

**MEETING DATE: 9-8-16**

# **PLANNING COMMISSION**

**Case No. P16-20**

**795 N Progress  
Osborne Medina**



# CITY of MEDINA

## Planning Commission

### October 13, 2016 Meeting

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**Case No:** P16-20

**Address:** 795 N. Progress Drive (PID 029-19A-15-197)

**Applicant:** Osborne

**Subject:** Conditional Zoning Certificate – Heavy Manufacturing (Concrete Crushing/Recycling)

**Zoning:** I-1, Industrial

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

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**Site Location:**

The site is located in the northwesterly portion of Progress Drive west of the N. State Road.

**Project Introduction:**

The applicant has been operating a concrete recycling/crushing operation on the subject property since at least 2007. Over the intervening years, the operation has increased in area, scale and moved to other portions of the subject site.

Due to a further historical analysis of the subject site and operation, it has been determined that the concrete recycling/crushing operation required review and approval of a conditional zoning certificate as “Manufacturing, Heavy” under the conditionally permitted use table and definition in the City of Medina Planning and Zoning Code.

The applicant proposes keeping the site and operation layout similar to how the operation is currently located throughout the property (see schematic site plan dated August 17, 2016).

Please find attached to this report:

1. Schematic site plan dated August 17, 2016
2. Aerial photograph with City staff proposed site planning conditions dated October 3, 2016

**Conditional Zoning Certificate Review**

**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 October 13, 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.

**Section 1153 Conditional Use 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.*

**Staff Comment:**

In reviewing the existing concrete crushing/recycling operation at the applicant's property and the surrounding mix of zoning districts, land uses and landscape, several of the above standards require scrutiny as they relate to the subject heavy manufacturing land use. Standards #2, 3 & 4 require further analysis below:

- (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;*

Concrete and rock crushing/recycling is an intensive outdoor land use and has features that can affect the appearance and character of its surrounding vicinity. In the case of the neighborhood surrounding the subject property, Progress Drive is an industrial neighborhood zoned I-1 under the City of Medina Planning and Zoning Code and is a mix of light, moderate and intensive industrial land uses ranging from professional offices, product assembly, commercial equipment rental and bulk building materials distribution/production. The applicant's land use is not completely out of character or expectation for an industrial neighborhood and does not change the area's essential character. The secondary impacts/effects of the land use can be addressed through

operational changes/restrictions, but the land use is not inconsistent with the intent and practice of an industrial neighborhood.

- (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;*

The applicant's concrete crushing/recycling is an intensive land use and has the potential to have actual and perceived impacts on neighboring land uses. Generally, the applicant's land use produces sound, visual and physical impacts on neighboring land uses.

To the north, east and south are industrial land uses of varying intensity (multi-tenant industrial building, commercial equipment rental, etc.) and vacant land. The impacts on these neighboring uses generally involve sound, visual objection and fugitive dust (i.e. dust coming from the movement of vehicle within and to/from the site and the act of processing the concrete crushing).

To west is a single family residential neighborhood through the existing forested buffer. The forested buffer provides sufficient dust and visual buffer of the applicant's land use, but sound still travels to the rear of the residential properties and is an audible impact.

Staff proposes operational and site restrictions that should help mitigate the impacts. The following restrictions should address negative impacts (see attached aerial photo):

**Hours of Operation**

- Limit to 8a-5p weekdays only
  - Weekend hours of any amount would be audibly disruptive to the residential areas to the west, which is 200 feet away at the nearest distance

**Site Plan Layout**

- The crushing activity and stockpiling shall be limited to the 3.8 acre area outlined in dashed-red on the attached aerial photo map.
  - This is the most appropriate area for the crushing operation as it is furthest from other properties and land uses in the surrounding vicinity. The current area at the south end of the property is too small an area given the visual, physical and auditory impact on the surrounding vicinity.
- Continue the landscaped berm, currently along the Progress Drive frontage, south to the south property line. This landscaped berm extension shall be the same height and planted with grass and evergreen trees as the existing berms.
- Additionally, the existing tree line throughout the west side of the subject property shall not be reduced or removed.
  - The existing forested area on the west side of the subject property provides a sufficient visual and physical buffer.
- Pave the access driveway from Progress Drive to the existing landscaped berm along the site's Progress Drive frontage.
- Dust suppression/removal shall be routine during operating hours to prevent, as much as possible, fugitive dust from leaving the property. Dirt and debris shall be removed from Progress Drive roadway on a routine basis during working hours or more frequently if necessary.

The above restrictions should adequately lessen the various impacts to the different types of neighboring land uses through operational and physical improvements to the subject land use and property. Additionally, the restrictions should lessen and reduce the potential detrimental effects on the immediate vicinity and the community as a whole.

