



**CITY of MEDINA**  
**Planning Commission**  
**May 12, 2016 Meeting**

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**Case No:** P16-08

**Address:** 139-145 N. Court St.

**Applicant:** Mann Architects for Dr. Loren Raymond (Owner)

**Subject:** Site Plan review and Conditional Zoning Certificate for Personal and Professional Service with Drive-Thru

**Zoning:** C-2 Central Business District

**Submitted by:** Jonathan Mendel, Community Development Director 

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**Background:**

At the April 14, 2016 Planning Commission meeting, the applicant presented a redevelopment project of the property at 139-145 N. Court St at the southwest corner of N. Court St. and W. Friendship St. involving Site Plan approval and Conditional Zoning Certificate approval for a bank drive thru. Earlier on April 14, 2016, both the Historic Preservation Board and Board of Zoning Appeals review and approved their portions of development review process.

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

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

During the intervening month, the two parties met on-site on April 27, 2016 and discussed possibilities with the assistance and facilitation of City staff. As of May 10, 2016, there has been no agreement on possible solutions.

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

Please find attached to this report:

- Status letter from Gary Hetrick received May 10, 2016
- Status letter from Loren A. Raymond received May 10, 2016
- April 14, 2016 Draft Minutes for case P16-08
- April 14, 2016 Staff Report

**Recommendation:**

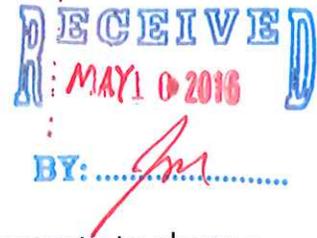
Based on review of applicable sections of the City of Medina Codified Ordinances and the findings detailed above, staff recommends the Planning Commission approve the Site Plan and Conditional Zoning Certificate requests with the following conditions:

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

City of Medina

May 9, 2016

Att:n- Jonathan Mendel



## OUTLINE OF WHAT HAS HAPPENED

My Attorney told me a meeting was set for April 27 at the property to show a possible solution. Attorney Wetherbee told me the developers were shortening the width of the drive-thru lane and that there would be 26 feet available to allow for 3 lanes of traffic- one for the drive-thru and 2 lanes for my parking and the lane in the middle allowing traffic in each direction. I said that could possibly work for me but that I would like to line up some cars and test the width as best we could. I could not attend the meeting because I had already booked a flight to Florida that could not be changed.

I was told several days later that at the driveway meeting Dr Raymond turned down the 3 lane idea. I was then sent a drawing by e-mail that I could not make much sense of but it looked as though my grassy areas from Court St to City Hall parking lot would have to be torn up and paved. Very few details were given. At that point, it seemed to me the developers were not changing their plans at all but were expecting me to do all the adjusting.

I informed my Att'y Oberholtzer to tell the developers I did not want to carve out the grassy areas and do not think I should be expected to.

## TEARING UP MY PROPERTY

My interest in the situation is merely to maintain the parking and access to my building that I have had since November of 1981- more than 35 years. There are many negatives to tearing up my property.

- 1) The two biggest trees nearest Court St greatly enhance the look of my property, one of which is a flowering tree.
- 2) Excavating the land by the north side of my garage building, to provide space of any value, would have go right up to the building foundation edge. That would seem to allow for a gradual deterioration of the land and a possible shifting of the building and unforeseen issues.

- 3) The rest of the grassy areas going back toward the city hall parking have large trees and based on where the property line pin is, some trees may be on my side, some may be on the adjacent property and the trunks of some bigger trees surely look as if they are on both properties. Therefore, I am not the only property owner involved in this idea.
- 4) There are electric lines and telephone poles and numerous wires to be dealt with.
- 5) From the perspective of the looks of the City of Medina, aren't trees and some open space preferable to pavement? I think Central Park is preferable to the Bronx.

There is no question in my mind that my property deteriorates from this rearrangement. I am sure I have not even thought of all the possible complications that could arise from this idea, an idea that was given to me with no explanation and not enough thought, in my opinion. I reiterate- I am not trying to be a thorn in the side of the developers. I want to maintain what I already have!

