# CITY of MEDINA
## Planning Commission
## Organizational Meeting

### Planning Commission Meeting

Meeting Date: May 12, 2016

Meeting Time: 7:00 pm

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

Absent: None

Minutes: Mr. Gold made a motion to approve the April 14, 2016 minutes as submitted. Mr. Lash seconded the motion.

Vote:

| | |
|---|---|
| Grice | Y |
| Gold | Y |
| Rose | Y |
| Lash | Y |
| Becks | Y |
| Approved | 5-0 |

Announcements: Mr. Rose stated the City Council passed the zoning code housekeeping amendments and they will take effect in 30 days.

Mr. Mendel stated the Downtown Revitalization Grant is going well and projects are moving forward.

Mr. Grice announced the Old Business Case P15-37 will be heard last in order to move the other applicants through a little faster.

Mr. Grice stated case #P16-11 has been pulled from the agenda.

Old Business:

1. P16-08 Dr. Loren Raymond 139 N. Court CZC/SPA

Mr. Mendel gave an overview of the case. Mr. Mendel stated at the April 14, 2016 Planning Commission meeting, the applicant presented a redevelopment project of the

property at 139-145 N. Court St at the southwest corner of N. Court St. and W. Friendship St. involving Site Plan approval and Conditional Zoning Certificate approval for a bank drive thru. Mr. Mendel stated earlier on April 14, 2016, both the Historic Preservation Board and Board of Zoning Appeals reviewed and approved their portions of development review process.

Mr. Mendel stated the Planning Commission held a public hearing for the conditional zoning certificate and a public meeting for the site plan review. Mr. Mendel stated during the meeting, the adjacent property owner, Mr. Gary Hetrick, raised concerns about how the development of the proposed project would negatively affect the use/operation of his property immediately adjacent to the south.

Mr. Mendel stated the Planning Commission asked if the applicant would table the review for one month to provide the two parties time to meet and discuss possible solutions to the concerns raised.

Mr. Mendel stated during the intervening month, the two parties met on-site on April 27, 2016 and discussed possibilities with the assistance and facilitation of City staff. Mr. Mendel stated as of May 10, 2016, there has been no agreement on possible solutions. Mr. Mendel stated Mr. Hetrick was not available to be at the April 27th on-site meeting.

Mr. Mendel stated despite no agreement between the two parties, the Planning Commission is required by Section 1109.02(c) to act on the requested actions.

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 Site Plan and Conditional Zoning Certificate requests with the following conditions:

1. Subject to building permits from the Medina Building Department.
2. Subject to review and approval of site development plans by the Medina Engineering Department as
3. Subject to the City Forester comments outlined in the Planning Commission April 14, 2016 staff report
4. Subject to the City Engineering Dept. comments dated April 5, 2016

Mr. Grice stated a public hearing was held last month for this case. Mr. Grice asked the applicant if they have any further comments. The applicant had no comments. Mr. Grice asked the public for comments. John Oberholtzer, Attorney representing adjoining property owner Gary Hetrick commented on the case. Mr. Oberholtzer stated an Appeal has been filed today for the decision of the Board of Zoning Appeals which granted the variance last month. Mr. Oberholtzer stated the opposition to the granting of the zoning certificate would be that the requirements for a Conditional Zoning Certificate are, among other things, such that the vehicular approaches to the property will be so design as to not create an interference with traffic or surrounding public streets or roads. Mr. Oberholtzer stated that fact that you have something from your own planning staff

indicating that there is a way to create three lanes of traffic in this case, he thinks is highly significant. Mr. Oberholtzer stated there were meetings but no agreement. Mr. Oberholtzer stated the city came forth with a proposal and it was his client's belief that it was something that the applicant was willing to do so his client was at the meeting with the understanding that would be a beginning place. Mr. Oberholtzer stated the applicant was not prepared to accept the proposal. Mr. Oberholtzer stated he would argue to the Planning Commission that to grant this Conditional Zoning Certificate, I think you could incorporate into it conditions for driveways and ingress and egress. Mr. Oberholtzer stated the Planning Commission staff has recommended the proposal that envisions three lanes of traffic in this space. Mr. Oberholtzer stated he thinks anybody that looks at this is going to be of the opinion that to do this correctly, you need three appropriate lanes of traffic between these two buildings. Mr. Oberholtzer stated if, as being proposed, you are going to put in a drive-thru bank window. Mr. Oberholtzer stated he would urge you, whatever you do, first of all, reject it until something is done to resolve this and make something sensible, but if you do decide to approve it, it should be with requirements that would create an adequate drive-thru for all the parties concerned.

