

OK  
2019-21-19  
2019-21-19

**REQUEST FOR COUNCIL ACTION**

No. ROA 19-199-10/28

FROM: Jonathan Mendel, Community Development Director *JM* Committee: Finance

DATE: October 21, 2019

SUBJECT: October 10, 2019 Planning Commission Recommendation to rezone 1088 S. Court Street from R-3, High Density Residential to C-1, Local Commercial (Case P19-19).

SUMMARY AND BACKGROUND:

On October 10, 2019, the applicant requested rezoning the property at 1088 S. Court Street from R-3, High Density Urban Residential to C-1, General Commercial. After reviewing the applicant's request and staff's analysis, the Planning Commission did not recommend the requested rezoning to City Council as a motion to recommend approval failed by a 1-4 vote.

The requested rezoning is delineated for the City Council in the below attached documents:

- October 10, 2019 staff report & packet
- October 16, 2019 Planning Commission recommendation resolution
- October 10, 2019 Planning Commission – Case P19-19 draft meeting minutes

Since a rezoning requires a City Council public hearing, staff suggests the following timeline:

- October 28, 2019 – Finance Committee of City Council review
- October 29, 2019 through November 29, 2019 – Minimum 30 day notice period for the City Council Public hearing
- December 9, 2019 – Public Hearing before the City Council
- January 13, 2020 – Ordinance review by City Council

Estimated Cost: Not Applicable  
Suggested Funding: Sufficient funds in Account No.

Transfer needed from Account No. to Account No.  
NEW APPROPRIATION needed in Account No.

Emergency Clause Requested: N/A  
Reason:

*Jonathan - provided minutes verbatim  
Paul - Residents brought compelling information  
Maybe not just KeyBank - entire property can be changed.  
Eric - bout if I would have to vote to overturn  
Course - CS zoning a possibility. Lawyer cant figure out why PC did what they did.*

**COUNCIL USE ONLY:**

Committee Action/Recommendation:

Council Action Taken: 10/28/19 *Set pub. Hrg Dec. 9*

Ord./Res.  
Date:

Medina County Gazette - Legal Advertising  
Please publish once: Tuesday, November 5, 2019

#### NOTICE OF PUBLIC HEARING

Medina City Council will hold a public hearing Monday, December 9, 2019 at 7:30 p.m. in the Council Rotunda of the Medina City Hall located at 132 North Elmwood Avenue, Medina, Ohio.

The public hearing is to consider the rezoning of 1088 S. Court Street from R-3, High Density Urban Residential to C-1, Local Commercial (Case P19-19).

Interested persons are requested to appear and voice their opinions thereto.

By order of the Council of the City of Medina, Ohio.

Kathy Patton, CMC, Clerk of Council  
City of Medina


**MEETING DATE: 10-10-19**

# **PLANNING COMMISSION**

**Case No. P19-19  
1088 S Court Street**



**CITY of MEDINA**  
**Planning Commission**  
**October 10, 2019 Meeting**

**Case No:** P19-19  
**Address:** 1088 S. Court St.  
**Applicant:** Tucker Ellis, LLP representing Trillium Creek, LLC  
**Subject:** Request to rezone 1088 S. Court St. from R-3 to C-1  
**Submitted by:** Jonathan Mendel, Community Development Director 

**Subject Site:**

The subject property is 0.92 acres on the east side of S. Court Street at the City of Medina corporation boundary. The site is occupied by a 2,369 sqft one-story principal building, a 2,029 sqft accessory building and accessory vehicle circulation areas.

**Project Introduction:**

The applicant requests rezoning the property from R-3, High Density Urban Residential to C-1, Local Commercial. At the moment, the applicant wishes to develop the property with a bank ATM drive-thru, but this is not a permitted use within the R-3 district and is a conditionally permitted use within the C-1 district.

Please find attached to this report:

1. Applicant's narrative for the rezoning and development plans received September 19, 2019
2. Current City of Medina Zoning Map
3. Future Land Use map from the City of Medina 2007 Comprehensive Plan Update and a detail of the subject property's immediate vicinity on the map
4. C-1, Local Commercial
  - a. Principally Permitted and Conditionally Permitted use tables
5. Aerial photograph with City of Medina Zoning Districts overlay.

**Present Zoning:**

The subject property is presently zoned R-3, High Density Urban Residential. The permitted uses include single-family detached dwellings. The conditionally permitted uses include two-family dwellings, group homes, schools, churches, etc. Commercial uses are not permitted in the R-3 zoning district.

**Proposed Zoning:**

The applicant proposes rezoning the subject property to C-1, Local Commercial. This zoning district permits a limited range of commercial uses such as office, retail and personal/professional services. The conditionally permitted uses are a range of uses such as bed and breakfasts, churches, gas stations, restaurants and personal/professional services with drive through. The applicant provides discussion points to support their request to rezone from R-3 to C-1, which are attached in the packet.

**2007 City of Medina Comprehensive Plan Update -- Future Land Use Map:**

The Future Land Use map in the Comprehensive Plan Update is a visual guide to future municipal planning and land use within the city. The map currently designates the subject property 'Residential High Density' as part of a specific area of the same designation to the north and east encompassing properties on the eastside of the S. Court and Sturbridge Dr.

**Staff Comment:**

The City's 2007 Comprehensive Plan Update designates the subject property as 'Residential High Density', which is equivalent with the existing multi-family development patterns on many of the neighboring properties to the north and east along the eastside of S. Court St.

The C-1, Local Commercial zoning district is specifically designed to be a low intensity general commercial district typically used elsewhere in the city on relatively small sites closely situated near less intensive land uses and/or zoning districts, such as at the northwest and northeast corners of N. Court St. and Homestead St.

If the proposed rezoning is approved by City Council and becomes effective, the applicant's proposed and intended land use for the subject property will require a Conditional Zoning Certificate review and approval by the Planning Commission. This zoning process requires a public hearing by the Planning Commission.

**Next Step:**

The Planning Commission should weigh the information provided and forward a recommendation to City Council on the rezoning request from R-3, High Density Urban Residential to C-1, Local Commercial.

Applicant's narrative  
in support of the  
rezoning &  
development plans  
received September  
19, 2019

# Tucker Ellis | LLP

**Addendum to Rezoning Application (Map Amendment)**

City of Medina  
Planning Director and Planning Commission

1088 S. Court Street, Medina Ohio (the "Property")

Trillium Creek, LLC (the "Applicant")

September 18, 2019

RECEIVED  
SEP 19 2019

To the Planning Director and Planning Commission:

This Addendum to Rezoning Application (this "Addendum") is hereby incorporated into the Boards and Commissions Application for Zoning Approval (the "Application") of the referenced Applicant filed in connection herewith. This Addendum is intended to provide, in addition to the copies of all plan submittals, the information required in connection with the Application, including a statement supporting the proposed amendment to the zoning map.

### **Request**

The Applicant hereby respectfully requests an amendment to the zoning map reclassifying the Property from the R-3 High Density Urban Residential zoning classification as contained within the provisions of the Codified Ordinances of Medina, Ohio (the "Code"), Chapter 1125, to the C-1 Local Commercial District zoning classification as contained within the provisions of Code Chapter 1133.

### **Description of Proposed Work**

The Applicant proposes the development of the vacant portion of the Property abutting S. Court Street for the installation of a KeyBank ATM kiosk (the "Work") in accordance with the plans and specifications included herewith (the "Plans"). The Work will include the installation of a thirty-six foot (36') concrete apron on S. Court Street at the southern boundary of the Property, with a circular access drive as depicted on the "Site Plan" included with Plans. The access drive will incorporate a passing lane to allow customers to bypass the ATM kiosk.

The existing landscaping mound along the northern boundary of the Property, and the existing buildings and vegetation along the eastern boundary of the Property, will remain as indicated on the Landscape Plan included with the Plans. It is anticipated that approximately three (3) existing trees will be removed.<sup>1</sup>

### **Statement in Support of Rezoning**

The intent of the Applicant's requested rezoning is to bring the zoning classification of the Property into conformance with the character of the surrounding area. The current R-3 zoning classification has been rendered obsolete and economically infeasible due to the substantial and ongoing commercial development of the properties along South Court Street. The City's Comprehensive Plan Update and Future Land Use Map (the "Plan") indicate the zoning relative to the Property should change. Therefore, even the City's own Plan says that, at minimum, the current R-3 zoning classification is inappropriate. The question becomes, what is

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<sup>1</sup> The Applicant received Site Plan approval from the Planning Commission on April 11, 2019, subject to the condition that the existing driveway located on the northern boundary of the Property be removed and all ingress and egress be directed through the southern driveway depicted on the Site Plan. Site Plan approval was also conditioned upon approval of all building permits, site development approval, and the rezoning of the Property as requested in this application.



the property zoning? The Applicant submits that a map amendment to the C-1 zoning classification is appropriate.

The requested rezoning is not only proper in light of the substantial commercial development in the area, but is required by Ohio law. *City of Norwood v. Horney*, 110 Ohio State 3d, 353, 853 N.E.2d 1115 (2006) provides:

Ohio has always considered the right of property to be a fundamental right. There can be no doubt that the bundle of venerable rights associated with property is strongly protected in the Ohio Constitution and must be trod upon lightly, no matter how great the weight of other forces.

*Id.* at 363. The requested rezoning will protect the Applicant's fundamental property rights, as well as advance legitimate governmental purposes as required by Ohio law. One of the primary factors to be considered in this regard is whether the R-3 zoning classification arbitrarily imposes regulations that are inconsistent with the character of the surrounding area or substantially similar properties. *Shemo v. Mayfield Heights*, 88 Ohio St. 3d 7 (2000).

Currently, the Property is zoned R-3 High Density Urban Residential<sup>2</sup>, which permits a Single-Family Detached Dwelling as a principally permitted use, and conditionally permits the following:

Residential	Public/Semi-Public	Commercial
• Group Home up to 8 Individuals	• Cemetery 3,7,20	• None
• In-Law Suite	• Conservation Use	
• Two Family Dwelling	• Public or Quasi-Public Owned Park or Recreation Facility 1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25	
• Nursing Home, Assisted Living Facility, Independent Living Facility 1,2,3,5,7,9,11,14	• Public and Parochial Educational Institution for Primary Education 1,2,3,5,6,11	
• Mobile Home Park 3,5,8,9,10,11,14,24,26,27, 28,30	• Public and Parochial Educational Institution for Secondary Education 1,2,3,4,5,7,11	
	• Publicly Owned or Operated Governmental Facility 3, 7, 8, 11	
	• Religious Place of Worship 1,3, 7,11,12,14	

(See Code Sections 1125.02 and .04).

However, these uses are wholly inconsistent with the commercial nature of the South Court Street corridor, as it has developed over the years. The permitted and conditionally permitted

<sup>2</sup> All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Code.

SEP 19 2010

uses under the R-3 zoning classification have been rendered infeasible, both in terms of the economic realities associated with such developments and the Applicant's ability to put the Property to a productive use under the R-3 zoning classification, and the site development requirements imposed under the Code.

Accordingly, the R-3 zoning classification does not substantially advance a legitimate government purpose, and the character of the Property and its location in a major commercial corridor supports a change to the C-1 zoning classification. The Property's location in a commercial corridor renders any of the uses permitted under the current zoning classification economically infeasible. It is not simply that Property is more valuable with a C-1 zoning classification, or less valuable without it. Rather, the Property is unsuitable to any of the permitted or conditionally permitted uses as currently zoned.

Moreover, the properties along the west side of South Court Street all maintain a C-1 zoning classification. The properties to the north of the Property, while all maintaining an R-3 classification, are all commercially developed. The property immediately to the south of the Property (located in Montville Township), which previously contained single-family residences until it was determined that such uses were economically infeasible, is slated to be developed as an assisted living facility. There is an existing legally, non-conforming commercial use located on the Property.

In short, this is an ideal location for uses associated with the C-1 zoning classification. This is supported by Code Section 1133.01, which states:

The C-1 Local Commercial District is established to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. \*\*\*

There are a substantial amount of similar properties in the immediate area that are either zoned C-3 General Commercial or currently used for purposes consistent with a commercial zoning classification. Based on the location of the Property within an existing commercial corridor, the requested zoning amendment is insubstantial and in conformance with the general character of the neighborhood. The proposed use will provide "personal services purchased frequently for daily or weekly needs" and is located on a major thoroughfare in an outlying location. In other words, the requested rezoning will conform the Property to the surrounding commercial uses, consistent with the general intent of the Code with respect to the ongoing development in this particular corridor.

The requested rezoning is further supported by Code Section 1125.01, which states the purpose of the R-3 zoning classification is "to encourage relatively high density residential development in areas generally adjacent to built up sections of the community or in areas of existing development of such density . . . . The development is to consist of single-family and two-family dwellings in areas served with centralized sewer and water facilities." None of the properties which maintain the R-3 zoning classification along this portion of South Court Street have developed in this fashion, nor in conformance with the R-4 zoning classification, which is the most closely related land use to that identified in the Plan.

With respect to the Pinewood condominium development, it is located to the northeast of the Property and will not experience any nuisance conditions resulting from the proposed development. This is due to the existence of substantial vegetation and buffering, as well as the design of the site lighting, which will minimalize any light or noise pollution into the Pinewood development.

Regarding potential traffic concerns that have been raised by Pinewood residents, during site plan approval the Applicant committed to removing the existing driveway located on the north side of the Property, consolidating all traffic into the south drive as approved. Further, while local governments may legitimately weigh traffic generation from proposed land uses in deciding whether or not to authorize them, controlling traffic is not a primary purpose of zoning (at least as it applies to commercial areas). Where, as here, a proposed use is lawful given the context of the surrounding area, the question of additional (or existing) traffic becomes a secondary consideration. *State ex rel. Killeen Realty Co. v. City of East Cleveland*, 169 Ohio St. 375, 386, 8 Ohio Op. 2d 409, 160 N.E.2d 1, 8 (1959). While "taking into account the rights of others and the needs of the community," zoning regulations must operate "to insure the greatest enjoyment and maximum use of one's land." *Ederer v. Board of Zoning Appeals*, 18 Ohio Misc. 143, 149, 47 Ohio Op. 2d 340, 248 N.E.2d 234 (C.P. 1969).

