

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
OCTOBER 17, 2017**

Chairperson Alliss Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:00 p.m. Permanent Board members Overmyer, Apana, Borrer, Traynor and Strogin were in attendance. Alternate members Marco Sr. and Johnson were also present.

The minutes from the Commission's September 19, 2017 meeting were approved as written. Chairman Strogin stated the Commission was a recommending board only. The Trustees would have final approval on all site plan/signage requests. Their next meeting will be November 2, 2017 at 7:00 p.m.

SITE PLANS

Panera Bread-4065 Pearl Rd.

Mr. Kim Phillips of Phillips/Sikanick Architects was present this evening to represent Panera Bread's proposed signage. He stated he highlighted the specific signage that was being requested this evening which was scattered throughout the site with the majority of the signs being directional.

Mr. Phillips stated the drive thru signage would consist of a pre-menu board for customers to see what items were being offered. Then there would be a main menu board with a menu shelter (canopy) and a speaker post. Chair Strogin asked if there was any signage on any of those items to which Mr. Phillips stated yes, on the bottom of the pre-menu board and the speaker post. The rest of the signage was directional and would be scattered around the parameter of the site. There would be no additional signage on the building.

Chair Strogin stated there was a proposed wall sign on the building for the drive thru and asked if that sign was being requested. Mr. Phillips responded no and neither was the monument sign shown in the packet. Chair Strogin then commented that there were several signs in the application that were not being requested this evening and questioned why they were part of the submission. Mr. Phillips stated that was the way the signage package is put together. The Commission stated it was very confusing and commented that only signage that is being requested for this specific Panera should be part of the application.

Regarding the directional signage, Mr. Borrer stated two of those signs were not even on Panera Bread's site they were on Mattress Matters site. Mattress Matters doesn't have a drive thru so why are there signs proposed to be located there. Chair Strogin interjected that this is one parcel with two businesses on it. There is no need for those two signs. Mr. Borrer then asked, what about the other 5 proposed directional signs? Are those needed?? Chair Strogin added that the American public is pretty keen on locating a drive thru as

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they are basically lazy or in a hurry and stated she did not feel all the proposed directional signs were needed especially because this was not a new restaurant. People who like Panera and go there know where Panera is located. The drive thru is not hidden in the back; it will be quite visible. She added she felt the location of the drive-thru was awkward but was permitted and approved as submitted last month. Chair Strogin read Mr. Borrer's comments from last month, "Mr. Borrer stated he has never gone in the front door of Panera he always entered from the south side of the building, and felt this was a safety concern as it seems most of the patrons enter/exit that door. Mr. Phillips stated he understood Mr. Borrer's concern but unfortunately drive-thru's today often have people walking across a path of traffic.

Chair Strogin stated the drive thru does meet the code, but she too was concerned about people having to walk across the drive-thru lane to access the restaurant.

Mr. Overmyer asked if there would be signs posted to designate pedestrian crossing. Mr. Phillips stated yes and they would also be incorporating a speed hump to protect the patrons entering/exiting the restaurant."

Chair Strogin stated she did not see any sign designating the pedestrian crossing she only saw the wording pedestrian stop. She added she would not mind a stop sign or a pedestrian stop sign. She commented that hungry and in a hurry is a bad combination for those crossing the drive thru lane to enter/exit the restaurant.

Chair Strogin stated she went to Arby's and Wendy's on Eastpointe off Rt. 18, to see how many signs they have. Arby's and Wendy's have one sign at the street. As one drives to the back of the restaurant, there is the height clearance rod and one reader board sign and that is it. She added she felt that the two menu boards Panera was requesting was excessive. The Commission agreed.

Chair Strogin stated that at the last meeting Mr. Phillips was requested to bring in a landscape plan and there is no plan. Mr. Phillips stated he remembers that he needed to submit a plan at a later date and did not know that meant for tonight's meeting. Chair Strogin stated it is a month later from the last meeting and a landscape plan submittal would have been a good thing to review at this time. She added that when Mr. Phillips went before the Trustees for final approval, a landscape plan should also be submitted for approval at that meeting. Chair Strogin then instructed Zoning Inspector Ridgely not to release any permits for the drive-thru until a landscape plan was submitted and approved.

Mr. Apana stated 14 signs were being requested this evening. He then asked if the number of signs could be reduced. Chair Strogin stated absolutely. Directional signs are subject to the discretion of the Commission. Mr. Borrer stated he could see approving the directional sign by the restaurant but did not see any reason for the other 5 directional signs around the perimeter. Mr. Traynor agreed.