#### THE NEED FOR CONSIDERABLE WIDTH FOR TRAFFIC

In the last month, I have focused my attention to the 3 bank drive-throughs in Medina that I regularly use-two just have ATM's and one has an ATM and a drive-up window. My estimate is that during the normal business day these drive-throughs have at least one car there at least 80% of the time and more than one car a great deal of the time. For one of my office space renters to get off the premises we need three lanes if there is a new drive-through added to the mix. The expectation that cars could weave in & out between two lanes is not advisable. Emergencies happen and I would not expect others to sit and wait while bank customers are lined up.

#### THE CURRENT PARKING SITUATION

Cars are parked in my drive all the time that I know are not visiting my building. The same thing happens in the Chamber of Commerce lot, I'm sure. At night and weekends there are often "interlopers" on my property. I do not make an issue of it. The parking solution for the area is not limited to just the needs of the two properties.

## ADVISABILITY OF THE PROJECT

Having been on location at 133 N Court for 35 years I might have some insight worth mentioning. For the last 15 years (about 10 when Doors & More was there with the Chamber) the property next to me would have only 2 or 3 regular daily parkers and a few drop-ins. While the area was not free of parking issues, the Chamber property was not a cause of problems. The new building with apartments and offices and stores and bank customers is going to introduce a deluge of parking users. A site that for many years had 5 or 6 cars using it in a day, now appears to expect possibly a hundred users per day.

I had residential renters (4 duplexes and 2 condos) for 20 years and probably rented to close to 100 people. I doubt that I had 5 renters that only had 1 car and would guess 20 or more had 3 cars. I foresee the expectation that the apartment units would be limited to one parking space is going to be a condition constantly abused.

But the above is just my opinion based on experience. I hope the developers can understand my worries. I hope the developers can understand my frustrations that have come about while I am just attempting to maintain my property in the same manner it has been for decades. I do not think time should be spent trying to revamp my property that has worked well for years. I think time needs to be spent examining possible changes in the new property coming on the scene.

My thanks to the City and the various City Commissions.

GARY HETRICK

May 10, 2016

To Jonathan Mendel,

On April 27<sup>th</sup> 2016, a meeting was held on site to discuss solutions to Hetrick's parking situation. In attendance were Attorney Wetherbee representing Hetrick, Attorney Karan Moss representing Raymond, Jonathan Mendel, and Dan Kendel contractor, Ian Jones architect interne, and Loren Raymond, owner of the property being developed. Hetrick, the adjacent property owner did not attend.

Certain alternatives were discussed as to how the parking situation could be resolved without resorting to property sharing. The best workable solution seemed to be 1) using a portion of the North-South drive to adequately park approximately five (5) cars and 2) using the Western portion of the East-West drive to park approximately four (4) more cars. This section would require some recontouring of an embankment which Raymond would provide at his cost.

Attorney Wetherbee stated that the proposal seemed acceptable but he was not able to speak for his client. As of today we have had no response from Hetrick.

Sincerely

Loren A. Raymond

RECEIVED  
MAY 10 2016

BY: *[Signature]*

# Draft

Accordingly, Mr. Teper stated it will be the same but moved over to accommodate the additional pavement.

Mr. Gold asked if the existing home will be used as a residential home. Mr. Teper stated it will be used for strictly storage.

Mr. Gold made a motion to approve a Conditional Zoning Certificate and to approve the Site Plan for 236 N. State Road to allow a Retail/Convenience Store and Drive through in the I-1 District as submitted, subject to the following:

1. Subject to building permits from the Medina Building Department
2. Prior to issuance of a building permit, the applicant must provide a compliant site lighting plan addressing the requirements of Section 1145.09© of the Planning and Zoning Code.

The motion was seconded by Mr. Rose.

Vote:

Grice

Y

Gold

Y

Rose

Y

Lash

Y

Beeks

Y

Approved

5-0

2. P16-08 139-145 N. Court Dr. Loren Raymond SPA/CZC

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated the site is located at the southwest corner of N. Court St. and W. Friendship St. Mr. Mendel stated the site is currently the offices of the Medina Area Chamber of Commerce and consists of three buildings of which two are unoccupied.

Mr. Mendel stated as part of the overall development review, the applicant requires site plan approval and a conditional zoning certificate for a proposed Personal and Professional Services with Drive-Thru (drive-thru bank) approval by the Planning Commission.

