

**MEDINA TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
REGULAR MEETING  
August 20, 2013**

**REGULAR MEETING**

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:34 p.m. Board members Overmyer, Kuenzer, Apana, Szunyog and Strogin were in attendance. Alternate Commission members Borrer and Johnson were also in attendance.

The Zoning Commission minutes from their July 16, 2013 regular meeting were approved as amended.

Trustees would hear site plans/signage reviews on August 29, 2013 at 7:00 p.m.

A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

**SITE PLANS**

**Westfield Bank-4015 Medina Rd.**

Mr. Chris Butdorf from Lettergraphics represented Westfield Bank. Mr. Butdorf stated they were requesting an 11.7 sq. ft. sign to be placed on the portico of the building. Chair Strogin stated the portico signage for this building was granted via variance by the Board of Zoning Appeals. The portico signs are to be no larger than 13 sq. ft. per the variance that was granted.

Mr. Overmyer made a motion to approve the portico sign for Westfield Bank located at 4015 Medina Rd. not to exceed 11.7 sq. ft. as presented. It was seconded by Mr. Kuenzer.

ROLL CALL-Overmyer-yes, Kuenzer-yes, Apana-yes, Szunyog-yes, Strogin-yes.

**Heartland Community Church-3400 Weymouth Rd.**

Mr. Chris Butdorf from Lettergraphics represented Heartland Community Church. He stated the church is requesting a 31.64 sq. ft. ground sign. This new sign would replace the existing sign that is up on the hill where the building is located. The Church approached ODOT and received an extinguishment of easement for the placement of the ground sign. Chair Strogin stated the right of way on Rt. 3 was 130 ft. from the centerline of the road. The zoning code calls for signage to be 10 ft. from the road right of way. The Church then contacted ODOT to see what could be worked out in order for them to have their ground sign closer to the road. As a result ODOT gave the church a tooth. Mr. Butdorf stated the sign would still be placed 45 ft. plus 10 ft. from the new road right of way line.

Ms. Szunyog made a motion to approve a ground sign for Heartland Community Church located at 3400Weymouth Rd. not to exceed 31.64 sq. ft. as presented. It was seconded by Mr. Kuenzer.

ROLL CALL- Szunyog-yes, Kuenzer-yes, Overmyer-yes, Apana-yes, Strogin-yes.

**Medina Real Estate Holdings (Medina Auto Mall Dodge)-3205 Medina Rd.**

Mr. Charles Klinkenberg from Illes Architects Inc. and Mr. Lou Kaltenstein, General Manager of Pantek Auto Group represented Medina Auto Mall. Mr. Klinkenberg stated they were beginning Phase 2 of Medina Auto Mall Dodge. He continued there would be a selected demolition on the existing building and an addition added to the west. This would be done in conjunction with the Dodge branding and identification package.

Chair Strogin gave some background on Medina Auto Mall. The site consists of two lots. On one lot is the GM/Cadillac/Buick branding and the other lot will consist of the Dodge brand.

Mr. Klinkenberg continued that the existing building sits back 65 ft. from the north property line. We will be maintaining that same setback line with the expansion. Mr. Klinkenberg added they would now be creating a landscape strip, which does not exist now as a buffer between them and Medina Gardens on the Lake. One line of parking would be removed from this side as well as parking to the west where the new facility will be built. The front of the lot will be re-stripped to make up for the loss of this customer parking. The new building will sit back approximately 136 ft. from the right of way on Rt. 18 and 114 ft. from the west property line.

Mr. Klinkenberg stated he was before the Commission this evening to receive approval for the landscape strip. This new construction had to be completed in separate phases because of how compact the total site is in order to allow for the continuous operation of the dealership during construction.

Chair Strogin stated the rear yard setback needs to be 75 ft. because this is new construction with a new lot being created in order to accommodate this entire project. The frontage of the lot is 299 ft., which requires the landscape strip to be 25 ft. of the 75 ft. rear yard setback. Therefore a 10 ft. variance would need to be granted. Mr. Klinkenberg stated they would need to take 10 ft. from the landscape strip in order to negotiate the movement of cars in that area. He added they were still going to create a landscape strip as one does not exist currently as this business has been there for a very long time, and the landscaping strip was not a requirement at that time but added they felt it was important to go ahead and create the buffer now.

Chair Strogin stated that the Commission could not approve the site plan because of the need for a variance. She also asked that more planting materials be considered for this landscaping strip. She added the more buffer between the residential housing development (Medina Gardens on the Lake) and this particular operation was a good idea. Mr. Klinkenberg stated he felt that request was not unreasonable. Mr. Klinkenberg stated they have filed to be on the Board of Zoning Appeals meeting tomorrow evening. However, since there will not be a full board tomorrow evening, the variance request will be tabled until the following month. The owner, Mr. Pantek would also be present next month at that meeting.

Chair Strogin stated there was so much congestion on the lot she would be surprised if all the cars could fit on the lot. Mr. Kaltenstein stated not all the cars would be placed back on the lot

they would be stored off-site. Chair Strogin stated if the site is in Medina Township the Commission needs to know. Mr. Kaltenstein stated it would not be in Medina Township.

