

**MEDINA TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
REGULAR MEETING  
FEBRUARY 16, 2021**

Chairperson Alliss Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:05 p.m. Permanent Board members Traves Kuharik, Teeuwen, Apana and Strogin were in attendance. Alternates Richard Marco Sr. and Angel Abshire were also present.

The minutes to the Commission's January 19, 2021 organizational/regular meeting were approved as written

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 March 4, 2021 at 7:00 p.m. However, the Trustees are not requiring applicants to attend at this time. The Zoning Inspector will let the applicants know the final decision of the Trustees.

**SET PUBLIC HEARING**

Chair Strogin stated the Township has received an zoning map amendment application to rezone PP# 026-06B-12-013 from Limited Business to General Business. This is the property located in the southwest quadrant of the I-71 interchange and State Rt. 3.

Ms. Traves made a motion to set a public hearing for a zoning map amendment request to rezone PP#026-06B-013 from Limited Business to General Business on March 16, 2021 at 7:00 p.m. with regular meeting to come before; and to forward this application to the Department of Planning Services for their recommendation. It was seconded by Ms. Teeuwen.

ROLL CALL-Traves-yes, Teeuwen-yes, Apana-yes, Kuharik-yes, Strogin-yes.

Secretary Ferencz stated for the record because of when the map amendment was submitted to the Township it was after the deadline for submittal to the Department of Planning Services as required by the ORC. As a result, it would not be on their meeting agenda until April. Therefore, the hearing by the Commission will need to be continued until April so that the comments by the DPS can be read into the public record.

Chair Strogin asked the Trustees to secure the Service Garage (3718 Weymouth Rd.) as the location for the public hearing due to the potential volume that may be in attendance. Trustee Johnson stated he would look into those arrangements.

**Modwash Car Wash-4160 Pearl Rd.**

Mr. Slattery from Hutton ST17, LLC was present to represent Modwash Carwash. He stated Hutton ST 17 LLC was the purchaser of the north half of this property. He stated he has been before the Commission previously regarding this property. When we first

presented the plan; Modwash Car Wash was to locate on the south parcel and a fast-food restaurant (Slim Chickens) on the north parcel.

Chair Strogin stated for the record that back on July 21, 2020 a motion was made to deny site plan for Modwash Car Wash & Quick Serve Restaurant due to the following:

1. Cannot meet frontage requirement for lot split;
2. Shared driveway not permitted
3. Proposed monument sign does not meet number, size or setbacks
4. Cannot meet parking requirement for proposed fast food restaurant
5. Dumpsters cannot be located across property lines.

Then they went before the BZA on August 19, 2020 and variances were granted for the property located at 4160 Pearl Rd. (Modwash Car Wash & Quick Serve Restaurant):

1. A 5 ft. minimum front yard width and frontage variance for the accommodation of a lot split (Article IV, Section 406.3A & 406.3.B)
2. A reduction in the number of parking spaces required from 48 to 38 spaces for a quick serve restaurant (Article V, Section 503.D.d)
3. To permit a single access drive (Article V, Section 506.B).

Mr. Slattery stated the condition for Slim Chickens to locate on the south lot was to get an additional right out in front of the carwash. A traffic study was done and we went back and forth with ODOT for the past 6 months to no avail. They would not give us the additional right out.

Mr. Slattery introduced Mr. Troy Gerspacher, from Gerspacher Real Estate who was present to represent the owner of the property, WMD Real Estate. Mr. Slattery continued that there has been a joint effort between us and the seller to purchase the entire property; however we are stuck with only one access point. We even had governmental entities speak in favor of allowing a second access including the Township Trustees but still ODOT denied our request. Mr. Slattery stated as a result we are only going to buy the north half of the property and the seller would retain the south.

Mr. Slattery continued the frontage of the two lots was in compliance with the variances that were granted. Chair Strogin asked, wasn't the carwash originally proposed to be on the south half and the restaurant on the north. Mr. Slattery stated yes. The carwash is now going on the north because part of the agreement with Slim Chickens was that Modwash would get a second curb cut to relieve stacking issues in front of their drive-thru. The traffic study showed we had stacking issues that would end up backing up their drive-thru. Because this is their first location in this area, and the fact we could not secure a second right out, Slim Chickens backed out of the deal. We tried several different configurations but none of them ended up being an option for them. We previously had a shared driveway across that served as our exit lane. We widened that out due to stacking

issues so we tried to limit the number of variances but we know we are deficient in the setback requirements.

