

REQUEST FOR COUNCIL ACTION

No. RCA-20-043-2/24

FROM: Jonathan Mendel, Community Development Director / *JM* Committee: Finance

DATE: February 19, 2020

SUBJECT: February 13, 2020 Planning Commission Recommendation to rezone 1088 S. Court Street from R-3, High Density Residential to C-S, Commercial Service.

SUMMARY AND BACKGROUND:

On February 13, 2020, the applicant requested rezoning the property at 1088 S. Court Street from R-3, High Density Urban Residential to C-S, Commercial Service. After reviewing the applicant's request and staff's report, the Planning Commission **recommended** the requested rezoning to City Council.

The requested rezoning is delineated for the City Council in the below attached documents:

- February 13, 2020 staff report & packet
- February 18, 2020 Planning Commission recommendation resolution
- February 13, 2020 Planning Commission draft meeting minutes for the case

Since a rezoning requires a City Council public hearing, staff suggests the following timeline:

- February 24, 2020 – Finance Cttee of City Council review
- February 25, 2020 to March 25, 2020 – Minimum 30 day notice period for the City Council Public hearing
- April 13, 2020 – Public Hearing before the City Council
- April 27, 2020 – Ordinance review by City Council

See RCA 19-199-10/28 for history

Estimated Cost: Not Applicable
Suggested Funding: Sufficient funds in Account No.

*Paul - was good conversation - 3rd time
• tightened up - specific set of businesses who can go here.*

Transfer needed from Account No. to Account No.
NEW APPROPRIATION needed in Account No.

*Coyle - entire parcel
Shields - simple majority - site plan process?
Jonathan - conditional zoning certificate review through Planning Comm.*

Emergency Clause Requested: N/A
Reason:

Paul - Residents not in favor of rezoning. will fight for rt turn in/rt. turn out.

Mayor - Not safe - need to create wider road

COUNCIL USE ONLY:
Committee Action/Recommendation:

Council Action Taken: 2/24/20 *≡ schedule Pub. Hrg. on 4/13*

Ord./Res. Date:

Medina County Gazette - Legal Advertising
Please publish once: March 3, 2020

NOTICE OF PUBLIC HEARING

Medina City Council will hold a public hearing Monday, April 13, 2020 at 7:30 p.m. in the Council Rotunda of the Medina City Hall located at 132 North Elmwood Avenue, Medina, Ohio.

The public hearing is to consider the rezoning of 1088 S. Court Street from R-3, High Density Residential to C-S, Commercial Service.

Interested persons are requested to appear and voice their opinions thereto.

By order of the Council of the City of Medina, Ohio.

Kathy Patton, CMC, Clerk of Council
City of Medina

36 Pinewood Dr.

Medina, OH 44256

April 6, 2020

Dear Medina City Council Member,

When the issue of rezoning the lot at 1088 S. Court St. first came up, the Pinewood Condominium Association's major opposition to it was the increase in traffic congestion and concern for motorists' safety. We have repeatedly asked that a traffic study be done of the area. We also objected to the negative impact the permitted and conditionally permitted uses that any commercial entity would have on our property.

Some think this C-S zoning request is a compromise. It is not. It would still permit uses that will generate more traffic and, more importantly, require another driveway in an area that already has too many driveways that are too close together. Another issue is the limited sight distance on Court St. south of Pinewood Dr. A motorist trying to access S. Court does not have full view of cars approaching from the south. Cars appear quickly at 45 mph or faster up from a dip in S. Court near Hartford Dr. At past meetings I have related several dangerous conditions I have experienced due to the proximity of the driveways, the narrow road, limited sight distance, and traffic congestion. We believe the safety of motorists, including our safety force members, travelling in this area far outweighs the desire to put any commercial entity on this property.

Mayor Dennis Hanwell, Commissioner William Hutson, and Montville Trustee Jeff Brandon have also expressed concerns about the traffic congestion and the safety of motorists who travel this narrow section of Route 3 south of Sturbridge Dr. They have all written letters and asked the State of Ohio to conduct a traffic study of this corridor. We believe it is irresponsible to even consider this rezoning request until you have the results of the traffic study which, we think, will validate the reasons for our opposition.

You must not approve this rezoning just to avoid litigation or to limit the City's liability. We urge you to follow the comprehensive plan and join Mayor Hanwell, Commissioner Hutson, and Montville Trustee Jeff Brandon in their efforts to protect the citizens of Medina and motorists who travel in this area. Reject this rezoning request.

Sincerely,

Julie Laribee

Kathy Patton

From: Alfred Connors <aj.con739@gmail.com>
Sent: Wednesday, April 8, 2020 1:00 AM
To: Kathy Patton
Subject: Re Zoning Hearing F Y I

Dear Ms. Patton,

For your information I have e-mailed the following to each member of Council.

I am a resident of Pinewood Condos at 1070 S. Court St.. As it currently exists I find exit and entrance to my development a challenge now. The rezoning of 1080 S Court St for commercial use would change exit from a challenge to dangerous.

There are 64 taxpaying residents in Pinewood who will be adversely affected by this rezoning, not to mention drivers using Route 3 and the 7 other businesses in this short corridor.

Since the drive would be at the top of a hill , which obstructs the vision of on coming traffic it would make for a very dangerous situation. This danger has already been recognized by Mayor / Safety Director Hanwell who noted as a corridor “provides significant safety concerns for the motoring public as well as our safety forces” Due to it's limited lanes and numerous business driveways. This is all as it exists now, once all the new construction between Pinewood and route 162 is complete and the countless houses and condos occupied the current situation will be magnified 5 fold.

Council must act to protect the citizens of Medina generally and in this case, those of pinewood in particular ! Please vote against the rezoning.

Thank You,

Alfred J Connors

26 Pinewood Dr

Medina, OH 44256

Kathy Patton

From: dmjhoax@zoominternet.net
Sent: Thursday, April 9, 2020 9:46 AM
To: John Coyne; Paul Rose; Jim Shields; Eric Heffinger; Dennie Simpson; Bill Lamb; Jessica Hazeltine; Kathy Patton; Dennis Hanwell
Cc: Julie Laribee; Pat Ryan
Subject: 1088 S. Court rezoning request

To Medina City Council Members,

Many owners of homes in the 64-unit Pinewood Condominiums, 1070 S. Court St., have strongly expressed their opposition to any rezoning of 1088 S. Court which would result in an additional commercial driveway at a very hazardous location on S. Court.

The Mayor/Safety Director has asked ODOT to make a traffic analysis of Route 3, including the area where the potential additional driveway would be located.
He pointed out that there are too many drives in too short a section of the street.

We frequently face heavy traffic when we exit or enter the private Pinewood Dr. giving us very little time to act safely as cars continue north on S. Court at 45 mph. It's a particular hazard due to vehicles cresting a hill as they enter the Medina City limits, only about 100 feet south of Pinewood Dr. and across from Hartford Dr.

We have contacted KeyBank and expressed our concerns over the hazardous situation and safety issues their proposed kiosk would create.

To date, the City Planning staff has made no recommendation regarding the current rezoning request for 1088 S. Court. while the City Law Director recommends approval.
Is his recommendation made on the basis of dodging a law suit or is it a decision based on applicable law?

Council must act in the best interests of the general welfare of the residents, taxpayers and voters of Medina and vote against commercial rezoning of 1088 S. Court St.

Sincerely,

David Hoek
Pinewood Condominiums
1070 S. Court St Unit 28
Medina OH 44256

December 26. 2019

ODOT District 3

Attn. District Deputy Director Bob Weaver, P.E., P.S.

