

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
April 19, 2016**

Chairperson Alliss Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:03 p.m. Permanent Board members Overmyer, Traynor, Apana, Borrer and Strogin were in attendance. Alternate member Johnson was also in attendance this evening.

Mr. Traynor made a motion to approve the March 15, 2016 meeting minutes as written. It was seconded by Mr. Overmyer.

ROLL CALL-Traynor-yes, Overmyer-yes, Strogin-yes, Apana-abstain (not at meeting), Borrer-abstain (not at meeting).

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 May 5, 2016 at 7:00 p.m.

Cornerstone Psychological & Counseling Services-4018 Medina Rd.

Mr. James Briola from North Coast Sign and Lighting Services represented Cornerstone Psychological & Counseling Services. Mr. Briola stated this business did counseling for various psychological issues both individually and family based.

Mr. Borrer made a motion to approve the change of use for Cornerstone Psychological & Counseling Services to be located at 4018 Medina Rd. as presented. It was seconded by Mr. Apana.

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

Mr. Briola stated he was also present to request a wall sign for Cornerstone Psychological & Counseling Services. Chair Strogin asked Mr. Briola if the sign included the logo? Mr. Briola stated yes.

Mr. Traynor made a motion to recommend to approve a wall sign for Cornerstone Psychological & Counseling Services to be located at 4018 Medina Rd. not to exceed 50 sq. ft. as presented. It was seconded by Mr. Overmyer.

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

The third request was for a panel sign for Cornerstone Psychological & Counseling Services. The size of the sign would be 10.33 sq. ft.

Mr. Apana made a motion made to approve a panel to be placed on the existing ground sign for Cornerstone Psychological & Counseling Services located at 4018 Medina Rd. not to exceed 10.33 sq. ft. as presented. It was seconded by Mr. Traynor.

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

White House Chicken-3737 Stonegate Dr.

Mr. Randy Osborne from 26.2 Chicken represented White House Chicken. Mr. Osborne stated the building was 1500-1600 sq. ft. White House Chicken has been in the Akron area for 60+ years and he was bringing the business to the Medina area. Chair Strogin asked the applicant if he had received approvals from the County and Health Department. Mr. Osborne stated yes he had. He continued there were a few tables and chairs but this was mainly a take-out restaurant.

Mr. Overmyer made a motion to approve the change of use for White House Chicken to be located at 3737 Stonegate Dr. as presented. It was seconded by Mr. Traynor.

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

Mr. Osborne stated he was before the Commission to also request signage. The request was for a wall sign for White House Chicken. The building has 14 ft. of linear frontage. Mr. Apana made a motion to approve a wall sign for White House Chicken located at 3737 Stonegate Dr. not to exceed 13.6 sq. ft. as presented. It was seconded by Mr. Borrer. ROLL CALL-Apana-yes, Borrer-yes, Overmyer-yes, Traynor-yes, Strogin-yes.

The third request was for a panel to be placed on the existing pylon sign for White House Chicken. The size of the panel is 8.25 sq. ft.

Mr. Overmyer made a motion made to recommend to the Township Trustees to approve a panel to be placed on the existing pylon sign for White House Chicken located at 3737 Stonegate Dr. not to exceed 8.25 sq. ft. as presented. It was seconded by Mr. Apana-yes. ROLL CALL-Overmyer-yes, Apana-yes, Borrer-yes, Traynor-yes, Strogin-yes.

V's-3705 Pearl Rd.

Ms. Valeria Long represented V's. Ms. Long stated this business would be a women's accessory and consignment shop to be located in Riverside Plaza on Pearl Rd.

Mr. Borrer made a motion to approve the change of use for V's to be located at 3705 Pearl Rd. as presented. It was seconded by Mr. Traynor.

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

Ms. Long asked about signage. Chair Strogin stated Mr. Long could receive a temporary sign permit from the Zoning Inspector until an application for a permanent sign was approved.

Haslinger Holding Company-Deer Lake Dr.

Mr. Dan Peterson from Rolling and Hovevar represented Haslinger Holding Company and Deerfield Farms. He presented the final plat for Phase III of Deerfield Farms Subdivision. The plat before the Commission was for 20 single family lots and a 30 ft. wide emergency access drive which will connect up with Whispering Woods.

