

**MEETING DATE: 10-13-16**

# **PLANNING COMMISSION**

**Case No. P16-27**

**215 W. Liberty**



# CITY of MEDINA

## Planning Commission

### October 13, 2016 Meeting

---

**Case No:** P16-27

**Address:** 215 W. Liberty St.

**Applicant:** 10 Towns Church

**Subject:** Conditional Zoning Certificate – Religious Place of Worship.

**Zoning:** M-U, Multi-Use District

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

---

**Site Location:**

The site is located just west of the W. Liberty and N. Elmwood intersection

**Project Introduction:**

The applicant requests a Conditional Zoning Certificate for a Religious Place of Worship at the subject property (215 W. Liberty St.). The applicant plans to occupy the site as is without adding to the property.

The applicant proposes about 20 person occupancy during peak periods (typically Sunday services) and other activities throughout the remainder of the week.

Please find attached to this report:

1. Project narrative dated October 3, 2016
2. Schematic building floorplans dated September 9, 2016
3. Aerial photograph

**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.*

Additionally, Religious Places of Worship have the following specific conditionally permitted use regulations of Section 1153.04:

- (1) All structures and activity areas should be located at least 100 feet from all property lines.*
- (3) All points of entrance or exit should be located no closer than 200 feet from the intersection of two (2) major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.*
- (7) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.*
- (12) Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.*
- (14) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general. A bond may be required to insure that this provision will be met.*

Staff Comment:

The proposed Religious Place of Worship use at the subject property complies with all the applicable standards and regulations listed above. The subject site does not comply with the setback regulations of 1153.04(1), but since the proposed use/operation is not changing the existing site conditions, the setbacks and site improvements would be able to remain as is as legal nonconforming conditions.

**Parking Standards:**

The subject property is in the downtown parking district established by Ordinance 26-78. Therefore, the proposed use is exempt from the parking requirements in Chapter 1145.

The existing parking area for the property is currently a gravel parking area and is existing nonconforming. Since the applicant is not making changes to the site with this request, they are not required to bring the parking area into compliance with the requirements of Chapter 1145 of the Planning and Zoning Code, but once improvements

or changes are planned for the exterior of the site, the extent of compliance will need to be reevaluated.

**Staff Comments:**

**Building Department.** See attached comments

**Police Chief.** No comment at this time

**Service Department.** No comments at this time

**Fire Department** We agree and support the comments of the building department. This building has been vacant for a number of years so prior to opening a Fire Safety Inspection will need to be conducted.

**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 the Religious Place of Worship at 215 W. Liberty St, subject to the following condition:

1. Subject to review and approval of building and/or occupancy permits from the City of Medina Building Department.

## **Building Department Comments:**

### **Regarding: 215 West Liberty – New Tenant (10 Towns Church).**

Currently this is a vacant space. The current building *use group/occupancy* is classified as a “B”-*Business*.

10 Towns Church would be using the space, per the floor plan provided, as an “A-3”-*Assembly* (use intended for worship and assembly).

The Ohio Building Codes requires that any existing building that would undergo a change of occupancy - shall be made to comply with the requirements of the current Building Codes.

In this case a change of use/occupancy from a *B-Business occupancy* to an *A-Assembly occupancy*. The current codes would require the site, facilities, building and building elements be accessible to, and usable by people with physical disabilities.

It would also require the installation of emergency and exit lights. It would also have requirements for the number of exit discharges from each floor.

The 2011 Ohio Building Code does provide an exception:

### **Section 303**

#### **Assembly Group A**

**303.1 *Assembly Group A* occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for the purposes such as civic, social or religious functions; recreation, food or drink consumptions or awaiting transportation.**

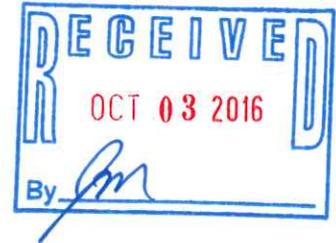
#### **Exceptions:**

- 1. A building or tenant space used for assembly purpose with an occupant load of less than 50 persons shall be classified as a Group B occupancy.**

The proposed use of the space by 10 Towns Church would need to meet the requirements of the exception (less than 50 people). If not the requirements of the current building codes would need to be applied.

There would also be a walk thru inspection of the building by both the Building Department and Fire Department to make sure that the building is safe for use, that the building has been maintained, that all exits are structurally sound, fire extinguishers are current and in place. May also require emergency lighting, exit lights and smoke detectors.

I would also like to note that the building has been vacant for several years and is in need of exterior repairs and maintenance.



October 2, 2016

Jonathan,

I am responding to your inquiry for additional information. If you need anything more, please feel free to call me. I teach in Cleveland, so the best time to call is after 2:30 p.m.

