



CITY of MEDINA

Planning Commission

August 8, 2017

Planning Commission Meeting

Meeting Date: August 10, 2017

Meeting Time: 7:00 pm

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

Absent: None

Minutes: Mr. Gold made a motion to approve the July 13, 2017 minutes as submitted. The motion was seconded by Mr. Lash.

Vote:

Gold	<u>Y</u>
Lash	<u>Y</u>
Rose	<u>Y</u>
Grice	<u>abstain</u>
Russell	<u>Y</u>
Approved	4-1

Announcements: Mr. Mendel stated a Special meeting has been scheduled for August 31, 2017 for the continued Osborne case, P16-20.

Old Business:

None

New Business:

1. P17-011 1215 Industrial Pkwy Pleasant Valley Corp. CZC/SPA
Jonathan Mendel gave a brief overview of the case. Mr. Mendel stated this is a request for Conditional Zoning Certificate and Site Plan – Contractor’s Equipment Storage Yard.

Mr. Mendel stated the site is located at the south end cul-de-sac of Industrial Parkway on a newly created ~5.8 acre lot.

Mr. Mendel stated the applicant proposes a new Contractor's Equipment Storage Yard and office building for use by NiSource/Columbia Gas. Mr. Mendel stated this will be a mobilization site for company employees who repair and construct gas distribution infrastructure for the public utility. Mr. Mendel stated the site will have a 5,520 sqft office and shop building and a large paved and graveled storage, parking and staging yard for parts, machinery and service vehicles. Mr. Mendel stated the building is actually 6,600 sq. ft. but does not change anything in regards to the site plan review.

Mr. Mendel stated Section 1141.04 of the Planning and Zoning Code designates Contractor's Equipment Storage Yards as a Conditionally Permitted Use.

Mr. Mendel stated the applicant requests a Conditional Zoning Certificate to permit the operation of the land use and Site Plan approval under Chapter 1109 of the Planning and Zoning Code for the specific site development plans.

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 August 10, 2017 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 the request must review the following Conditional Use standards:

Section 1153.03(b) Conditional Use General Standards:

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

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

Mr. Mendel stated in the project description in the packet, the applicant provides responses to the above standards in relation to the proposed land use and site development.

Mr. Mendel stated in reviewing the applicant's responses to the Conditional Use Standards and proposed site development plan, staff believes the proposed project complies with the standards outlined in Section 1153.03(b) of the City of Medina Planning and Zoning Code.

Mr. Mendel stated the proposed building setbacks comply with the zoning requirements.

Mr. Mendel stated the following are the Site Plan review guidelines from the Planning and Zoning Code:

1. Strengthen, protect, enhance and improve the existing visual and aesthetic character of the City, and to prevent the creation or perpetuation of nuisances or blight in the City.
2. To integrate developments into the surrounding environment, as well as to ensure that each new development and redevelopment will be attractive.
3. To protect and improve property values.
4. To foster and encourage creative application of design principles.
5. To ensure that the particular existing design features, which contribute to the unique character of Medina, are retained and re-created in a manner that retains and enhances the City's sense of community.
6. To ensure that new development and redevelopment are compatible and harmonious with the existing overall character of the city, especially when development is proposed in areas where the existing structures do not have architectural features that warrant replication or enhancement.
7. To bring new buildings into an orderly arrangement with landscape and nature, other buildings, and open space areas.
8. To ensure that these objectives are achieved through an impartial review

As well as the specific design guidelines for industrial uses:

Development for Industrial Uses within the I-1 Industrial District shall only be required to comply with the following standards:

- A. Architectural details and ornamentation on the street façade shall be meaningful to the overall design and appropriate for the size and scale of proposed structures, and harmonious with other architectural details and ornamentation on adjacent structures
- B. Additions and accessory structures should be designed to be compatible with the main structure.
- C. All exterior finished materials, including windows and doors, shall be of architectural grade with long term maintenance characteristics.

Mr. Mendel stated reviewing the applicant's proposed site plan, the project meets the intent and objectives outlined in the zoning code as well as the specific design guidelines.

Mr. Mendel stated the proposed building and site development complies with the specific codes and intent for new site development of the City of Medina.

Mr. Mendel stated the proposed Professional Office building requires 1 parking space per 400 sqft of building area. Mr. Mendel stated the proposed building is 5,520 sqft which requires 13 parking spaces.

