

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
July 15, 2014**

REGULAR MEETING

Chairperson Alliss Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:02 p.m. Commission members Jim Apana, Chuck Johnson, Don Kuenzer, Mac Overmyer and Chairperson Alliss Strogin were in attendance. Regular Board Member Tom Borrer was absent. Zoning Secretary Laurie Shoemaker and Zoning Inspector Elaine Ridgley were also in attendance.

Trustees would hear site plans/signage reviews on July 31, 2014 at 7:00 p.m. A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests. Chairperson Strogin reminded the applicants that a representative needs to be present to represent their project in case the trustees should have any questions.

Chairperson Strogin made a motion to approve the Zoning Commission minutes from their June 17, 2014 meeting as presented. The vote was all in the affirmative with the caveat to revise second paragraph on third page, change resent to recent.

SITE/SIGN PLANS

Pat O'Brien Chevrolet – 3880 Pearl Road – (Directional signs)

Jim Setele, 2810 Bishop Rd., Willoughby, OH, was present, representing Pat O'Brien Chevrolet, 3880 Pearl Road, Medina. Mr. Setele explained the signs were for the Laser Wash which is going up south of the main building. The signs will direct the cars in and out of the carwash. Chair Strogin asked about the name of the car wash and Mr. Setele confirmed it was the owner's wife, Janet.

Chairperson Strogin asked for a motion to approve the request for two directional signs, not to exceed 1.3 sq. ft. for Pat O'Brien Chevrolet, 3880 Pearl Rd., Medina OH as presented. Mac Overmyer so moved and Chuck Johnson seconded the motion.

ROLL CALL – Overmyer – yes, Johnson – yes, Apana – yes, Kuenzer – yes, Strogin – yes.

Pat O'Brien Chevrolet – 3880 Pearl Road – (Wall sign)

Jim Setele, 2810 Bishop Rd., Willoughby, OH, was present, representing Pat O'Brien Chevrolet, 3880 Pearl Road, Medina. Mr. Setele explained the sign was for the Laser Car Wash. Chair Strogin asked Mr. Setele to explain why he submitted an extra set of papers. Mr. Setele explained - the people who drew up the original set of papers miscalculated the frontage of that particular building and created the sign at 48 sq. ft. rather than the 42 sq. ft. it should be for the 42'8" sq. ft. frontage.

Chair Strogin stated the board would have to turn this down, even though an adjustment was made for the signs. She explained the Township does not allow signage on an accessory building. She asked Mr. Setele when he expected the car wash to be completed and he said it is just about complete on the inside so they are looking at about three weeks. He said this will be fully automated and available 24/7.

Chair Strogin asked for a motion to deny the request for a wall sign for Janet's Laser Car Wash at Pat O'Brien Chevrolet, 3880 Pearl Rd., Medina OH, as no signage is allowed on accessory buildings, per section 605 I. 1, which allows one sign on one principle building. Mac Overmyer so moved and Chuck Johnson seconded the motion.

ROLL CALL – Overmyer – yes, Apana – yes, Johnson – yes, Kuenzer– yes, Strogin – yes.

Pat O'Brien Chevrolet – 3880 Pearl Road – Flag Pole

Jim Setele, 2810 Bishop Rd., Willoughby, OH, was present, representing Pat O'Brien Chevrolet, 3880 Pearl Road, Medina. Chair Strogin stated, for the record, this was for a flag pole that is currently up and, after doing some research, noted it was never in the original plans. Mr. Setele explained the original 50' pole they ordered was from a company that went out of business by the time the pole was ready to be put up. They ended up taking one from another company that just happened to be in stock but was 80' high. Chair Strogin stated she explained to Mr. Setele they would either have to take it down or go through the BZA for 30' variance. Mr. Apana noticed on the plans there was an extra 7.25" on the top of the pole. Chair Strogin reminded Mr. Setele he should ask for a 31' variance just to be safe.

Chair Strogin asked for a motion to deny, for Pat O'Brien Chevrolet, 3880 Pearl Rd., Medina OH, the request for an 80' flag pole, as it exceeds the allowable height of 50', per section 303 E. 2 of the Medina Twp. Zoning Code, as presented. Chuck Johnson so moved and Mac Overmyer seconded the motion.

ROLL CALL – Johnson– yes, Overmyer – yes, Apana – yes, Kuenzer– yes, Strogin – yes.

Ken Cleveland, Riverview Villas Stonegate Subdivision Block "P" – Site plan change

Chair Strogin explained she received a phone call from Mr. Cleveland saying there was a family emergency and they were unable to attend. She explained this was submitted knowing it would be denied so she felt there was no reason to postpone as they will have to go to the BZA for a variance anyway. Chair Strogin stated, for the record, this was the last phase of the Stonegate subdivision that sits on 17 acres and will have 25 units. These units will be on a private street with the exception of three units that will be on the corner of a public street. The problem is that there is an easement behind these three units and they won't be in line with the other units. The setback on a public street is 50' so they want to move it up 15' to match the others.