Here, the proposed use is designed to capture existing traffic and will generate very little traffic in the area. The anticipated amount of traffic to and from the Property (approximately 60-80 trips per day) does not add significant traffic safety concerns relative to the existing traffic in the corridor. In fact, this development will mix appropriately with the existing commercial uses, and replace the loss of services due to the closure of the Huntington Bank branch. This marginal increase in traffic is not sufficient to justify the Applicant's request, given the secondary status of such considerations under Ohio case law.

### **Conclusion**

The current R-3 zoning classification applicable to the Property is unsuitable based on the various commercial uses surrounding the Property. Development of the Property under the R-3 zoning classification is economically infeasible, and the requested rezoning will bring the Property into conformance with the general character of this commercial corridor. In sum, there is no rational basis to continue to apply the restrictive R-3 zoning classification on the Property. Accordingly, the Applicant respectfully requests that the Property be rezoned under the C-1 zoning classification.

Legal Description

Land situated in the City of Medina, County of Medina, and State of Ohio: and being known as the whole of Medina City Lot 4640, containing 1.1778 acres to be the same more or less, but subject to all legal highways.

PPN: 028-19D-12-004

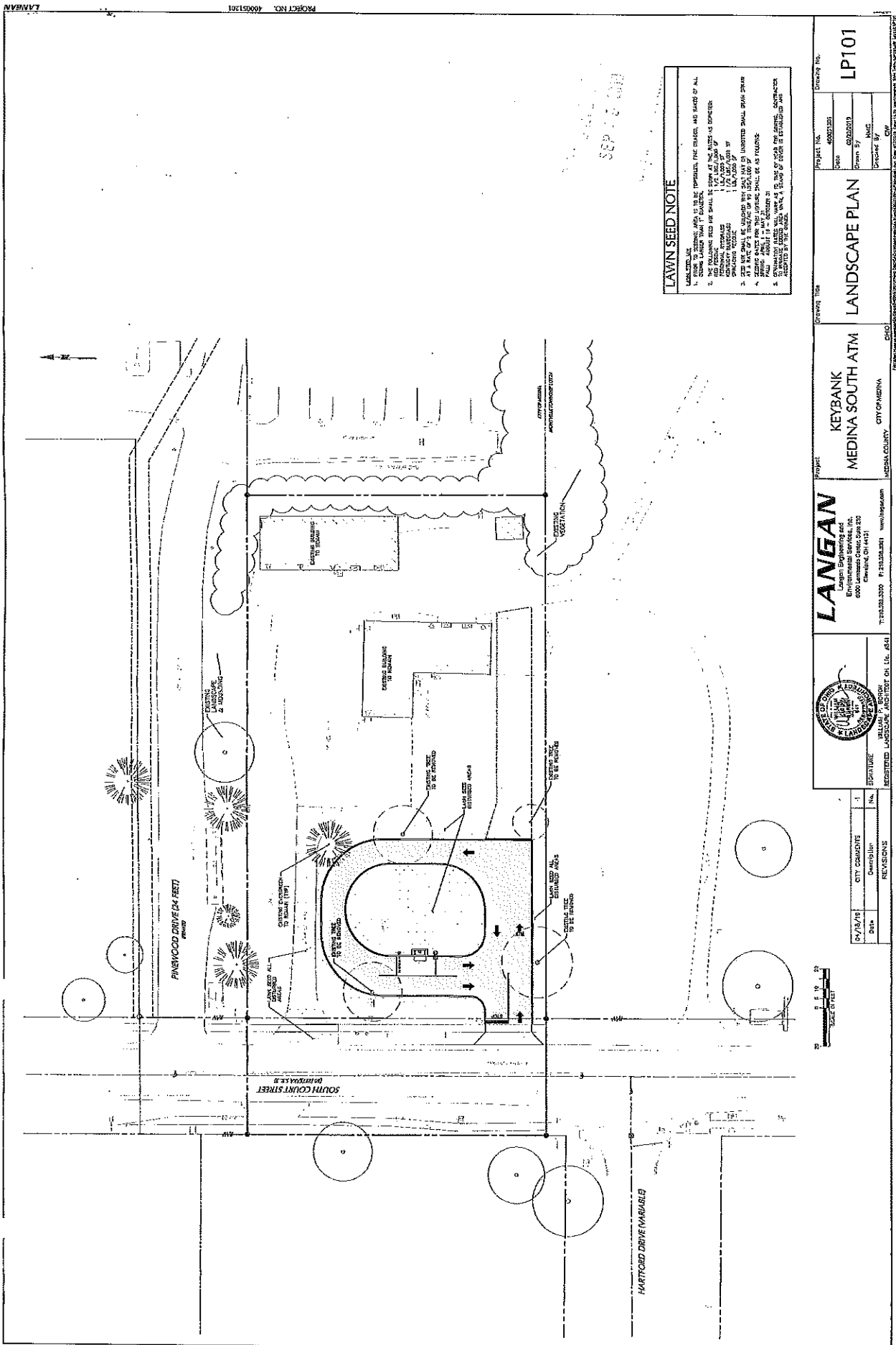
SEP 19 2019

Trillium Creek LLC – 1088 S. Court Street, Medina, Ohio 44256

Adjoining Parcels List

Permanent Parcel No.	Address	Owner
PPN: 028-19C-20-043	1063 S Court St, Medina, Ohio 44256	Mary Beth Esterburg ✓
PPN: 028-19D-12-002	1060 S. Court St, Medina, Ohio 44256	Sally F. Lee
PPN: 028-19D-12-011	7 Pinewood Drive, Medina, Ohio 44256	Bruce & Barbara Fisher
PPN: 028-19D-12-010	5 Pinewood Drive, Medina, Ohio 44256	Deborah L. Teper, Co-Trustee & Pamela Webber, Co-Trustee
PPN: 028-19D-12-009	3 Pinewood Drive, Medina, Ohio 44256	Susan L. Funk, Trustee
PPN: 028-19D-12-008	1 Pinewood Drive, Medina, Ohio 44256	Sally Ann Finefrock
PPN: 028-19C-20-044	1075 S Court St, Medina, Ohio 44256	Thomas H & Ann Lynne Naumoff ✓
PPN: 028-19D-12-014	2 Pinewood Drive, Medina, Ohio 44256	Gerard A & Kathleen M Seman ✓
PPN: 028-19D-12-015	4 Pinewood Drive, Medina, Ohio 44256	Jacob Lambert ✓
PPN: 028-19D-12-016	6 Pinewood Drive, Medina, Ohio 44256	Benjamin T. Wagner ✓
PPN: 028-19D-12-017	8 Pinewood Drive, Medina, Ohio 44256	Michael A. Steffen ✓
PPN: 030-11A-01-027	5779/5783 Wooster Pike, Medina, Ohio 44256	Trillium Creek LLC
PPN: 028-19C-20-045	1105 S Court St, Medina, Ohio 44256	Old Pheonix National Bank

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**LAWN SEED NOTE**

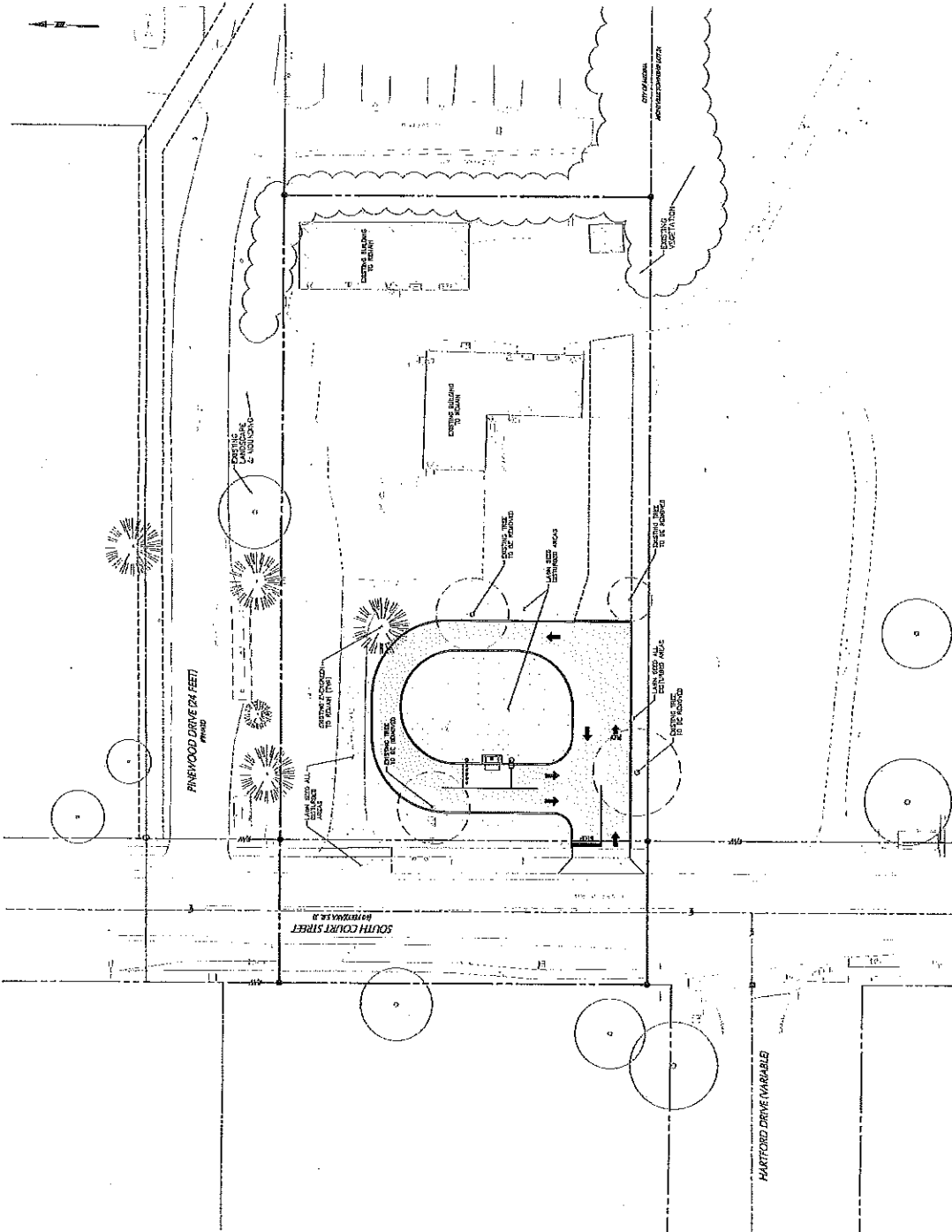
LAWN SEEDING SHALL BE PERFORMED THE SAME DAY AS GRADING AND SHALL BE AS FOLLOWS:

1. SEED SHALL BE 1" DEEP.
2. THE SEEDING SHALL BE PERFORMED BY THE CONTRACTOR.
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		<b>LANGAN</b> Langan Engineering and Environmental Services, Inc. 600 Columbus Blvd. Columbus, OH 43260 TEL: 614.292.2200 FAX: 614.292.2201 www.langan.com	<b>KEYBANK</b> <b>MEDINA SOUTH ATM</b> CITY OF MEDINA MEDINA COUNTY, OHIO	Project No. 40001201 Drawing No. LP101
Date: 07/20/16 Designer: [Signature] No. 1 Description: CITY COMPARISON Date:	Date: 07/20/16 Designer: [Signature] No. 1 Description: CITY COMPARISON Date:	Project No. 40001201 Drawing No. LP101	Project No. 40001201 Drawing No. LP101	Project No. 40001201 Drawing No. LP101

PROJECT NO. 40001201

LANGAN



**LAWN SEED NOTE**

1. LAWN SEED ALL EXCEPT AREAS TO BE REPAIRED. THE GRAIN AND KIND OF ALL SEEDS TO BE USED SHALL BE AS SPECIFIED BY THE ARCHITECT.

2. THE FOLLOWING SEEDS AND RATES SHALL BE USED AT THE RATES AS SPECIFIED:

1. BENTON BLUEGRASS	1.00 LB./1000 SQ. FT.
2. KY 31 PERENNIAL RYEGRASS	1.00 LB./1000 SQ. FT.
3. CRACK FESCUE	1.00 LB./1000 SQ. FT.
4. COMMON BROMEGRASS	1.00 LB./1000 SQ. FT.

3. SEEDS FOR THE SEEDING SHALL BE OF UNLIMITED SMALL GRAIN GRAIN.

4. SEEDING SHALL BE DONE WITHIN 14 DAYS OF THE DATE OF THE CONTRACT.

5. THE SEEDING SHALL BE DONE WITHIN 14 DAYS OF THE DATE OF THE CONTRACT.

6. THE SEEDING SHALL BE DONE WITHIN 14 DAYS OF THE DATE OF THE CONTRACT.

**LANGAN**  
Langan Engineering and Environmental Services, Inc.  
1000 Lakeside Center, Suite 210  
Greenville, SC 29615  
Tel: 864.232.8200 Fax: 864.232.8201 www.langan.com

**PROJECT**  
KEYBANK  
MEDINA SOUTH ATM  
CITY OF MEDINA  
MEDINA COUNTY

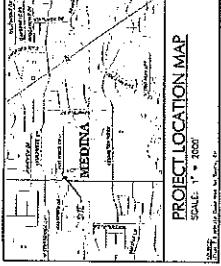
**DRAWING TITLE**  
LANDSCAPE PLAN  
LP101

**PROJECT NO.** 400851201  
**DATE** 08/22/2009  
**DRAWN BY** JMMG  
**CHECKED BY** [Blank]

DATE	CITY COMMENTS	DESCRIPTION	NO.
08/12/09	CITY COMMENTS		1

**REGISTERED LANDSCAPE ARCHITECT, CH. U.S. 3041**

**SIGNATURE**



DATUM: NAD 83  
BASIS OF BEARINGS: True North  
UTILITY ONE CALL: 800-4-A-SHIELD

CERTIFICATION: I, the undersigned, being a duly Licensed Professional Engineer in the State of Colorado, do hereby certify that I am the author of the foregoing plat and that I am a duly Licensed Professional Engineer in the State of Colorado.

