to pull out.

4 I thank you for your time.

5 Is there any questions?

6 THE CHAIRMAN: Thank you,
7 sir. I appreciate you coming up this evening.
8 Other comments?

9 MS. RYAN: Thank you.

10 I feel like I'm repeating myself because I
11 was talking to the BZA as well.

12 Pat Ryan, 4254 Sharon Copley Road.

13 I go to this area quite frequently. My
14 brother-in-law lives there, who just spoke,
15 and I've probably been going to the site a
16 little over two-and-a-half years.

17 I'm familiar with Medina. I live in
18 Montville Township. I've been a resident of
19 Medina and Montville Township for twenty-eight
20 years. I've seen the growth in Medina and in
21 the Township. It's been drastic, to say the
22 least.

23 Coming to the site, I'm well aware of
24 Route 3. Like I said, I've lived in my current
25 house for twenty-seven years.

1 And I have made the mistake. That north
2 drive on the property, it is an issue. Twice
3 in two-and-a-half years, for someone who knows
4 it well, I've turned into that by mistake,
5 missing Pinewood, you know, not going far
6 enough because they're on top of each other and
7 the traffic is on your back. And I go the
8 speed limit. People may not like it, but I do,
9 and I've missed it and gone, "Ah," you know,
10 and then I have to immediately turn right again
11 to go into the correct drive.

12 There are three drives that are within --
13 you know, I believe one is thirteen feet from
14 the other or -- I forget. I had it written
15 down. But they're extremely close together,
16 especially the animal clinic, Pinewood Drive,
17 and the front -- the top drive of -- the north
18 drive of the proposed site. Those driveways
19 are extremely confusing.

20 And like my brother-in-law said - not to
21 repeat, but - the signage in the right-of-way,
22 we've got -- immediately when you hit the --
23 the -- very close to that north drive, you
24 have a lot of signs. Now, you have the Medina
25 corporate sign, I understand that. But then

1 you've got the Tree City, you've got the
2 Do Not Block Intersection - I get that
3 one - you've got the speed limit sign, all
4 these signs, and it is -- it's very hard. I
5 know the Pinewood sign is lower, but you're
6 focused on all this clutter and you miss
7 things.

8 I'm a lucky person. I've never had an
9 accident in my life, so a careful driver, but
10 it's confusing. If something could be done --
11 I know that's outside of your purview. If
12 something could be looked at in that respect,
13 spread those signs out a little bit. I think
14 they all have to be within, you know, fifteen
15 feet of the -- of that driveway.

16 Let's see. What else?

17 Does the City have driveway standards?
18 I looked in the zoning code. I don't see
19 anything. I didn't see anything under
20 engineering for distance between drives.

21 MR. MENDEL: No. We have
22 standards for minimum widths and maximum
23 widths.

24 MS. RYAN: Right. That's
25 all I saw on your -- and I think that's part of

1 the problem too. I mean, you've got that south
2 driveway that's in Montville Township, but the
3 driveway was for a house that goes into the
4 storage units. You've got that drive, then
5 you've got Hartford Drive. That's only -- they
6 are -- I'm not going to go through this.
7 They're nineteen feet apart, I believe.

8 But anyway, then you've got the north drive
9 here, you've got the doctor's office, you have
10 Pinewood, then you've got the animal clinic,
11 then you've got the dentist, and then you've
12 got Handel's, and all that is within a hundred
13 and sixty-four feet. That's a lot of
14 driveways. And traffic -- as Mr. Ross said,
15 traffic does not go thirty-five. It's -- it's
16 tough.

17 And like my brother-in-law said, this is a
18 subdivision back here. This isn't just a
19 driveway.

20 I appreciate that the Applicant is willing
21 to abandon that north drive. I think that's
22 great; however, they can handle that to get rid
23 of that drive would be, in my opinion, a real
24 plus.

25 And I think that might be -- you know, I

1 see -- a comment was made earlier - I'm not
2 sure who made it - that traffic is not a
3 problem, and traffic is a problem. It's -- I
4 go there sometimes - not in rush hour. Many
5 times it's on the weekend - and it -- it's hard
6 to turn in and out of there. I mean, I avoid
7 rush hour because it's very hard to turn in and
8 out of there. And you're looking at, again,
9 all these driveways, and they're all very close
10 together and staggered, plus just traffic
11 coming up that little rise, and they're flying.

12 So anyways, thank you for your time.

13 THE CHAIRMAN: Okay. Thank
14 you.

15 Okay. Members of the Commission.

16 MS. RUSSELL: I have just
17 a comment or two.

18 I feel like having a drive-through ATM
19 would be a reasonable use for that property.
20 It makes sense to have it there. Of the things
21 that they might want to put there, that would
22 be one that would have a lot less traffic, I
23 would think.

24 My only concern is the location of the
25 south drive because it does get difficult.

1 I lived on Hartford for ten years, and turning
2 left on Hartford can be really difficult. I
3 mean, a lot of times people just go over
4 Sturbridge so they can get the light rather
5 than try to turn left out of Hartford.

6 So just from a safety standard, what
7 my concern would be is, have we looked
8 at - and I don't know who makes that
9 determination - whether or not, from a
10 safety perspective, it's a good place to put
11 it considering that people will be trying to
12 turn left out of Hartford?

13 So that would be my comment.

14 I don't really have a problem with the idea
15 of having an ATM there, I just -- the location
16 of Hartford being right there and people trying
17 to turn left, that would be my concern.

18 THE CHAIRMAN: Jonathan, just
19 to kind of re-establish, even if we approve
20 this, it really sort of doesn't mean a great
21 deal because they still don't have the other
22 approval, as necessary.

23 MR. MENDEL: They don't
24 have the underlying zoning district regulatory
25 framework.

1 And then, also, just be aware that if
2 it was rezoned to C-3, the property -- a
3 drive-through like this is a conditionally
4 permitted use, because then you could really
5 get into -- it's a more discretionary review at
6 that time. For us right now, it's purely,
7 like, is this meeting the development
8 requirements in layout and just general
9 standards of a site plan review process?

10 Under C-3, it would require a conditional
11 zoning approval also, and that opens up a lot
12 more of potentially subjective determinations
13 on context and neighborhood and everything as a
14 discretionary review.

15 THE CHAIRMAN: Okay. Does
16 anybody want to put forth a motion?

17 MR. GOLD: Mr. Chairman,
18 I'd like to put forth a motion to approve the
19 application as submitted subject to approval of
20 the building permits from the Medina Building
21 Department; subject to the site development
22 approval by the Medina Engineers; the existing
23 north driveway to be removed; and subject to a
24 zoning change by the City Council.

25 THE CHAIRMAN: We don't even

1 have an application yet for the zoning change.

2 MR. MENDEL: I think it's
3 good to have it conditioned on -- it would
4 still be required.

5 THE CHAIRMAN: Oh, I agree.
6 I'm just saying we don't have --

7 MR. GOLD: It's going to
8 have to require it.

9 THE CHAIRMAN: Yes.

10 MS. RUSSELL: Can I ask a
11 question?

12 The Engineering Department, would they be
13 looking at that safety issue of the locations
14 of the drive, or would that --

15 MR. MENDEL: If it comes
16 back through for the rezoning and conditional
17 zoning approval, I will make sure that they
18 look at that in much more detail than they
19 have.

20 MS. RUSSELL: Okay.

21 THE CHAIRMAN: We have a
22 motion. Is there a second?

23 MR. HILBERG: Second.

24 THE CHAIRMAN: We have a
25 motion and a second.

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Any other discussion?

(No response.)

THE CHAIRMAN: Roll call.

MS. DAVIS: Gold.

MR. GOLD: Yes.

MS. DAVIS: Grice.

THE CHAIRMAN: Yes.

MS. DAVIS: Rose.

MR. ROSE: No.

MS. DAVIS: Hilberg.

MR. HILBERG: Yes.

MS. DAVIS: Russell.

MS. RUSSELL: No.

MS. DAVIS: Motion

approved; three yeas, two nays.

THE CHAIRMAN: Okay. Thank
you very much, one and all.

(Case Number P19-06 concluded.)

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2. P19-07 Buckingham, Doolittle & Burroughs, LLC 216, 222 & 226 S. Jefferson SPA
Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a rezoning and site plan review request for properties at 216, 222 and 226 S. Jefferson Street. Mr. Mendel stated the request is to rezone the property from R-3 single family to M-U Multi Use and also site plan approval to develop the property under the M-U regulations.

Mr. Mendel stated the subject site is three platted lots addressed 216, 222 and 226 S. Jefferson St. located on the east side of the 200 block of S. Jefferson St. and each lot has an existing single family detached residential structure.

Mr. Mendel stated the applicant requests rezoning the subject properties from R-3, High Density Urban Residential to M-U, Multi-Use and Site Plan approval to develop the properties for commercial use under the M-U district and general zoning code regulatory framework.

Mr. Mendel stated the applicant proposes developing the subject properties for commercial use and provide parking for the subject site and existing Dominic's restaurant directly across S. Jefferson St. Mr. Mendel stated the most prominent part of the development plan is the shared 26 space parking area crossing the sides and rear of the subject properties. Mr. Mendel stated the Board of Zoning Appeals this evening, denied the variance to allow 3 of those parking spaces which makes it theoretically a 23 space parking lot.

Mr. Mendel stated as part of the site development plan, there are some noncompliant items (parking spaces in the required front yard and screening planting placement) for which the applicant requested variances. Mr. Mendel stated both variances were denied by the Board of Zoning Appeals this evening. Mr. Mendel stated with the denial by the Board of Zoning Appeals for the 2 variances that the applicant requested, if the Planning Commission recommends the rezoning or if the rezoning is approved by City Council and the site plan is approved by the Planning Commission, the subsequent development would need to comply with the applicable M-U and various zoning code requirements for the proposed project.

Mr. Mendel stated the applicant supplied a narrative in the packet supporting the rezoning, site development plans, the existing zoning map, and the future land use map from the Comprehensive Plan showing the designation of the subject properties, the full M-U zoning district.

Mr. Mendel stated the subject property is presently zoned R-3 High 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-3 zoning district.

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Mr. Mendel stated the applicant proposes rezoning the subject properties to M-U, Multi-Use. Mr. Mendel stated this zoning district permits a limited range of commercial uses such as office, convenience retail, two-family, single-family, etc. Mr. Mendel stated the conditionally permitted uses are a range of uses such as multi-family dwellings, churches and restaurants.

Mr. Mendel stated the applicant provides discussion points to support their request to rezone from R-3 to M-U, which are attached in the packet.

Mr. Mendel stated the Future Land Use map in the Comprehensive Plan Update is a visual guide for future municipal planning and land use within the city. Mr. Mendel stated the map currently designates the subject properties *Mixed Use*.

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 and lot development standards.

Mr. Mendel stated the City's 2007 Comprehensive Plan Update designates the subject properties as *Mixed Use*, which is the same as the Future Land Use designation for the properties to the south on the east side of the 200 S. Jefferson St. that will continue being zoned R-3. Mr. Mendel stated this is also the designation for properties currently zoned M-U nearby on the 300 blocks of E. Washington St. and E. Smith Rd.

Mr. Mendel stated the *Mixed Use* designation is defined in the Comprehensive Plan as follows:

The Mixed Use land use classification allows a combination of limited commercial uses and residential uses. Most of the Mixed Use areas in the City are located adjacent to commercial or industrial areas, however the Mixed Use classification should also be considered in outlying areas of the City along major corridors, such as Weymouth Road. Regulations should be stratified to address the different and unique characteristics of each Mixed Use area. Regulations for areas near the Historic District should maintain the present residential streetscape, while allowing non-residential land uses that are compatible with remaining residential uses. Regulations for outlying areas of the City should include greater flexibility and not necessarily require reuse of the existing housing stock. Mixed Use areas should include nonresidential uses that are compatible with existing residential uses and do not place excessive demands on City infrastructure and services.

Mr. Mendel stated this Future Land Use designation and its equivalent M-U zoning district were created to provide the flexible use of specific areas of historical housing where there may be need to allow a limited variety of residential and commercial uses for

the houses in an effort to prevent possible deterioration or neglect if residential demand is not as strong as the commercial use demand.

Mr. Mendel stated as for the subject site, these properties are directly across the street from C-2, Central Business District (west side of the 200 block of Jefferson St.), which is a much more intensive commercial zoning district than the M-U and this block of Jefferson St. is part of the truck route around the southern side of central Medina. Mr. Mendel stated this involves regular heavy truck and car traffic moving north and south bound. Mr. Mendel stated the east side of the 200 block of S. Jefferson St. (including the subject properties) was likely designated Mixed Use in the comprehensive plan process due to the specific neighborhood environment on this segment of S. Jefferson St, which may not be optimal for residential-only uses/zoning.

Mr. Mendel stated in regards to the M-U district permitted and conditionally permitted uses and development standards, the M-U district in this specific neighborhood context could be considered an appropriate scale reduction zoning buffer between the C-2 zoned properties on the west side of the 200 block of S. Jefferson St. and the R-3 zoned and developed properties to the east along E. Washington St. and E. Smith Rd. Mr. Mendel stated in practical terms, the applicant's proposed site development plan for this site is the almost the complete extent of improvements that could be constructed under the applicable site development standards of the zoning code. Mr. Mendel stated it is unlikely the more intensive M-U conditionally permitted uses (such as daycare, church or nursing home) would be viable at this site due the M-U restriction on building and site improvement scale and the small size of the site.

Mr. Mendel stated Section 1109.04 of the Planning and Zoning Code outlines guidelines for the development and redevelopment of properties within the City. Section 1109.04(A) establishes eight general provisions for development within the City. Several of the provisions apply to the applicant's proposal, but specifically the following are most applicable:

- (1) Strengthen, protect, enhance and improve the existing visual and aesthetic character of the City, and to prevent the creation or perpetuation of nuisances or blight in the City.
- (2) To integrate developments into the surrounding environment, as well as to ensure that each new development and redevelopment will be attractive.

Mr. Mendel stated the proposed project will adhere to and reinforce the above general purposes as this project will be consistent with the M-U district site design intent and regulations with one exemption. Section 1129.07(a) of the M-U district prohibits parking areas within the minimum required 40 foot front yard setback.