Mr. Mendel stated if the Planning Commission would like to see the plan that he provided as a suggestion he would provide it. Mr. Mendel stated he gave the parties a week to unilaterally come together to begin to discuss the issue but they did not. Mr. Mendel stated he felt it was within his pervue as an experienced land use Planner, to suggest some ideas to start with. Mr. Mendel stated he made it very explicit that it is not anything that he is requiring and is not binding and he did not say this is the starting place. Mr. Mendel simply stated this is an idea. Mr. Mendel showed the plan to the Commission. Mr. Mendel stated the plan is not precise and would have required some Board of Zoning Appeals requests from Mr. Hetrick for his property to build parking spaces that are too narrow for parallel spaces and/or a drive lane to meet the code requirements needed. Mr. Mendel stated he tried to give a suggestion on how to intermingle the ownership as little as possible by providing something relatively simple.

Mr. Mendel stated the suggestion was discussed at the site. Mr. Mendel stated there was an alternative suggestion provided by Dr. Raymond with a plan that helped out Mr. Hetrick without intermingling ownerships.

Mr. Mendel asked Mr. Oberholtzer through the board, if the appeal is to the Common Pleas court. Mr. Grice directed the question to Mr. Oberholtzer who stated yes, it was filed today. Mr. Oberholtzer stated he did not want the board to feel they were trying to sandbag them. Mr. Oberholtzer stated his client was concerned that if they told the board about the appeal, they would be mad at him. Mr. Oberholtzer stated he feels they have a right to appeal the Board of Zoning Appeals and there is a window of time to file which is running out.

Mr. Grice asked what the variance was for. Mr. Mendel stated it was for the area of the footprint. Mr. Mendel stated the zoning code for the C-2 zoning district has a maximum building footprint of 5,000 square feet. Mr. Mendel stated the proposed building footprint is 6,850 or so. Mr. Mendel stated it was approved by the Board of Zoning

Appeals. Mr. Mendel stated if the building was reduced to 5,000 sq. ft., it would still be in the same site plan configuration.

Mr. Grice asked if due to the 45 day timeframe to act, the board should do so this evening. Mr. Mendel stated the site plan requirements have been met and apart from the appeal, the Board of Zoning Appeals approved the variance that was required and in the staff report for the April meeting, the conditional zoning review for the drive-thru met the standards of the conditional zoning certificate review process, therefore, Mr. Mendel stated he feels it is incumbent upon the Commission to act on the request.

Mr. Becks asked if any of the options discussed were acceptable to both parties. Mr. Oberholtzer stated he would not go that far. Mr. Oberholtzer stated his client was very interested in the proposal from staff and his client thought it was a proposal made by the applicant. Mr. Oberholtzer stated when his associate went to the on-site meeting, he thought this is what the applicant wanted. Mr. Oberholtzer stated he thought it was a matter of some tweaking due to tearing up a bank on the south. Mr. Oberholtzer stated at the meeting they learned the applicant did not want this proposal. Mr. Oberholtzer stated he still maintains that in order to do this correctly, you need to have three lanes of traffic somehow.

Gary Hetrick, adjoining property owner, stated he had a trip to Florida booked and paid for when the meeting occurred on site. Mr. Hetrick stated the initial word he got on this was that there would be 26 feet available for two way traffic and three lanes. Mr. Hetrick stated one of those lanes would be the bank drive-thru plus two other lanes. Mr. Hetrick stated he knew the only way that would happen is if the drive-thru moves north or he has to tear out all the property running alongside of this building. Mr. Hetrick stated he was probably overly critical of that in the letter he sent out as far as the drawings because he now realizes that it was a make-shift thing. Mr. Hetrick stated he came up with many questions about the plan. Mr. Hetrick stated the bottom line is he does not believe he should be required to change his property. Mr. Hetrick stated he thinks it detracts from the property. Mr. Hetrick gave an analogy of someone wanting to put a pool in on their property and they expect the neighbor to do something to their property in order for the other to put the pool in. Mr. Hetrick stated either his property must be torn up in a way he does not approve, or the bank drive-thru window goes north. Mr. Hetrick stated when he thought there was 26 feet available for 3 lanes, it may work. Mr. Hetrick stated he would like to line up some cars there to make sure there is enough room.

