

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
PUBLIC HEARING/REGULAR MEETING
DECEMBER 18, 2018**

PUBLIC HEARING

Chairperson Alliss Strogin called the public hearing of the Medina Township Board of Zoning Commissioners to order at 7:04 p.m. Permanent Board members, Kuharik, Overmyer, Borrer, Apana and Strogin were in attendance. Alternate member Watts was also present.

Chair Strogin then read the proposed text amendments to the to the rear yard setback requirements in the UR District, PUDs and R-2 zones.

Accessory Rear Yard Setbacks in the UR-District, the PUDs and R-2 District as follows:

Section 403.3-Lot and Yard Requirement

Add letter G. to read: Minimum Accessory Use Rear Yard Setback-15 ft.

Renumber current 403.3G to 403.3H.

Section 403.4D-Planned Developments

Delete Subsections 403.4D.3.a.1 and 403.4D.3.a.2 in their entirety.

And add:

Section 403.4D.4 Minimum Accessory Use Rear Yard Setback-10 ft.

Chair Strogin stated the recommendation of the CPC was for approval of the text amendment (See rezoning file for complete report) with the exception that Section 403.4.D-4a was left out of the submittal that was sent to the CPC for consideration. The wording was as follows: SETBACK PROVISION ALSO APPLIES to R-2 FORESTVIEW ESTATES SUBDIVISION. Chair Strogin added that Mr. Henwood stated that though that wording was missing from the proposed text amendment submittal; it would not change the CPC's recommendation for approval.

Chair Strogin stated the Commission could put the wording back in if they wanted to; vote on it and send it off to the Trustees for their public hearing. Lastly as proposed, there would be a renumbering of the following:

Current Section 403.4.D.4 to Section 403.4.D.5

Current Section 403.4.D.5 to Section 403.4.D.6

Current Section 403.4.D.6 to Section 403.4.D.7

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Mr. Borrer made a motion to approve the text amendments to the Rear yard setbacks for accessory uses in the UR District, the PUD District and the R-2 District as modified to include the following: Section 403.4.D-4 a. SETBACK PROVISION ALSO APPLIES to R-2 FORESTVIEW ESTATES Subdivision. It was seconded by Mr. Kuharik. ROLL CALL-Borrer-yes, Kuharik-yes, Overmyer-yes, Apana-yes, Strogin-yes.

Chair Strogin stated the second item to be considered at this public hearing is a map amendment to amend the zoning district on Rt. 42 (Pearl Rd.) from Hamilton Rd. to the Township boundary line from its current (Limited Business) BL zoning designation to General Business (GB).

A letter was received by resident Anthony Ratajczak opposing the map amendment. In sum he mentioned the vacant K-Mart building as well as other vacant properties along the corridor in Brunswick Hills that should be considered for development instead of rezoning more land. (See rezoning file.)

Chair Strogin stated as a rebuttal to the letter submitted by Mr. Ratajczak, Kmart is located in the City of Medina and the buildings in Brunswick Hills were not under the jurisdiction of Medina Township. In Medina Township, the BI District from Fenn Rd. south to the City limits; there is approximately 40 acres and 98% of that land is located within 3 properties i.e. Bohaty's, Whitey's and D and L. The reason the Commission felt compelled to extend the BG District is because those properties are so large that whatever would be developed there would be substantial. The BL District does not permit restaurants and other uses that the Township has received inquiries on. Chair Strogin stated for the record, the BL District was designated in the 1980's. There was no water or sewer available in that area at that time and Brunswick Hills did not have any development along that corridor either so it was appropriate to designate that area Limited Business. As time has gone on Medina Township has developed as well as Brunswick Hills and the Commission is present this evening to consider making a zoning designation change to the map accordingly.

Chair Strogin stated there are 3-5 pages of the CPC report on this map amendment. In sum the recommendation from the CPC read as follows:

Approval of the zoning map amendment from BL Light Business to GB General Business for the following reasons and subject to the following considerations:

1. While staff is concerned about environmental constraints to the property, these concerns are or can be mitigated as follows:
 - a. Sanitary sewers and central water are available and allow flexibility in site design.
 - b. The area requirements for the BG District are the same as the BL and do not allow any additional density or intensity of use.
 - c. The side and rear yard setback requirements are quite generous particularly when adjacent to a residential district or use

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- d. Expanding the BG District is primarily consistent with the Plan's recommended land uses for the zoning amendment area and commercial policies.
2. Staff recommends the Zoning Commission consider the following suggestions:
 - a. Add drive-thru's as a permitted use in the BG District
 - b. Add residential as a permitted use in the BG District to be consistent with the Plan.
 - c. Add language to the BG District that provides additional protection and separation from development sites and sensitive natural resources, i.e. riparian and wetland regulations.