Mr. Mendel stated under the M-U zoning and the intent to use these properties as commercial, the landscaping and screening requirements of Section 1149.05 are applicable to the north, east and south perimeters of the subject site. Mr. Mendel stated these landscaping and screening buffers are required as the adjacent properties are still

residential zoned districts and the applicant's development must provide improvements that mitigate typical negative impacts of commercial sites on residential properties. Mr. Mendel stated the applicant proposes an effectively compliant screening method of a 6 foot tall board-on-board fence with plantings placed on the inside of the fence. Mr. Mendel stated this method doesn't exactly comply with the method permitted (fence or wall placed near the property line with plantings between the property line and the fence or wall). Mr. Mendel stated that was one of the items that was non-compliant and the Board of Zoning Appeals denied so the applicant will need to comply with the screening requirements of Chapter 1149.

Mr. Mendel stated Planning and Zoning Code Section 1145.09(c) requires exterior lighting for parking areas and site circulation areas. Mr. Mendel stated the applicant's site lighting plan complies with applicable site lighting requirements.

Mr. Mendel stated Section 1145.04(d) exempts the subject property from the requirements of 1145.04(A), because the site is within the Medina Downtown Parking District 1. Mr. Mendel stated if they provide parking, the design should comply with the parking area dimensional requirements of the code. Mr. Mendel stated the proposed parking area complies with the dimensional requirements for parking areas.

Mr. Mendel stated the proposed rezoning to M-U is consistent with the City of Medina 2007 Comprehensive Plan Future Land Use Map designation and use definition. Mr. Mendel stated generally, future land use maps in comprehensive plans are designed to guide zoning map changes to provide some objective predictability for land owners.

Mr. Mendel stated the proposed site improvement plan for commercial use of the subject site under the M-U zoning is almost completely compliant with the various applicable Site Plan design guidelines, M-U district, parking design and landscaping/screening requirements of the zoning code. Mr. Mendel stated given the rezoning request, any Site Plan approval under the M-U district zoning must be conditioned on City Council approval of a rezoning ordinance and that ordinance taking effect and the community.

Mr. Mendel stated Staff recommends the following actions:

1. Recommend to the City Council rezoning 216, 222 & 226 S. Jefferson St. from R-3 High Density Urban Residential to M-U, Multi-Use.
2. Recommend Site Plan approval of the proposed development plan for 216, 222 & 226 S. Jefferson St. with the following conditions:
 - Site Plan approval is subject to City Council approving an ordinance to rezone 216, 222 & 226 S. Jefferson St. from R-3, High Density Urban Residential to M-U, Multi-Use and the ordinance taking effect.
 - Under Section 1155.01(c)(1) of the zoning code, the proposed screening fence and plantings must be reduced to a maximum of 3 feet tall within the minimum required 40 foot front yard setback or removed completely in order to provide necessary clear sight vision triangles at the intersection of the private drives and the public sidewalk/street.

Present for the site was Anthony Vacanti, Buckingham, Doolittle & Burroughs, 1375 E. 9th Street, Suite 1700, Cleveland, Ohio. Mr. Vacanti stated he represents the property owner SDSS Properties LLC. Mr. Vacanti stated also with him with Mr. Dominic Carrino, an authorized representative of the property owner. Mr. Carrino stated his address as 2090 High Meadow Court, Medina.

Mr. Vacanti stated, with permission of the chair, he has a packet of materials to give to the board which are entered into the minutes as Exhibit A. Mr. Vacanti stated the applicant is here on two matters, a rezoning, seeking the commission's recommendation to rezone the properties from R-3 High Density Residential to M-U, Multi-Use as Medina defines it. Mr. Vacanti stated the applicant is also seeking site plan approval. Mr. Vacanti stated it is important to understand there are two scopes here. Mr. Vacanti stated the rezoning is legislative in nature, a recommendation is made to City Council who then legislates. Mr. Vacanti stated they the only check is it has to comply with the Ohio and U.S. Constitution so it does involve the use of property which invokes fundamental property rights as the Ohio Supreme Court has recognized. Mr. Vacanti stated the Constitutional standard is it cannot be arbitrary and capricious and it must substantially advance a legitimate governmental purpose. Mr. Vacanti stated any type of zoning imposed on a property has to satisfy that criteria. Mr. Vacanti stated any zoning decision must satisfy that criteria.

Mr. Vacanti stated in Ohio, all zoning must be in accordance with the Comprehensive Plan which provides the backup and rationale to support the zoning decisions. Mr. Vacanti stated not all cities have a separate policy document Comprehensive Plan but the City of Medina does and it represents a thoughtful and deliberate analysis of what the proper zoning should be on these sites. Mr. Vacanti stated the basis of the rezoning request is that the Comprehensive Plan identifies these properties as M-U properties. Mr. Vacanti stated it is furthering the public purpose because it is adjacent to C-2 Commercial properties which are a more intense type of use and it provides a transition from the more intense C-2 Commercial use to the neighborhood and residences to the east. Mr. Vacanti stated that is the public purpose being furthered. Mr. Vacanti stated, additionally, under the M-U designation, these subject properties have 3 structures on them which were originally residential structures. Mr. Vacanti stated as part of his client's plans, he wants to convert them to professional offices which is one of the permitted uses under the M-U. Mr. Vacanti stated the exterior of the houses would be maintained which is one of the public purposes behind the M-U zoning designation which is to avoid blight of these beautiful homes and to allow the maintenance but allow them to be used economically so they are not blighted which is exactly what his client's intent is.

Mr. Vacanti stated there are and there have been several concerns raised at the Board of Zoning Appeals hearing. Mr. Vacanti stated he has discussed with his client, there were two variance requests. Mr. Vacanti stated his client is willing to update the site plan to comply with all the site plan code requirements which includes the elimination of 3 parking spaces in the front yard and also moving the shrubbery screening to the other side of the fence. Mr. Vacanti stated those were the two variances being sought. Mr. Vacanti

stated when looking at the site plan, they will address those and comply, as well as all the other site plan requirements because that is administrative and not legislative. Mr. Vacanti stated as long as they comply with all of the requirements under the M-U zoning designation, this commission's discretion is limited. Mr. Vacanti stated obviously, the applicant is open to have a dialogue but it is limited because it is administrative and they satisfy the requirements so they believe they should be entitled to site plan approval in that regard.

Mr. Vacanti stated he does want to address some of the concerns that were raised, because he anticipates neighbors raising the same concerns from the BZA. Mr. Vacanti stated Mr. Carrino can testify as well. Mr. Vacanti stated, when it comes to traffic, there was a lot of testimony at the Board of Zoning Appeals about truck traffic. Mr. Vacanti stated a lot of the, which actually forms some of the basis for the reason to have a mixed use type of zoning, many of the residents are upset because they identify this as a residential street but the testimony and the evidence will show, as it did at the Board of Zoning Appeals, there is a lot of truck traffic, it is really a commercial street. Mr. Vacanti stated Jonathan mention that as well. Mr. Vacanti stated there were complaints also with regards to the properties across the street, the C-2 district, Jo-Jo's in particular. Mr. Vacanti stated he will note, as Mr. Carrino will testify to, that bar has been there since 1978. Mr. Vacanti stated Jo-Jo's has been consistently zoned commercial for that type of use. Mr. Vacanti stated that is not what we are talking about for the subject properties for rezoning. Mr. Vacanti stated he would like to make sure the focus is on the proposed rezoning.

Mr. Vacanti stated complaints were heard from one of the individuals residing in one of the existing homes. Mr. Vacanti stated by granting this rezoning, it will allow for an office use so it would address that issue which would help the neighborhood. Mr. Vacanti explained the contents of exhibit A which was provided to the commission.

Mr. Vacanti introduced Mr. Carrino. Mr. Carrino stated he has been in the restaurant business on S. Jefferson since 1987.

Mr. Vacanti asked Mr. Carrino if he owns the properties across the street. Mr. Carrino stated he does. Mr. Vacanti asked Mr. Carrino when he acquired those properties. Mr. Carrino stated he acquired them 6 or 7 months ago. Mr. Vacanti asked when he acquired Jo-Jo's and Dominic's. Mr. Carrino stated he acquired the building in 1992 but he has been there since 1987.

Mr. Vacanti asked how much has been invested on that corner approximately. Mr. Carrino stated he has invested on S. Jefferson, probably about 2 million dollars. Mr. Vacanti stated, so far on the east side of Jefferson, with the three properties, how much has been invested. Mr. Carrino stated he purchased the homes for approximately \$330,000 and put \$30,000 into 222 S. Jefferson.

Mr. Vacanti asked before he purchased the subject properties, did Mr. Carrino review the Comprehensive Plan or have any discussions. Mr. Carrino stated he came about this from a meeting with Jonathan Mendel and Kimberly Marshall regarding the library and

his parking issue and they had made a point to say that in the Comprehensive Plan, across the street is M-U, mixed use. Mr. Carrino stated he thought that would be great for his business to have other businesses across the street to bring more people into that area. Mr. Carrino stated he purchased 216 S. Jefferson first, he was having a hard time selling it. Mr. Carrino stated he purchased 222 and 226 after.

Mr. Vacanti asked how he would characterize the traffic on the street. Mr. Carrino stated heavy truck traffic. Mr. Vacanti asked if it is commercial traffic. Mr. Carrino stated yes. Mr. Vacanti asked if he would consider S. Jefferson a residential street. Mr. Carrino stated no.

Mr. Vacanti asked Mr. Carrino if there are other businesses on Jefferson. Mr. Carrino stated yes, a hair salon on the western side and on the corner there is a law office and across the street is a dental office on the eastern side which is the same zoning designation of the subject properties. Mr. Carrino stated that is correct. Mr. Carrino stated there is also a house on the corner of Smith and Jefferson that might have a business in it.

Mr. Vacanti asked Mr. Carrino to describe his need for parking on the subject site. Mr. Carrino stated for three businesses, you never know how many people are going to come and go and I need to make it easy access for their customers and more attractive for him to lease the space.

Mr. Vacanti asked Mr. Carrino if he owns other properties in northeast Ohio. Mr. Carrino stated yes, he owns his home, a property on Lake Rd., a property on Ryan Rd., and the properties on S. Jefferson. Mr. Vacanti asked Mr. Carrino if he is familiar with the real estate market. Mr. Carrino stated yes. Mr. Vacanti asked if there is a demand for residential uses on the subject properties based on his experience. Mr. Carrino stated no.

Mr. Vacanti asked if there is a demand for commercial uses or office uses on the subject properties. Mr. Carrino stated he believes there is a need for commercial around the square in Medina.

Mr. Vacanti asked Mr. Carrino to give some of the benefits to the city if the properties were to be developed commercially. Mr. Carrino stated tax revenue.

Mr. Vacanti stated the applicant respectfully requests that the commission follow the guidelines and the Comprehensive Plan. Mr. Vacanti stated this is consistent with the area as it exists and it is a good transition zone to some of the residences further east. Mr. Vacanti stated this isn't a popularity pole, he knows there are some objections to this but it has been already thoughtfully analyzed and recommended. Mr. Vacanti stated he appreciates the Commission's time and he is here to answer any questions.

Mr. Gold asked if the fence on the landscaping plan be consistent around the entire property, will it be the same fence or are you using existing fence. Mr. Carrino stated no, they are using a wooden board on board fence. Mr. Gold stated so it is going to be a new

fence around the entire perimeter of the property. Mr. Carrino stated except up towards the road. Mr. Vacanti stated per Jonathan's recommendation, it needs to go down 3 which they applicant is willing to comply with. Mr. Gold asked all along that boundary is going to be a new fence. Mr. Carrino stated yes.

Mr. Hilberg stated at 216 there appears to be a parking space that is not compliant. Mr. Hilberg stated if the zoning is changed, does it need to be brought into compliance or only when redevelopment is done. Mr. Mendel stated if it is approved for M-U and they implement this development plan, it would no longer be there. Mr. Mendel stated under the R-3 Zoning District you can have up to a 20' wide driveway which is approximately what the conditions are already. Mr. Mendel stated it is currently compliant and under M-U it would not be compliant but it is not proposed on the plan. Mr. Hilberg stated it could be made a condition of the M-U. Mr. Mendel stated if the Commission wants to make it more explicit, yes, it is implied that is not permitted since it is not shown and staff would not going to allow it because it is a parking space in the front yard and the Transitional Zoning does not allow that to go with it into the new zoning district. Mr. Vacanti stated the property owner would be ok and would agree to that.

Mr. Rose asked Mr. Carrino the type of improvements were put into 222 S. Jefferson. Mr. Carrino stated it was a cat house so they needed to gut all the flooring, plumbing, new AC, all back and front railings, drywall, and paint. Mr. Carrino stated it was approximately \$6,000 for the paint. Mr. Rose asked if that was all geared for commercial. Mr. Carrino stated it is geared for commercial. Mr. Carrino stated they put a small kitchen in.

Mr. Rose asked Mr. Carrino if he is aware of the study that was recently made with regard to what the projected need for residential housing is in the City of Medina. Mr. Carrino stated no, but a lot of his customers are business owners and they are paying a lot of rent where they are at. Mr. Rose asked Jonathan if he can back him up that there is a need for approximately 400-450 housing units in the Greater Medina area.

Mr. Carrino stated when the owner of 216 S. Jefferson tried to sell his property, he could not sell it. Mr. Carrino stated the people trying to sell 227 or 228 could not sell it. Mr. Carrino stated if there was a need, you would think someone would jump on it.

Mr. Vacanti stated location is important also and this is across from the C-2. Mr. Rose stated he understands location but putting his money into buying a house in that area vs renting a house in that area, he would decide to rent before buying. Mr. Carrino stated 216 and 226 were both empty when he bought them.

Mr. Rose asked Mr. Mendel why the recommendation for rezoning was not done yet. Mr. Mendel stated he cannot say. Mr. Mendel stated under his time with the City of Medina, typically in his experience with municipalities, staff does not do a lot of proactive rezoning in compliance with the Comprehensive Plans. Mr. Mendel stated unilateral rezoning of properties, even to the property owners potential value benefit, sometimes becomes controversial since people do not like to be unilaterally rezoned,

even if it's clearly for their financial benefit. Mr. Mendel stated the policy has been, prior to him, that we do not unilaterally rezone properties.

Mr. Mendel stated under the M-U zoning district, single family residential use is a permitted use so it can fluctuate from a small office to a residential use if the market demand is there.