Mr. Mendel stated the plan he suggested as a starting point, is measured to the amount of pavement to the drive Mr. Hetrick owns. Mr. Mendel stated it does not go into any of the grass berm along the north side of Mr. Hetrick's building. Mr. Mendel stated it is within the pavement area that exists. Mr. Mendel stated it is only 19 feet because there is a 7 foot parking lane that is not a drive lane. Mr. Mendel stated this is just a starting point and not a requirement. Mr. Mendel stated his view is this is not a plan that either party is required to accommodate. Mr. Mendel stated Mr. Hetrick does not have to do anything with the plan as proposed by the adjacent property owner. Mr. Mendel stated the plan as proposed would constrict the use of his property as he has known it for many decades.

Loren Raymond, property owner, stated he is not the bad guy. Mr. Raymond stated he had not seen the plan suggested by Mr. Mendel prior to the on-site meeting. Mr. Raymond stated the reason he does not like the plan is because sharing a property is a miserable experience if the person you are sharing property with have different ideas on what to do with it and it frequently ends up in court which is unpleasant for everyone. Mr. Raymond stated he does not want to share property with Mr. Hetrick for that reason. Mr. Raymond stated the difficulty seems to be parking and he came up with a plan to allow parking to the west of the new building in an area of the drive that is wide enough to accommodate a lane of parked cars. Mr. Raymond stated he offered, also, at the western end of the present east/west drive, to excavate the area at his own cost, move the telephone poles at his own cost, replant trees that are there at his own cost, and create three or four more parking spots. Mr. Raymond stated he does not understand the problem. Mr. Raymond stated that is plenty of parking with no cost to Mr. Hetrick, no interference with any of the foundations, completely separate from his building. Mr. Raymond stated it seems like a very logical way to approach this difficulty without having to share property.

Mr. Rose asked if the excavation on the south of the drive is Mr. Raymond's or Mr. Hetrick's. Mr. Raymond stated it is Mr. Hetrick's.

Mr. Gold stated looking at the plan suggested by staff, the canopy would need to be constructed to cantilever off the building which would add considerable expense. Mr. Raymond stated it was planned because of the direction the garbage truck would need to get to the dumpster so it was figured in.

Mr. Hetrick stated he is confused because it was his impression the 26 feet he thought would work was rejected and now he is getting the idea it could be possible. Mr. Hetrick stated if he is not tearing up anything on his property and there are 26 feet of lanes, it would probably work but he would like to see it tested.

Mr. Mendel stated there is 26 feet but there is about 19 feet between the existing building and the south edge of the pavement on Mr. Hetrick's property but the existing building is 5 feet off the lot line. Mr. Mendel stated the proposed plan by Mr. Raymond is a 12 foot drive aisle up to his lot line and that would be 14 feet so even though there is 26 feet, it is not divided equally to provide cross access easement.

Mr. Gold made a motion to approve a Conditional Zoning Certificate and Site Plan for 139-145 N. Court Street to allow a Personal and Professional Service and Drive-Thru in the C-2, Central Business District as submitted subject to the following:

1. Subject to building permits from the Medina Building Department
2. Subject to review and approval of site development plans by the Medina Engineering Department
3. Subject to the City Forester comments outlined in the Planning Commission April 14, 2016 staff report

4. Subject to the City Engineering Dept. comments dated April 5, 2016
The motion was seconded by Mr. Becks.

Vote:

| | |
|---|---|
| Grice | Y |
| Gold | Y |
| Rose | Y |
| Lash | Y |
| Becks | Y |
| Approved | 5-0 |

New Business:

2. P16-10 Highpoint Subdivision, S. Court Albrecht, Inc. Final Plat

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a final plat review for South Court Village. Mr. Mendel stated the 41.7 acre site is located at the northwest corner of South Court Street and Highpoint Drive. Mr. Mendel stated the site is adjacent to residential development to the west, north, and south. Mr. Mendel stated First Merit Bank is adjacent to the north along Court Street, an assisted living facility is adjacent along Court Street to the south with small scale commercial land uses to the east in Montville Township. Mr. Mendel stated the property is zoned C-3 with a special Planning District overlay.

