



# CITY of MEDINA

## Planning Commission

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### Planning Commission Meeting

Meeting Date: March 12, 2015

Meeting Time: 7:00 pm

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

Absent: Jerry Lash

Announcements: None

Minutes: Bruce Gold made a motion to approve the February 12, 2015 minutes as submitted. Mr. Becks seconded the motion.

Vote:

Russell	<u>Y</u>
Rose	<u>Y</u>
Grice	<u>Y</u>
Lash	<u>Y</u>
Becks	<u>Y</u>
Approved	5-0

Old Business: None

New Business:

1. P15-05 567 N. State Jason Abbey CZC  
Justin Benko gave a brief overview of the case. Mr. Benko stated this is a request from Tinman Fitness for a Conditional Zoning Certificate.

Mr. Benko stated the site is located on the northwest corner of the N. State Road and Progress Drive intersection. Mr. Benko stated Patriots Way is located to the north and W. Liberty Street is located to the south. Mr. Benko stated the property is adjacent to I-1 Industrial zoning to the north, south, and west, and R-4 Multi-Family Urban Residential zoning to the east across N. State Road.

Mr. Benko stated the applicant has proposed utilizing the space that has been vacated by Medina Motor Sports to open a Gym. Mr. Benko stated Tinman Fitness will focus on a wide spectrum of fitness techniques and methods. Mr. Benko stated in the industrial zoning district, commercial recreation uses are a conditional use and require approval from the Planning Commission.

Mr. Benko stated Commercial Recreation is a conditionally permitted use within the Industrial District.

Mr. Benko stated a gym would be an appropriate use at the site. Mr. Benko stated the building was originally intended for low intensity industrial or as a warehouse. Mr. Benko stated a commercial recreation use, such as a gym, would be suitable use in the space and for the neighborhood.

Mr. Benko stated staff recommends the Planning Commission grant a Conditional Zoning Certificate.

Present for the case was Jason Abbey, 3975 Stonegate Drive, Medina, Ohio. Mr. Abbey stated the facility will accommodate all levels of fitness and all ages. Mr. Abbey stated the warehouse promotes the open environment versus a traditional gym. Mr. Abbey stated there will be degreed trainers as well as certified trainers.

Mr. Grice opened the public hearing at 7:39p.m. and asked for comments from the public. Having no comments from the public hearing, Mr. Grice closed the public hearing at 7:39 p.m.

Mr. Becks asked the number of occupants in the building at one time. Mr. Abbey stated the building is approximately 4,000 sq. ft. with most of it being an open gym environment. Mr. Abbey stated the class sizes vary from 10 to 15 students. Mr. Abbey stated the facility will be open from about 5 a.m. to 8 p.m.

Mr. Becks asked Mr. Abbey if he has spoken to the adjoining property owners about the parking situation. Mr. Abbey stated there is parking behind the building.

Mr. Gold made a motion to approve a Conditional Zoning Certificate to operate a gym at 567 N. State Road, subject to staff comments.

The motion was seconded by Mr. Rose.

Vote:	
Grice	<u>Y</u>
Gold	<u>Y</u>
Russell	<u>Y</u>
Rose	<u>Y</u>
Becks	<u>Y</u>
Approved	5-0

2. P15-07      221 S. Jefferson      JoJo's Sports Bar      CZC  
Justin Benko gave a brief overview of the case. Mr. Benko stated this is a request from JoJo's Sports Bar & Grill for a Conditional Zoning Certificate for outdoor dining.

Mr. Benko stated the 0.44 acre site is located on the west side of South Jefferson Street, south of East Washington Street. Mr. Benko stated the property is adjacent to the Medina County District Library to the West, the parking garage to the north, C-2 commercial zoning to the south and R-3 residential zoning to the east.

