



# CITY of MEDINA Planning Commission

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## Planning Commission Meeting

Meeting Date: December 11, 2014

Meeting Time: 6:00 pm

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

Absent: Paul Becks, Bruce Gold

Announcements: Rick Grice swore in Monica Russell as an alternate.

Old Business: None

Minutes: Jerry Lash made a motion to approve the November 13, 2014 minutes as submitted. Mr. Rose seconded the motion.

Vote:

Russell	<u>abstain</u>
Rose	<u>Y</u>
Grice	<u>Y</u>
Lash	<u>Y</u>
Approved	3 yeahs-1 abstention

New Business:

1. P14-29 111 W. Reagan Pkwy. Dr. Luan O'Connor CSP  
Justin Benko gave a brief overview of the case. Mr. Benko stated this is an application for Conditional Sign approval for an electronic message center sign at 111 W. Reagan Pkwy., Dr. Luan O'Connor.

Mr. Benko stated the site is located on the north side of W. Reagan Pkwy. N. Huntington Street is located to the west and N. Court Street is located to the east. Mr. Benko stated the property is adjacent to commercial zoning on all sides.

Mr. Benko stated the applicant is proposing the installation of a full color LED electronic message center sign into an existing structure. Mr. Benko stated at the December 11, 2014 Board of Zoning Appeals meeting, the applicant was seeking a variance from section 1147.07(J)(2) of the Planning and Zoning Code to allow a full color LED sign when single color LED signs are required by code. Mr. Benko stated the Board of Zoning Appeals denied the full color LED sign at the December 11<sup>th</sup> meeting.

Mr. Benko stated the proposed LED sign will be installed into the existing structure. Mr. Benko stated the proposed sign complies with the size and height regulations outlined in section 1147.14(B).

Mr. Benko stated the EMC sign is consistent with the commercial nature of the area.

Mr. Benko stated staff recommends that the Planning Commission approve the conditionally permitted sign as outlined in the staff report.

Present for the case was Buddy Swisshelm, Swiss Eagle Marketing. Mr. Swisshelm stated Dr. O'Connor is proposing a 4 x 8 digital sign with one color to be mounted at the location of her existing sign. Mr. Swisshelm passed out a photo of the location of the existing sign. Mr. Benko stated the applicant can choose the one color at a later date. Mr. Rose asked if the background will be black. Mr. Swisshelm stated yes. Mr. Rose asked if the sign will contain only text. Mr. Swisshelm stated they would like to return to the board in the future for full color and pictures.

Mr. Rose made a motion to approve a Conditional Sign permit for a digital LED sign at 111 W. Reagan Pkwy. with one color text to be chosen by the applicant with a black background.

Mr. Lash seconded the motion.

Vote:

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

2. P14-30      City of Medina      Text Amendment      COM

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a request from the City of Medina for a text amendment to Sections 1103.99 & 1107.05 of the Planning and Zoning Code.

Mr. Mendel stated through the Special Legislation Committee there was a discussion regarding signage and penalty requirements for violations of the sign code. Mr. Mendel stated there were no actions taken from the discussions at the time. Mr. Mendel stated the city Law Director expressed an inconsistency with the chain of reference in the code.

Mr. Mendel stated Section 1103.99 is the basic penalty section for the entire zoning code but there is not a chain from section 1147.11 (sign code) to 1107.05 and 1103.99. Mr. Mendel stated this text amendment will link 1107.05 the penalties of 1103.99. Mr. Mendel stated repeat offenders penalties have been added to 1103.99 which state if you have been found guilty of one violation, the penalty will increase.

Mr. Mendel recommends the Planning Commission approve the amendments as outlined in the staff report.

Mr. Rose stated he thinks this is a good idea.

Mrs. Russell asked if there have been many instances of repeat violations in the past to warrant the increased penalties. Mr. Mendel stated he is not aware of specific instances. Mr. Mendel stated many communities have escalation clauses for violations. Mr. Mendel stated he has no data or specific cases to support the need for it.