- *A narrative outlining the how and why of the project for the specific site for your church.*

I'm not sure if I understand what you mean by how and why.

We chose this site because we believe God has led us there. 10 Towns is about developing real relationships with people. This is best accomplished in small groups in a variety of activities. 215 West Liberty provides the space needed for us to have a public place for small group gatherings. The fact that it is a house setting also provides an atmosphere for a relaxed level of engagement.

This site offers ample space for a couple of offices. One office will be primarily for administration and the other for pastoral counseling, a large group area for about 30 people, with a couple of other small group rooms for about 10 people in each.

We hope to be a benefit and part of the community. Over the course of the past three summers, we have offered a baby station on the square at several different functions. When we set up the baby station is always used on a consistent basis for changing and nursing babies. Just as we have served the community in this small manner, we hope to serve in other ways.

One way of serving the community and we hope to do so in November will be at the candle light walk. My wife has already spoke with Jeremy

Levine, the new leader, of Main Street Medina about us serving as a North Pole location where Mrs. Claus will be reading Christmas stories to children and can even take a picture with her. I am told Jeremy was very excited about our possible involvement.

As we get things situated at 215 West Liberty. Because we have a heart for this and it has a full bathroom we would like to offer occasional temporary shelter (24-72 hours) to victims of domestic violence and their children. We have yet to investigate if this will be possible due to any regulations, but it is something that we would like to offer if we are able to do so.

- *Hours of operation*

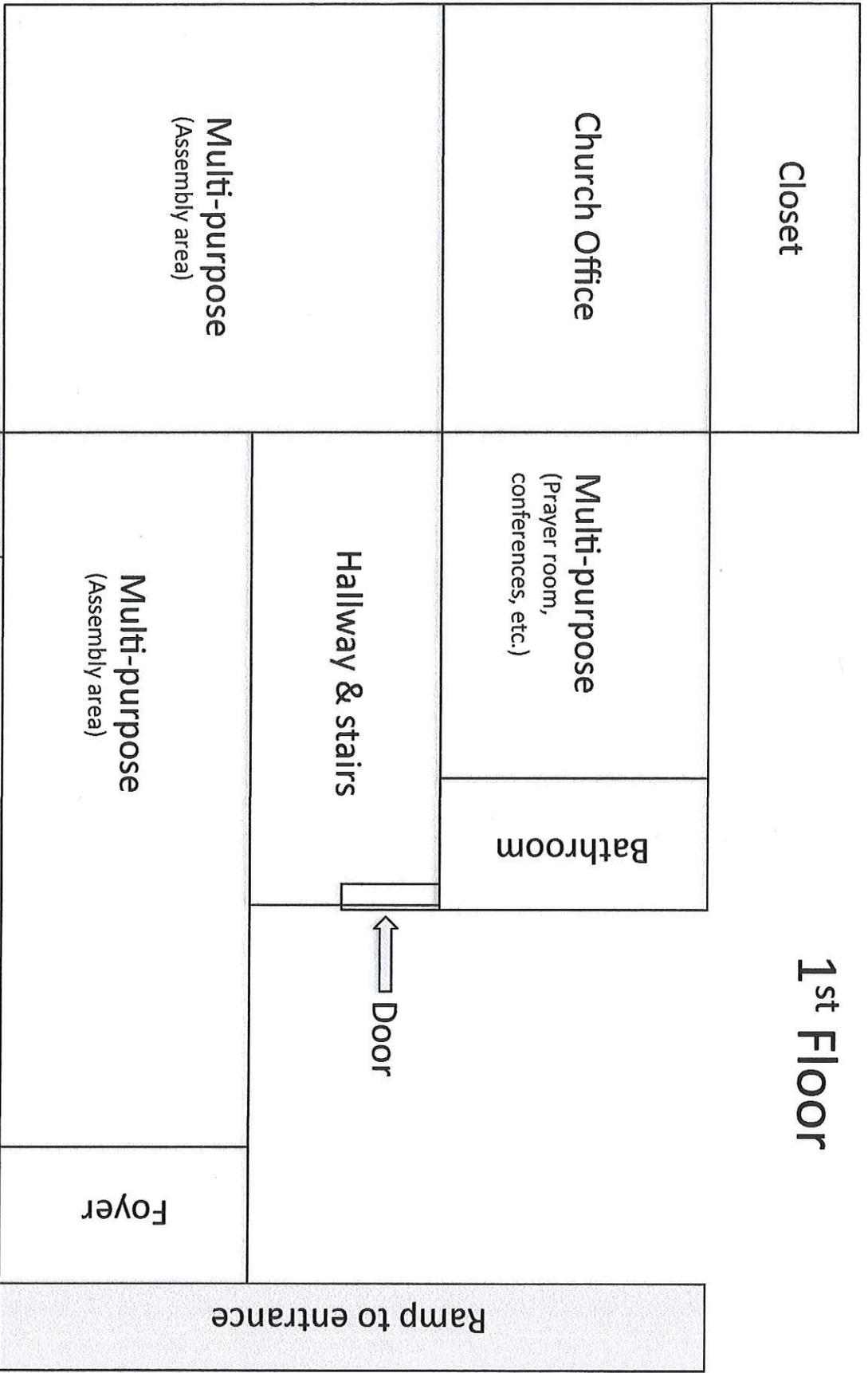
Our normal operating times will be on Sunday mornings, two or three nights a week, and occasional Saturday events.

