



# CITY of MEDINA

## Planning Commission

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### Planning Commission Meeting

Meeting Date: July 13, 2017

Meeting Time: 7:00 pm

Present: Bruce Gold, Jerry Lash, Monica Russell, Paul Rose, Bob Thompson (alternate), Sandy Davis, Administrative Assistant, Jonathan Mendel (Community Development Director)

Absent: Rick Grice

Mr. Gold swore Robert Thompson in as an Alternate on the Planning Commission.

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

Minutes: Mr. Rose made a motion to approve the June 8, 2017 minutes as submitted. The motion was seconded by Mr. Lash.

Vote:

Gold	<u>abstain</u>
Lash	<u>Y</u>
Rose	<u>Y</u>
Thompson	<u>abstain</u>
Russell	<u>Y</u>
Approved	3-2

Announcements: None

Old Business:

1. P16-08                      139 N. Court Street    Dr. Loren Raymond                      SPA  
Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is for 139-145 N. Court Street and MPG Architects is representing the owner, Dr. Loren Raymond. Mr. Mendel stated this is a request to amend the May 12, 2016 Site Plan approval in order to reduce the building from a 3 story building to a 2 story building. Mr. Mendel stated the site is located in the C-2 Central Business District. Mr. Mendel stated this is located on the southwest corner of N. Court Street and W. Friendship Street. Mr. Mendel stated in May of 2016, the Planning Commission reviewed and approved a site plan and

Conditional Zoning approval for a drive-thru for a bank that was intended to go into the building. Mr. Mendel stated this was a 3 story mixed use building with the first floor to be used for flexible commercial space and the second and third floors to be used for 5 units of residential apartments each for a total of 10 residential units. Mr. Mendel stated it also included an accessory 19 space parking lot. Mr. Mendel stated since the approval on May of 2016, the applicant wishes to amend the approved plans from a 3 story building to a 2 story building and there is also some minor changes to the materials of the building. Mr. Mendel stated the 2016 approval for the south and west facades had a metal panel system for the south and west facades of the building. Mr. Mendel stated a cement fiber board & batten is being proposed for the southwest corner of the building and brick for the south side of the building.

Mr. Mendel showed a rendering of the proposed board & batten. Mr. Mendel stated since this was approved once through the review process and Planning Commission, the applicant must go back to the Planning Commission to amend the site plan. Mr. Mendel stated the Historic Preservation Board had reviewed and approved the new amended plan earlier this evening.

Mr. Mendel stated this is a permitted use in the zoning district and the maximum building height is less and is still compliant as a 2 story building since the maximum building height is 40 feet and the proposed 2 story building is 29 feet tall.

Mr. Mendel stated the proposed 2-story building complies with all the applicable design guidelines outlined in Section 1109.04 of the Planning and Zoning Code. Mr. Mendel stated the proposed 2-story mixed use building continues to be consistent with the intent and desire of the community within the Public Square area of the C-2 district. Mr. Mendel stated as reviewed and approved in 2016, there is ample transparency of the public facades of the ground floor storefronts.

Mr. Mendel stated based on review of the applicable sections of the City of Medina Codified Ordinances and the findings stated this evening, staff recommends the Planning Commission approve the amendment to the May 12, 2016 Site Plan approval with the following condition:

1. Must comply with all conditions of approval from the May 12, 2016 Site Plan approval resolution dated May 13, 2016.

Mr. Mendel noted that the proposed plan does not have the drive-thru window that was proposed in the original request. Mr. Mendel stated there will no longer be a drive-thru facility.

Present for the case was Ian Jones, Architect from MPG Architects. Mr. Jones stated the building has been reduced from 3 to 2 stories and some of the changes to the façade were based on it being smaller. Mr. Jones stated they took the brick all the way up and in the back corner, they used the cement fiber board because brick in that location is overly visually complicated in brick. Mr. Jones stated the site plan and landscaping is the same,



Conditional Zoning Review process approximately 3 years ago. Mr. Mendel stated part of the process uses scrap asphalt in the production of new asphalt. Mr. Mendel stated this scrap material comes to their site already ground, but also in large chunks that require further processing. Mr. Mendel stated that requires bringing a crusher to the site on an occasional basis to process the material for the applicant. Mr. Mendel stated this would fall under Heavy Manufacturing and would require a Conditional Zoning Certificate review to permit the asphalt crusher to be at this location for the times that they would need it.