Chair Strogin made a motion to deny the request for a sight plan change for Riverview Villas of Stonegate on Stonegate subdivision Block "P" due to the fact to change the setback requirements, as presented. Don Kuenzer so moved and Jim Apana seconded the motion.

ROLL CALL – Kuenzer– yes, Apana – yes, Johnson– yes, Overmyer– yes, Strogin – yes.

Catholic Charities, 4210 N. Jefferson – (Change of Use)

Krista Wasowski, and David McElhatten, from the Medina County Health Dept., 4800 Ledgewood Dr. Medina, OH, were present representing Catholic Charities, 4210 North Jefferson, Medina. This is a rental space formerly rented by the Board of Elections and were requesting a change of use for Catholic Charities.

Chairperson Strogin asked for a motion to approve the change of use for Catholic Charities at 4210 North Jefferson, Medina OH as submitted. Jim Apana so moved and Mac Overmyer seconded the motion.

ROLL CALL – Apana – yes, Overmyer – yes, Johnson – yes, Kuenzer– yes, Strogin – yes.

Catholic Charities, 4210 N. Jefferson – (Wall Sign)

Krista Wasowski, and David McElhatten, from the Medina County Health Dept., 4800 Ledgewood Dr. Medina, OH, were present representing Catholic Charities, 4210 North Jefferson, Medina, OH. Ms. Wasowski explained this request was to replace the sign, which previously said “Board of Elections” to now say “Catholic Charities” – same font, same size letters. Chair Strogin confirmed the 47’ frontage.

Chairperson Strogin asked for a motion to approve the wall sign for Catholic Charities at 4210 North Jefferson, Medina OH, not to exceed 16.04 sq. ft. as presented. Mac Overmyer so moved and Don Kuenzer seconded the motion.

ROLL CALL – Overmyer– yes, Kuenzer– yes, Apana – yes, Johnson– yes, Strogin – yes.

Catholic Charities, 4210 N. Jefferson – (Directional Sign)

Krista Wasowski, and David McElhatten, from the Medina County Health Dept., 4800 Ledgewood Dr. Medina, OH, were present representing Catholic Charities, 4210 North Jefferson, Medina OH. Ms. Wasowski explained this request is to replace the signs, which previously said “Board of Elections”, to now show people which way to go – these signs are already existing and will be in the same location.

Chairperson Strogin asked for a motion to approve the two directional signs, not to exceed 1.43 sq. ft. for Catholic Charities at 4210 North Jefferson, Medina OH, as presented. Mac Overmyer so moved and Jim Apana seconded the motion.

ROLL CALL – Overmyer– yes, Apana– yes, Johnson– yes, Kuenzer– yes, Strogin – yes.

Car Parts Warehouse, Inc. 3663 Pearl Road – (Change of Use)

Tony DiFiore, DiFiore Family Properties, LLC, 5200 W. 130th, Brook Park, OH 44142, and owner of Car Parts Warehouse, 3663 Pearl Road, Medina, OH, was present requesting a change of use for his business. Chair Strogin commented this space had been vacant for a while. This was retail use in a commercial area.

Chairperson Strogin asked for a motion to approve the change of use for Car Parts Warehouse, Inc. at 3663 Pearl Road, Medina, OH as submitted. Chuck Johnson so moved and Don Kuenzer seconded the motion.

ROLL CALL – Johnson– yes, Kuenzer– yes, Apana – yes, Overmyer– yes, Strogin – yes.

Car Parts Warehouse, Inc. – (Change of Use)

Tony DiFiore, DiFiore Family Properties, LLC, 5200 W. 130th, Brook Park, OH 44142, and owner of Car Parts Warehouse, 3663 Pearl Road, Medina, OH, was present requesting a ground sign. Chair Strogin asked if they plan on improving the landscaping. Mr. DiFiore stated he did clean it up. Chair Strogin stated that by looking at the picture, she felt more landscaping needs to be put in to abide by Twp. code. Mr. DiFiore agreed to put in what the Twp. requires.

Zoning Inspector Elaine Ridgley made a comment that the picture the Board was looking at was one she took for the business to process the permit, as they didn't have one available. Chair Strogin asked if this sign was already up and Mr. DiFiore said yes. Chair Strogin stated that the sign should not have been put up without a permit and the penalty for doing so is double the fee. Ms. Ridgley said they will not have a wall sign and Chair Strogin reminded Mr. DiFiore that if he does decide to put up a wall sign he must first obtain a permit.