**Staff Comments:**

- Building Department.** No comments at this time
- Police Chief.** No comment at this time
- Service Department.** No comments at this time
- Fire Department** No comments at this time
- Engineering Department** No comment at this time
- City Forester** No comment at this time
- Economic Development.** No comment at this time

**Recommendation:**

Staff recommends approval of the proposed conditional use certificate for a Heavy Manufacturing use (concrete and rock crushing/recycling) at PID 029-19A-15-197 (Progress Dr.), subject to the following condition:

**1. Hours of Operation**

- a. Limit to 8a-5p weekdays only

**2. Site Plan Layout**

- a. The crushing activity and stockpiling shall be limited to the 3.8 acre area outlined in dashed-red on the attached aerial photo map provided by City staff.
- b. Continue the landscaped berm, currently along the Progress Drive frontage, south to the south property line. This landscaped berm extension shall be the same height and planted with grass and evergreen trees as the existing berms.
- c. Additionally, the existing tree line throughout the west side of the subject property shall not be reduced or removed.
- d. Pave the central access driveway from the Progress Drive to the existing landscaped berm along the Progress Drive frontage.
- e. Dust suppression/removal shall be routine during operating hours on the site to prevent, as much as possible, fugitive dust from leaving the property. Dirt and debris shall be removed from Progress Drive roadway on a routine basis during working hours or more frequently if necessary.

Osborne  
Concrete Recycling/Crushing  
795 Progress Dr.

Subject Site

620 ft

200 ft

~3.8 acres

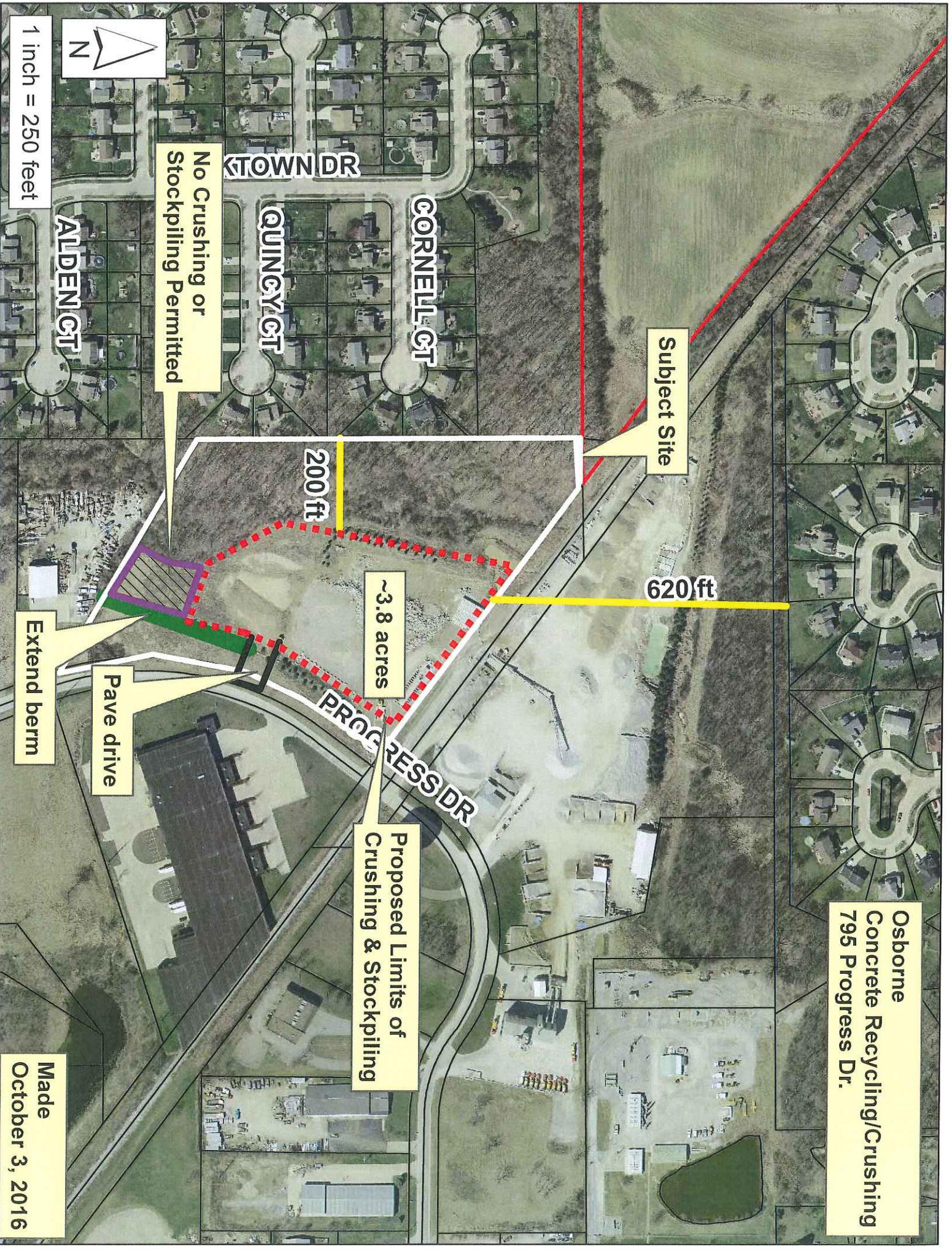
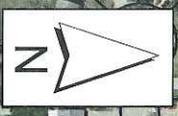
Proposed Limits of  
Crushing & Stockpiling