Mr. Mendel stated the 'public' parking area on the north side of the site has 19 spaces, which results in a 6 space surplus.

Mr. Mendel stated the parking area complies with the interior parking area landscaping requirements with the large landscaped island located between the parking spaces and the access drives from the public right-of-way.

Mr. Mendel stated the proposed site lighting plan is included with the proposed plans and complies with the site lighting requirements of the code.

Mr. Mendel stated the applicant will need to work with the Fire Department to provide emergency access to the gates after hours.

Mr. Mendel stated the applicant will need to work with the Fire Department to provide emergency access to the gates after hours.

After reviewing the applicant's proposed operation and development plan, staff recommends the Planning Commission approve the requested Conditional Zoning Certificate and Site Plan for a Contractor's Equipment Storage Yard at 1200 Industrial Pkwy with the following conditions:

1. Subject to review and approval by the City of Medina Building Department.
2. Subject to review and approval by the City of Medina Engineering Department

Joe Tramonte, 1617 Fidler Road, Wadsworth, Ohio spoke. Mr. Tramonte stated the intent is to develop the land for that use.

Mr. Grice opened the public hearing at 7:09 pm.

Christine Starcher, 887 Bunker Hill, Medina, Ohio spoke. Mrs. Starcher stated her lot is #3727. Mr. Mendel stated she probably is there to comment on the Progress Drive application. Mrs. Starcher stated yes, she said she would wait and comment on the next agenda item.

Tony Faciana, 2727 Matthew Lane, Pleasant Valley General Contractor spoke. Mr. Faciana gave an orientation of the site. Mr. Faciana stated they visited 5 Columbia Gas sites and they are well kept. Mr. Faciana stated they are relocating and feel they will be able to provide better access to the customers, residents and businesses.

Steve Pagura, developer, 8101 Corporate. Mr. Pagura stated they have done 17 of these around Ohio and Massachusetts and Columbia Gas is a great neighbor who goes above and beyond with landscaping and screening. Mr. Pagura stated you do not see their equipment from the road.

Dave Mason, 5949 Deerview Lane commented. Mr. Mason stated his property is against the lower edge of the subject property. Mr. Mason stated he is concerned about the buffer diminishing. Mr. Mason stated there is a lot of trucking, storage, and noise. Mr. Mason stated this will be even closer to his home. Mr. Mason stated he would like some transition buffer between single family residential properties and industrial properties.

Mr. Mason stated he also has a concern about water quality. Mr. Mason stated he gets his water from a lake on his property. Mr. Mason stated the proposed use will put more contaminants into the ground such as oil, anti-freeze, transmission fluid, etc.

Mr. Mason stated his concerns are water quality, buffer zone, and noise.

Mr. Mendel stated there is approximately 400 feet of buffer and there is a large Columbia Gas transmission line underground which is a limiting factor on the development of the land.

Mr. Mendel stated the intent on the ownership of the remainder of the property, due to the transmission line, there is no intent to develop the portion by the detention basin which is common land and it is a common detention basin for the industrial parkway subdivision. Mr. Mendel stated as you go into the woods, there could be a large flag lot that could be created in the future as well.

Mr. Grice closed the public hearing at 7:16pm.

Mrs. Russell asked the height of the fence that goes around back. Mr. Tramonte stated it is a 6 foot fence with privacy slats and barbed wire.

Mrs. Russell asked the general hours of operation. Mr. Pagura stated they are 8a.m. to 5p.m. and they do not leave their trucks idling. Mr. Pagura stated if they have an emergency, there may be someone going in to get a vehicle but they do not run long hours and hardly any Saturday or Sunday.

Mr. Rose asked the material being used for the parking area. Mr. Tramonte stated part will be asphalt and part will be crushed aggregate which is crushed, compacted and rolled. Mr. Rose stated there is a lot of unused parking lot area which is causing drainage issues. Mr. Rose asked if a permeable surface could be used to assist with drainage. Mr. Tramonte stated the darker area on the plan is permeable. Mr. Rose asked if the asphalt area could be permeable as well to allow the rainwater to run through. Mr. Pagura stated he would not recommend it because of trucks and vehicle traffic. Mr. Pagura stated asphalt is able to withstand the traffic better.

Mr. Rose stated he is assuming the detention basin will drain into the current storm system. Mr. Pagura stated that is correct. Mr. Tramonte stated the civil engineer design the detention basin to handle the site. Mr. Tramonte stated they are not using the existing detention basin but are building a new one.

