



CITY of MEDINA Planning Commission

Planning Commission Meeting

Meeting Date: February 13, 2014

Meeting Time: 7:00 pm

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

Absent: None

Minutes: Mr. Pucilowski made a motion to approve the minutes from the January 9, 2014 meeting as submitted. The motion was seconded by Mr. Lash.

Vote:

Lash	<u>Y</u>
Pucilowski	<u>Y</u>
Zachman	<u>abstain</u>
Rose	<u>abstain</u>
Grice	<u>Y</u>
Approved	3 yeas -2 abstentions

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

Old Business:

1.P13-20/P13-26 Zoning Code Text & Map Amend. City of Medina COM
Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated cases P13-20 and P13-26 came before the Commission in 2013. Mr. Mendel stated the Planning Commission made recommendations to City Council to approve the Zoning Code Text and Map Amendments. Mr. Mendel stated the cases have been delaying in going to City Council for a public hearing. Mr. Mendel stated in the interim, there was a change in the Community Development Director position and Mr. Mendel came on board with the city. Mr. Mendel stated the City Administration requested that Mr. Mendel look over the recommendations prior to going to City Council. Mr. Mendel stated he looked at the recommendations and has a few ideas and potential changes that need to be discussed.

Mr. Mendel stated he is asking the Planning Commission to retract the recommendations for P13-20 and P13-26 in order to review potential changes.

Mr. Mendel stated he would like to begin discussing the potential changes again in March of 2014. Mr. Grice asked for comments from the public. There were no comments from the public.

Mr. Rose made a motion to rescind the previous recommendation to City Council for case numbers P13-20 Text changes and P13-26 Map amendments.

Mr. Pucilowski seconded the motion.

Vote:

Rose	<u>Y</u>
Pucilowski	<u>Y</u>
Grice	<u>Y</u>
Lash	<u>Y</u>
Zachman	<u>Y</u>
Approved	5-0

2. P14-01 429 S. Court Marathon CSP

Justin Benko gave a brief overview of the case. Mr. Benko stated his is a request for Conditional Sign Approval on a secondary frontage at the Marathon Gas Station. Mr. Benko stated the existing facility is located at the northwest corner of South Court Street and Lafayette Road. The property is adjacent to commercial properties on all sides.

Mr. Benko stated the applicant is seeking approval for a second wall sign located on the secondary frontage facing Lafayette Road. Mr. Benko stated the sign is proposed as an internally illuminated box cabinet sign with 6 inch changeable copy. Mr. Benko stated the applicant is also seeking two variances before the Board of Zoning appeals to allow a second wall sign when only one is allowable by code and for a for a secondary wall sign that is larger than permitted. Mr. Benko stated both variances were granted earlier this evening by the Board of Zoning Appeals. Mr. Benko stated the sign will be used to announce community events and promotions within the store.

Mr. Benko stated signs in the TC-OV District must conform to the sign regulations outlined in Chapter 1147. Mr. Benko stated the sign code permits secondary wall signs within the C-2 District at one square foot of sign per four linear feet of frontage. Mr. Benko stated the proposed sign is 28 sq ft and the building has 33.11 feet of frontage. Mr. Benko stated the applicant is seeking a variance for the size of the sign before the Board of Zoning Appeals. Mr. Benko stated the applicant is also seeking a variance for a second sign on the secondary frontage.

Mr. Benko stated §1147.16 discusses the design review standards for conditional signs. Mr. Benko stated the proposed sign is a 28 square foot internally illuminated cabinet wall

Mr. Mendel stated the site is located at 239 N. State Road and is adjacent to industrially zoned parcels on all sides. Mr. Mendel stated surrounding neighborhood contains a mix of industrial/commercial uses with an apartment complex adjacent to the south.

Mr. Mendel stated in 2011, the applicant received site plan approval for a landscaping business as well as approval of several variances from the Board of Zoning Appeals. Mr. Mendel stated in late 2013, the 1,600 sq ft principal building was destroyed by fire and the applicant wishes to replace the building in the same location and configuration as approved in 2011 and constructed in 2012.