Mr. Mendel stated as a Conditional Zoning review, a public hearing is required. Mr. Mendel stated that will be held tonight. Mr. Mendel stated there are 7 conditional use standards. Mr. Mendel reviewed them as follows:

The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards:

- (1) Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Land Use and Thoroughfare Plan of current adoption;*
- (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;*
- (3) Will not be hazardous or disturbing to existing or future neighboring uses;*
- (4) Will not be detrimental to property in the immediate vicinity or to the community as a whole;*
- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such service adequately;*
- (6) Will be in compliance with State, County and City regulations;*
- (7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic or surrounding public streets or roads.*

Mr. Mendel stated in reviewing the proposed asphalt crushing/recycling operation at the applicant's property and the surrounding mix of zoning districts, land uses and landscape, several of the above standards require scrutiny as they relate to the proposed Heavy Manufacturing land use. Standards #2, 3 & 4 require further analysis below:

- (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;*

Mr. Mendel stated asphalt crushing/recycling is an intensive outdoor land use and has features that can affect the appearance and character of its surrounding vicinity. Mr. Mendel stated in the case of the neighborhood surrounding the subject property, the 300 block of North State is an industrial neighborhood zoned I-1 under the City of Medina Planning and Zoning Code and is a mix of light, moderate and intensive industrial land uses ranging from professional offices, product assembly, warehousing and bulk building materials distribution/production. Mr. Mendel stated the applicant's land use is not completely out of character or expectation for an industrial neighborhood and may not change the character of the neighborhood. Mr. Mendel stated the applicant's particular

site conditions also provide screening and distance from neighboring businesses and land uses.

*(3) Will not be hazardous or disturbing to existing or future neighboring uses;*

*(4) Will not be detrimental to property in the immediate vicinity or to the community as a whole;*

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

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

Mr. Mendel stated to north about 600 feet is a large multi-family complex through an existing ~430 foot wide forested buffer. Mr. Mendel stated the forested buffer may provide sufficient dust and visual buffer of the applicant's land use, but sound can still travel depending on the specific conditions.

Mr. Mendel stated the applicant has provided an Environmental Review Checklist identifying what the applicant believes is the potential environmental impacts of the proposed land use. Mr. Mendel stated this document provides anecdotal direction regarding the environmental impacts of the land use, but that is not necessarily sufficient to determine definitively whether there are negative impacts to the surrounding environment and what methods should be required to mitigate such impacts. Mr. Mendel stated in order to understand potential impacts and mitigation methods, an environmental impact assessment should be conducted by the applicant and provided to the Planning Commission for review.

Mr. Mendel stated staff recommends the applicant request a continuance of the Planning Commission review to permit the applicant time to conduct and submit for review an environmental impact assessment of the proposed Heavy Manufacturing use (asphalt crushing/recycling) at the subject site.

Present for the case was Ralph Kyanko, Kokosing Materials, Inc, PO Box 334, Fredericktown, Ohio.

Mr. Kyanko stated not having the actual crusher on site, the noise evaluation was taken from another site in Garfield Heights. Mr. Kyanko stated he took decibel readings on some distances approximately the same as what is present in Medina. Mr. Kyanko stated they were in the 50 range which is very normal. Mr. Kyanko stated there was no impact of noise to the neighbors there and the site has nowhere near the amount of buffer that

exists on the Medina site. Mr. Kyanko stated in Garfield Heights there was only approximately 130 feet of buffer and in Medina there is approximately 400 feet of buffer. Mr. Mendel stated he measured approximately 600 feet of forested buffer. Mr. Kyanko stated it is just an occasional use. Mr. Kyanko stated they are looking to process about 20,000 tons of material over a three week period. Mr. Kyanko stated depending on how much productions they have through the plant, it is hard to say how long that will last. Mr. Kyanko stated they also have recycle come in from highway projects that they are constantly using. Mr. Kyanko stated the last time they actually processed material was in 2010 which shows how infrequent it is. Mr. Kyanko stated that is not to say they will not do it in a shorter period of time but it depends on how much production is through the plant.

Mr. Gold asked for questions from the Commission. Mrs. Russell asked for a further explanation of "occasional operation". Mrs. Russell asked if the equipment needed to do the crushing is already on site. Mr. Kyanko referred to Brian Bowman from American Eagle to answer the question.