Mr. Rose asked if there will be repair and construction on the site. Mr. Mendel stated this is a mobilization site for repair and construction of infrastructure elsewhere.

Mr. Pagura stated they dispatch the crews to bring in plastic pipe and take it out for repair. Mr. Pagura stated there are no vehicles being worked on and no construction on the site.

Mr. Gold made a motion to approve a Conditional Zoning Certificate and Site Plan as submitted for a Contractor's Equipment Storage Yard to be located at 1215 Industrial Parkway subject to the following:

1. Review and approval by the City of Medina Building Department
2. Review and approval by the City of Medina Engineering Department

The motion was seconded by Mr. Rose.

Vote:

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

2. P17-12 Progress Drive Andrei Kluczarov CZC/SPA

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a request for Conditional Zoning Certificate and Site Plan – Contractor's Equipment Storage Yard.

Mr. Mendel stated the site is located in the west side of the Progress Drive neighborhood with Industrial properties to the north, east, and south and residential properties to the west.

Mr. Mendel stated the applicant proposes a new Contractor's Equipment Storage Yard and office building for the applicant's construction business. Mr. Mendel stated this site is intended to consolidate office operations, equipment and materials in one location. Mr. Mendel stated the site will have a 14,000 sqft office and shop building and a large paved and graveled storage, parking and staging yard for parts, machinery and service vehicles.

Mr. Mendel stated Section 1141.04 of the Planning and Zoning Code designates Contractor's Equipment Storage Yards as a Conditionally Permitted Use. Mr. Mendel stated the applicant requests a Conditional Zoning Certificate to permit the operation of the land use and Site Plan approval under Chapter 1109 of the Planning and Zoning Code for the specific site development plans.

Mr. Mendel read a project and land use description from the applicant:

We are a small construction and excavation company that has been in business since 1986. We have equipment that needs to be kept at a central location to save time on travel between jobs, prevent theft and to store equipment out of the elements. Our work is always at different locations and the South Progress Dr. location will serve to consolidate our operation and office together, instead of the multiple storage locations we have currently. The majority of the time, we will be off at our job sites after picking up or dropping off equipment. The building will be used to store our equipment, while the extra space will be leased as office/warehouse.

Mr. Mendel stated the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards:

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

Mr. Mendel stated the applicant provided the following responses to the above standards:

1. The commercial steel building (office/warehouse) is within a designated industrial area, and our use fits industrial standards as set by the city.
2. The building is of similar commercial design as others in the area.
3. The steel building complies with local codes.
4. New building in a growing commercial area.
5. Located near the intersection of SR 18 and N State St (Marks Rd) with a railroad spur in the vicinity, the location has easy access for services and the infrastructure has been in place for many years.
6. Yes, we will comply with all State, County, and City regulations.
7. Location will have a wide driveway for easy access to secondary road.

Mr. Mendel stated reviewing the applicant's above responses to the conditional use standards, there is not sufficient indication of the activities and use of the outdoor storage areas. Mr. Mendel stated these areas may have the most impact on the surrounding and neighboring land uses and it is difficult for staff to adequately understand the potential impacts.

Mr. Mendel stated the applicant is providing a 50 foot landscape area buffer between the residential to the west and the active areas of the proposed site development plan. Mr.

Mendel stated there is a fair amount of existing natural landscaping within the 50 foot buffer shown on the plans, but a specific site landscaping plan has not been provided with the submitted plans. Mr. Mendel stated a specific landscape plan has not been provided.

Mr. Mendel stated the proposed use is a Contractor's Equipment Storage Yard (Conditionally Permitted Use) and permitted accessory office space. Mr. Mendel stated when such a land use is adjacent to a residential district, as is the case with this project, the outdoor storage areas must be fully enclosed in a manner that reduces the impact on the adjacent residential district as required by Section 1141.04 of the City of Medina Planning and Zoning Code. Mr. Mendel stated this could be accomplished with a solid fence tall enough to adequately screen the interior of the site, but not exceeding 10 feet tall.

Mr. Mendel stated the proposed building setbacks comply with the zoning requirements.

Mr. Mendel stated there are 8 general Site Plan review guidelines from the Planning and Zoning Code and 3 specific guidelines for Industrial uses.

Mr. Mendel stated in reviewing the applicant's proposed site plan and building elevations, the project meets the intent and objectives outlined in Chapter 1109 as well as the specific design guidelines.

