



CITY of MEDINA

Planning Commission

Organizational Meeting

Planning Commission Meeting

Meeting Date: August 11, 2016

Meeting Time: 6:00 pm

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

Absent: Paul Becks

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

Vote:

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

Announcements: Mr. Mendel stated the Masonic Temple demolition will begin with interior environmental clean out beginning Monday. Mr. Mendel stated demo of the building itself is scheduled for August 28th which will reduce parking availability around the site closing the south side of the City Hall parking lot as well as the west parking adjacent to the theater ramp being closed.

Mr. Mendel stated the former Chamber of Commerce site will be demolished soon.

Mr. Stanley Scheetz was present and not on the agenda. Mr. Scheetz addressed the board representing Elaine Jones, 1011 Wadsworth Road. Mr. Scheetz stated he was asked to review the case #P16-17 which came before the Planning Commission in July of 2016. Mr. Scheetz distributed a hand-out to the board members. Mr. Scheetz stated he is here this evening to ask for a motion to reconsider the CS District or in the alternative, the R-4 District that was recommended in the staff report from July. Mr. Scheetz stated he has a history of being involved in the rezoning and annexations in the City of Medina over the

last 40 years. Mr. Scheetz stated he has handled many annexations on Rt. 3 that were very similar to the property at 1011 Wadsworth Road.

Mr. Scheetz reviewed the hand-out which contained arguments to allow an application to be amended to reconsider the CS or in the alternative the R-4 District so Mrs. Jones does not need to start over. The hand out is entered into the minutes as Exhibit A.

Mr. Gold stated the objection to the request in July was putting a commercial district in the middle of a residential area. Mr. Gold stated looking at the examples Mr. Scheetz has brought forward, it appears this was done previously in other areas of the city. Mr. Mendel stated on Rt. 3, properties were annexed in pieces until they formed a continuous district. Mr. Mendel stated the Medina Animal Hospital is still zoned residential as well as the Handel's property. Mr. Mendel stated the Handel's property is actually part of a PUD. Mr. Mendel stated the PUD process is no longer in the code so that property may need to be rezoned to be aligned with the development pattern. Mr. Mendel stated he does not know the history of the land use maps in effect at that time. Mr. Mendel stated his staff report on July 14 referred to the Land Use Map and Comprehensive Plan as the guide as to the desire of the future land use.

Mr. Mendel stated if the Planning Commission wishes to reconsider the request, someone can make a motion.

Mr. Scheetz stated September or October would work for Mrs. Jones.

Mr. Lash stated he is only opposed to any type of retail activity on the site.

Mr. Rose made a motion to reopen case P16-17 for 1011 Wadsworth Road for reconsideration due to new facts presented on August 11, 2016.

Mr. Gold seconded the motion.

Vote:

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

Old Business: None

New Business:

1. P16-19 Text Amendment-Transitional Housing Jonathan Mendel COM

Mrs. Russell asked what the current process is for an applicant coming to the board for a facility of this type. Mr. Mendel stated the definition of group home is broad enough for a shelter to fit.

Mr. Mendel stated in developing the new text, the existing shelters were considered.

Mr. Grice stated years ago, the Battered Women's shelter came to the Planning Commission for approval but was named something different in order for the address to be kept private.

Earlier this year, the Planning Commission requested staff evaluate whether the City of Medina should regulate in-patient substance abuse treatment facilities/transitional housing separately than the current Group Home use definition.

Mr. Mendel stated currently, the Group Home use definition of the City of Medina's Planning and Zoning Code applies to any unrelated occupants in a residential setting receiving services:

1105.065 GROUP HOME.

"Group home" means any residential facility, licensed by the State of Ohio, designed to allow not more than sixteen (16) persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code.

Mr. Mendel stated this existing use definition is likely broad in order to avoid excess differentiation as it relates to the types of clients and/or services provided. Mr. Mendel stated the particular land use impacts of a group home (i.e. permanent housing) in general with up to 16 persons will not dramatically vary. Traffic generation, etc. should be consistent across the various operational peaks for such uses and varying businesses.

Mr. Mendel stated transitional housing is different from a Group Home in specific ways that warrant differentiation from Group Homes. Mr. Mendel stated the following outline the land use differences:

- Not permanent housing (usually 30-90 days) with regular turnover
- Can house more short term residents
- Greater potential traffic generation and parking needs due to short housing duration and turnover, typically employs staff that do not reside at the site.

In reviewing other cities throughout the State of Ohio, there is a range of ways Mr. Mendel stated such land uses are handled. Mr. Mendel stated some cities use essentially the same definition as Medina's *Group Home* definition, but with a different name, whereas other cities differentiate between the types of residents and the services provided (attached). Mr. Mendel stated these use definitions from other Ohio cities show the possible range of regulation and specificity that have been considered by other communities.