Mr. Kyanko stated the crusher is a portable unit that will move to different places. Mr. Kyanko stated the same unit is in Garfield Heights right now.

Mrs. Russell asked Mr. Kyanko to be more precise with how many hours the crusher will be operating over how many days and what time of day would it operate.

Brian Bowman, 11200 Boston Road, North Royalton, Ohio stated the crushing generates approximately 2,000 tons per day. Mr. Bowman stated there is set-up time of a day or two when the crew sets up the conveyors and the crushers. Mr. Bowman stated they use excavators and loaders similar to the loaders and excavators on site that feed the asphalt plant. Mr. Bowman stated they all run off diesel engines and the loudest portion of the operation is the back-up alarms which are already on the site with the existing loaders and excavators. Mr. Bowman stated they would work the same hours as the plant which is 7:00 a.m. to 3:30 p.m. or 7:00 a.m. to 5:30 p.m. depending on the day of the week. Mr. Bowman stated they would not work on the weekends. Mr. Bowman stated it would be Monday through Friday. Mr. Bowman stated if they are running every day it should be done in 10 days. Mr. Bowman stated he cannot account for a break-down of equipment. Mr. Bowman stated that is about what they do at each site. Mr. Bowman stated he owns a couple of the crushers that go around to the different sites for Kokosing such as Sheffield Lake, Columbia Station, and Garfield Heights. Mr. Bowman stated it is a pretty standard piece of equipment that is always moving which is why it is a portable crusher. Mr. Bowman stated the equipment has built-in dust suppression systems from the manufacturer. Mr. Bowman stated they are hooked up to a ¾ inch garden hose and those take care of the dust and they are subject to random inspections by the Ohio EPA for dust mainly. Mr. Bowman stated the noise is not really an issue because the loudest thing is the back-up alarms which are required so there is no choice there. Mr. Bowman stated the only thing the EPA is really concerned with is the dust. Mr. Bowman stated they do not have any violations for dust.

Mrs. Russell asked if the crusher will be used in the future after the initial 20,000 tons is crushed over two weeks' time. Mrs. Russell asked if Kokosing will be increasing the frequency of use while having the crusher at the site.

Mr. Kyanko stated maybe in another year or two out, he cannot say because production goes up and down, it depends how much they get in off of the highway. Mr. Kyanko stated they did not have a crusher at the site for 7 years and they are running low on millings so that is why they are needing the crusher. Mr. Kyanko stated 20,000 tons should finish off the year for them in addition to what they generate off the highways. Mr. Rose asked how the crusher is transported. Mr. Bowman stated on a low boy which is on tracks so it is on an excavator with tracks so it drives itself up on the low boy.

Mr. Rose asked how heavy it is and what effect it will have on the streets. Mr. Bowman stated they obtain state permits and stay on the state routes. Mr. Bowman stated they are subject to weights of the police and Medina.

Mr. Rose asked if there are any gasses emitted from the process other than dust. Mr. Bowman stated no, just the diesel engine smoke.

Mr. Thompson stated he is familiar with the operation. Mr. Thompson asked if they have ever experienced high winds during the operation and needed to shut down because noise and dust travel. Mr. Bowman stated the majority of the dust from the wind is not from the crushing operation but is from the surrounding areas. Mr. Bowman stated it will kick up 90-95% of the dust. Mr. Bowman stated the dust from the actual crushing is very minimal and they are complimented on that portion of it all the time. Mr. Bowman stated the dust is going to come from the surrounding areas with dirt from the site. Mr. Kyanko stated they water all the time.

Mr. Thompson stated sound will travel. Mr. Bowman stated the sound from the crushing is not very loud. Mr. Lash asked if they are subject to air, water, and sound monitoring per EPA requirements. Mr. Kyanko stated yes. Mr. Kyanko stated the air would be the dust, for water there is a storm water pollution prevention plan for the site and everything on the site goes to a retention pond. Mr. Kyanko stated the EPA does not control sound. Mr. Lash asked if they are planning on using the exit/entrance off of Foundry Street at all. Mr. Kyanko stated no, they never use that. Mr. Mendel stated there is no specific entrance there right now and to do that would require site plan review and approval by the Planning Commission and at a minimum, Conditional Zoning approval for the general land use.