Mr. Mendel stated the proposed Warehouse building requires 1 parking space per 2,000 sqft of building area. Mr. Mendel stated the proposed building is 14,000 sqft which requires 7 parking spaces. Mr. Mendel stated the site plan does not depict a designated parking area, but given the size of the vehicle circulation area on the south side of the building, a compliant parking area could be accommodated. Mr. Mendel stated a parking area striping plan can be submitted during the permit review process with the City of Medina Engineering and Building Departments.

Mr. Mendel stated Section 1145.09(a)(3)A permits gravel parking behind the building, but still requires paved parking and circulation areas in the front and side of the building. Mr. Mendel stated the applicant's proposed site plan has areas of gravel drives and circulation areas to the south side and in front of the building. Mr. Mendel stated the applicant has two options in this situation: comply and pave all driveway and circulation areas to the side and front of the building or seek a variance from the requirement at the Board of Zoning Appeals. Mr. Mendel stated the applicant needs to understand that there is no guarantee of variance approval by the Board of Zoning Appeals.

Mr. Mendel stated a site landscaping screening and buffering plan has not been provided of yet and is required as part of the site development requirements of Chapter 1149 of the Planning and Zoning Code.

Mr. Mendel stated there is an approximately fifty (50) foot wide area of existing deciduous tree and shrub coverage along the west perimeter of the proposed site plan. Section 1149.05(c)(2) & (3) permit the Planning Director to waive the requirement for screening and buffering of the adjacent residential properties. Mr. Mendel stated the

existing vegetative conditions on the site would comply with this allowance, but retaining it should be a condition of approval of this project and explicitly shown on the site improvement permit plans.

Mr. Mendel stated the proposed site lighting plan is not included with proposed plans and can be provided permit application plans when submitted to the City of Medina Building Department and they must comply with Section 1145.09(c) of the City of Medina Planning and Zoning Code.

Mr. Mendel stated he received no comments from other departments.

Mr. Mendel stated after reviewing the project and neighborhood context against the requirements of the Planning and Zoning Code, staff believes that the site plan is compliant given the amount of information that has been provided so far and that any site plan information/plans not provided can be submitted during permit review and the applicant should be able to comply with the requirements.

Mr. Mendel stated in regards to the conditional zoning certificate review, it is difficult to know with more specificity what the potential impacts may or may not be for the proposed land use. Mr. Mendel stated without more detail regarding the extent and type of outdoor storage, it's difficult to estimate whether the proposed project adheres to the Conditional Use General Standards in Section 1153.03(b).

Mr. Mendel stated after reviewing the applicant's proposed operation and development plan, staff recommends the Planning Commission require more detail from the applicant regarding the operation of the proposed land use especially in regards to the operation of the outdoor storage and circulation areas and continue the case as necessary.

Mr. Mendel stated if the Planning Commission decides to approve the requested Conditional Zoning Certificate and Site Plan for a Contractor's Equipment Storage Yard (PID# 029-19A-15-249), the approval should be subject to the following conditions¹⁰:

1. Subject to review and approval by the City of Medina Building Department for the proposed building and associated permits
 - a. Include the site lighting plan as required by Section 1145.09(c) of the City of Medina Planning and Zoning Code
2. Subject to review and approval by the City of Medina Engineering Department for the site improvement plans:
 - a. Include a site landscaping plan for screening and buffering as required by Chapter 1149 of the City of Medina Planning and Zoning Code
 - b. Include a compliant parking area striping plan for the required seven (7) space parking area as required in Chapter 1145 of the City of Medina Planning and Zoning Code
 - c. All parking, driveways and vehicle circulation areas to the front (east) or side (south) of the building shall be paved as required by Section 1145.09(a)(3)A of the City of Medina Planning and Zoning Code

3. All existing vegetative conditions within fifty (50) feet of the rear (west) property line of the subject property shall be preserved and not removed in any manner in order to comply with Section 1149.05(c) of the City of Medina Planning and Zoning Code.

Present for the case was the applicant, Lew Kluczarov and Andre Kluczarov. Lew stated they are a small operation and they need a place to put their stuff. Lew stated they are scattered all over right now and they would like to put everything inside.

Mr. Rose asked what type of operation it is. Lew stated they mostly dig. Lew stated they build houses, install pools, many different things. Lew stated this would just be a place to keep their equipment.

