

**MEDINA TOWNSHIP ZONING COMMISSIONERS
REGULAR MEETING
JUNE 15, 2010**

REGULAR MEETING

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:33 p.m. Board members Overmyer, Erickson, Szunyog and Strogin were in attendance. Permanent Board member Apana was absent. Alternate Board member Boris Williams sat in for a full Board.

The Zoning Commission minutes from their May 18, 2010 meeting were approved as written. The Trustees have scheduled site plan reviews to be heard on June 24, 2010 at 7:00 p.m. A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

CONTINUANCES

Heartland Community Church- 3400 Weymouth Rd. landscape plan

This item was tabled due to non-representation at the last Zoning Commission meeting. Mr. Swindrak from AODK represented Heartland Community Church. Previously the Church had their site plan approved but were required to submit a landscape plan for review and approval by the Township.

Mr. Swindrak stated they revised their last landscaping plan to add more landscaping at the building and in the parking lot as well. Additional evergreens were added to the corners to frame in the site.

Mr. Williams made a motion to approve the landscape plan for Heartland Community Church located at 3400 Weymouth Rd. as presented. It was seconded by Mr. Overmyer. ROLL CALL- Williams-yes, Overmyer-yes, Szunyog-yes, Erickson-yes, Strogin-yes.

SITE PLANS

Medina Auto Brokers-4160 Pearl Rd.

Mr. Sonnie represented Medina Auto Brokers. He stated he was before the Commission this evening to get approval for a 30-sq. ft. ground sign.

Chair Strogin stated there needed to be landscaping added to the base of the sign. Mr. Sonnie stated there were currently river rocks in the bed due to the salt that gets sprayed on Pearl Rd. killing any vegetation that may be planted. Chair Strogin stated there are salt resistant plants and the sign was far enough from the road that she doubted salt would get close enough to kill the plants. She added that the Zoning Resolution gives a list of salt resistant plants and landscaping is a requirement. Mr. Sonnie stated he would comply with the requirement. Mr. Erickson asked if the sign would be illuminated? Mr. Sonnie stated yes.

Mr. Erickson made a motion to approve a ground sign for Medina Auto Brokers located at 4160 Pearl Rd. not to exceed 30-sq. ft. as presented. It was seconded by Mr. Williams. ROLL CALL- Erickson-yes, Williams-yes, Overmyer-yes, Szunyog-yes, Strogin-yes. It was so noted that the applicant has agreed to add landscaping to the base of the sign per the requirements of the Medina Township Zoning Resolution.

Dancexcel-3583 Medina Rd.

Mr. Koch represented Dancexcel, which is a dance studio located on Medina Rd. Mr. Koch, stated he was requesting a 24.5 sq. ft. wall sign. The business has 25 ft. of linear frontage.

Mr. Williams made a motion to approve a wall sign for Dancexcel located at 3583 Medina Rd. not to exceed 24.5-sq. ft. as presented. It was seconded by Mrs. Szunyog. ROLL CALL- Williams-yes, Overmyer-yes, Szunyog-yes, Erickson-yes, Strogin-yes.

Asian Martial Arts-3839 Pearl Rd. (Fenn Crossings)

Mr. Tony Cerny from Architectural Design Studios represented Asian Martial Arts. Mr. Cerny stated Asian Martial Arts would be relocating to Fenn Crossings on Pearl Rd. Mr. Cerny commented that the owner of the plaza (Jim Gowe/620 Construction) was currently in discussions with another tenant potentially to locate in Fenn Crossings possibly in the same suite, so he would like to ask the Commission for approval for Asian Martial Arts for the suite they submitted or the suite immediately to the south per an amended site plan application. Mr. Cerny stated for the record that Asian Martial Arts was not a firm tenant in the plaza but he was before the Commission to speed up the approval process in case they want to move forward.

There was a lengthy discussion by the Commission about whether to approve a business use that may or may not locate in the plaza and may or may not locate in the suite shown on the site plan this evening. Mr. Cerny stated the Commission was to approve whether or not Asian Martial Arts is a use that can operate business in Fenn Crossings.