906 Clark Avenue

Ashland, Ohio 44805

Dear District Deputy Director Weaver,

I am writing to share my concerns with the S. R. 3 corridor on the south end of Medina city as well as within Montville Township. In addition to the City of Medina, the city contractually provides fire services to the Townships of Medina and Montville. Our fire department also responds to all medic calls and injury accidents. As the Safety Director for the City of Medina, I believe that, due to its limited lanes and numerous points of ingress and egress, this corridor provides significant safety concerns for the motoring public, as well as our safety forces, especially when accidents or medical incidents arise.

I have worked for nearly forty years in public safety in Medina County. This service includes working for Medina County Sheriff's Department, the City of Medina Police Department including nearly thirteen years as Chief of Police, and the last ten years as Mayor and Safety Director for the City of Medina. That experience provides me a broad perspective of safety and protection for public and safety force members as they attend to disabled vehicles, medical emergencies, and crashes.

This particular roadway is narrow and limited to two lanes in most areas from the Sturbridge Drive intersection near the southern edge of Medina city limits to the Montville Township southern limits. In addition, the areas where the S.R. 3 corridor has been improved, at Highpoint Drive/Lexington Ridge Drive intersection of S.R. 3 and Wedgewood Drive/Cobblestone Drive intersection of S.R. 3, cause other safety concerns of traffic patterns subjecting drivers to a serpentine pattern. Also, when delivery trucks stop along the roadway,

this causes issues where passing of vehicles moves into oncoming lanes with limited sight distances in many locations. I have asked our respective Police Chiefs to gather crash data along this corridor for the past several years.

I would respectfully ask that a study of this corridor be conducted and grant dollars researched by ODOT to help alleviate these aforementioned safety conditions. These problems will only continue to exasperate as Montville Township is one of the fastest growing areas in the County of Medina, and in northern Ohio.

Thank you for your time and attention to this safety concern in our region. We need to work collaboratively to improve our roadways, to enhance safety and to alleviate these conditions for the benefit of all. We look forward to working with you to find safe and reasonable improvements along this S.R. 3 corridor.

Respectfully,

Dennis Hanwell

Mayor/Safety Director

City of Medina, Ohio

February 13, 2020 staff
report & packet


MEETING DATE: 2-13-20

PLANNING COMMISSION

**Case No. P19-19
1088 S Court Street**



CITY of MEDINA
Planning Commission
February 13, 2020 Meeting

Case No: P19-19
Address: 1088 S. Court St.
Applicant: Tucker Ellis, LLP representing Trillium Creek, LLC
Subject: Revised request: rezone 1088 S. Court St. from R-3 to C-S
Submitted by: Jonathan Mendel, Community Development Director 

Subject Site:

The subject property is 0.92 acres on the east side of S. Court Street at the City of Medina corporation boundary. The site is occupied by a 2,369 sqft one-story principal building, a 2,029 sqft accessory building and accessory vehicle circulation areas.

Background:

On October 10, 2019, the applicant came before the Planning Commission with a request to rezone 1088 S. Court St. from R-3 to C-1. The Planning Commission heard the applicant's position and City staff's information regarding the proposed rezoning and did not recommend the request to the City Council as a motion to recommend approval failed by a 1-4 vote.

The Planning Commission's decision then proceeded into the City Council's legislative review process. The City Council public hearing was held on December 9, 2019 and there was extended discussion regarding the request.

After the December 9, 2019 meeting, the applicant reevaluated their request and under the procedural provisions of Section 1107.06 of the Planning and Zoning Code, the applicant has requested remanding themselves back to the Planning Commission with a revised rezoning request. The revised request is now to rezone the subject property from R-3, High Density Urban Residential to C-S, Commercial Service.

Project Introduction:

The applicant requests rezoning the property from R-3, High Density Urban Residential to C-S, Commercial Service. At the moment, the applicant wishes to develop the property with a bank ATM drive-thru, but this is not a permitted use within the R-3 district and is a conditionally permitted use within the C-S district.

Please find attached to this report:

1. Applicant's narrative for the rezoning and development plans received January 27, 2020 (narrative) and September 19, 2019 (property plans)
2. Current City of Medina Zoning Map
3. Future Land Use map from the City of Medina 2007 Comprehensive Plan Update and a detail of the subject property's immediate vicinity on the map
4. Chapter 1131 C-S, Commercial Service District regulations
5. Aerial photograph with City of Medina Zoning Districts overlay.

Present Zoning:

The subject property is presently zoned R-3, High Density Urban Residential. The permitted uses include single-family detached dwellings. The conditionally permitted uses include two-family dwellings, group homes, schools, churches, etc. Commercial uses are not permitted in the R-3 zoning district.

Proposed Zoning:

The applicant proposes rezoning the subject property to C-S, Commercial Service. This zoning district permits a limited range of commercial uses such as office and personal/professional services. The conditionally permitted uses are a range of uses such as bed and breakfasts, churches, and personal/professional services with drive through. The applicant provides discussion points to support their request to rezone from R-3 to C-S, which are attached in the packet.

2007 City of Medina Comprehensive Plan Update – Future Land Use Map:

The Future Land Use map in the Comprehensive Plan Update is a visual guide to future municipal planning and land use within the city. The map currently designates the subject property 'Residential High Density' as part of a specific area of the same designation to the north and east encompassing properties on the eastside of the S. Court and Sturbridge Dr.

Staff Comment:

The City's 2007 Comprehensive Plan Update designates the subject property as 'Residential High Density', which is equivalent with the existing multi-family development patterns on many of the neighboring properties to the north and east along the eastside of S. Court St.

The C-S, Commercial Service zoning district is specifically designed to be a low intensity commercial district typically used elsewhere in the city on sites closely situated near less intensive land uses and/or zoning districts, such as the 800 block of E. Washington St.

If the proposed rezoning is approved by City Council and becomes effective, the applicant's proposed and intended land use for the subject property will require, at a minimum, Conditional Zoning Certificate review and approval by the Planning Commission. This zoning process requires a public hearing by the Planning Commission.

Next Step:

The Planning Commission should weigh the information provided and forward a recommendation to City Council on the rezoning request from R-3, High Density Urban Residential to C-S, Commercial Service.

Applicant's narrative for the
rezoning and development
plans received January 27,
2020 (narrative) and
September 19, 2019
(property plans).

Tucker Ellis | LLP

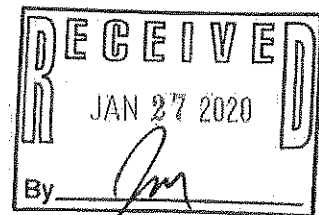
Addendum to Rezoning Application (Map Amendment)

City of Medina
Planning Director and Planning Commission

1088 S. Court Street, Medina Ohio (the "Property")

Trillium Creek, LLC (the "Applicant")

January 22, 2020



To the Planning Director and Planning Commission:

This Addendum to Rezoning Application (this "Addendum") is hereby incorporated into the Boards and Commissions Application for Zoning Approval (the "Application") of the referenced Applicant filed in connection herewith. This Addendum is intended to provide, in addition to the copies of all plan submittals, the information required in connection with the Application, including a statement supporting the proposed amendment to the zoning map.

Request

The Applicant hereby respectfully requests an amendment to the zoning map reclassifying the Property from the R-3 High Density Urban Residential zoning classification as contained within the provisions of the Codified Ordinances of Medina, Ohio (the "Code"), Chapter 1125, to the C-S Commercial Service District zoning classification as contained within the provisions of Code Chapter 1131.

Description of Proposed Work

The Applicant proposes the development of the vacant portion of the Property abutting S. Court Street for the installation of a KeyBank ATM kiosk (the "Work") in accordance with the plans and specifications included herewith (the "Plans"). The Work will include the installation of a thirty-six foot (36') concrete apron on S. Court Street at the southern boundary of the Property, with a circular access drive as depicted on the "Site Plan" included with Plans. The access drive will incorporate a passing lane to allow customers to bypass the ATM kiosk.