Mr. Benko stated JoJo's Sports Bar & Grill has proposed remodeling their outdoor patio. Mr. Benko stated the existing bar and fireplace area would be removed. Mr. Benko stated a covered seasonal bar, a raised dining platform to account for a larger table, and a fire pit area would be added. Mr. Benko stated aluminum awnings will be installed along the wall facing E. Washington Street with several televisions being added. Mr. Benko stated the existing retaining walls and the patio seating capacity will be unchanged. Mr. Benko stated JoJo's Sports Bar and Grill was granted a conditional zoning certificate for outdoor dining in case P31-07. Mr. Benko stated the applicant is also seeking a Certificate of Appropriateness at the March 12, 2015 Historic Preservation Board Meeting. Mr. Benko stated the Certificate of Appropriateness was approved by the Historic Preservation Board earlier this evening.

Mr. Benko stated outdoor dining is a conditionally permitted use within the C-2 Central Business District. Mr. Benko stated this is a continuation of the conditional zoning certificate to permit a significant increase in seating for outdoor dining once the patio is remodeled. Mr. Benko stated Case P31-07 restricted the hours of operation from 11:00 am to 11:00pm Sunday – Thursday, and 11:00 am to 1:00 am on Friday and Saturday. Mr. Benko stated staff suggests continuing the time restrictions from case P31-07.

Mr. Benko stated staff recommends the Planning Commission grant a Conditional Zoning Certificate subject to the following condition:

1. Restrict the patio hours of operation to 11:00 am to 11:00 pm on Sunday through Thursday evenings and 11:00 am to 1:00 am on Friday and Saturday evenings.

Present for the case was Randy Parsons from Mann Architects, 3660 Embassy Parkway, Fairlawn, Ohio 44333. Mr. Parsons stated he had nothing to add to the project description.

Mr. Grice opened the public hearing at 7:43 pm and asked for comments from the public. Having no comments from the public, the public hearing was closed at 7:44pm.

Mr. Becks stated the application makes reference to an enclosure around the bar. Mr. Becks asked what that would look like. Mr. Parsons stated they are working on that right now so it is not the typical canvas with plastic. Mr. Parsons stated they are planning on heating the space so it can be used in the winter months. Mr. Parsons stated they are working on how to detail it so it is removable but semi-permanent for the winter months

as well. Mr. Becks asked that when the design for the canopy is completed, please submit it to staff for approval. Mr. Mendel stated he will make a note to look for it in the permit review process.

Ms. Russell made a motion to approve the request for a Conditional Zoning Certificate for outdoor dining at JoJo's Sports Bar & Grill located at 221 S. Jefferson Street, subject to the following condition:

1. Restrict the patio hours of operation to 11:00 am to 11:00 pm on Sunday through Thursday evenings and 11:00 am to 1:00 am on Friday and Saturday evenings.

The motion was seconded by Mr. Gold.

Vote:

Grice	<u>Y</u>
Rose	<u>Y</u>
Becks	<u>Y</u>
Russell	<u>Y</u>
Grice	<u>Y</u>
Approved	5-0

3.P15-08      David Teper/Chris Handy      236 N. State      CZC/SPA

Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this is a request for a Conditional Use and Site Plan Review – Retail/Convenience Store and Drive Through in the I-1 District. Mr. Mendel stated the site is located in the 200 block of North State Road and is surrounded on all sides by I-1 zoning.

Mr. Mendel stated the applicant proposes a new 1,500 sqft retail convenience store with a drive-through. Mr. Mendel stated the site is currently occupied by a small detached single family house. Mr. Mendel stated the applicants wish to expand the use on the property with the proposed convenience store while also maintaining the existing single family house to be used for storage for the proposed retail use. Mr. Mendel stated along with the proposed building, the applicant proposes a 6 space parking lot to the rear (east) of the existing and proposed buildings with a drive through lane and bypass incorporated.

Mr. Mendel stated the proposed retail convenience store with drive through complies with all the 7 conditional use standards. Mr. Mendel stated this is a corridor of light and heavy industrial uses and the proposed use will add good diversity to the mix without affecting neighboring uses. Mr. Mendel stated in fact, the proposed use should provide a good service to the existing businesses and traffic within this area.