Mr. Burlingame, owner of Asian Martial Arts approached the Commission. He stated that due to the timing the Commission has for its meetings he too was under a time constraint to move out of his current location into Fenn Crossings. Mr. Burlingame stated he was in negotiations with the owner of the plaza Mr. Jim Gowe (620 Construction) to locate in the "L" shaped suite which was the southern most suite in the plaza. Mr. Gowe was also looking at the potential of restaurant to locate in that suite as well. Therefore, either suite would accommodate Asian Martial Arts operation in Fenn Crossings.

Chair Strogin then asked Mr. Burlingame if he was certain he would be locating in Fenn Crossings to which Mr. Burlingame stated yes. Mrs. Szunyog stated since the plaza is what it is she would not have an issue approving Asian Martial Arts to locate in either suite.

The Commission stated that they would make two motions and both site plans would be stamped. When a decision was made as to what suite Asian Martial Arts would locate in and a permit written, the site plan application that was not applicable could be discarded. Mr. Cerny stated the motions could reference the different site plans reflecting each suite as they were numbered differently.

Mr. Williams asked when a decision would be made regarding what suite Asian Martial Arts would be locating in? Mr. Cerny stated it was dependent on negotiations with Mr. Gowe and the perspective other tenant.

Mr. Overmyer made a motion to approve the change of use for Asian Martial Arts to locate in Fenn Crossings as indicated on site plan SP-1 as presented. It was seconded by Mr. Erickson.

ROLL CALL-Overmyer-yes, Erickson-yes, Szunyog-yes, ~~Overmyer~~-yes, Strogin-yes.
Williams

Mrs. Szunyog made a motion to approve the change of use for Asian Martial Arts to locate in Fenn Crossings as indicated on site plan SP-1 as presented. It was seconded by Mr. Williams.

ROLL CALL-Szunyog-yes, Williams-yes, Overmyer-yes, Erickson-yes, Strogin-yes.

Fenn Crossings-3823-3839 Pearl Rd.

Mr. Tony Cerny from Architectural Design Studios represented Fenn Crossings. Mr. Cerny stated he was before the Commission to request an identification sign for Fenn Crossings shopping plaza. The size of the sign is proposed to be 75-sq. ft. Chair Strogin asked if the two existing signs in the plaza would be taken down? Mr. Cerny stated yes they would. Chair Strogin stated each tenant that would be locating in the plaza would need to come in and get their use and signage approved.

Mr. Williams made a motion to approve the identification sign for Fenn Crossings located at 3823-3839 Pearl Rd. not to exceed 75 sq. ft. and 21.7 ft. in height as presented. It was seconded by Mr. Erickson.

ROLL CALL-Williams-yes, Erickson-yes, Szunyog-yes, Overmyer-yes, Strogin-yes. It was so noted that the two existing older signs in the plaza will be removed prior to the installation of the new sign.

Valley Mitsubishi-2825 Medina Rd.

Mr. James Briola from Northcoast Sign and Lighting and Mr. Ross Chapman represented Valley Mitsubishi. Mr. Briola stated they would like to take the existing pole sign and change the panel and backlight it. The size of the existing pole sign is 71.5 sq. ft.

Chair Strogin stated that Zoning Resolution no longer allows pole signs but those that are in the Township are categorized as pre-existing non-conforming uses. She continued that this existing pole sign was taken down and put back by a variance.

Mr. Erickson asked about landscaping around the sign? Mr. Chapman stated that they already had an approved site plan that shows landscaping around the sign, building and on the site.

Mr. Overmyer made a motion to approve the pole sign for Valley Mitsubishi located at 2825 Medina Rd. not to exceed 71.5 sq. ft. as presented. It was seconded by Mr. Williams.

ROLL CALL- Overmyer-yes, Williams-yes, Szunyog-yes, Erickson-yes, Strogin-yes.

The Brown Derby Grille-5051 Eastpointe Dr.

Ms. Powers represented The Brown Derby. She stated she and her husband own the property that the current Brown Derby Roadhouse is located on Eastpointe Dr. This restaurant is going to be remodeled and renamed The Brown Derby Grille. One of the additions would be an outdoor terrace area consisting of 650-sq. ft. that would accommodate smoking. The other addition is a double vestibule consisting of 24 sq. ft. It would really be two doors so not to allow cold air to rush into the restaurant. Lastly the dining area would be enlarged. No new seating would be added but instead just an increase of the dining area of the restaurant to make the seating less tight and to give diners more elbowroom. Ms. Powers continued the landscaping would be addressed and maintained and new awnings added to update the look of the building.