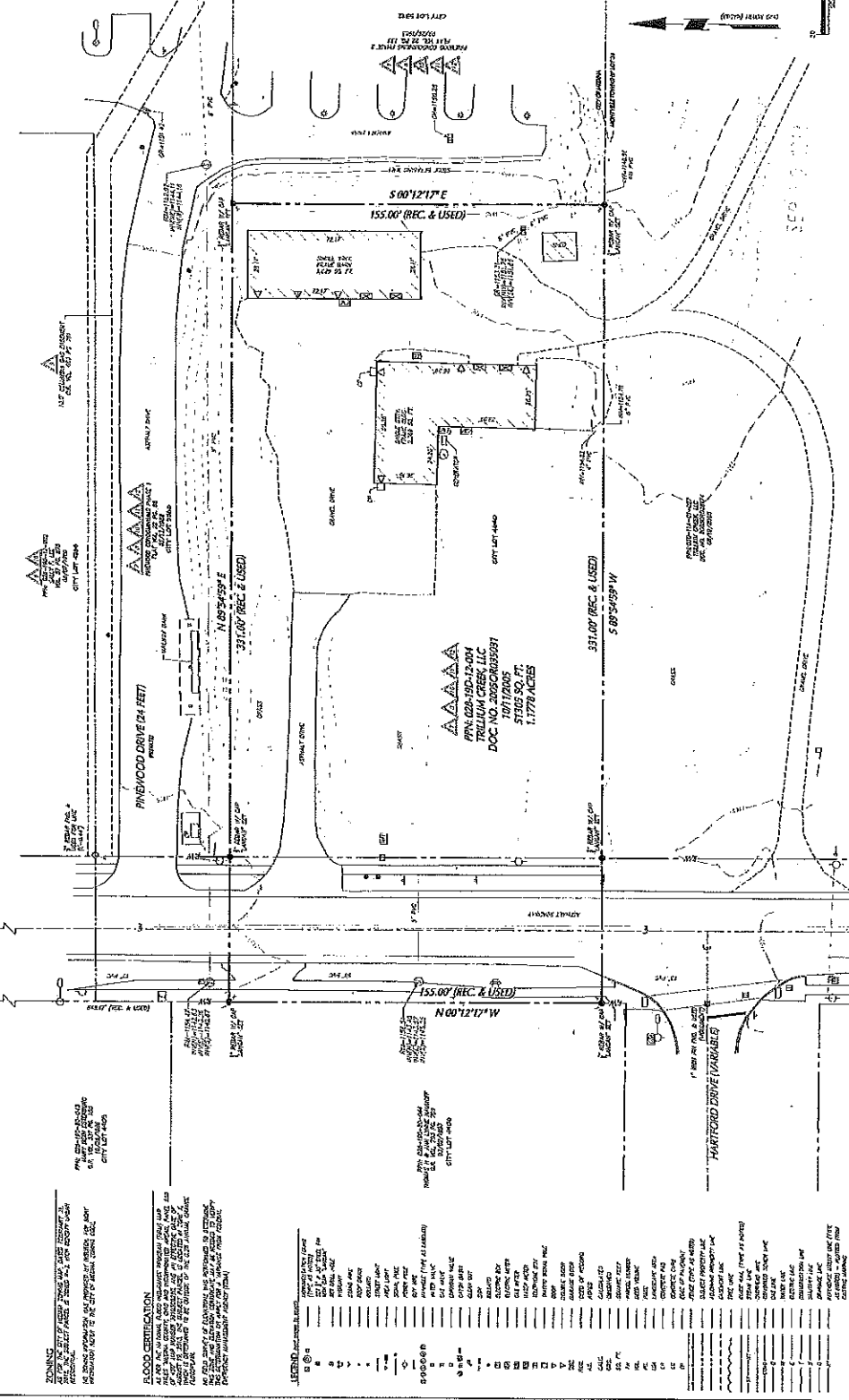
**LANGAN**  
Langan Engineering and  
Environmental Services, Inc.  
6000 Lomasanta Canyon Suite 210  
Colorado Springs, CO 80921  
P: 719.578.2201 F: 719.578.2201 www.langan.com

**MEDINA SOUTH ATM**  
MEDINA CITY OF 6460  
MEDINA COUNTY  
CITY OF MEDINA  
SPRINGING TOWN

**ALTANSPS LAND TITLE SURVEY**  
Project No. 400051201  
Date: 10/26/2018  
Drawn by: JAH  
Checked by: JAH  
Sheet 1 of 1

**NOTES**  
1. THE SURVEY IS PROVIDED FOR THE PURPOSE OF THE FOLLOWING PURPOSES:  
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**SCHEDULE III**  
FOR AMENDMENTS TO THE SUBDIVISION MAP AND TO THE PLAT THEREON:  
1. THE SURVEY IS PROVIDED FOR THE PURPOSE OF THE FOLLOWING PURPOSES:  
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**LEGAL DESCRIPTION**  
WEST STURGEON ROAD (100 FEET)  
SOUTH COURTS STREET  
HARTFORD DRIVE (WARRANTY)  
CITY OF MEDINA

**ZONING**  
R-1 (RESIDENTIAL SINGLE-FAMILY)  
R-2 (RESIDENTIAL SINGLE-FAMILY)  
R-3 (RESIDENTIAL SINGLE-FAMILY)  
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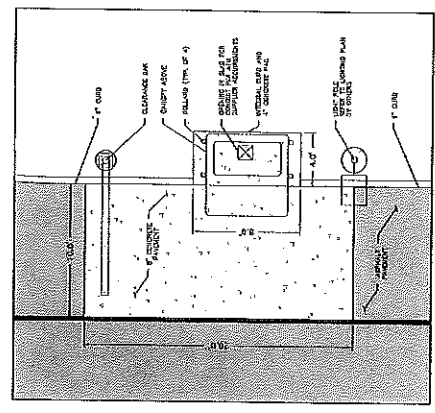
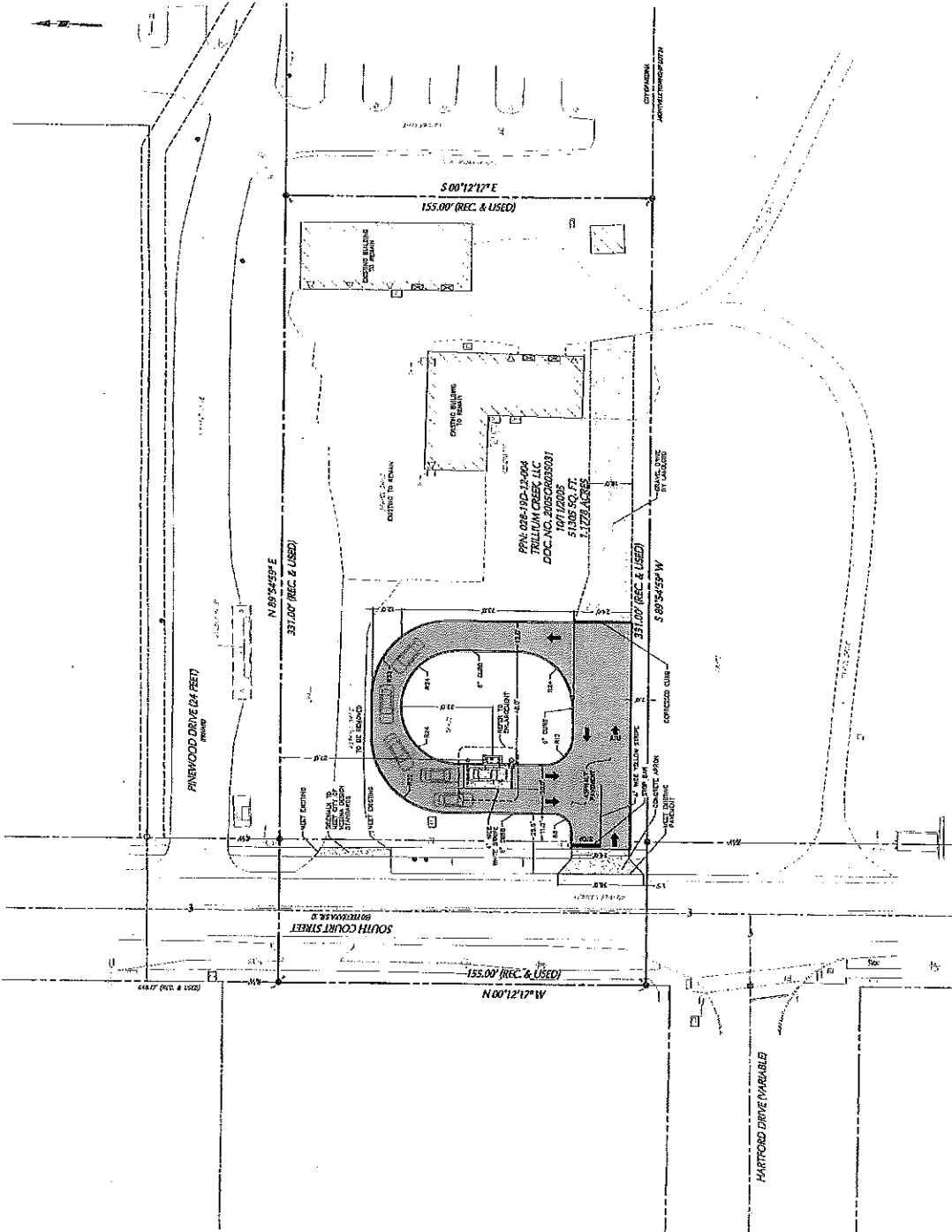
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ATM KIOSK PLAN ENLARGEMENT  
SCALE 1/4" = 1'-0"

		<p><b>LANEAN</b> Landscape Architecture Environmental Services, Inc. 6001 Ludwick Center, Suite 210 Cincinnati, OH 45212 T: 513.233.5500 F: 513.233.3001 www.lanean.com</p>	<p>Project: <b>KEYBANK MEDINA SOUTH ATM</b> MEDINA COUNTY, CITY OF MEDINA, OHIO</p>	<p>Drawing No.: <b>CS101</b></p>
<p>DATE: 04/18/19</p>	<p>CITY COMMENTS: 1</p>			
<p>REVISIONS:</p>	<p>REVISIONS:</p>	<p>Signature: Chad W. Langan</p>	<p>Professional Engineer, State of Ohio, License No. 73221</p>	<p>Project: <b>KEYBANK MEDINA SOUTH ATM</b> MEDINA COUNTY, CITY OF MEDINA, OHIO</p>
<p>DATE: 04/18/19</p>		<p>Signature: Chad W. Langan</p>		<p>Project: <b>KEYBANK MEDINA SOUTH ATM</b> MEDINA COUNTY, CITY OF MEDINA, OHIO</p>
<p>REVISIONS:</p>		<p>Professional Engineer, State of Ohio, License No. 73221</p>		<p>Project: <b>KEYBANK MEDINA SOUTH ATM</b> MEDINA COUNTY, CITY OF MEDINA, OHIO</p>



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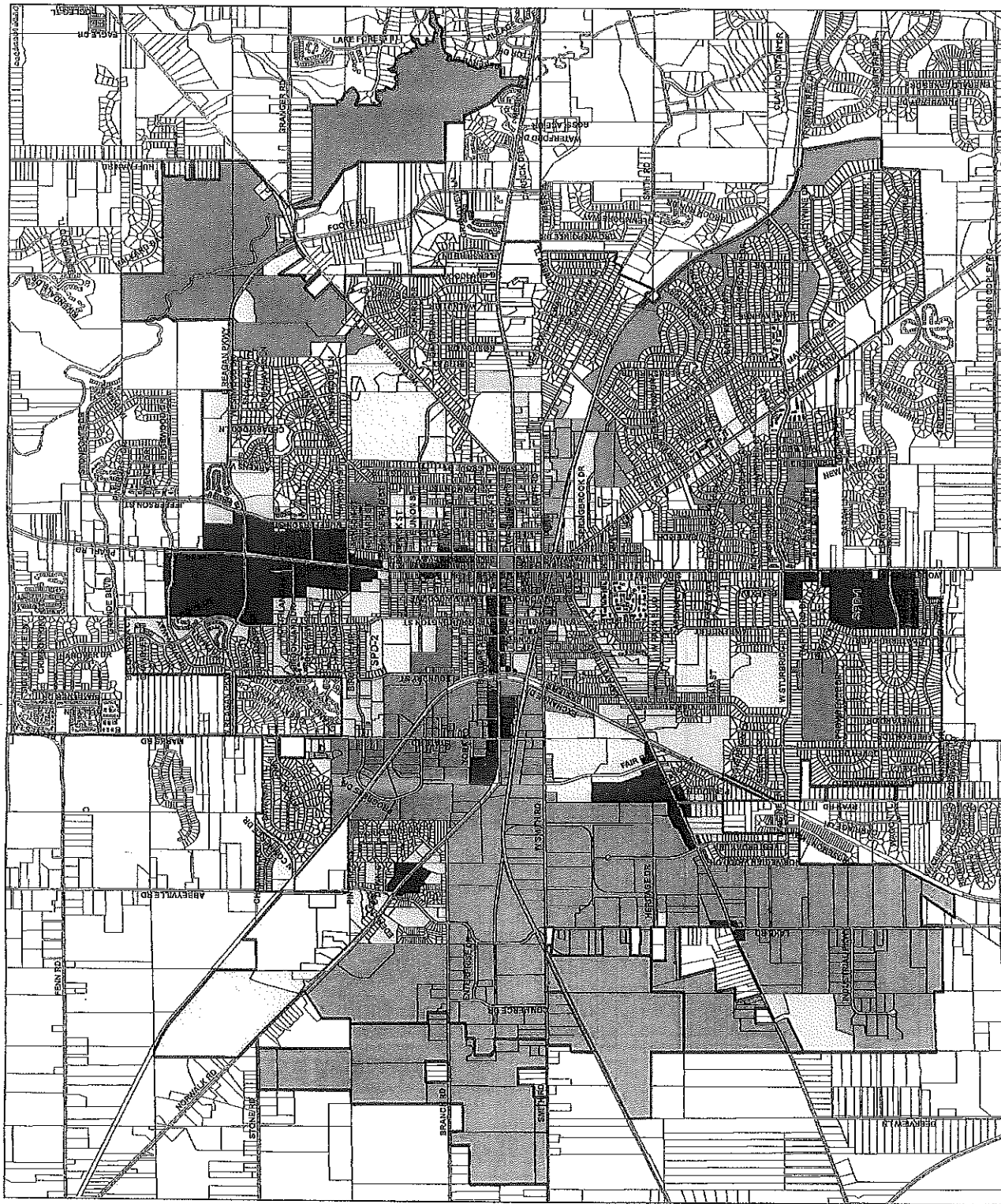
# Current City of Medina Zoning Map



# Zoning

## District Map

Effective November 27, 2018 (Ord. 174-18)



### Legend

- City Boundary
- O-C Open Space Conservation
- R-1 Low Density Urban Residential
- R-2 Medium Density Urban Residential
- R-3 High Density Urban Residential
- R-4 Multi-Family Residential
- M-U Multi-Use
- P-F Public Facilities
- C-S Commercial Service
- C-1 Local Commercial
- C-2 Central Business
- C-3 General Commercial
- I-1 Industrial

### Note:

This map is updated frequently and may not represent the most current information. To ensure accurate information contact the City of Medina at 330-764-4652.