Mr. Mendel stated the applicant was granted the following variances by the BZA on at the July 14, 2011 hearing and are still in effect for this site plan review:

- (1) Variance Request to Section 1141.04 of the Planning and Zoning Code to permit a structure with a side yard setback of five feet and a second structure at an 18 foot setback when 25 feet is required.
- (2) Request to section 1113.05(m)(2)B.2 of the Planning and Zoning Code to permit an accessory building within the side yard when accessory structures are only permitted within the rear yard.
- (3) Variance Request to Section 1145.08(a) of the Planning and Zoning Code to permit gravel surfaces within the side yard when gravel parking or drive areas are only permitted within the rear yard.

Mr. Mendel stated those variances still exist and apply to this property and will persist with the construction of this building. Mr. Mendel stated the building will be constructed as it was approved and constructed in 2011 and 2012. Mr. Mendel showed a street view of the building in 2013 and also the site plan from an aerial in 2012. Mr. Mendel also showed an existing conditions photograph from after the fire.

Mr. Mendel stated there are no changes with the parking circulation. Mr. Mendel stated the existing spaces will remain with this request. Mr. Mendel stated there were site improvements that were not completed and will need to be completed along with this reconstruction.

Mr. Mendel stated if the Planning Commission approves the site plan, the applicant will need to complete the site as approved in 2011 and will require a new bond for the completion of those site improvements. Mr. Mendel stated the previous bond has expired.

Mr. Mendel stated staff recommends the application be approved with the following conditions:

1. Completion of already begun site improvements be reviewed and approved by the City Engineer Per Section 1109.02(c)(4).
2. A performance bond or other financial guarantee in an appropriate amount shall be provided with the City to ensure that hard surfacing of parking areas, landscaping, and surface water drainage is installed in conformance with approved plans.

Present for the case was the property owner Nick Papadelis of 5522 Fairland Road, Clinton, Ohio. Mr. Papadelis stated he would like to rebuild the same as what exists prior to the fire. Mr. Papadelis stated the improvements were not completed due to his business partner passing away from cancer and some things went undone.

Mr. Rose asked the cause of the fire. Mr. Papadelis stated a vehicle started on fire inside of the building.

Mr. Lash made a motion to approve the site plan as submitted subject to the following conditions:

1. Completion of already begun site improvements be reviewed and approved by the City Engineer Per Section 1109.02(c)(4).
2. A performance bond or other financial guarantee in an appropriate amount shall be provided with the City to ensure that hard surfacing of parking areas, landscaping, and surface water drainage is installed in conformance with approved plans.

The motion was seconded by Mr. Rose.

Vote:

Lash	<u>Y</u>
Grice	<u>Y</u>
Pucilowski	<u>Y</u>
Zachman	<u>Y</u>
Rose	<u>Y</u>
Approved	5-0

2. P14-05 1166 Lafayette Rd. Verizon Wireless CZC

Mr. Mendel gave a brief orientation to the case. Mr. Mendel stated this is an application for a Conditional Use Certificate and Site Plan approval. Mr. Mendel stated the property is zoned industrial.

Mr. Mendel stated the property is addressed 1166 Lafayette Road however; this is one large parcel and the proposed tower will be located on the south end of Industrial Parkway at the cul-de-sac end of the parcel.

Mr. Lash asked if it will end up having an Industrial Parkway address. Mr. Mendel stated he will speak with Engineering. Mr. Mendel stated it would be a good idea for the site to have its own address for the purpose of emergency services.

Mr. Mendel stated the subject property site is located at the end of Industrial Parkway, which is at the southwest corner of the City. Mr. Mendel stated the proposed project is planned for a lot on the east side of the cul-de-sac end of Industrial Parkway and is surrounded by a variety of industrial uses and all properties are zoned I-1, Industrial.