Mr. Apana made a motion to deny the site plan for Medina Auto Mall Dodge located at 3205 Medina Rd. as it was not in compliance with the rear yard setback and required landscaping strip per Section 406.3D.2. (a) 2. of the Medina Township Zoning Resolution. It was seconded by Mr. Overmyer.

**ROLL CALL-** Apana-yes, Overmyer-yes, Kuenzer-yes, Szunyog-yes, Strogin-yes.

The next request before the Commission was for a wall sign consist<sup>ing</sup> of the wording, "service" to be 29.6 sq. ft.

Mr. Apana made a motion to approve a wall sign for Medina Auto Mall Dodge ("Service") located at 3205 Medina Rd. not to exceed 29.6 sq. ft. as presented. It was seconded by Mr. Kuenzer.

**ROLL CALL-**Apana-yes, Kuenzer-yes, Overmyer-yes, -yes, Strogin-yes.

Lastly, Mr. Klinkenberg stated they were before the Commission to ask for 5 additional wall signs for the branding of RAM, Chrysler, Dodge, Jeep and the location of the business-Medina. This is the signage package per the marketing program as mandated by the dealership. All the window signage would be removed accordingly per the mandate.

Chair Strogin stated the code only permits one wall sign per business; therefore this signage request for 5 additional wall signs would need to be denied. Mr. Klinkenberg again stated that they have filed a variance request for the Board of Zoning Appeals but it would be tabled until September to be heard in front of a full board.

Ms. Szunyog made a motion to deny the request for 5 additional wall signs for Medina Auto Mall Dodge located at 3205 Medina Rd. as it is not in compliance with the Medina Township Zoning Resolution Section 605 I. 1 as presented. It was seconded by Mr. Overmyer.

**ROLL CALL-**Szunyog-yes, Overmyer-yes, Kuenzer-yes, Apana-yes, Strogin-yes.

**Mike's Main Street Franks, LLC-3737 Stonegate Dr.**

Ms. Tammie Crawford represented Mike's Main Street Franks, LLC.

They would be locating at 3737 Stonegate Dr. She and her partner stated they previously ran this operation in Seville, Ohio. It is a specialty hotdog restaurant. However hamburgers, French fries and homemade macaroni salad will also be offered. No signage is being requested at this time. Chair Strogin stated that the linear frontage of this business is 14.8 ft. Therefore a 14.8 sq. ft. wall sign was all that would be permitted. The applicants stated they have applied for a name change to Stonegate Grill.

Chair Strogin stated that the County Health Dept., County Building Dept. and Medina Township fire department would all need to be contacted before this restaurant opens.

Mr. Overmyer made a motion to approve the change of use for Mike's Main Street Franks LLC dba Stonegate Grill to be located at 3737 Stonegate Dr. as presented. It was seconded by Mr. Apana.

ROLL CALL-Overmyer-yes, Apana-yes, Kuenzer-yes, Szunyog-yes, Strogin-yes.

**MISC.**

The Trustees will continue their public hearing on the proposed text amendments as recommended by the Zoning Commission on September 5, 2013 at 7:00 p.m.

Ms. Sandra Bilek (3414 Hamlin Rd.) again addressed the Commission about two permits ZI Ridgely signed for a new compressor building and an addition to the electric building for Sunoco located at 3623 Watkins Rd. Watkins Rd. is zoned residential.

Chair Strogin stated we are only interested in items that the Zoning Commission can address. At this point the Township's legal counsel has stated that this is a utility and the Township does not have any control over this project. She continued that at the last Trustees meeting, Chairman Todd said that he was going to secure outside legal counsel that specialized in this particular area and the Zoning Commission was not to get involved.

Ms. Bilek again handed out various documents to the Commission. One of the documents was the pamphlet that the residents were given from Sunoco regarding the compressor building. It details that in the event of a leak, that one is to leave the area on foot immediately. You are not to try to escape by starting your car. Do not use doorbells to alert other neighbors, light a match or use any type of electrical switch or do anything that would cause ignition.

The pamphlet states individuals should try to stay up wind. Ms. Bilek interjected that maybe all the residents in that area should purchase windsocks. The pamphlet continues not to come into contact with any of the leaking liquids. It instructs residents not to shut off any valves or try to extinguish a fire.

Ms. Bilek stated Chief Arbogast said at the last Trustees meeting that Sunoco told them in an event of an emergency to stand down and wait for those who are authorized to handle such a situation.

Ms. Bilek also handed out a prospectus on another compressor building. It states, "Increased regulation of hydraulic fracturing could result in reductions or delays in natural gas production by our customers, which could adversely impact our revenue. We do not insure against all potential losses and could be seriously harmed by unexpected liabilities. Our operations are subject to inherent risks such as equipment defects, malfunctions and failures and natural disasters that could result in uncontrolled flows of gas, fires or explosions. These risks could expose us to substantial liability for personal injury, death, property damage, occlusion and other environmental damages. Our insurance may be inadequate to cover our liabilities."