Mr. Kyanko stated they will use the ingress and egress off of N. State Road only. Mr. Lash stated Kokosing is a very reputable operation. Mr. Lash stated the request is to use the crusher for a short period of time over the course of a year. Mr. Lash stated once approved, there is no way they can control that. Mr. Lash asked what would stop them from operating there for 2 or 3 years instead of 2 or 3 weeks. Mr. Kyanko stated they do not have that much material for the machine to be there. Mr. Kyanko stated it takes a

long time to accumulate the pile they have there now. Mr. Lash stated he understands that but there is no way for the Planning Commission to say they must be temporary.

Mr. Mendel stated the Planning Commission has the right to apply any condition of approval which could be limiting the number of weeks per year. Mr. Mendel stated it would be staffs responsibility to monitor.

Mrs. Russell asked if two weeks would be sufficient. Mr. Bowman stated four weeks would be realistic. Mr. Bowman stated unfortunately the crusher breaks down but could eat up their two weeks working longer hours. Mr. Bowman stated he would like four weeks.

Mr. Gold asked the size of material delivered to the site and what size it ends up after crushing. Mr. Bowman stated he does not deliver any material to the site. Mr. Kyanko stated the material comes from various private contractors who bring it and dump it.

Mr. Bowman stated his contract actually stipulates the size as the largest is 24 inches or less. Mr. Bowman stated occasionally he gets a larger piece but he does not send it back because it happens very rarely. Mr. Bowman stated larger pieces do damage to the beds of the trucks. Mr. Bowman stated the pieces are crushed down to 1.5 inches.

Mr. Gold opened the public hearing at 7:35pm. Having no comments, Mr. Gold closed the public hearing at 7:35pm.

Mr. Lash asked about Mr. Mendel's recommendation for a continuance. Mr. Mendel stated this is because he cannot verify from a scientific objective third party the information provided and it feels more anecdotal. Mr. Mendel stated the more definitive way would be to have an industrial hygienist do an analysis on it. Mr. Mendel stated this can be an estimate modeling sounds and dust in a report that is objective science. Mrs. Russell asked if the information would be based on the particular equipment that is to be used. Mr. Mendel stated yes, it would need to be tied to that particular equipment.

Mr. Mendel a formal assessment would be the most definitive way for the Planning Commission to make a determination on the Conditional Use Standards.

Mr. Mendel stated if the applicant proposes a continuance, it is an open timeline. Mr. Mendel stated if the Commission imposes a continuance, it must come back within 45 days for action. Mr. Mendel stated in his experience, an environmental assessment is going to take more time than that.

Mrs. Russell stated she would like to see a report, she would like to limit it to a few weeks per year. Mrs. Russell stated she would like to see a study. Mr. Bowman stated they own 3 different crushers and they are all in the same range. Mr. Bowman stated they have a permit for the State of Ohio for a blanket permit and must report all the things being discussed including wind conditions, number of tons crushed, temperature, etc. Mr. Bowman stated they monitor many of the things the hygienist does and they are

subject to review by the state as part of their permit process. Mr. Bowman stated they come out for random inspections. Mr. Bowman stated a lot of the stuff they are requesting to be done are being done by the state already. Mr. Bowman stated the reason they have that is the blanket permit states you can operate subject to local approval. Mr. Bowman stated they must submit 30 days in advance to the EPA and the local newspaper where they are going to locate and operate. Mr. Bowman stated a third party can do a study but they are already doing it with the state.

Mrs. Russell stated she would like a report that shows for this particular site considering the neighborhood and park and housing, how the equipment will impact these neighborhoods. Mrs. Russell stated this is not something the state can tell us on a permit.

Mrs. Russell stated it is a good business but they need to make sure the neighbors are protected so an environmental study would help.

Mr. Bowman stated he owns three different brands of crushers but they are all the same horse power and they are the same. Mr. Rose asked Mr. Bowman if he has ever reported any violations to the EPA. Mr. Bowman stated no.

Mr. Thompson asked if there has ever been any fines. Mr. Bowman stated there have been no fines at all.