That is the history of this development and why we are here this evening.

Chair Strogin stated she had the following issues with the plan before the Commission this evening. When you do a lot split the lot, the remaining lot has to be a legal lot and that is not the case. Mr. Slattery stated regarding the setbacks that is true and are going before the BZA tomorrow evening.

Mr. Gerspacher stated ODOT has really caused them a hardship by not allowing a right out only. Mr. Slattery interjected that they did a traffic study to show all the movements but still ODOT said no. Unfortunately that has brought us back before the Township again with another plan.

Mr. Traves said to recap, what the applicant has is a lot split with the other lot having non-conforming frontage (137 ft.). The Modwash carwash property would need side yard setback variances. The preexisting buildings would be grandfathered. In order for the other parcel to have any viable use in the future, you have a deeded access for the driveway. Mr. Slattery said that was correct.

Chair Strogin stated to the applicant, "the piece of property you are cutting off is not a pre-existing non-conforming lot. The buildings are but the lot is not." Mr. Slattery stated that is correct. Chair Strogin stated that in order for that lot to be viable it would need a variance for width as well as the sideyard setbacks. Mr. Slattery again stated that was correct.

Mr. Gerspacher stated he has been trying to develop the property for the last 4 yrs. It's a tough property to sell. With ODOT restricting the way in and out of the property its even more difficult. This is where we are at after 15 iterations with ODOT. Mr. Slattery interjected we have met all the requirements put on us when we were before the Commission previously. The only thing that remains is the setbacks.

Chair Strogin asked about west most island on the site plan. Mr. Slattery stated it was an underground loop detector. There is nothing above the ground. She asked its not an arm sticking into the setback is it? Mr. Slattery stated no.

Chair Strogin asked about the saw cutting shown on the site plan. Mr. Slattery stated the current site is paved right now and we are returning some of it back to green space. We were trying to be proactive for when someone tries to develop the other lot the landscape buffer would already be established on the side yard that required 5 ft. of the setback to be landscaped.

Chair Strogin asked about signage. Mr. Slattery stated they would be back at a later date for signage. Chair Strogin stated the signage in the site plan is too large and too many.

Mr. Slattery stated this is their prototype and added this will be dealt with at a later date by their signage consultant. The reason they were before the Commission this evening is they wanted to close on this property after the BZA hearing tomorrow evening.

Mr. Traves made a motion to deny the revised site plan for Modwash Carwash to be located at 4160 Pearl Rd. because it does not comply the Medina Township Zoning Resolution as follows:

1. Minimum front yard depth (Article IV, Section 406.3.C.)
2. Minimum side yard width (Article IV Section 406.D.)
3. Rear yard depth (Article IV, Section 406.3.D.)

It was seconded by Mr. Kuharik.

ROLL CALL-Traves-yes, Kuharik-yes, Teeuwen-yes, Apana-yes, Strogin-yes.

**Ashley Home Store-4927 Grande Shops Ave.**

Mr. Tim Quinn from Wellsville Carpet Town Inc. was present to represent Ashley Home Store. He stated that Ashley Home Store wanted to go in the former location of MC Sports. The square footage is 22,396 sq. ft.

Mr. Kuharik made a motion to approve the change of use for Ashley Home Store to be located at 4927 Grande Shops Ave. as presented. It was seconded by Mr. Traves.

ROLL CALL-Kuharik-yes, Traves-yes, Apana-yes, Teeuwen-yes, Strogin-yes.

Mr. Quinn was also present to represent Ashley Homes signage requests. Mr. Quinn stated the first sign request is for a 179.3 sq. ft. wall sign. The signs for Ashley Homes is an orange house with the wording Ashley Furniture underneath. With this new business concept, there would be the orange house outline and the wording Ashley Home with the word outlet next to it. The linear frontage of the business is 137 sq. ft. So the signage is stretched across the front of the building. He continued that a variance was previously granted for this building to have an 80 sq. ft. sign on the front of the building and an 80 sq. ft. sign on the side of the building. We are now asking the Township to combine those two signs on the front of the building. The traffic obviously will come from Pearl Rd. This building sits far back off Pearl Rd. and we want our presence to be seen. We are willing to give up the signage on the side in order to have the larger signage on the front of the building.