Mr. Rose asked how a dentist office is on the street if the zoning district does not allow it. Mr. Mendel stated long ago, the R-3 District did allow for professional and medical office as a conditionally permitted use. Mr. Mendel stated it should be review on a context locational basis. Mr. Mendel stated it would have gone through the conditional zoning process.

Mrs. Russell asked if the buildings there will be maintained. Mr. Mendel stated under the M-U district, you must maintain the houses that are on the site.

Amy Barnes, 314 E. Washington Street, Medina. Ms. Barnes stated she is the publisher of Joy of Medina County Magazine and the owner of the Colonial H.G. Blake house which is on the National Register of Historic Places for being a part of the underground railroad and is located at the corner of E. Washington and S. Jefferson in Medina which puts her property both on E. Washington and S. Jefferson. Ms. Barnes stated she is here tonight representing 44 people who signed a petition she circulated. Ms. Barnes stated they are requesting that the board deny this site plan and the request to change the zoning from residential to multi-use for the property situated at 216, 222, and 226 S. Jefferson Street. Ms. Barnes stated they are also requesting that the board deny the installation of a parking lot at the aforementioned properties and that the barrier mentioned in the site plan be 10 feet tall, solid, and sound proofed.

Ms. Barnes stated the properties in question can yield a reasonable return as residential properties. Ms. Barnes stated when the properties were purchased, they were zoned residential and two of the homes had occupants while the third was for sale by owner which the petitioner admits knowledge of, thus they were and remain, viable residential properties. Ms. Barnes stated it has been mentioned that the house at 216 S. Jefferson had difficulty selling. Ms. Barnes stated the owner, and she has had many discussions with him about this, refused to list the house with a real estate agent or advertise it for sale. Ms. Barnes stated the requested parking lot is substantial due to the fact that how much parking currently exists in the area. Ms. Barnes stated the petitioner not only has his own parking lot around his restaurant and bar, but has full and easy access to the Courthouse parking which is empty at night, and the 350 space parking deck across the street from his business. Ms. Barnes stated to allow for additional parking to be built would further deplete the amount of green space that exists in the neighborhood and there is no rezoning requirement in this case that requires there to be parking made available. Ms. Barnes stated because the three properties in question butt up against the historic Colonial H.G. Blake house property and adjoining another privately owned home and the owners of both of these homes have faced harassment and interference with their lives since the purchase of the S. Jefferson properties by petitioner, they are requesting that a

10 foot tall soundproof solid full barrier be built around the three properties on S. Jefferson and that it be extended to as close to the sidewalk as is permitted at the expense of petitioner.

Ms. Barnes stated if the petitioners requests are granted, it will cause an increase in traffic, noise, and congestion at a corner that already suffers from heavy traffic and change the neighborhood to being overwhelmingly commercial and paved. Ms. Barnes stated the last time a traffic study was commissioned for this corner, it was determined to be the second highest rated intersection for accidents in the public square area. Ms. Barnes stated the area should remain zoned R-3 and remain as residential homes to maintain the social fabric, local history, natural beauty and texture and integrity of the neighborhood. Ms. Barnes stated 20 years ago just before she bought the Colonel H. G. Blake House, the previous owner sought to turn the house into a bed and breakfast. Ms. Barnes stated they were denied based on the city's desire to maintain this last large green space of almost 1.5 acres, so close to the square, and located on a main artery into town. Ms. Barnes stated it has been mentioned that the dentist office has zoning comparable to the M-U. Ms. Barnes stated she would like to point out that they will not have overflow parking from a bar that is open until 2:30a.m.. Ms. Barnes stated they are quiet and that parking lot is dark at night.

Ms. Barnes stated they are asking for the intent of the green space on the main artery into town to be maintained. Ms. Barnes stated what the petitioner is requesting is not natural law nor is it economic inevitability. Ms. Barnes stated it is a function of power and wealth. Ms. Barnes stated he had the funds to purchase three homes and now wants to change the neighborhood that he does not even live in while claiming he is filling a need that does not exist.

Ms. Barnes stated they may not be able to afford lawyers or be able to purchase a substantial number of a neighborhoods properties but we still have the right to have the neighborhood that we live in remain the wonderful textured mix it is instead of becoming over paved eyesore causing the adjoining properties and neighborhood to drop in value. Ms. Barnes asked the highest and best use of these properties. Ms. Barnes asked if it is to add more commercial space in the city where there are many vacant storefronts in such areas as North Court, is it to add additional bland parking areas where there are so many available including the 350 spaces across the street from the petitioners business or is it to maintain the atmosphere and look of an older neighborhood where the houses are not cookie cutters and they represent an era of Medina different from the square, mixed with the rich history of the Colonel H. G. Blake House.

Ms. Barnes stated they appreciate being allowed to speak tonight and hope you honor their plea to not allow Medina to lose yet another of the ingredients that make it charming and unique and that you will see your way to denying the requested zoning change and parking lot. Ms. Barnes thanked the commission for their time.

Mr. Gold asked Ms. Barnes how the renovation and remodeling of the house adjacent to her property will diminish the value of her home. Ms. Barnes stated that did not do it but

the added parking lot and the added traffic, because those properties back right into her back yard, so having all the yelling and screaming and bottle smashing and everything else that happens at night from that bar right in her back yard will diminish the property.

Mr. Gold stated whether they approve the zoning or not, those issues will continue. Ms. Barnes stated but it will continue at least across the street and it will not bring it right into her back yard. Ms. Barnes stated it does make a difference.

Mr. Gold stated he just doesn't see how a parking area in the back yard that has a fence... Ms. Barnes stated it's not just the parking area it is the change to the M-U, the change into businesses too. Mr. Gold stated already the owner has considerably changed the environment of the house that is directly adjacent to your property for the better. Ms. Barnes stated including cutting down all the trees and making the back yards look like war zones at the present time. Mr. Gold stated just because he was a patient of the dentist, he kind of knows what that back yard was like and it was pretty grim. Mr. Gold stated for a note, the Planning Commission does not have the authority to change the fence height to 10 feet. Mr. Gold stated the limit in the city is 6 feet and anything over 6 feet requires an approval and a variance except in very limited cases and those are usually typically, if he is not mistaken, in the I-1 Industrial zone. Mr. Mendel stated actually, commercially zoned properties can go up to 10 feet. Mr. Mendel stated residential is 6 foot. Mr. Gold stated M-U is not commercial. Mr. Mendel stated the categories are commercial so they can go up to 10 feet. Mr. Gold stated he stands corrected. Mr. Gold asked Ms. Barnes if 10 feet would be better than a 6 foot fence. Ms. Barnes stated yes, less could be thrown over top of it into her yard.

Mike Schwin, 230 S. Jefferson Street commented he is the owner of the other adjacent property to the south. Mr. Schwin stated as far as the noise, it goes on, fence or no fence. Mr. Schwin stated it comes across the street and comes into the front yard next to him, the garbage that gets strewn around, he was picking up pizza boxes, he has picked up foam to-go containers, cups, all strewn through his yard because customers come through his yard at night after the bar closes. Mr. Schwin stated the noise, he has motorcycles at 2am, he has hot rods at 2:30am and these things will move across into this parking lot because that is what he is building the parking lot for and not the commercial use but for his bar overflow. Mr. Schwin stated along with the cars and motorcycles coming over will come the noise, the garbage and everything else. Mr. Schwin stated you talk about lighting the parking lot. Mr. Schwin stated he is going to have to put up with that light in the middle of the night because it will shine through the windows on the side of his house. Mr. Schwin stated he cannot open the windows on the side of his house at night because of the noise and vulgarity. Mr. Schwin stated the people that live in the house next door sit on the porch playing music, they argue they cuss. Mr. Schwin stated he is listening to things, he does not talk that way. Mr. Schwin stated if he has to call the police every night, he will. Mr. Schwin stated he has not done that yet but he will start but this is what this request will open this whole area up to the overflow garbage and overflow noise and customers from the bar. Mr. Schwin stated it already does, it is just going to be a more convenient paved place to do it. Mr. Schwin stated the dentist is a great neighbor. Mr. Schwin stated he has been there for 20 years and he lets him use his

parking lot when he has people over and does not have enough room in his own driveway. Mr. Schwin stated his he and his kids have gone to him. Mr. Schwin stated he didn't used to have to listen to the noise from Route 18, now he has to listen to noise from Route 18 because all of the green is gone, he can look straight across the yards and he listens to the trucks and cars. Mr. Schwin stated it is bad enough having it in the front but now he has it on two sides. Mr. Schwin stated if you change that to the M-U and allow him to put a parking lot in there, it is going to be hell for the people that still live there. Mr. Schwin stated he is there to object, he does not want it, he puts up with it already and he does not want it to move next door to him.

Beth Biggens-Ramer, 141 S. Prospect Street commented. Mrs. Biggens-Ramer stated she is here to represent the Community Design Committee this evening. Mrs. Biggens-Ramer stated she wanted to just remind the commission that they are here to talk about the zoning as one aspect and then the site plan as the second. Mrs. Biggens-Ramer stated part of the definition, according to the Comprehensive Plan for mixed use states "it is to address the different and unique characteristics of each mixed use area". Mrs. Biggens-Ramer stated there are several throughout the city. Mrs. Biggens-Ramer stated regulations for areas near the historic district should maintain the present residential streetscape while allowing non-residential land uses that are compatible with the remaining residential uses. Mrs. Biggens-Ramer stated the city has worked very hard, the Community Design Committee in particular, in protecting the square and both of the organizations, the City and the CDC, have worked diligently in the last several years to form historic neighborhood associations where several of these mixed use zoning areas exist in order to create that soft transition from residential into the downtown area. Mrs. Biggens-Ramer stated in doing that the spirit of the soft transition was to stop abrupt commercial, harsh looking uses. Mrs. Biggens-Ramer stated as someone drives through the city as a visitor, the zoning knowledge is not shared and you want to see that lovely transition and embracing of thoughtful reuse of those transitional areas. Mrs. Biggens-Ramer stated personally living near a mixed use area, there is reason for buffers and thought put into lighting because the adjoining property owners need to continue to be residential. Mrs. Biggens-Ramer stated the CDC would like the Commission to consider rejection of the proposed site plan. Mrs. Biggens-Ramer stated there are currently 3 buildings which there are 23 spots to be associated with those 3 buildings. Mrs. Biggens-Ramer stated that is over 7 parking spaces per unit. Mrs. Biggens-Ramer stated she is not certain 7 parking spaces per building keeps the residential nature of non-residential use. Mrs. Biggens-Ramer stated the proposed site plan employs over 10 light poles. Mrs. Biggens-Ramer stated if the idea is to keep this a residential transitional area, 10 light poles along the perimeter of the proposed parking area is going to create a harsh look to environment around it. Mrs. Biggens-Ramer stated on the plans it shows the poles on the exterior and interior of the parking lot. Mrs. Biggens-Ramer stated this is in addition to the excessive paving and green space that separates the buildings. Mrs. Biggens-Ramer stated she appreciates the opportunity to speak this evening.

Pam Miller, 450 Woodland Drive read a statement which has been entered into the minutes as exhibit A.

Skip Baron, 536 N. Broadway commented. Mr. Baron stated he would suggest denial of the change to keep it residential. Mr. Baron stated as a member of the Founders Lane North Neighborhood Association and in talking to other neighborhood presidents and people, they are finding that their houses around the square, and he considers it the 10 block area from the center of the square all the way around, it is not a historic district but houses are selling very fast and they are selling for high prices. Mr. Baron stated people want to live here and live within walking distance of the square. Mr. Baron stated when the new South Town gets going and the Farmers Exchange, they will have people coming to that. Mr. Baron feels houses in that area will start selling. Mr. Baron stated the walkability factor is high in Medina. Mr. Baron stated he feels it is important to maintain this as residential homes and his opinion is those houses fixed up properly would probably bring a good return on investment rather than being 23 parking spots.

Mr. Hilberg asked for clarification regarding the parking spaces. Mr. Hilberg stated we keep referring to 23 spaces but Mr. Vacanti indicated that they were agreeable to bring that into compliance with the current code so doesn't that essentially reduce it to less than half of what the proposal was.

Mr. Mendel stated under the development requirements of the M-U District and the general applicable requirements of the zoning district, this plan has 26 parking spaces, 3 of which are in the required front yard of the M-U zoning district so they are prohibited so that would reduce the number to 23 parking spaces.

Mrs. Russell stated there is no particular parking space requirement. Mr. Mendel stated that is correct, there is no required parking for this site but you need to meet the design standards for parking lots.

Mr. Mendel stated for the landscaping, there is 5 feet between the curb on the east side of the parking lot and property line. Mr. Mendel stated a fence takes up inches of that. Mr. Mendel stated they could move it closer to the curb and it should give them space to put code compliant plantings on the outside of the fence.

Mr. Rose asked Mr. Mendel the timeline for update the strategic plan. Mr. Mendel stated the Comprehensive Plan is off his active to-do list at the moment but if the Administration and City Council wanted to move it up, he can do that.

Mr. Hilberg made a motion to approve a recommendation to City Council to rezone 216, 222 and 226 S. Jefferson from R-3 to M-U based on the proposal is consistent with Future Land Use Map.

The motion was seconded by Mr. Gold.

Vote:

Russell

N

Grice

N

Hilberg

Y

Gold	<u>Y</u>
Rose	<u>N</u>
Denied	3-2

Mr. Gold made a motion to approve the Site Plan as submitted subject to the following:

1. Subject to approval by the City Building Department
2. Subject to approval by the City Engineering Department

Mr. Hilberg seconded the motion.

