



CITY of MEDINA

Planning Commission

Planning Commission Meeting

Meeting Date: July 10, 2014

Meeting Time: 7:00 pm

Present: Rick Grice, Chet Pucilowski, Jerry Lash, Paul Becks, Sandy Davis, Administrative Assistant, Justin Benko (Associate Planner)

Absent: Paul Rose, Bruce Gold

Minutes: Jerry Lash made a motion to approve the minutes from the June 12, 2014 meeting as submitted. The motion was seconded by Mr. Pucilowski.

Vote:

Lash	<u>Y</u>
Pucilowski	<u>Y</u>
Becks	<u>Y</u>
Grice	<u>Y</u>
Approved	4 -0

Announcements: Mr. Mendel stated the new zoning code and map will take effect July 23rd and will be posted on the website on that date.

New Business:

1. P14-18 738 E. Smith Road Tomas Madrilejos CSP
Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this is a request for a Conditional Sign Permit for The Wellness Home located at 738 E. Smith Road.

Mr. Mendel stated the site is located in the 700 block of E. Smith Road which has a mix of residential, industrial and nonconforming small office uses along this part of the E. Smith Road corridor.

Mr. Mendel stated the applicant proposed changing the letters/text of the existing sign to accommodate the new business. Mr. Mendel stated there is no change to the structure of the sign. Mr. Mendel stated the sign area is 11 sq. ft. and the maximum allowed for a nonresidential use in a residential district is 40 sq. ft. which makes this compliant with the zoning code requirements.

Mr. Mendel stated the sign is compatible with the district and harmonious with the building, since the proposal is to simply replace text on the existing structure. Mr. Mendel stated this is an existing sign and is of good quality materials. Mr. Mendel stated the ground sign requirements are year round plantings at the base and right now there is only gravel under the signage. Mr. Mendel stated staff recommends some additional year round plantings be added at the base of the sign.

Mr. Mendel stated staff recommends that the Planning Commission approve the above application with the following condition:

1. Plantings be added around the base of the sign with review and approval by staff per Section 1147.07(d)(3) of the zoning code.

Present for the case was Carl May from Medina Signs, 411 W. Smith Road. Mr. May stated the letters will not be attached directly to the stone structure but they will be using a clear acrylic overlay on both sides of the structure which will be pinned with aluminum mounts.

Mr. Lash asked if there will be lights on the sign. Mr. May stated ground lights will be added at some point. Mr. May stated they will contract with an electrician. Mr. Mendel stated lighting will need to be confined to the sign and cannot bleed over to other properties. Mr. Mendel stated this will be reviewed by staff when the electrical permit is applied for.

Mr. Pucilowski asked if this could have been an administrative approval. Mr. Mendel stated the zoning code states any changes to signage in the Overlay District must be reviewed by the Planning Commission.

Mr. Lash asked the nature of the new business. Mr. May stated he believes it is the sale of nutritional supplements with a retail component. Mr. Mendel stated this will need to be reviewed for non-conforming use in the zoning district.

Mr. Becks asked if there is an issue with glare off the plexiglass letters. Mr. May stated they use a non-glare material.

Mr. Pucilowski made a motion to approve a Conditional Sign Permit for 738 E. Smith Road subject to the following conditions:

1. Plantings be added around the base of the sign
2. Staff review for non-conforming use

The motion was seconded by Mr. Lash.

(7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic or surrounding public streets or roads.

Mr. Mendel stated there is a more sensitive use that is existing to the east.

Specific Standards of Section 1153.04(a)

The following are additional conditional use standards, per Section 1153.04(a), are applicable to governmentally owned/operated facilities:

(38) Such uses shall be conducted not closer than 100 feet from any R District. Where the I District abuts upon but is separated from R District by a street, the width of the street may be considered as part of the required setback. The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried wastes.

(39) In the interests of the health, safety, general welfare and the protection of property values of the community, the area and adjoining land uses, and the other industries within the I-1 or I-3 District, the Planning Commission may require any conditions deemed necessary. In regard to an industrial operation whose effects on adjacent premises, the area or the community are not readily known, the Planning Commission may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

The proposed reuse of this property will comply with all the above specific conditional use standards by the fact that the inclusion of the proposed asphalt plant will not significantly alter the site itself or be detrimental to the surrounding properties. Also, there are no residential districts within 100 feet of the subject site.

Site Plan and Improvement Plan Review:

There will be no substantive changes to the site apart from the inclusion of several accessory structures throughout the southern half of the property to accommodate the new asphalt plant. These structures will be approximately 90 feet tall and exceed the maximum 50 foot height limit for accessory structures in the I-1 district. On July 10, 2014 the Board of Zoning Appeals will review a variance for the height of the accessory structures. In a general sense, the proposed inclusion of the asphalt production plant to the existing concrete production facility maintains consistency with the site and the surrounding vicinity.

