

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
JULY 20, 2021-REVISED**

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. and Mitch Piskur were also in attendance.

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 August 5, 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 handed out minutes for the two public hearings held for the zoning map amendment for the Scheetz gas station as well as the vote of disapproval of the Commission. Mr. Traves stated a notation should be made to the digital recording of the hearing as the minutes were extremely short. Chair Strogin produced an email from the Prosecutor's Office that the minutes were acceptable and no reference to the digital recording was needed. The Commission's June 15, 2021 regular meeting were approved as amended. The minutes to the June 21, 2021 public hearing and July 12, 2021 public hearing were approved as submitted by a vote of 4 to 1 with Mr. Traves voting no and Ms. Teeuwen abstaining as she did not serve as a Commission member at those two public hearings. The Commission members also turned in their thumb drives that contained the letters received by the Township regarding the proposed rezoning so they could be reused accordingly.

TABLED ITEM

Designed to Dance-2765 Medina Rd.-sign

Mr. John Ashley from Fastsigns Medina addressed the Commission. He stated Designed to Dance wanted to put up a 6.61 sq. ft. tenant panel on the existing identification sign.

Ms. Teeuwen made a motion to approve a tenant panel to be placed on the existing identification sign for Designed to Dance located at 2765 Medina Rd. not to exceed 6.61 sq. ft. as presented. It was seconded by Mr. Traves.

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

SITE PLANS

SH OH Realty-3901 Pearl Rd.-change of use.

Mr. Jeffrey Flanigan, partner of the applicant, Nihad Poljakovic from SH Transport was present to address the Commission. This is the former D & L property (salvage yard) on

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Pearl Rd. Mr. Flanigan stated the nature of this business is truck parking as well as our truck repair/truck wash facility. This property would also lease out parking spaces for those who have large vehicles i.e., RV's etc. The property would also house their billing office and dispatch center as well.

Mr. Traves asked if this was their only location. Mr. Finnegan stated no, they have a facility in Colorado where his partner is located. Mr. Finnegan stated he lived in Medina Township so he would work out of this facility. All of our trucks are in Richfield Ohio and in Lodi Ohio where we lease space.

Mr. Traves state so this is basically a truck terminal. Mr. Finnegan stated yes this would be their first terminal. All of our trucks are over the road so there is no real in and out of the facility. Once the trucks leave they don't come back for 2-3 wks.

Chair Strogin asked if they would be using the existing building on the site. Mr. Finnegan stated the existing building is too low so we have an architect designing a steel building 24 ft. tall that would be added to the existing building.

Mr. Traves asked Mr. Finnegan if he already purchased the property. He responded yes. Mr. Traves then asked if the Zoning Inspector went over or gave him the site plan checklist. Mr. Finnegan stated yes, this property was classified to be a truck/heavy equipment facility. That is why they purchased it. Mr. Traves asked, that was per the Zoning Inspector. Mr. Finnegan answered yes.

Chair Strogin stated Mr. Finnegan is using the existing building as a private truck terminal. It is not open to the public. Mr. Traves asked if that was per a variance that was granted because as a longstanding resident, he didn't feel this property was supposed to be used as truck terminal. The previous use for at least the last 30 years was as a salvage yard. Chair Strogin stated what Mr. Finnegan wants to do with the property is permitted per the zoning code. Mr. Traves asked where that was permitted in the Intensive Business District. Chair Strogin stated it was under automotive/trucking just like all the other automotive businesses we have on Pearl Rd. Mr. Traves stated a truck terminal is not listed under the permitted use. He added there is not a single component remotely close in the Intensive Business District that permits a truck terminal/ dispatching and repair. Mr. Traves then asked Chair Strogin to read the code where this use is permitted. Chair Strogin responded, it is under Section 406.2 Uses 12. Wholesale and Repair Services for Machinery and Equipment. He then asked, in your position as Chairperson it is your interpretation is that a truck terminal. Mr. Traves continued; they are not repairing equipment they are leasing space as a truck distribution terminal. Mr. Finnegan stated all they do is lease space; they don't do any actual truck repair.