Vote:	
Russell	<u>N</u>
Grice	<u>N</u>
Hilberg	<u>Y</u>
Gold	<u>Y</u>
Rose	<u>N</u>
Denied	3-2

Exhibit A

SDSS PROPERTIES, LLC
216, 222, 226 S. Jefferson Street
P19-07

Site Plan Approval/Rezoning
City of Medina Planning Commission ("PC")
April 11, 2019

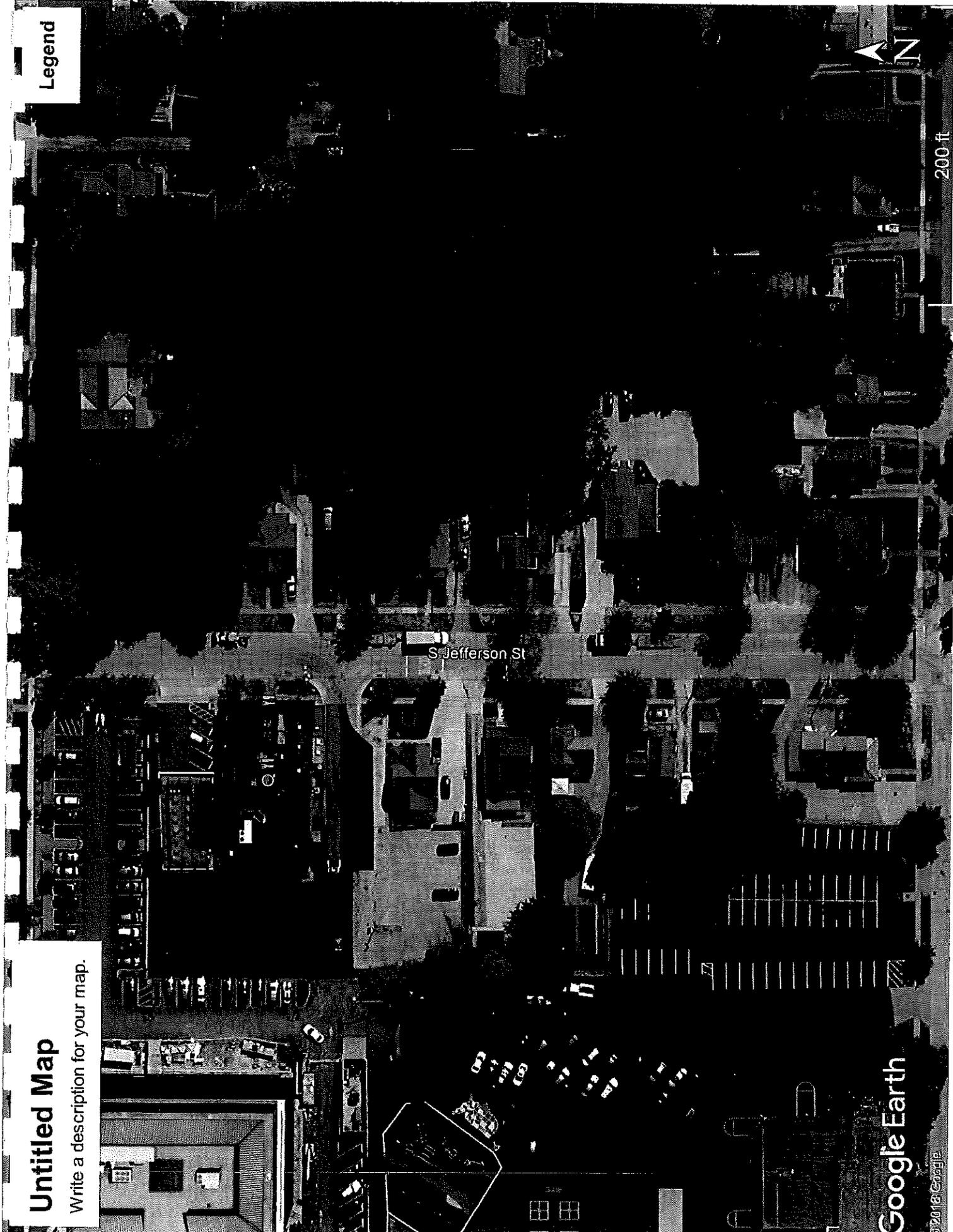
TABLE OF CONTENTS

1.	AERIALS
2.	STREET VIEW
3.	SITE PLAN
4.	LANDSCAPING & LIGHTING PLAN
5.	ZONING MAP
6.	FUTURE LAND USE MAP

Untitled Map

Write a description for your map.

Legend



200 ft

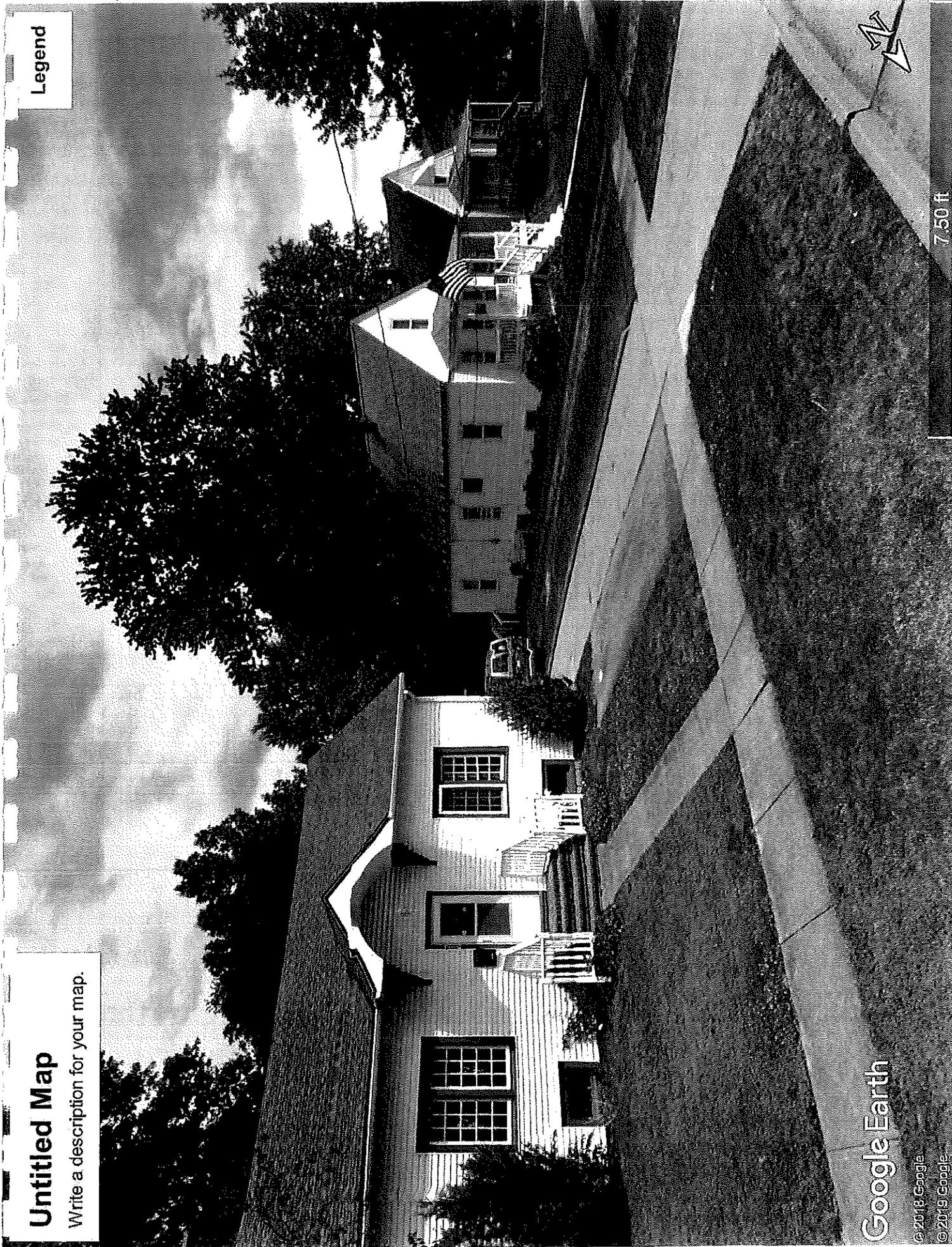
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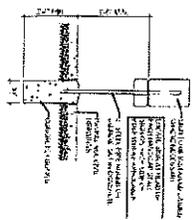


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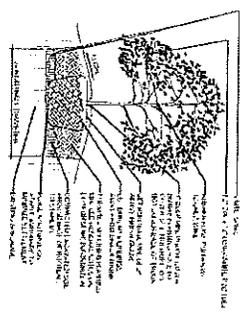
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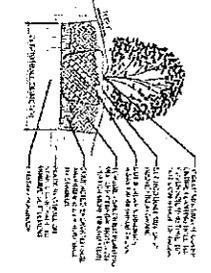
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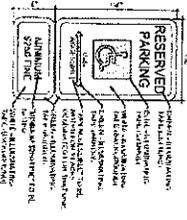
4 ACCESSIBLE SIGN POLE
SCALE: 1/2" = 1'-0"



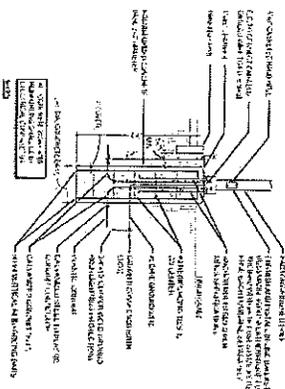
3 DECIDUOUS TREE PLANTING
SCALE: 1/2" = 1'-0"



2 SHRUB PLANTING
SCALE: 1/2" = 1'-0"

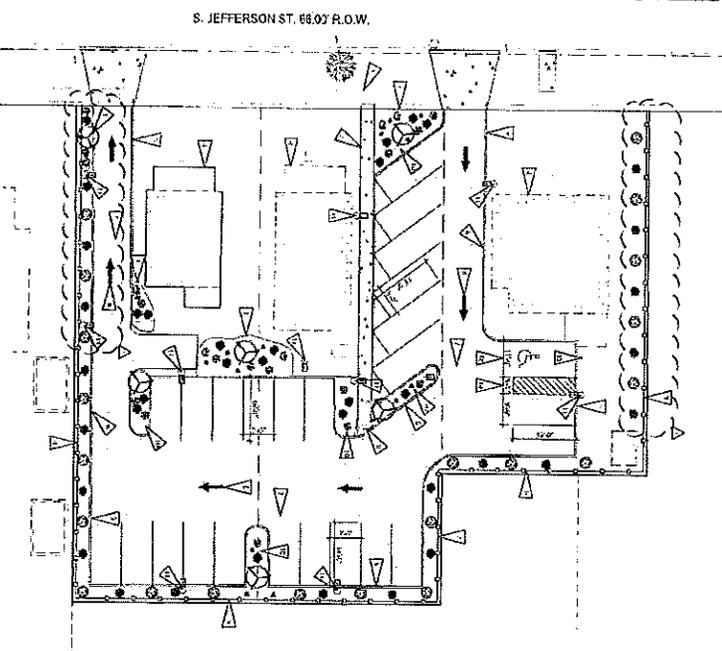


5 ACCESSIBLE PARKING SIGNAGE
SCALE: 1/2" = 1'-0"



6 LIGHT POLE BASE DETAIL
SCALE: 1/2" = 1'-0"

1 LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"



LANDSCAPING LEGEND

SYMBOL	NAME	QTY	COMMENTS
[Symbol]	RESERVED PARKING SIGNAGE	2	
[Symbol]	ACCESSIBLE SIGN POLE	1	
[Symbol]	DECIDUOUS TREE	10	
[Symbol]	SHRUB	20	
[Symbol]	LANDSCAPE LIGHTING	15	
[Symbol]	ACCESSIBLE PARKING	10	

NOTE:
 1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MEDINA LANDSCAPING SPECIFICATIONS.
 2. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MEDINA LANDSCAPING SPECIFICATIONS.
 3. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MEDINA LANDSCAPING SPECIFICATIONS.

GENERAL NOTE
 REFER TO OWN DRAWINGS FOR SPECIFIC PARKING DESIGN LAYOUT, DIMENSIONS AND DETAILS.

GENERAL LANDSCAPE NOTES
 1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MEDINA LANDSCAPING SPECIFICATIONS.
 2. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MEDINA LANDSCAPING SPECIFICATIONS.

- FLAG NOTES - LANDSCAPE PLAN
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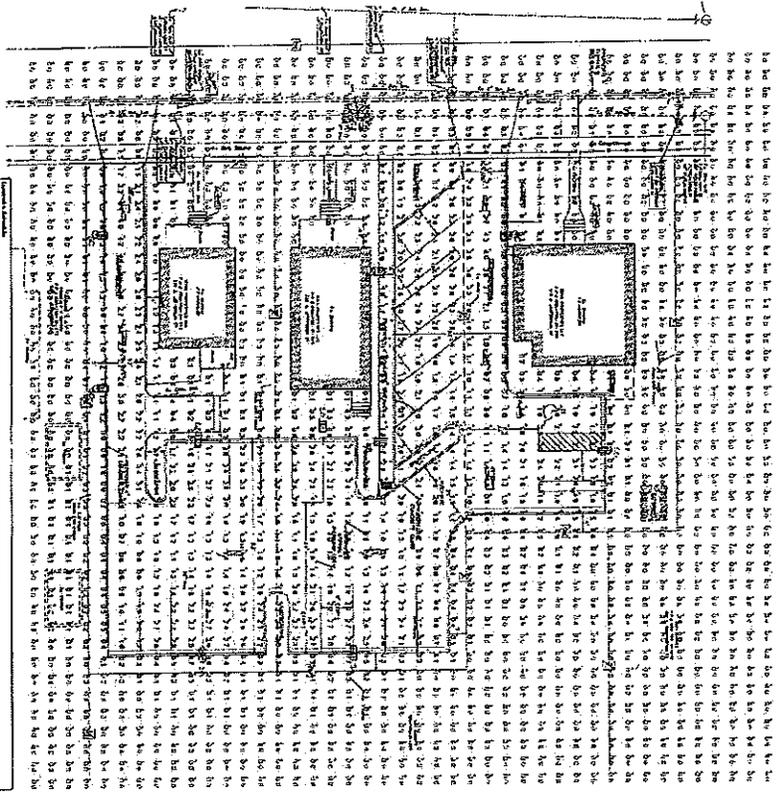
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1 OF 1

LANDSCAPE PLAN
 PROJECT #: 17816 DATE: MARCH 21, 2019
 S. JEFFERSON STREET PARKING
 216, 222 & 226 S. JEFFERSON STREET
 MEDINA, OHIO 44228

MPG ARCHITECTS
 MANN • PARSONS • GRAY
 phone 330.666.6770 fax 330.666.6612
 3860 Embassy Parkway
 Fairlawn, OH 44333
 mpg-architects.com

REVISIONS
 1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MEDINA LANDSCAPING SPECIFICATIONS.