Mr. Lash made a motion to approve text amendments to Sections 1103.99 & 1107.05 of the Planning and Zoning Code as submitted.

The motion was seconded by Mr. Rose.

Vote:  
Grice                    Y  
Rose                     Y  
Russell                 Y  
Lash                     Y  
Approved               4-0

3. P14-31    634 N. Huntington    Clover Construction Management                    COM  
Mendel gave a brief overview of the case. Mr. Mendel stated this is a request for a rezoning at the 600 block of N. Huntington Street to form a Special Planning District and also to review the Conceptual Development Plan and Guidelines.

Mr. Mendel stated the property is located in the 600 block of North Huntington Street. Mr. Mendel stated the site is the northern 10.6 acres of the former Pythian Sisters property. Mr. Mendel stated the site is currently zoned R-3, High Density urban Residential and R-2, Medium Density Residential. Mr. Mendel stated the site is surrounded by a mix of zoning district and land uses including:

- R-4, Multi-family (large apartment complex) and I-1, Industrial (vacant land) to the west across Miner Drive
- R-2, Residential to the north and east (existing single family houses) and south (former Pythian Sisters Home building and existing nursing home)

Mr. Mendel stated the applicant is proposing a Special Planning District (SPD) for the subject 10.5 acres. Mr. Mendel stated the proposed land use is a 131 unit, three story senior only apartment building. Mr. Mendel stated the development has:

- 131 units – 21 one-bedroom, 1100 two-bedroom
- Full vehicular and pedestrian entry/exit from N. Huntington Dr. and N. Miner
- Full vehicular and emergency vehicle access around the buildings site
- 153 parking spaces – 129 surface spaces and 24 garage spaces

Setbacks:

- Front setbacks – 315 feet to Huntington Dr. and 235 feet to Miner Drive
- Side setbacks – 101 feet from the north property line and 86 feet from the south property line
- Rear yard – 115 feet from the west rear property line and 165 feet from the east property line

- Two detached 2,300 sq. ft. 12 car garages – one on westside and one on the Eastside of the site

- Building exterior detailing – vinyl siding and stone accents

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

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

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

Mr. Mendel stated the proposed SPD meets the standard established by 1114.04(D).

Mr. Mendel stated there are five areas within Section 1114.05 for Conceptual Development Plan and Guidelines. Mr. Mendel stated them as the following:

Circulation Plan – The conceptual site plan provides ample site circulation and entry/exit for pedestrians, vehicles and emergency access. Mr. Mendel stated the proposed parking addresses the practical parking needs for the proposed use and targeted tenants (seniors only) as outlined in the applicant’s project description.

Land Use – Mr. Mendel stated the plan provides sufficient detail for the proposed use of the land and surrounding existing built environment

Density – Mr. Mendel stated the proposed 131 units equals 12.5 units per acre for the 10.5 acre site

Transitions – Mr. Mendel stated a conceptual site plan is provided showing how the applicant will treat the transition from this proposed development to the existing built environment, especially to the detached single family properties immediately adjacent to the west, north and east

Development Guidelines – Mr. Mendel stated the conceptual development Guidelines are included with the plans dated November 24, 2014.

Mr. Mendel stated this would be SPD2 as there is an SPD1 at the south end of Court Street. Mr. Mendel stated it would replace the R-3 zoning district and the specific development plan and guidelines and requirements for this specific site.

Mr. Mendel stated once the SPD and conceptual development plan and guidelines are approved and established on the zoning map, the developer will return to the Planning Commission for review of preliminary and final site plan approvals through a public meeting.

Mr. Mendel stated the city departments have been given the plan for comment.

Mr. Mendel stated the proposed SPD and the use provides a suitable development of the subject 10.5 acres. Mr. Mendel stated as a senior targeted market rate apartment development, it efficiently takes advantage of the existing public infrastructure and will serve a needed segment of the housing market in the City.