The existing landscaping mound along the northern boundary of the Property, and the existing buildings and vegetation along the eastern boundary of the Property, will remain as indicated on the Landscape Plan included with the Plans. It is anticipated that approximately three (3) existing trees will be removed.¹

Statement in Support of Rezoning

The intent of the Applicant's requested rezoning is to bring the zoning classification of the Property into conformance with the character of the surrounding area. The current R-3 zoning classification has been rendered obsolete and economically infeasible due to the substantial and ongoing commercial development of the properties along South Court Street. The City's Comprehensive Plan Update and Future Land Use Map (the "Plan") indicate the zoning relative to the Property should change. Therefore, even the City's own Plan says that, at minimum, the current R-3 zoning classification is inappropriate. The question becomes, what is

¹ The Applicant received Site Plan approval from the Planning Commission on April 11, 2019, subject to the condition that the existing driveway located on the northern boundary of the Property be removed and all ingress and egress be directed through the southern driveway depicted on the Site Plan. Site Plan approval was also conditioned upon approval of all building permits, site development approval, and the rezoning of the Property as requested in this application.

the property zoning? The Applicant submits that a map amendment to the C-S zoning classification is appropriate.

The requested rezoning is not only proper in light of the substantial commercial development in the area, but is required by Ohio law. *City of Norwood v. Horney*, 110 Ohio State 3d, 353, 853 N.E.2d 1115 (2006) provides:

Ohio has always considered the right of property to be a fundamental right. There can be no doubt that the bundle of venerable rights associated with property is strongly protected in the Ohio Constitution and must be trod upon lightly, no matter how great the weight of other forces.

Id. at 363. The requested rezoning will protect the Applicant's fundamental property rights, as well as advance legitimate governmental purposes as required by Ohio law. One of the primary factors to be considered in this regard is whether the R-3 zoning classification arbitrarily imposes regulations that are inconsistent with the character of the surrounding area or substantially similar properties. *Shemo v. Mayfield Heights*, 88 Ohio St. 3d 7 (2000).

Currently, the Property is zoned R-3 High Density Urban Residential², which permits a Single-Family Detached Dwelling as a principally permitted use, and conditionally permits the following:

Residential	Public/Semi-Public	Commercial
• Group Home up to 8 Individuals	• Cemetery 3,7,20	• None
• In-Law Suite	• Conservation Use	
• Two Family Dwelling	• Public or Quasi-Public Owned Park or Recreation Facility 1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25	
• Nursing Home, Assisted Living Facility, Independent Living Facility 1,2,3,5,7,9,11,14	• Public and Parochial Educational Institution for Primary Education 1,2,3,5,6,11	
• Mobile Home Park 3,5,8,9,10,11,14,24,26,27, 28,30	• Public and Parochial Educational Institution for Secondary Education 1,2,3,4,5,7,11	
	• Publicly Owned or Operated Governmental Facility 3, 7, 8, 11	
	• Religious Place of Worship 1,3, 7,11,12,14	

(See Code Sections 1125.02 and .04).

However, these uses are wholly inconsistent with the commercial nature of the South Court Street corridor, as it has developed over the years. The permitted and conditionally permitted

² All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Code.

uses under the R-3 zoning classification have been rendered infeasible, both in terms of the economic realities associated with such developments and the Applicant's ability to put the Property to a productive use under the R-3 zoning classification, and the site development requirements imposed under the Code.

Accordingly, the R-3 zoning classification does not substantially advance a legitimate government purpose, and the character of the Property and its location in a major commercial corridor supports a change to the C-S zoning classification. The Property's location in a commercial corridor renders any of the uses permitted under the current zoning classification economically infeasible. It is not simply that Property is more valuable with a C-S zoning classification, or less valuable without it. Rather, the Property is unsuitable to any of the permitted or conditionally permitted uses as currently zoned.

Moreover, the properties along the west side of South Court Street all maintain a C-3 zoning classification. The properties to the north of the Property, while all maintaining an R-3 classification, are all commercially developed. The property immediately to the south of the Property (located in Montville Township), which previously contained single-family residences until it was determined that such uses were economically infeasible, is slated to be developed as an assisted living facility. There is an existing legally, non-conforming commercial use located on the Property.

In short, this is an ideal location for uses associated with the C-S zoning classification. This is supported by Code Section 1133.01, which states:

The C-S Commercial Service District is established to create an environment conducive to . . . limited business service activities.

There are a substantial amount of similar properties in the immediate area that are either zoned C-3 General Commercial or currently used for purposes consistent with a commercial zoning classification. Based on the location of the Property within an existing commercial corridor, the requested zoning amendment is insubstantial and in conformance with the general character of the neighborhood. The proposed use will provide "limited business service activities" and is located on a major thoroughfare in an outlying location. In other words, the requested rezoning will conform the Property to the surrounding commercial uses, consistent with the general intent of the Code with respect to the ongoing development in this particular corridor.

The requested rezoning is further supported by Code Section 1125.01, which states the purpose of the R-3 zoning classification is "to encourage relatively high density residential development in areas generally adjacent to built up sections of the community or in areas of existing development of such density The development is to consist of single-family and two-family dwellings in areas served with centralized sewer and water facilities." None of the properties which maintain the R-3 zoning classification along this portion of South Court Street have developed in this fashion, nor in conformance with the R-4 zoning classification, which is the most closely related land use to that identified in the Plan.

With respect to the Pinewood condominium development, it is located to the northeast of the Property and will not experience any nuisance conditions resulting from the proposed

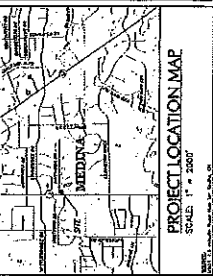
development. This is due to the existence of substantial vegetation and buffering, as well as the design of the site lighting, which will minimize any light or noise pollution into the Pinewood development.

Regarding potential traffic concerns that have been raised by Pinewood residents, during site plan approval the Applicant committed to removing the existing driveway located on the north side of the Property, consolidating all traffic into the south drive as approved. Further, while local governments may legitimately weigh traffic generation from proposed land uses in deciding whether or not to authorize them, controlling traffic is not a primary purpose of zoning (at least as it applies to commercial areas). Where, as here, a proposed use is lawful given the context of the surrounding area, the question of additional (or existing) traffic becomes a secondary consideration. *State ex rel. Killeen Realty Co. v. City of East Cleveland*, 169 Ohio St. 375, 386, 8 Ohio Op. 2d 409, 160 N.E.2d 1, 8 (1959). While "taking into account the rights of others and the needs of the community," zoning regulations must operate "to insure the greatest enjoyment and maximum use of one's land." *Ederer v. Board of Zoning Appeals*, 18 Ohio Misc. 143, 149, 47 Ohio Op. 2d 340, 248 N.E.2d 234 (C.P. 1969).

Here, the proposed use is designed to capture existing traffic and will generate very little traffic in the area. The anticipated amount of traffic to and from the Property (approximately 60-80 trips per day) does not add significant traffic safety concerns relative to the existing traffic in the corridor. In fact, this development will mix appropriately with the existing commercial uses, and replace the loss of services due to the closure of the Huntington Bank branch. This marginal increase in traffic is not sufficient to justify the Applicant's request, given the secondary status of such considerations under Ohio case law.

Conclusion

The current R-3 zoning classification applicable to the Property is unsuitable based on the various commercial uses surrounding the Property. Development of the Property under the R-3 zoning classification is economically infeasible, and the requested rezoning will bring the Property into conformance with the general character of this commercial corridor. In sum, there is no rational basis to continue to apply the restrictive R-3 zoning classification on the Property. Accordingly, the Applicant respectfully requests that the Property be rezoned under the C-S zoning classification.