Mr. Mendel stated the drive-thru is a bank. Mr. Mendel stated the property is zoned C-2, Central Business District.

Mr. Mendel stated the applicant proposes the following project:

- Demolish the entire existing site including all buildings and pavement
- Construct a new 3-story mixed use building and accessory parking lot
  - Ground floor will consist of 6,850 sqft of flexible commercial space

- 2<sup>nd</sup> and 3<sup>rd</sup> floors will have five ~1,100 sqft residential apartments each (total of 10 residential units)
- A drive-thru lane on the south side of the building for an anticipated bank tenant

Mr. Mendel stated in addition to review by the Planning Commission, this project has been reviewed this evening by the Board of Zoning Appeals for a variance from Section 1135.06 of the City of Medina Planning and Zoning Code to allow a new building with a 6,850 square foot building footprint instead of the maximum allowed 5,000 square feet and was approved. The project also went before the Historic Preservation Board this evening for a certificate of appropriateness for the demolition of the existing buildings and site and construction of the proposed three story mixed use building and was approved.

Mr. Mendel stated mixed use buildings without ground floor residential units is a permitted use within the C-2 district, but the proposed drive-thru lane on the southside of the proposed building is a conditionally permitted use in the C-2 district requiring a public hearing for the review of a conditional zoning certificate.

Mr. Mendel stated maximum building height is 40 feet and the proposed building is 39 feet to the roof deck

Mr. Mendel stated the building complies with the building setback requirements, but exceeds the maximum 5,000 sqft building footprint requirement which the Board of Zoning Appeals reviewed and approved this evening.

#### **Conditional Zoning Certificate:**

Mr. Mendel stated the following are the general conditional use standards applicable to the proposed drive-thru use in the C-2 District per Section 1153.04(a)

- (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 proposed drive-thru facility is small scale in execution as it only includes one lane queuing, a small service window and canopy and easy exiting to N. Court St. Mr. Mendel stated this an appropriate scale for such a use given the mixed commercial and residential properties immediately to the south.

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 April 16, 2016 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.

#### **Site Plan Standards:**

Mr. Mendel stated the following comments and considerations are based on the Site Plan requirements of Chapter 1109 and the Off-Street Parking and Circulation Requirements of Chapter 1145.

#### **Parking**

Mr. Mendel stated the project has a 19 space parking lot on the west end of the property to serve the ground floor commercial space and 10 residential units. Providing parking is solely at the applicant's discretion since Medina Codified Ordinance 26-78 established the downtown parking district which encompasses Public Square. Mr. Mendel stated the downtown parking district is exempt from the parking space requirements in Chapter 1145.

Mr. Mendel stated staff has provided advice on management of the parking within the context of how parking is generally perceived and used within the Public Square area.

Mr. Mendel stated although, parking is not required by the Planning and Zoning Code for this project, the parking area must meet the design requirements of the Code. Mr. Mendel stated the proposed parking area meets the requirements.

#### **Landscaping**

Mr. Mendel stated the proposed landscape plan nicely softens the edges of the building and parking lot along the W. Friendship St. frontage. Mr. Mendel stated this should help with the transition between the private and public realm for the non-building areas of the site.

#### **Building Design, Materials and Orientation**

Mr. Mendel stated the proposed building and accessory parking lot comply with all the applicable design guidelines outlined in Section 1109.04 of the Planning and Zoning Code. Mr. Mendel stated a three story mixed use building as proposed is

consistent with the intent and desire of the community within the Public Square area of the C-2 district. Mr. Mendel stated there is ample transparency of the public facades of the ground floor storefronts. Mr. Mendel stated the historical Victorian commercial building style is well executed with appropriate materials and proportions.

**Parking Area Lighting**

Mr. Mendel stated the applicant has provided a code compliant parking lot lighting plan.