- *Peak period attendance or number of people at the site during peak periods (ie worship service, etc) and other days of the week (ie group study and meetings, etc)*

Right now 10 Towns averages about 20 people on a Sunday morning. During our other activities the number ranges from 2 to 20 people.

Scott Gray, Pastor  
10 Towns Church  
330-635-5020

# 1st Floor

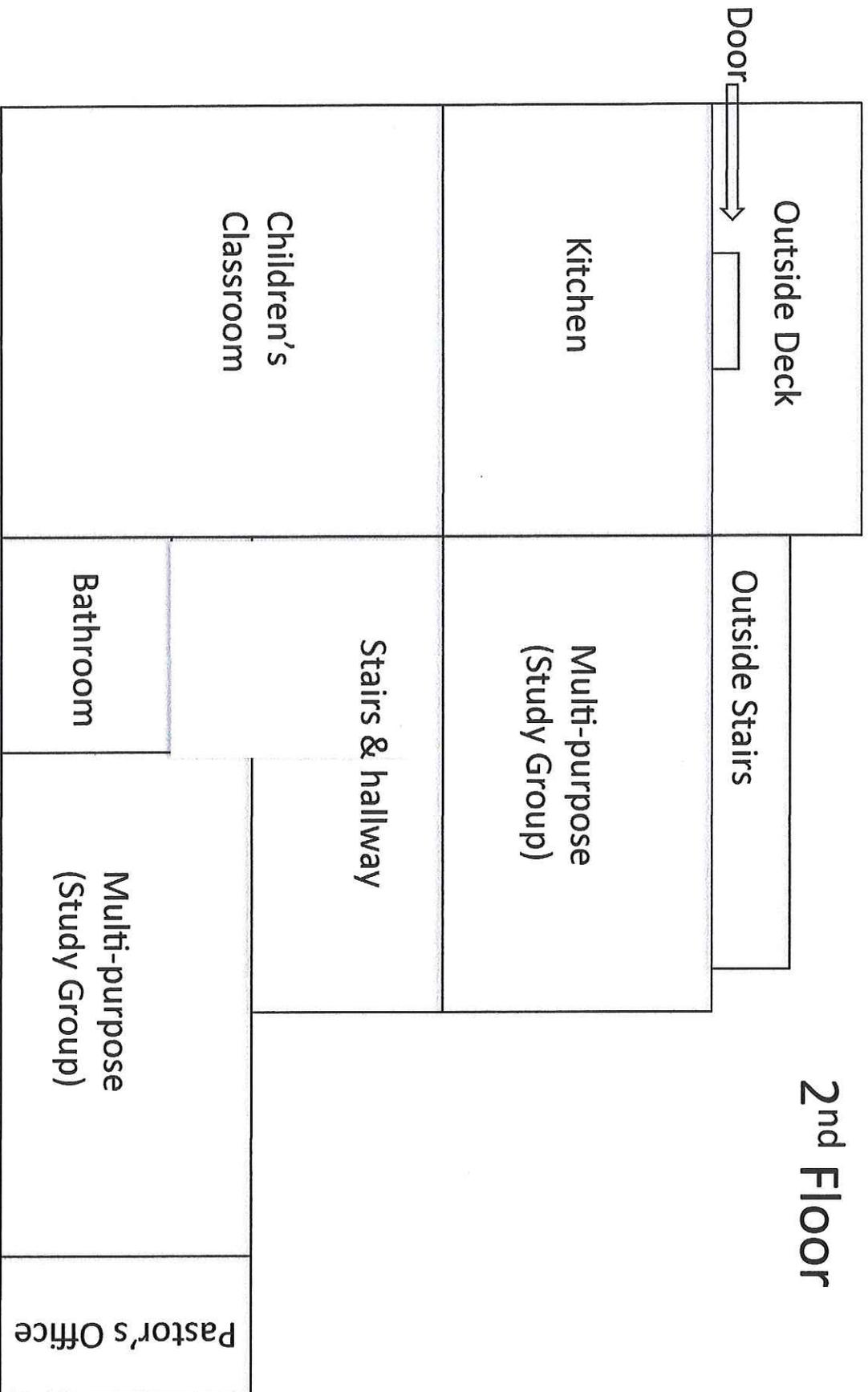


Front Entry

**REPORT**  
SEP 09 2016

BY: .....

