



# CITY of MEDINA

## Planning Commission

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### Planning Commission Meeting

Meeting Date: September 8, 2016

Meeting Time: 6:00 pm

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

Absent: None

Susan Hirsch from the Medina County Fair Housing Office conducted a Fair Housing Training.

The Court Reporter swore in all attendees, board members, and staff.

Minutes: Mr. Gold made a motion to approve the August 11, 2016 minutes as submitted. Mr. Roszak seconded the motion.

Vote:

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

Announcements: Mr. Mendel stated the Masonic Temple demolition has been underway as well as the demolition of the Chamber of Commerce.

Old Business:

1. P16-17                      1011 Wadsworth Road                      Elaine Jones                      COM

Mr. Mendel stated the applicant requested to rezone the property at 1011 Wadsworth Road from R-2 to C-S District. Mr. Mendel stated this was before the Planning Commission on July 14, 2016. Mr. Mendel stated after reviewing the applicant's request and staff's analysis of the request, the Planning Commission recommended denial of the rezoning request from R-2 to C-S to the City Council.

Mr. Mendel stated on August 11, 2016, the applicant returned to the Planning Commission and requested the Planning Commission reconsider the July 14, 2016 denial recommendation on the rezoning request. Mr. Mendel stated the Planning Commission passed a motion to reconsider the request for rezoning at a future Planning Commission meeting. Mr. Mendel stated the applicant has solidified a position for the Planning Commission to consider and requests the Planning Commission review and consider it.

Mr. Mendel stated reconsideration requires additional evidence and information that was not presented during the initial review. Mr. Mendel stated the applicant provided an amended rezoning request dated August 22, 2016 in addition to information from Staff regarding the future land use map history for the City of Medina Comprehensive Plan as well as the draft July 14, 2016 Planning Commission meeting minutes for this agenda item for history. Mr. Mendel stated Staff has reviewed the applicant's amended rezoning request. Mr. Mendel stated the following outlines staff's analysis of the main points outlined by the applicant.

Mr. Mendel stated this stretch of Wadsworth Road is predominantly multi-family or single family residences. Mr. Mendel stated there is no commercial or non-residential facilities other than the Fire Station.

#### Spot Zoning Concern

Mr. Mendel stated the applicant believes spot zoning is not a concern because in the past the City of Medina has rezoned relatively small individual properties in the past from residential to commercial zoning, particularly in the corridor around the intersection of South Court St. and Sturbridge Dr. Mr. Mendel stated additionally, the applicant emphasizes there is no minimum zoning district size for the C-S Zoning District, thereby permitting the individual and disconnected rezoning of properties to the C-S district.

Mr. Mendel stated the applicant is correct that there is no minimum district size in the C-S zoning district and the City had in the past rezoned properties in the South Court and Sturbridge corridor from residential to commercial zoning on a property by property basis, but the critical analysis when reviewing a rezoning is consistency with the Future Land Use Map of the Comprehensive Plan in effect at the time of the request.

Mr. Mendel stated in looking back to the 1995 and 1983 Comprehensive Plan Update Future Land Use Maps (in the packet), there is a specifically delineated district of Commercial Land Use planned for the South Court corridor near the Court/Sturbridge intersection. Mr. Mendel stated therefore individual, piecemeal rezoning of properties to commercial zoning within a corridor designated for commercial land use on a Comprehensive Plan's Future Land Use Map is appropriate and consistent with the community's desires.

Mr. Mendel stated as stated in the July 14, 2016 staff report on this rezoning request, the current 2007 Comprehensive Plan Update Future Land Use Map designates the subject property as Residential High Density and is part of the unified area of such land use

designation along Wadsworth Road. Mr. Mendel stated if the subject property was rezoned to R-4 Multi-Family Residential (which is the zoning district consistent with the Residential High Density land use map designation), the action would be appropriate even though it would be the only property zoned R-4 within the unified area shown on the 2007 Future Land Use Map (the other properties are currently zoned R-3 or R-2).

“Contract Zoning” – Private deed Restricted Land Uses

Mr. Mendel stated the applicant puts forward the possibility of rezoning the subject property to R-4 or C-S or a hybrid zoning district nominally R-4 or C-S with private deed restrictions to permit or prohibit land uses that are deemed to be appropriate or inappropriate depending on the zoning district used. Mr. Mendel stated the applicant suggests R-4 zoning with permission to allow the lowest intensity land uses of the C-S District (such as personal/professional services and professional/medical offices) though some form of zoning overlay. Mr. Mendel stated the applicant suggests C-S zoning with private deed restrictions prohibiting the more intensive uses that are possible in the C-S District’s permitted and conditionally permitted use tables. Mr. Mendel stated these two options are problematic because there are no clear mechanisms for the former and limited transparency in the later.