Chairperson Strogin asked for a motion to approve the ground sign for Car Parts Warehouse, Inc. at 3663 Pearl Road, Medina, OH, not to exceed 30 sq. ft. as presented. The applicant has acknowledged the need for additional landscaping Chuck Johnson so moved and Mac Overmyer seconded the motion.

ROLL CALL – Johnson– yes, Overmyer- yes, Apana – yes, Kuenzer– yes, Strogin – yes.

Arlene's Tack & Western – 2761 & 2759 Medina Road – (Wall Sign)

Jared Harmon, from Arlene's Tack & Western, 2759 Medina Rd., Medina, OH. (Plaza 71) Chairperson Strogin confirmed the board has already approved the change of use and reminded Mr. Harmon only 20% of the window can be used for signs. Ms. Ridgley explained the picture was taken showing old signs that are currently there but will be taken down.

Chairperson Strogin asked for a motion to approve the wall sign for Arlene's Tack & Western Shop, Plaza 71, located at 2759 Medina Road, Medina OH, not to exceed 72.81 sq. ft. as presented. Mac Overmyer so moved and Chuck Johnson seconded the motion.

ROLL CALL – Overmyer – yes, Johnson – yes, Apana – yes, Kuenzer– yes, Strogin – yes.

Fenn Crossings, 3823-3851 Pearl Rd. – (Change of Use, sign & lot split)

Tony Cerny, Architectural Design Studio, 620 E Smith Rd, Medina, OH, was present representing Gowe Leasing Ltd., on behalf of Fenn Crossing located at 3823-3851 Pearl Rd, Medina, OH. Mr. Cerny was requesting a site plan change to include parking, landscaping and front yard setback. Mr. Cerny went on to explain that ODOT is in the process of developing improvements for Pearl Road. ODOT will be doing a take on both corners on the Pearl Rd. and Fenn Rd. side which will cause a variety of non-conforming issues. ODOT in the process of making monetary compensation for whatever takes they make. Part of the issue is if they don't

get variances for the changes, it will cost Gowe Leasing additional money to try to comply. ODOT won't negotiate on that basis until they have documentation. This amounts to four basic concepts. A building setback off of Fenn Rd, with the take, will result in the building having zero setback at the right of way. ODOT will be taking all the way up to the building on the Fenn Road side and a few feet on the east and west side. Gowe leasing is hesitant to put in more landscaping because ODOT has the right to tear it out. In doing the same take on Fenn Rd., they are essentially pushing the new right of way into the parking lot. Medina Twp. has a 20' setback for landscaping. When ODOT does the take, they will run a saw a foot inside the right of way and plant the new curb along where the existing paving is. This will change the setback, and parking spaces will become nonfunctional. Mr. Cerny suggested they could accommodate by changing the direction of the parking spaces. He said the building needs to remain leasable to be buyable. Part of being leasable is having parking in an appropriate location.

Mr. Cerny goes on to talk about Pearl Rd. and said there was a discussion about right-in, right-out but said he wasn't sure what was going to happen with that. With the take off Pearl Rd., they will be 2 feet past the current edge of pavement, so ODOT will cut 2 feet of pavement and pour curb along that edge. There is landscaping but not a lot. What this does is reduce the depth of those parking spaces from conforming to nonconforming parking size, no longer 20 foot setback for landscaping and will no longer have set back for the complex sign at the road. They are going to move the drive to the South.

Chair Strogan asked if there was talk about combining Fenn Plaza Drive and Basch Jewelers Drive at one time. Mr. Cerny said ODOT will not do combined drives because they do not want to have the responsibility of two owners having a shared drive. Chair Strogan stated she felt these changes on Pearl Rd. definitely need to be done but she has gotten complaints from businesses about how they are being treated. She sent an email to Bruce Dalton at ODOT and he sent emails to the appropriate people who hired the company to do the appraisals. Mr. Cerny stated that ODOT doesn't have to negotiate with anybody. Chair Strogan stated she talked with Mr. Dalton about that and brought to his attention that if they don't negotiate, a business can take them to court and usually the business wins. Mr. Dalton agreed but reminded her that it is not ODOT doing the negotiations, it's a third party and that's the problem.

Chair Strogan stated it was her understanding that ODOT was just going to take the Fenn Plaza sign, and Gowe would have to start from scratch. Mr. Cerny said they are not concerned about the sign because the sign is not in the right of way, so the sign is fine. Chair Strogan stated the sign is not fine because it will be two feet from the road right of way. Mr. Cerny said it would be three feet. Chair Strogan stated ODOT will not allow a sign of that size to be so close to the right of way. Mr. Cerny said then that will give us the ability to negotiate for the value of the sign. This is not an inexpensive sign and will have to be reconstructed. If the Township says the sign can stay fine, but if it is to be moved, Gowe will move it to the entrance with 20 ft. setback.