Chair Stogin stated the final plat for Deerfield Farms Subdivision Phase III was approved previously but changes have been made to the plan. As a result they had to come back with the revised plat for the Commission to make sure that it meets the zoning code and then it will be recorded with the County.

Mr. Peterson stated during the engineering review of Phase III, the County Engineer recommended they widen the berm over the box culvert which in turn forced out the gradient to the west. It also would have affected the protected wetlands on the west side so they had to take Deer Lake Drive and move it 15 ft. to avoid impacting the wetlands. As a result, lot lines were shifted but all of the lots still comply with the zoning code.

Chair Stogin asked about lot #51. There is a storm water management easement on the lot which leaves a large portion of the lot unbuildable. She asked how this would be relayed to the potential buyer so they don't build in the easement. Mr. Peterson responded the developer should relay that information to the potential buyer. She then asked about a proposed driveway for that lot since the easement covers the entire front of the property. Mr. Peterson stated the driveway would come over the easement. There is a 12 ft. wide utility easement underground for cable and electric. Again Chair Stogin stated she hoped the developer/seller would relay all the information about the easements to the potential buyer.

Mr. Overmyer made a motion to approve the revised site plan Phase 3 Final Plat for Deerfield Farms Subdivision as presented. It was seconded by Mr. Borrer.
ROLL CALL-Overmyer-yes, Borrer-yes, Apana-yes, Traynor-yes, Stogin-yes.

The Retreat at Lake Medina Phase II Plat

Mr. Dan Peterson from Rolling and Hovevar represented Mr. Sam Petros and The Retreat at Lake Medina Subdivision Phase II. Chair Stogin stated this was originally approved last year but there were changes made during the engineering review for the project.

Mr. Peterson stated during the engineering phase, it was discovered there was a problem with the topography at the northwest corner of the property with the grading. As a result they pulled the street back 5 ft. so it would be closer to the east to minimize the grading and impact on the tree clearing. Therefore the lots all shifted but added they were still in compliance with the zoning code. Chair Stogin asked for the site plan that had all the changes on it that were discussed previously at the County Planning Commission (CPC).

Mr. Peterson produced the document titled Retreat at Lake Medina Phase II Revised site plan dated March 29, 2016.

Chair Strogin stated the comments from the CPC were to recommend approval with modifications and the no. 2 modification was to “satisfy the concerns of Medina Township.” She continued that the Township was unaware of the major shift of the units due to the moving of the trail in this development to a different location. The result was that the previous plan did not resemble this revised plan in any way shape or form due to the major shift off all the units. Therefore it was recommended Mr. Petros come back before the Commission to receive approval. Chair Strogin went on to say that the shift of the units cut off the tips off 80% of the lots and the lots were then pushed closer together to make up for the moving of the trail. The zoning inspector needs to have a plan that shows the lots in their exact location in order to be able to write permits for houses. Chair Strogin stated the document titled Retreat at Lake Medina Phase II revised site plan (March 29, 2016) is the plan the Commission needs to signed off on by in order for permits to be written.

Mr. Overmyer made a motion to approve the Retreat at Lake Medina Subdivision Phase II Creating Sublot Numbers 20-45, inclusive and Block “C-2” being a replat of Block C-1 of The Retreat at Lake Medina Cluster Homes Subdivision Phase I as well as the submittal of document titled Retreat at Lake Medina Phase 2 Revised Site Plan dated March 29, 2016 as presented. It was seconded by Mr. Borrer. It was seconded by Mr. Borrer.

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

US Bank-3705 Medina Rd.

Mr. Joel Frezel from JF Signs represented US Bank. Mr. Frezel stated he was before the Commission to request a 32 sq. ft. ground sign for US Bank. Mr. Frezel stated he spoke with Mr. Fisher who owns the property the bank is located on. Mr. Fisher also spoke with Zoning Inspector Ridgely. Mr. Frezel stated Mr. Fisher said the lot the bank is on is a separate parcel; and not part of Signature Square, and that there is documentation that allows for a monument sign in perpetuity in the specified corner of the lot for US Bank.