Mr. Mendel stated the applicant requests final plat approval for the South Court Village Development. T Mr. Mendel stated the applicant received preliminary plat approval on March 10, 2016 by the Planning Commission and the next step is Planning Commission's review of the Final Plat.

Mr. Mendel stated as part of the Final Plat approval, there are several steps. Below is the anticipated review process for the project:

1. March 10, 2016: Preliminary plat approved by Planning Commission.
2. Improvement plans had been submitted to the City Engineer for the proposed subdivision in 2009. The applicant has been working with the applicant to verify the continued suitability of these plans.
3. Construction agreement approved by City Council in 2009 is still valid and applicable.
4. Site grading and utility construction had begun in 2009, but stalled. Work on the public infrastructure can begin again under the 2009 improvement plans and construction agreement.
5. Council acceptance of the street dedication at the completion of the construction and prior to release of Certificate of Occupancy or as dictated in construction agreement.

Mr. Mendel stated based on review of the submittal requirements for Final Plat in Section 1167 of the Planning and Zoning Code the following items need to be incorporated:

a. Copy of restrictive covenants pertaining to the site, if applicable
b. Change the name of the proposed local street. "Court Village Parkway" is too similar to the adjacent "South Court Street" per Section 1169.05(b)(4)
c. Depict the center island of the roundabout/cul-de-sac of the proposed street and indicate ~~it~~ as under the ownership and maintenance of the private property owner.
d. Reference adjoining platted parcels by name, volume and page per Section 1169.05(b)(10) Certification area and seal for the registered surveyor representing that the plats details are correct as required by Section 1169.05(b)(11)
e. Acceptance of offers of dedication by Council per Section 1169.05(b)(13)(D)

Mr. Mendel reviewed the applicable Special Planning District Development Guidelines requirements:

Detention basins: Mr. Mendel stated the two proposed basins are located along the west and north sides of the development. Mr. Mendel stated the detention basins are proposed within a parcel under separate ownership from the Grocery store development and the basins will serve the needs of the entire development. Mr. Mendel stated an easement or legal arrangement should be in place to indicate the use and maintenance of the shared facility.

Vehicular traffic: Mr. Mendel stated the internal layout of drives and access points should allow travel between sub districts. An easement has been proposed between the rear of the proposed grocery and the proposed street. Mr. Mendel stated it is intended that this easement will allow for the curb access of the adjacent retail out lot and office development. Mr. Mendel stated additionally a full dedicated street connecting Highpoint Drive and South Court Street is not proposed for this phase of the project. Mr. Mendel stated the applicant has proposed to design the grocery store site plan to allow for such through access when that project goes through the site plan review process. Mr. Mendel stated an easement needs to be depicted on the plat to show this through access. Mr. Mendel stated future street connection to Highpoint will occur as part of the residential development.

Mr. Mendel reviewed the following Staff Comments:

**Parks/Forestry**

Per Section 1173.03(f) of the Subdivision Regs:

(f) Street Trees. The developer shall pay for and the City shall install all street trees. The trees shall conform to the specifications of the City. Trees shall be provided on streets with curbs and gutters as required in the improvement schedule. These fees will be determined by the City Forester in accordance with the current specifications. The fees shall be submitted by the Developer prior to final plat approval.

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 for the Final Plat application subject to the following conditions to be revised and submitted to staff for acceptance:

1. Incorporate the additional information below on the proposed final plat:
    a. Copy of restrictive covenants pertaining to the site, if applicable
    b. Change the name of the proposed local street as "Court Village Parkway" is too similar to the adjacent "South Court Street" per Section 1169.05(b)(4)
    c. Depict the center island of the roundabout and indicate it as under the ownership and maintenance of the private property owner. A separate, non-buildable parcel needs to be established for the roundabout.
    d. Reference adjoining platted parcels by name, volume and page.
    e. Certification area and seal for the registered surveyor representing that the plats details are correct as required by Section 1169.05(b)(11)
    f. Acceptance of offers of dedication by Council per Section 1169.05(b)(13)(D)
2. Coordinate with the Parks and Forestry Department to comply with the street trees requirements of Section 1173.03(f).
3. Establish an easement or legal arrangement to indicate the use and maintenance of the shared detention basin facilities.
4. Establish an easement providing through public access between the roundabout of the proposed local street and Highpoint Drive through the retail portion of the site.
5. Incorporate the Engineering Department comments dated May 4, 2016

Mendel stated this is an approval of the Final Plat subject to the applicant complying with these pieces for the document itself. Mr. Mendel stated it would then come back to the Planning Commission for the Chairman to sign off on the Planning Commission portion of it as they go through the process. Mr. Grice asked if this can be approved prior to the required items being completed. Mr. Mendel stated yes but the Chairman cannot sign off on the Plat Document at another meeting.