Mr. Mendel stated there are many categories of individuals that fall under the 'reasonable accommodations' requirements of the federal Fair Housing Act as defined:

A person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

Mr. Mendel stated the term "physical or mental impairment" includes, but not limited to, diseases and conditions such as drug addiction, among others. Mr. Mendel stated this inclusion of drug addiction as a covered condition/disease does not include individuals with current illegal use of a controlled substance. Mr. Mendel stated the above definition clarification is taken from a 2004 Joint Statement of the Department of Housing and Urban Development and the Department of Justice. Mr. Mendel stated therefore, a new land use definition has been developed with Federal Fair Housing Act compliance in mind (attached – pages 1-4).

Mr. Mendel stated additionally, there is case law from 2015 (*Get Back Up, Inc v City of Detroit*; *City Detroit Board of Zoning Appeals* [attached]) where the United Court of Appeals, Sixth District found that the City of Detroit's regulation of transitional housing for substance abuse treatment as a conditionally permitted use did not discriminate against persons with disabilities. Mr. Mendel stated this provides the City of Medina a basis for regulating transitional housing separately and differently than permanent housing like a group home.

Mr. Mendel stated the proposed use definition for transitional housing staff has developed with assistance from an expert land use attorney:

"Transitional housing" means a temporary housing arrangement designed to assist persons to obtain skills, financial wherewithal and/or the physical, psychological and emotional stability necessary for independent living in permanent housing in a community. Transitional housing is housing in which:

- a) An organization provides a program of therapy, counseling, supervision and/or training for the occupants;
- b) The organization operating the program may or may not be licensed or authorized by a governmental authority; and
- c) The program is for the purpose of assisting the occupants in one or more of the following types of care:
 - a. Protection from abuse and neglect;
 - b. Developing skills and the personal stability that is necessary to adjust to life in the community; and
 - c. Treatment of the effects of substance abuse, even if under criminal justice supervision.

The definition of "transitional housing" includes the terms "halfway house", "safe house", "temporary care home", and other similar uses. The definition of "transitional housing" does not include the terms "group home", as defined in the Code, or other similar permanent group living facilities.

Mr. Mendel stated also, it is warranted to make a minor clarifying amendment to the existing "Group Home" definition in the City of Medina Planning & Zoning Code. Mr. Mendel stated the added text intends to make a clear distinction between the definitions of "Transitional Housing" and "Group Home".

Mr. Mendel stated "Group home" means any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than sixteen (16) persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code.

Mr. Mendel stated next steps are to decide whether to create or not create a new use definition.

Mrs. Russell stated for existing Group Homes, are they permitted uses or conditionally permitted uses or does it depend on the district?

Mr. Mendel stated they are all conditionally permitted uses. Mr. Mendel stated in the single family zoning districts, only up to 8 occupants are permitted as a conditionally

permitted use. Mr. Mendel stated in the R-4 district, M-U District, up to 16 occupants are permitted as a conditionally permitted use.

Mrs. Russell stated if group homes are already a conditionally permitted use, what does adding a transitional housing section make our process different or better?

Mr. Mendel stated if the group home definition was added using the phrase “permanent residents for persons” that would not be able to call a substance abuse facility a group home.

Mrs. Russell asked how the process would change.

Mr. Mendel stated Group Home is a very specific term that functions as a single family residence. Mr. Mendel stated transitional housing, substance abuse, etc., will have more traffic and more external land use impacts. Mr. Mendel stated this is why it is good to break them out so the transitional could fit better into the M-U or R-4 District.

Mr. Grice stated the two existing drug halfway houses existing in the city which were approved under the group home definition would be more transitional. Mr. Mendel stated that is correct.

Mr. Grice stated in thinking of the existing facilities, all seem to really fall more into the transitional definition than as group homes because none of them are permanent residents.

Mr. Grice asked if both group home and transitional definitions are necessary. Mr. Gold stated group home would be a permanent residence and transitional home would be better in an R-3 or R-4 district.

Mr. Lash asked if this is approved, would the transitional definition be added to the existing transitional facilities. Mr. Mendel stated the ones that now fall under the definition would be taken care of by the regulatory process only if they change their dynamics.

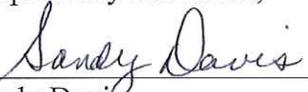
Mr. Mendel stated the board has the option to make transitional housing as a permitted use or a conditionally permitted use in a specific zoning district (s). Mrs. Russell stated she feels it makes sense to make it conditionally permitted.

Mr. Grice asked Mr. Mendel to bring back some suggestions for zoning districts for the transitional definition. Mr. Mendel stated he will bring suggestions back to the board. Mr. Mendel asked if the board is satisfied with the suggested definitions. Mr. Grice stated yes.

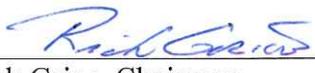
The board thanked Mr. Mendel for his work on this definition.

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Rick Grice, Chairman