Chair Strogin said she disagreed. The lot US Bank is located on is not a separate parcel onto itself; it is part of a commercial campus i.e. Signature Square. Mr. Frezel handed Chair Strogin the document he had for her to read. Chair Strogin responded, yes the document calls for a monument sign and there is a monument sign for the entire Signature Square. Mr. Frezel interjected that was not what he was told by the owner of the parcel.

Chair Strogin stated Signature Square is one commercial campus. There were some outlots but it was still considered all one project. It is just like a residential subdivision. All the lots have to be under single ownership and the HOA documents cover all the lots

in the subdivision. So when an individual lot is sold and a home is built on it; even though it becomes an individual owned lot with a residence on it; it is still part of the subdivision and the under rules and regulations of the HOA. Signature Square is just like that. Chair Strogin continued back in 2012 Mr. Frezel submitted an application for a ground sign for US Bank and was turned down by the Commission.

Mr. Frezel stated he believed there is a difference in what Chair Strogin believes to be true and what the document he submitted this evening states.

Chair Strogin gave some background on this commercial development. She stated back in the 80's Signature Square was proposed. There was the L shaped retail development strip and two outlots and a building in the rear. All four of those lots were part of the commercial campus. At that time the property manager Joe Beirne did not want any more ground signs on the premises except the main sign which is on the campus. Signature Square is in the business of renting space to other business and therefore it is Signature Square that gets the one ground sign that is permitted. It is just like Grande Blvd. Both sides of the street do not have any ground signs and they all have independent lots like US Bank but are all part of the commercial campus of Grande Blvd.

Chair Strogin then read from the Commission's meeting minutes. On December 20, 2011
December 20, 2011

"Mr. Joel Frezel from Watkins Lighting represented US Bank. He stated US Bank is proposing to erect a double faced ground sign 31.5 sq. ft. in size...Chair Strogin stated when Signature Square was developed it was determined that there would be no ground signs allowed for the individual businesses in that commercial development. Where US Bank is located is not an outlot; but part of the whole development known as Signature Square. She continued that one developer came in and developed Signature Square. Businesses were permitted to have wall signage but no ground signs. Each business that is located in Signature Square has a wall sign. There originally was a ground sign for "Signature Square" to identify the shopping plaza but the tenants wanted to be identified on a monument sign that included each one of their individual names. As a result the ground sign was removed and replaced with a monument sign with individual tenant panels. Chair Strogin added that US Bank currently has a wall sign as well as signs that were granted by variance last month and there is no ground sign allowed.

Mr. Frezel said it was his understanding that US Bank is located on separate parcel. Chair Strogin responded that Signature Square is just like Medina Grande Shops....Mr. Frezel added he could not understand why US Bank would not be permitted a ground sign as long as it met the zoning regulations. Chair Strogin responded because US Bank was not a stand-alone lot but part of the overall development of Signature Square. ...Mr. Frezel stated the Township should have official records of the boards' decisions and he would like to make a public records request for that information....Mr. Frezel asked that this signage request be table until the Commission's January 2012 meeting."

Chair Strogin then read the minutes from January 17, 2012 as follows:

"Chair Strogin stated her ZI Ridgely and Ass't ZI Heiss spent three hours reviewing the audio recordings and minutes on Signature Square from the years 1998-1999 when this commercial development was approved. The end result is that the parcel that is currently being occupied by US Bank is not an individual parcel but part of the entire development known as Signature Square. Chair Strogin stated she also had a

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copy of the Declaration and Covenants which refer to the "entire development" consisting of parcels one, two, three and four. US Bank is parcel three. It is not a stand-alone parcel but part of the entire development known as Signature Square. ZI Ridgely sent this information to Mr. Joel Frezel... Therefore for Chair Strogin concluded that the Zoning Commission could not approve the ground sign for US Bank as it was not permitted the Township Zoning Resolution. ..Secretary Ferencz stated she received a fax dated January 17, 2012 from Mr. Frezel requesting to be tabled until the Commission's February meeting."