Present for the case was Dave Crock, OHM Advisors, Consulting Engineer representing Albrecht Incorporated. Mr. Crock stated there are several items to be addressed in the plat which will be handled. Mr. Crock stated there are no restrictive covenants on the plat. Mr. Crock stated they are considering different street names and will be presenting them. Mr. Crock stated the center island is no problem in terms of being privately owned and maintained by Albrecht who would be leasing the space to the Acme Grocery store. Mr. Crock stated the survey items are no problem as with coordination with Parks and Forestry. Mr. Crock stated the applicant understands the need to obtain a legal arrangement regarding the detention basins for maintenance and operation. Mr. Crock stated the access through the commercial zone and what is the future residential zone are anticipated with the SPD and he does not think that they are able to dictate today, exactly where that is going to be through the retail. Mr. Crock stated if there is some type of

general language indicating that there will be an easement, it is no problem. Mr. Crock stated the Engineering comments are of no issue either. Mr. Crock stated they have a contractor and are ready to start so they would like to receive a Conditional Approval this evening from the Commission to move forward.

Mr. Becks made a motion to approve the Final Plat as submitted for South Court Village Development subject to the following:

1. Incorporate the additional information below on the proposed final plat:
    a. Copy of restrictive covenants pertaining to the site, if applicable
    b. Change the name of the proposed local street as "Court Village Parkway" is too similar to the adjacent "South Court Street" per Section 1169.05(b)(4)
    c. Depict the center island of the roundabout and indicate it as under the ownership and maintenance of the private property owner. A separate, non-buildable parcel needs to be established for the roundabout.
    d. Reference adjoining platted parcels by name, volume and page.
    e. Certification area and seal for the registered surveyor representing that the plats details are correct as required by Section 1169.05(b)(11)
    f. Acceptance of offers of dedication by Council per Section 1169.05(b)(13)(D)
2. Coordinate with the Parks and Forestry Department to comply with the street trees requirements of Section 1173.03(f).
3. Establish an easement or legal arrangement to indicate the use and maintenance of the shared detention basin facilities.
4. Establish an easement providing through public access between the roundabout of the proposed local street and Highpoint Drive through the retail portion of the site.
5. Incorporate the Engineering Department comments dated May 4, 2016

The motion was seconded by Mr. Lash.

| Vote: | |
|---|---|
| Grice | Y |
| Gold | Y |
| Rose | Y |
| Lash | Y |
| Becks | Y |
| Approved | 5-0 |

3. P16-12 421 N. Court Buckeye Super Wash COA/SPA

Mr. Benko gave an overview of the case. Mr. Benko stated this is a request for a Certificate of Appropriateness and Site Plan Approval for façade renovations for Buckeye Super Wash.

Mr. Benko stated the building is located on the west side of N. Court Street, south of West Union Street and North of Bishop Alley within the TCOV.

Mr. Benko stated the applicant is seeking site plan approval for proposed façade renovations for Buckeye Super Wash. Mr. Benko stated the renovations will include "Dimensional Metals Inc." aluminum panels in red and "musket grey." Mr. Benko stated additionally, a new overhead door will be installed. Mr. Benko stated as this site is located within the Transitional Corridor Overlay District, design review and approval of a Certificate of Appropriateness is required by the Planning Commission. Mr. Benko stated material samples will be available at the meeting.

Mr. Benko stated although sheet metal siding is discouraged in the site plan guidelines, the applicant has proposed a high quality metal siding system. Mr. Benko stated additionally, the red that is proposed, albeit bright, is an accent that should provide a contrast to the "musket grey" siding.