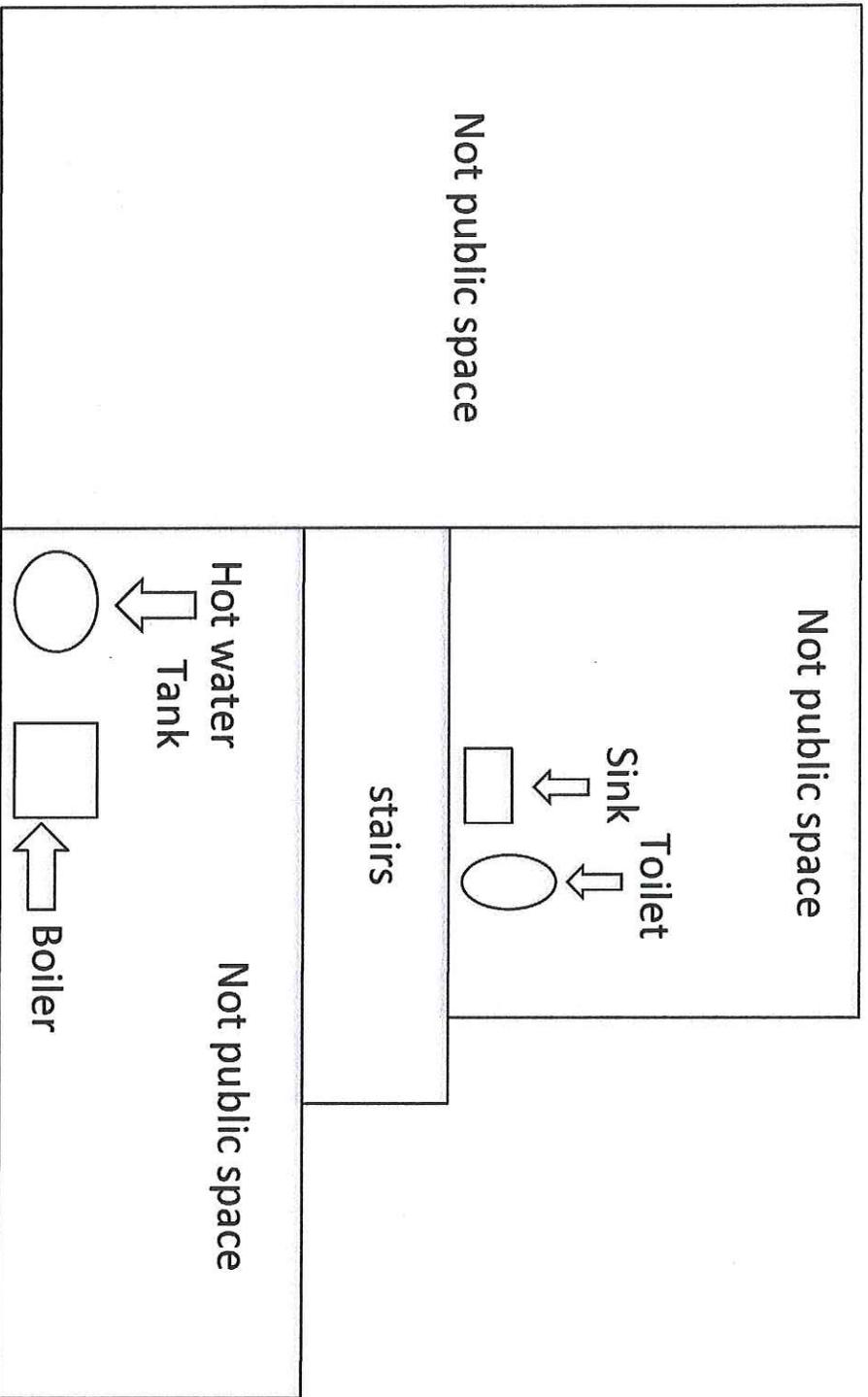
# 2nd FLOOR



REC  
SEP 09 2016

BY: .....

# Basement



SEP 09 2016

BY: .....



N ELMWOOD AVE

S ELMWOOD AVE

W LIBERTY ST

Subject Site



1 inch = 60 feet

P16-27  
10 Towns Church  
215 W. Liberty  
CZC - Religious Place  
of Worship  
October 13, 2016