LOCATION MAP
SCALE: 1" = 200'

DATE:
MEDINA, OHIO
APPROVED BY: [Signature]

BASE OF BEARINGS:
MAGNETIC NORTH
MAGNETIC DECLINATION: 11.25' E
MAGNETIC NORTH = TRUE NORTH + 11.25'

UTILITY ONE CALL:
800-4-A-SHIELD

CERTIFICATION:
I, [Signature],
Professional Engineer,
No. 10000,
State of Ohio,
do hereby certify that the above
is a true and correct copy of the
original as shown to me by the
person whose name is written below.

LANGAN
Langran Engineering and
Surveying, Inc.
10000 Woodloch Forest Dr.
Cincinnati, OH 45241
Tel: (513) 733-1234 Fax: (513) 733-1235
www.langran.com

REVISED

PROJECT:
MEDINA SOUTH ATM
MEDINA CITY LOT 440
MEDINA COUNTY
CITY OF MEDINA
OHIO

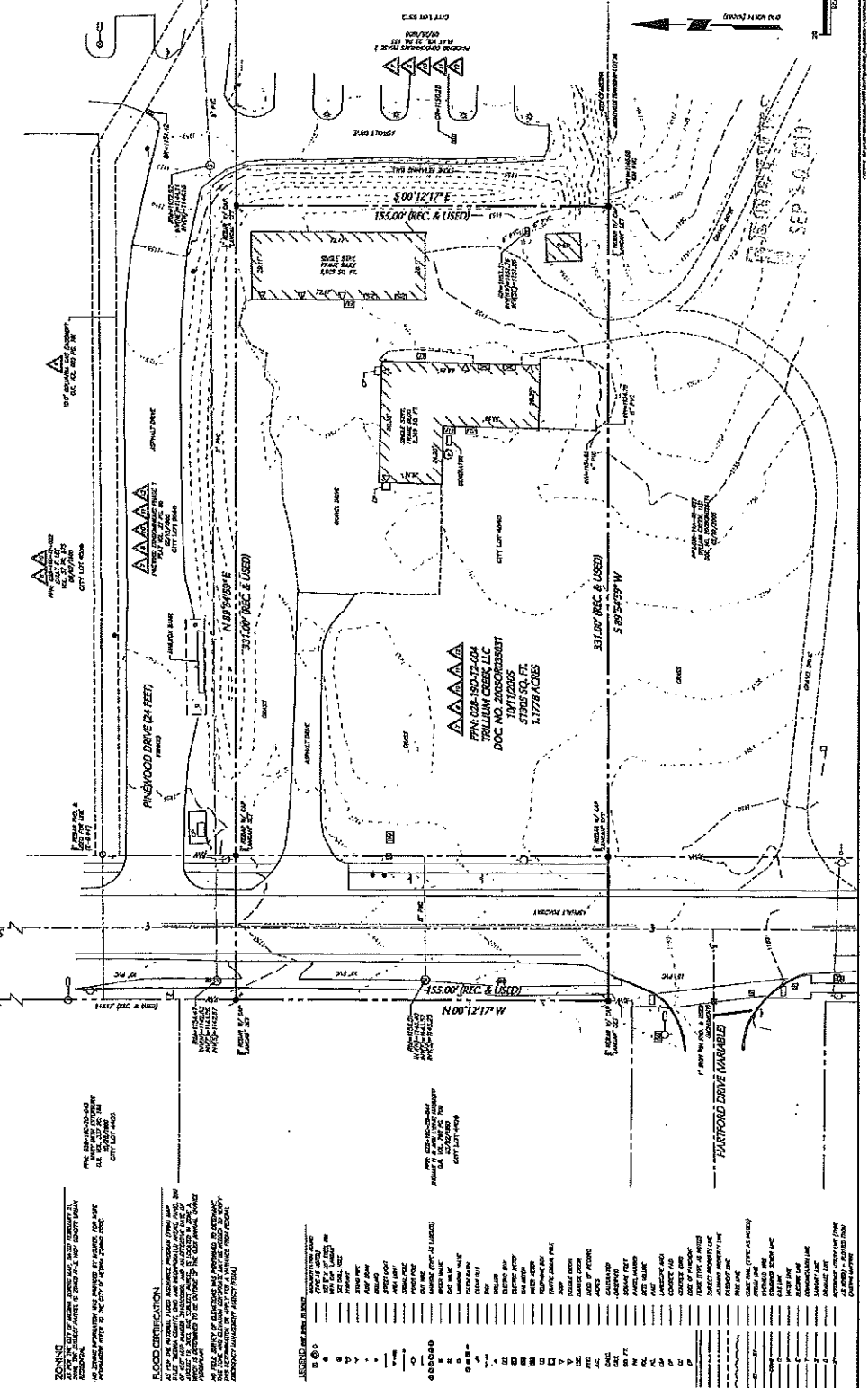
CLIENT:
ALTAIRSPS LAND
TITLE SURVEY

PROJECT NO.: 40003101
DATE: 09/10/2010
DRAWN BY: MHN
CHECKED BY: MHN
SCALE: 1" = 100'

- NOTES:**
1. THIS PLAN IS PREPARED FOR THE CITY OF MEDINA, OHIO.
 2. THE SURVEY WAS MADE BY THE CITY OF MEDINA, OHIO, IN 1978.
 3. THE SURVEY WAS MADE BY THE CITY OF MEDINA, OHIO, IN 1978.
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 10. THE SURVEY WAS MADE BY THE CITY OF MEDINA, OHIO, IN 1978.

- SCHEDULE B:**
1. PINWOOD DRIVE (24 FEET)
 2. WEST STURBRIDGE ROAD (20 FEET)
 3. PINWOOD DRIVE (24 FEET)
 4. WEST STURBRIDGE ROAD (20 FEET)
 5. PINWOOD DRIVE (24 FEET)
 6. WEST STURBRIDGE ROAD (20 FEET)
 7. PINWOOD DRIVE (24 FEET)
 8. WEST STURBRIDGE ROAD (20 FEET)
 9. PINWOOD DRIVE (24 FEET)
 10. WEST STURBRIDGE ROAD (20 FEET)

LEGAL DESCRIPTION:
A certain parcel of land in the City of Medina, Ohio, bounded on the north by West Sturbridge Road, on the south by Pinewood Drive, on the east by the City of Medina, Ohio, and on the west by the City of Medina, Ohio, containing 1.1778 Acres, more or less, as shown on the attached plat.