Chair Strogin stated we cannot put every use in the zoning code. Mr. Traves stated if the use is not listed it is prohibited. Chair Strogin stated the code it allows for comparable

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uses. Mr. Traves again asked, so a truck terminal is the same as someone who repairs equipment?

Ms. Teeuwen then asked, on a daily basis how many trucks would be coming in/out of this terminal. Mr. Finnegan responded, maybe once a week we may have 2 trucks. This is not an in/out daily dispatch. These are over the road semis. They go to California, Texas or Florida and back. We have 13 trucks right now. There are 18 spaces available for others to lease for their large vehicles. When a truck pulls out, the person who is driving leaves his/her personal car in that space.

Chair Strogin stated there would be an expansion on this site. This is a pre-existing, non-conforming use which can be expanded up to 35%. Mr. Finnegan stated that was correct. The expansion is for a truck wash/sanitation facility. i.e., if a truck hauls food it must be sanitized.

Mr. Traves asked if Chair Strogin saw the email he sent regarding the deficiencies in this site plan. He added there are no architectural drawings, or description of the lighting that would be used. There are no elevation drawings for the new structure. There are no setbacks shown from the adjacent properties. Mr. Traves stated this is not the first time he has brought up the fact that the Commission needs to have complete, accurate information in compliance with site plan check list to approve a site plan. He then read off the requirements on the site plan checklist. Mr. Traves then asked if there was a disconnect in what the Zoning Inspector told Mr. Finnegan what was to be submitted and what was presented this evening. Mr. Finnegan stated the architect has not produced any drawings as of yet.

Chair Strogin stated the setbacks were on the plan. The structure would be 85 ft. from the northern property line and 144 ft. from the other property line. The light poles would be 20 ft. in height.

Mr. Traves continued the checklist asks about access drive widths, aisle widths, etc. He then asked about the landscape setback from the truck parking lot...The 70 ft. truck parking lot on the north side...it is very close to the fence. Chair Strogin stated the landscaping does allow for vehicles to be parked. The setback is 30 ft. of which 15 ft. shall be a landscaped buffer zone. The rest of it could be used for parking. Mr. Traves stated per the code, the minimum adjacent side lot setback is 30 ft. with 15 ft. of landscaping and the site plan submitted does not show that information. Also, the checklist asked for the surface materials for all driveways to be submitted and that is missing as well. Mr. Flannigan stated the surface materials would be stone and gravel. Mr. Traves stated the Chair was not even following the zoning regulations as written. The application should not have been accepted by the Zoning Inspector because it is incomplete and not in compliance with the zoning code.

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Mr. Traves continued, with no disrespect to the applicant, this site plan can be tabled so no additional fee would need to be paid and Mr. Finnigan can submit a new, complete site plan. Mr. Traves stated if the Chair wanted to proceed, he was going to contact the

State of Ohio as applications should not be accepted which were blatantly not in compliance with the standards in the zoning code.

Chair Strogin asked Mr. Finnegan how wide the landscape strip would be. Mr. Finnegan stated the minimum side yard width is 30 ft. with 15 feet of it landscaped. Chair Strogin stated then it does meet the code.

Mr. Finnegan also stated we are going to erect a 6 ft. fence. Mr. Traves interjected I assume from that you will have a 30 ft. setback to the gravel parking lot. Mr. Finnegan stated 15 ft. would be landscaped and the rest would be gravel behind that. Mr. Traves stated the trailers could not be parked in that gravel area. Chair Strogin stated that was not correct. The landscaping requirement is 30 ft. with 15 ft. of it to be landscaped. The other 15 ft. cannot have a structure on it but can be used for parking. The front setback is what it is because this is a pre-existing, non-conforming building so we cannot ask for the applicant to move the building. They can't have the landscaping setback per our code because this is a pre-existing non-conforming use. It was probably in existence before zoning was adopted by the Township. Chair Strogin added she asked Mr. Finnegan's partner to also get some of those large flowerpots like they have in the City because there really is no place to put a landscape strip that we would like. The sidewalk is there and the road right of way was practically to their front door. The best compromise are the proposed trees and the large flowerpots.