Parking Standards:

Section 1145.04(e) of the Zoning Code allows the Planning Commission to require parking for industrial uses as necessary for the specific use. The current site is a large open air material yard which provides ample space for parking throughout. The proposed

asphalt plant is expected to generate 11 additional employees (4 on-site, 7 for road crews), which will be easily accommodated by the existing property.

Mr. Mendel stated the building will require building permits to be issued.

Mr. Mendel stated as a Conditional Use, this does require a public hearing. Mr. Mendel stated staff recommends approval of a Conditional Use Certificate for the asphalt at 820 W. Smith Road.

Present for the case was Chad Reel, Vice President of operations. Mr. Reel stated he oversees nine asphalt plants in northeast Ohio. Mr. Reel stated the site is a rail yard and limestone is railed in to the site. Mr. Reel stated Medina Supply is on site with a concrete plant. Mr. Reel stated this is not an additional asphalt plant coming into the city but is moving the current Kokosing asphalt plant on N. State Road to this site as a joint venture.

Mr. Reel stated this is a closed system with minimal noise and smell. Mr. Reel stated there is a stack but it emits almost entirely moisture with very little particulate. Mr. Reel stated the emissions meet or exceed the requirements of the EPA.

Mr. Reel stated Saturday operations occur once in a while but the main operations are Monday through Friday from 6:00 a.m. to 5:00 p.m.

Mr. Becks asked if the granting of a variance to 65 feet changes the proposal for the site. Mr. Reel stated it does not change the site.

Mr. Becks asked the type of lighting on the structures. Mr. Reel stated they are low intensity orange lights for security purposes and are typically on the top of the structure pointing downwards. Mr. Becks asked if the lights could be mounted lower on the silos. Mr. Reel stated yes.

Mr. Lash asked if it would be possible to move the site to the west side of the property away from Williams-On-The-Lake. Mr. Reel stated it could be moved as far west as possible in keeping with the rules near the railroad tracks.

Mr. Mendel stated Engineering did not comment on the application. Mr. Mendel stated the Building Department will review the site for permitting purposes.

Mr. Becks asked if the site will have more truck traffic.

Mr. Grice opened the public hearing at 7:37 p.m.

Mark Williams, General Manager, Williams-On-The-Lake. Mr. Williams presented a photo showing the Williams-On-The-Lake site in relation to the Shelly Company site. Mr. Williams stated there are two buildings one site, one being an event conference center and both have attached exterior areas where outdoor ceremonies are held. Mr. Williams stated the pink area in the stone yard on the photo is the proposed site. Mr.

Williams stated from the center of that site to the nearest ceremony site is approximately 100 yards. Mr. Williams stated even if the asphalt plant was moved to the west, it would not significantly change that distance. Mr. Williams stated the towers have been approved by the Board of Zoning Appeals this evening as 65 feet. Mr. Williams stated his business is to provide the best experience in weddings, seminars, conferences, and such. Mr. Williams stated the impact to the outdoor ceremonies will be significant. Mr. Williams stated the plant is proposing to operate April through November which coincides with Williams-On-The-Lake's operational season. Mr. Williams stated the Saturday operations and late night hours have a direct impact on their business also. Mr. Williams stated his understanding of what the Planning Commission considers is "use will be consistent with the character which will not impair the present or potential use of adjacent properties". Mr. Williams stated this will directly impair his business and use of the property as an event facility. Mr. Williams stated the plant is already located in Medina and is being moved to this site.

Mr. Williams stated it was mentioned that there are no more sensitive uses in the area other than Williams On The Lake. Mr. Williams stated the front building houses a daycare school and would be less than 1000 feet away. Mr. Williams stated he drove by the Kokosing facility and the lights are at the top of the silos and down light a significant area which will call overflow onto the Williams property.

Mr. Williams stated even with mild amounts of particulates, being with 100 yards, there will be impact with smell and fumes on the Williams site.

Nancy Williams, 761 Lafayette Road commented. Mrs. Williams stated she lives with her husband who has recently had a lung transplant. Mrs. Williams stated this would directly impact them. Mrs. William stated they would have to move as they would not be able to be in their business at Williams on the Lake. Mrs. Williams asked that the board consider this. Mrs. Williams stated Lafayette Road is a neighborhood which is not commercial or industrial.