Chair Strogin stated regarding permitting drive-thru's she felt it would be better to send a business before the Board of Zoning Appeals for such a request.

Mr. Borrer stated in the BL District it states in the permitted uses "drive-in or drive up facilities accessory to a permitted use including freestanding automated teller machines" however the BG District does not have those "comments" attached to the use of a drive-thru. Chair Strogin stated that was probably the reason for the CPC's comments but the Township has not had a drive up facility wanting to locate in the BL District since 1984.

Mr. Borrer stated Panera Bread existing for 10 years without a drive-thru facility and now they have one so things do change. You go to McDonalds and nobody is going inside. They are going through the drive-thru and checking their emails while they wait. Mr. Borrer also brought up the change in the pharmacy business. One drops off a prescription through a drive-thru and pick it up in the same manner. He added that was a business that could potentially go in this district. He commented that instead of making a potential business go before the BZA the Commission may want to add drive-thru's as a permitted use. The rest of the Commission members agreed.

Regarding the CPC's comment of adding residential as a permitted use; Chair Strogin stated any existing residential use is allowed to remain unless it is discontinued for 2 or more years in which it would be considered abandoned under Non-Conforming Uses Section 701 of the zoning code.

Mr. Borrer made a motion to amend the zoning district on Rt. 42 Pearl Rd. from Hamilton Rd. to the Township boundary line from its current Limited Business BL zoning designation to General Business (GB) to include adding drive-thru's as a permitted use under Section 405.2. Uses a. #12. It was seconded by Mr. Overmyer.

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

The public hearing was closed at 7:31 p.m.

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REGULAR MEETING

Chairperson Alliss Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:31 p.m. Kuharik, Overmyer, Borrer, Apana and Strogin were in attendance. Alternate member Watts was also in attendance.

The minutes of the November 20, 2018 Zoning Commission were approved as amended. Chair Strogin stated for the record, that the Zoning Commission was a recommending board only, and that all site plans before the Commission this evening would need to obtain final approval from the Board of Trustees. The next meeting of the Trustees will take place on December 20, 2018 at 7:00 p.m.

SITE PLANS

S.C. Thomas & Associates-3599 Reserve Commons Dr.

Ms. Sandra Thomas was present to represent S.C. Thomas & Associates. The nature of the business is a CPA firm and investment management.

Mr. Overmyer made a motion to approve the change of use for S.C. Thomas & Associates CPA to be located at 3599 Reserve Commons Dr. as presented. It was seconded by Mr. Watts.

ROLL CALL- Overmyer-yes, Watts-yes, Kuharik-yes, Borrer-yes, Strogin-yes.

Ms. Thomas was also present to request signage for S.C. Thomas & Associates. The request was for a 2.6 sq. ft. directional sign.

Mr. Borrer made a motion to approve a directional sign for S.C. Thomas & Associates located at 3599 Reserve Commons Dr. not to exceed 2.6 sq. ft. as presented. It was seconded by Mr. Kuharik.

ROLL CALL- Borrer-yes, Kuharik-yes, Watts-yes, Overmyer-yes, Strogin-yes.

Ms. Thomas then brought up the issue of someone in the next building over (Keystone Building) recently purchased a suite and they were running a gym-like facility. She added she wanted to know if that was a permitted use as they made such a disturbance in terms of noise and vibrations.

ZI Ridgely stated there is a physical therapist operating in that building. Ms. Thomas stated she has not moved into the building yet but she has a tenant there that shares a common wall with the Keystone Building. There appears to be some type of gym that shakes the walls of her tenant's unit as well as plays loud music. She added they have hired an attorney because her tenant wants to leave and break their lease because of the disturbances. She asked if the Township gave approval for this use. The unit is unfinished and this business is operating there. ZI Ridgely stated an exercise facility was a permitted use in the district but would look into whether the tenant had their use approved by the Township.

Sunoco-3980 Pearl Rd.

Mr. Sung Yun owner/operator of Sunoco was present this evening. He stated he wanted to re-establish the operation of the gas station, which was closed for approximately 8-9 months. He stated that he has purchased the property by land contract and was trying to attract business back again. Mr. Yun stated his gas prices were ten cents cheaper a gallon than anyone around him.

Chair Strogin suggested placing some ads in the local newspapers to let people know the gas station is open again and ready to do business.

ZI Ridgely suggested a grand opening sign to let those traveling know the gas station was open for business. Mr. Yun stated he would take all those suggestions under advisement.

Mr. Borrer made a motion to approve the change of use for Sunoco located at 3980 Pearl Rd. as presented. It was seconded by Mr. Kuharik.

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

Having no further business before the Board, the meeting was officially adjourned at 7:59 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary


Alliss Strogin Chairperson