The lot lines of this map are representative of the actual lot lines and are not intended to be substituted for an official survey or used to resolve boundary or area issues. Secure a survey, consult County records or the City Clerk of Council records for dimensions and areas of lots and boundaries.



Prepared by City of Medina  
Community Development Department  
July 22, 2019

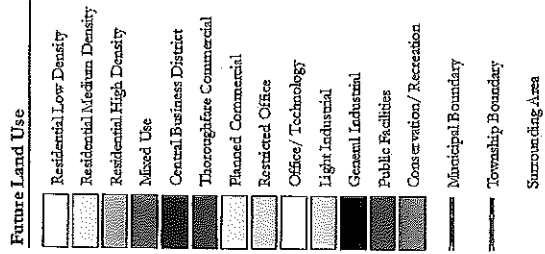
Future Land Use map  
from the City of  
Medina 2007

Comprehensive Plan  
Update and a detail of  
the subject property's  
immediate vicinity on  
the map

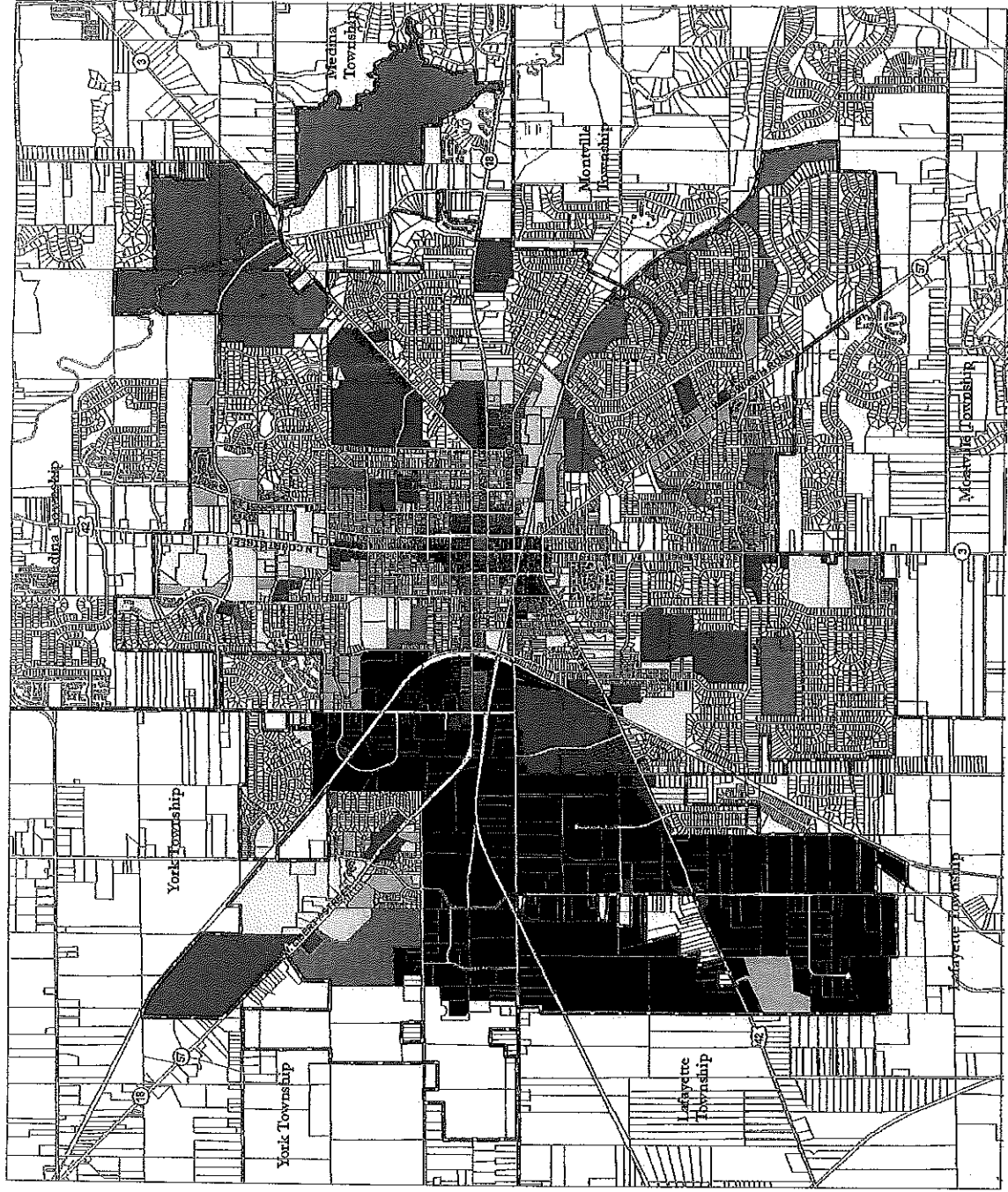
# Map 8 Future Land Use

11/13/2006

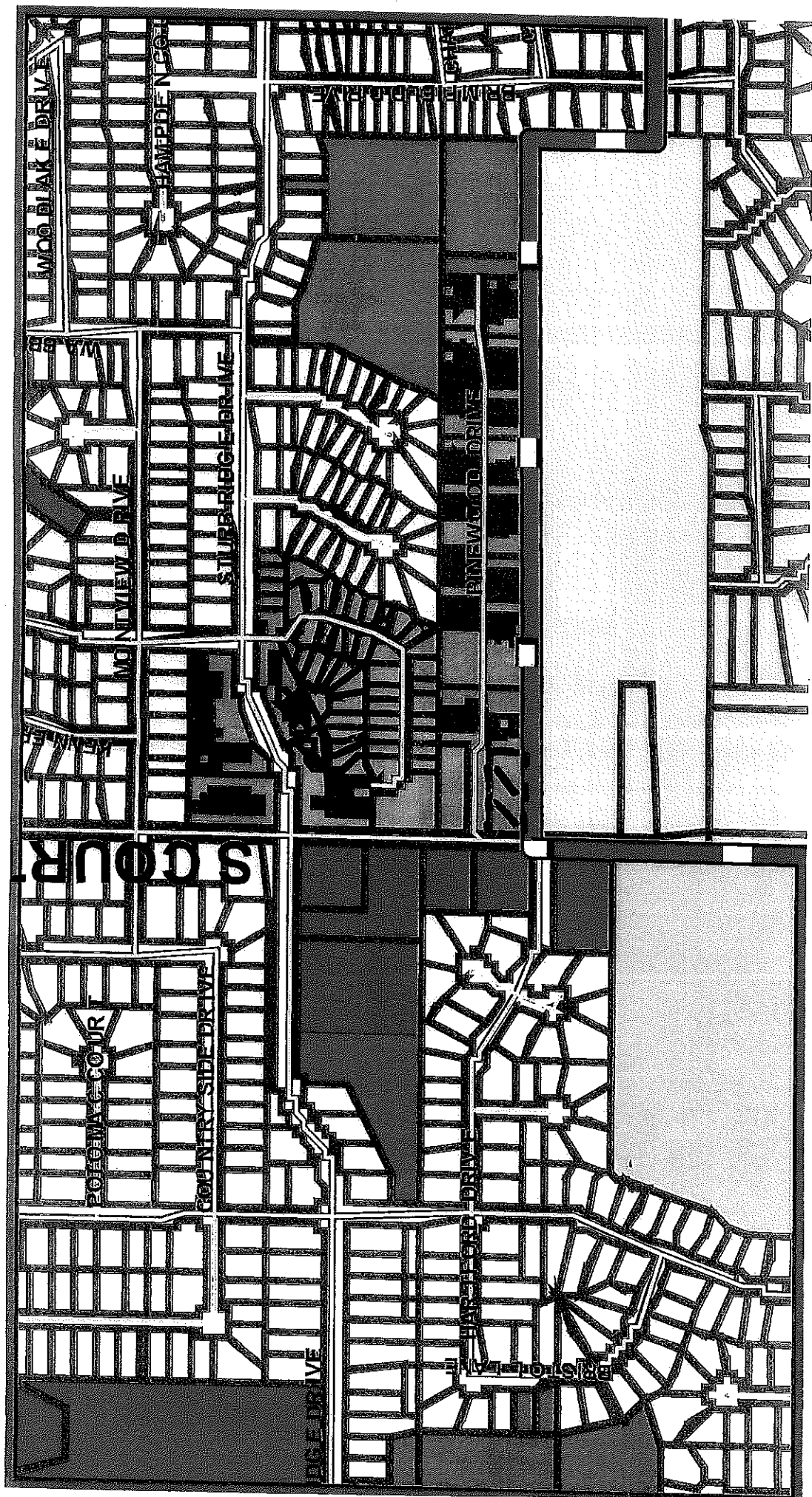
City of Medina, Ohio



Base Map Source: Medina County GIS, 2005  
Data Source: McKenna Associates, Incorporated, 2006



Map 0116 / 11/13/2006 / McKenna Associates, Incorporated, Medina, Ohio



C-1, Local  
Commercial  
Principally Permitted  
and Conditionally  
Permitted use tables

Print

## Medina, OH Code of Ordinances

**1133.02 PRINCIPALLY PERMITTED USES.**

The following uses shall be permitted in the C-1 Local Commercial District:

<b>Residential</b>	<b>Public/Semi-Public</b>	<b>Commercial</b>
• None	• None	• Convenience Retail
		• Office - Professional, Medical and Administrative
		• Personal and Professional Services
		• Other Similar Uses as Determined by the Planning Commission

(Ord. 109-14. Passed 6-23-14.)

**1133.04 CONDITIONALLY PERMITTED USES.**

The following uses shall be permitted as conditionally permitted uses in the C-1 Local Commercial District subject to the requirements of Chapter 1153 , Conditional Uses. Numerical identification after each item corresponds to specific standards in Section 1153.04 , Conditionally Permitted Use Regulations.

<b>Residential</b>	<b>Public/Semi-Public</b>	<b>Commercial</b>
• Bed and Breakfast Inn <sup>11,14</sup>	• Club, Lodge or Fraternal Organization <sup>9,11,14,25</sup>	• Bar or Tavern
• Nursing Home, Assisted Living Facility, Independent Living Facility <sup>1,2,3,5,7,9,11,14</sup>	• Conservation Use	• Child Day Care Center and Nursery <sup>2,5,9,11,14</sup>
	• Educational Institution for Higher Education	• Hospital <sup>1,2,3,5,7,9,11,14</sup>
	• Publicly Owned or Operated Governmental Facility <sup>3,7</sup>	• Motor Vehicle Filling Station with or without Convenience Retail <sup>5,7,17,29,31</sup>
	• Public Utility <sup>1,10,11</sup>	• Personal and Professional Services with Drive- Thru <sup>7,17</sup>
	• Religious Place of Worship <sup>1,3,7,11,12,14</sup>	• Research and Development Laboratory and Processing with No External Hazardous, Noxious or Offensive Conditions
	• Urban Garden	• Restaurant

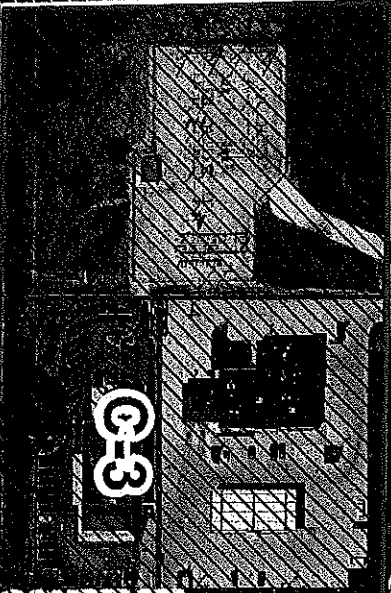
(Ord. 63-16. Passed 5-9-16.)



Aerial photograph  
with City of Medina  
Zoning Districts  
overlay.