Mr. Mendel stated the current site is a detached single family house with a poorly defined dirt/gravel parking area/yard. Mr. Mendel stated the development plan will greatly improve the look and condition of the property by providing a defined paved

parking and vehicle circulation area. Mr. Mendel stated additionally, this will be established to the rear (east) of the proposed/existing buildings. Mr. Mendel stated this will recreate a nice landscaped front yard with minimal interruption except for the two vehicle drives (one general site access drive and one exit only drive from the drive through portion of the proposed building).

Mr. Mendel stated Section 1109.04(A) outline eight general provisions for the development in the City. Mr. Mendel stated the proposed project adheres to all the provisions given the heavily developed industrial context of the project's location.

Mr. Mendel stated more specifically, Section 1109.04(C) provides fifteen additional applicable standards for development. Mr. Mendel stated the proposed development meets all of these with the exception of the #11:

Roof materials should be asphalt, fiberglass and slate. Clay tile and/or ribbed metal may have merit as a variation, but will be very carefully considered in contrast to adjacent materials.

Mr. Mendel stated the proposed building has what appears to be standing seam metal roofing. Mr. Mendel stated the above section suggests that such material may only be appropriate in limited situations and must be contextual. Mr. Mendel stated in the context of the proposed building, site and neighborhood, using a metal roof would be appropriate.

Mr. Mendel stated the applicant has only provided three exterior building elevations with the south elevation missing. Mr. Mendel stated the applicant's architect explained that the 'side elevation' on page SHT 4 represents that detailing and materials for both the north and south building facades.

**Site Lighting Plan:**

Mr. Mendel stated the applicant has only provided images of proposed site lighting, but it is not possible to determine compliance with Section 1145.09(C) (Illumination of Parking Areas).

Mr. Mendel stated Staff recommends the applicant provide a site lighting plan as part of the building permit review addressing the horizontal foot candle illumination throughout the site.

**Landscaping**

Mr. Mendel stated the proposed site will have ample landscaping areas throughout the site which complies with and exceeds the Zoning Code landscaping requirements. Mr. Mendel stated the City Forester commented on the proximity of the exit only north drive to the street trees in the public right-of-way. Mr. Mendel stated the applicant will work with the City Forester to adjust the site plan or remove the trees and have the applicant provide low shrubbery to compensate for the loss of the trees.

Mr. Mendel stated there was a comment from the Sanitation Department. Mr. Mendel stated they would like to make sure the dimensions of the dumpster enclosure is large enough to accommodate the truck with a minimum 10' opening on the dumpster enclosure. Mr. Mendel stated the operation of the gates needs to coordinate with the times the trash removal comes to the site.

Mr. Mendel stated the Fire Department will work with the applicant about using the existing house for storage.

**Parking Standards:**

Mr. Mendel stated Section 1145.04(A) of the Zoning Code requires 1 space per 400 sqft floor area retail uses. Mr. Mendel stated the proposed building (1,500 sqft) plus the existing single family house (900 sqft) requires 6 parking space and 6 parking spaces are provided.

Mr. Mendel stated the Zoning Code requires the Planning Commission to conduct a Public Hearing for the proposed Conditional Use. Mr. Mendel stated the legal notices have been issued to permit the Public Hearing at the January 8, 2015 meeting. Mr. Mendel stated based on the review of the case and the public hearing the Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for the insuring that the intent and objectives of this Zoning Ordinance will be observed.

Mr. Mendel stated Staff recommends approval of the proposed conditional use certificate for the proposed retail convenience store with drive through subject to the following conditions:

1. Subject to building permits from the Medina Building Department.
2. Prior to issuance of a building permit, the applicant must provide a compliant site lighting plan addressing the requirements of Section 1145.09(C) of the Planning and Zoning Code.