Debra Reed, 235 Bradway commented. Ms. Reed stated she lives off Lafayette in the condos across the street. Ms. Reed stated the health of the people in the area should be top priority. Ms. Reed stated the EPA states that asphalt plants release millions of pounds of chemicals into the air including cancer causing toxins. Ms. Reed stated this can cause issues with central nervous systems, severe skin irritations, respiratory problems, wheezing, shortness of breath and more. Ms. Reed stated there are several daycares in the general area along with elderly residents and families with children.

Ms. Reed stated the property value of homes and businesses would suffer. Ms. Reed stated this would cause traffic issues in the area. Ms. Reed stated she asks the City of Medina to do their research. Ms. Reed stated the city owes it to the residents who live there to find out what is the best for Medina in that area.

Virgil Williams, 761 Lafayette, stated he and his wife have put their life into their building and business since 1966. Mr. Williams stated he has invested several million

dollars into the business. Mr. Williams stated Shelly Company is a good company but he believes putting this plant on their property would destroy his business. Mr. Williams asked if another site could be suitable rather than next door to their business. Mr. Williams stated the concrete business in the summer produces dust from the trucks that settles on their lake and turns it white. Mr. Williams stated it gets in the gutters and downspouts also.

Frank Malika from 808 Ryan Road, Unit 7 commented. Frank stated he also represents his wife Susan Malika would could not be present due to her illness. Mr. Malika stated his wife has a severe latex allergy which is airborne. Mr. Malika stated she is permanently disabled through the state. Mr. Malika stated she cannot be around any smells such as latex. Mr. Malika stated he understands latex to be a major ingredient in tar and asphalt. Mr. Malika stated he would have to move. Mr. Malika asked why they are moving if the plant is currently operating down the street. Mr. Malika stated the smells travel to his home from other area businesses.

Sean Haywood, 822 Ryan Road commented. Mr. Haywood stated Shelly Company is a very good company but there needs to be a better place to locate this asphalt plant. Mr. Haywood stated he is concerned for his 4 year olds health and safety. Mr. Haywood stated hazards may not be identified for years.

Beulah J Lott, 5584 Ryan Road commented. Ms. Lott stated she has COPD and Steroid dependent asthma. Ms. Lott stated she also has an immune deficiency. Ms. Lott stated she is very sensitive to smells that can send her to the hospital. Ms. Lott stated she agrees there needs to be a better place for this plant than this site. Ms. Lott stated she does not want any further medical conditions. Ms. Lott stated she takes over \$6,000 in prescriptions per year. Ms. Lott stated she would appreciate some consideration of her condition.

Allisa Williams, 755 Lafayette Road commented. Mrs. Williams stated she has asthma along with her son who also has asthma. Mrs. Williams stated Virgil Williams is her father in law and he has had a recent lung transplant. Mrs. Williams stated she would like the commission to take this into consideration.

John Wetzel, 311 W. Washington Street commented. Mr. Wetzel stated he is not here to argue for or against the proposal but would like the commission to take one thing into consideration. Mr. Wetzel stated as a former councilman for the city, he represented the district where the current asphalt plant is located. Mr. Wetzel stated while he served as councilman, he received many complaints regarding noise to the extent that he requested the police department to check the decibels. Mr. Wetzel stated also, the prevailing wind is from the southwest which will directly affect the entire city.

Mr. Grice closed the public hearing at 7:54 p.m.

Chad Reel from the Shelly Company stated he appreciates the good comments regarding the company. Mr. Reel stated he has worked for Shelly for 7 years and has been in the

industry since he was 19 years old. Mr. Reel stated they have many plants all over the country. Mr. Reel stated there are 40 plants in Ohio that are very similar to locations like this with neighbors around them. Mr. Reel stated complaints are very rare. Mr. Reel stated the initial start of the plant causes bad press and misinformation. Mr. Reel stated the plant is a closed system with a bag house so all the particulate is collected in the bag house up to 99% of the particulates. Mr. Reel stated the rest is steam coming from the aggregate which has moisture. Mr. Reel stated the additive used in the asphalt is asphalt cement. Mr. Reel stated Owens Corning across the street uses the same product. Mr. Reel stated that is the only additive in the asphalt. Mr. Reel stated new technologies are equipped with warm mix asphalt which is where it is heating at lower temperatures than historic hot mix asphalt and the light oils are not burned off and do not enter the atmosphere but they stay within the asphalt.

Mr. Reel stated he is a third generation asphalt plant manager. Mr. Reel stated there are no class action lawsuits against the product or material. Mr. Reel asked the commission to take this into consideration. Mr. Reel invited the public to visit any of their sites during operations. Mr. Reel recommended asking neighbors of their operations what they think of the Shelly Company.