W STURBRIDGE DR

STURBRIDGE DR



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HARTFORD DR

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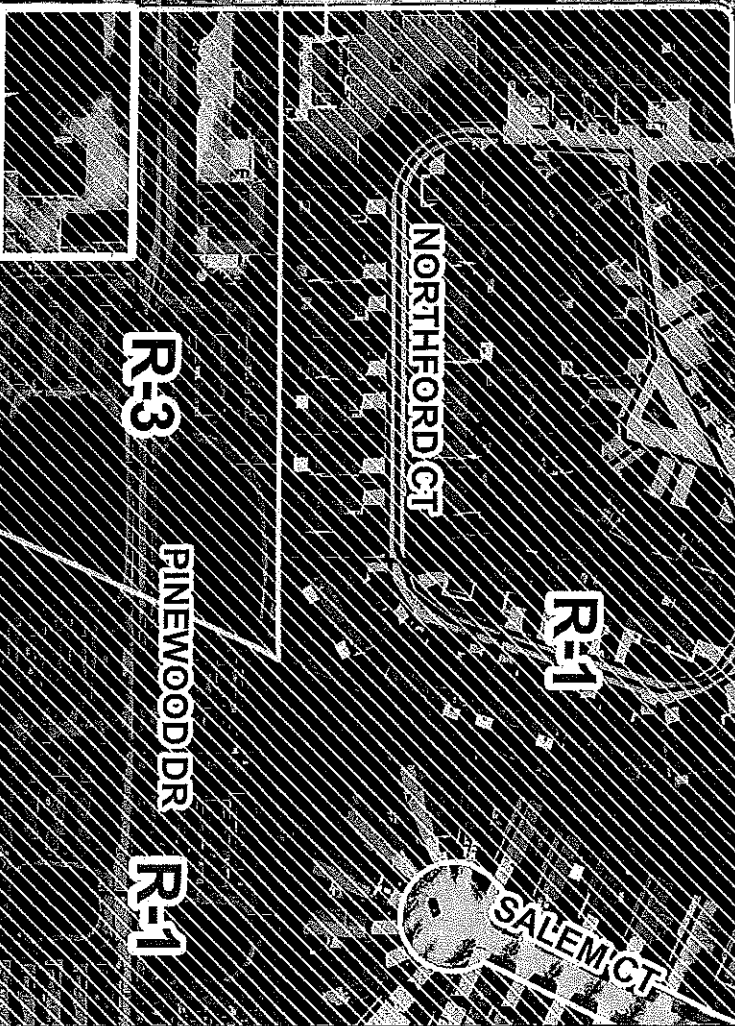
S COURT ST

WOOSTER PIKE

SPD-1

P19-19  
1088 S. Court St.  
Rezone  
R-3 to C-1  
October 10, 2019

Subject Site



R-3

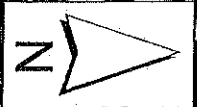
PINEWOOD DR

R-1

NORTHFORD CT

R-1

SALEM CT



1 inch = 200 feet

**RESOLUTION  
PLANNING COMMISSION**

October 16, 2019

Justin Eddy  
Tucker Ellis LLP  
950 Main Avenue, Ste. 1100  
Cleveland, Ohio 44113

PROPERTY: 1088 S. Court Street

CASE NO: P19-19

WHEREAS, YOUR APPLICATION WAS DULY PROCESSED AND AFTER APPROPRIATE REVIEW AND STUDY THE COMMISSION HAS PASSED THE FOLLOWING RESOLUTION:

At the October 10, 2019 meeting the Planning Commission denied a recommendation to City Council for rezoning 1088 S. Court Street from R-3 to C-1.

Sincerely,



Jonathan Mendel  
Community Development Director



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CITY OF MEDINA  
PLANNING COMMISSION  
- - -

Draft

Transcript of Proceedings held on  
Thursday, the 10th day of October, 2019 before  
the City of Medina Planning Commission,  
commencing at approximately 7:00 p.m., as  
taken by Makenzie J. Koman, RPR, Notary Public  
within and for the State of Ohio, and held in  
Medina City Hall, 132 North Elmwood Avenue,  
Medina, Ohio 44256.

- - -  
MEDINA COURT REPORTERS, INC.  
REGISTERED PROFESSIONAL REPORTERS  
209 North Broadway Street  
Medina, Ohio 44256  
(330) 723-2482  
MCRMedina@msn.com

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APPEARANCES..... 3

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CASE 19-19..... 16

~~CASE 19-20..... 8~~

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APPEARANCES:

City of Medina Planning Commission,  
Rick Grice, Commissioner,  
Bruce Gold, Member,  
Monica Russell, Esq., Member,  
Paul Rose, Member,  
Andrew Dutton, Member, (Alternate).

City of Medina Planning Department,  
Jonathan Mendel, Community Development Director,  
Sandy Davis, Administrative Assistant.

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PROCEEDINGS

- - -

THE CHAIRMAN: Good evening, everyone. We'd like to welcome you to the October 10th Medina City Planning Commission meeting.

Anyone that is with us this evening will have an opportunity to speak if they so choose. We'd ask you come to the podium, give your name and address, keep your comments to, you know, a reasonable amount of time, five minutes or so.

It has been our practice for the last - oh, I don't know - thirty-five, forty years or so, we have a court reporter with us this evening, and at this point I'd ask that everybody stand and be sworn in, in case you decide later on you have something you want to say.

(Whereupon, the audience members and Jonathan Mendel were then placed under oath by the Notary.)

THE CHAIRMAN: Thank you.

The minutes of the September the 12th meeting were sent out to the Commission members. Are there any additions or corrections?

1 MR. GOLD: Mr. Chairman, I'd  
2 like to make a motion to accept the minutes as  
3 submitted.

4 THE CHAIRMAN: So a motion.  
5 MR. ROSE: Second.  
6 THE CHAIRMAN: Motion and a  
7 second.

8 Roll call.

9 MS. DAVIS: Grice?  
10 THE CHAIRMAN: Yes.  
11 MS. DAVIS: Russell?  
12 MS. RUSSELL: Abstain.  
13 MS. DAVIS: Gold?  
14 MR. GOLD: Yes.  
15 MS. DAVIS: Dutton?  
16 MR. DUTTON: Yes.  
17 MS. DAVIS: Rose?  
18 MR. ROSE: Yes.  
19 MS. DAVIS: Motion approved;  
20 four yeas, one abstention.

21 THE CHAIRMAN: Mr. Rose, any  
22 announcements?  
23 MR. ROSE: No.  
24 THE CHAIRMAN: City Council?  
25 MR. ROSE: None this



1 evening, sir.

2 THE CHAIRMAN: Okay. Thank you.

3 Jonathan, any announcements?

4 MR. MENDEL: Just as everybody  
5 in attendance here knows, the south side of  
6 City Hall is under construction for the new  
7 parking facility, two hundred and eleven  
8 parking spaces, so the -- that is -- the  
9 contract has a pretty hard line of beginning of  
10 May, is when that should be finished, so if  
11 everybody just kind of hopes for a dry and  
12 relatively warm winter, that wouldn't hurt the  
13 process.

14 And, also --

15 THE CHAIRMAN: If we should be  
16 so lucky.

17 MR. MENDEL: -- for  
18 November -- yeah.

19 For November, the November regular  
20 meetings, we have our -- we have instituted and  
21 changed the forms for switching BZA and  
22 Planning Commission, so Planning Commission  
23 would be then 6:00 p.m. regularly and  
24 Planning Commission would -- or BZA would be  
25 then 7:00 p.m.

1                   So -- and if -- just in case anybody  
2                   questions if there's something that's kind of  
3                   maybe going to both entities, I'll just  
4                   cross-condition things, so if it's a site  
5                   plan that's going to Planning Commission, I'll  
6                   say -- and it's also seeking some variances,  
7                   the site plan would be contingent on approval  
8                   by BZA, so --

9                   MS. RUSSELL:                   Thank you,  
10                   Jonathan.

11                   MR. MENDEL:                   So that's all I  
12                   have.

13                   THE CHAIRMAN:                Okay, good.

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CASE NUMBER 19-19

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THE CHAIRMAN:                   The second item on the agenda tonight is Case 19-19. This is for the property at 1088 South Court Street. This is for a code or -- and map amendment. Actually, a map amendment.

Jonathan.

MR. MENDEL:                   Yes. Thank you.

As you said, this is a map amendment, a rezoning of the property at 1088 South Court Street from R-3 to C-1 requested by the Applicant, which is Tucker Ellis, LLP, representing Trillium Creek, LLC, which is the owner of the property.

The subject property is .92 acres on the east side of South Court Street at the City of Medina corporate boundary. The site is occupied by a twenty-three-hundred-square-foot one-story principal building and about a two-thousand-square-foot accessory building and accessory vehicle circulation areas.

The Applicant requests rezoning the property from R-3, High Density Urban Residential, to C-1, Local Commercial. At the

1 moment, the Applicant wishes to develop the  
2 property with a bank ATM kiosk drive-through.  
3 This is not a permitted use in the R-3 zoning  
4 and is a conditionally permitted use within the  
5 C-1 district.

6 Attached to your -- the staff report has  
7 various supporting information regarding the  
8 request and the regulatory framework under  
9 the C-1 Future Land Use Map of the  
10 Comprehensive Plan, current zoning map, and  
11 then the Applicant's narrative for the rezoning  
12 and their development plans.

13 And just walking through the proposed  
14 zoning, the Applicant proposes rezoning the  
15 property as C-1, Local Commercial, which is our  
16 lowest intensity commercial zoning district,  
17 kind of our lowest intensity general zoning --  
18 commercial zoning district. This district  
19 permits a limited range of commercial uses,  
20 such as office, retail, professional --  
21 personal and professional services.  
22 Conditionally permitted uses are a range of  
23 uses, such as bed and breakfasts, churches, gas  
24 stations, restaurants, personal and  
25 professional services with a drive-through,

1           which personal and professional service with a  
2           drive-through is the land use that the proposed  
3           drive-through ATM kiosk would fall under.

4           The Applicant proposes -- provides  
5           discussion points supporting their request for  
6           the rezoning from R-3 to C-1.

7           In the current policy document, the  
8           Future Land Use Map of the 2007 City of  
9           Medina Comprehensive Plan Update, this  
10          property, the subject property, is designated  
11          residential high density as a specific area of  
12          the same designation to the north and east  
13          encompassing properties on the east side of  
14          South Court Street and Sturbridge Drive.

15          So going through some general staff  
16          comments, the City's Comprehensive Plan  
17          designates the property, as I said, residential  
18          high density, which is equivalent to the  
19          existing multifamily development patterns on  
20          the -- many of the neighboring properties to  
21          the north and east.

22          The C-1, Local Commercial, zoning district  
23          is specifically designed to be a low intensity  
24          commercial district, typically used elsewhere  
25          in the city on relatively small sites, closely

1           situated near less-intensive land uses and/or  
2           zoning districts. One such area would be at  
3           the northwest and northeast corners of  
4           North Court Street and Homestead Street, which  
5           is a very transitional area in land use and  
6           zoning.

7           If the proposed rezoning is approved by  
8           City Council and becomes effective, the  
9           Applicant's proposed and intended land use for  
10          the subject property will require a  
11          conditional zoning certificate review and  
12          approval by the Planning Commission, and this  
13          does require a public hearing in front of the  
14          Planning Commission, as we're all well aware  
15          of.

16          So the next step is the Planning Commission  
17          should weigh the information provided and put  
18          forward a recommendation to the City Council on  
19          the rezoning request from R-3, High Density  
20          Urban Residential, to C-3 -- C-1,  
21          Local Commercial.

22                   Thank you.

23                   THE CHAIRMAN:           Okay. Thank you,  
24                   Jonathan.

25                   And the Applicant?

1 MR. EDDY: Yes. Thank you.

2 Justin Eddy from Tucker Ellis, LLP,  
3 950 Main Avenue, Suite 1100, Cleveland, Ohio.

4 Unfortunately -- typically, I bring -- and  
5 this is -- it's good to see everybody again.  
6 We're back again. Mr. Funk from Trillium Creek  
7 was ill this afternoon, so he decided to sit  
8 this one out, so if anybody has any questions,  
9 I'll answer them to the best of my ability, but  
10 I think I know this pretty well.

11 MR. MENDEL: Justin, can I  
12 interrupt you for one second?

13 MR. EDDY: Yeah.

14 MR. MENDEL: The  
15 Commissioners, you have a red folder that has  
16 been provided as an exhibit from, I believe,  
17 someone from the public that will give their  
18 presentation of their stuff, just so you have  
19 that. I'm going to give a copy to Mr. Eddy for  
20 his files.

21 MR. EDDY: Thank you.

22 MR. MENDEL: And I have one  
23 for the Planning Commission file, so thank you.

24 MR. EDDY: Okay. So what we  
25 are proposing to do on this site, kind of the

1 plans and the site plan that was approved by  
2 BZA subject to rezoning the property, are  
3 included in the packet, but essentially it's  
4 for the installation of a drive-up ATM KeyBank  
5 kiosk. KeyBank has been involved in this  
6 process and is -- you know, they're committed  
7 to developing the site in accordance with those  
8 plans and, basically, as soon as we are able to  
9 get this done, we will.

10 If you recall, we had -- the initial  
11 iteration of this plan had the entrance drive  
12 on the north side of the property. That was  
13 moved to address concerns related to traffic,  
14 particularly with regard to the Pinewood  
15 entrance and exit, and as you see cars come in  
16 off of South Court, circulate through the  
17 kiosk, it has a lane that would allow a car to  
18 go around anybody that's queued waiting for  
19 the -- to use the ATM to exit. Then you're  
20 able to exit back out onto South Court Street.

21 Another item that we're doing, if you could  
22 see the drive extension off the south end  
23 there, basically the current drive is going to  
24 be removed and then replaced, so Trillium is  
25 still going to retain use of these buildings.



1           They use them for storage, things along those  
2           lines, and need access to it, so the -- that's  
3           how they're going to do it. We're going to  
4           install at our expense and remove the existing  
5           driveway to reduce the points of, you know,  
6           traffic along that particular piece of  
7           property.