Mr. Benko stated the TCOV guidelines state that the "*The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.*" Mr. Benko stated the building is a nondescript 1960's former gas station site that is adjacent to an existing gas station and a remodeled doctor's office. Mr. Benko stated the façade renovations actually create distinctive architectural features for the building and the renovations should have a positive impact on neighboring properties. Mr. Benko stated furthermore, the project constitute a sizable investment in the property.

Mr. Benko stated staff recommends the Planning Commission approve the Site Plan application and grant a Certificate of Appropriateness for the above application on the following condition:

1. Subject to all necessary permits from the Medina Building Department.

Present for the case were property owners Chad Frazier and Sean Fugarino. Mr. Frazier stated the building is over 45 years old and has several coats of paint on it. Mr. Frazier stated the façade improvements are long overdue. Mr. Frazier stated they are working with 620 Construction for the project. Mr. Frazier stated he feels this will be a major improvement. Mr. Frazier stated they will also be doing improvements to the interior of the building as well in conjunction with the façade improvements. Mr. Frazier stated they will be doing a grand re-opening when all is completed later this summer.

Mr. Grice asked if there will be a time when the operation is shut down. Mr. Frazier stated not consistently, but only a day here and there.

Mr. Becks asked if the applicant has considered a red that is not so bright. Mr. Frazier showed the exact color samples they will be using. Mr. Frazier stated it is bright but it is their colors. Mr. Frazier stated the red is only in the front and the garage door will be the grey exterior color.

Mr. Grice asked if the illegal signs will be removed from the site if this is approved. Mr. Frazier stated the "open" sign will go away. Mr. Mendel stated directional signs are permitted. Mr. Frazier stated the flags will not be there.

Mr. Lash stated he likes what they are doing but it does not fit the neighborhood. Mr. Lash stated it only has a little brick on the building where brick has been required on other buildings on that street. Mr. Fugarino stated in the pre-meeting, there was a discussion about brick and the discussion was they are not looking to mirror the other properties. Mr. Fugarino stated they considered a veneer brick but it does not match the style and automotive look they would like. Mr. Fugarino stated it is also a maintenance issue.

Mr. Becks stated the color is called bright red and he thinks the red is what makes a difference. Mr. Becks stated there are reds on buildings on the street but they are more of a colonial red. Mr. Becks stated he is concerned about making such a bold statement since the design guidelines for the TCOV state bright colors are discouraged.

Mr. Frazier stated if that is what the board would like, he would prefer to scrap the red all together because those are their colors and if they use a different shade of red, it will not go with their other branding and shirts.

Mr. Lash asked if the south side of the building looks like the north side of the building. Mr. Frazier stated yes, it looks the same with the aluminum wrap. Mr. Fugarino stated the south side aluminum does not wrap as large due to the AC equipment. Mr. Frazier stated there will also be some landscaping also.

Mr. Mendel stated the guidelines allow for diversity in the streetscape. Mr. Mendel stated he thinks this is a better façade than the existing façade. Mr. Mendel stated he feels although the red is bright, it is minimal in terms of the surface areas of the building. Mr. Mendel stated vehicles and cars will probably block it on a regular basis. Mr. Mendel stated this is an improvement to the building and is not designed to look like a Victorian house as across the street. Mr. Mendel stated it is the condition that is existing and the applicant is trying to make an improvement. Mr. Mendel stated the TCOV is designed to help encourage investment and prevent deterioration. Mr. Mendel stated he feels this is a significant positive investment into the building that is a necessary use in the community.

Mr. Frazier stated they tried to put in a landscape bed but there is not enough room. Mr. Frazier stated there is a little space where the gas main is located where they would like to place planters and potted plants there to cover the meter. Mr. Frazier stated it will not be red pots.

Mr. Fugarino stated maintenance is a big factor in the aluminum vs brick veneer.

Mr. Becks stated he likes the design and he does not dislike the red but does not like the red in that location. Mr. Becks asked if the applicant would be willing to follow what the

code asks for which is building colors consisting of earth tones. Mr. Becks stated this would be a tan or beige. Mr. Frazier stated he would have to go with the dark grey or silver because there are no browns on the building. Mr. Fugarino asked if they have an option.

Mr. Becks stated he is only asking the question. Mr. Frazier stated he would consider it to move on with the project. Mr. Frazier stated their preference would be red. Mr. Fugarino stated they would look at it but he also prefers the red.