Mr. Cerny reminded the board that he is there to get documentation to present to ODOT to get fair value and true costs as they will occur due to the expansion of Pearl Road. He said the last piece he is there to present to the board is the issue on the parking lot. With the taking of the parking lot, they are losing parking spaces. The last drawings showed four more spaces than they needed. He said ODOT feels they have more than enough room to create more parking with the

empty lot. Mr. Cerny explained that if Gowe has to give up the lot because they have to generate parking that they will lose along the street, they should get compensated for that. ODOT will not compensate Gowe for the loss of the value of the lot until it can be demonstrated that they can create the lot, and that's why he is there, for the lot split.

Chair Strogan stated, for argument of value, can Gowe not reconfigure the parking so they can put it on slants? Mr. Cerny said it depends on what kind of variance he gets. If he gets no variance on landscape setback, all the parking is lost along the front. At that point Gowe will have to get a variance on the drive because it will fall less than 24 feet. It will be functional at 22 or 21 but it will need a variance. Mr. Cerny said if he does get a five foot variance for the landscaping, he would slant the parking spaces to get more but will still lose eight instead of 24. He then would have to accommodate 8 spaces elsewhere and still keep a fair amount of parking on the North end and not as big of a hit for Gowe and less compensation from ODOT.

Mr. Kuenzer was concerned that if a tenant moves out, Gowe may not be able to lease that space due to lack of parking. Chair Strogan asked if more parking can be put in. Mr. Cerny said there actually is more than the plans did not show. (Mr. Cerny pointed to areas on the plans by PSE credit union where there is more parking available). Chair Strogan asked Ms. Ridgley what was done with Dunkin Donuts in Plaza 71 and Ms. Ridgley confirmed it is considered all one lot. Chair Strogan asked Mr. Cerny if what he was looking for was a lot split. Mr. Cerny stated his preference would be for approval for a lot split but not physically go through the lot split because he does not have someone at the time to sell it to. He needs to document that the lot exists in order to get compensation; if they need that compensation because of the loss of parking. Mr. Overmyer stated as long as the lot meets zoning regulations, that's all the board needs for approval.

Chair Strogan made a motion to deny the resulting site plan after the taking of ODOT for the US 42 and Fenn Rd. improvements renders the existing site plan non-compliant for parking, landscaping and front yard setback. Mac Overmyer so moved and Don Kuenzer seconded the motion.

ROLL CALL – Overmyer – yes, Kuenzer– yes, Apana– yes, Johnson – yes, Strogan – yes.

Chair Strogan made a motion, regarding the ID sign, to deny the signage request due to the proposed Route 42 taking by ODOT, renders the ID sign in non-compliance. Jim Apana so moved and Chuck Johnson seconded the motion.

ROLL CALL – Apana – yes, Johnson– yes, Kuenzer– yes, Overmyer – yes, Strogan – yes.

Chair Strogan made a motion to approve the site plan change for Fenn Rd. Crossings, at 3823 Pearl Road, Medina, OH, allowing a lot split for an additional billable lot. Mac Overmyer so moved and Don Kuenzer seconded the motion.

ROLL CALL – Overmyer – yes, Kuenzer– yes, Apana– yes, Johnson – yes, Strogan – yes.

Misc.

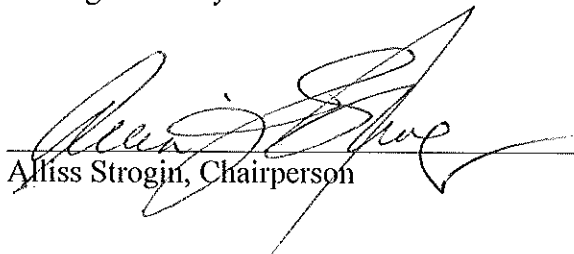
Zoning Inspector, Elaine Ridgley, presented a letter from the owner of Connect to Win, LLC and Chair Strogan read it out loud. (Letter is attached). Ms. Ridgley stated she sent the letter to Mr. Tom Karris and will forward a copy of their correspondence so the board will have a heads up when Connect to Win comes before the board.

Don Kuenzer commented on flag poles and stated it is a sign, not a structure and needs a permit. Chair Strogan stated that from the standpoint of zoning, it is considered a structure and either way, it needs a permit.

Having no further business before the Board, the meeting was adjourned at 9:07 pm.

Respectfully Submitted,

Laurie Shoemaker
Zoning Secretary


Alliss Strogan, Chairperson

8/19/14
Date