Mr. Pucilowski asked if there will be any less employees due to the relocation of the plant. Mr. Reel stated no. Mr. Pucilowski asked what the advantage is to moving the site. Mr. Reel stated they will no longer need to truck in the material. Mr. Reel stated it can be taken off the conveyor into the hold pieces.

Steve Conclin stated this is two companies coming together to bring the costs down. Mr. Reel stated there is an active rail yard that sells stone and produces ready mix. Mr. Conclin stated putting another plant at the site increases the utilization off of the rail and cuts the costs down for both parties because the stone can be provided cheaper.

Mr. Becks asked if information regarding fumes and noise is readily available. Mr. Conclin stated yes. Mr. Becks asked Mr. Reel to submit this information to Mr. Mendel.

Mr. Grice stated a letter was received from Williams On The Lake which expresses what Mr. Williams has testified to this evening. Mr. Grice stated the letter asks the Board to table the request pending a conversation with the Shelly Company. Mr. Williams stated this evening is the first contact they have had with the Shelly Company.

Mr. Lash suggested the applicant table the request in order to allow more time for the issues to be resolved. Mr. Lash stated if the board tables the request, they must act on it within 30 days.

Mr. Pucilowski suggested the company table the request to allow more discussions between the Shelly Company and Williams on the Lake. Mr. Pucilowski stated he would personally like the opportunity to visit on the other facilities before making a decision. Mr. Becks agreed.

Mr. Mendel gave a brief orientation to the case. Mr. Mendel stated this is a request for a Certificate of Appropriateness for building alterations to the Spitzer House Bed & Breakfast located at 504 W. Liberty Street in Medina, Ohio. Mr. Mendel stated the property is located on the southwest corner of W. Liberty Street and Prospect Street. Mr. Mendel stated the site is zoned M-U and is currently used as a bed and Breakfast. Mr. Mendel stated the site is surrounded by M-U, R-4 and R-3 zoning and a mix of commercial, single family and multi-family residential uses.

Mr. Mendel stated the applicant is the owner operator of the bed and breakfast and wishes to modify a small portion of the existing attached garage located on the west side of the existing Victorian house. Mr. Mendel stated the proposal is to replace the existing overhead garage doors on the north façade of the garage with new fixed walls that simulate coach doors. Mr. Mendel stated in addition, the applicant proposes adding five transom windows in the west façade of the garage.

Mr. Mendel stated the proposed alterations to the attached garage are consistent with the style and history of the existing Victorian house. Mr. Mendel stated the project will also enhance the property overall and have no effect on the surrounding properties.

Mr. Mendel stated staff recommends the Planning Commission approve a certificate of appropriateness for the project.

Present for the case was property owner Delane Richardson.

Mr. Lash if the garage will be turned into a living space. Ms. Richardson stated they are hoping to use it as an outdoor kitchen area to do small weddings in the back yard. Ms. Richardson stated she purchased the coach house next door and they will combine the two properties to do small weddings. Mr. Grice stated the two properties will be back as one like they used to be. Ms. Richardson stated she will make them look the same.

Mr. Mendel stated the incorporation of the carriage house into this site would require rezoning as it is currently zoned multi-family. Mr. Mendel stated BZA will need to review the proposed use. Mr. Mendel stated this is the first stage of the project.

Mr. Beck asked why the carriage doors and the side new windows are divided light windows rather than matching the other windows. Ms. Richardson stated they match the windows in the top loft. Mr. Beck stated he would ask the architect to consider matching what is on the rest of the house. Ms. Richardson stated she did this to match the loft windows but she can do it the other way if the board prefers. Ms. Richardson stated the windows are approximately 4 x 5 in the attic. Mr. Becks stated he is looking for consistency and he leaves it up to staff to review. Mr. Mendel stated garage additions of this era would have been more simplified transom windows. Mr. Mendel stated the proposed windows are more consistent with the age of what the garage may have been. Mr. Mendel stated he thinks the proposal is in character with the rest of the structure.

Mr. Beck stated it is a nice addition so he will approve it as presented.

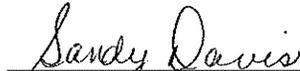
Mr. Lash made a motion to approve a Certificate of Appropriateness for building alterations at 504 W. Liberty Street as presented.

The motion was seconded by Mr. Pucilowski.

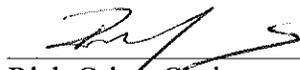
Vote:	
Grice	<u>Y</u>
Lash	<u>Y</u>
Pucilowski	<u>Y</u>
Becks	<u>Y</u>
Approved	4-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Rick Grice, Chairman