Mr. Gold asked Mr. Kyanko the effect of the requirement of conducting an environmental impact study. Mr. Kyanko stated he never had to go through one, even for an asphalt plant or at any location. Mr. Kyanko stated they put the plant in and did not have to go through one and it is a permanent location. Mr. Kyanko stated this is a temporary operation for 3 weeks and it will be gone. Mr. Kyanko stated he would request that they go through this one time and possibly do a study while Mr. Bowman is there crushing and get some true numbers. Mr. Kyanko stated they can come there and guess or they will have to go to another location that won't have the exact same conditions. Mr. Kyanko suggested having someone do the study while the crusher is there and working so it is an accurate study.

Mr. Lash stated he would be willing to approve a short term, one trial with the idea that the study is done while they are here and limit it to one time and regardless, the applicant needs to come back to the Planning Commission after the trial period. Mr. Mendel stated that would be a conditional approval. Mr. Mendel stated it would be doing an impact assessment but allowing them to conduct the crushing one time to do the analysis of the actual site and operation. Mr. Mendel stated that seems to be a reasonable option to have the assessment to be conducted during the operation and come back to the Planning Commission to review a request to make it a permanent temporary use.

Mr. Lash made a motion to approve a Conditional Zoning Certificate to conduct a Heavy Manufacturing (asphalt/crushing/recycling) operation at 310 N. State Rd., PP#028-19A-16-052 with the condition of a time limit of 45 days. Mr. Lash commented about back-up sounds. Mrs. Russell suggested 21 days. Mr. Rose suggested 25 days, a full five weeks.

Mr. Lash amended his motion to state a limit of 25 days.

1. The crushing/recycling limited to 25 days in the year 2017 between the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday
2. No removal of the existing forested buffer currently on the site
3. During the operating period, the applicant shall conduct an Environmental Impact Assessment to be provided to the Planning Commission for Conditional Zoning Certificate review at a future date
4. Subject to compliance with the site plan provided by the applicant and received on 6/21/17

The motion was seconded by Mr. Rose.

Mr. Thompson asked if the crusher will be moved on the site. Mr. Bowman stated no, the crusher will be set to the edge of the pile and backs up until the pile is gone.

Vote:

Gold	<u>Y</u>
Rose	<u>Y</u>
Russell	<u>Y</u>
Lash	<u>Y</u>
Thompson	<u>Y</u>
Approved	5-0

2. P17-10      260 S. Court      Mark Klaus/Castle Noel      CZC/SPA

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is an application for a Conditional Zoning Certificate review for Outdoor Dining for Alien Vacation Mini Golf. Mr. Mendel stated the site is located at the northeast corner of S. Court Street and E. Smith Road and zoned C-2, Central Business with the same zoning on the surrounding properties.

Mr. Mendel stated the applicant proposes outdoor dining along the south side of the existing building at 260 S. Court Street. Mr. Mendel stated it would be fenced and occupy existing uncovered and covered areas along the building. Mr. Mendel stated that in his staff report he talked about decorative fake palm trees along the site. Mr. Mendel stated on further review and analysis, and that is why he provided the definition of sign to the board, this would be considered signage under that definition and not an illuminated site lighting standard. Mr. Mendel stated the palm trees cannot be reviewed by the Planning Commission under the Conditional Zoning review and the signs in the Historic District require conditional sign review and approval by the Historic Preservation Board. Mr. Mendel stated that would be dealt with in a separate process. Mr. Mendel presented a rendering with Tiki statues and the palm trees. Mr. Mendel stated those fall under signage as well and are not part of this review. Mr. Mendel stated this is a last minute change in interpretation and he apologized for the inconvenience.

Mr. Mendel stated a Conditional Zoning review requires a public hearing. Mr. Mendel in the conditionally permitted use regulations there is one specific for outdoor dining facilities and there are four regulatory requirements under that category. Mr. Mendel stated those would be addressed by this proposal and would apply to the land use. Mr. Mendel stated this is in addition to the 7 additional standards that the Planning Commission reviews for Conditional Zoning Certificates.

Mr. Mendel stated the staff report refers to site lighting. Mr. Mendel stated that will need to be provided and reviewed in a different venue.

Mr. Mendel stated the decorative fencing and outdoor seating area will have tables, chairs, and covered picnic tables under the existing canopy of the east side of the building. Mr. Mendel oriented the board to the site. Mr. Mendel stated there will be a wrought iron fence along the perimeter.

Mr. Mendel stated under the review of just the outdoor dining, the seating and fencing, he would recommend approval. Mr. Mendel stated the palm trees and Tiki statues would require review by the Historic Preservation Board by a separate process as signage.

