

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
JUNE 15, 2021**

Chairperson Alliss Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:02 p.m. Permanent Board members Traves, Kuharik, Teeuwen, Apana and Strogin were in attendance. Alternate member Richard Marco Sr. was also in attendance. There was a thumb drive placed at each Commission members seat with a copy of all the letters received by the Township regarding the proposed map amendment for the construction of a Sheetz gas station at the intersection of 71 and Rt. 3.

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 June 24, 2021 at 7:00 p.m. The Trustees are now requiring any/all applicants or representative thereof to attend the Trustees meeting in person.

Chair Strogin and Mr. Traves continued their disagreement over what constitutes a change of use. Mr. Traves stated if you have a vacant parcel, and you are putting a multitude of “things” on that parcel those other things are relevant to the parcel. It’s not like Home Depot putting out a few lawn mowers in their parking lot. That is my position as a board member. Chair Strogin interjected, when the Commission approves a car dealership all we do is look at the building as far as the square footage not the entire lot.

The two chose to disagree and moved on with the meeting.

The Commission’s May 18, 2021 regular meeting were approved as amended.

CAM Auto Investment JDBNOW-2825 Medina Rd. change of use.

Mr. Chris McPhie was present to address the Commission. He stated CAM Auto Investment is the property owner. The business is Nation Auto Group doing business as JDBNOW. Mr. McPhie stated he has owned the business for 7 yrs. It was a JD Car Buyer dealership back in 2014. We then discontinued that business in 2016 and leased the property out to Hertz. Hertz has since filed for bankruptcy and vacated the property as of February 1, 2021. Mr. McPhie stated he has taken the building back over and is going to reopen it as a used car dealership.

Chair Strogin stated for the record this is an existing building and site. It was an auto dealership for many many years.

Mr. Traves asked if they would service cars. Mr. McPhie stated yes this is going to be our corporate office. Mr. Traves asked how many employees they would have. Mr. McPhie stated maybe 5 administrative and 3-6 service operators. Mr. Traves stated per the plan there are 52 parking spaces for customers and employees. Mr. Traves asked if there was a

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prior variance on the parking. He stated the reason he asked is that per Section 503.D Parking, this is a 20,000 sq. ft. building and the code calls for 4 spaces per 1,000 sq. ft. Therefore, the number of parking spaces should be 80. Chair Strogin responded no that is not correct. The amount of parking is based on the retail portion of the building. The service station, toilets, and any stock room are not counted in the calculation for the parking requirement. Mr. Traves said he disagreed. If you read Article 5 Section 503 D, it lists the number of parking spaces based on the square feet of gross floor area. Gross areas to him means all-inclusive. If Mr. McPhie wants to; he can request a variance for the parking.

Mr. McPhie stated for the record there are approximately 300 parking spaces up front and another 150 spaces in the rear. Mr. Traves asked if Mr. McPhie wanted to agree to the minimum 80 parking spaces required or request a variance to have the lower amount of parking spaces. Mr. McPhie stated he was confused over this whole situation but would agree to maintaining the minimum 80 spaces required.

Chair Strogin stated there are roughly 450 spaces and asked Mr. Traves “didn’t he think that was sufficient?” Mr. Traves stated he wanted the motion to state that the application stated 52 parking spaces, but the applicant has agreed to the meet and maintain the minimum 80 spaces required. Chair Strogin stated there was more than sufficient parking spaces. Mr. Traves said Chair Strogin should enforce the ordinance as written or otherwise Mr. McPhie should obtain a variance to have fewer parking spaces. The applicant seems to be amenable to that. Chair Strogin stated she did not feel that was necessary but if the applicant is amenable to that she would humor Mr. Traves.

Mr. McPhie stated their signage request would be submitted at a later date.

Ms. Teeuwen recused herself as she stated she works with Mr. McPhie’s sister and plays tennis with his wife. She added she does not know Mr. McPhie but would rather err on the side of caution.

Mr. Kuharik made a motion to approve the change of use for CAM Auto Investment to be located at 2825 Medina Rd. with the notation that applicant has agreed to maintain 80 parking spaces as presented. It was seconded by Mr. Traves.