**Staff Comments:**

**Building Department.** No comment at this time

**Police Department.** No comments

**Service Department.** No comment, but the applicant has been working closely with Sanitation regarding trash collection

**Fire Department** No comment at this time

**Engineering Department** See attached April 5, 2016 comments, entered into minutes as Exhibit A

**City Forester**

- Proposed new street trees in the public right of way (Friendship St and Court St.)
  - Replace proposed Cleveland Select on Friendship frontage with different species – Cleveland Select not an approved tree
  - Court St. street trees – New tree must be Zelkova (Green Vase) in a minimum 4'x 8' tree bed and encourage applicant replace the existing tree with a new Zelkova (Green Vase) because the existing tree is declining and the applicant replacing the tree would provide a consistent new appearance for the development.
  - Contact the City Forestry Dept at 330-721-6950 with questions

**Economic Development** No comment at this time.

Mr. Mendel stated based on review of applicable sections of the City of Medina Codified Ordinances and the findings detailed above, staff recommends the Planning Commission approve the Site Plan and Conditional Zoning Certificate requests with the following conditions:

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

Mr. Grice opened the Public Hearing at 8:00 pm and asked for comments.

Christopher Weatherbee from Oberholtzer & Filous, 39 Public Square, Suite 201, Medina, Ohio 44256 commented. Mr. Weatherbee stated he is speaking on behalf of Clifford Properties who own the property adjacent property to the south. Mr. Weatherbee stated as a procedural matter, it looks like the public hearing notice that was published had the date of the public hearing at March 16<sup>th</sup> and not March 14<sup>th</sup> on page 4 of the Planning Commission report. Mr. Mendel checked the public hearing notice that was sent to adjoining property owners and also the newspaper. Mr. Mendel confirmed that both had the correct date of April 14<sup>th</sup>. Mr. Mendel stated the staff report that Mr. Weatherbee is referring to is not a legal document and the newspaper notice and letters to adjoining property owners is a legal document.

Mr. Weatherbee stated the purpose of the Conditional Use request is to add a drive-thru bank window along the south line of the property. Mr. Weatherbee stated Clifford Properties shares the south line. Mr. Weatherbee stated his client, Clifford Properties, for the last 30 plus years has been used by Clifford Properties for ingress and egress from his property as well as parking. Mr. Weatherbee stated the bank window is a Permitted use under Section 1135.05 of the Planning and Zoning Code, he disagrees if you look at 1129.02 (A)(7) of the Planning and Zoning Code, specifically references banks with a single lane drive-thru window which has changed over to Multi-Use District, not C-2 zoning. Mr. Weatherbee stated he has to think that was intentional. Mr. Weatherbee stated where the language allowing the Conditional Use under C-2 is far more general and allows simply drive-thru windows for personal and professional services with drive-thru, a bank drive-thru was explicitly separated in the ordinance for Mixed Use District. Mr. Weatherbee stated the mixed use zoning north of this area is far more appropriate for a bank drive-thru and the kind of traffic that would generate. Mr. Weatherbee stated that's why banking institutions have been moving from C-2 over to M-U zoning, Mr. Weatherbee stated for that reason alone, he and his client feels this Conditional Zoning Approval for the drive-thru should be denied. Mr. Weatherbee stated in addition, adding additional unregulated traffic adjacent to his client's property is going to change his ability to use the drive for egress and ingress to his property and represents an unfair change in the usage of this property over the last three plus decades.

Mr. Gold stated, in all due respect to Mr. Weatherbee's client, because he has been using it and no one has challenged it, it is not pertinent to the request before the commission today. Mr. Gold stated the new building is not egressing onto the Clifford property and it is separated from the Clifford property and the owner of the Clifford property will still be able to enjoy the use of the driveway. Mr. Gold stated that as was stated at the Board of Zoning Appeals meeting this evening, Clifford Properties will not be able to use the drive as a parking spot.

Mr. Mendel asked that testimony given at the Board of Zoning Appeals not be entered into the Planning Commission testimony. Mr. Gold stated he stands corrected.

Mr. Weatherbee stated if he is hearing Mr. Gold correctly, he interprets him to be saying that if his client wants to have that fight, he can have it in Common Pleas Court, not at the Planning Commission. Mr. Weatherbee stated he understands that position.

Mr. Mendel stated the subject property is not zoned M-U, Multi-Use, but is zoned C-2 so anything stated in Chapter 1129 of the Planning and Zoning Code is not pertinent to this site. Mr. Mendel stated any personal or professional drive-thru is a Conditionally Permitted Use in the C-2 District. Mr. Mendel stated if he stated this incorrectly in his staff report, he apologizes.