Present for the case was Mark Klaus, owner of Castle Noel. Mr. Klaus stated the blue line in the rendering represents the fence and the roof is an existing covered roof. Mr. Klaus stated the gliders will go on the right side. Mr. Klaus stated this is all up against the building with two gates on either side. Mr. Klaus stated they are putting the infrastructure there so they can have a patio outside.

Mr. Rose asked if the Historic Preservation Board has looked at this yet. Mr. Mendel stated no. Mr. Mendel stated the Planning Commission is only reviewing the seating, outdoor dining, fencing, and the general location of the outdoor dining area.

Mr. Gold opened the public hearing at 8:05pm. Beth Ramer, 141 S. Prospect Street commented. Ms. Ramer stated she would like to voice some concerns about the packet that was posted online. Ms. Ramer stated some of those have been addressed by Jonathan pertaining to the palm tree. Ms. Ramer stated in reading through on page two of what was posted on the website, and this being the only document that was available for the public to review for this public hearing, she has concerns about page 2, item "b". Ms. Ramer stated it states that the outdoor dining facility shall be buffered with an opaque landscaping and/or fencing to provide a visual and acoustic barrier to surrounding residential uses. Ms. Ramer stated this is not necessarily surrounded by residential but it is along the main thoroughfare into the historical Victorian downtown area. Ms. Ramer stated the picture of the fence included in the packet is not her definition of opaque. Mr. Gold stated the landscaping is to be provided. Ms. Ramer stated on the visual provided in the packet, there is no landscaping shown to create a buffer. Ms. Ramer stated she is not sure what is being recommended to create a buffer either between the fencing or the landscaping. Ms. Ramer stated that would be incredibly visual up and down S. Court Street. Ms. Ramer stated item 1 on page 2 of the report states that it will be harmonious with an in accordance with the general objectives or with any specific objectives of the

Land Use and Thoroughfare Plan of current adoption. Ms. Ramer stated she knows this is commercial and she understands this is a business. Ms. Ramer stated her concern is the harmonious nature of the Victorian downtown. Ms. Ramer stated she understands it is Alien which she wonders what the connection between Palm Trees and Tiki statues has with Alien. Ms. Ramer stated the palm trees are not harmonious with the existing 1922 lighting that is elsewhere around the square. Ms. Ramer stated in the diagram, the narrative does not give any description of the Tiki faces shown in the document or the spaceship. Ms. Ramer stated she assumes since this is a Conditional Use, it should show everything as it will appear. Ms. Ramer stated she is curious about those two items in particular because the Tiki faces and the Spaceship are not harmonious.

Ms. Ramer stated she did have questions about the palm trees because two of them were not going to be shaded or buffered by existing trees and would be very prominently display which is her concern. Ms. Ramer thanked the commission and stated she is a historic homeowner in Medina she is concerned about the mix of businesses and the historic aspect of the square.

Skip Baron, 536 N. Broadway, Medina commented. Mr. Baron stated he and his wife retired from teaching and they were looking for a place to retire. Mr. Baron stated he could have retired anywhere in the country. Mr. Baron stated they decided on Medina because of the activities, beautiful square, the homes, and they wanted the protection of the square and surrounding neighborhoods. Mr. Baron stated they have a historic house on N. Broadway and it was built by one of the founders of Medina. Mr. Baron stated they are strongly in favor of maintaining what Medina has now. Mr. Baron stated they moved here for what is here now. Mr. Baron stated he is very concerned seeing some of the things that are happening in Medina as far as changing that incredible character. Mr. Baron stated people come to Medina for what we have now. Mr. Baron stated he is excited that we have Castle Noel which is an attraction that brings people here. Mr. Baron stated he does not have a personal problem with the dining area however, the entire south side of that building is inappropriate and should never have been allowed in the first place. Mr. Baron stated palm trees do not fit in Medina and he strongly urges the members of the community and the boards to not approve it and to remove all of the garish decorations that are not appropriate for Medina.

Charles Ramer, 141 S. Prospect, Medina commented. Mr. Ramer stated he agrees that this area of the square trivializes and marginalizes the value and integrity of the square. Mr. Ramer stated it is unfair to other shop owners and other business owners who have tried to maintain that type of integrity. Mr. Ramer stated despite the fact that it is a great attraction, this is a complete departure from the original theme. Mr. Ramer stated it minimalizes the integrity of the downtown history and the Victorian architecture.