Present for the case was Chris Handy, 4014 Sacramento Blvd., Medina, Ohio and John Goodworth, Architect for the project. Mr. Goodworth stated they are working on the photo metrics and will have a plan submitted in the next set of plans. Mr. Goodworth stated he looked at the architecture style for the metal roofing and also how it coordinates with residential homes throughout the town. Mr. Goodworth stated coach lights and complimentary pole lights will be used. Mr. Goodworth stated horizontal lap siding in white with tan color stone veneer will be used. Mr. Goodworth stated there will be windows on the garage doors.

Mr. Goodworth stated there are 14 trees on the site. Mr. Goodworth stated discussions with the City Forester indicated any trees being removed in the front will be replaced by more trees and more landscaping to accommodate the loss.

Mr. Goodworth stated there will be LED site lights along the sides as they produce 6 times as many lumens per dollar spent in energy costs.

Mr. Grice opened the public hearing at 7:50 pm and asked for comments. John Grim, 890 Shorewood, Medina, Ohio commented that he owns the property at 270 N. State Road. Mr. Grim stated his driveway comes all the way out to State Road. Mr. Grim stated it is adjacent to the proposed building. Mr. Grim stated he has no issues with the store and thinks it will be a nice addition to the area. Mr. Grim stated his concern is the access shown on the plans towards the rear of the property on his driveway. Mr. Grim stated he walked the property with the applicants and he understood that the traffic will enter the south drive and go back and through the drive-thru or park in the back and go into the store. Mr. Grim stated his concern is the cars parked and how they would go off the site, particularly, across his property. Mr. Grim stated he has no problem with delivery trucks using the drive but is concerned about the car traffic. Mr. Grim stated Kokosing Asphalt uses this driveway, and he himself uses the driveway to get to his warehouse. Mr. Grim stated he has concerns about cars coming out into his driveway and coming up to State Road using that access.

Mr. Grice closed the public hearing at 7:52 pm.

Mr. Gold asked the applicant if he is aware that if the board agrees to change the use of the property, the home can no longer be used as a residential property. Mr. Handy stated he is aware of that. Mr. Handy stated he plans on changing the roof on the residential structure to the metal roofing so everything matches.

Mr. Handy stated the driveway to the south is wide enough to allow traffic to go in and out. Mr. Handy stated in the proposed drawing, there is a gate that leads to Mr. Grim's access road. Mr. Handy stated he plans to keep the gate closed and used only for delivery traffic, therefore, the cars will be forced to exit through the drive-thru or exit back out through the south driveway.

Mr. Mendel stated the south driveway needs to be widened to accommodate two way traffic. Mr. Mendel stated it should be widened to 24'. Mr. Gold asked if that would meet the setback requirements.

Mr. Becks asked the applicant if he is willing to widen the driveway to accommodate two way traffic. Mr. Handy stated the asphalt is costly however, the driveway is currently over 24' wide but is gravel now. Mr. Handy stated it is approximately 30' wide. Mr. Handy stated he can do it if the board requires it.

Mr. Mendel stated there are screening requirements for minimum landscaping areas when adjacent to residential districts and also minimum requirements along the right-of-way. Mr. Mendel stated they are meeting all the necessary landscaping areas along the right-of-way but the south side is an interior lot line so the grass area can be reduced.

Mr. Grice asked the applicant how long he has owned the property. Mr. Handy stated his partner has owned the property for approximately 10 years. Mr. Grice stated his partner must have been before the Planning Commission for the landscaping business. Mr. Handy stated he believes that is true. Mr. Grice stated he does not think his partner ever fully complied with most of the requirements that were placed on the approval. Mr. Grice asked if it will be a problem to fully comply. Mr. Handy stated no, his goal is to clean the property up.

Ms. Russell asked for clarification of the driveway locations. Mr. Mendel explained the locations of the driveway on Mr. Grims property. Mr. Mendel stated the board cannot require the property owner to grant a cross access agreement if they are not part of the development review. Mr. Mendel the request is with the understanding that any approval does not include permissions to access the driveway. Ms. Russell asked if it is a private drive or is there an easement to provide access to the drive. Mr. Handy stated he has requested an easement from Mr. Grim and his Attorney has put in a request. Mr. Handy stated there has been a verbal agreement but there is no agreement in place at this time.