Gary Hetrick, owner of the property at 133 N. Court, commented. Mr. Hetrick stated the use of the alley from one side to the other has been used by his office building for 35 years. Mr. Hetrick stated he has paved it several times, has cleaned the leaves, and has plowed it by himself for 35 years with no other entity maintaining the property at all.

Mr. Hetrick stated the proposed development next door has changed his ability to add anywhere from two to eight cars parked in the alley and be able to get into your car and get in and out of the site would be highly questionable on a day to day basis. Mr. Hetrick stated he feels it would affectively result in the inability for him to maintain the tenants that he has in his building. Mr. Hetrick stated he wants to be clear that is the issue. Mr. Hetrick stated a move of the building as proposed to the north by eight feet would leave the alley that has been used by him for 35 years intact.

Mr. Becks asked Mr. Hetrick if he has had any discussions with the potential developer about possibility coordinating drive efforts. Mr. Becks asked if there is a curb proposed on the line. Mr. Mendel stated yes, there is a barrier curb proposed at the property line. Mr. Mendel stated there is a twelve foot wide drive isle and that would leave approximately twelve feet of pavement on Mr. Hetrick's property. Mr. Becks stated there is a section in the planning code that encourages coordination between adjoining property owners for parking and circulation. Mr. Becks stated it is nothing that the commission can impose but he would like to know if that was attempted.

Mr. Hetrick stated there was discussion along the lines of selling the alley. Mr. Hetrick stated that was not something he felt was a wise thing to do even with an easement. Mr. Hetrick stated there has been no discussion regarding cooperative sharing. Mr. Hetrick stated when you consider the variability of the people there on a given day, it is difficult. Mr. Hetrick stated coordination is dependant on the drive-thru traffic flow which is completely random. Mr. Hetrick stated it may be a difficult thing to coordinate.

Mr. Mendel stated there would be approximately 12 feet of pavement left on Mr. Hetrick's property and there is also approximately 5 feet of grass area on the south side of the pavement that may be able to be graded out and paved to provide 18 to 21 feet of drive aisle on his property which could allow for a parallel parked car and slow movement of another car bypass lane. Mr. Mendel stated it would be a cost to Mr. Hetrick but it is a solution. Mr. Hetrick stated there is a number of trees along the alley of which half of the trunks are split between Clifford Property and another neighbor's property. Mr. Hetrick stated it would take more than adding a few extra feet of flattened ground to make the alley maneuverable. Mr. Hetrick stated you would need to go over as far as you possibly could and it would require some type of a wall going a long way to a building that is already in place. Mr. Hetrick stated this would cause structural issues as

to whether taking that land away may cause movement of the building in the other direction in addition to the cost. Mr. Hetrick stated the idea that it would work out is limited.

Ian Jones, Mann Architects, 3660 Embassy Parkway, Fairlawn, Ohio commented. Mr. Jones stated he represents the applicant as the architect. Mr. Jones states the drive-thru proposal was for a bank. Mr. Jones stated as they developed the site plan they realized that in order to have sufficient parking, they needed to coordinate where the dumpster access is as well. Mr. Jones stated the dumpster which is in the corner would be accessed by the truck by coming from W. Friendship into the drive and down and back up to the dumpster with a rear loading truck. Mr. Jones stated it would exit out the alleyway or drive-thru on hours that would not conflict with the use of the drive-thru.

Mr. Jones stated the suggestion of moving the building north would take away at least 3 parking spaces on the site plan and would move the dumpster. Mr. Mendel stated he thinks the suggestion was moving the actual building which would not affect the dumpster location.

Mr. Mendel stated the drive aisle is mainly used as the driveway for Mr. Hetrick. Mr. Jones stated if they agreed to shift the building, would the number of feet be based on having a drive lane and horizontal parking spaces that are all compliant with the zoning code?

Mr. Rose asked what it would take to make Mr. Hetrick whole. Mr. Becks stated he has a problem with asking the applicant to provide further paving for something that would not be for his use. Mr. Becks stated there is going to be 24 feet of paved aisle per the proposed plan. Mr. Becks stated the challenge is there is a curb separating the two twelve foot sections. Mr. Rose stated if there was some sort of ground level separation of the property that would leave it flat so cars could drive over it and utilize the whole drive, that would be a solution. Mr. Becks stated the burden is not on the Planning Commission to suggest a solution. Mr. Becks stated the code requires a curb to delineate paved areas.