Fixture	Qty	Notes
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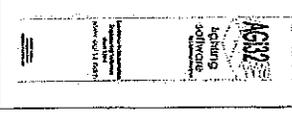
PHOTOMETRIC STUDY
Scale: 1/8" = 1'-0"

03-22-2019

S. Jefferson St. Parking Lot
Site Lighting Photometric Study

Drawn By:
Checked By:
Date: 7/27/2019
Scale:

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Zoning District Map

Effective February 21, 2018 (Ord. 15-18)

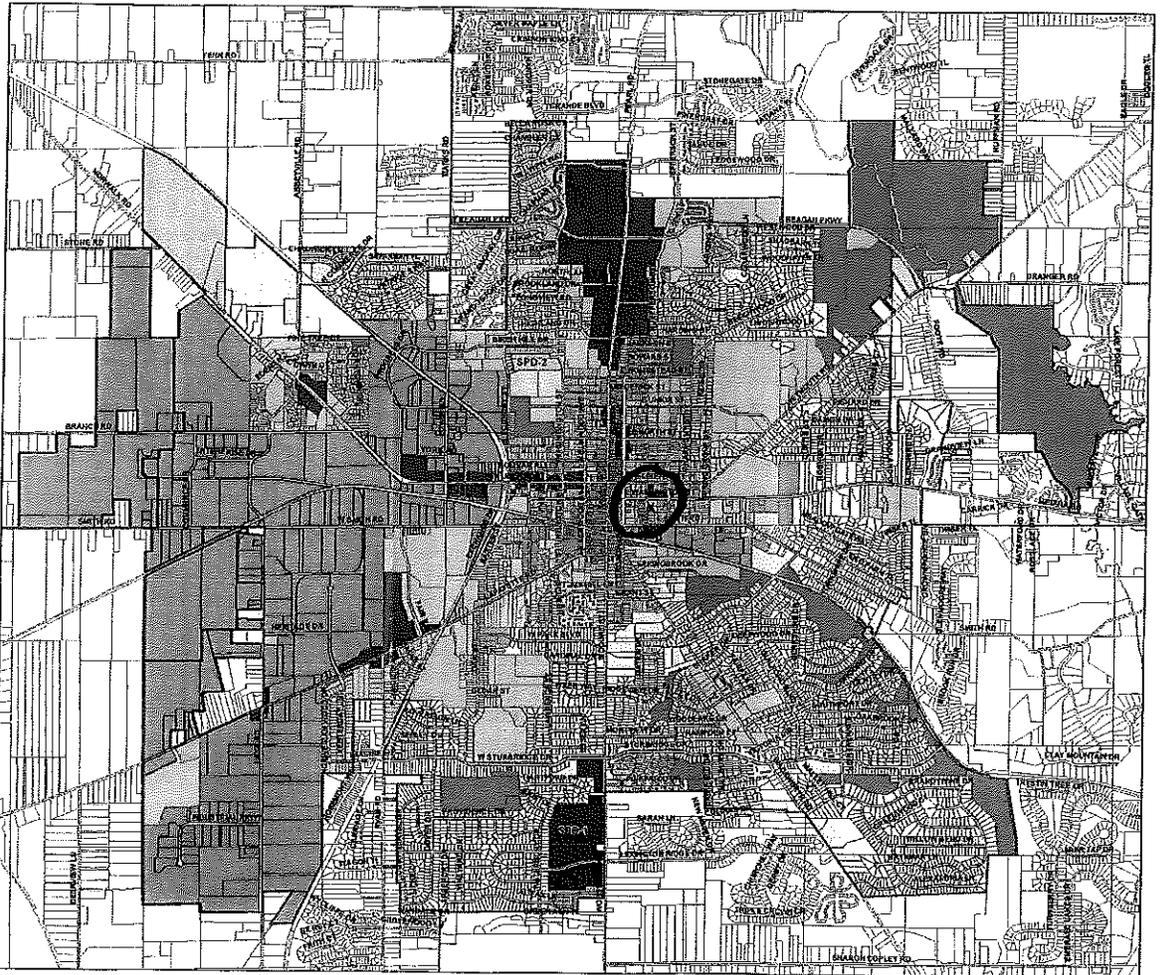
Legend

-  City Boundary
-  O-C Open Space Conservation
-  R-1 Low Density Urban Residential
-  R-2 Medium Density Urban Residential
-  R-3 High Density Urban Residential
-  R-4 Multi-Family Residential
-  M-U Multi-Use
-  P-F Public Facilities
-  C-S Commercial Service
-  C-1 Local Commercial
-  C-2 Central Business
-  C-3 General Commercial
-  I-1 Industrial

Note:
This map is updated frequently and may not represent the most current information. To ensure accurate information contact the City of Medina at 330-764-4652.

The lot lines of this map are representative of the actual lot lines and are not intended to be substituted for an official survey or used to resolve boundary or area issues. Secure a survey, consult County records or the City Clerk of Council records for dimensions and areas of lots and boundaries.

Prepared by City of Medina
Community Development Department
February 22, 2018



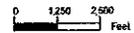
Map 8 Future Land Use

11/13/2006

City of Medina, Ohio

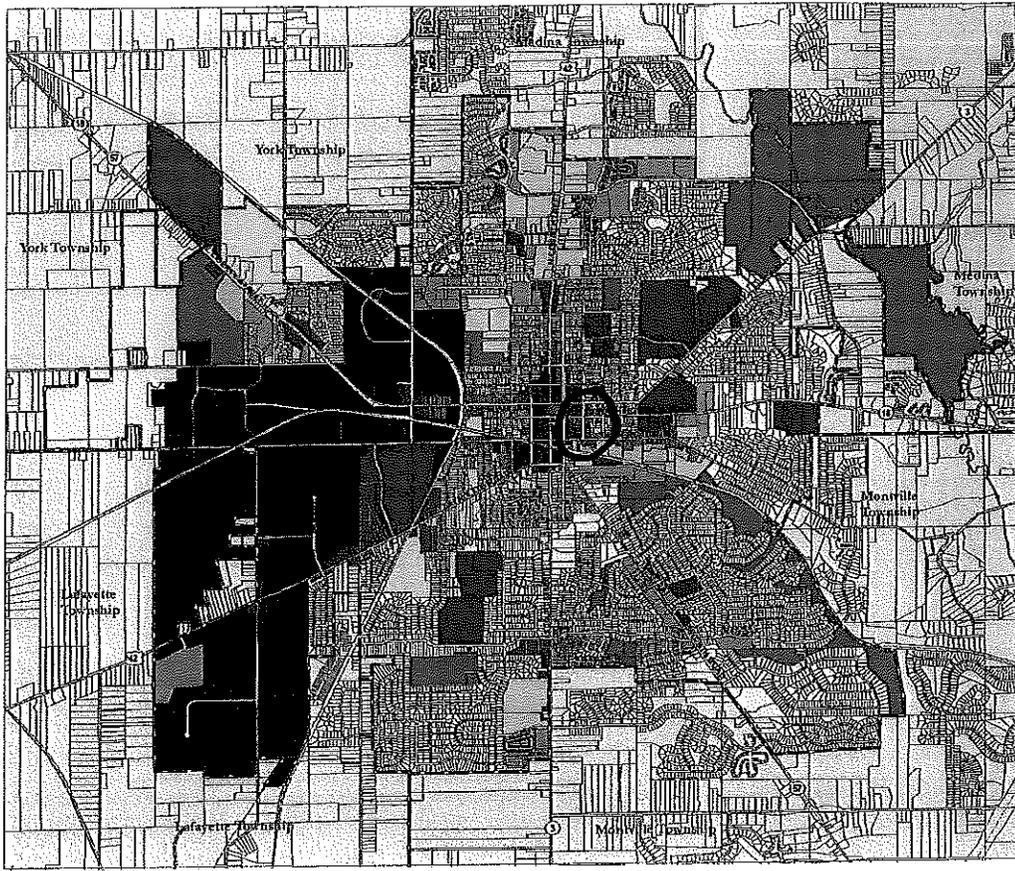
Future Land Use

-  Residential Low Density
-  Residential Medium Density
-  Residential High Density
-  Mixed Use
-  Central Business District
-  Thoroughfare Commercial
-  Planned Commercial
-  Restricted Office
-  Office/Technology
-  Light Industrial
-  General Industrial
-  Public Facilities
-  Conservation/Recreation
-  Municipal Boundary
-  Township Boundary
-  Surrounding Area

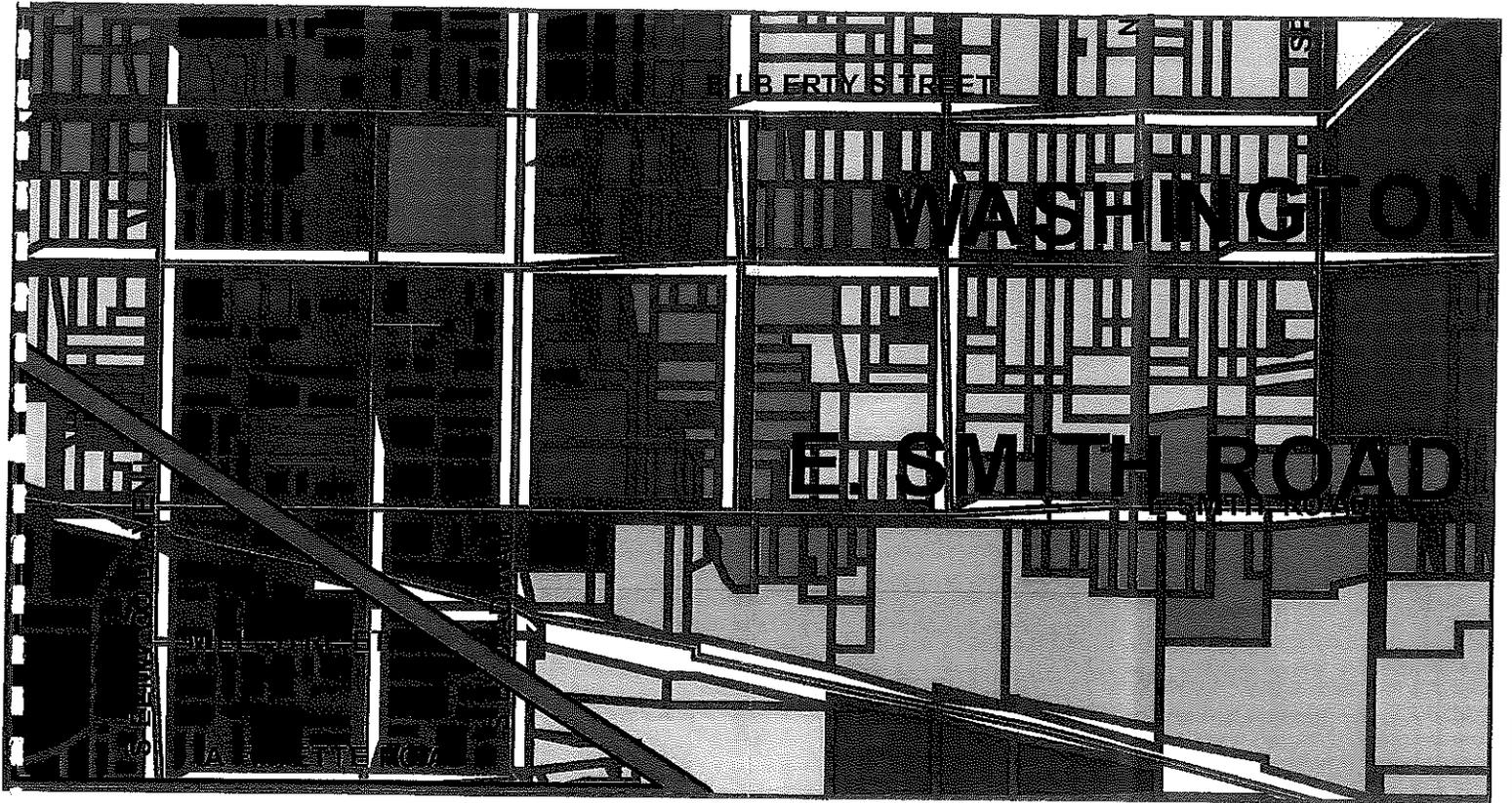


Base Map Source: Medina County GIS, 2005
Data Source: McKenna Associates, Incorporated, 2006

McKenna
ASSOCIATES



Map Date: 11/13/2006 10:56:00 AM; File Path: C:\Users\jmc\Documents\Map_8_Future_Land_Use.mxd



Pamela Miller
450 Woodland Dr.
Medina, OH 44256

Exhibit B

The Planning Commission should deny this request for a zoning change from R-3 to M-U because the applicant's rationale for the change has no merit.

The applicant's underlying reason to request this change is to supply parking for his restaurant and bar across the street from these properties. The applicant is unclear about the actual use of the houses on the property, stating they could be residential or commercial, but he is intent on paving over the backyards into a shared parking area. If these buildings remain residential, it makes no sense to pave over the yards with impervious surfaces. It would destroy the character of the houses on these properties – who would want to live in a house surrounded by parking lots? The Commission should seriously question the applicant's real intent. Furthermore, the environmental impact of introducing more impervious surface is definitely not a minimal impact on neighboring properties.

Medina is rightly proud of its magnificent Historic District, but key to the district's viability is the need for thriving, vibrant, adjacent residential neighborhoods. Only recently has attention been given to these neighborhoods, with residents forming neighborhood groups to preserve these homes, to maintain and increase their value. Medina has no more room for residential growth so it's incumbent on us to keep houses rather than convert or demolish. To allow this zoning request, immediately across the street from the Historic District would be a mistake and would chip away at what is already a fragile neighborhood. I'm a member of the Main Street Medina Design Committee. Although I am not speaking on behalf of the committee, we have discussed this and do have concern about encroachment into the residential core of the City.

The applicant states that if he is permitted to install parking on these properties that he would be sharing it with his business, Dominic's Restaurant and JoJo's Sports Bar, across the street. I believe the City's intent in encouraging shared parking in certain zoning areas was to be interpreted as sharing by an adjacent business, not a business across the street, and not in a way that would encourage people to jaywalk, creating a potential safety hazard.