No Crushing or  
Stockpiling Permitted

Pave drive

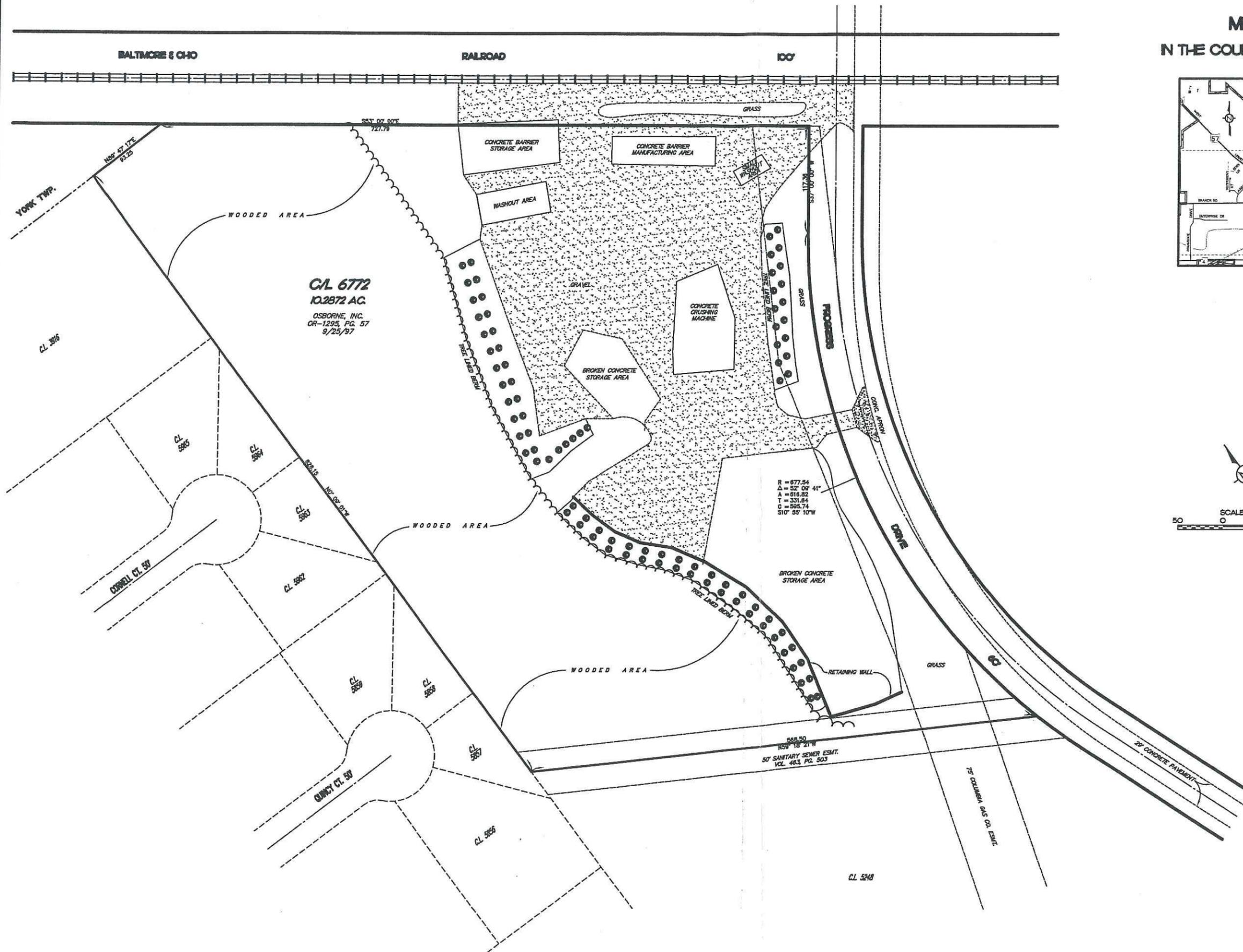
Extend berm

1 inch = 250 feet



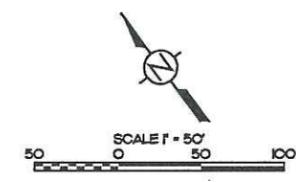
Made  
October 3, 2016

EXISTING CONDITIONS SITE PLAN  
 OF  
**MEDNA CITY LOT 6772**  
 IN THE COUNTY OF MEDNA & STATE OF OHIO



**C/L 6772**  
 10.2872 AC.  
 OSBORNE, INC.  
 OR-1293, PG. 57  
 9/25/97

R = 677.84  
 Δ = 32° 00' 41"  
 A = 616.82  
 T = 331.84  
 C = 695.74  
 S10° 55' 10"W



**RECEIVED**  
 AUG 17 2016

BY: .....

**CUNNINGHAM & ASSOC., INC.**  
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 203 W. LEERTY ST. MEDINA, OH 44256  
 TELEPHONE (330) 725-5980  
 DATE 8/17/16 PROJECT NO. 16-162