Kimberly Marshall, Economic Development Director commented. Mrs. Marshall asked what tone of red. Mr. Becks stated he would like a more subdued red.

Mr. Gold stated there are other bright colors on the street. Mr. Gold stated he understands it is part of their branding colors and it is not a predominant color feature on the building but is probably less than 10% of the building color.

Mrs. Marshall stated she herself has driven by the business by mistake and maybe the colors will help to make it more visible. Mrs. Marshall stated it is a big investment and she asked the board to approve the request.

Mr. Gold made a motion to approve a Certificate of Appropriateness and Site Plan Approval for façade renovations for Buckeye Super Wash located at 421 N. Court Street, Medina, Ohio as submitted subject to the following:

1. Subject to all necessary permits from the Medina Building Department

The motion was seconded by Mr. Lash.

| Vote: | |
|---|---|
| Grice | Y |
| Gold | Y |
| Rose | Y |
| Lash | Y |
| Becks | N |
| Approved | 4-1 |

Old Business:

P15-37 Citywide Text Amendments COM

Mr. Mendel stated this is to restart the discussion from the April 14, 2016 meeting. Mr. Mendel stated there was a discussion regarding the Light and Heavy Manufacturing definitions. Mr. Mendel stated Planning Commission recommended changes that improve the applicability of the definition as opposed to what was in place. Mr. Mendel stated the recommendation went to City Council and is in the public hearing process at this time.

Mr. Mendel stated Planning Commission requested to continue working on the definitions. Mr. Mendel stated he was not able to provide any further detailed text or changes but the board may discuss the next direction to go on the definitions.

Mr. Mendel stated one of the discussion points was the definitions still negatively impact existing uses and businesses as well as the types of land uses that triggered the review for the heavy manufacturing could be separately regulated outside of the Heavy and Light Manufacturing definitions. Mr. Mendel stated very specific land use definitions could be created for this very specific type of operation.

Mr. Mendel stated the definitions provided make the code more applicable and enforceable and are still an umbrella type of code. Mr. Mendel stated the city has a very extensive non-conforming section of the code in the event that for a Heavy Manufacturing, there needs to be approval for it or it can be an existing non-conforming use.

Mr. Mendel stated the board could also choose to make a specific definition for rock crushing and specific regulate it.

Mr. Grice stated with the exception of a truck terminal, nothing else is an outdoor use. Mr. Grice stated most everything by its nature is an indoor use. Mr. Mendel stated a truck terminal is not using processes to create a material.

There was a lengthy discussion regarding several different types of manufacturing and possible noise levels. Mr. Mendel stated each Planning Director will interpret the code in a different way.

Mr. Gold stated he objects to the proposed definitions because he is looking at starting a new business which will make noise that will exceed the boundaries and limitations of the property footprint. Mr. Gold stated someone can say they can hear the noise and it is not allowed in this district. Mr. Gold stated then there will be an issue with the city. Mr. Gold stated it could mean not locating his new business in Medina. Mr. Gold stated it is too ambiguous and needs to be defined further. Mr. Gold stated it can easily be defined. Mr. Gold stated the proposed definition is arbitrary. Mr. Gold stated it is opening a can of worms if it is not clearly defined

Mr. Grice stated he agrees with Mr. Gold to a point that what is noise to one person may not be noise to another person. Mr. Grice stated he does not know how to write that without being pages of definition.

Mr. Mendel stated the enforcement issues are investigated to see if they went through all the correct processes to operate their business in the city. Mr. Mendel stated every business that comes in is required to get an occupancy permit that is reviewed and evaluated for the type of business.

Mr. Gold stated most manufacturers make noise that carries beyond the boundaries of their property.

Mr. Rose stated that it is important that whatever is decided upon by the Board for the definitions cannot be a deterrent for businesses coming into the city. Mr. Rose asked if he has a business and comes to the city and it is decided that it is "light manufacturing" and he gets all the required permits and starts his business, can a neighbor make a complaint that the business is too loud, will the city tell the neighbor it was a permitted use?

Mr. Mendel stated if it was decided and approved, the complainant would have the right to seek legal remedy if they choose. Mr. Mendel stated the business would have the weight of the approvals from the city behind them.

Kimberly Marshall, Economic Development Director, commented that she needs to be able to attract manufacturers that have processes that make noise without having issues.