LEGEND:

- 1. 1" = 100'
- 2. 1" = 200'
- 3. 1" = 500'
- 4. 1" = 1000'
- 5. 1" = 2000'
- 6. 1" = 5000'
- 7. 1" = 10000'
- 8. 1" = 20000'
- 9. 1" = 50000'
- 10. 1" = 100000'

DATE: 09/10/2010
PROJECT NO.: 40003101
SCALE: 1" = 100'

PROJECT: MEDINA SOUTH ATM
CLIENT: ALTAIRSPS LAND
DRAWN BY: MHN
CHECKED BY: MHN

PROJECT NO.: 40003101
DATE: 09/10/2010
SCALE: 1" = 100'

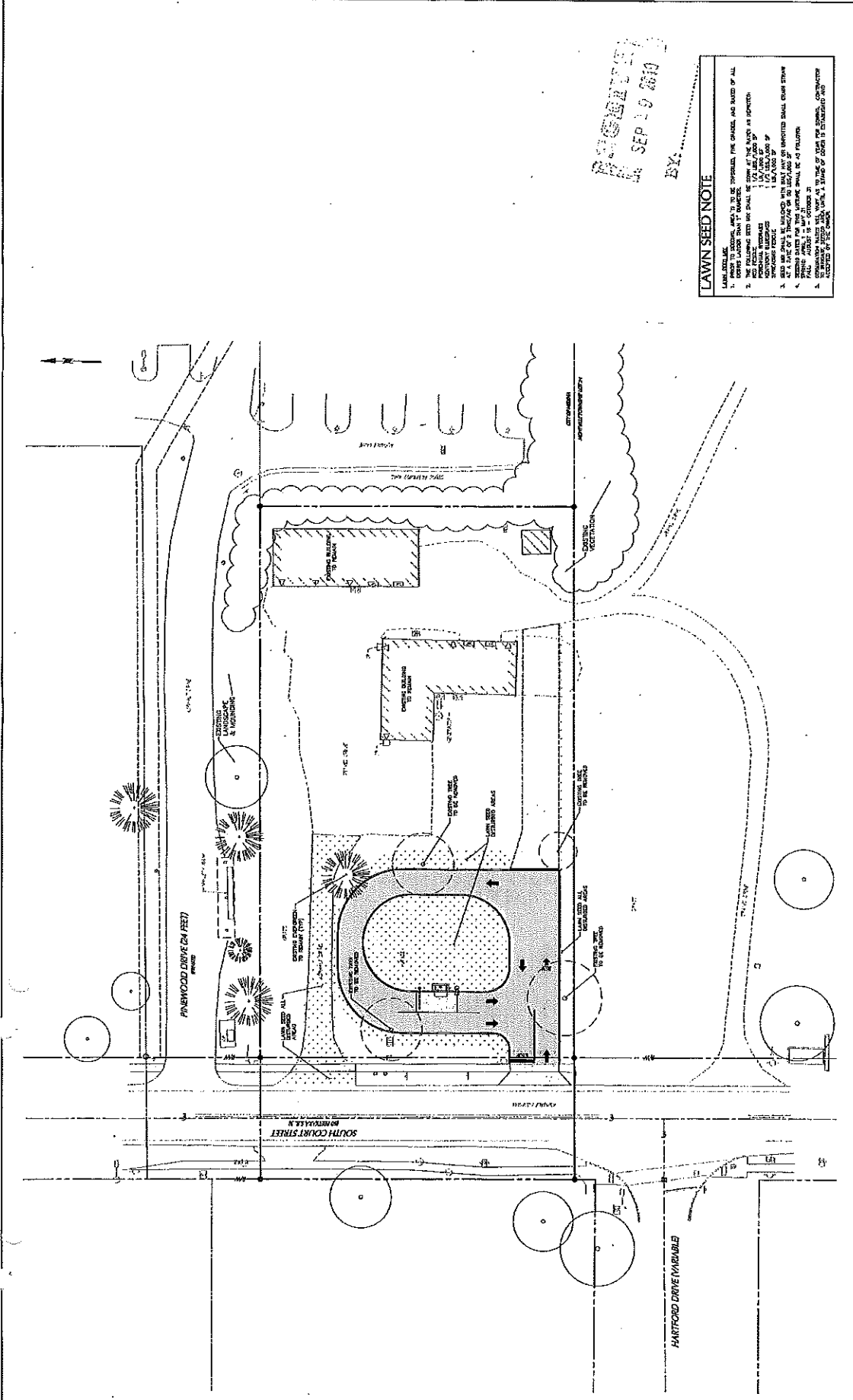
PROJECT NO.: 40003101
DATE: 09/10/2010
SCALE: 1" = 100'

PROJECT NO.: 40003101
DATE: 09/10/2010
SCALE: 1" = 100'

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DATE: 09/10/2010
SCALE: 1" = 100'

PROJECT NO.: 40003101
DATE: 09/10/2010
SCALE: 1" = 100'

PROJECT NO.: 40003101
DATE: 09/10/2010
SCALE: 1" = 100'



REGISTERED
SEP 10 2010
EX:

LAWN SEED NOTE

1. LAWN SEED SHALL BE PLANTED IN THE SPRING, AND MAINTAINED FOR AT LEAST ONE YEAR.
2. SEED SHALL BE PLANTED AT A RATE OF 10 LBS PER 1000 SQ FT.
3. SEED SHALL BE PLANTED AT A RATE OF 10 LBS PER 1000 SQ FT.
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9. SEED SHALL BE PLANTED AT A RATE OF 10 LBS PER 1000 SQ FT.
10. SEED SHALL BE PLANTED AT A RATE OF 10 LBS PER 1000 SQ FT.

		LANGAN Langan Engineering and Construction Services, Inc. 6000 Landon Drive, Suite 200 Cincinnati, OH 45212 T: 513.233.2300 F: 513.233.2301 www.langan.com	Project: KEYBANK MEDINA SOUTH ATM CITY OF MEDINA MEDINA COUNTY, OHIO	Drawing Title: LANDSCAPE PLAN	Project No.: 40081201	Drawing No.: LP101
DATE/NO. OF REVISIONS	CITY COMMENTS DESCRIPTION	SIGNATURE WILLIAM J. JOHNSON REGISTERED LANDSCAPE ARCHITECT ON U.S. #241				
1 10/1/10	CITY COMMENTS DESCRIPTION	SIGNATURE WILLIAM J. JOHNSON REGISTERED LANDSCAPE ARCHITECT ON U.S. #241				