Tammy Kirby, 246 W. Friendship St., Medina, commented. Ms. Kirby stated she moved to this area for the quaint Victorian historic atmosphere. Ms. Kirby stated she is having a hard time accepting that we are trying to maintain a Victorian historic look but are going to allow palm trees and things that do not fall into what she considers to be historic. Ms. Kirby stated she has nothing against the business, it is a great business. Ms. Kirby stated

if you let one guy lose, the rest will let lose. Ms. Kirby stated other businesses have been adhering to the regulations and have done a good job. Ms. Kirby stated it is not right to allow this when others have been working to follow the historic theme.

Megan Spilman, 211 N. Elmwood, Medina commented. Ms. Spilman stated she echoes these sentiments. Ms. Spilman stated although she supports all the businesses and Castle Noel draws many visitors every year, her concern is making sure it ties in with the aesthetic of our Public Square. Ms. Spilman stated the signage will be reviewed and discussed at a different meeting but she is concerned about the tables and what is inside the fenced area. Ms. Spilman stated while she is supportive of an additional outdoor dining area on the square, she is concerned about everything tying in and being a symbol of our Historic District. Ms. Spilman asked if she can comment on the items inside the fenced area. There was no response.

Mr. Gold closed the public hearing at 8:18pm.

Mark Klaus stated they love this town as much as anybody does. Mr. Klaus stated when they took the building over, it was in very bad repair. Mr. Klaus stated the heating system had been blown, they spend \$175,000 just for placing the heating system in the building so they understand what the town is about and they are very proud to be a part of it. Mr. Klaus stated they try and support as many businesses in town as possible by using their products. Mr. Klaus stated they have been drawing people from all over the country. Mr. Klaus stated they just had a couple from Alabama because they saw the article in their hometown newspaper. Mr. Klaus stated APS picked up the story about Castle Noel and it has been printed all across the United States. Mr. Klaus stated they want to be a responsible wonderful part of the community but they also want to keep bringing more people here. Mr. Klaus stated he thinks the biggest concern people have are the palm trees. Mr. Klaus stated he spent \$16,000 on those palm trees but if those palm trees are going to be the whole problem here, he would be happy to remove them from the concept at this time and maybe somewhere down the line years later when he decides they are happy with it, they can proceed with them. Mr. Klaus stated if it makes everybody happier to not have the palm trees, they will remove them from the concept.

Mr. Gold asked for questions from the commission. Mr. Lash stated tonight we are not voting on that part of it including the trees or the Tiki faces. Mr. Klaus stated he doesn't want anybody to go home upset or feeling as though there is an issue here aside from the fact that he knows they are only voting on the outdoor dining, he wants to make people realize they are a proud member of this community and they want it to be as alive and special and thriving as they possibly can.

Mr. Thompson asked if the spaceship is part of this request. Mr. Klaus state it is not, it was approved under a completely separate request and application.

Mr. Mendel stated the spaceship and the signage and the decoration around the canopy was reviewed and approved by the Historic Preservation Board in June of 2016.

Mr. Gold stated with the outdoor dining facility, you can either buffer it with opaque landscaping or fencing. Mr. Gold stated according to the code you can do it with fencing which is what they are proposing. Mr. Gold stated he is confused when people refer to the square as Victorian. Mr. Gold stated the square is Federalist period architecture. Mr. Gold stated architectural students will have a disagreement with it.

Mr. Mendel stated it ranges from late Federalist to a couple buildings through to the 1960's and 1970's.

Mr. Thompson asked how the Historic Preservation group refers to it. Mr. Mendel stated the existing character is what it is. Mr. Mendel stated the design guidelines address making sure that alterations to buildings or new buildings or demolitions of buildings or additions to buildings are consistent with the character of the district, consistent with the individual building addition. Mr. Mendel stated it does not outline specifically the Victorian period or any other period.

Mr. Rose stated that doesn't affect what we want to do here tonight. Mr. Rose stated we are reviewing and deciding on the outdoor dining area. Mr. Rose asked that we focus on that.