Chair Strogin asked the purpose of the change/addition to the existing Roadhouse? Ms. Powers stated the owner of the Brown Derby had a franchisor at the Roadhouse. The franchisor was not keeping the building and site updated as the owner envisioned so that is the reason for the remodel and change of name. Mr. Powers interjected the food at this site would still be wood fired but the owner was updating all his restaurants. Mr. Powers added the microbrewery currently in the Roadhouse would be removed as well. Ms. Powers stated the liquor license they have is based on 75% food sales and 25% liquor sales. Chair Strogin stated the State has changed their rules over the years and a liquor license used to be based on population and then it was sales and one could also bring in a liquor license from another area. Ms. Powers commented that regarding the menu, she believed it was going to remain relatively the same.

ZI Ridgely asked if Fire Chief Crumley had been contacted about the fire pit Brown Derby wanted to install in the outdoor terrace area? Trustee Gardner stated when she spoke with Fire Chief Crumley he did not mention the fire pit but asked her to relay the question, if the applicant had gone to the Building Dept. yet? Mr. and Mrs. Powers stated they could not go to the Building Dept. until they received zoning approval. Chair Strogin stated that was technically correct; there would be no approvals given but the applicants could have had a preliminary discussion with the Building Dept. Chair Strogin then contacted Fire Chief Crumley via the phone who stated he would come up to the Townhall to answer questions.

Ms. Powers continued that the fire “pit” was not going to be a “pit” so to speak but an actual wood burning fire place in the outside terrace area. Fire Chief Crumley responded via the phone that there were fire code regulations regarding the fire pit and how close it could be to a canopy. Mr. Powers stated he would comply with the fire code regulations. Ms. Powers stated they would like to accommodate smokers in the outside terraces area and provide the fire more for ambience than warmth. Fire Chief Crumley stated he was on his way over. The Commission stated they would therefore table this discussion until Fire Chief Crumley arrived at the Townhall.

Medina United Methodist Church-4747 Foote Rd.

Mr. Tom Ziska and his son Rick from Ziska Architecture represented Medina United Methodist Church as well as some of the members from the Church’s building committee. Mr. Ziska stated the Church purchased property on Foote Rd. and is now beginning the construction process for the Church.

Mr. Ziska stated for general knowledge, the property is broad and flat and drops slightly off to the front and gentle off to the rear culminating into an existing pond area in the rear. Mr. Ziska stated they would probably drain the pond because it receives nothing but ground water as there was no artesian well. Chair Strogin asked what was wrong with ground water? Mr. Ziska responded unless the water is treated with chemicals it scums over with thick algae as well as the pond being an attractive nuisance for children. Mr. Ziska stated the area would be left in a natural state.

Mr. Ziska continued the building would sit quite a way back from the road. There would be a single entry to the site with a tree line that would lead to the canopy and tower on the Church, which is reflective of the Church’s current site in Medina. The Church would consist mainly of a worship space, classrooms, daycare service and office. In the rear would be a gathering area and a kitchen and pantry area to prepare meals for any gatherings. There is an existing barn on the property they were planning on keeping for boy scouts and lawn maintenance supplies. Mr. Ziska added that the parking area would accommodate 140 cars with additional parking available for future growth of the Church. There would be an outdoor play area and a future fellowship hall for larger activities to be held at the Church.

Chair Strogin asked the height of the steeple. Mr. Ziska stated he believed 80 ft. ZI Ridgely she considered the height of the steeple per the regulations in Section 303 E.3 which read, “Radio, television and other communication aerials or masts, steeples and bell towers, may be erected to any height if the structure is set back from each yard line at least one (1) foot for each foot of additional structure height above the limit otherwise provided in the district in which the structure is located.” Chair Strogin asked the height of the building? Mr. Ziska responded it averaged about 35 ft. Chair Strogin read the definition of building height which read, “Is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point

of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plat and ridge of the gable, hip or gambrel roof." Mr. Ziska stated the roof is gable and believed they were within the 35-ft. height requirement. Mr. Ziska stated they have also included a lighting plan with a maximum pole lighting of 20 ft. Mr. Ziska continued there is a landscaping plan which shows a boulevard entry with trees leading up to the Church landscaping around the perimeter as well as landscaping to buffer the Church from the existing residences on either side. Chair Strogin stated she would like to see additional trees or landscaping to buffer the homes from the parking lot. Mr. Ziska stated that could be accommodated.