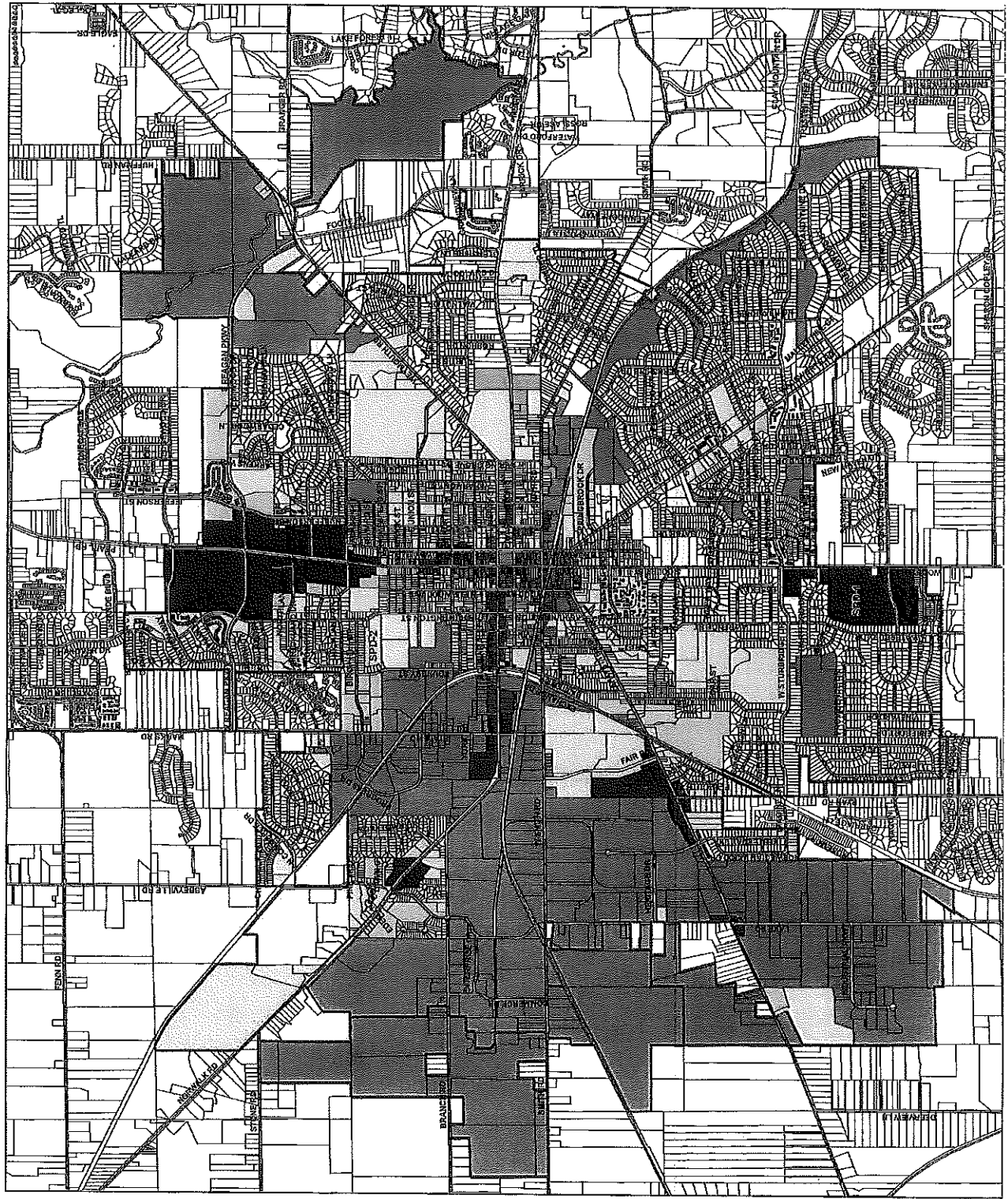
Current City of Medina Zoning Map



Zoning

District Map

Effective November 27, 2018 (Ord. 174-18)



Legend

- City Boundary
- O-C Open Space Conservation
- R-1 Low Density Urban Residential
- R-2 Medium Density Urban Residential
- R-3 High Density Urban Residential
- R-4 Multi-Family Residential
- M-U Multi-Use
- P-F Public Facilities
- C-S Commercial Service
- C-1 Local Commercial
- C-2 Central Business
- C-3 General Commercial
- I-1 Industrial

Note:
 This map is updated frequently and may not represent the most current information. To ensure accurate information contact the City of Medina at 330-764-4652.

The lot lines of this map are representative of the actual lot lines and are not intended to be substituted for an official survey or used to resolve boundary or area issues. Secure a survey, consult County records or the City Clerk of Council records for dimensions and areas of lots and boundaries.

Prepared by City of Medina
 Community Development Department
 July 22, 2019



Future Land Use map
from the City of Medina
2007 Comprehensive Plan
Update and a detail of the
subject property's
immediate vicinity on the
map

Chapter 1131
C-S, Commercial
Service District
regulations

**CHAPTER 1131
C-S Commercial Service District**

- 1131.01 Purpose.**
- 1131.02 Principally permitted uses.**
- 1131.03 Accessory uses.**
- 1131.04 Conditionally permitted uses.**
- 1131.05 Lot development standards.**
- 1131.06 Off-street parking and loading.**
- 1131.07 Signage.**
- 1131.08 Landscape and buffering.**
- 1131.09 Site plan review.**
- 1131.10 Pedestrian connection.**

CROSS REFERENCES

- Definitions - see P. & Z. Ch. 1105
- District established - see P. & Z. 1113.01
- Minimum number of parking and loading spaces required - see P. & Z. 1145.04

1131.01 PURPOSE.

The C-S Commercial Service District is established to create an environment conducive to well-located and designed office building sites to accommodate professional offices, nonprofit organizations and limited business service activities. (Ord. 109-14. Passed 6-23-14.)

1131.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the C-S Commercial Service District:

Residential	Public/Semi-Public	Commercial
. None	. None	. Office - Professional, Medical and Administrative
		. Personal and Professional Services
		. Other Similar Uses as Determined by the Planning Commission

(Ord. 109-14. Passed 6-23-14.)

1131.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the C-S Commercial Service District:

- (a) Accessory buildings and uses.

(Ord. 109-14. Passed 6-23-14.)

1131.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the C-S Commercial Service District subject to the requirements of Chapter 1153, Conditional Uses. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

Residential	Public/Semi-Public	Commercial
. Bed and Breakfast Inn ^{11,14}	. Cemetery ^{3,7,17,21}	. Child Day Care Center and Nursery ^{2,5,9,11,14}

	. Conservation Use	. Conference Center, Banquet Facility or Meeting Hall
	. Educational Institution for Higher Education 1,2,3,4,5,7,11	. Hospital 1,2,3,5,7,9,11,14
	. Publicly Owned or Operated Governmental Facility 3,7,8,11	. Personal and Professional Services with Drive-Thru 7,17
	. Public or Quasi Publicly Owned Park or Recreation Facility 1,2,3,4,5,9,11,14,22,24,25	. Research and Development Laboratory and Processing with No External Hazardous, Noxious or Offensive Conditions
	. Public and Parochial Educational Institution for Primary Education 1,2,3,5,6,11	
	. Public and Parochial Educational Institution for Secondary Education 1,2,3,4,5,7,11	
	. Public Utility 1,10,11	
	. Religious Place of Worship 1,3,7,11,12,14	
	. Urban Garden	

(Ord. 109-14. Passed 6-23-14.)

1131.05 LOT DEVELOPMENT STANDARDS.

Lots in the C-S Commercial Service District shall adhere to the following standards:

Minimum Lot Size	. None
Minimum Lot Width at Building Line	. 100 Feet
Minimum Lot Frontage	. 100 Feet
Maximum Lot Depth	. None
Minimum Usable Open	

Space	. None
Maximum Lot Coverage	. 60%
Maximum Building Size	. None
Maximum Building Width	. None

Minimum Front Yard	. 50 Feet
Minimum Rear Yard	. 50 Feet for Principal Use or Structure . 25 Feet of Yard Must be Landscaped when Adjacent to a Residential District . 20 Feet for Accessory Use or Structure
Minimum Side Yard	. 50 Feet for Principal Use or Structure . 25 Feet of Yard Must be Landscaped when Adjacent to a Residential District . 20 Feet for Accessory Use or Structure
Maximum Height	. 40 Feet for Principal Use or Structure . 20 Feet for Accessory Use or Structure
Minimum District Size	. n/a

(Ord. 58-17. Passed 4-24-17.)

1131.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

(Ord. 109-14. Passed 6-23-14.)

1131.07 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1131.08 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

(Ord. 109-14. Passed 6-23-14.)

1131.09 SITE PLAN REVIEW.

All uses permitted under Section 1131.02 and 1131.04 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.