Mr. Gold stated this is just an outdoor dining application without the palm trees and Tiki features. Mr. Klaus stated there are no swinging chairs. Mr. Klaus stated they are old fashioned gliders. Mr. Klaus stated nothing is hanging, nothing is swinging. Mr. Klaus stated they glide back and forth but you use feet to move them.

Mrs. Russell asked if the fence is already installed. Mr. Klaus stated no. Mrs. Russell asked if the other members of the commission are ok with the submitted proposal or should there be some other type of landscaping. Mrs. Russell stated she understands they can have either/or landscaping or fencing. Mrs. Russell asked the board if they think it would be more harmonious in the neighborhood if there was landscaping along the outside of the fencing. Mr. Gold stated the way the code is written, it can be either or.

Mr. Mendel stated the code states this requirement is to buffer from surrounding residential uses. Mr. Mendel stated the only residential use that is nearest in proximity is a mixed use building across the street which is a two unit apartment building and a two unit duplex on Smith Road directly across the street. Mr. Mendel stated he thinks the intent of the code was for a shopping center that backs up to residential or something of that nature.

Mrs. Russell stated outdoor dining would be good but she would like to see extra landscaping along with the fencing to make it blend in more and look nicer. Mr. Klaus stated he can line the outside of it with fire bushes or something. Mr. Klaus stated behind P.J. Marley's there is no opaque fencing or anything along their deck. Mrs. Russell stated you cannot see their deck when coming down the road.

Mr. Klaus stated he has no problem putting landscaping in front of the fencing but he does not want to mess with the existing trees and there are a limited amount of things that will grow under a tree. Mr. Klaus stated they have already started planting on the right but he sees no reason not to add more plants. Mr. Klaus stated he does not want to ruin the view of the train going by and going with high blocking landscaping. Mr. Klaus stated he thinks it is neat to sit and watch the trains going by and seeing the surrounding buildings.

Mr. Klaus stated he would have no problem landscaping around the fencing but he does not want to block the fencing. Mrs. Russell stated she was thinking some bushes. Mr. Klaus stated that is no problem and there will be bushes and plants since his wife loves potted plants.

Mr. Rose asked about the fencing. Mr. Klaus stated the fencing in the submittal is the fence he will use. Mr. Klaus stated it is a typical wrought iron fencing. Mr. Klaus stated he researched what restaurants are using most and that was it. Mr. Klaus stated there are several places that have that exact fencing so he felt it would be appropriate.

Mr. Thompson asked the height of the fence. Mr. Klaus stated it is 6 foot. Mr. Thompson asked if that is what is being proposed. Mr. Klaus stated he was told that from a standpoint of safety that is the best height to go with for outdoor dining. Mr. Rose asked if that recommendation came from staff. Mr. Klaus stated no, he has done design work from restaurants and bars over the years and he talks to people that have been in the business a long time who said make it 6 feet with no points on the top so nobody gets hurt if they try and go over it. Mr. Klaus stated that is why they chose the flat top and the same design as many restaurants have used.

Mr. Rose stated he has been to several outdoor dining areas from coast to coast and he does not remember seeing any 6 ft. tall fences. Mr. Klaus stated there is one at the Brew Garden in Middleburg Heights.

Mrs. Russell commented that Sully's has a 6 foot high fence around their outdoor dining area.

Mr. Klaus stated from a business perspective, you do not want people jumping in or jumping out.

Mrs. Russell asked Mr. Mendel about removing the recommendation for a photometric plan.

Mr. Mendel stated it can be removed since the palm trees and other lighting are not being reviewed at this time. Mr. Mendel stated they are not in this proposal now so that recommendation can be removed. Mr. Mendel stated there is already existing lighting on the site and they would not be reviewed.

Mrs. Russell made a motion to approve a Conditional Zoning Certificate to allow outdoor dining at 260 S. Court Street subject to the following:

1. Landscaping to be placed along the outside of the fence.

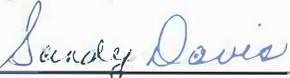
The motion was seconded by Mr. Lash.

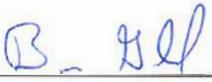
Vote:

Lash	<u>Y</u>
Russell	<u>Y</u>
Gold	<u>Y</u>
Thompson	<u>Y</u>
Rose	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,

  
\_\_\_\_\_  
Sandy Davis

  
\_\_\_\_\_  
Bruce Gold, Vice-Chairman