Mr. Mendel stated the R-4 district with a land use permission overlay would only fit within the Special Planning District overlay process outlined in Chapter 1114 of the Planning and Zoning Code. Mr. Mendel stated this is a process wherein the applicant effectively creates a development area specific zoning district with specially created regulations for that District only. Mr. Mendel stated if the applicant wished to proceed with that process, a new application would be required and it would require additional time beyond the time already spent on this process to date.

Mr. Mendel stated the C-S district with private deed restrictions prohibiting certain permitted or conditionally permitted uses would create a transparency and enforcement problem in the future. Mr. Mendel stated a codified and accessible zoning code and map are created to permit ease of use for both City staff and the public. Mr. Mendel stated creating private deed restrictions which limit uses will prevent true understanding of the development potential of the property itself and how neighboring owners or occupants understand the potential. Mr. Mendel stated City staff is not responsible for the enforcement of private deed restrictions on properties and such restrictions will simply create confusion and false expectations in the future when someone wishes to do something and the private deed restrictions are not consistent with the possibilities outlined in the zoning code. Mr. Mendel stated this option will have negative complications, less transparency and high potential for negative unintended consequences.

Mr. Mendel stated upon reviewing the applicant’s amended rezoning request and analyzing it against the zoning code and best practices, staff recommends the subject property be rezoned to R-4, Multi-Family Residential with no overlay or private deed restrictions. Mr. Mendel stated this is based on the fact that the R-4 zoning district is

consistent the Residential High Density land use designation of the City of Medina 2007 Comprehensive Plan Update Future Land Use Map.

Mr. Mendel stated if approved by the City Council, the R-4 zoning would permit the applicant to develop the property under the allowances and restrictions of the applicable portions of the codified Planning and Zoning Code (Part 11 of the Codified Ordinances of the City of Medina).

Mr. Mendel stated if recommended by the Planning Commission, the rezoning map amendment must then be reviewed and approved by the City Council through the normal legislative process required for zoning map amendments.

Mr. Grice stated the Planning Commission will only be making a recommendation to City Council this evening. Mr. Grice stated at that point City Council will hold a public hearing and receive comment and proceed with the legislative process.

Present for the case was Stan Scheetz, Attorney representing applicant Elaine Jones, 225 E. Liberty Street, Medina, Ohio.

Mr. Scheetz stated the applicant completely accepts the report by staff with the amendment that the applicant does not want to look at the hybrid or C-S but only the R-4 which fits into the Comprehensive Plan. Mr. Scheetz stated his only editorial comment in relation to deed restrictions is that they are now requiring the homeowners association as well as the jurisdiction in which they are may enforce them. Mr. Scheetz stated the Medina County Prosecutor's Office now requires that restrictions and covenants have the jurisdiction enforce them. Mr. Scheetz stated the rules are changing.

Mr. Mendel passed out a copy of an e-mail he received today from an adjacent property owner, Mike Emersen, 431 Hampden Court, Medina, Ohio and was read by Mr. Grice as follows:

Jonathan,

Per our conversation in reference to 1011 Wadsworth Road, our main concern is that no matter what ends up happening, we want the developer to put in some type of privacy screening. We have four young children and do not want people staring at us and watching them. I am happy that you settled our fears of not having a 24 hour business with constant noise disrupting our quality of life. Furthermore, I would be happy to see medical or other professional offices, but am open to multi-family dwellings. However, my issue here is the amount of units. We live adjacent to an apartment complex already, and sometimes the noise late into the night prohibits us from having windows open.

Again, thank you for talking to me and helping me understand the zoning issues more clearly.

Thank you,

Michael Emerson  
431 Hampden Court  
Medina, Ohio

Mr. Scheetz stated the applicant recognizes the need for screening on three sides of the property. Mr. Scheetz stated a retention basin was built there and there is a mound of dirt available to create additional screening. Mr. Scheetz stated the property to the south is already screened with mounding and pine trees. Mr. Scheetz stated the applicant would be looking at doing something similar as part of a site plan review condition.

Mr. Gold made a motion to make approve a recommendation to City Council for rezoning the property known as 1011 Wadsworth Road from R-2 to R-4.

The motion was seconded by Mr. Lash.