Mr. Becks stated he is concerned about the future if something changed and the applicant was not permitted to use that driveway. Mr. Becks stated he is concerned about the implications for traffic flow on the property. Mr. Becks stated he would prefer to prepare for this. Mr. Rose agreed that the drive to the south should be widened to accommodate two vehicles at 24'.

Mr. Becks made a motion to approve the request for a Conditional Use and Site Plan Review for a retail/convenience Store and Drive Through in the I-1 District, located at 236 N. State Road, subject to the following conditions:

1. Subject to the south entry drive be widened to 24' to accommodate two-way traffic
2. Subject to building permits from the Medina Building Department
3. Prior to issuance of a building permit, the applicant must provide a compliant site lighting plan addressing the requirements of Section 1145.09(C) of the Planning and Zoning Code.

The motion was seconded by Mr. Gold.

Vote:

Becks	<u>Y</u>
Russell	<u>Y</u>
Grice	<u>Y</u>
Gold	<u>Y</u>
Rose	<u>Y</u>
Approved	5-0

Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this is a request For Rezoning, Site Plan Review & TCOV Certificate of Appropriateness for the construction of a new retail convenience store at an existing motor vehicle filling station.

Mr. Mendel stated the site is located at the southwest corner of W. Union Street and N. Court St. in the 400 block of North Court Street.

Mr. Mendel stated the property is an existing non-conforming motor vehicle filling station with a retail convenience store. Mr. Mendel stated the motor vehicle filling station is nonconforming because the zoning district (M-U) does not list the use as a permitted nor conditional use. Mr. Mendel stated the applicant proposes replacing the existing 620 sqft convenience store building with a new 1,614 sqft building to improve the site and operation of the business. Mr. Mendel stated there are no changes proposed to the number of fuel dispensers, canopy or ground signs. Mr. Mendel stated the Board of Zoning Appeals reviewed a number of variances this evening. Mr. Mendel stated the Board of Zoning Appeals granted all of the Use Variances and bulk variances but the applicant tabled the request to continue to use the existing non-compliant pole sign.

Mr. Mendel stated in order to enlarge the building, it is necessary to move the property approximately 12.75 feet from where it currently sits and the home. Mr. Mendel stated the 12.75 feet is zoned R-3 which is why the request is for rezoning.

In order to construct the proposed 1,614 sqft convenience store building, the applicant proposes adding an additional 1001.88 sqft (12.75 ft by 78.21 ft) to the west side of the subject site's lot from the R-3 zoned residence immediately adjacent at 110 W. Union St. This proposed land exchange requires rezoning the land from R-3 to M-U which is the zoning for the existing gas station.

Staff has reviewed the proposed rezoning and has not objection to the concept of the rezoning, but rather the scope of the rezoning. Rezoning only the ~1002 sqft of the land to be added to the subject property from 110 W. Union St. is too small and piecemeal. Given the existing boundaries of the M-U zoning district on this block face (westside of N. Court between Bishop and Union), rezoning the entire lot of 110 W. Union St. from R-3 to M-U would be more appropriate.

The two other developed commercial sites immediately to the south (Buckeye Super Wash and Millburn Eye Center) extend a full ~180 feet from the Court St. frontage which is equal the distance from the subject site's frontage to the west side of 110 W. Union. Creating a contiguous and uniform M-U zoning district for this portion of the block would better aid orderly development or redevelopment in the future for both the City and the property owner.

Mr. Mendel stated as proposed, the project addresses them by enhancing the visual character with a new principal convenience store building, which will permit moving

many functions from the current building's exterior (outdoor coolers, etc) to the proposed building's interior thereby removing much of the 'clutter' currently on the site. Mr. Mendel stated despite the functional improvements provided by the new building, the proposed building's finish materials (vinyl siding and split-face concrete block with no indication of colors/finishes) do not describe a building that will meet the intent of 'attractive' or 'improving aesthetics'. Mr. Mendel stated Staff recommends the applicant evaluate ways to better integrate the building with the surrounding buildings in the immediate vicinity. Mr. Mendel stated this could be accomplished by simply finishing the exterior to resemble a house.