Mr. Gold maintained that the definition is too vague. Mr. Becks agreed and asked about defining decibels levels of noise being added to the definition. Mr. Gold stated that Law Director Greg Huber has stated he does not want a decibel level placed in the code because it will cause the Police Department to have to investigate noise complaints.

Mrs. Marshall sited Vertis and a situation where the neighbor made several noise complaints.

Mr. Gold stated he has given his objections and he stands by them. Mrs. Marshall suggested contacting Paul Coulter who assisted with the Planning Code rewrite several years ago and asking him what was discussed at the meetings regarding noise.

Mr. Mendel stated he has not contacted Mr. Coulter or the Chamber as he is able and capable of addressing this with the Law Director's assistance. Mr. Mendel stated this was vetted through Todd Hunt of Walter & Haverfield who is a land use attorney expert in the State of Ohio. Mr. Mendel stated Mr. Hunt wrote the majority of the definition.

Mr. Mendel stated Mr. Hunt is aware of Mr. Gold's concerns and wrote the definition with them in mind.

Mr. Mendel asked the board for direction to continue to work on this text or add additional text.

Stan Scheetz, private sector attorney, commented. Mr. Scheetz stated he agrees with Mr. Gold. Mr. Scheetz stated he feels much of the things Mr. Hunt brings to the table are from areas that are not similar to Medina. Mr. Scheetz stated he thinks the city should be looking at codes from Wadsworth, Brunswick, and Wooster or Orrville as they are much more comparable to Medina. Mr. Scheetz stated he has genuine concerns about it and there is too much subjectivity to the definition depending on who has the position of

Planning Director at the time. Mr. Scheetz cautioned the board that they need to be competitive in their code so as not to drive business away.

Mr. Mendel asked the board what they would like further research on. Mr. Grice stated there needs to be a guideline. Mr. Rose suggested looking at Tiffin, Ohio's code.

The board tabled the case until June.

Mr. Scheetz commented that South Court Village plat approval has MMHA with an option on two of the parcels for residential building. Mr. Scheetz asked that when notices are sent out, the city needs to make sure the adjoining property owner's get the notices. Mr. Scheetz would like adequate screening.

Mr. Scheetz stated he came to several meetings when the church next to his building was putting the addition. Mr. Scheetz stated he supported everything they did. Mr. Scheetz stated he mentioned at that time he has had a plumbing issue in his building which he feels is due to no storm sewer on Court Street since the Bock and Clark building was torn down. Mr. Scheetz stated the only corrective action that was ever taken by the church was they harness their outbuilding drainage from the eaves spouts and pointed them to the north so the water goes into their own catch basin. Mr. Scheetz stated they still have not addressed the issue of all the water that comes off of the hill directly down the side of his building during a heavy rain. Mr. Scheetz stated when he supported this, he brought up the drainage issue and it was to be corrected. Mr. Scheetz stated it still is not done. Mr. Scheetz would like to see some type of enforcement even though it was not put in as a condition but should be in the minutes of the meetings. Mr. Scheetz stated he would like to see it resolved. Mr. Mendel stated the Planning Commission does not oversee that issue. Mr. Mendel suggested Mr. Scheetz contact the Engineering Department.

Mr. Scheetz asked what the total grant amount was for the Downtown Revitalization Grant and what amount has been spent. Mr. Mendel stated the grant is for $300,000 and approximately $8,600 has been reimbursed to property owners to date. Mr. Scheetz stated his concern is that it was presented as the grant is doing great but it is not. Mr. Scheetz stated he feels we should be using all that money and the grant is coming due at the end of August. Mr. Mendel stated there are 7 or 8 projects in the process that will expend the majority of the funds if not all.

Mr. Scheetz stated initially a district for the grant was created and his office building was excluded. Mr. Scheetz stated later on the district was expanded and his office building was once again excluded. Mr. Scheetz stated he was told that the reason was because many of the buildings in that area are not eligible because they are public buildings or churches. Mr. Scheetz asked why the entire Historic District was not included.

Mr. Rose asked staff if they have made progress on the "group home" definitions. Mr. Mendel stated he provided an analysis to the Law Director and Walter/Haverfield to review. Mr. Mendel stated they will meet to discuss a direction in the coming weeks.

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sandy Davis

Sandy Davis

Rick Grice

Rick Grice, Chairman