Chair Strogin then read the code which stated that the stacking area must be a minimum of 130 ft. She then asked Mr. Phillips how long was the stacking lane? Mr. Phillips stated there are 14 9 ft. parking spaces in the row across from the drive thru lane so...from the

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pick-up window back is 126 ft. roughly. He added he did not know if there were 9 or 10 ft. parking spaces.

Alternate Board member Johnson stated he has seen ground stencils like “Do Not Enter” used at such establishments. Secretary Ferencz stated that the definition of a sign included anything “painted on the ground itself” or any part thereof was considered a sign.

Mr. Overmyer stated that might be an option to reduce the number of signs. It’s unobtrusive and cannot be seen from the road. Mr. Phillips stated his intent is not to over sign the site. Mr. Apana stated what happens in the winter time when the ground is covered with snow. That would not work.

The Commission stated the two signs over on the Mattress Matters site; the sign on the west (Pearl Rd.) and the two signs on the south should all be removed as well. Mr. Apana stated basically the signs on the perimeter need to be removed. Mr. Phillips stated the 5 perimeter signs would be removed. The two menu boards can remain. A pedestrian crossing sign needs to be posted as well as the speed bump to slow down those in the drive thru lane.

Mr. Overmyer made a motion to approve signage for the drive thru lane for Panera Bread located at 4065 Pearl Rd. with the elimination of the proposed 5 parameter directional signs and the addition of a pedestrian crossing sign as presented. It was seconded by Mr. Borrer.

ROLL CALL-Overmyer-yes, Borrer-yes, Apana-yes, Traynor-yes, Strogin-yes.

Medina Vision & Spin Shop-4463 Weymouth Rd.

Mr. Jim Briola from North Coast Sign and Lighting Services represented the signage request for Medina Vision and Spin Shop. Mr. Briola stated the existing ground sign would be removed and a new 32 sq. ft. double sided non-illuminated ground sign erected. At the bottom would be two lines of track for 4 inch changeable lettering. The existing sign would be removed.

Mr. Apana made a motion to approve a new 32 sq. ft. ground sign for Medina Vision & Spin Shop located at 4463 Weymouth Rd. as presented. It was so noted the existing sign would be removed. It was seconded by Mr. Overmyer.

ROLL CALL-Apana-yes, Overmyer-yes, Traynor-yes, Borrer-yes, Strogin-yes.

Medina Creative Living for Life-4125 Creative Living Way

Ms. Depasquale-Hagerty from Medina Creative Housing represented Medina Creative Living for Life. She stated the site plan before the Commission was to build more housing on Creative Living Way. She added this was actually housing that was on the original site plan submitted. A new lay out with a turnaround has been submitted this

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evening to make a better flow on the site. Ms. Depasquale-Hagerty stated they would be building two buildings at this time (Building D & E) with 4 units in each building; and a third building to be built at a later date to complete the site. She added the HUD federal funding 411 plan to build more housing is no longer in existence therefore they have been looking at other ways to find the funding to build as there is a waiting list of 450 just in Medina County to live at Medina Creative Living.

Chair Strogin stated the original site plan was approved in 2009. It was approved with several variances granted and therefore she asked ZI Ridgely to attach the letter from the BZA granting those variances.

Mr. Overmyer made a motion to approve site plan creating buildings D & E with each building to contain 4 dwelling units and with the intent of a third building to be built in the future for Medina Creative Living for Life located at 4125 Creative Living Way as presented. It was seconded by Mr. Traynor.

ROLL CALL-Overmyer-yes, Traynor-yes, Borrer-yes, Apana-yes Strogin-yes.

MISC. BUSINESS

Paul and Susan Hunsaker (3287 Weymouth Rd.) addressed the Commission about concerns he had about the house across the street at 3284 Weymouth. He stated he and his wife live at the corner of Weymouth and Remsen Rd. at the light. Mr. Hunsaker stated there is a house there and a garage (the old gas station-Shurell property) and wanted to know if someone rents that property are they allowed to have a business in the garage as well?

Chair Strogin stated that building is considered a non-conforming, pre-existing use. The building was used for commercial before zoning was instituted. As long as that use is still in place it can continue to be used commercially. If it ceases to be used commercially for a minimum of a 2 yr. period, then it would revert back to the zoning of the area. Therefore the garage is commercial and the house is a rental in the business district.

Mr. Hunsaker asked if there could be a second business in the building. Chair Strogin stated yes if could fit and if it was a permitted use in the business district.