Mr. Mendel stated Staff recommends the applicant work with staff prior to the issuance of the building permit to better integrate the proposed building with the existing character of the surrounding neighborhood through implementation of appropriate finish materials and colors.

Mr. Mendel stated blank walls are not permitted for building facades that face the public realm. Mr. Mendel stated the proposed building has a blank wall along the north façade facing Union St. Mr. Mendel stated this could be considered a minor issue, since this wall is the location of the interior products coolers and recreating 'openings' in this wall would be purely cosmetic and nonfunctional. Mr. Mendel stated this wall is located 28 feet from the Union St. frontage behind two parking spaces.

Mr. Mendel stated Section 1109.04(C) permits the Planning Commission the discretion to determine overall compliance or noncompliance of a design with the general Site Plan design guidelines.

S Mr. Mendel stated Section 1109.04(C)(12) requires a landscaping plan that enhances and/or improves the site and it's relation to the public realm. Mr. Mendel stated given the nature of this project, strict adherence to the normal landscaping requirement and desires is not feasible, but there are opportunities for the applicant to strategically increase the amount of landscaping on the property to enhance the interior and exterior site aesthetics.

Mr. Mendel stated Staff recommends the applicant work with staff during the building permit process to develop and implement a site enhancing landscape plan taking advantage of the limited but available areas to add landscaping, such as at the SE corner of the site adjacent to the Court St. driveway and the NW corner along the Union St. Frontage.

Mr. Mendel stated Section 1155.05(A) requires all dumpsters be screened with a solid wall or fence. Mr. Mendel stated the proposed site plan does not indicate whether the dumpster complies with the screening requirement. Staff recommends that the applicant correct this during the building permit review process.

Mr. Mendel stated per Section 1145.04(A), the proposed 1614 sqft convenience store requires 4 parking spaces (1 space per 400 sqft of floor area) and the motor vehicle filling station portion requires 2 parking spaces (1 space for every 2 gas pumps). Mr. Mendel stated normally this site would require 6 parking spaces and there are only 5 provided on the proposed site plan.

Mr. Mendel stated despite the normally applicable parking requirements above, Section 1145.04(D) exempts the subject property from the requirements of 1145.04(A), because it is within the Medina Downtown Parking District 1 established by Ordinance 26-78.

Mr. Mendel stated Section 1116.05 of the Zoning Code refers to the TC-OV guidelines for projects within the overlay. In the context of this project, the applicable guidelines are consistent with the applicable design guidelines for the Site Plan review process. Mr. Mendel stated there are no additional comments or concerns in terms of the TC-OV guidelines.

**City Departments Comments:**

**Service Department.** If there are soda dispensers, the applicant must test the backflow preventers must be tested.

Mr. Mendel stated the proposed project is fundamentally a beneficial project, since it updates and improves an existing services for the immediate vicinity and surrounding neighborhood, but has some deficiencies in the specific execution that can be worked out through further consultation with Community Development staff during the building permit review process.

Mr. Mendel stated based on review of applicable sections of the City of Medina Codified Ordinances and the findings detailed above, staff recommends the Planning Commission approve the application with the following conditions:

3. The applicant work with staff prior to the issuance of the building permit to better integrate the proposed building with the existing character of the surrounding neighborhood through implementation of appropriate finish materials and colors.
4. The rezoning from R-3 to M-U shall encompass all of the property at 110 W. Union St. (PID# 028-19A-17-150) to create a contiguous and uniform M-U zoning district for the westside of the 400 block of N. Court St. since such rezoning will aid orderly development in the future.
5. The applicant shall work with staff during the building permit process to develop and implement a site enhancing landscape plan taking advantage of the limited but available areas to add landscaping, such as at the SE corner of the site

adjacent to the Court St. driveway and the angled parking spaces and also the NW corner along the Union St. Frontage.