Mr. Mendel stated typically, the minimum required parking for a multi-family development would be 288 parking spaces (2 spaces per dwelling unit and 1 space for visitor parking for every 5 dwelling units). Mr. Mendel stated the proposed Conceptual Plan provides 153 parking spaces which is 88 percent less. Mr. Mendel stated the applicant has provided data from parking studies performed at some of their existing and similar properties. Mr. Mendel stated this data (provided in the project description in the packet) indicates that 153 parking spaces should be sufficient given the applicant’s evidence that tenants at their other properties own fewer vehicles than non-senior populations. Mr. Mendel stated therefore, the ratio of 1.17 parking spaces to units (153 spaces divided by 131 dwelling units) should be appropriate and sufficient for this

specific project. Mr. Mendel stated it significantly reduces the amount of impervious surface that would be required for an R-4 zoned development.

Mr. Mendel stated the proposed conceptual development plan and guidelines should deal effectively with scale and transition within the immediate area since this is an established neighborhood. Mr. Mendel stated the majority of the proposed 3-story building's bulk is located to the south, which minimizes the perceived or real impact on the adjacent properties immediately adjacent.

Mr. Mendel stated based on the review of applicable sections of the City of Medina Codified Ordinances and the findings detailed above, staff recommends the Planning Commission approve the proposed Special Planning District.

Present for the case was Jon Sines, Design Engineer for Polaris Engineering & Surveying. Mr. Sines stated Clover Construction is owners and operators of the proposed project. Mr. Sines stated they are making an investment in the community.

Mr. Sines stated the units will be market rates of approximately \$900 for a 2 bedroom unit. Mr. Sines stated that is a preliminary price. Mr. Sines stated Clover has been in business many years and are putting several other developments in the area such as Strongsville (3 story, 125 unit), Parma, and Willoughby Hills. Mr. Sines stated the product is small enough so seniors can downsize and stay in their community.

Mr. Grice stated the Planning Commission would be making a recommendation to City Council who would hold the public hearing. Mr. Mendel stated that is correct.

Mr. Lash asked if there are any existing complexes in the area that the Planning Commission members may visit. Mr. Sines stated there is one under construction in Parma. Mr. Sines stated the closest facility to Medina that has been occupied for at least two years is in Seneca Point, PA.

Mr. Grice asked why the property is not being development under the current R-3 zoning. Mr. Mendel stated it would have needed several variances since the highest density allowable is duplexes. Mr. Mendel stated R-4 rezoning would have been 8 units per acre maximum.

Mr. Grice asked what happens to the buildings when the senior market is no longer there to fill the units. Mr. Grice asked what will prohibit renting to others not 55+.

Mr. Mendel stated the board cannot regulate that. Mr. Grice stated 1.1 spaces per unit for seniors may be fine but he would like to see future parking shown as land banking.

Mr. Sine stated the plan enables land banking. Mr. Grice would like to see more parking land banked.

Mrs. Russell asked what the deed restriction says. Mrs. Russell asked if the restriction states that if the facility is no longer used as a 55+ facility, does the property automatically revert to the grantor of the deed. Mr. Sine stated he would need to find that out. Mrs. Russell stated that is important to know.

Mr. Rose asked the occupancy of the existing facilities in the city for seniors. Mr. Mendel stated he does not have that data. Mr. Mendel stated the study done by the Danter Company showed the multi-family developments are at 95% occupancy. Mr. Mendel stated he can find out if the 55+ market was included in that figure.

Mr. Rose stated he has seen some of the 55+ facilities in the city who have allowed college students to live with them in a one bedroom unit and 4 vehicles. Mr. Rose stated the units were meant for one senior. Mr. Rose stated he has concerns about this. Mr. Rose stated this is what will eventually happen with this facility. Mr. Rose stated he would like to know the current occupancy rate of 55+ facilities in the city to see if the need is there. Mr. Sine stated he is sure the Clover Company has done the demographics to determine the need. Mr. Rose stated he would like to see that information.