Mr. Finnegan stated the building itself will be completely redone to look new. There would be an addition to the rear of the existing building for the truck wash which again will not open to the public. Mr. Traves asked about the location of the truck wash. Mr. Finnegan stated it's the furthest east addition on the plan. Mr. Traves then asked how the semis were going to exit the site. Mr. Finnegan stated north-south direction i.e., the existing driveway.

Mr. Traves stated there would be 75 ft. long trailers pulling out of the driveway onto Pearl Rd. Mr. Traves stated the width of the north driveway should have been stated on the site plan application. Again Mr. Traves stated the application was not complete and should not be acted upon because it will be the site plan submitted this evening that would be referenced as being approved and this application is not in compliance. How can the applicant be held he accountable to any of the specifications in the zoning code? This is what is stamped for approval so again he requested that the applicant resubmit.

Chair Strogin stated this is an existing driveway. Mr. Traves responded that does not negate the fact that the applicant has a change of use that requires that information be provided on the site plan.

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Mr. Finnigan stated tractor trailers with junk cars were pulling out of this site when it was D&L. This is no different. It's the same driveway.

Chair Strogan stated there only needed to be a 4 parking spots i.e. one for each employee and Mr. Finnegan has 10 spaces. The dumpster is enclosed and there are some proposed shrubs to soften it from the road.

Ms. Teeuwen asked about the sign. Mr. Finnegan stated they took the existing sign down and would be requesting signage at a later date.

Mr. Traves then asked the about extent of the gravel vs. the concrete in the front by Pearl Rd. Is the concrete the existing concrete and the driveway through the gate? Mr. Finnegan stated the concrete would go to the gate. The concrete would go the proposed addition to the back of the building which would be 75-80 ft. So, it would be 100 ft. from the road which is adequate for a truck to get out and turn.

Mr. Kuharik made a motion to approve the change of use for SH Logistics to be located at 3901 Pearl Rd. as presented. It was seconded by Ms. Teeuwen.

ROLL CALL-Kuharik-yes, Teeuwen-yes, Traves-no, Apana-yes, Strogan-yes.

Crash Champions- 3964 Pearl Rd.-signage

Mr. Sam Costine from Signarama was present to address the Commission. He stated Crash Champions wanted to put up a 65.9 sq. ft. wall sign. The frontage of the business is 68 linear feet.

Ms. Teeuwen made to approve a wall sign for Crash Champions, LLC located at 3964 Pearl Rd. not to exceed 65.9 sq. ft. as presented. It was seconded by Mr. Kuharik.

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

Mr. Costine stated the second sign request is for a 31.7 sq. ft. ground sign.

Ms. Teeuwen made a motion to approve a ground sign for Crash Champions located at 3964 Pearl Rd. not to exceed 31.7 sq. ft. as presented. It was seconded by Mr. Traves.

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

Tri-State Auto Liquidators-3926 Pearl Rd.-change of use/signage

Tri-State officially withdrew their application.

Emerald Finishing Group-3575 Medina Rd. change of use/signage

Ms. Megan Poultney addressed the Commission. She said the nature of this business is residential/commercial flooring.

Mr. Traves made a motion to approve the change of use for Emerald Finishing Group to be located at 3575 Medina Rd. as presented. It was seconded by Mr. Kuharik.

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

The next request was for signage. Mr. Dave Sterrett from Medina Signs addressed the Commission. He stated Emerald Finishing Group wanted to put up a 36.33 sq. ft. wall sign. The frontage of the business is 44 linear feet.

Ms. Teeuwen made a motion to approve a wall sign for Emerald Finishing Group located at 3575 Medina Rd. not to exceed 36.33 sq. ft. as presented. It was seconded by Mr. Kuharik.

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

Barski Builders-3900 Pearl Rd.-change of use

Mr. Jerrod Barski addressed the Commission. He stated he was renting space. The nature of his business is fencing/decking and he is a subcontractor.

Mr. Kuharik made a motion to approve the change of use for Barski Builders to be located at 3900 Pearl Rd. as presented. It was seconded by Ms. Teeuwen.