Mr. Grice closed the public hearing at 8:25pm.

Mr. Mendel stated the Historic Preservation Board reviewed the exterior of the building for compatibility in the district. Mr. Mendel reviewed the building elevations. Mr. Mendel stated the building will be a wood frame construction with masonry exterior. Mr. Mendel stated material samples are available for the board to see.

Mr. Jones stated the mass was broken up into three different styles on the north and east elevations. Mr. Jones stated the corner style is an Italianate Romanesque style. Mr. Jones stated on the outside is an Italianate type of Victorian and the twentieth Century Commercial in the center. Mr. Jones stated a cement fiberboard panel system was used in the back. Mr. Jones stated the Historic Preservation Board, during their review of the project, suggested the white be a more earth tone, natural color. Mr. Jones stated the applicant agreed to make that change. Mr. Jones stated the Historic Preservation Board

also requested that the cornice on the east and north portions of the building wrap around the building for the small portion. Mr. Jones stated the applicant agreed to do this. Mr. Jones stated the brick and cement board and details will be out of a composite material. Mr. Jones stated there are no details out of wood that would be susceptible to rot.

Mr. Becks stated he appreciates the well thought out submission.

Mr. Lash expressed concerns about parking for tenants in the apartments. Mr. Lash asked if there will be designated parking spots for the residential tenants. Mr. Jones stated it has been proposed to have the 9 spaces at the west end of the property designated to the residential units above. Mr. Jones stated there may be another space designated but definitely the 9 with signage.

Mr. Grice stated since it is in parking district 1, the applicant is not obligated to provide any parking. Mr. Grice stated from a practical standpoint, the residential tenant is going to look for convenient parking to load and unload their vehicles and such.

Mr. Mendel suggested the designated tenant spaces should be the closer spaces and the employees should walk further.

Mr. Rose is concerned about an existing business losing some of its functionality. Mr. Rose stated he would like the two owners get together and see if they can work something out before a final decision is made by the board. Mr. Rose stated he welcomes the new business coming in but he wants to keep the existing business also.

Mr. Jones stated they will begin the process of the project as soon as they receive approval from the board. Mr. Rose asked if the decision was postponed for 30 days, would it mess up the project plan. Mr. Jones stated they will not begin until the site is confirmed.

Property owner Loren Raymond stated he does not understand the intent but is willing to postpone the decision until the May meeting in order to speak with Mr. Hetrick.

Mr. Mendel stated he will work with the applicant for a solution.

The request was tabled by the applicant.

Mr. Becks stated the issue is that with a Conditionally Permitted Use, the board must look at the impact on the surrounding properties. Mr. Becks stated that is what he is looking at.

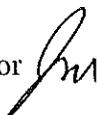
Mr. Jones stated he feels it is important at the May meeting to discuss how Mr. Hetrick's property adheres to the parking requirements.

~~Old Business:~~



**CITY of MEDINA**  
**Planning Commission**  
April 14, 2016 Meeting

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**Case No:** P16-08  
**Address:** 139-145 N. Court St.  
**Applicant:** Mann Architects for Dr. Loren Raymond (Owner)  
**Subject:** Site Plan review and Conditional Zoning Certificate for Personal and Professional Service with Drive-Thru  
**Zoning:** C-2 Retail Office District  
**Submitted by:** Jonathan Mendel, Community Development Director 

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**Site Location:**

The site is located at the southwest corner of N. Court St. and W. Friendship St. The site is currently the offices of the Medina Area Chamber of Commerce and consists of three buildings of which two are unoccupied.

**Project Introduction:**

The applicant proposes the following project:

- Demolish the entire existing site including all buildings and pavement
- Construct a new 3-story mixed use building and accessory parking lot
  - Ground floor will consist of 6,850 sqft of flexible commercial space
  - 2<sup>nd</sup> and 3<sup>rd</sup> floors will have five ~1,100 sqft residential apartments each (total of 10 residential units)
  - A drive-thru lane on the south side of the building for an anticipated bank tenant

As part of the overall development review, the applicant requires site plan approval and a conditional zoning certificate for a proposed Personal and Professional Services with Drive-Thru (drive-thru bank) approval by the Planning Commission.

