

**MEDINA TOWNSHIP
ZONING BOARD OF APPEALS
PUBLIC HEARING
SEPTEMBER 19, 2018**

Chairperson Morel called the public hearing of the Medina Township Board of Zoning Appeals to order at 7:00 p.m. Permanent Board members Morel, Gray, Basilone and West were in attendance. Mr. Blakemore was absent. Alternate member Dominguez sat in for a full 5-member Board.

PUBLIC HEARING

CarMax variance request-2875 Medina Rd.

Secretary Ferencz read the application into the record. The applicant is Mr. Jim Langel of Centerpoint Integrated Solutions on behalf of the property owner, CarMax Auto Superstores, Inc. Address of the property requiring the variance-2875 Medina Rd. Present Zoning- BG. Previous variance request(s)-No.

Variance being requested & Explanation of Requested Variances:

Section 605 I. 1. Walls, Roof and Awning Signs which states, that “each business whether free standing or occupying one or more units of a multi-unit structure shall be permitted one wall sign. We are requesting 1 additional wall sign (2) including the “service sign.”

- A. How the strict application of the provision of the Resolution will not result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Resolution. Please consider these exceptional circumstances. The entrance of the proposed building will face east, away from the building frontage (south). Thus, this variance is for an additional wall sign above the main entrance to the building signifying to customers where to enter for customer service to buy a vehicle.
- B. What exceptional circumstances apply to this property that do not general apply to others in the same District. There are similar existing national vehicular commercial retailers including directly adjacent to this site that have multiple signs to signify ownership, building entrance, & service.
- C. Why the granting of the variance will not be detrimental to public interest or to property or improvements in such district and will not materially impair the purpose of the Resolution. The sign will only be visible to customers that enter the premise and plan to buy a car. The additional sign will assist in directing customers where to enter the building for customer assistance. The Sales Display area is only accessible through the building. Thus, car purchasers must enter the building to purchase vehicles for sale.

Chair Morel stated there are two sign variance requests submitted. He asked that each of the variance requests be considered separately. The rest of the Board agreed.

The applicant, Mr. Jim Langel from Centerpoint Integrated Solutions was sworn in. Mr. Langel stated this is a 4.5-acre site which used to be occupied by a hotel, which has been vacated. The building will be demolished completely. There will be three distinct areas for the building and the parking. The entrance is primarily in the same location as it exists now which would give access to the employee and customer parking lot. There is a vehicle staging area, which is for a vehicle that is in process i.e. if you sold your vehicle to CarMax or there is maintenance to be done to the vehicle, this is the area where that would occur. It is basically out of sight and then there is the sales area where there would be vehicles for sale which is basically up against Medina Rd. for visual purposes.

Mr. Langel continued that there are three distinct areas inside the building as well. The service bay, the sales area and what is called presentation lane. The sales area is where customers will be and meet a sales consultant. They would then direct you to the lot which is only accessible by foot traffic. The sales consultant would get the vehicle which then could be taken for a test ride. There are 3 service bays where oil changes and simple services would be performed. It is not a full service shop but just for basic maintenance of a vehicle that is on site or for a vehicle one might sell to CarMax. The promotion is you can sell your car to CarMax but don't have to buy one from them. Presentation lane is for a vehicle one would purchase. You might get a balloon and a picture taken that you have purchased a car from CarMax. . So those are the three distinct parking areas. The northwest area is the detention basin.

Mr. Langel continued that CarMax would have a protected area with guardrails which basically incorporates the sales area. CarMax is for pre-owned vehicle sales but does not use balloons, streamers, open car hoods nor do they park vehicles on the grass to sell. He commented that is why he mentioned the guardrail around the outside as there is no access to put their vehicles on the lawn. There is a white line which establishes the area where the car carriers load and unload so they are not parking in the road right-of-way. The result is there are no obstacles in the way for the potential seller/buyer of a vehicle to park.

Mr. Langel went on to say that there only one-way in and out and that is Medina Rd. He added they did speak to ODOT and we are going to keep the access point in the same location as the former hotel. There is a storage facility behind this property and a gas station on the corner. Dairy Queen and another car sales facility are on the other side.

Mr. Langel stated there is a natural tree line to the western perimeter of the property. To the back there is an existing fence; actually there are two and one would need to be removed as it is in poor shape.

Mr. Langel stated that there would be a 6 ft. fence around the vehicle staging area. The other area as stated before would have the guardrail. There would also be landscaping incorporated around the perimeter of the property as well.

Regarding the building itself, Mr. Langel stated the peak height of the building is 28 ft. at the entrances and the rest of the building is 20 ft.

Mr. Brian Maslyk from CarMax was sworn in. He stated there would be a door that serves two purposes i.e. for when one drops off a car for service and if you buy a car it is presented to you there undercover and then one can drive off. CarMax does not do repairs but does offer warranty products but if it is a larger issue we send it out to other dealerships. What we do is mostly oil changes, tune-ups and tire changes.

Mr. Langel stated at the Zoning Commission last month, the use was approved for CarMax as well as the high-rise sign, a ground sign, 7 directional signs as well as a wall sign on the south side of the building facing Medina Rd.

The first variance being requested this evening is for a second wall sign to be placed on the southeast side of the building above the main entrance. This sign would consist of 66 sq. ft.

Mr. Langel stated CarMax does not want an individual to go directly to a vehicle they want you to come in the main entrance and meet with a consultant first and then be able to access the vehicle.