Mrs. Russell asked if there is a plan for the remainder of the property. Lew stated finances prohibit the development of the whole property. Mrs. Russell asked the reason the building is being put on that part of the property rather than towards the southwest portion. Mrs. Russell asked why they are not putting the building further away from the residential neighborhoods and closer towards Progress Drive. Lew stated it is a problematic area with the gas line. Lew stated the residential area has a 50 foot buffer already and the code only requires 10. Mrs. Russell stated there seems to be more area on the other side of the Columbia transmission line than where the building is proposed. Lew stated he saves the prime land for last.

Mr. Rose stated the proposal is going right over the gas transmission line. Mr. Gold stated it is not a problem.

Mr. Gold asked Mr. Mendel if the applicant was given a copy of the requirements for application. Mr. Mendel stated he did give the applicant a list of the requirements. Lew stated he believes he gave what was required, his operation is small. Mr. Gold stated he understands they are small but there are certain requirements that includes information such as a lighting plan, a landscape plan and more definition. Lew stated the buffer is there. Mr. Gold stated it is not only the buffer between the residential and industrial but also the landscaping of the site as a whole in front of the building.

Lew stated this is a fluid plan and is not final. Lew stated he does not want to spend the money to have it drawn up and then have it changed and have to spend the money again. Mr. Gold asked what is keeping you from finalizing a plan. Lew stated first of all it is \$18,000 to get an initial plan. Mr. Gold asked why it would change. Lew stated it is depending on what is resolved here. Andre stated they are still waiting on the response from the Columbia Gas transmission people. Andre stated both his parents have health problems and he has been working with them for the last 7 years and there is not money to throw away \$18,000 if the gas company changes their minds.

Mr. Gold asked if they came to the Planning Commission a little premature. Lew stated they have to move and do something and they bought the property which is zoned properly.

Jim Morrison, Engineer, 446 Shannon Drive, Wadsworth, Ohio commented. Mr. Morrison stated he spoke with the gas company yesterday and they said there is a requirement that they do not pave over their gas line. Mr. Morrison stated that is a requirement of TransCanada pipeline which is what Columbia is now. Mr. Morrison stated they do not want concrete over the pipeline unless necessary. Mr. Morrison stated they promised within a few days for an answer. Mr. Morrison stated they negotiated a change to the driveway coming in limiting the width up to the gas line. Mr. Morrison stated he agreed to keep drive to 16' width and concrete up to gas line. Mr. Morrison stated they do not have a definite approval from Gas Company yet. Mr. Morrison stated the plan is as shown.

Mr. Morrison stated they did not have time to finish the lighting plan but they intend to use lights attached under the eaves on the south side of the building to illuminate the lot. Mr. Morrison stated he understood that this could be submitted as part of the building plan. Mr. Morrison spoke about the storm sewer outlet for the retention basin.

Mrs. Russell asked if the fence was originally to run behind the detention pond but they were told to run it off the property line. Mr. Morrison stated yes, there is no way to maintain the area behind the fence if it is not on the property line.

Mr. Gold stated if the Commission approves this application this evening, it will be conditioned on the missing items being submitted and a more complete site plan. Mr. Gold stated that would include the landscaping, lighting, and better description of parking and driveway area. Mr. Morrison stated that can be done.

Mr. Morrison stated it is all fluid until they start building. Mr. Grice stated because this is a Conditional Zoning Certificate, the Commission cannot be as fluid, they need to have the items that Jonathan has indicated on the drawing.

Lew stated the code states 10 feet for landscaping. Lew stated they are going 50 feet. Mr. Grice stated he is talking about the landscaping requirements around the building, the lighting requirements around the building, the use of the property, better defined as told this evening. Mr. Grice stated since this is a conditional zoning certificate request, those things are needed. Mr. Grice stated they do not want to hold them up but the commission has an obligation to have those materials in front of them before they make a decision.

Lew stated the electrical plan will have all the information. Mr. Grice stated it is required for the site plan and conditional zoning certificate, not the electrical permit. Lew stated the commission stated it could be submitted with the permit. Mr. Grice stated they could but there seems to be a lot of things that are missing from this plan and it is fluid and may change. Mr. Grice stated once they approve something it cannot be changed without

coming back to the Planning Commission. Mr. Grice stated this would waste time for the applicant.

Mr. Morrison continued to speak about the outside landscaping. Mr. Morrison stated there is no room for landscaping inside the fence. Mr. Lash stated they are talking about the front of the building landscaping. Mr. Morrison stated they are prevented from planting anything on the 50 foot easement strip.