Vote:

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

New Business:

1. P16-21          620 N. Broadway          Medina Veterans Hall          CSP

Mr. Benko gave a brief overview of the case. Mr. Benko stated the applicant is seeking conditional sign approval for the installation of a full color LED electronic message center sign for the Medina Veterans Hall. Mr. Benko stated the sign will replace the existing ground sign at the site. Mr. Benko stated the property is zoned R-3 residential. Mr. Benko stated non-residential uses in residential zoning are permitted to have a 40 sq. ft. ground sign, except in the R-3 zoning where all signs are prohibited. Mr. Benko stated the sign prohibition is due to an omission that occurred during the zoning code update in 2014. Mr. Benko stated Staff intends to propose adding R-3 zoning back to the preamble of code section 1147.12 in the near future. Mr. Benko stated the applicant is seeking a variance to allow the ground sign at the September 8, 2016 Board of Zoning Appeals meeting.

Mr. Benko stated the applicant was granted a variance this evening for the size of the sign at the Board of Zoning Appeals meeting.

Mr. Benko stated Section 1147.07(J) of the Planning and Zoning Code outlines several specific requirements for such signs which are copy change frequency, color and illumination.

Mr. Benko stated the applicant has proposed a full color electronic message center sign.

Mr. Benko stated the applicant was also granted a variance for the height of the sign this evening at the Board of Zoning Appeals meeting.

Mr. Benko stated the proposed sign must be compatible with the design and materials of the building on which the sign is to be placed.

Mr. Benko stated the sign is compatible with the neighborhood and harmonious with the building. Mr. Benko stated any potential detriment to adjacent properties could be mitigated by turning of the LED portion of the sign at night.

Mr. Benko stated Staff recommends that the Planning Commission approve the conditionally permitted sign as outlined in the staff report on the following condition:

1. Subject to all necessary building permits.
2. Subject to the removal of the existing ground sign upon completion of the proposed electronic message center sign.
3. Sign shall be turned off by 10 pm each night.

Present for the case was David Taylor, 970 Kenner Drive, President of the Board of Directors of the Medina County Veteran's Memorial Hall. Mr. Taylor stated last fall they received approval for renovating the hall and spent \$438,000 on the building.

Mr. Taylor stated in July, the property to the south, 610 N. Broadway was acquired. Mr. Taylor stated the house on the property will be removed and replaced with grass. Mr. Taylor stated there will be an exhibit of historic displays of equipment and photos from the civil war through the current war on terror which are the wars Medina County citizens have participated in. Mr. Taylor stated they are working with the schools 5<sup>th</sup> grade Social Studies classes and the 8<sup>th</sup> grade History classes for tours and educational purposes.

Mr. Taylor stated the hall will be used for meetings. Mr. Taylor stated the sign is the last part of the modernization campaign. Mr. Taylor stated the previous sign was lit all night with no complaints. Mr. Taylor stated the sign is 6 inches higher to allow for visibility.

Mr. Grice commented that they have done a wonderful job. Mr. Rose thanked the applicant for their service and for the great job they are doing on the building.

Mr. Rose made a motion to approve a Conditional Sign Permit as submitted at 620 N. Broadway subject to the following conditions:

1. Subject to all necessary building permits
2. Subject to the sign being turned off only if complaints are received.

The motion was seconded by Mr. Lash.

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

2. P16-23            444 Independence            Do It Best Corp            SPA

Mr. Benko gave a brief orientation of the case. The subject site is located on the east side of Independence Drive south of W. Smith Road and north of Lafayette Road.

Mr. Benko stated the applicant is seeking site plan approval for the expansion of a parking lot for Do It Best Corp. Mr. Benko stated currently, there is one acre of pavement. Mr. Benko stated the applicant proposes expanding the paved area to a total of three acres. Mr. Benko stated the expansion will be completed in phases so that the truck loading docks can continue to operate during construction. Mr. Benko stated the additional paved area will be for improved circulation at the site and for semi-truck storage.

Mr. Benko stated the site is currently surrounded by a 6 feet tall barbed wire fence. Mr. Benko stated the applicant has proposed the installation of a new 6 feet tall barbed wire fence that will encompass the parking area expansion. Mr. Benko stated the applicant was granted approval by the Board of Zoning Appeals this evening.

Approaches, drives and parking areas shall be of appropriate size and scale in relation to the appearance of the proposed development from public rights-of-way, adjacent property and the internal portion of the site itself. Such appropriate scale shall be achieved by the width of approaches and drives, by having adequate but not excessive parking, and by using landscaping within large parking areas. Curbing and adequate landscaping shall be provided between driveway aprons.

Mr. Benko stated the parking lot expansion will improve semi-truck circulation at the site. Mr. Benko stated the driveway meets the width requirement of 24 feet.