Mr. Mendel stated the site is all new construction. Mr. Mendel stated the proposed site improvements will be located along the northerly portion of the site and include a 250 ft long gravel driveway leading to an 80 ft by 80 ft enclosed compound to house the equipment shelter and tower structure. Mr. Mendel stated the proposed driveway will have no setback from the north property line and the compound does not have any landscaping proposed around its perimeter. Mr. Mendel stated lastly, the proposed tower is 199 ft tall with a single antenna array with multiple antennas located at the top.

Mr. Mendel stated Wireless telecommunication antennas are permitted as conditional principal uses.

Mr. Mendel stated All wireless telecommunication facilities are subject to review by the Planning Commission for the purpose of enhancing the compatibility of the facilities with their surroundings.

- Section 1146.05(a) requires collocation whenever possible, but that is not possible in this area because there are no suitable structures in proximity to the proposed location in order to meet the service needs of the applicant's network needs.
- The general neighborhood around the proposed site is a high intensity industrial district with developed and undeveloped properties.

Mr. Mendel stated the following are several parts of the proposed site improvements, which do not comply with the requirements in 1145.08 and 1146.05. Mr. Mendel stated these variances will be reviewed by the Board of Zoning Appeals at the February 13, 2014 hearing.

- A variance from Section 1146.05(e) to allow construction of the facility without complying with the site landscaping requirements.
- A 20 foot variance from Section 1146.05(l) to permit a zero (0') foot setback from the side (north) property line for the driveway instead of the minimum required 20 feet and a 6 foot variance to permit a 12 foot wide driveway instead of the minimum required 18 feet.
- A variance from Section 1145.08(a) to permit a gravel driveway instead of concrete or asphalt pavement.

Mr. Mendel stated the Board of Zoning Appeals approved all of the variances with the change to the 20 ft. setback on the driveway. Mr. Mendel stated they approved a ten foot variance requiring the driveway to be ten feet off of the north property line.

Mr. Mendel stated Section 1146.04(b)(2) requires an expandable equipment shelter that can hold up to three carriers. Mr. Mendel stated the proposed site will accommodate two additional carrier and associated antennas and ground equipment.

Mr. Mendel stated the applicant has submitted an adequate needs report for the proposed site within the context of this portion of the City. Mr. Mendel stated the applicant has addressed many of the remaining elements of Section 1146. Mr. Mendel stated this is an appropriate location for a wireless telecommunications facility.

Mr. Mendel stated all Conditional Use requests require a public hearing which will be done this evening.

Mr. Mendel stated staff recommends approval.

Mr. Grice opened the public hearing at 7:30 p.m. Present for the case was Ralph Wyngarden, from Faulk & Foster, 588 Three Mile Road NW, Suite 102, Grand Rapids, MI. Mr. Wyngarden stated he is here representing Verizon Wireless. Also present was Ralph Ferguson of United Acquisition Services who helped to located and lease the site on behalf of Verizon.

Mr. Wyngarden stated it is a Lafayette Road address but is far from residential homes. Mr. Wyngarden stated he worked hard to meet the concerns expressed in the ordinance by choosing a site in industrial zoning and the actual developed character of the parcels around it are all industrial. Mr. Wyngarden stated the actual pole structure is 190' and the extra nine feet is lighting rods and appurtenances. Mr. Wyngarden stated by keeping it under 200', they are not required to do any obstruction lighting from the FAA. Mr. Wyngarden stated this is usually a big concern from residents and this will not have any lighting on it. Mr. Wyngarden stated it will be dark at night.

Mr. Wyngarden stated he feels the location meets the provisions of the code.

Mr. Grice asked for comments for or against the project from the public. Mr. Harlan Joy of 5853 Deerview Lane stated he purchased his home 15 years ago. Mr. Joy stated he chose the site because of the silence. Mr. Joy stated he now has flashing lights in the area all night in his bedroom from the truck station on Industrial Parkway. Mr. Joy stated this is an encroachment to someone who has been there prior to this facility going in. Mr. Grice stated there will be no light. Mr. Joy stated then he is happy.