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

The McManus Agency-4914 Fenn Rd.-change of use

Mr. Traves stated he had the same issue with this business regarding parking. He continued, yes this is an office. In the Parking section of the zoning code, it calls for offices to have 5 parking spaces per 1,000 sq. ft. floor area. This is 2,076 floor area. That would mean they would need 10 parking spaces. Per the aerial submitted, the applicant does not have adequate parking. We need to make a determination as to whether or not this needs a variance. We need to clean this up now. Chair Strogin stated this business has been there forever. Whatever parking was there when this business was

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established...it is pre-existing non-conforming. Again, we don't count storage space, toilets, hallways, etc. Mr. Traves stated Chair Strogen cannot make up determinations out of thin air. Chair Strogen stated she was not making things up and suggested Mr. Traves call Zoning Inspector Ridgely up to see how she calculates the square footage.

Mr. Ryan McManus the new owner of the insurance agency addressed the Commission. He stated that the nature of this business is an insurance agency. It has always been an insurance agency and will always be an insurance agency.

Ms. Teeuwen asked how many employees would Mr. McManus have. Mr. McManus stated 5.

Mr. Traves stated he did not believe the Chair could make a decision that is a direct opposition to what the zoning code says is required for approval. Again, Chair Strogen stated for Mr. Traves to contact Zoning Inspector Ridgely.

Mr. McManus stated he would be putting up a temporary sign now and would submit an application for permanent signage at a later date.

Mr. Kuharik made a motion to approve the change of ownership for The McManus Agency to be located at 4914 Fenn Rd.as presented. It was seconded by Mr. Apana. ROLL CALL-Kuharik-yes, Apana-yes, Teeuwen-yes, Traves-no, Strogen-yes.

Ms. Teeuwen stated to Mr. Traves point if we need to further define gross area, we can make a motion to change the wording. Chair Strogen stated that was not correct. To propose a text amendment to the code is a minimum 3-4 month process.

Mr. Traves stated Section 502 B addresses the measurement of floor area to determine parking requirements. He added, I can tell you that house does not have stairs it's a one store building. I'm sure it has a bathroom(s), but it does not have elevator shafts, maintenance shafts...Chair Strogen interjected letter b of that section states what is excluded in that floor area which is stairs, washroom, elevator shafts, maintenance shafts and rooms storage spaces, common corridors, display windows, fitting rooms and similar areas.

Mr. Traves stated the house is 2,076 sq. ft. He stated he would like to know if Zoning Inspector Ridgely is properly requesting the square footage. Chair Strogen interjected when you deduct all that is to be excluded that is the square footage. Mr. Traves stated he would like to know what's inside that house. He added, you could have asked the applicant how many bathrooms there are; is there a designated storage room, etc. You could have asked for additional information. Chair Strogen stated that is the job of the Zoning Inspector. Mr. Traves stated how do we know that the 2,2076 sq. ft. already had those items deducted? Again, Chair Strogen told Mr. Traves to call the Zoning Inspector and take up those issues with her and moved on with the meeting.

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Ms. Teeuwen stated that she agreed with Mr. Traves. There is a discrepancy in knowing what the square footage is on the form and what the actual usable square footage is. Maybe the form can be changed, or another line item added. Chair Strogin stated again that those questions can be asked of the Zoning Inspector as to how it is calculated. Chair Strogin added that she is not the one who writes the permits. Enough has been said. Check with the Zoning Inspector

Informal Discussion

Chair Strogin interjected the Zaffles have been in discussions with ZI Ridgely about the possibility of a Food Truck Operation. Mr. & Mrs. Zaffle (4219 Ivy Rose Ct) then addressed the Commission. Mr. Zaffle stated this is just a concept. He added he has not picked out a space he just wanted to know if the Township would allow such a use. It would be a group of individuals that have food trucks that go to different locations and setup and sell their goods. The spaces would be leased to these various food vendors. I have many ideas as to how this would work. One idea is to have building know as a beer house that would feature locally produced beers and alcoholic beverages. The building size would be 2,000-5,000 sq. ft. There would also be a setup outside if people wanted to eat outside instead of in the building. There would be 5-10 pads where the food trucks could hook up to sewer, water and electricity. The leasing could be done on a daily, weekly or monthly basis. In the center of where the trucks locate would be a park-like setting i.e., picnic tables, fire pits etc. Also, we would possibly entertain music on the weekends.

Mr. Zaffle continued there is a space on Rt. 42 just north of Gateway Drive that might be available, but he has yet to look at it. He added he hasn't taken it further because if the Township is not going to allow such a use, then he would look elsewhere. He commented that Medina City would allow such a use. Ms. Zaffle Stated they would like to say in the Medina area.