Chair Strogin then asked about the height of the canopy? Mr. Ziska stated the height underneath the canopy would be 12 ft. Fire Chief Crumley stated that would need to be addressed with LST so there is ample room to get an ambulance under the canopy. Mr. Ziska stated he spoke with Mr. Brown from the Fire Dept. and he stated 12 ft. was enough height to get an ambulance under. Mr. Ziska stated whatever the requirement is they would accommodate the height.

Mrs. Szunyog asked if there would be mounding involved? Mr. Ziska stated no. Mrs. Szunyog asked if that would screen the parking as one drives around Foote Rd.? Mr. Ziska stated that is where the future parking would be and if and when that became necessary they could do some mounding between the parking area and the landscaping. Mr. Ziska stated that the landscaping would have to be relatively low as to maintain the line of sight for cars pulling out.

Fire Chief Crumley commented that he just spoke with LST and a 12-ft. tall canopy would accommodate an ambulance. He also added that the architect would need to meet with him regarding the number and placement of fire hydrants on the site.

ZI Ridgely stated she had not yet received the deed for the combination of the lots for the Church. A member of the Church's building committee produced the document.

Mr. Overmyer made a motion to approve the new construction of Medina United Methodist church to be located at 4747 Foote Rd. as presented with the updated landscaping plan to be included. The lots need to be combined before any zoning permits will be written. It was seconded by Mr. Williams.

ROLL CALL- Overmyer-yes, Williams-yes, Szunyog-yes, Erickson-abstain, Strogin-yes.

The Brown Derby Grille continued

Fire Chief Crumley asked the purpose of the fire place in the outdoor terrace area. Mrs. Powers stated it would not be used for cooking nor would they be serving out in the terrace area. The fire pit would be used mainly for ambiance and added they wanted to be able to accommodate a small area for smokers. Fire Chief Crumley asked the distance from the front to the canopy? Mrs. Powers stated it would be 6 ft. Fire Chief Crumley

stated the fire code requires 10 ft. Mr. Powers stated they would meet whatever the requirement is. Fire Chief Crumley asked the size of the fire pit? Mr. Powers stated 4x10. He added he would contact Akron Air Quality because they issue the EPA permits for open burning to see if there were any issues with the fire pit. Fire Chief Crumley stated that the applicants would need to go to the building department and he would be more than happy to meet them there to go over the requirements.

Mr. Erickson made a motion to approve the additional dining room area to consist of 495 sq. ft and a 24 sq. ft. vestibule area on the building for the restaurant referred to as The Brown Derby Grille located at 5051 Eastpointe Dr. as presented. It was seconded by Mr. Overmyer.

ROLL CALL-Erickson-yes, Williams-yes, Szunyog-yes, Overmyer-yes, Strogin-yes.

Mr. Williams made a motion to approve the outdoor terrace area to consist of a 650-ft. for the restaurant referred to now as The Brown Derby Grille located at 5051 Eastpointe Dr. as presented. It was seconded by Mr. Erickson.

ROLL CALL-Williams-yes, Erickson-yes, Szunyog-yes, Overmyer-yes, Strogin-yes.

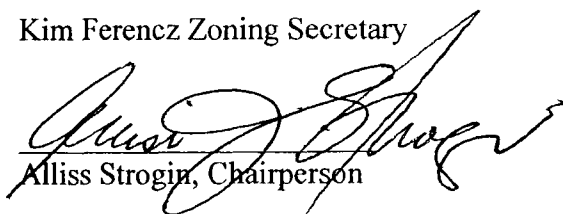
MISC.

Secretary Ferencz stated there would be a workshop on Ohio Zoning Law and Agriculture to be held on June 25, 2010 from 8-11 am. at the University of Akron Lafayette Twp. location. There is a fee of \$5.00 for this workshop.

Having no further business before the Commission the meeting was officially adjourned at 9:20 p.m.

Respectfully Submitted,

Kim Ferencz Zoning Secretary


Alliss Strogin, Chairperson