Mr. Borrer asked what kind of business has been running out of there for the last 10+ yrs. Mr. Hunsaker responded, the business is called Komar Industries which runs a landscape business and makes a product called the Muffler Band Aid. They go back and forth between the two businesses.

Mr. Traynor stated two new mailboxes were also put up on the street. ZI Ridgely stated she contacted Tax Map and the Auditor's office about the two addresses and they said they do not exist. Mr. Hunsaker stated the address of Komar Industries is 3284 and the new addresses are 3280 and 3282 Weymouth Rd. He added he saw there was division put

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down the center of the building recently and wanted to know if adding more businesses was permitted and as well as putting up fake addresses on mail boxes?

ZI Ridgely stated she talked to the Shurell's and they told her that a draftsman used to operate in that building and they were thinking about getting another business in the building that would just want a small office. Mr. Hunsaker interjected the draftsman has been gone for about 8-10 yrs.

Chair Strogin stated if the business that makes the muffler band aid is in there then the business use is allowed to continue. It doesn't have to be the same business. Mr. Hunsaker stated his concern was that there were two additional businesses going in the building.

Ms. Hunsaker stated she and her husband were told that if there was only one business in the building then only one business would be grandfathered and not two. Mr. Hunsaker added there has never been two businesses in the building. Ms. Hunsaker stated the landscaping business and the muffler band aid are the same owner. Chair Strogin stated that may be true but those are two separate businesses. Ms. Hunsaker stated they are not being claimed as two separate businesses. Mr. Hunsaker stated the Shurell's are not claiming the landscaping business but they park their cars there. The Shurell's have stated that the draftsman was there simultaneously with the muffler band aid company and that constituted the grandfathering of two businesses. The draftsman has been gone since 2002. Ms. Hunsaker added she confirmed with the draftsman that there was never anybody else with him in the building; and after he left there was a period of months when there was no business in the building.

Chair Strogin stated that may be true, but a business has to be discontinued for a period of two consecutive years for the building to lose its non-conforming status. Ms. Hunsaker stated there were never two businesses in the building at the same time. She added the Shurell's are saying there were two businesses operating in the building simultaneously and therefore two businesses were grandfathered but that was not the case.

Chair Strogin stated if the Shurell's wanted to put two businesses in the building, they would have to establish there were two businesses being run in the building previously. Documentation would need to be provided by the Shurell's to prove their case which would be financial records of rent etc. to substantiate the fact that there were actually two businesses that operated in the building.

Regarding the mailboxes, ZI Ridgely stated she told the Shurell's they could not just put up random mailboxes. Chair Strogin stated maybe the Shurell's are anticipating two more businesses operating and put up two mailboxes. She added that was really not a good way to go about trying to operate a business in the Township.

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Chair Strogin stated until the Commission was presented with an application for a business at this point there is nothing the Township could do because it was a legal non-conforming commercial building. In fairness she added, the Shurell's have done a lot to make improvements to the property. Chair Strogin stated there are pre-existing non-conforming uses in the Township be it homes or businesses that are allowed to continue to be used until such uses are discontinued for a period of two years.

ZI Ridgely stated 3280 is the business and 3284 is the house. Chair Strogin stated 3282 is probably going to be for the second business but again it was only a guess.

Again Mr. Hansaker asked if the Shurell's would have to prove a case if they wanted to have two businesses operate. Chair Strogin stated from a grandfathered, non-conforming use yes but for the current zoning no.

Ms. Hunsaker stated to be candid the only time improvements are made to the property in question is when the Shurell's are soliciting for a new renter. She added we her and her husband have lived here for 20 yrs. and this happens over and over again. The property is ignored, weeds are allowed to grow up, junk accumulate etc., and then and only then when they want to attract a new renter is the property cleaned up. Mr. Hunsaker stated there are a 1/2 dozen wrecked cars on the property. Chair Strogin stated there is a process to tow cars and the Shurell's are trying to do the best they can as fast as they can.

Ms. Hunsaker stated what if the Shurell's don't go through the proper procedure process for the operation of any business. ZI Ridgely stated she would contact the Shurell's and discuss with them the proper application procedure and did tell them there is no record of addresses for any additional mailboxes.

Mr. Borrer stated he would suggest that USPS be contacted regarding the address and mailbox issues.

MISC.

Chair Strogin stated the APA Zoning Workshop would be held on October 27, 2017 in Mayfield Village.

Having no further business, the meeting was adjourned at 8:30 p.m.
Respectfully Submitted,

Kim Ferencz, Zoning Secretary


Alliss Strogin Chairperson