Mr. Grice asked for comments from the public. Brian Hilberg, 246 W. Homestead commented. Mr. Hilberg stated he is the Ward 1 Councilman. Mr. Hilberg stated there are 27 homes adjacent to the subject site. Mr. Hilberg stated he has spoken to several of them. Mr. Hilberg stated the residents were not for or against the project; however, there are concerns such as the age restrictions. Mr. Hilberg asked how long the deed restriction for age would carry. Mr. Hilberg stated there is a concern about the future if the units cannot be rented to seniors because the market has changed.

Mr. Hilberg stated the transition between the subject site and the adjacent property owners is a concern. Mr. Hilberg stated the other issue from the adjacent property owners is drainage since many of the homes have issues with drainage already and flooding in their back yards.

Andy Cali, 8792 Smith Road, Litchfield, Ohio, stated he is the property manager for Cali Properties. Mr. Cali stated he owns the home next door on Huntington Street on the north side. Mr. Cali stated he has the concerns that Mr. Hilberg stated.

Mr. Grice asked if the general plan is included in the recommendation to council. Mr. Mendel stated yes. Mr. Grice stated that would be approving the conceptual plan in essence. Mr. Mendel stated it would be approved as a 131 unit three story apartment building as the use with the conceptual site plan of 153 parking spaces and the general layout that was submitted. Mr. Mendel stated that would be what is being approved.

Mr. Mendel stated he has spoken with the facility at Reminderville and Willoughby Hills, and also Parma. Mr. Mendel stated the Parma facility is the most similar to this proposal. Mr. Mendel stated the density is similar.

Mr. Lash asked if there is a way to approve this and hold it to the 55+ restriction. Mr. Mendel stated there are no tools in the zoning code to regulate that. Mr. Mendel stated occupancy is not regulated. Mr. Sine asked since the age restriction is part of the design guidelines, could it be a violation if they are not adhered to. Mr. Mendel stated the city cannot require the age condition be placed on the design guidelines; however, if the parties are in agreement, the chance of future litigation is lessened.

Mr. Rose asked if the SPD is approved and the project does not go forward, can the SPD go away. Mr. Rose stated he is concerned that if this is approved, then the SPD is already in place.

Mr. Mendel stated the approval with the plans and guidelines that were approved will exist in perpetuity. Mr. Mendel stated if the project does not get built, a developer could potentially come in the future and build on the site according to the design guidelines that are approved. Mr. Mendel stated this would be a rezoning of the property.

Mr. Grice asked if it would be possible for the deed restriction to be removed by a future developer or the current developer. Mr. Grice stated he would like the Law Director to advise on this. Mrs. Russell stated the deed restriction could only be removed by the Grantor.

Mr. Mendel stated if the Planning Commission wants to continue this project then they can let the City Council apply verbiage as to the deed restrictions.

Mr. Lash stated the board is not opposed to the project, they would just like to firm up the 55+ restriction better.

Mr. Sine stated he will provide to staff a list of the existing facilities.

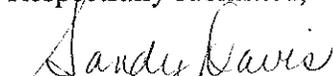
Charles Hardin, 388 Birch Hill Drive commented. Mr. Hardin stated he purchased his home in 1970, he was informed that the Pythian Sisters had a deed restriction on the site. Mr. Hardin stated two years later, Castle built the apartments at the end of the street. Mr. Grice stated the Castle Apartments are not on Pythian Sister property.

Mr. Mendel stated the city cannot enforce any deed restrictions.

Mr. Sine formally requested a continuance of the case pending research and comment from the City Law Director regarding the deed restrictions.

Having no further business, the meeting was adjourned.

Respectfully submitted,

  
Sandy Davis



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Rick Grice, Chairman