Mr. Basilone asked, how does one get the car out to do a test drive? There is an electronic gate that would be installed to let the cars out.

Mr. Dominguez stated that Gateway Drive was to the east and the sign could be seen from there could it not? Mr. Langel reiterated that there is a significant amount of vegetation in that area as well as large trees between the two properties. The trees belong to the other owner and we have no control over that growth. There is a landscape plan that what will be incorporated with the construction of the new building.

Hearing no further comments by the Board members, the Board considered the Duncan Factors:

1. Will the property yield a reasonable return or whether there is a beneficial use without the variance request? The Board stated yes.
2. Whether the variance will be substantial? The Board stated yes.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The Board stated no.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no.

5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. West made a motion to grant a variance for a second wall sign on the east elevation of the building not to exceed 66 sq. ft. for the property located at 2875 Medina Rd. as submitted. It was seconded it.

ROLL CALL-West-yes, Gray-yes, Basilone-yes, Dominguez-yes, Morel-yes.

The variance request was granted.

The second application read as follows:

Secretary Ferencz read the second application into the record. The applicant is Mr. Jim Langel of Centerpoint Integrated Solutions on behalf of the property owner, CarMax Auto Superstores, Inc. Address of the property requiring the variance-2875 Medina Rd. Present Zoning- BG. Previous variance request(s)-No.

Variance being requested & Explanation of Requested Variances:

Section 605 I. 1. Walls, Roof and Awning Signs which states, that "each business whether free standing or occupying one or more units of a multi-unit structure shall be permitted one wall sign. We are requesting 1 additional wall sign.

- A. How the strict application of the provision of the Resolution will not result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Resolution. Please consider these exceptional circumstances. The entrance of the proposed building will face east, away from the building frontage (south). Thus, this variance is for an additional wall "service sign" above the service entrance. CarMax utilizes this entrance to service vehicles that they intend to purchase from customers and to move new vehicles into the sales lot. This sign differentiates main entrance from the service entrance.
- B. What exceptional circumstances apply to this property that do not general apply to others in the same District. There are similar existing national vehicular commercial retailers including directly adjacent to this site that have service signs to signify service areas and entrances.
- C. Why the granting of the variance will not be detrimental to public interest or to property or improvements in such district and will not materially impair the purpose of the Resolution. The sign will only be visible to customers that enter

the premise and need services from CarMax. The additional sign will assist in directing customers where to enter the building for service.

The applicant, Mr. Jim Langel from Centerpoint Integrated Solutions stated that the service bay is right above the presentation lane. A car that has been sold or being brought in to be sold will need to be serviced i.e. tires rotated, oil changed etc. The car would be brought to a staging area and then an employee would drive it into the service bay. The service sign was a means to identify where one takes a car for service work to be done.

Mr. Basilone asked if the service bay would be permanently open. Mr. Langel stated no, there is an overhead door which would typically be closed at night and open during business hours.

Mr. Maslyk He stated like any other car dealership an individual would pull their car into the service bay and park it. One cannot go past that area because there is the electronic gate. He added we don't want a customer to wander around looking for where the car would be serviced as the door would probably be up during business hours. Without direction, a customer could get back to where the car haulers are located. CarMax did not want any potential for co-mingling so to speak between customer cars and car haulers.

Ms. Strogin Chair of the Zoning Commission was sworn in. She stated she did not see the size of the "Service" sign being requested. Mr. Langel stated the sign was 45 sq. ft.

Mr. Shane Schwirth from Bill Doraty was sworn in. He stated being in the car dealership business he knows from experience that there will be mass confusion without a sign depicting where "Service" will be done on the site.

Mr. West stated he felt that there was a lot of signage already approved for this business and asked if there were other size options for the Service sign. Mr. Brian stated maybe, but this is the branding size CarMax would like to see at its dealerships. There is only one way in and one way out on this CarMax site so a service sign will help alleviate confusion and congestion of vehicles on the site.

Mr. Basilone asked if the sign would be illuminated. Mr. Langel stated yes. Mr. Basilone asked if the sign needed to be illuminated. Mr. Langel stated when the days get short there are operational hours in the winter where the illumination would be warranted as they would be open until 6 p.m. Mr. Dominquez asked if the signs would be on 24 hrs. a day. Mr. Langel stated yes.

Hearing no further comments by the Board members, the Board considered the Duncan Factors:

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1. Will the property yield a reasonable return or whether there is a beneficial use without the variance request? The Board stated yes.
2. Whether the variance will be substantial? The Board stated yes.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining property owners suffer a substantial detriment if the variance is granted? The Board stated no.
4. Will the granting of the variance adversely affect the delivery of governmental services? The Board stated no.
5. Did the property owner purchase the property with the knowledge of the zoning restrictions? The Board stated yes.
6. Whether the problem can be solved by some other manner other than the granting of the variance? The Board stated yes.
7. Does the granting of the variance uphold the spirit and intent of the Zoning Resolution? The Board stated yes.

Mr. West made a motion to approve the variance request for a “service” sign on the east elevation of the proposed building not to exceed 45 sq. ft. for the property located at 2875 Medina Rd. as submitted. It was seconded by Ms. Gray.

ROLL CALL-West-yes, Gray-yes, Cacioppo-yes, Basilone-yes, Morel-yes.

The variance request was approved.

The minutes to the Boards July 18, 2018 were approved as written.

Having no further business before the Board, the hearing was officially adjourned at 7: 40p.m.

Kim Ferencz, Zoning Secretary

Ed Morel, Chairperson