In addition to review by the Planning Commission, this project will be reviewed on April 14, 2016 by the Board of Zoning Appeals for a variance from Section 1135.06 of the City of Medina Planning and Zoning Code to allow a new building with a 6,850 square foot

building footprint instead of the maximum allowed 5,000 square feet and the Historic Preservation Board for a certificate of appropriateness for the demolition of the existing buildings and site and construction of the proposed three story mixed use building.

Please find attached to this report:

1. Architectural elevations, site plan and floorplans by Mann Architects and Spagnuolo & Associates, LLC received March 24, 2016
2. Various building materials samples received March 24, 2016
3. Site aerial photograph
4. City of Medina Engineering Department comments dated April 5, 2016

#### **District Regulations – Section 1135:**

Mixed use buildings without ground floor residential units is a permitted use within the C-2 district, but the proposed drive-thru lane on the southside of the proposed building is a conditionally permitted use in the C-2 district requiring a public hearing for the review of a conditional zoning certificate.

Maximum building height is 40 feet and the proposed building is 39 feet to the roof deck

The building complies with the building setback requirements, but exceeds the maximum 5,000 sqft building footprint requirement. The Board of Zoning Appeals will be reviewing a variance request.

#### **Conditional Zoning Certificate:**

The following are the general conditional use standards applicable to the proposed drive-thru use in the C-2 District per Section 1153.04(a)

- (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.*

**Staff Comment:** The proposed drive-thru facility is small scale in execution as it only includes one lane queuing, a small service window and canopy and easy exiting to N. Court St. This an appropriate scale for such a use given the mixed commercial and residential properties immediately to the south.

**Public Hearing:** The Zoning Code requires the Planning Commission to conduct a Public Hearing for the proposed Conditional Use. The legal notices have been issued to permit the Public Hearing at the April 16, 2016 meeting. 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.

### **Site Plan and Improvement Plan Review:**

#### **Site Plan Standards:**

The following comments and considerations are based on the Site Plan requirements of Chapter 1109 and the Off-Street Parking and Circulation Requirements of Chapter 1145.

#### **Parking**

The project has a 19 space parking lot on the west end of the property to serve the ground floor commercial space and 10 residential units. Providing parking is solely at the applicant's discretion since Medina Codified Ordinance 26-78 established the downtown parking district which encompasses Public Square. The downtown parking district is exempt from the parking space requirements in Chapter 1145.

Staff has provided advice on management of the parking within the context of how parking is generally perceived and used within the Public Square area.

Although, parking is not required by the Planning and Zoning Code for this project, the parking area must meet the design requirements of the Code. The proposed parking area meets the requirements.

#### **Landscaping**

The proposed landscape plan nicely softens the edges of the building and parking lot along the W. Friendship St. frontage. This should help with the transition between the private and public realm for the non-building areas of the site.

#### **Building Design, Materials and Orientation**

The proposed building and accessory parking lot comply with all the applicable design guidelines outlined in Section 1109.04 of the Planning and Zoning Code. A three story mixed use building as proposed is consistent with the intent and desire of the community within the Public Square area of the C-2 district. There is ample transparency of the public facades of the ground floor storefronts. The historical Victorian commercial building style is well executed with appropriate materials and proportions.

**Parking Area Lighting**

The applicant has provided a code compliant parking lot lighting plan.

**Staff Comments:**

**Building Department.** No comment at this time

**Police Department.** No comments

**Service Department.** No comment, but the applicant has been working closely with Sanitation regarding trash collection

**Fire Department** No comment at this time

**Engineering Department** See attached April 5, 2016 comments

**City Forester**

- Proposed new street trees in the public right of way (Friendship St and Court St.)
  - Replace proposed Cleveland Select on Friendship frontage with different species – Cleveland Select not an approved tree
  - Court St. street trees – New tree must be Zelkova (Green Vase) in a minimum 4'x 8' tree bed and encourage applicant replace the existing tree with a new Zelkova (Green Vase) because the existing tree is declining and the applicant replacing the tree would provide a consistent new appearance for the development.
  - Contact the City Forestry Dept at 330-721-6950 with questions

**Economic Development** No comment at this time.

**Recommendation:**

Based on review of applicable sections of the City of Medina Codified Ordinances and the findings detailed above, staff recommends the Planning Commission approve the Site Plan and Conditional Zoning Certificate requests with the following conditions:

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