6. The applicant shall provide a dumpster screening plan compliant with Section 1155.05(A) of the Planning and Zoning Code.
7. Subject to building permits from the Medina Building Department.

Norman Saegar from Saegar Architectural Services presented the case. Mr. Saegar stated this will be a phased building process in order to keep the business operational during the construction. Mr. Saegar stated the new building will be built around and over the existing building. Mr. Saegar stated the outside coolers will be placed inside the building. Mr. Saegar stated the new building wall is going where the existing coolers are now and not near the gas pumps.

Sara Kibler, 503 N. Court commented she lives across the street from the site. Ms. Kibler stated she is against the rezoning of the property. Ms. Kibler stated she would like the area to remain residential and her home has been devalued due to the gas station. Ms. Kibler stated the lights from the gas station light her dining room without turning on a switch. Ms. Kibler stated she would like to have something done about the lights on the canopy so they do not shine into her home. Ms. Kibler stated during the Board of Zoning Appeals meeting earlier this evening, she was led to believe that the rezoning would not be requested at this time. Ms. Kibler stated she purchased her home in 2004 and the gas station existed. Ms. Kibler stated at that time the gas station opened after she left for work and closed around 9:00 a.m. Ms. Kibler stated it now opens at 5:30 a.m. and closes at midnight.

Sean F. of 421 N. Court Street, Buckeye Superwash, on the south side of the subject property commented. Sean stated he would like to know where the monument sign will be placed for safety reasons and site distance. Sean asked if there is any structure proposed along the guardrail where the parking spaces are. Sean stated this would cause a loss of visual exposure of the business next door. Mr. Grice stated yes. Mr. Mendel stated the existing guardrail will remain.

Chad Frazier, also from 421 N. Court Street, Buckeye Superwash commented that he is in support of the remodeling of the gas station.

Jim Kreji, 136 W. Union commented the house to the left is 124 W. Union which he owns. Mr. Kreji stated he was not led to believe that rezoning would be considered. Mr. Kreji stated that would be eating away at the residential character of the neighborhood. Mr. Kreji stated he has concerns that the house will eventually be torn down to create parking. Mr. Kreji stated this is unfair to the residents to the west. Mr. Kreji suggested modeling the building after a residential structure. Mr. Kreji stated he would like to keep the light spillover from the adjoining properties.

Barbara Booker, 125 W. Union Street commented that she is not opposed to the store being upgraded and expanding but only if the variances for the 12.75 feet goes back.

Mr. Mendel stated the proposed new setback for the house would be five feet which is the minimum requirement. Mr. Mendel stated the proposed building is only 5 feet from the new lot line with ten feet between the buildings. Mr. Mendel stated the 12.75 feet would need to be rezoned. Ms. Booker stated she objects to the residential property being rezoned to M-U. Ms. Booker stated the street is all residential homes and it would not conform with the neighborhood. Ms. Booker stated the students from all three schools stop at the store and generate a lot of trash. Ms. Booker suggested trash cans at the exits.

Mr. Gold asked who owns the home that is being considered for rezoning to M-U. Mr. Mendel stated it is under the same ownership as the land for the gas station.

Mr. Singh, owner of the business, stated the reason for the light at night is all the lights are on to keep the coolers from being broken into. Mr. Singh stated the coolers have been broken into numerous times. Mr. Singh stated if the new building goes up, there will be no lights outside since the coolers will be relocated inside the building.

Mr. Gold asked if a lighting plan will be required for the building permit. Mr. Mendel stated since there are no significant changes to the parking areas, it is not required, but it would not hurt for the applicant to provide a photo metric plan for any proposed exterior building lighting. Mr. Mendel stated there is down lighting being proposed for the under the canopy at the front of the building. Mr. Mendel stated a photo metric plan of existing lighting and proposed lighting would be good to have in the files. Mr. Mendel stated it can be made a condition of the approval.