Chair Strogin stated a variance was granted June 15, 2005 for Bookers Book Store to have a second wall sign facing south on retail Block H in Medina Grande Shops. The sign you are proposing is 179.3 sq. ft. which was even larger than the two previous signs combined. She continued that a business is permitted 1 sq. ft. of signage for each linear foot of frontage. Therefore the wall sign as requested would have to be denied.

Mr. Apana made a motion to deny the wall sign for Ashley Homestore located at 4927 Grande Shops Ave. because it did not meet the requirements of Section 605 I-Wall, Roof

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and Awning Signs of the Medina Township Zoning Resolution as presented. It was seconded by Mr. Traves.

ROLL CALL-Apana-yes, Traves-yes, Teeuwen-yes, Kuharik-yes, Strogin-yes.

Mr. Quinn stated the second sign request is for a 44.6 sq. ft. tenant panel sign to be placed on the existing pylon sign.

Ms. Teeuwen made a motion to approve a tenant panel sign for Ashley Home Store located at 4927 Grande Shops Ave. not to exceed 44.6 sq. ft. as presented. It was seconded by Mr. Kuharik.

ROLL CALL-Teeuwen-yes, Kuharik-yes, Apana-yes, Traves-yes, Strogin-yes.

**Chill Ice Cream Co.-2775 Medina Rd.**

Mr. Craig Jaworski was present to represent Chill Ice Cream Co. He stated they currently were located in the square in Medina and have two other locations in the Akron area. He continued they would now be locating in Medina Township and would occupy two storefronts in Plaza 71.

Mr. Traves asked if there would be retail at this location. Mr. Jaworski stated yes it would make up roughly 25% of the business.

Ms. Traves made a motion to approve the change of use for Chill Ice Cream Co. to be located at 2775 Medina Rd. as presented. It was seconded by Ms. Teeuwen.

ROLL CALL- Traves-yes, Teeuwen-yes, Kuharik-yes, Apana-yes, Strogin-yes.

The next requests were for signage. Mr. Jaworski stated the first request was for a 31.31 sq. ft. wall sign. The linear frontage of the business is 45 ft.

Mr. Kuharik made a motion to approve a 31.31 sq. ft. wall sign for Chill Ice Cream Co. to be located at 2775 Medina Rd. as presented. It was seconded by Mr. Traves.

ROLL CALL-Kuharik-yes, Traves-yes, Apana-yes, Teeuwen-yes, Strogin-yes.

The last request was for a 3.33 sq. ft. tenant panel to be placed on the existing pylon sign.

Ms. Kuharik made a motion to approve a tenant panel sign for Chill Ice Cream located at 2775 Medina Rd. not to exceed 3.33 sq. ft. as presented. It was seconded by Mr. Traves.

ROLL CALL- Kuharik-yes, Traves-yes, Apana-yes, Teeuwen-yes, Strogin-yes.

**NEO Amish Shed Co.-3790 Pearl Rd.**

The applicant was not present. Mr. Traves stated the application was incomplete and did not meet the requirements to be submitted as an application. He also questioned why the Zoning Inspector accepted it in the first place. Chair Strogin stated the Zoning Inspector did speak with the applicant but he wanted to proceed with his submittal anyway.

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Mr. Traves stated the applicant needs to be told that a new site plan needs to be submitted per the zoning code for the Commission to consider.

Mr. Kuharik made a motion to table the submittal for NEO Amish Shed Co. until March 16, 2020 because the application was incomplete and did not meet the application requirements of the Medina Township Zoning Resolution. A new, complete application would need to be submitted. It was seconded by Ms. Teeuwen.

ROLL CALL-Kuharik-yes, Teeuwen-yes, Apana-yes, Traves-yes, Strogin-yes

Having no further business before the Board, the meeting was officially adjourned at 8:20 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary



Alliss Strogin Chairperson