8           As you can see by this map, you have a  
9           significant amount of C-3 zoned property  
10          adjacent to what is, I believe, residential on  
11          the west side of South Court as well as the  
12          Handel's Ice Cream and, I believe, a veterinary  
13          office within the R-1 and R-3 zoning districts.  
14          The veterinary office, if I'm correct, exists  
15          by virtue of the fact that it was zoned that  
16          way when that area was annexed into the City.  
17          The Handel's was approved as a commercial use  
18          in connection with PUD. That, I believe,  
19          relates to the residential development there to  
20          the north.

21          To the south, everything in Montville  
22          maintains a commercial zoning classification.  
23          Trillium owns the property that is immediately  
24          to the south, and that's where they operate  
25          their dermatology practice.

1           Essentially, the character of this  
2 neighborhood is such that it has become a  
3 commercial corridor. The R-3 zoning  
4 classification, because of this, we don't  
5 believe that the R-3 zoning classification is  
6 no longer appropriate and we believe that a  
7 commercial zoning designation would fit the  
8 conformance with the area and bring the  
9 property into conformance with the character of  
10 the area specifically.

11           I'll note that the -- there were some -- I  
12 think this just sort of drives some of the  
13 points. In terms of the inapplicability of a  
14 residential zoning classification, there were a  
15 series of houses that were -- that maintain  
16 frontage in Montville Township on Trillium's  
17 current property, and they -- when they  
18 acquired the property, they owned those houses,  
19 and for a time had actually rented some of them  
20 out. But it's just not an area, at least right  
21 along that corridor, that's feasible to own and  
22 operate for -- you know, for particularly  
23 rental properties, but in terms of  
24 marketability of that particular corridor for  
25 residential properties. I think that's an

1           example where it's just not something that we  
2           feel is feasible, and those houses have, I  
3           think, by and large been raised.

4           I'll note that the purposes of the C-1  
5           zoning classification stated in the code of  
6           1133.01 is to - and I'm quoting - provide for  
7           uses principally to accommodate the sale of  
8           convenience retail goods and personal services  
9           purchased frequently for daily and weekly  
10          needs.

11          Our proposed project, we feel, fits  
12          directly within that. It's designed  
13          essentially to capture those folks that are  
14          traveling along South Court Street. It's not a  
15          destination use, as they say. It captures the  
16          existing traffic, and we believe it supports  
17          what -- the purpose of the code.

18          Also, as Mr. Mendel mentioned, this is the  
19          lowest intensity commercial zoning  
20          classification, I believe, with respect to --  
21          except for the C-S zoning classification, but  
22          that's something a bit different, I guess.

23          But it's really designed to be adjacent to  
24          the residential uses that you see to the east  
25          and used as a transitional type of zoning

1 classification between the higher density  
2 commercial zoning classifications and uses to  
3 the west, and even more generally, higher  
4 density zoning classifications and higher  
5 intensity commercial uses and those residential  
6 uses that you see here to the east.

7 In terms of the Comprehensive Plan, I just  
8 want to point out that that's -- you know, the  
9 way that I think this board should look at it,  
10 that's a guide. It is a little bit dated, in  
11 my opinion. I think it was completed in 2007  
12 and hasn't been updated since then. So it's  
13 just one of those things that -- it's a guide.  
14 I think that, you know, it's always good to  
15 plan and look at things and what we want to do  
16 with certain areas, but at the end of the day,  
17 things change, so you really sort of have to  
18 look at the current state of affairs when  
19 weighing what to do relative to a certain piece  
20 of property.

21 As I mentioned, this is a use that's  
22 designed to capture existing traffic. You're  
23 not going to have people coming from all areas  
24 of the city to get here. It's not a retail  
25 shopping center, for example.

1           The main reason that this property is  
2           attractive is because there is a decent amount  
3           of traffic on South Court Street. I don't  
4           think that that's anything we've tried to hide  
5           throughout this process. What we're expecting  
6           are sixty to eighty trips per day, and what  
7           that translates is thirty to forty cars going  
8           onto the site. So a trip is entering the site.  
9           There's another trip counted for exiting the  
10          site.

11          So even though that we are capturing that,  
12          that existing traffic, we don't feel that there  
13          is any significant additional impact from a  
14          traffic standpoint that is created by this. I  
15          don't doubt -- and I'm sure that some of the  
16          members of the community from the Pinewood  
17          development are going to discuss some of their  
18          concerns with the traffic on this thoroughfare,  
19          but at the end of the day, that's a broader  
20          issue than what we're looking at today relative  
21          to this particular rezoning request. To the  
22          extent that those issues do exist on  
23          South Court Street, those are secondary and  
24          should not really drive in decision-making here  
25          this evening.

1                   With that, I'm happy to answer any  
2                   questions. I may reserve the right to respond  
3                   to anything in this if that's okay as well  
4                   (indicating).

5                   THE CHAIRMAN:                   Okay. Do we have  
6                   anybody present that would like to make a  
7                   comment about this?

8                   MR. HOEK:                                Good evening.  
9                   My name is David Hoek, H-o-e-k. I live at  
10                  28 Pinewood Drive, Medina, Ohio 44256. I'm a  
11                  member of the Pinewood Condominium Association.

12                  We are here tonight to reassert our  
13                  opposition to any rezoning of the lot at  
14                  1088 South Court Street, our objection to any  
15                  rezoning which allows a commercial driveway at  
16                  a critical and dangerous spot on South Court.

17                  At our meeting in July, Attorney Eddy  
18                  dismissed our comments opposing the rezoning  
19                  as anecdotal. We have presented the  
20                  Planning Commission with empirical evidence  
21                  supporting the reasons for our opposition.  
22                  This includes a testimonial signed by  
23                  seventy-two residents including fifty-three  
24                  owners of homes in Pinewood expressing their  
25                  opposition.

1           We also provided members with a detailed  
2           aerial map, a view of the section of Route 3  
3           where the proposed rezoning would add an eighth  
4           commercial driveway to an already-congested  
5           two-tenths-of-a-mile stretch of the roadway.  
6           One doesn't need years of experience as a city  
7           planner or a real estate professional to  
8           recognize the potential hazards in the short  
9           stretch of a busy highway.

10           Here are more facts that you could see on  
11           the aerial photo. There are seven commercial  
12           driveways serving nineteen businesses,  
13           including a twelve-pump gas station and a  
14           ten-bay auto service center, as well as two  
15           streets - Pinewood and Hartford - between  
16           Sturbridge and Mast Parkway. Four of the  
17           driveways and Pinewood Drive are squeezed into  
18           a distance shorter than a football field. The  
19           proposed new commercial driveway would replace  
20           an existing limited-use nonconforming  
21           residential driveway, which for the past  
22           sixteen years has been an access to buildings  
23           that serve an economically feasible use for  
24           Trillium Creek. This driveway is shown on the  
25           map as Number 8.

1           Based on an ODOT analysis of traffic volume  
2           at Lexington Ridge, there are 13,460 vehicles  
3           each day on Route 3. This analysis was done in  
4           2010, and traffic has surely increased due to  
5           the continued development on both sides of  
6           Route 3. There have been sixteen traffic  
7           accidents in Medina in the past three months.  
8           By comparison, there are 16,380 vehicles a day  
9           on North Court at Grande Boulevard, based on a  
10          traffic analysis made in 2016 prior to the  
11          major construction project on Route 42.

12          Our concern is not just the increase in  
13          traffic, but the danger due to the limited  
14          sight line on Route 3 looking south from  
15          Pinewood Drive. The proposed commercial  
16          driveway at 1088 South Court would only be  
17          about a hundred feet from Pinewood, far less  
18          than state-recommended stopping sight distance  
19          of two hundred and fifty feet at thirty-five  
20          miles an hour, and many motorists are going  
21          much faster.

22          The driveway would be at the crest of a  
23          hill whose low point is just north of  
24          Lexington. The speed limit in that area is  
25          forty-five miles an hour, while it's



1 thirty-five miles an hour at the Medina City  
2 line, which is where the proposed driveway  
3 would be. Drivers exiting Pinewood only have  
4 six to eight seconds to enter South Court  
5 safely after a northbound vehicle emerges in  
6 sight over that hill.

7 Traffic does not come to an immediate  
8 slowdown at this point despite the posted speed  
9 limit reduction. It is difficult and dangerous  
10 to make a left turn entering or exiting  
11 Pinewood or the many commercial driveways along  
12 this short stretch of Route 3. Any additional  
13 commercial driveway would contribute to more  
14 congestion in this high-traffic area creating  
15 further hazards and hardship for the residents  
16 of Pinewood and the lives of the thousands of  
17 motorists and passengers on Route 3.

18 Ongoing and future residential and  
19 commercial development, such as the slated  
20 nursing home proposed for a five-acre parcel in  
21 front of Trillium Creek's business will  
22 generate a significant increase in traffic.

23 There are currently sixty-six homes sited  
24 on Mast Parkway with commercial and retail  
25 development proposed. Route 3 south to

1           Lexington and beyond also has property offered  
2           for additional development.

3           Attorney Eddy pointed out Trillium Creek is  
4           not suing the City over what it cites as the  
5           arbitrary and unsupported decision of the BZA  
6           which refused its request for a conditional  
7           variance to the current R-3 zoning, it is only  
8           appealing to this issue. He indicated that the  
9           appeal would be dropped if the requested  
10          rezoning were approved. He might have just as  
11          well have added "or else."

12          He described 1088 South Court as being  
13          located on a major thoroughfare in an outlining  
14          area. In fact, the property is only a mile or  
15          so from the Square. He added that the bank  
16          kiosk would replace the loss of services due to  
17          the closing of the Huntington Bank branch  
18          across the street. In fact, Huntington has  
19          opened a kiosk in front of the former bank  
20          building.

21          Trillium seems to have a high level of  
22          confidence that they will get their rezoning.  
23          The lot has already been clear-cut in  
24          expectation of a construction project, we  
25          presume.

1 Attorney Eddy has cited several cases in  
2 support of the rezoning request. One of these  
3 is Shemo versus Mayfield Heights, in which it  
4 was stated that the rezoning request, quote,  
5 "will advance legitimate governmental  
6 purposes," end quote. Among the legitimate  
7 governmental purposes noted in the case was  
8 that rezoning, quote, "will not exacerbate  
9 traffic congestion and noise in the area."

10 The additional driveway at 1088 South Court  
11 will certainly exacerbate traffic congestion,  
12 and this should not be a secondary  
13 consideration in the rezoning issue here.

14 Another case cited is Ederer versus  
15 Board of Zoning Appeals in Wadsworth.  
16 Here it's stated that, quote, "traffic  
17 regulation must remain a byproduct of zoning  
18 activities --" continuing "-- the public  
19 authorities must find some manner of dealing  
20 with traffic hazards," end of quote. Public  
21 authorities dealt with the traffic congestion  
22 and hazards on North Court Street through a  
23 two-year, twenty-million-dollar construction  
24 project on Route 42. Will this happen on  
25 South Court? The community planning staff

1 recommended against an earlier request to  
2 rezone the property to C-3. Now, staff has  
3 only commented saying the zoning district is  
4 typical to that of North Court and  
5 Homestead Street.

6 Here are the differences. There are four  
7 businesses operated from former homes on  
8 North Court at Homestead. All are low  
9 traffic - an insurance agency, tax service, a  
10 recovery center, and a daycare service - but  
11 the greater importance, the speed limit on  
12 North Court is twenty-five miles an hour and  
13 there are turn lanes for Homestead.

14 The owners, residents, and many daily  
15 visitors to our Pinewood neighborhood appeal to  
16 this Commission to recognize the dangerous  
17 conditions and negative impact that allowing an  
18 eighth commercial business driveway would  
19 create in this busy, narrow funnel into and out  
20 of Medina. When the Planning Commission  
21 approved the development of Pinewood  
22 some-thirty years ago, it was with the implicit  
23 commitment to the safety and security of its  
24 residents. That commitment has no expiration  
25 date due to changing conditions along the busy



1 question about the signatures gathered? Are  
2 these recent signatures or --

3 MR. HOAK: Those were  
4 gathered by -- prior to the meeting on --  
5 Jonathan, help me with that. The meeting on  
6 the C-3 rezoning request several months ago.

7 MR. DUTTON: Okay. So these  
8 signatures are actually for a different  
9 application then, what I'm looking at right  
10 now?

11 MR. HOAK: Well, yes. At  
12 the time we got those, there was a rezoning  
13 request for C-3.

14 MR. DUTTON: Okay.

15 MR. HOAK: But the  
16 implication is -- the purpose is that the  
17 residents were against -- opposing of any  
18 rezoning which would create that commercial  
19 driveway.

20 MR. DUTTON: Okay.

21 MR. HOAK: Thank you.

22 MR. GOLD: Mr. Hoak, how  
23 many additional -- how much additional traffic  
24 do you expect that this would generate?

25 MR. HOAK: Well, sir, it

1           isn't the question of traffic. It's already  
2           plenty of traffic. As I said, thirteen  
3           thousand-plus.

4           There's a lot of development going to go on  
5           South -- there will be more traffic. The  
6           situation is, the driveway, a thirty-six-foot  
7           cut, twenty-four-foot driveway would be right  
8           at the city limits.

9           And you folks are from Medina. If you  
10          drive north on South Court where, at that point  
11          Wooster Pike Road from Lexington, you go down a  
12          hill and then you come up a hill, and right  
13          there is where that driveway would be. It's a  
14          very hard sight obstruction, particularly  
15          pulling out of Pinewood and if you're trying to  
16          make a left turn. It's okay in the daytime,  
17          sure, Sunday afternoon visiting Handel's, but  
18          you look there at night, you look in the  
19          evening, you look in the early morning hours  
20          when people are going to work when there's the  
21          traffic, it's very difficult to see if they're  
22          making a left turn. They'll be making a left  
23          turn into the -- anything that's at 1088.

24          But we're concerned that it won't just be a  
25          kiosk, which is what they're asking for on a

1 short-term lease. Once they have a C-1  
2 rezoning ability, they could put in any number  
3 of different kinds of businesses that would  
4 be -- would certainly generate more traffic.  
5 We have to look to the future for that because  
6 we're living there. We're sixty-four homes.  
7 It was created by a planning commission such as  
8 yourself thirty years ago. We asked for the  
9 protection that you could give us by not  
10 allowing that commercial drive.