Mr. Frezel stated he was before the Commission to do his due diligence on behalf of his client. Mr. Frezel stated Mr. Fisher is under the belief that he owns the parcel US Bank is located at and it is not part of Signature Square. He controls the property and has an easement stating that a ground sign could be located in the corner of the property which was recorded with the County. Mr. Frezel said Mr. Fisher told him when he bought the property it was separated from the commercial campus. Mr. Frezel asked, why would the County record an easement for a specific sign in a specific location on this parcel which was not at the main entrance but on Victor Dr.? Mr. Frezel continued the owner has a legal document that granted an easement for a sign on his property. Why would the county go to the extent of recording a document if that was not what they should do? Chair Strogin responded, anyone can record anything with the County as long as you pay a fee. The County does not check the legality of the document.

Chair Strogin then read the minutes from February 21, 2012 which stated,

"Mr. Frezel from Watkins Lighting represented US Bank. He stated he received all the documentation from the Township regarding the approval process for Signature Square and what Chair Strogin stated at the last meeting was correct about ground signs not being permitted in Signature Square; but US Bank still wants a ground sign which would meet the zoning code requirements in terms of size, height and setback.... He added the owner, back in 1989 consolidated the lots and made a campus environment no longer owns the property. Chair Strogin interjected this situation was similar to someone who sells a condominium. They can sell the condo but it does not release the condo's obligations of being part of the entire condominium development.

Mr. Frezel stated his client does not believe that it is right that someone gave up their rights in perpetuity for a ground sign. Chair Strogin responded it was no different if someone has an easement on one's property and someone buys the land....the easement remains.

A motion was made and approved to deny the ground signage request for US Bank as it is not in compliance with Section 605H. of the Medina Township Zoning Resolutions or with the Declarations, Deed Restrictions and Covenants for the development known as Signature Square."

Mr. Borrer stated from the time Signature Square was approved, it was his recollection that one or more of those buildings went through a bankruptcy sale. Is it then possible that they retitled the parcel in question and gave it its own parcel number and took it out of the declarations and covenants of Signature Square? He added he believed the back building was also bought out from the main retail center (Signature Square) and the building behind the bank was also a bankruptcy sale. Mr. Borrer then asked, has the original HOA for the commercial development been dissolved through all these bankruptcies? He added to him it appeared that three of the four buildings have been separated from the retail strip.

Chair Strogin stated let's say you have a subdivision with an HOA with 60 lots and three file for bankruptcy. The way the HOA is always written is it doesn't matter who owns the property; the property is in that subdivision and anyone who owns that property or its heirs etc. are still bound by the agreements of the subdivision. This is the same situation. Mr. Borrer stated HOA documents have a sunset clause in them that can be taken apart. Chair Strogin stated not in Medina Township.

Mr. Frezel then asked to be tabled and would get the legal documents regarding the sale of this particular property and the declarations and covenants that govern it. Then a final decision can be made.

Chair Strogin stated every HOA in Medina Township since the 80's are reviewed by the Township and the Medina County Prosecutor's Office. Every HOA, be it commercial or residential, comes back and says it will only last for a certain period of time and could be terminated. Chair Strogin stated she always makes the change with the approval of the Prosecutor's office and the developer that an HOA cannot be dissolved without another one being put in its place.

The majority of the Board agreed that these documents should be gathered about the legal sale of this property to see if this parcel is or is not part of the commercial subdivision and under the declarations and covenants that govern it.

Mr. Frezel stated if he did not have the information/documentation to prove his case then he would withdraw his application.

Secretary Ferencz stated that in order to be on the May Zoning Commission agenda the documents would need to be submitted by May 6, 2016 at noon.

Mr. Overmyer made a motion to table the signage request by Mr. Joel Frazel from JF Signs LLC representing US Bank until May 17, 2016. It was seconded by Mr. Traynor. ROLL CALL-Overmyer-yes, Traynor-yes, Apana-yes, Borrer-yes, Strogin-yes.

Chair Strogin stated Heartland Community Church which is located on Weymouth Rd. requested more parking. Because of the substantial acreage (40+ acres) that they have; there is ample room to add more parking therefore it was administratively approved by the Zoning Inspector as an inconsequential change that did not need to come before the Commission.

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Having no further business before the Board, the meeting was officially adjourned at 8:35 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary



Alliss Strogan Chairperson