To allow these properties to have shared parking with Dominic's would be antithetical to the intent of M-U zoning – which was designed to allow businesses to operate during daytime hours, but to be closed in the evening hours when most people are home. To allow a business that's open until midnight, 1:00 AM, 2:30 AM to use parking that's next to a residential area is not conducive to maintaining a sustainable neighborhood. Lighting is another issue that will have a negative impact on the neighborhood.

The applicant claims that he does not have enough parking for his business. He owns more permanent parking than any restaurant in the Historic District and has access to the library and school lots when they're closed, the parking garage, Administration lot, on-street parking on

the Square, all the lots around the square, and an additional 207 spaces when the city's new garage opens. Walking a block or so to a restaurant is the norm in most cities—and certainly should be all right with Medina residents, since we are one of the top five healthiest counties in Ohio.

Even if the 2007 Comprehensive Plan 12-years ago suggested that the zoning in this area be changed in the future, the passage of time may have changed that view and this applicant's request does not represent an improvement for this area – rather it's an intrusion and a detriment to the future of the neighborhood. (The City really should review and update the Comprehensive Plan – it should have been done at least 2 years ago.) The Planning Commission cannot allow this applicant's bogus need for parking to eat away at one of Medina's historic housing areas.

1 CASE NUMBER P19-08

2 - - -

3 THE CHAIRMAN: The next item
4 on our agenda is Case 19-08. This is for the
5 property at 840 South Progress Drive. This is
6 for site plan approval and conditional zoning
7 certificate approval.

8 MR. MENDEL: As you said,
9 this is a request for a conditional zoning
10 certificate and site plan approval for a
11 contractor's equipment storage yard at 840
12 North Court Street -- or, sorry, 840 South
13 Progress Drive. This property is zoned I-1
14 industrial. As you said, this is located in
15 the Progress Drive industrial neighborhood;
16 it's on the far west side of that neighborhood.

17 Just as a little background, the Applicant
18 had, basically, the same request that came
19 before the Planning Commission in 2017, was
20 granted approval in November of 2017, but that
21 approval has expired as of last November, 2018;
22 and that has expired because they did not
23 receive permits and did not begin construction,
24 so they are bringing it back to the Planning
25 Commission for review again.

1 So this is for a new contractor's equipment
2 storage yard and office building for the
3 Applicant's business addition, as well as a
4 building that will have multiple tenant spaces
5 for leases to other tenants.

6 So the Applicant proposes to consolidate
7 their office operations, equipment, and
8 materials storage at this one location. It
9 would be a fourteen thousand square foot
10 office/shop building, which will also have
11 space for multiple tenants and a large paved
12 and gravel storage, parking, and staging yard
13 for machinery and business vehicles.

14 So this is a conditionally permitted use, a
15 contractor's equipment storage yard, as well as
16 it's a vacant site now, so it would require
17 site plan approval under Chapter 1109 of the
18 Planning and Zoning Code.

19 So a conditional zoning certificate
20 requires a conditional zoning review and a
21 public hearing. All notices and letters have
22 been mailed to -- in accordance with the zoning
23 code requirements for a conditional -- for a
24 public hearing.

25 So for this project, you know, conditional

1 use standards, there's no specific use
2 standards for this land use, but there does
3 apply -- you still apply the seven general use
4 criteria in Section 1153.03(b).

5 Comment on that. You know, reviewing
6 the Applicant's attached responses to the
7 conditional use, it is consistent with the
8 above standards and compliant. The Applicant
9 is providing the fifty-foot required setback
10 for the use and the site here along the west
11 perimeter, as it's adjacent to the
12 residentially zoned neighborhood to the west.
13 That is required under the I-1 zoning district
14 for minimum required setback, and then that
15 also requires a landscaping area, which I'll
16 get into further in the screening and buffering
17 requirements.

18 Screening and parking requirements.
19 This land use would be considered warehouse
20 for parking purposes, which is one space
21 per two thousand square feet, so a
22 fourteen-thousand-square-foot building
23 requires seven parking spaces. The site plan
24 does not depict a designated parking area,
25 but given the size of the vehicle circulation,

1 a compliant plan would be able to be
2 accommodated, and they would just need to
3 provide that as part of the plan review
4 under building code -- under building and
5 engineering review.

6 Section 1155 of -- 1145.09(a)3 does permit
7 gravel parking areas behind buildings and --
8 behind the buildings, and this proposed site
9 has gravel circulation areas adjacent to the
10 proposed building. Since this site is
11 approximately four hundred fifty to five
12 hundred feet south -- actually, west of the
13 Progress Drive public right-of-way and the
14 required minimum front yard there, you could
15 have these gravel areas -- circulation areas as
16 proposed; therefore, it complies.

17 Now, the drive going from Progress Drive
18 into the site will be paved, and it will have
19 to be paved over the gas transmission easement
20 as well.

21 Landscaping. As I said, there's a
22 fifty-foot-wide setback requirement under the
23 I-1 zoning district. That area has a lot of
24 existing deciduous trees and shrub coverage in
25 that area. The Applicant is providing -- is

1 maintaining as much of the material that's
2 there already. There are areas that are a
3 little scant right now, and I'll work with them
4 to make sure they fill in those areas. But
5 that would meet the requirement and the ability
6 of the planning director to waive the
7 requirement for screening and buffering under
8 Section 1149.05(c)2&3 of the Zoning Code.

9 But since we've reviewed -- since this
10 project was reviewed over a year ago and to
11 now, in that year-and-a-half, there has been
12 significant -- some material that has died
13 in that natural buffer, so I would be
14 recommending, just to add extra screening
15 and buffering, that a six- to ten-foot-tall
16 opaque wood fence be constructed along the east
17 side of the fifty-foot setback from the west
18 property line just to provide that much more
19 visual buffer - solid visual buffer - into
20 the -- so that would be at fifty feet from the
21 west property line. Then you go into where all
22 the existing vegetation is up to the property
23 line, so it provides that much more, you know,
24 specific buffering to the adjacent properties.
25 And that way, they can help maintain a lot of

1 the material that's in there but address a lot
2 of concerns that have come up during the last
3 round with this project in 2017.

4 Site lighting is compliant with the code as
5 they propose it.

6 In general, you know, with the
7 recommendation for additional screening, the
8 location of it, and the relatively small nature
9 of the building and the developed site, they
10 would be compliant with site plan requirements
11 and continue to be compliant with the general
12 standards for a conditional zoning review.

13 So I would recommend approval of the
14 conditional zoning certificate site plan review
15 for the proposed use, with the condition of
16 approval -- review and approval by the Medina
17 Building Department and Engineering Department;
18 with a compliant parking plan; all existing
19 vegetation in the fifty feet of the rear west
20 of the property line on the subject property be
21 preserved and not removed in any manner; and if
22 there is significant reduction, that they fill
23 in as necessary; and a minimum six-foot-tall
24 wood opaque fence be constructed on the east
25 side of the subject site's west side fifty-foot

1 buffer area, and it should start just south of
2 the detention basin here (indicating) and run
3 south on the property to the furthest southern
4 extent of the developed portion of this plan.

5 Thank you.

6 THE CHAIRMAN: I just have
7 one quick question.

8 MR. MENDEL: Yep.

9 THE CHAIRMAN: This is what
10 we approved a year ago, right, with the
11 exception of your recommendation for the
12 fencing and so forth?

13 MR. MENDEL: Yes.

14 THE CHAIRMAN: There are no
15 other changes or --

16 MR. MENDEL: They have --
17 you know, this is more gravel than it was
18 previously, but the configuration of the
19 retention basin, the building, the drive is the
20 same.

21 THE CHAIRMAN: Right.

22 MR. MENDEL: It's just, I
23 think now, given the nature of -- there's more
24 material that has died in that vegetation --
25 that natural vegetation, a six-foot fence --

1 six- to ten-foot fence would not be
2 inappropriate for -- to provide additional
3 buffer, and a six-foot fence, wood fence, is a
4 relatively inexpensive improvement to the
5 property to -- to increase the buffering.

6 THE CHAIRMAN: Right.

7 MR. GOLD: Mr. Chairman?

8 THE CHAIRMAN: Yes, sir.

9 MR. GOLD: A question.

10 THE CHAIRMAN: Sure.

11 MR. GOLD: Two questions.

12 The conditional use permit expires?

13 MR. MENDEL: Yes.

14 Conditional zoning and site plan approval both
15 expire within one year of approval if you've
16 not received permits and started construction.

17 MR. GOLD: Okay. And
18 then why the wood fence? I mean, last time we
19 discussed a chain-link fence with vinyl strips.

20 MR. MENDEL: I think it's
21 got less of a commercial/industrial feel, it's
22 more readily sourced from, you know, suppliers,
23 and relatively easy to install as well.

24 MS. RUSSELL: I have one
25 quick question.

1 THE CHAIRMAN: Sure.

2 MS. RUSSELL: When we
3 approved it last time, what conditions did we
4 put on it? Or did we?

5 MR. MENDEL: The same
6 conditions except for the required fence.

7 MS. RUSSELL: Okay. I
8 couldn't remember if we added anything on or
9 not.

10 THE CHAIRMAN: Right.

11 MS. RUSSELL: No.

12 THE CHAIRMAN: Is the
13 Applicant with us this evening?

14 MR. LEW KLUCZAROV: Yes, sir.

15 THE CHAIRMAN: If you could,
16 come up and give us your name and address and
17 if you have anything to add to what Jonathan
18 has said.

19 MR. LEW KLUCZAROV: Yes, sir. My
20 name is Lew Kluczarov, 5211 Dakota Road,
21 Richfield.

22 And this is my son.

23 MR. ANDREI KLUCZAROV: Andrei
24 Kluczarov, 5211 Dakota Road, Richfield,
25 Ohio 44386.

1 THE CHAIRMAN: Is there
2 anything you gentlemen would like to add to
3 what Jonathan has said?

4 MR. LEW KLUCZAROV: Well, the one
5 thing to the opaque fence. With our last
6 approval, we had discussed this, I believe, to
7 go with a chain-link fence with the slats. The
8 reason being is the maintenance factor there.
9 With the fence on the line, it would be real
10 difficult to maintain it, and with the steel --
11 you know, with the slats and all, it's far
12 less -- well, again, the look stays the same no
13 matter what. But being with the vegetation and
14 all, mostly it would be in the shade, and that
15 would, as a wood --

16 THE CHAIRMAN: Not to
17 interrupt you.

18 I think, Jonathan - correct me if I'm
19 wrong - recommending the fence on the property
20 line, you're recommending it go to the
21 fifty-foot line.

22 MR. MENDEL: Not on the
23 west property line but on the east side of the
24 fifty-foot buffer, so it would be this line
25 here (indicating).

1 THE CHAIRMAN: So it wouldn't
2 be against the property line, and it
3 wouldn't even --

4 MR. LEW KLUCZAROV: We discussed
5 that last time.

6 MR. GOLD: Jonathan, we
7 discussed it last time. The problem was -- is
8 that he would then have to maintain that buffer
9 zone. And the problem he's running into now
10 is, debris from the homeowners have ended up on
11 his property and now he has the responsibility
12 of cleaning up a mess that he didn't create and
13 that shouldn't have been there in the first
14 place. So that's why we discussed having the
15 fence on the property line.

16 MR. MENDEL: For ease of
17 installation and maintenance, placing it fifty
18 feet from the front, from the west property
19 line, would work functionally, but if the
20 Planning Commission felt that closer to the
21 property line is appropriate, I think that it
22 meets the same intent.

23 And wood versus chain-link with slats,
24 the wood is suggested because, you know,
25 although we may have discussed it then, wood --

1 chain-link with slats in it is explicitly
2 mentioned as something that's not permitted
3 under the screening and buffering requirements
4 of the code.

5 MR. GOLD: But if it's
6 not doing that?

7 MR. MENDEL: If it's not
8 doing that, so you have two options of --
9 because of the fifty-foot buffer and the
10 vegetation that's in there, you can do -- you
11 could theoretically say this fence isn't
12 necessary for complying with Chapter 1149 of
13 the zoning code. I think that's where we ended
14 up with the discussion.

15 So it's not satisfying that need because
16 you're doing it in another manner with
17 horizontal distance and existing vegetation.
18 It's just an extra layer you're putting on
19 that you're not required by code. If they
20 wanted to do chain-link with slats closest to
21 the west property line, I think that kind of
22 meets the intent of what I'm suggesting of a
23 wood opaque fence fifty feet from the west
24 property line.

25 THE CHAIRMAN: Okay.

1 MR. LEW KLUCZAROV: We had
2 purchased already the fence, you know, again,
3 with the approval before, but we've had trouble
4 with approvals in the departments. We've
5 submitted prints and we haven't received
6 answers on some of them.

7 MR. ANDREI KLUCZAROV: And in the
8 meantime, there has been a large portion of the
9 property sold off. We had another meeting
10 about that a few months ago for the trucking
11 terminal down there on the southern portion.
12 So there was stuff going on this whole time,
13 but there were some holdups here and there.
14 And, well, that's all I can say about that.

15 MS. RUSSELL: So you've
16 already bought all the fencing?

17 MR. ANDREI KLUCZAROV: Yeah. I have
18 a mile's worth inside a trailer.

19 THE CHAIRMAN: Since this is
20 a conditional zoning certificate, I'd like to
21 open the public hearing and ask if there's
22 anybody here present with us this evening who
23 would like to speak either for or against the
24 application at this time.

25 MR. KELLEY: I'd like to.

1 you something you can maintain. How about a
2 ten-foot sound barrier? Because this is
3 construction equipment. When does construction
4 happen? The middle of the night, 5:00 a.m..
5 There's lights, there's sounds.

6 I got a text from my wife tonight at
7 7 o'clock saying that they were still back
8 there running machines and the noise was
9 unbearable. She was going to leave the house.
10 And that's just one little tractor out there
11 doing work, but we're going to have machinery
12 being moved around at all hours.

13 Lights flooding into my house, because I'm
14 right there. I can spit into his property.

15 And I can tell you what, he wouldn't have a
16 problem with neighbors' trash on his property
17 if he didn't decimate the landscape back there.

18 I wish I had an eraser for your previous
19 picture of the subject's plot so I could erase
20 all the trees that have been ripped out of that
21 place.