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

Public Comment

Trustee Johnson asked Mr. Traves about the 30 ft. setback on the sides for the SH Logistics and did he think they could not use the 30 ft. up to the border of the property? Mr. Traves stated the issues is the home owner associations on Pearl Rd. are going to have to deal with a truck terminal under the Chair's determination of permitted uses...we will see how that goes before the Trustees on August 5th. That was clearly a subjective determination, and I will guarantee you there is a lot of information out there to tell you truck terminals are not zoned in consistent ways with your Business Intensive District. There are about 1,000 houses in that area that are not going to be happy with a truck terminal. Mr. Traves mentioned the Greensmith and said they have a nice little business there and that he likes to support local businesses. Trustee Johnson then asked, but don't they have a landscaping business behind them with trucks and trailers.

Mr. Traves continued, you are permitting a truck terminal with stone/gravel roads which are going to be a particulate and a noise issue...Trustee Johnson said his question was are you implying they cannot use the 30 ft. up to their border. Mr. Traves stated he was saying their site plan, as submitted, was deficient. At a minimum we should have tabled it as frankly there is no dimension on the drawing showing the 30 ft. setback. Trustee Johnson stated they can use a portion of the 30 ft. setback for parking but could not construct a building or structure in that setback. Mr. Traves interjected he would review the code. The applicant is increasing the elevation base of the building and clearly an elevation drawing/dimensions are part of the application. We got building elevations for the Modwash Carwash.... I don't really know how to express my concern except to write to the Auditor's office and the folks that I know and put them on notice that this Zoning

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Commission is not functioning in accordance with the ORC. You have a site plan checklist and you are not making an applicant comply with it. The applicant didn't even check the box for a change of use on the application. That should have triggered the Zoning Inspector to say this is not complete.

Trustee Johnson then asked Mr. Traves how many times has called the Zoning Inspector to ask her questions about an application. Mr. Traves stated he has called Zoning Inspector Ridgely. Trustee Johnson commented from what he heard you do not contact her. You have these applications for at least a week. You could have called ZI Ridgely with any questions. Mr. Traves stated ZI Ridgely is a professional staff person paid by the Township under PERS and you (Trustees) I assume supervise her.... I have been before many communities making presentations... Why isn't the Zoning Inspector present at our meetings?

Trustee Johnson stated if you have questions you can call ZI Ridgely. If she has questions she can talk to me. Some of the things you bring up are valid, other are stupid. What I want is when an applicant is before any of the boards they should be treated with respect and not drilled down.

Mr. Traves responded why are we treating applicants with kit gloves. We are receiving and accepting applications that are completely deficient. The Chair makes up information as she goes along. I hope this is all being recorded for the state of Ohio. The Chair is an excellent source of history but the applicant has to provide the information to the Board. It can't be the Chair speaking for the applicant.

Trustee Johnson stated we cannot put every use in our zoning code. Gateway Tire has RV's they are working on and their building is huge. Mr. Traves stated this application has over 35 parking spots for semi-trucks. You know that their location in Richland is a truck terminal. I am going to take pictures of that and show them to the various home owners associations located by this property in question and we will see if they think a truck terminal is consistent with the uses in the Intensive Business District. The Chair could have asked for a legal opinion if this proposed use was comparative to other such permitted uses in that district. We could have tabled it but we didn't. That will be another issue for the State of Ohio to look at. Trustee Johnson concluded; well we will just disagree on this issue.

Chair Strogin read the following from the zoning code, " B. Comparable Uses. The Zoning Commission with the approval of the Township Trustees may permit any use which is comparable in character to any of the uses listed in this section and which is in accord with the purpose of the BI District." We don't need an attorney to decide for this board. Mr. Traves interjected, the applicant said he only has 13 trucks then why does he need 40 spaces. It's the perfect use for you guys. It's a stone gravel parking area and driveway...it will be a beautiful sight in our commercial district on Pearl Rd. I'm sure The Greensmith and the strip mall businesses will love it. It really enhances the look of

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the Township. At minimum we could have asked for additional information. The Prosecutor's Office could look up case law and see where truck terminals usually are located in a community, The Trustees have the opportunity to fix this when this applicant comes before them on August 5th.