Dory Nelson of 5807 Deerview Lane stated she has the same issues. Ms. Nelson stated the development has come closer to her through the years and she has five acres. She has noise issues and light issues from surrounding businesses. Mr. Grice asked Ms. Nelson if she has any issues with the proposed cell tower. Ms. Nelson stated the issues would be noise and lighting. Mr. Grice stated there will be no lighting according to the applicant and there will be no one there. Mr. Grice clarified that her concerns are the industrial area as a whole but not with the application before the board. Ms. Nelson stated that is correct.

Mr. Joy stated the FAA has made cell towers put lights on in the past. Mr. Joy asked what guarantee there is that this will not happen. Mr. Grice stated he suspects the applicant already has his FAA approvals. Mr. Joy stated that may change.

Mr. Mendel stated the city and applicant have no jurisdiction over the Federal Government. Mr. Mendel stated if they required a light on the tower, the city and business cannot say no. Mr. Joy stated this is how residents get bamboozled.

Mr. Rose stated when the hospitals were dealing with the helopad, one of the Senators pushed to have a light put on the cell tower off of Foote Road. Mr. Rose asked Mr. Bigam if this will cause any problems with helicopters coming into the hospital. Mr. Bigam stated no, in fact it was the residents for the light to be put up because they feared something would hit the tower.

Mr. Grice asked for further comments for or against the application from the public. Having none, Mr. Grice closed the public hearing at 7:40 p.m.

Mr. Pucilowski made a motion to approve a Conditional Use Certificate and Site Plan as submitted for the property known as 1166 Lafayette Road as submitted.

Mr. Lash seconded the motion.

Vote:	
Grice	<u>Y</u>
Lash	<u>Y</u>
Zachman	<u>Y</u>
Pucilowski	<u>Y</u>
Rose	<u>Y</u>
Approved	5-0

3. P14-06 346 E. Liberty Vicki Sizemore COA

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a request for a Certificate of Appropriateness for a property located at 346 E. Liberty Street within the Transitional Corridor Overlay District. Mr. Mendel stated the subject property is located within the Transitional Corridor Overlay District at the southwest corner of Liberty Street and East Street. Mr. Mendel stated the subject property is surrounded by detached single family residential form structures occupied by a mix of residential and light commercial uses. Mr. Mendel stated additionally, the surroundings have a mixture of R-3 and M-U (Mixed-Use) zoning. Mr. Mendel stated the subject property is a detached single family residential structure and use.

Mr. Mendel stated the applicant wishes to install a 3 foot tall picket style fence on the corner side of the property. Mr. Mendel stated it will start at the east side of the house extend to the East St. frontage, run south along the East St. frontage, then turn west and return to the existing detached garage. Mr. Mendel stated the fence will be located in a front yard since the code requires that any lot frontage along a street is considered a front

yard. Mr. Mendel stated as this site is located within the Transitional Corridor Overlay District, design review and approval by the Planning Commission is required.

Mr. Mendel stated the proposal meets all code requirements for height and location therefore; staff recommends approval as submitted.

Present for the case was the property owner Vicki Sizemore. Ms. Sizemore showed a rendering of the type of fence being proposed.

Mr. Grice asked if a survey has been done in order to located the real property pins to make sure the fence is not in the right-of-way. Mr. Mendel stated an inspection will be done in the field when the fence is completed.

Mr. Benko stated it is the applicant's responsibility to determine the property line. Mr. Grice stated the property needs to make sure the fence is on their property.

Mr. Lash asked for clarification of where the fence will be located. Mr. Mendel showed a photo explaining the location.

Mr. Lash made a motion to approve a Certificate of Appropriateness for a fence at 346 East Liberty Street as submitted subject to verification of the property lines.

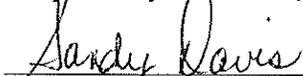
The motion was seconded by Mr. Rose.

Vote:

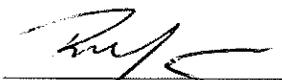
Lash	<u>Y</u>
Pucilowski	<u>Y</u>
Rose	<u>Y</u>
Grice	<u>Y</u>
Zachman	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Rick Grice, Chairman