11 THE CHAIRMAN: Did anybody  
12 else -- I presume you were speaking for  
13 Pinewood, though, right?

14 MR. HOAK: I'm sorry?

15 THE CHAIRMAN: You're speaking  
16 for the Pinewood Association?

17 MR. HOAK: Yes, sir.

18 THE CHAIRMAN: Okay. Is there  
19 anybody else that wanted to make any comment  
20 that's not part of Pinewood?

21 MS. RYAN: Not addressing  
22 Pinewood or not living in Pinewood?

23 THE CHAIRMAN: Well, I mean,  
24 this gentleman already basically said he was  
25 speaking for the association, which I presume



1 is all the residents.

2 MS. RYAN: I'm not a  
3 resident of Pinewood.

4 THE CHAIRMAN: Oh. Come on up.

5 MS. RYAN: I didn't know if  
6 you meant speaking on another issue.

7 Good evening. My name is Pat Ryan, and I  
8 live at 4254 Sharon Copley Road in  
9 Montville Township. I have relatives and  
10 friends in Pinewood. I go there quite often  
11 and that's why I'm here.

12 I'll give a little bit of history here I  
13 know some of you do know, but bear with me, I'd  
14 like to do this because some of the points lead  
15 into tonight.

16 The Applicant applied for a land use  
17 variance to allow a bank kiosk to be  
18 constructed on the property at 1088 South  
19 Court. This use, being only leased, is not a  
20 permanent use.

21 On April 11th, the request was denied by  
22 the Medina City Board of Zoning Appeals. The  
23 current nonconforming use, according to the BZA  
24 record, is for storage of business records and  
25 property maintenance equipment for the medical

1 office facility on the adjacent property and,  
2 as such, the Board felt it had a viable  
3 nonconforming use. This use can be substituted  
4 with another nonconforming use with approval.  
5 An appeal to the Court of Common Pleas has been  
6 filed by the Applicant's attorney.

7 On the same evening as the BZA denial, the  
8 site plan review for the unapproved kiosk on a  
9 leased land was reviewed by this Commission.

10 The site plan was approved by the  
11 Commission with four conditions. The final one  
12 being, quote, "subject to the BZA approval of a  
13 land use variance --" and I'd like to state,  
14 Mr. Eddy said for rezoning, and it was for "a  
15 land use variance request to permit a personal  
16 and professional services with drive-through  
17 land use (bank ATM kiosk) on an R-3 zoned  
18 property where such land use is not permitted  
19 or conditionally permitted," unquote. This  
20 condition renders that site plan review  
21 approval void unless the Applicant proceeds  
22 with and is granted their appeal in court.

23 After the site plan approval, the Applicant  
24 changed course and proposed rezoning the  
25 subject property to C-3, the most intense and

1 intrusive commercial district in the Medina  
2 City Zoning Ordinance.

3 At the May 9th Planning Commission meeting,  
4 Mr. Mendel stated, quote, "The map currently  
5 designates the subject property High --  
6 Residential High Density as part of a specific  
7 area of the same designation to the north  
8 encompassing properties on the east side of  
9 South Court and Sturbridge Drive," unquote. He  
10 went on to state, "The following items must be  
11 considered: Consistency with the 2007 City of  
12 Medina Comprehensive Plan Update and  
13 Future Land Use Map; consider all possible  
14 permitted and conditionally permitted uses in  
15 the proposed zoning district; and intrusion of  
16 commercial development and change of  
17 neighborhood land use character."

18 Mr. Mendel stated he felt to be more  
19 consistent with the Future Land Use Map  
20 designation, the more appropriate zoning  
21 district for the subject property would be R-4,  
22 Multi-Family Residential. He stated staff did  
23 not recommend rezoning to C-3 due to  
24 inconsistency with the 2007 Comprehensive Plan  
25 Update and Future Land Use Map and, quote, "the

1 C-3 district full range of permitted and  
2 conditionally permitted uses have greater  
3 potential for negative impacts on the  
4 surrounding residential uses." And I know  
5 that's C-3 and we're considering C-1, but bear  
6 with me.

7 Mr. Eddy, attorney for the Applicant, then  
8 inquired if there was a less-intense commercial  
9 zoning district that would permit the use of a  
10 bank kiosk. Mr. Mendel stated there were  
11 and explained the C-2 and C-1 but stated  
12 they would still be inconsistent with the  
13 Comprehensive Plan Update and Future Land  
14 Use Map. He did not address the C-S district.

15 The east side of South Court has no  
16 commercial zoning at all from Lafayette down to  
17 the south city limit. The only reason two of  
18 the three commercial uses exist on the east  
19 side of South Court is because of annexation.  
20 The vet clinic is a legal nonconforming use in  
21 a residential district which existed when the  
22 property was annexed from Montville Township.  
23 The City had no part in approving this use, and  
24 as a nonconforming use, according to the  
25 Ohio Revised Code, it is permitted to continue.

1           The existing structures on the subject  
2           property housed Swingle's plumbing business and  
3           their residence. The house was demolished by  
4           the Applicant when they acquired the property.  
5           The plumbing business was also a nonconforming  
6           use when annexed by the City. Again, the City  
7           had no part in approving this business use.

8           Handel's Ice Cream is in the portion of  
9           Sturbridge Townhome Planned Unit Development  
10          designated for commercial use, but the  
11          underlying zoning does not change, it is still  
12          residential. The only actual commercially  
13          zoned properties are across South Court - or  
14          State Route 3 - and there is no rule that says  
15          zoning on both sides of a road have to be the  
16          same.

17          Mr. Eddy stated, quote, "Their intent is to  
18          narrowly tailor this as much as possible for a  
19          kiosk," unquote. And for that reason, they  
20          wanted to amend their application that night to  
21          the C-1 designation. Tailoring doesn't exist  
22          in rezoning and all uses listed in the  
23          requested district must be considered.

24          Mr. Mendel said the staff report was  
25          predicated under the C-3 request and felt it

1 would be best if the Applicant requested a  
2 continuance for a month to amend the request,  
3 giving the staff and Applicant time to revise  
4 their comments, assemble commission packets,  
5 and redistribute it to the public.

6 Mr. Mendel further stated that the C-3  
7 request, quote, "would need to be denied by  
8 council, at which point the Applicant could  
9 submit an application for rezoning to C-1,"  
10 unquote.

11 The Zoning Commission recommended  
12 approval contrary to the planning director's  
13 recommendation to deny due to noncompliance  
14 with the land use map and Comprehensive Plan --  
15 sorry, and potential negative impacts on  
16 surrounding residential land uses.

17 At the City Council meeting in August, the  
18 Applicant again attempted to circumvent the  
19 administrative process by requesting an  
20 amendment to their request from C-3 to C-1.  
21 They did this by submitting a letter the same  
22 day as the meeting, after the agenda had been  
23 released, without any Planning Department  
24 review, staff report and recommendation, PC  
25 recommendation or even public comment on the

1 C-1. Council tabled this issue.

2 After reviewing the zoning districts, if  
3 there is any commercial rezoning for a kiosk,  
4 then the C-S district appears to be the best  
5 option. The C-S permits professional, medical  
6 and administrative office, personal and  
7 professional services (including banks), and  
8 other similar uses. As with the C-1, it  
9 conditionally permits personal and professional  
10 services with a drive-through. Prior to the  
11 council meeting in September, I asked Mr. Eddy  
12 if they had considered this district, and he  
13 hesitantly said no, but he took the text that I  
14 presented to consult with Mr. Mendel. Mr. Eddy  
15 came back and told his clients -- client in my  
16 presence, after speaking with Mr. Mendel, that  
17 "the C-S gets you what you want, the kiosk, but  
18 it doesn't give you the convenience store."  
19 Mr. Eddy conferred with his client privately  
20 and approached me, thanked me for the  
21 information and said they were not going to  
22 consider the C-S.

23 Why not? The C-S is narrowly tailored for  
24 this type of use, as Mr. Eddy stated was their  
25 intent, and would permit a bank kiosk. But I

1 ask, is that truly their intent? Obviously  
2 not.

3 Council had two motions on the revised  
4 agenda that evening. The first was for the  
5 original C-3 application, and the second was  
6 the same motion but for the C-1, if modified.  
7 As we were told, either motion would have  
8 changed the zoning if approved. Council was  
9 instructed -- sorry.

10 After council discussion, it was suggested  
11 the Applicant table the item until proper  
12 documentation review, notification, and  
13 comments could be generated for the C-1 and now  
14 the C-S. The Applicant decided to not do this  
15 and requested a vote that evening. Council  
16 voted no on the C-1, with the super majority,  
17 and no on the C-3. Both rezoning requests were  
18 denied as stated by the President of Council,  
19 Mr. Coyne.

20 Now we are back before the  
21 Planning Commission for the C-1. In my  
22 opinion, even if the Commission approves this  
23 rezoning, Council can't act on it for one year  
24 per Section 1107.06(e) since it was denied, and  
25 even if they would -- Council would hear it,



1           they still do not have any recommendations from  
2           Mr. Mendel, which was one reason they suggested  
3           that it be tabled.

4           This entire process has been  
5           complicated by midstream changes in strategies,  
6           requests, and applications. I realize the  
7           Planning Commission has the ability to approve  
8           this request, but should something as  
9           consequential as rezoning that could  
10          permanently and adversely affect adjacent  
11          residential property be decided without the  
12          planning director's recommendation and without  
13          regard to the Comprehensive Plan and the  
14          Future Land Use Map?

15          It begs to be asked, if the Applicant's  
16          real intent was to just lease a portion of the  
17          property for a bank kiosk, then why leap from a  
18          use variance which was narrowly tailored for  
19          the intended use on a portion of the property,  
20          to a commercial zoning for an array of  
21          potential intrusive commercial uses on the  
22          entire parcel? Are they perhaps preparing for  
23          when the lease expires or is terminated? Why  
24          not consider the C-S? Why not complete the  
25          appeals process? The C-S would be the least

1 intrusive for the adjacent owners because they  
2 would at least have the assurance that they  
3 would not have a restaurant, a bar, outdoor  
4 patio, noise, lights, food odors within feet of  
5 their front doors, and it would give the  
6 Applicant what they say they desire, a bank  
7 kiosk.

8 The Applicant absolutely has the right to  
9 develop, but the adjacent existing property  
10 owners who signed that petition and live in the  
11 area in Pinewood and off Hartford also have  
12 rights. We are all allowed the, quote,  
13 "greatest enjoyment and maximum use of one's  
14 land," unquote, within our perspective zoning  
15 district and Comprehensive Plan.

16 Interestingly, there are no recommendations  
17 this time from Mr. Mendel in his current staff  
18 report. The Comprehensive Plan is not to be --  
19 is the Comprehensive Plan not to be formally  
20 addressed for this application? How did the  
21 staff report go from four pages for C-3 to just  
22 two for C-1? Why is this application  
23 different?

24 THE CHAIRMAN: I think we  
25 know -- we pretty much heard this from the

1 other gentleman, too. I think we know where  
2 everything's kind of going. You're kind of  
3 well past any five- or ten- or fifteen-minute,  
4 you know, time. Do you have any, like,  
5 closing-type comments?

6 MS. RYAN: Okay. I have  
7 something that's quite different.

8 THE CHAIRMAN: Okay.

9 MS. RYAN: Also, for this  
10 application, the C-1, proper notification has  
11 not been given per Section 1107.07(b) and the  
12 Ohio Revised Code 713.12. This new application  
13 has been rushed through without proper  
14 notification as required by Medina Codified  
15 Ordinances. I do not believe an ad was  
16 published thirty days prior to the meeting, nor  
17 was twenty-day notice given to the contiguous  
18 property owners. Again, is this application  
19 exempt from the rules?

20 Let me just go through here and see if  
21 there's anything new.

22 Again, Mr. Eddy said that the plan  
23 approval -- site plan approval was based on a  
24 rezoning of the property as requested by this  
25 application, and it was not. It was BZA

1 approval for the use variance.

2 Rezoning applies to the entire property, so  
3 the owner could and may remove all the existing  
4 buildings if desired and to develop the entire  
5 property at any point in time.

6 And I believe it's also important to note  
7 the four homes removed -- where Mr. Eddy is  
8 saying that it's not residentially viable  
9 anymore, the four homes that were removed were  
10 removed by the Applicant, and so they are the  
11 ones that determined that the area is obsolete  
12 and economically infeasible because they didn't  
13 want to be landlords.

14 THE CHAIRMAN: The majority  
15 of those homes, though, were in  
16 Montville Township, which we have no control  
17 over there.

18 MS. RYAN: True. But  
19 they're citing that in part of their argument  
20 as the corridor being unviable for residential,  
21 so I think it was a fair statement.

22 Just my closing. Zoning is to guide for  
23 urban growth and development used in  
24 accordance with the Comprehensive Plan. The  
25 2007 Comprehensive Plan Update for Medina

1 states the area should be residential. This  
2 plan was created and supported by the  
3 Planning Department, this Commission, the  
4 residents, and approved by Council. This plan  
5 is not outdated, as Mr. Eddy stated. When the  
6 plan was updated in 2007, the Board of Zoning  
7 was identical to what it is today. The only  
8 changes are that four residences were  
9 demolished by the Applicant and Handel's as  
10 part of an approved PUD went in.

11 This plan is still very relevant and should  
12 be followed until it's formally changed.

13 Thank you.

14 THE CHAIRMAN: Thank you.

15 Anybody else have any comments they'd like  
16 to make at this point?

17 AUDIENCE MEMBER: I have some short  
18 comments, but it sounds like you don't --

19 THE CHAIRMAN: New and  
20 different?

21 AUDIENCE MEMBER: -- want to hear  
22 them.

23 THE CHAIRMAN: New and  
24 different?

25 Because City Council is the one that holds

1 the actual public hearing. We've always  
2 entertained anybody that was here because we  
3 want to have input, but they're the ones that  
4 actually hold the public hearing on any  
5 rezoning, so you'll have another opportunity as  
6 well to go into all your reasons for and  
7 against -- in this case against, I guess, or  
8 for.