Trustee Johnson said his question was if Mr. Traves thought the applicant could not use the 30 ft. side yard setback. Mr. Traves interjected, where on the application is the composition of the parking lot and driveway. We have nice businesses in that area that invested in concrete for their parking areas, driveways and aprons. That is expensive. Now we had the opportunity to make this large piece of property right because the previous salvage yard is gone, and this is what we do-we approve it to be a truck terminal?

Chair Strogin stated the Zoning Commission voted to approve the site plan and now it will go to the Trustees. We don't need the Prosecutor's Office involved. The setback is 30 ft. which 15 ft. of it needs to be landscaped and the rest can be used for a driveway or parking. Mr. Traves again interjected, that there were no dimensions on the site plan.

Mr. Jarrett asked if Mr. Traves contacted the Zoning Inspector prior to this meeting with those questions. Mr. Traves stated the zoning inspector was included in the e-mail that he sent to the Chair. Mr. Jarrett stated if Mr. Traves had all of these concerns why didn't he contact the zoning inspector prior to tonight's meeting so additional information or even a new plan could have been submitted. Mr. Traves stated he sent an email to everybody that this plan was deficient. Mr. Jarrett commented, I wonder how that applicant felt when he left this meeting. Mr. Traves stated he probably had a good experience. Mr. Jarrett responded; he did not believe that. Mr. Traves stated Zoning Inspector Ridgely is a professionally trained staff person who is paid by the Township, and she should know what is expected. Where is our zoning inspector and why isn't she here to support this board. She knows the code and the checklist. She simply chooses not to follow them and I don't know why.

Mr. Jarrett stated you didn't support the professional staff at the Sheetz rezoning hearing. The professional staff voted to disapprove that application and you voted for the rezoning. Mr. Traves stated regardless of how the members of the Commission vote, the zoning inspector should be at our meetings or at least be cognizant of the zoning code requirements for a site plan. A truck terminal is not a similar use. Mr. Jarrett stated the Trustees have the ultimate say in whether to approve or disapprove a site plan. The Commission voted to recommend approval of the site plan for SH Transport. Let the Trustees do their job.

Mr. Traves stated there are going to be several homeowner associations that are not going to be happy with a truck terminal on Pearl let alone the businesses in that area. I deal with codes and regulations all day long. This is not rocket science. If the use isn't listed in the code, then a legal opinion should have been asked for by the Prosecutor's Office. I am

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the treasurer of my HOA with about 300 homes, and I can tell you I doubt the majority of those residents are going to be happy with a truck terminal a mile away. Maybe a legal opinion would say this is a use that fits the district...I can go check the zoning in Richland and find out what that facility is zoned.

Trustee Johnson commented that if he lived in Stonegate like Mr. Traves, there's Hobby Lobby Wal-Mart and Kohl's which I'm sure have many semis in and out and that's literally in your back yard. Mr. Traves stated those were retail uses not a truck terminal.

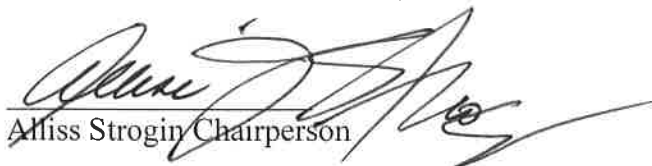
Chair Strogin stated you also said the residents of Stonegate were not going to like the storage unit facility that was built. That business is attractive and neat and quiet. He stated the residents of Stonegate forced the applicant to have the proper setbacks, landscaping etc. Mr. Traves stated in an agitated tone to the Chair, You don't even live there. I know where you live. Chair Strogin stated you and the residents had all sorts of negative comments about the project. It has turned out to be a very attractive addition to the Township. Mr. Traves interjected, all the variances the applicant requested were not granted and the number of units was reduced due to the persistence of the Stonegate HOA. Mr. Traves stated the residents fought for it to look the way it was built. That plan was very detailed. The truck terminal site plan was not. The storage unit facility was good planning; this truck terminal is not. I don't believe the decisions of this board would hold up in a court of law.

Chair Strogin introduced the newest zoning commission members (alternate) Mitch Piskur.

Having no further business before the Board, the meeting was officially adjourned at 8:25 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary


Alliss Strogin Chairperson

MEDINA TOWNSHIP

ZONING COMMISSION MEETING

MEETING HELD 7-20-21

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