Ms. Bilek handed out several articles on MarkWest Energy, which is teamed up with Sunoco Logistics on this ethane project on Watkins Rd. in Medina Township. One article is entitled, "Pipeline driller still polluting" which states that "Scott Nally, director of the Ohio EPA told MarkWest Energy in a letter dated March 8 that the sizes and repeated nature of four spills dating to September were "unacceptable"...As the EPA and company negotiate penalties, agency reports show that MarkWest Energy and its contractors have had 13 additional spills in Belmont, Harrison, Guernsey, Monroe and Noble counties."

The second article was entitled, Landslide Damages Gas Pipeline. This occurred in Wetzel County in West Virginia. The gas levels were so high the Department of Environmental Protection was unable to examine the leak and its materials for days. This again was a MarkWest Energy pipeline.

Ms. Bilek then passed down a photo of the compressor building for the Commission to view. She added Mr. Huber from the County Building Department talked about loops and bypasses and some type of dryer to get out the impurities... Where are these impurities going to go??

Ms. Bilek then asked if there was a noise ordinance in the Township? Chair Strogin responded that the Township does not have a noise ordinance. If the Township felt it needed to have an ordinance it would have to purchase equipment that can be calibrated and train someone to use the equipment properly. Most Townships do not have noise ordinances because of those costs and the potential challenge in court. Ms. Bilek stated she was concerned because this was going to be a larger building there would be noise and wanted to know the process to have a noise ordinance passed. Chair Strogin stated that was the jurisdiction of the Township Trustees.

Chair Strogin stated a noise ordinance would not just be in effect for the compressor but would be in effect for the entire Township. This tends to be problematic for a Township regarding enforcement. That is why most Townships do not have a noise ordinance.

Ms. Bilek asked who from the Prosecutor's Office was asked for an opinion as to if this was a utility? ZI Ridgely stated Mr. Thorne. No letter has been received. Chair Strogin stated the Trustees have said the Zoning Commission is not to get involved until they hire an attorney that specializes in this field and an opinion is rendered.

Gary (?) lives on Shoreline Dr. off of Watkins Rd. close to this facility. He asked, if the property with the compressor building is zoned residential? Chair Strogin stated yes, but a utility is exempt from zoning. It is an act by the State to make them utilities because they deem them to be critical for a continuous run for energy. The State does not give local communities jurisdiction because if they did we would probably still use candles and buggies. A pipeline, phone lines, electrical lines etc. run for miles and you can't have a community saying they don't want it in there town as then the rest of the line is pointless. The lines in question have been there since 1959, which predates zoning in the Township. Even if the Township had control, this facility would be considered a pre-existing non-conforming use. Unless the Township gets other legal direction, there is nothing we can do about utilities.

Mr. Jim Bilek (3414 Watkins Rd.) asked if the Commission has put together an action plan should the ruling from legal counsel state that this is not a utility? Chair Strogin reiterated the Commission has been instructed by the Township Trustees to wait until a legal opinion from the attorney they are going to hire is rendered, so it would be counter productive to draft any type of action plan since we do not have any technical information as far as what we would be allowed to do.

Mr. Bilek stated he took that comment that the Commission does not want to draft an action plan despite the hazards of this location and will just wait and see even though efforts have been put forth by residents close to this facility to access critical information. He added he felt it would behoove the Commission to look at what is the next potential option...otherwise this is going to keep going and going and then the Township's hands will really be tied.

Chair Strogin stated she appreciated all the efforts the residents have made but the Township needs to have concrete facts on a legal issue and until that happens it is counter productive for the Commission to do anything until we know legally what we can do if anything.

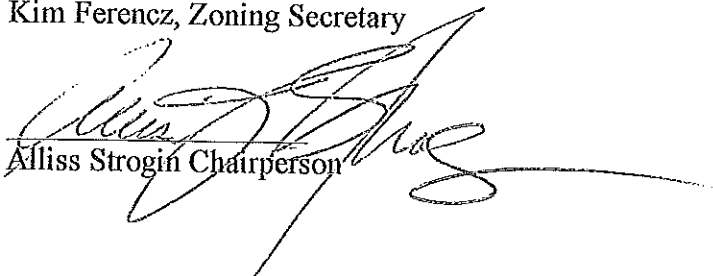
Ms. Gardner (3333 Foskett Rd.) stated she was curious to watch how the other developers who have land still up for sale around the compressor station are going to deal with this. People who now see a larger building going up are probably not going to buy the lots. She wondered if any of the developers would take legal action because they have lost the ability to sell some of those lots around the compressor site.

Gary asked about the emergency preparedness plan in the event of an emergency with the compressor? What is the radius involved?? Chair Strogin stated that was determined by the safety forces i.e. police, fire and Medina County Emergency Management as well as Sunoco.

Having no further business before the Board, the meeting was officially adjourned at 8:55 pm.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary

  
Alliss Strogin Chairperson