9 If it's something new, absolutely. If  
10 it's, you know --

11 AUDIENCE MEMBER: That's okay.

12 THE CHAIRMAN: What?

13 MR. GOLD: She said "that's  
14 okay."

15 THE CHAIRMAN: Okay, good.

16 Members of the Commission?

17 Mr. Rose?

18 MR. ROSE: Thank you,  
19 Mr. Chairman.

20 First, Jonathan, about the notification  
21 that was brought up, was the notification  
22 timely?

23 MR. MENDEL: It was.

24 For rezonings, the zoning code requires  
25 notification to adjacent property owners, so we

1 notified the adjacent -- I believe the adjacent  
2 condo owners and the homeowners association for  
3 Pinewood as adjacent property owners, and then  
4 the other adjacent property owners to the west  
5 across the street.

6 We do not do a newspaper notification.  
7 It's not required by the zoning code for a  
8 rezoning request in front of the Planning  
9 Commission.

10 And the notification is ten days for  
11 Planning Commission to the adjacent property  
12 owners and the -- as you said, the publication  
13 for a thirty-day minimum for a public hearing  
14 is for City Council process, so it was  
15 followed.

16 MR. ROSE: Thank you.

17 And then --

18 MS. RUSSELL: What --

19 I'm sorry, go ahead.

20 MR. ROSE: Okay. Did you  
21 have more to add to that?

22 MR. MENDEL: No.

23 MR. ROSE: Then with regard  
24 to the C-S --

25 MR. MENDEL: Yes.

1 MS. RUSSELL: That was going to  
2 be my question.

3 MR. ROSE: Thank you. I got  
4 to scoop -- I got to scoop a lawyer.

5 But could you enlighten us on that and  
6 what --

7 MR. MENDEL: It is true that  
8 we --

9 MR. ROSE: -- conversations.

10 MR. MENDEL: I -- the only --  
11 nobody's suggested or brought to me formally a  
12 request to change it to C-S. I -- any ex-parte  
13 discussions that happened before or after a  
14 meeting I was not party to, nor would I ever be  
15 party to, so I don't know anything about  
16 anybody requesting C-S or any discussions  
17 there.

18 The C-S district objectively is a low --  
19 very low intensity commercial zoning district.  
20 As was mentioned, the purpose is to establish,  
21 to create an environment conducive to  
22 well-located and designed office building  
23 sites, to accommodate professional offices,  
24 non-profit organizations, and limited business  
25 service activities. You know, it is a very low



1 intensity, so pretty much there's only three  
2 permitted uses, is office -  
3 professional/medical/administrative -  
4 professional or personal service, or other uses  
5 as determined by the Planning Commission.

6 Conditionally permitted uses. Personal  
7 and professional services with drive-through  
8 is a conditionally permitted use in the C-S,  
9 so --

10 MR. DUTTON: Would that be a  
11 standalone drive-through or --

12 MR. MENDEL: That would be --  
13 you know, whether this ATM is a financial  
14 institution. And it's a drive-through  
15 facility, so it kind of meets the intent and  
16 definition of what a professional -- personal  
17 and professional service where the  
18 drive-through would be.

19 The only areas that are zoned C-S in the  
20 City of Medina are along Route 18, West --  
21 East Liberty -- or East Washington Street,  
22 basically east of the cemetery and east of  
23 St. Francis Xavier Church up to about almost  
24 Guilford, you know, about -- you know, about a  
25 couple hundred feet east of -- west of

1 Guilford.

2 So the request that I have that we've  
3 gotten with this application of P19-19 is for  
4 C-1 zoning, to rezone the subject property from  
5 R-3 to C-1. So C-S could be something that  
6 someone could suggest, but that has not been  
7 part of my -- of the application that has been  
8 submitted and part of the staff report and  
9 packet that were put together for the  
10 Planning Commission this evening.

11 MR. GOLD: Mr. Chairman, I'd  
12 like to make a comment.

13 THE CHAIRMAN: Go right ahead.

14 MR. GOLD: You know, I do  
15 not see how this kiosk is going to add  
16 additional traffic to Court Street. I cannot  
17 understand how thirteen thousand cars are using  
18 this stretch in there per day. I'd like to see  
19 more data on it and I'd like to see where the  
20 data was generated from. I just can't see  
21 thirteen thousand.

22 As far as the entranceway into this kiosk  
23 causing traffic problems, with such low use, I  
24 just don't see how that could really affect the  
25 movement to any great degree in and out of

1 Pinewood Drive.

2 But with that said, changing this to a C-1  
3 zoning is going to open this up to a large  
4 litany of businesses and institutions that we  
5 may not want to see on this property. If it  
6 was limited only to the professional services  
7 and the ATM drive-through, I'd have no problem  
8 supporting this, but to go to a C-1, which  
9 allows a broad use - and not to say that down  
10 the road that the Trillium Creek would then  
11 demo those outbuildings, move them to a  
12 different part of the property, and then open  
13 this up to other business applications - I  
14 can't say I'm in favor of changing this to a  
15 C-1.

16 THE CHAIRMAN: Okay. Thank you.  
17 Go ahead.

18 MR. DUTTON: Can we ask the  
19 Applicant to respond on why the C-S isn't  
20 intense enough for this property? Is that  
21 possible?

22 MR. EDDY: I guess there's  
23 no particular reason. You know, I don't think  
24 it's any secret. I mean, there's more of a  
25 greater multitude of uses that are permitted

1 and conditionally permitted, I believe. I'm  
2 not up to speed particularly with the exact  
3 uses.

4 I think at the end of the day, though,  
5 where the C-1 makes sense still,  
6 notwithstanding the fact that the C-S does not  
7 permit as many uses, is that most of the uses  
8 that have been cited as the concern are  
9 conditionally permitted, and those are subject  
10 to review of this body, I believe, and subject  
11 to various standards that are set forth in the  
12 code that are going to be, you know, considered  
13 on and decided upon on a case-by-case basis.  
14 So there's that extra layer of review that the  
15 City maintains.

16 THE CHAIRMAN: Thank you.

17 I guess that's the one thing I would remind  
18 the Commission, while the kiosk is what's shown  
19 on the plan, all well-intentioned, at some  
20 point in time one still has to look at the  
21 entire C-1 uses that are allowed on this  
22 property. And that's not to say that anything  
23 other than -- I mean, right now the kiosk is  
24 what's being proposed, but down the road if  
25 something happens, it is still C-1 and you need

1 to look at all those uses.

2 I think personally the kiosk probably  
3 generates a whole lot less traffic than even  
4 Pinewood does, but that's only the kiosk,  
5 that's not necessarily the property, so  
6 other --

7 MR. EDDY: And I -- if I can  
8 say, the ground lease that -- the basic  
9 structure of this would ground lease the  
10 property to KeyBank. That would be for a term  
11 of ten to twenty years depending on, you know,  
12 what happens, what KeyBank decides to do after  
13 that ten-year period. You know, I can't  
14 guarantee what's going to happen in the future.  
15 I don't think anybody can.

16 THE CHAIRMAN: Right.

17 MR. EDDY: But there's a  
18 long-term commitment relative to this  
19 particular site.

20 THE CHAIRMAN: And that I don't  
21 doubt certainly at all. That's what I'm  
22 saying, you know, that's the plan you're  
23 showing.

24 MR. EDDY: Right.

25 THE CHAIRMAN: Except we have to

1 look at all of the uses --

2 MR. EDDY: Right.

3 THE CHAIRMAN: -- not just a  
4 kiosk.

5 MR. EDDY: Right,  
6 understood.

7 THE CHAIRMAN: Because, you  
8 know, that certainly might generate, as was  
9 explained, you know --

10 MS. RUSSELL: And the kiosk is  
11 just in front. I mean, are they going to lease  
12 the entire parcel?

13 MR. EDDY: No. It's only  
14 a -- it's only a portion.

15 MS. RUSSELL: So they could  
16 theoretically, if they change the zoning, knock  
17 down the other buildings and put in something  
18 in the back.

19 THE CHAIRMAN: Other comments by  
20 members of the Commission?

21 (No response.)

22 THE CHAIRMAN: Any motion would  
23 be a recommend --

24 MR. ROSE: (Indicating.)

25 THE CHAIRMAN: Yes?

1 MR. ROSE: I do have a  
2 question with regard to carrying on Monica's  
3 comment. The rest of the property, if anything  
4 is done to that, they would have to come to the  
5 Board for --

6 MR. MENDEL: Likely, the  
7 redevelopment of the remainder of the parcel  
8 would have to come through Planning Commission  
9 for at least site plan review.

10 MR. ROSE: They would have  
11 to come before the Planning Commission for --

12 MR. MENDEL: For the  
13 Planning Commission --

14 MR. ROSE: For demolition?

15 MR. MENDEL: No. Demolition,  
16 they can demolish anything. They can demolish  
17 the rest of those buildings today if they wish,  
18 they just get a demolition permit through the  
19 building department, but the -- building  
20 something else on it --

21 MR. ROSE: They would have  
22 to come to us.

23 MR. MENDEL: They most likely  
24 would have to come to at least a site plan  
25 review in front of the Planning Commission, and

1           then conditional zoning, depending on the  
2           specific case.

3                       MS. RUSSELL:                As long as it's  
4           within the permitted uses in the C-1. I mean,  
5           obviously --

6                       MR. MENDEL:                It would just be  
7           a site plan review.

8                       MS. RUSSELL:                We have our  
9           review of the site plan, but if it's a use  
10          that's already permitted, you know, then we  
11          have less flexibility.

12                      MR. GOLD:                Mr. Chairman?

13                      THE CHAIRMAN:            Yes, sir.

14                      MR. ROSE:                Well, I --

15                      MR. GOLD:                Go ahead.

16                      MR. ROSE:                I still -- from  
17          the first time I saw this back whenever, I  
18          still have a problem with the location of the  
19          driveway relative to Hartford. You're creating  
20          an accident just waiting to happen, number one,  
21          because there's going to -- invariably there's  
22          going to be two cars vying for the same space,  
23          and you know what happens then, fender juice  
24          all over the place. So we increase safety  
25          hazard.



1                   There's going to be people going to be  
2                   wanting to be using that kiosk and making a  
3                   left turn into it at 4:32 on a Tuesday  
4                   afternoon, Friday afternoon, and it's going to  
5                   back traffic up to North Court Street. Okay?

6                   All right. Those have been my problems  
7                   with this since day one. I don't think that's  
8                   a good thing for the City.

9                   MS. RUSSELL:                   I would chime  
10                   in on that and say, even if you take the  
11                   driveway issue aside -- because right now it's  
12                   an R-3, right? Aren't some of the uses they  
13                   could use it for is a school or a church,  
14                   theoretically?

15                   MR. MENDEL:                   Those are  
16                   conditionally permitted uses within -- in the  
17                   R-3 zoning district.

18                   MS. RUSSELL:                   So even if they  
19                   wanted to work within the zoning district that  
20                   they have and try to put a conditionally  
21                   permitted use there, it's going to have  
22                   another -- probably a wider drive and increase  
23                   traffic, so I don't think our review should be  
24                   as focused on the traffic. Believe me, I lived  
25                   on Hartford for ten years.

1 MR. ROSE: Okay. So you  
2 know.

3 MS. RUSSELL: I'm familiar with  
4 that particular intersection.

5 MR. ROSE: You know.

6 MS. RUSSELL: I think the  
7 focus ought to be on, would we want the -- do  
8 we want the zoning to stay? Is there a  
9 compelling enough reason that the zoning should  
10 actually be changed for that?

11 Does that make sense?

12 MR. ROSE: I think so,  
13 yeah.

14 MS. RUSSELL: Maybe?

15 MR. ROSE: I think I  
16 understood your words, is what I'm saying.

17 MS. RUSSELL: Yeah. It's  
18 late.

19 MR. GOLD: Mr. Chairman, I'd  
20 like to put forth a motion to -- for the  
21 Commission to forward a recommendation to the  
22 City Council for approval of rezoning from R-3  
23 to C-1.

24 THE CHAIRMAN: We have a motion.  
25 Is there a second?

1 MR. DUTTON: Second.

2 THE CHAIRMAN: I have a motion,  
3 a second.

4 Any other discussion by members of the  
5 Commission?

6 (No response.)

7 THE CHAIRMAN: Roll call.

8 MS. DAVIS: Grice?

9 THE CHAIRMAN: No.

10 MS. DAVIS: Russell?

11 MS. RUSSELL: No.

12 MS. DAVIS: Gold?

13 MR. GOLD: No.

14 MS. DAVIS: Dutton?

15 MR. DUTTON: Yes.

16 MS. DAVIS: Rose?

17 MR. ROSE: No.

18 MS. DAVIS: Motion denied,  
19 four yeas, one nay. Does that make sense?

20 MR. ROSE: No. One yea,  
21 four nays.

22 MS. DAVIS: One yea, four  
23 nays.

24 THE CHAIRMAN: Yes.

25 MR. MENDEL: So this will then

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be forwarded to -- through the City Council legislative process.

THE CHAIRMAN: Right.

If there's nothing else to come before the commission tonight, we're adjourned.

(Hearing concluded.)

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STATE OF OHIO            )  
                                  )    ss:  
COUNTY OF MEDINA.    )

CERTIFICATE

I, Makenzie J. Koman, RPR, Notary Public within and for the State of Ohio, hereby certify that the above and foregoing is a true and correct transcription of my stenographic notes as taken by me on the 10th day of October, 2019.

I further certify that this is a full and complete transcription of the above-entitled cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Medina, Ohio this 16th day of October, 2019.

-----  
Makenzie J. Koman, RPR  
and Notary Public within and for  
the State of Ohio.  
My commission expires 09/19/23.