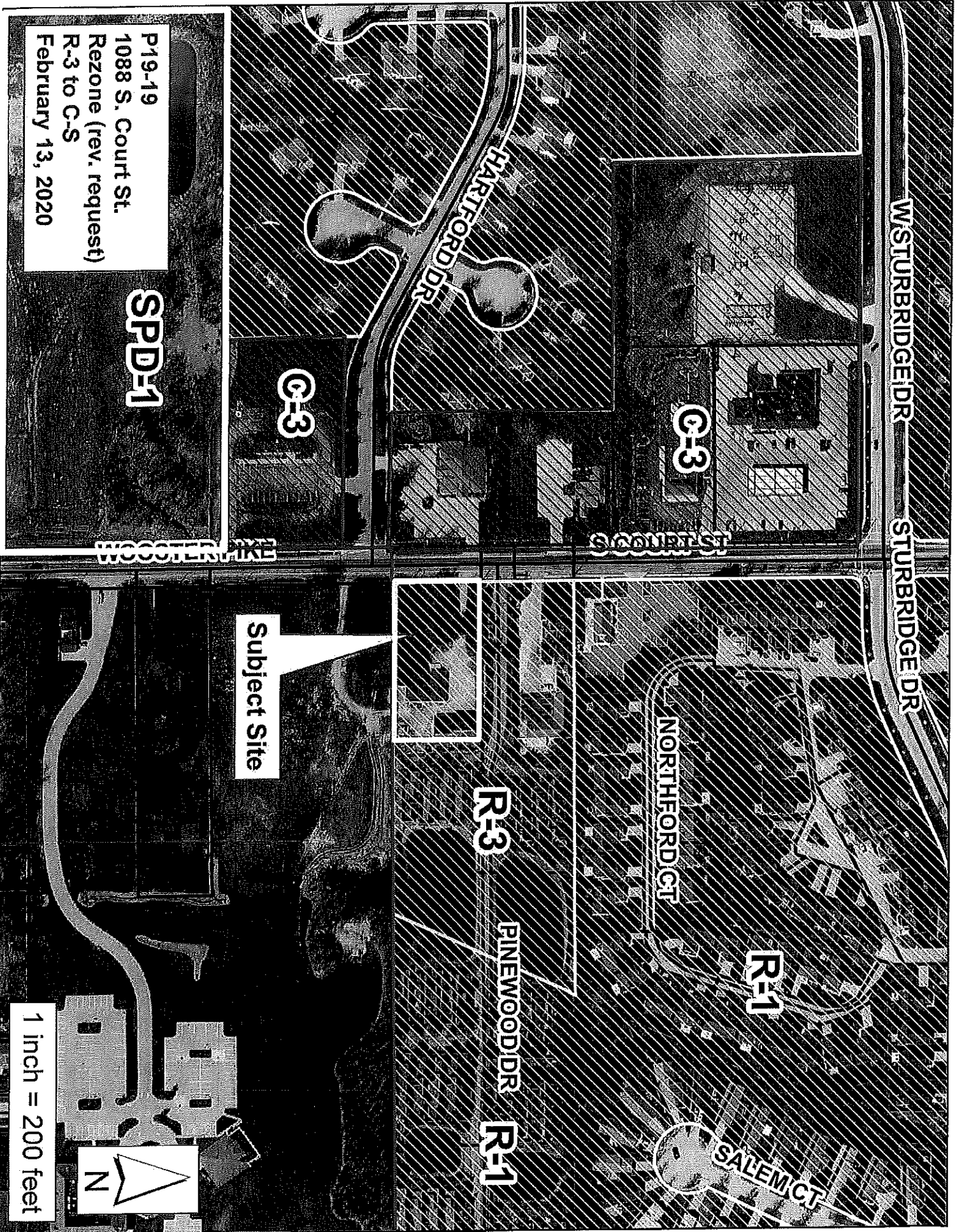
(Ord. 109-14. Passed 6-23-14.)

1131.10 PEDESTRIAN CONNECTION.

Where a sidewalk exists in a public right-of-way adjacent to a site, or when a sidewalk is required to be constructed as part of development approval, a pedestrian connection shall be constructed from the building to the public sidewalk.

(Ord. 109-14. Passed 6-23-14.)

Aerial photograph with
City of Medina Zoning
Districts overlay.



W STURBRIDGE DR

STURBRIDGE DR

HARTFORD DR

S COURT ST

NORTHFORD CT

PINEWOOD DR

SALEM CT

R-3

R-1

R-3

R-1

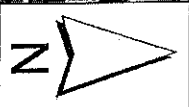
R-3

SPD-1

Subject Site

P19-19
1088 S. Court St.
Rezone (rev. request)
R-3 to C-S
February 13, 2020

1 inch = 200 feet



February 18, 2020
Planning Commission
recommendation
resolution

**RESOLUTION
PLANNING COMMISSION**

February 18, 2020

Justin Eddy
Tucker Ellis LLP
950 Main Avenue, Ste. 1100
Cleveland, Ohio 44113

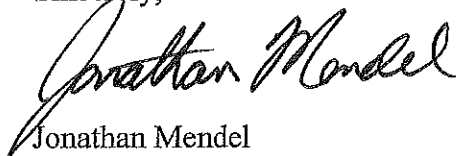
PROPERTY: 1088 S. Court Street

CASE NO: P19-19

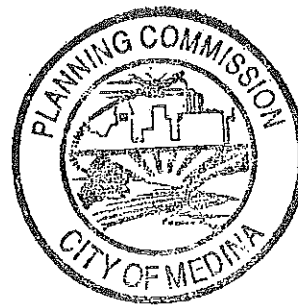
WHEREAS, YOUR APPLICATION WAS DULY PROCESSED AND AFTER APPROPRIATE REVIEW AND STUDY THE COMMISSION HAS PASSED THE FOLLOWING RESOLUTION:

At the February 13, 2020 meeting the Planning Commission approved a recommendation to City Council to rezone the property at 1088 S. Court Street from R-3 to C-S.

Sincerely,



Jonathan Mendel
Community Development Director



February 13, 2020
Planning Commission
draft meeting minutes for
the case



CITY of MEDINA Planning Commission

Planning Commission Meeting

Draft

Meeting Date: February 13, 2020

Meeting Time: 6:00 pm

Present: Bruce Gold, Rick Grice, Andrew Dutton, Paul Rose, Jonathan Mendel (Community Development Director), Sandy Davis (Administrative Assistant)

Absent: Monica Russell

The Court Reporter swore in all attendees.

Mr. Gold made a motion to accept the minutes from the January 9, 2020 Planning Commission as submitted. The motion was seconded by Mr. Rose.

Vote:

Dutton	<u>Y</u>
Grice	<u>Y</u>
Gold	<u>Y</u>
Rose	<u>Y</u>
Approved	4-0

Announcements: Mr. Mendel stated the Farmer's Exchange is open. Mr. Mendel stated the brewery in the lower level is finishing the space. Mr. Mendel stated it is a nice project for the community.

There were no announcements from City Council.

Mr. Grice stated the board must make an appointment to the Airport Commission which consists of 5 people, one of which must be a Planning Commission member. Mr. Rose made a motion to nominate Mr. Gold to the Airport Commission. Mr. Dutton seconded the motion.

Vote:

Dutton	<u>Y</u>
Grice	<u>Y</u>
Gold	<u>Y</u>
Rose	<u>Y</u>

soccer/Lacrosse indoor facility but right now they are focusing more on baseball. Mrs. Paoletta stated the field house will be suitable for any sport to practice in. Mrs. Paoletta stated the field house could be divided into 4 spaces for different teams to practice. Mrs. Paoletta stated there is also a private area for private coaching and lessons.

Mr. Paoletta stated the building will have the Buckeye School colors as well as Medina colors.

Mr. Dutton made a motion to approve a Conditional Zoning Certificate and Site Plan as submitted for a Commercial Recreation Use located at 1050 Enterprise Drive subject to the following:

1. Subject to review and approval by the City of Medina Building Department for the proposed building and associated permits
2. Subject to review and approval by the City of Medina Engineering Department for the site improvement plans

Mr. Gold seconded the motion.

Vote:

Dutton	<u>Y</u>
Grice	<u>Y</u>
Gold	<u>Y</u>
Rose	<u>Y</u>
Approved	4-0

Old Business:

1. P19-19 1088 S. Court Street Trillium Creek LLC COM

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a revised request by Tucker Ellis LLP representing Trillium Creek LLC. Mr. Mendel stated the revised request to rezone 1088 S. Court Street from R-3 to C-S. Mr. Mendel stated the subject property is just under an acre on the east side of S. Court Street at the City of Medina corporation boundary.