22 They start work at 3 o'clock in the
23 afternoon sometimes and don't stop until 8:00.
24 We already have people coming around our
25 cul-de-sac doing -- doing noise checks for the

1 concrete plant that's crushing concrete, but
2 now we're going to add this to it too? It's
3 ridiculous.

4 There's no need for this. There is empty
5 lots all over Northeast Ohio. He doesn't need
6 to pick the one that's right behind a heavily
7 populated area with kids and families who just
8 want to come home at the end of the day and
9 relax, but we can't now because we have to
10 listen to this garbage.

11 I don't think - I know - that we probably
12 can't stop this. I wish I could, I really do,
13 but I'm not stupid and I'm not ignorant. Money
14 talks and money is going to win. But I suggest
15 a ten-foot sound barrier along that passageway,
16 so that at least the people who are stuck
17 here - and we will be stuck here or we're going
18 to have to take a significant cut on how much
19 we sell our properties for - can have a
20 peaceful evening, because it's not going to
21 happen with a chain-link fence and some plastic
22 slats.

23 And I'll be the first one to pick up the
24 phone and call this gentleman and let him know
25 when all his debris is in my backyard, because

1 it's going to happen.

2 So I'm sorry that the McDonald's cup rolled
3 into your unwooded area, but my house is going
4 to suffer a whole lot more than that, and I'm
5 going to suffer a whole lot more than the price
6 of a half-a-mile worth of chain-link fence.

7 So I appeal to you, please deny this site.
8 This is going to ruin people's lives and
9 improve one.

10 THE CHAIRMAN: Okay. Thank
11 you, sir.

12 Anyone else with us this evening?

13 MR. DiBIASIO: Yeah.

14 Pat DiBiasio, 886 Waterloo Lane.

15 I'm not here to beat nobody up.

16 If you approve, I don't want his fence on
17 my line. Take it fifty-five feet out. But I
18 would like that done first, okay, just for
19 privacy.

20 I mean, what Mr. Kelley was talking about,
21 those guys are -- they're cruising all around.
22 It's an empty field now.

23 And, you know, it's his stuff; he's got to
24 do what he's got to do. Just take it off of my
25 line, take it to the fifty-foot out.

1 And, you know, I'm not sure what the shrubs
2 or trees or whatever. You know, they need to
3 be replaced. I would do that first. Just my
4 opinion.

5 Thank you.

6 THE CHAIRMAN: Thank you.

7 Anyone else with us this evening?

8 MS. DiBIASIO: Chrissy

9 DiBiasio, 886 Waterloo Lane.

10 Could you please point out where the south
11 part of the property line is that's at the end
12 of Waterloo?

13 MR. MENDEL: So here's
14 Waterloo Lane (indicating), the cul-de-sac, so
15 their south property line is here (indicating).

16 MS. DiBIASIO: Okay.

17 MR. MENDEL: But the end of
18 kind of what they're developing on the site is
19 here (indicating).

20 MS. DiBIASIO: And what are
21 those grooves that I see that are there in the
22 middle of that?

23 MR. MENDEL: That's just
24 slope for the contours to help move water, the
25 water basin. It's just to help move it around.

1 MS. DiBIASIO: I would have
2 to say that I agree with, you know, who was up
3 here presently talking about the slats on a
4 chain-link fence. They're to be kept up with.
5 They do break. Are they going to be replaced?
6 If they're not replaced, where are the lights
7 at?

8 I would agree with a ten-foot fence. I
9 don't know how big the equipment is, you know,
10 if there's some type of cranes that -- you
11 know, that's an eyesore to see over a fence,
12 that type of thing.

13 Is it going to be on top of a mound or is
14 it going to be right at ground level, this
15 fence that you have right now?

16 MR. MENDEL: The fence
17 would likely be at ground level the way that
18 this is shown.

19 MS. DiBIASIO: Okay. Like
20 they said, it is pretty clear back there, what
21 I can see. But before you could see like
22 twelve deer pass by now where you couldn't
23 before. There are still some dead trees out
24 there that are leaning over that need to be
25 taken down as well.

1 That's all I have. Thank you.

2 MR. STARCHER: Hello. My
3 name is Bob Starcher, 887 Bunker Hill Run. The
4 property line on the east, our west property
5 line -- or their west, our east, sorry.

6 It seems like this -- along with the
7 previous discussion, there's a lot of talk
8 about buffers, so I think buffering is the
9 big issue here. From what I can see, if
10 it's equipment, it's not going to be -- the
11 fifty-foot buffer, there's not going to be any
12 of your business done in the fifty-foot buffer
13 space, so it would seem logical to go along
14 with Jonathan's idea of putting the buffer at
15 the fifty-foot buffer zone line.

16 And the buffer should consist of something
17 substantial. As we went through the months and
18 years with Osborne Manufacturing that we still
19 get the full effect of it, even though there's
20 a big mound there that's supposed to be a
21 buffer, we still get that there.

22 So I think the buffer being away from the
23 property line fifty feet on the scorched earth
24 area that's been done to the property in the
25 last few months there would be the way to go.

1 A sound barrier of some sort, not necessarily a
2 fence. A mound, possibly.

3 Another question. Used to be -- or
4 initially it was approved paved. Now it's
5 gravel?

6 MR. MENDEL: Yes.

7 MR. STARCHER: Okay. Is
8 there any reason it doesn't have to be paved?

9 MR. MENDEL: The code
10 allows for that in this type of situation where
11 it's effectively behind where a building
12 normally would be built close to a public
13 right-of-way, to kind of keep that -- keep
14 the gravel further away from the public
15 right-of-way. So you have to go through a
16 paved area on the private property so you're
17 not drawing gravel straight out.

18 MR. STARCHER: So you're
19 paving the driveway up to that point?

20 MR. MENDEL: Yes.

21 MR. STARCHER: And we're
22 paving over a gas easement line?

23 MR. MENDEL: Yes. They
24 actually require the pavement so you're putting
25 a hard surface and distributing the weight

1 across that instead of gravel, which could be
2 more problematic. I think the Applicant can
3 address it more specifically.

4 MR. STARCHER: No, that's
5 fine. If it's required, that's fine. You just
6 have to move your sheds off of easement lines,
7 but we're going to pave over this one.

8 So, again, my -- the big concern I think
9 is the fifty foot. The trees that are there
10 are - "scant" is a good word - pretty much
11 nonexistent. They ripped most of them out
12 within their fifty-foot right-of-way, but the
13 ones that are left are dead, nonexistent, no
14 sound barrier, no nothing.

15 So I think some sort of a buffer. I
16 would like a mound, but I don't know if that's
17 been discussed here or required. It's the
18 good, neighborly thing to do. At least a
19 ten-foot fence of some sort, fifty feet away
20 from the property line on the buffer zone would
21 be the preferred method, I think.

22 Thank you.

23 THE CHAIRMAN: Thank you.

24 Anyone else?

25 MS. STARCHER: Yep.

1 Christine Starcher, 887 Bunker Hill.

2 I would also like to add about the -- as
3 you all know, if you live in -- see any trees
4 outside, you know that the ash trees have died
5 off quite majorly, and we have a number of dead
6 ash trees very close to the property line, if
7 not right on the property line, ready to fall
8 on our shed, ready to fall into your yard
9 actually, and they're careening all over the
10 place.

11 Well, I believe the Applicant maybe had
12 somebody take down -- allowed somebody to come
13 in and take down the trees, and then what we're
14 hearing back there now is the stump grinding
15 and it's making our whole house vibrate.
16 Sometimes it goes until 9 o'clock at night. If
17 it's dark, it doesn't matter. They just keep
18 the grinder going.

19 So, you know, right now we don't know
20 exactly what kind of noise is going to be
21 coming from this gentleman's property in the
22 future. It can't be quantified right now. We
23 don't know. What is going to happen if the
24 residents are just left in the dark and this
25 minimal amount of coverage is put between us?

1 And we can't go back and undo what we
2 already did and say, "Okay, yeah, that wood
3 fence is going to be all right." I think it
4 needs to be further on, like what Osborne has,
5 where they have an earthen mound with trees at
6 the top so it blocks the sound, so it's
7 harmonious with the neighborhood, which is a
8 big thing in Medina. Right? I mean, we just
9 heard all those people talking about harmonious
10 this and that.

11 So we're asking you leave our neighborhood
12 in a harmonious fashion so that we can live
13 next to our industrial neighbors. I'm just
14 asking for some consideration.

15 Thank you.

16 THE CHAIRMAN: Anyone else?

17 MR. STARCHER: Is something
18 like that possible? A mound? Just curious.

19 MR. MENDEL: Theoretically,
20 yes, they do -- on their site plan here, they
21 have a note about, you know, there's going to
22 be a significant amount of topsoil and clay
23 that's going to get scraped off this site to
24 construct the improvement they're proposing.

25 And what we've been seeing is, people don't

1 really like to spend the money to truck that
2 somewhere, so if they can deposit it on site,
3 they do intend to kind of, you know, allocate
4 that to potential mounding in that fifty-foot
5 buffer area. And within there, they could add
6 the shrubs onto those as they go along in
7 addition to a fence.

8 So they are recognizing that need, and it
9 actually is beneficial for them and can be
10 beneficial for the neighbors as well.

11 As part of the further development of the
12 improvement plans through the engineering
13 review, you know, we'll work with them to kind
14 of make that really explicit on the plans as
15 well, exactly how that is laid out, as opposed
16 to just a labeled note.

17 THE CHAIRMAN: Does that
18 answer your question, sir?

19 MR. STARCHER: Yes, sir.

20 THE CHAIRMAN: Okay. If
21 there are no other comments, we'll close the
22 public hearing.

23 I guess I have a question, to start off the
24 questions.

25 This fifty-foot buffer, it seems to have

1 been there a year ago and, apparently, isn't
2 there now?

3 MR. MENDEL: It's still
4 significantly there. It's just there is less
5 trees and shrubs than there was --

6 THE CHAIRMAN: Why is that?

7 MR. LEW KLUCZAROV: The fifty-foot
8 hasn't been touched. It's exactly what it was
9 before. Today, you go back there, there's
10 nothing cut. It's all what was there. The
11 only thing is, it no longer is, you know, five
12 hundred feet. It's fifty. That's the
13 difference.

14 MR. MENDEL: Two weeks ago
15 I did walk the site. I walked the entire site,
16 that entire west perimeter, and there is still
17 an amount of material in there. There's one
18 area toward the northeast corner that's a bit
19 of a gap; that can just be filled in easily
20 with a couple shrubs -- planted shrubs.

21 MS. STARCHER: Shrubs are
22 small.

23 MR. LEW KLUCZAROV: That was the
24 neighbor's doing. They cleared it. That's the
25 point.

1 sold with the gas line there, there's no
2 changes.

3 MR. MENDEL: So that was
4 already -- I was out there and, you know, in
5 relation to that approval from last fall,
6 they're still in compliance.

7 So for this evening, this one, they have --
8 in the area of this west perimeter, they have
9 it marked out (indicating), and there hasn't
10 been any - other than natural die-off - removal
11 of existing vegetation in that fifty-foot
12 buffer between the west property line and east
13 into their property.

14 MS. STARCHER: I have a
15 question, please.

16 THE CHAIRMAN: Other
17 questions?

18 MS. STARCHER: The property
19 that was sold there, who owns that? What is
20 being developed there?

21 MR. MENDEL: The Applicant
22 actually sold it and may still be -- or I don't
23 know if they actually sold it yet, but they're
24 developing it for a future property -- a future
25 owner. It's basically a -- it's a logistics

1 firm that -- I can't remember the exact term.
2 You take large trucks and you break them down
3 into smaller -- consolidation, trucking
4 consolidation. So they take larger shipments
5 from larger trucks. It's just breaking it into
6 smaller trucks for further, kind of,
7 subregional distribution.

8 MS. STARCHER: Is there a
9 road that comes off onto 18 from there, or
10 where do they enter in from? What is that?

11 MR. MENDEL: It will come
12 in from a hundred-foot-wide drive, off of
13 Progress Drive.

14 MR. LEW KLUCZAROV: It's a
15 hundred-foot right-of-way.

16 MR. MENDEL: Yes, a
17 hundred-foot-wide lot.

18 THE CHAIRMAN: Other
19 questions by Members of the Commission?

20 MR. ROSE: Mr. Chairman?

21 THE CHAIRMAN: Yes, sir.

22 MR. ROSE: A question of
23 the Applicant.

24 What are your hours of operation going to
25 be?

1 MR. LEW KLUCZAROV: If we're
2 there, because we don't -- again, we're not --
3 it's not an everyday thing. We don't have --

4 MR. ROSE: When you come
5 to drop your equipment off after you've
6 finished a job and you need to store it, what
7 time of day are you going to be doing that
8 normally?

9 MR. ANDREI KLUCZAROV: Quickly, is
10 that once the building is built or during the
11 construction and clearing?

12 MR. ROSE: Once the
13 building is built. Because the construction is
14 going to have a defined beginning, a defined
15 end, and you're not going to do it anymore, but
16 you're going to be moving equipment in and out.

17 MR. ANDREI KLUCZAROV: Yes.

18 MR. ROSE: When,
19 typically, would you do that? What times of
20 the day are you going to do that?

21 MR. LEW KLUCZAROV: Usually, late
22 afternoon we come in. If we leave, it's not
23 exceptionally early, but, you know, 9 o'clock
24 or so we leave.

25 MR. ROSE: Okay. And in

1 the morning, are you going to be there at
2 7:00 a.m. and not before?

3 MR. LEW KLUCZAROV: It doesn't
4 happen too often. I'm sixty-three years old.

5 MR. ANDREI KLUCZAROV: And someone
6 who lives out in Richfield, we're over a
7 half-hour away.

8 MS. STARCHER: You have
9 tenants though, so if you have tenants --

10 THE CHAIRMAN: Ma'am, our
11 public hearing is over now, so this is up to
12 the Commission. The Commission has some
13 question now.

14 MR. ROSE: I guess what
15 I'm trying to establish is, you're not going to
16 come in and pick up or drop off equipment
17 between, say, 9:00 p.m. and 7:00 a.m.?

18 MR. LEW KLUCZAROV: No.

19 MR. ROSE: Okay. So
20 normal waking hours, you'll be there?

21 MR. LEW KLUCZAROV: We work
22 daylight, at best.

23 MR. ROSE: Okay.

24 MR. LEW KLUCZAROV: And the thing
25 is -- again, the comment was said that we

1 worked 9 o'clock right now. You can't. It's
2 dark. You know, you don't run heavy equipment
3 in the dark.