Chair Strogin asked if this would be a year-round business? Mr. Zaffle stated yes. That is why we were also proposing a building as well as seating outside.

Mr. Traves stated he would consider this a food service which was a permitted use in the Township. Mr. Zaffle stated yes, but it would encompass transient food trucks. That was his concern. Chair Strogin stated she and Zoning Inspector Ridgely struggled with idea of all these businesses on one lot.

Mr. Traves stated this would be like the farmers market at the VFW parking lot. They lease space to about 50 farmers and actually there are food trucks there. The Township approved that activity so...Chair Strogin interjected that was the City of Medina not Medina Township. Mr. Traves stated no, he was not talking about the one the square he meant the one on Rt. 42. They have it one day a week from mid-May to October.

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Chair Strogin asked if these food trucks would be there every day. Mr. Zaffle stated potentially. It would be up to the vendor.

Ms. Teeuwen stated she liked the concept of food trucks, but said she knew of the horrors of food trucks being left to become dilapidated with flat tires, etc. This should be at weekly lease. These trucks need to move. Mr. Zaffle stated that could be written into the leases that they have to maintain their trucks.

Chair Strogin stated her concern was that they would be independent truck owners i.e., Mr. Zaffle did not own them. She added she and Zoning Inspector Ridgley were concerned about the number of businesses on one piece of property so it would not be in conflict with the zoning code.

Ms. Teeuwen stated comments would need to be received from the Fire Dept. Mr. Traves agreed Mr. Zaffle should contact the fire dept. as they may have regulations in place in dealing with the existing food trucks at the VFW. Chair Strogin stated all applications are sent to them for comment.

Mr. Traves asked if there were buildings on the property Mr. Zaffle was looking at. Mr. Zaffle stated yes but did not know if they were usable. Chair Strogin stated those buildings have been there a very long time and doubted if they could be used. Mr. Zaffle stated he also had environmental concerns with the property as it originally was a body shop.

Mr. Kuharik stated he liked the idea. Chair Strogin stated the code allows for one principal building or use per lot unless it's a strip mall. That is where the issue lies. Also, it would be a good idea to contact the Health Department as well as a certificate to serve food is required. Chair Strogin stated regarding the soil, she recommended Medina County Soil and Water be contacted.

Mr. Zaffle stated this is a large parcel. He then asked if he would be able to split the property for another business to locate there. Chair Strogin stated as long as the frontage and acreage were in accordance with what was required for that zoning district. Chair Strogin stated each lot would need to have a minimum 150 ft. of frontage. Mr. Zaffle stated the parcel as it stands is 336 'x 604'.

Mr. Traves stated ODOT also would need to be contacted regarding curb cuts off of Rt. 42.

In sum the concept of a food truck operation would be entertained if an application was made. Mr. and Ms. Zaffle thanked the Commission for their consideration.

Designed to Dance-2765 Medina Rd.

There was no one present to represent Designed to Dance sign request. Ms. Teeuwen made a motion to table the sign request for Designed to Dance due to lack of attendance/representation. It was seconded by Mr. Traves.

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

Chair Strogin handed out the staff recommendation by the CPC regarding the proposed Sheetz gas station. The staff recommended disapproval.

Mr. Traves stated that is true but the Planning Commissioners ~~over-ruled~~^{ruled} the disapproval. He said he attended that meeting virtually. The CPC report is a staff report and is only a recommendation. The Planning Commissioners had a lengthy discussion as to their reasoning and how they came to their conclusion. Ms. Teeuwen asked where she could get copy of that. Chair Strogin told her to call the CPC and get a copy of the minutes from that meeting.

Mr. Traves asked if the staff report would be presented at the public hearing. Chair Strogin stated yes, it was a requirement that the report be read into the record.

Secretary Ferencz reiterated she would not be at the public hearing and again suggested a court reporter be hired to transcribe. Chair Strogin stated that was not necessary per Township legal counsel. Secretary Ferencz asked who would be typing the public record. Chair Strogin stated it was not her problem. Secretary Ferencz stated it was not hers either. Chair Strogin stated the Church is recording the meeting. Mr. Traves stated if the meeting was digitally recorded it could be done digitally and then someone would edit what the computer types.

Chair Strogin reminded the Commission that the public hearing for the zoning map amendment for the Sheetz gas station is June 21, 2021 at Heartland Community Church on Rt. 3 at 7:00 p.m.

Having no further business before the Board, the meeting was officially adjourned at 8:04 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary


Alliss Strogin Chairperson