Mr. Mendel stated the only code requirement for landscaping is the buffer of the west side of the property as it transitions to the residential zoning. Mr. Mendel stated the site landscaping or parking landscaping is not required by the code for industrial uses.

Mr. Mendel stated they need to make the buffer more visually descriptive on the site plan showing the area. Mr. Mendel stated the code does not require any landscaping around the building or along the Progress Drive frontage. Mr. Mendel suggested a notation that it is a 50' landscaping buffer area that needs to be preserved in perpetuity as it is adjacent to residential, regardless of the use, it is adjacent to residential and would need to have a sizeable setback and buffer as well.

Mr. Rose asked Lew what he envisions for the remainder of the property. Lew stated at this point he is not sure. Lew stated the main thing is to get this going. Lew stated they will have several units to rent and they will see what happens. Mr. Rose asked what he means about several units to rent. Lew stated the building is divided by trusses in 25' sections. Lew stated they will take the first 3 sections and the other 4 will be for rental.

Mrs. Russell asked if there would be any set hours of operation. Lew stated no set hours just when they come.

Mr. Grice opened the public hearing at 7:57pm.

Christine Starcher, 887 Bunker Hill, commented. Mrs. Starcher stated she has several concerns since it was just stated that construction business is going to have rental units with no hours of operation. Mrs. Starcher stated they could potentially have people coming in and out all hours of the night and day. Mrs. Starcher stated this is right up against her lot. Mrs. Starcher stated they have a lot of noise already from other neighbors that they are trying to get resolved. Mrs. Starcher stated it is hard to handle one more thing. Mrs. Starcher stated they realize they are up against a light industrial section but if there could be more green space it would help the residents so much and prevent all of this back and forth. Mrs. Starcher stated she feels that their voices are allowed to be heard but not really heard. Mrs. Starcher asked if there will be noise from the construction vehicles such as beeping when backing up. Mrs. Starcher stated they have that now anyway. Mrs. Starcher stated she understood it is a 50' buffer for vegetation. Mrs. Starcher stated on July 4th weekend, all the residents were surprised by massive earth chowers and construction vehicles ripping down trees and shredding them. Mrs. Starcher stated it was already 40 feet from her natural buffer and a period of space to her house which is about 15 more feet. Mrs. Starcher stated they are projectile pieces of

wood getting thrown to her house. Mrs. Starcher stated it would have been closer had she not called the Police and Planning Department. Mrs. Starcher stated there is less than 40' now, she measured from directly behind her deck to where it is and it is 40'. Mrs. Starcher stated there are a lot of dead ash trees there that will need to come down. Mrs. Starcher stated if there is a fence put up, they will need to remove more trees. Mrs. Starcher stated the fence will be right in her back yard and the positioning of this is just atrocious for their neighborhood. Mrs. Starcher stated she understands work needs to be done on their plans but she asked if the detention is an overflow pond. Mr. Morrison stated the pond will detain the area that has been improved and will pipe water to the existing storm sewer which is 15" coming across the road. Mr. Morrison stated the pond will detain the water as it flows out at a constant rate into the storm sewer.

Mrs. Starcher stated she is at a low spot and has had some areas of flooding in the past. Mrs. Starcher stated they have concerns about standing water.

Mr. Mendel stated the code states with this type of land use, if adjacent to a residential district, the outdoor storage circulation area must be fully enclosed and it does not give any specifics on how it should be done. Mr. Mendel stated the typical solution is a solid fence as tall as what is stored outside up to 10 feet would meet that standard to mitigate any visual negative impact.

Mrs. Starcher suggested pine trees be planted in the buffer area.

Mrs. Starcher stated Bradway Creek is also along Alden Court and it is a concern with flooding and environmental issues. Mrs. Starcher stated she is pretty devastated with all that is happening on that property without the neighbors knowing.

Pat DiBiasio, 886 Waterloo Lane commented. Mr. DiBiasio stated trees die and he hates to see a ten foot or 6 foot fence because he will feel like he is living in a penitentiary. Mr. DiBiasio asked if they could keep green as much as possible.

Mr. Grice closed the public hearing at 8:09pm.

Mrs. Russell stated she is still concerned about the fence and doesn't understand why it needs to be up against the property line where it will be in the residential neighborhood's back yard. Mrs. Russell stated she doesn't see why it can't be right behind the detention pond instead with a gate to access the back area.