4 MR. ROSE: So you're
5 doing the stump grinding?

6 MR. LEW KLUCZAROV: Yes.

7 MR. ROSE: All right.
8 What about the -- putting up a taller wall with
9 a sound barrier of some sort to help the
10 neighborhood out, to decrease the impact of any
11 of the noise that may be there?

12 MR. LEW KLUCZAROV: There really
13 shouldn't be because, again, the back of the
14 building faces them. You know?

15 MR. ROSE: So the
16 building is going to act as a noise buffer?

17 MR. LEW KLUCZAROV: Yes.

18 MR. ROSE: Okay.

19 MR. ANDREI KLUCZAROV: The majority
20 of your equipment is going to be inside. There
21 will be some stuff outside, but the majority
22 is going to be inside. That's a main problem
23 that we have, that the elements just destroy
24 everything, hydraulic hoses. You've got to
25 paint everything all the time because it's the

1 constantly peeling and rusting.

2 MR. LEW KLUCZAROV: We're
3 scattered everywhere and you can't get
4 anywhere.

5 THE CHAIRMAN: I think last
6 time, weren't some of these spaces for rent as
7 well?

8 MR. LEW KLUCZAROV: That's
9 correct.

10 MR. ANDREI KLUCZAROV: Currently
11 they're unrented. They're empty.

12 THE CHAIRMAN: I understand
13 that.

14 But based on that concept, what sort of
15 hours are they keeping? I mean, I know that's
16 not for you really to say, but you can tell the
17 Commission you'll be there from 9:00 a.m. to
18 5:00 p.m. or whatever, but what about the other
19 tenants? You don't know?

20 MR. LEW KLUCZAROV: At this point,
21 there's no answer.

22 MR. ANDREI KLUCZAROV: We can add
23 something into their tenant agreement on the
24 lease that whatever hours that we keep, we can
25 have them adhere to those hours also so it

1 wouldn't go outside of that time frame that we
2 already operate out of.

3 THE CHAIRMAN: Other
4 questions? Comments?

5 MS. RUSSELL: I would say my
6 comment would be to have the fence on the
7 eastern side of that fifty-foot; that way, it
8 gives the neighbors both the fifty-foot plus
9 the fence. If you put the fence right on the
10 line, then they won't get the benefit of the
11 fifty feet, really.

12 MR. LEW KLUCZAROV: I have a
13 comment on that.

14 Who is going to pay the tax?

15 MS. RUSSELL: The tax?

16 MR. LEW KLUCZAROV: The tax on the
17 land.

18 MS. RUSSELL: You own the
19 land, you're going to have to take care of it,
20 you're going to have to pay the taxes on it.

21 MR. LEW KLUCZAROV: That's the
22 problem. They get the benefit of the use of
23 free land tax-free.

24 MS. RUSSELL: They can't
25 trespass on your land.

1 MR. LEW KLUCZAROV: They will.
2 They are now. They already are.

3 MS. RUSSELL: If you want to
4 build your buildings as you've constructed
5 them, we need to make sure there's a sufficient
6 barrier --

7 MR. LEW KLUCZAROV: We --

8 MS. RUSSELL: Don't
9 interrupt me, sir.

10 There needs to be a sufficient barrier
11 between what you construct and the
12 neighborhood, and that is why I'm saying I
13 think we ought to have the fifty feet of the
14 natural landscaped area, plus additional
15 shrubberies or trees as may be necessary to
16 fill in some gaps where it's scant, and then
17 the fencing along the eastern side of that
18 fifty feet. And you'll have to maintain it;
19 that's true.

20 MR. LEW KLUCZAROV: We talked
21 about this last time.

22 MS. RUSSELL: And I
23 disagreed with you last time, I'm sure.

24 MR. LEW KLUCZAROV: And it wasn't
25 fair. Because, again, the land was for sale.

1 They could have bought it. They didn't.

2 MR. GOLD: Monica, the
3 problem is --

4 MR. LEW KLUCZAROV: This --

5 MR. GOLD: The problem
6 is, what are we, as a Commission, having to
7 rule on? We have to go by what the planning
8 code is. The planning code does not make it a
9 fifty-foot uninhabited buffer with a fence in a
10 certain location. We can't do that. We are
11 going to lose if he takes it to Medina Court.

12 MS. RUSSELL: I disagree.

13 I'm going to go with Jonathan's
14 recommendation that we keep the fence on the
15 eastern side of that boundary.

16 THE CHAIRMAN: Okay. Other
17 comments?

18 (No response.)

19 THE CHAIRMAN: Does anyone
20 want to put forth a motion?

21 MR. GOLD: Mr. Chairman --
22 and you can vote no.

23 Mr. Chairman, I'd like to put forth a
24 motion to accept the conditional zoning
25 certificate for the equipment storage and for

1 the proposed site plan; and including that the
2 lighting plan be given to the City of Medina
3 Planning -- per the Medina Planning and Zoning
4 Code, would be compliant, given to the Building
5 Department; that the fence would be of six-foot
6 minimum in height with a barrier, which would
7 include a chain-link fence and vinyl slats;
8 that all existing vegetation between that
9 fifty-foot buffer of the property line and the
10 building be maintained; and, at the
11 recommendation of the Planning Director, to
12 fill in significant areas that have lost
13 vegetation.

14 THE CHAIRMAN: We have a
15 motion. Is there a second?

16 MR. ROSE: Before -- I do
17 have one more question with regard to the width
18 of the apron.

19 What is the requirement here?

20 MR. MENDEL: Industrial --

21 MR. LEW KLUCZAROV: Sixty feet, I
22 believe.

23 MR. MENDEL: Sixty feet at
24 the -- sixty feet at the right-of-way line, and
25 I think up to a hundred and twenty at the curb

1 line.

2 MR. ROSE: All right. So
3 plenty of room to get that.

4 MR. MENDEL: A hundred and
5 twenty is for turning radiuses on vehicles.

6 MR. ROSE: The comment
7 here was rather vague. That's why I wanted
8 that.

9 I'll second Bruce's motion.

10 THE CHAIRMAN: We have a
11 motion and a second.

12 Is there any other discussion by Members of
13 the Commission?

14 (No response.)

15 THE CHAIRMAN: If not, roll
16 call.

17 MS. DAVIS: Hilberg.

18 MR. HILBERG: Yes.

19 MS. DAVIS: Gold.

20 MR. GOLD: Yes.

21 MS. DAVIS: Grice.

22 THE CHAIRMAN: No.

23 MS. DAVIS: Russell.

24 MS. RUSSELL: No.

25 MS. DAVIS: Rose.

1 MR. ROSE: Yes.

2 MS. DAVIS: Motion

3 approved; three yeas, two nays.

4 THE CHAIRMAN: Gentlemen,

5 thank you for being with us again this

6 evening.

7 MR. ANDREI KLUCZAROV: Thank you

8 again for your time.

9 (Case Number P19-08 concluded.)

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1 CASE NUMBER P19-09

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3 THE CHAIRMAN: Our next item
4 on the agenda, and last item on the agenda, is
5 Case 19-09. This is for the property at 725
6 North Court Street. This is also for a
7 conditional zoning certificate.

8 MR. MENDEL: Yes.

9 THE CHAIRMAN: Jonathan.

10 MR. MENDEL: Yes. All
11 right.

12 This is for -- submitted by Jennifer Thur
13 for a conditional zoning certificate for a
14 child daycare center and nursery at 725 North
15 Court Street. The property is zoned C-1 local
16 commercial. It's on the west side of the 700
17 block of North Court Street in a developed area
18 of the -- of North Court Street that has a mix
19 of C-1 zoning and, also, is adjacent to
20 residential areas zoned R-3 and R-4 to the
21 west. The Applicant proposes occupying the
22 existing converted house that's now a salon for
23 a daycare center.

24 There's nine parking spaces on the site
25 already, split between the front and rear of

1 the property.

2 The Applicant proposes a maximum of twelve
3 children on-site with two staff members.

4 As you may or may not remember, they --
5 they also have Bumblebee Village, which is one
6 house to the south on the same side of North
7 Court Street.

8 So this property is zoned C-1, and the
9 daycare center is a conditionally permitted use
10 and requires a conditional -- a public hearing
11 in front of the Planning Commission.

12 So there are seven criteria, plus several
13 specific use criteria for -- under conditional
14 zoning.

15 As I said, as a conditional zoning, all the
16 necessary letters and notices were sent out and
17 published in a newspaper.

18 Looking at this proposal and what is
19 proposed, it is compliant with the conditional
20 zoning use standards and specific use
21 standards. There are no site improvements to
22 the site because the intent is to occupy it as
23 it sits.

24 It meets the parking requirement. They're
25 required two parking spaces, and there are

1 seven parking spaces -- nine parking spaces on
2 site, which is a seven-space surplus.

3 One issue for this is just pickup and
4 dropoff, just to make sure that there's no
5 queuing of vehicles that's going out into
6 Court Street as part of the pickup and dropoff
7 periods for the daycare center.

8 So pretty straightforward. I would
9 recommend approval of the daycare -- a
10 conditional zoning certificate for a daycare at
11 this site subject to permits and occupations by
12 the Building Department, and no pickup or
13 dropoff activities shall occur on the North
14 Court Street public right-of-way.

15 Thank you.

16 THE CHAIRMAN: Okay.

17 MS. RUSSELL: Can I ask a
18 quick question?

19 THE CHAIRMAN: Sure.

20 MS. RUSSELL: Jonathan, I'm
21 sorry, you've been really patient. Can you
22 explain what you mean pickup and dropoff? It's
23 only on North Court?

24 MR. MENDEL: Yeah, it's
25 this one, just North Court Street here.

1 But you never know with these types of
2 things, people -- parents come in and they park
3 here, and then some parents go, "I'm just going
4 to kind of be on the driveway and just --"

5 MS. RUSSELL: They need to
6 come all the way in and park?

7 MR. MENDEL: They need to
8 come onto the site. You can't have any queuing
9 out into the public right of way either in the
10 apron out onto --

11 THE CHAIRMAN: Or stopping in
12 front of the building.

13 MR. MENDEL: Or stopping --

14 MS. RUSSELL: Kind of like
15 Heritage, where they're all --

16 THE CHAIRMAN: Kind of like
17 that.

18 MR. MENDEL: Or the street
19 in front of Canavan.

20 MR. GOLD: Right.

21 MR. MENDEL: Or queuing out
22 onto Reagan Parkway.

23 MS. RUSSELL: I got it.

24 MR. MENDEL: So no queuing
25 out into the public right-of-way of North Court

1 Street.

2 MS. RUSSELL: Okay.

3 THE CHAIRMAN: Come on up.

4 Give us your name and address, and tell us if
5 you have anything to add.

6 MS. THUR: My name is
7 Jennifer Thur. My address is 5110 Silver Maple
8 Lane, Medina, Ohio.

9 And I don't have anything to add. Jonathan
10 summed it up. I have a daycare center right
11 there, looking to expand a little bit.

12 Any questions?

13 MS. RUSSELL: Thank you for
14 your brevity.

15 MS. THUR: Of course.

16 THE CHAIRMAN: With that in
17 mind, I will open the public hearing since this
18 is a conditional zoning certificate, and ask if
19 there's anybody here that would like to comment
20 about that.

21 Jim?

22 MR. KREJCI: If I can do it
23 from the seat?

24 MR. MENDEL: Sure.

25 Last name and address.

1 MR. KREJCI: Jim Krejci. I
2 live at 132 Alber Drive, Medina.

3 We own Medina Tax Services, which is 717,
4 in between her existing place and the place
5 she's looking at. Okay?

6 But we really have no objection to it.

7 Your note about queuing on the street,
8 they've done a good job about it, really
9 haven't had a problem.

10 Other than that, that's about it.

11 MS. THUR: We operate our
12 current center with over thirty kids and it's
13 been fine. So this little guy --

14 MR. KREJCI: They manage to
15 get in and out. You really don't notice it.
16 Once in a great, great while somebody pulls
17 into our parking lot, but more of us come to an
18 agreement on this. And they know how we feel,
19 and it really hasn't been a problem.

20 MR. ROSE: Those TASERS
21 work.

22 MR. KREJCI: Yeah.

23 THE CHAIRMAN: Well, at that
24 point, and having no one else present, I'll
25 close the public hearing and ask the Commission

1 if they have any questions, comments, or
2 motions.

3 MR. GOLD: Mr. Chairman,
4 I'd like to put forth a motion to approve the
5 Applicant's permit subject to building and
6 occupancy permits from the Medina Building
7 Department; and no allowable queuing on the
8 public right-of-way shall be allowed.

9 MS. RUSSELL: I second.

10 THE CHAIRMAN: We have a
11 motion and a second.

12 Any other discussion?

13 (No response.)

14 THE CHAIRMAN: Roll call.

15 MS. DAVIS: Grice.

16 THE CHAIRMAN: Yes.

17 MS. DAVIS: Russell.

18 MS. RUSSELL: Yes.

19 MS. DAVIS: Hilberg.

20 MR. HILBERG: Yes.

21 MS. DAVIS: Rose.

22 MR. ROSE: Yes.

23 MS. DAVIS: Gold.

24 MR. GOLD: Yes.

25 MS. DAVIS: Motion

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approved; five yeas.

THE CHAIRMAN: If there is
nothing else to come before the Commission, we
are adjourned.

(Case Number P19-09 concluded.)

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STATE OF OHIO)
) ss:
COUNTY OF MEDINA.)

CERTIFICATE

I, Timothy R. Peters, Assistant Official Reporter and Notary Public within and for the State of Ohio, duly commissioned and qualified, hereby certify that before the giving of their testimony, all witnesses were first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid and that the testimony was taken by me by means of stenotype in the presence of said witnesses.

I further certify that said hearing was held at the time and place specified in the above caption and was concluded on the 11th day of April, 2019.

Further, I certify that I am not a relative, counsel, or attorney at law for any party to these cases, nor am I interested in the event of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Medina, Ohio this 6th day of May, 2019.

tip

Timothy R. Peters,
Assistant Official Court Reporter
and Notary Public within and for
the State of Ohio.
My commission expires 01/25/20.

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Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Rick Grice, Chairman