Mr. Benko stated parking lots are subject to perimeter landscaping requirements; however, in the I-1 district landscaping is not required for parking lots in the side or rear of the building. Mr. Benko stated there is sufficient green space in the front of the building.

Mr. Benko stated the applicant has submitted a code compliant lighting plan for the parking area expansion.

Mr. Benko noted the following comment from staff:

**Fire Department** “After review of the above said plans the only comment I have at this time is that the security gate shall have an approved means of emergency operation. The security gate and the emergency operation shall be maintained operational at all times. The electric gate operator shall be listed in accordance with UL 325 as listed in rule 1301:7-7-47 of the Administrative Code. The gate, if intended for automatic operations, shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 as listed in rule 1301:7-7-47 of the Administrative Code. This comment is in line with Ohio Fire Code 1301;7-7-05 section (6) 503.6 Security gates. “

Mr. Benko stated Staff recommends the Planning Commission approve the Site Plan application on the following conditions.

1. Subject to approval by the Medina Engineering department.

Present for the case was Dan Wonderly, Martin Riley Architects, Engineering Project Manager for Do It Best Corp. Mr. Wonderly stated they will make contact with the Fire Department to obtain approved methods of operation for the gates. Mr. Wonderly stated they will incorporate those into the project.

Mr. Benko stated the Board of Zoning Appeals granted approval of the administrative review earlier this evening.

Mr. Rose asked if the parking will be asphalt. Mr. Wonderly stated yes and the Engineering Department will review for drainage.

Mr. Becks made a motion to approve the Site Plan as submitted for a parking lot expansion at 444 Independence Drive, Do It Best Corp. subject to the following:

1. Subject to review and approval by the Medina Engineering Department
2. Subject to the review and approval of the security gate by the Fire Department.

The motion as seconded by Mr. Gold.

Prior to the vote, adjoining property owner, Allen Truman, 861 Lafayette Road asked if Do It Best acquired the property directly behind his house. Mr. Wonderly stated yes they did. Mr. Truman asked the size of the lot. Mr. Wonderly stated it is 14 acres. Mr. Truman asked if the woods will remain. Mr. Wonderly stated the trees will remain.

Vote:

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

3. P16-24 Highpoint Dr. PP#028-19C-20-146 Miller Valentine COM

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a request for an amendment to the design guidelines of the underlying special planning district which encompasses all of the South Court Village property. Mr. Mendel stated the applicant plans to develop a rental 48 unit affordable senior housing residential project. Mr. Mendel stated the project is planned for the southwest corner (~8 acres) of the 40 acre South Court Village (Special Planning District 1).

Mr. Mendel stated the proposed project will consist of three 8-unit ranch townhouses builds and one 24-unit two story apartment style building and two access points to Highpoint Dr. Mr. Mendel stated the project is in the concept stage at the moment.

Mr. Mendel stated the SPD-1 has development specific conceptual plan and design guidelines that act as the 'zoning code' for the area encompassed by the SPD. Mr. Mendel stated the applicant wishes to amend two portions of the guidelines to accommodate the development.

Mr. Mendel stated Section C.2(C)(1)(a) of the current development guidelines outline the specific types of building forms permitted within the residential area of SPD-1 (Subdistrict C). Mr. Mendel stated this includes row houses, townhouses, duplexes and single family homes.

Mr. Mendel stated the applicant's project has townhouse buildings and an apartment building. Mr. Mendel stated the apartment building is not a permitted building form within SPD-1, therefore they request amending Section C.2(C)(1)(a) to allow apartment buildings (see attached Applicant's proposed amendment). Mr. Mendel stated the development will have two access points (i.e. driveways) to Highpoint Dr. Section C.5(6) of the development guidelines limit the residential Subdistrict to one access point to Highpoint Dr. Mr. Mendel stated therefore the applicant requests amending the development guidelines to allow two access points to account for unique land features such as existing wetlands and topography.

Mr. Mendel stated upon reviewing the proposed amendments to the SPD development guidelines, the proposed changes are relatively minor within the context of the overall SPD-1 conceptual development plan and design guidelines.

Mr. Mendel stated allowing apartment style buildings within the residential Subdistrict will have the same potential of building bulk as could be built with townhouses. Mr. Mendel stated the proposed apartment building will be two-

story and approximately 25-30 feet tall. Mr. Mendel stated this is similar to the design of many townhouse developments that are 2-story over a ground floor garage, which effectively can become a three-story building. Mr. Mendel stated such townhouse design would be allowed by the current SPD development guidelines.