Mr. Gold stated this is a hard situation when you want to take in the concerns of the residents but you also have an economic opportunity and a company that has purchased the land and has the right to use the land under the code restrictions. Mr. Gold stated he does not see them violating any of the code restrictions. Mr. Gold stated they have complied with the code. Mr. Gold stated when they make a decision, it must be based off what is currently in the planning code and at this point in time he does not see how they can prevent them from this conditional use.

Mr. Gold stated the use of the property and wanting to put the building in one portion of the property and leave the rest of the property open for development is their right. Mr. Gold stated they took the economic risk and purchased the property and they should be able to enjoy the benefits there of. Mr. Gold stated he can understand the residents and their concerns with the encroachment but being this is an industrial area that was established prior to most of these homes, they must take that into consideration as well that the industrial area was there but had not been developed. Mr. Gold stated they are just now developing it. Mr. Gold stated currently planning and zoning does not prohibit the use they are requesting, it is a conditional use and is permitted in other areas and the zoning is correct for this use. Mr. Gold stated he thinks the new landowners have the right to develop the property as they see fit.

Mr. Mendel stated the minimum rear yard setback requirements of the I-1 zoning district for when a property is adjacent to a residential district is 50' setback. Mr. Mendel stated that could be 50' with nothing in the way, just a distance buffer. Mr. Mendel stated in Chapter 1149 of the Planning and Zoning Code which states when you have an industrial land use adjacent to a residential or commercial district, you have two options for screening, buffering. Mr. Mendel stated you can do a wall or fence, 5 to 6 feet in height placed near the non-residential property line and the area between such wall and fence and the property shall be treated with landscaping of permanent landscaped area. Mr. Mendel stated evergreen trees and shrubs are planted between the property line and fence to create that buffer but that could be in a five foot area or a 10 foot area or you have the option of doing an open strip of 10 feet of width planted with site blocking materials such as evergreen hedge or trees at least 6 feet in height, tightly situated to provide that visual effect. Mr. Mendel stated the code requires a minimum of 10 foot wide unfenced but heavily landscaped area between the resident property line of which both the industrial owner and residential owner use. Mr. Mendel stated the 50 foot setback, and the existing vegetation within it, is the material that is existing on site. Mr. Mendel stated it still meets the requirement of the zoning code but given a particular land use, the Planning Commission can apply conditions they see fit to mitigate the potential negative impacts of something. Mr. Mendel stated that depends on the commission's review of the specific land use and the intensity of the use.

Mr. Gold made a motion to approve a Conditional Zoning Certificate and Site Plan approved as submitted for a contractor's equipment storage yard at Progress Drive, PP#029-19A-15-249 with the following conditions:

1. Subject to review and approval by the City of Medina Building Department for the proposed building and associated permits
 - a. Include the site lighting plan as required by Section 1145.09(c) of the City of Medina Planning and Zoning Code
2. Subject to review and approval by the City of Medina Engineering Department for the site improvement plans:
 - a. Include a site landscaping plan for screening and buffering as required by Chapter 1149 of the City of Medina Planning and Zoning Code

- b. Include a compliant parking area striping plan for the required seven (7) space parking area as required in Chapter 1145 of the City of Medina Planning and Zoning Code
 - c. All parking, driveways and vehicle circulation areas to the front (east) or side (south) of the building shall be paved as required by Section 1145.09(a)(3)A of the City of Medina Planning and Zoning Code
3. All existing vegetative conditions within fifty (50) feet of the rear (west) property line of the subject property shall be preserved and not removed in any manner in order to comply with Section 1149.05(c) of the City of Medina Planning and Zoning Code.

The motion was seconded by Mr. Lash.

Vote:

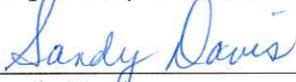
Lash	<u>Y</u>
Russell	<u>N</u>
Gold	<u>Y</u>
Grice	<u>N</u>
Rose	<u>N</u>
Denied	3-2

Mr. Grice stated he doesn't have so much a problem with the use as he does with the incomplete site plan.

Lew stated the property was up for sale until May 1st and all these issues could have gone away if the residents bought the property. Lew stated that he has purchased the property, it is a problem.

Having no further business, the meeting was adjourned.

Respectfully submitted,



 Sandy Davis



 Rick Grice, Chairman