Ms. Russell stated she is not clear on the compelling reason to make the entire lot with the house M-U. Ms. Russell stated it is already carved out so it will be a little less carved out with the 12.75 ft. rezoning. Mr. Mendel stated it was a matter of looking forward to the redevelopment possibilities along the block face of North Court and having it be consistent with the depth of the zoning district and lots that are immediately to the south. Mr. Mendel stated it would be consistent and provide good redevelopment opportunities and value. Mr. Mendel stated as it is, if someone purchased all three properties including the house and it was not rezoned, the gas station portion would become an odd front yard parking lot area. Ms. Russell asked if that is already the case right now. Mr. Mendel stated it is zoned M-U and the house is zoned R-3. Mr. Grice stated when the city provided the M-U zoning, that house was excluded because it was residential and not on the Court Street block. Mr. Grice asked if it is solely the recommendation of the staff. Mr. Grice stated he has less issues with the 12.75 feet than the whole lot. Mr. Grice asked if there has been a survey done to know it is only 12.75 feet. Mr. Saeger stated they will do a survey and it will be five feet from the existing house which may turn out slightly different.

Mr. Grice stated if the measurement turns out to be less than 12.75 feet, at what point does the project become not viable. Mr. Grice stated without a survey, you will not know for sure. Mr. Grice stated he is not in favor of the entire lot being rezoned.

Mr. Becks stated we are discussing a 10 ft. to 10 ft. foundation setback and there are other encroachments on that setback such as the roofline of the proposed building as well as something projecting out from the existing house. Mr. Gold stated code states per foundation. Mr. Mendel stated that is correct. Mr. Mendel stated he was unable to do that extensive a review with the plans that were provided so he is not sure what the encroachment will be. Mr. Mendel stated there is also no survey of both lots. Mr. Mendel stated the applicant should be put on notice that the approval is for a certain foot setback of the existing building and if the survey comes back different, they may need to change with reviews by the Planning Commission and the Board of Zoning Appeals.

Mr. Grice stated the project is good to clean up the site but there have been questions raised about the architecture of the proposed building and so forth. Mr. Grice stated he would like to see something more complete before moving forward.

Mr. Gold asked if a faux window can be placed into the north face of the building to give architectural detail to meet code.

Mr. Becks asked if the applicant looked at what can be done on the existing site. Mr. Becks stated it looks like the existing building is still usable. Mr. Becks stated he is very concerned with the five foot setback on the house. Mr. Becks stated it will substantially change the character of the residential district.

Mr. Rose asked if the house is occupied. Mr. Singh stated his brother lives in the home. Mr. Rose stated he agrees it will change the residential character of the neighborhood. Mr. Rose asked about going east with the building. Mr. Mendel stated there is 5 feet between the proposed building and the proposed lot line. Mr. Mendel stated approximately 8 feet which is where the current lot line is inside the building. Mr. Mendel stated the building would be reduced to come to that existing line so no subdivision needs to occur. Mr. Mendel stated the Board of Zoning Appeals approved the variance to allow the 5 foot setback of the buildings on the proposed lot line this evening. Mr. Mendel stated they may need to go to the Board of Zoning Appeals to ask for a variance for the lot line.

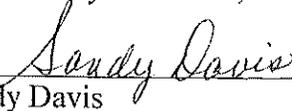
Mr. Gold stated he appreciates the effort to improve the site and feels it would not detract from the residential area.

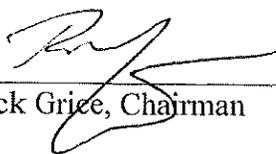
Mr. Mendel stated the code would require a 6 foot fence on the east side of the lot per screening requirements. Mr. Mendel stated it would be required on the plans.

Mr. Saeger tabled the case in order to address the concerns that have been discussed.

Having no further business, the meeting was adjourned.

Respectfully submitted,

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

  
\_\_\_\_\_  
Rick Grice, Chairman