Mr. Mendel stated the request to allow two access points to Highpoint Dr. is reasonable because wetlands and topography of the site necessitate the two drive looped site circulation. Mr. Mendel stated the intent behind the single access to Highpoint Dr. was originally to limit curbcuts and excess traffic enter/exiting to Highpoint Dr. Mr. Mendel stated the applicant's proposed plan should maintain appropriate management of traffic from the development and also provides sufficient distance between the drives (~200 feet).

Mr. Mendel stated upon reviewing the applicant's request and evaluating the applicant's conceptual plan against the intent and guidelines of SPD-1, staff recommends the Planning Commission approve the amendments to the Special Planning District No.1 Development Guidelines under Ordinance 207-06 as outlined in this report and attachments.

Mr. Mendel stated if recommended by the Planning Commission, the development guidelines amendment must then be reviewed and approved by the City Council through the normal legislative process required for zoning code text amendments.

Mr. Grice asked if the amendments would apply to the subject site or the entire property. Mr. Mendel stated it would be an amendment to the underlying concept development guidelines. Mr. Mendel stated the remainder of the residential sub-district C could do apartment buildings. Mr. Mendel stated the under the density allowances of the Special Planning District for residential, the remainder of the land could only have 6 units per acre or another 48 units. Mr. Mendel stated the amendments would apply to the whole Special Planning District as proposed.

Present for the case was Denise Blake from Miller Valentine, Skip Sipos from Medina Metropolitan Housing Authority, and Victor Cohen, private investor and historian.

Ms. Blake stated based on the city code the building is at 27 feet in height. Ms. Blake stated the maximum height is 35 feet.

Mr. Rose asked if there will be access out to the north. Mr. Mendel stated as we get into the next stages of development review on this site, (the Special Planning District requires a separate preliminary site plan review and final site plan review process), there will be more details and the Fire Marshall will want to comment on.

Mr. Becks stated the "use" being introduced may be a little more parking intensive because the other uses described typically self-park. Mr. Becks stated looking through

the text, it does not specify how the number of parking spaces would be determined. Mr. Becks asked how this would be handled in the code.

Mr. Mendel stated it would be Special Planning District section of the code which states to create a zoning district and regulations. Mr. Mendel stated what is not created is defaulted to the applicable item in the existing zoning code. Mr. Mendel stated the Special Planning District does not speak to parking requirements so you default to the zoning code requirement for multi-family which is 2 parking spaces per unit plus 1 parking space for every five units. Mr. Mendel stated it calculates out to be 52 parking spaces for the apartment building. Mr. Mendel stated the code allows for land banking so the applicant may want to land bank for future possible parking needs.

Mr. Gold made a motion to forward a recommendation to City Council to amend the Design Guidelines for the Special Planning District as proposed below:

1. Section C.2(C)(1): Request to add “Apartment Building” to Principal Permitted uses.
2. Section C.5(6): Request to allow two access points from High Point Drive for Subdistrict “C” Medium Density Residential.

The motion was seconded by Mr. Becks.

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

4. P16-25                      620 E. Smith Road                      Tracy Oriti                      CZC

Mr. Benko gave a brief overview of the case. Mr. Benko stated the applicant has proposed a fitness studio in the I-1 Zoning District. Mr. Benko stated Jazzercise classes will begin at 5:30 am and continue in one hour intervals intermittently throughout the day. Mr. Benko stated class sizes range from 3-25 people. In the I-1 district, commercial recreation uses are a conditional use and require approval from the Planning Commission.

Mr. Benko stated a fitness studio requires a total of 5 parking spaces. Mr. Benko stated there is sufficient parking at the site.

Mr. Benko stated a gym would be an appropriate use at the site. A commercial recreation use, such as a gym, would be suitable in the space and for the neighborhood. Mr. Benko stated based on review of applicable sections of the City of Medina Codified Ordinances and the findings detailed above, staff recommends the Planning Commission grant a conditional zoning certificate.

Present for the case was applicant Tracy Oriti, 1800 Ledge Road, Medina.

Mr. Grice opened the public hearing at 7:59pm and requested comments for or against the proposal. Hearing no comments, Mr. Grice closed the public hearing at 7:59pm.

Mr. Becks asked if any of the classes will be held outside. Ms. Oriti stated no. Mr. Becks stated he has concerns regarding fitness classes outdoors in Industrial areas and the trucks that pull in and out.

Mr. Lash made a motion to approve a Conditional Zoning Certificate for a fitness studio in the I-1 Zoning District, 620 E. Smith Road, Unit E.

Mr. Rose seconded the motion.

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

Having no further business, the meeting was adjourned.

Respectfully submitted,

  
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Sandy Davis

  
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Rick Grice, Chairman