Mr. Mendel stated the site has about a 2,400 sq. ft. one story principal building and a little over 2,000 sq. ft. accessory building and accessory vehicle circulation area.

Mr. Mendel reviewed the background on the request. Mr. Mendel stated On October 10, 2019, the applicant came before the Planning Commission with a request to rezone 1088 S. Court St. from R-3 to C-1. Mr. Mendel stated the Planning Commission heard the applicant's position and City staff's information regarding the proposed rezoning and did not recommend the request to the City Council as a motion to recommend approval failed by a 1-4 vote.

- Batting cages – 4 per cage requiring 24 parking spaces
- Play field – 20 per field requiring 20 parking spaces
 - Total required – 44 spaces
 - 65 parking spaces are proposed for the property resulting in a 21 space surplus.

Mr. Mendel stated there were no staff comments submitted.

Mr. Mendel stated Staff recommends **approval** of the proposed Commercial Recreation Conditional Zoning Certificate and Site Plan approval subject to the following conditions:

1. Subject to review and approval by the City of Medina Building Department for the proposed building and associated permits
2. Subject to review and approval by the City of Medina Engineering Department for the site improvement plans

Present for the case was Joe Paoletta and his wife Susan, property owners. Mr. Paoletta stated his address as 8101 Parkview, Brecksville, Ohio 44141. Mr. Paoletta stated he and his wife owned the Laundry Mat in Medina and love Medina. Mr. Paoletta stated they did some research and spoke to many baseball coaches and found there is a shortage of this type of space in the area. Mr. Paoletta stated they made sure their design allowed all activities to be indoors. Mr. Paoletta stated this space will be productive and staffed.

Mr. Grice opened the public hearing at 6:15pm and asked for comments for or against from the public. Having no comments, Mr. Grice closed the public hearing at 6:15pm.

Mr. Dutton asked if there are landscaping requirements. Mr. Mendel stated there are no specific landscape requirements in the I-1 District. Mr. Mendel stated they provided a landscape plan but it is in the architecture plans. Mr. Mendel stated given the location, it is a nice transition lawn between the public right-of-way and the driveways. Mr. Mendel stated a foundation around the building softens the edges of it.

Mr. Dutton asked if there are any plans for Abbeyville. Mr. Mendel stated he spoke with the City Engineer about that. Mr. Mendel stated there is 27 acres for sale from the same group and at a minimum there might be a connection of Enterprise Drive up to Branch Road but whether it goes south across the tracks to Smith Road is another magnitude of cost due to the railroad crossing. Mr. Mendel stated right now it is just a dead end Street.

Mr. Dutton asked when they plan on opening. Mr. Paoletta stated they would like to open around this time next year for the spring rush.

Mr. Rose asked if there are plans for other sports at the facility. Mrs. Paoletta stated there is room to put a second field house. Mrs. Paoletta stated that would become the

Mr. Mendel stated the Planning Commission's decision then proceeded into the City Council's legislative review process. Mr. Mendel stated the City Council public hearing was held on December 9, 2019 and there was extended discussion regarding the request.

Mr. Mendel stated after the December 9, 2019 meeting, the applicant reevaluated their request and under the procedural provisions of Section 1107.06 of the Planning and Zoning Code, the applicant has requested remanding themselves back to the Planning Commission with a revised rezoning request. Mr. Mendel stated the revised request is now to rezone the subject property from R-3, High Density Urban Residential to C-S, Commercial Service.

Mr. Mendel stated the applicant requests rezoning the property from R-3, High Density Urban Residential to C-S, Commercial Service. Mr. Mendel stated at the moment, the applicant wishes to develop the property with a bank ATM drive-thru, but this is not a permitted use within the R-3 district and is a conditionally permitted use within the C-S district.

Mr. Mendel stated the subject property is presently zoned R-3, High Density Urban Residential. Mr. Mendel stated the permitted uses include single-family detached dwellings. Mr. Mendel stated the conditionally permitted uses include two-family dwellings, group homes, schools, churches, etc. Commercial uses are not permitted in the R-3 zoning district.

Mr. Mendel stated the applicant proposes rezoning the subject property to C-S, Commercial Service. Mr. Mendel stated this zoning district permits a limited range of commercial uses such as office and personal/professional services. Mr. Mendel stated the conditionally permitted uses are a range of uses such as bed and breakfasts, churches, and personal/professional services with drive through. Mr. Mendel stated the applicant provides discussion points to support their request to rezone from R-3 to C-S, which are attached in the packet.

Mr. Mendel stated the Future Land Use map in the Comprehensive Plan Update is a visual guide to future municipal planning and land use within the city. Mr. Mendel stated the map currently designates the subject property 'Residential High Density' as part of a specific area of the same designation to the north and east encompassing properties on the eastside of the S. Court and Sturbridge Dr.

Mr. Mendel stated the City's 2007 Comprehensive Plan Update designates the subject property as 'Residential High Density', which is equivalent with the existing multi-family development patterns on many of the neighboring properties to the north and east along the eastside of S. Court St.

Mr. Mendel stated the C-S, Commercial Service zoning district is specifically designed to be a low intensity commercial district typically used elsewhere in the city on sites closely situated near less intensive land uses and/or zoning districts, such as the 800 block of E. Washington St.

Mr. Mendel stated if the proposed rezoning is approved by City Council and becomes effective, the applicant's proposed and intended land use for the subject property will require, at a minimum, Conditional Zoning Certificate review and approval by the Planning Commission. This zoning process requires a public hearing by the Planning Commission.

Mr. Mendel stated the Planning Commission should weigh the information provided and forward a recommendation to City Council on the rezoning request from R-3, High Density Urban Residential to C-S, Commercial Service.

Mr. Mendel stated the City Law Director has reviewed this requests and recommends the Planning Commission approve the recommendation of C-S Zoning District for this property to City Council.

Mr. Mendel stated the request for this evening is just the rezoning. Mr. Mendel stated depending on the outcome of the rezoning request, it will require Conditional Zoning Certificate review and possibly site plan review.

Present for the case was Justin Eddy, Tucker Ellis, LLP, 950 Main Avenue, Suite 1100, Cleveland, Ohio 44113. Mr. Eddy stated this is a proposed ATM kiosk with a drive-in and drive out onto South Court Street. Mr. Eddy stated the area is developing as a commercial corridor on this part of South Court Street with C-3 zoning on the west side and commercial uses that were existing to the north of the property from when it was annexed from Montville Township. Mr. Eddy stated there is also a veterinary office, some office uses as well as a Handel's further north. Mr. Eddy stated in Montville Township is the Dermatology Clinic which is a commercial use. Mr. Eddy stated there were previously some houses that were owned by Trillium Creek but were demolished and there are plans in the works with regard to the area immediately south of the city line for an assisted living facility. Mr. Eddy stated he understands there has also been some additional commercial development further south down South Court Street. Mr. Eddy stated he thinks that is part of some of the issues regarding traffic concerns.

Mr. Grice pointed out that everything south of this site is not in the city. Mr. Eddy stated to the east is the city, to the south it is Montville Township. Mr. Eddy stated a residential use would not be a feasible use with the commercial nature of this particular section of the city or the property. Mr. Eddy stated there are various commercial uses immediately adjacent to the property. Mr. Eddy stated they have heard traffic concerns in the past and he does not doubt those concerns given the commercial development taking place. Mr. Eddy stated further south in Montville Township there is a lot of traffic and curb cuts. Mr. Eddy stated those factors affect this property just as much as they do the Pinewood Development or any other residential development along that street. Mr. Eddy stated this property has never been used as a residential zoning classification. Mr. Eddy stated it has been a commercial use.

Mr. Eddy stated case law must serve a legitimate government purpose. Mr. Eddy stated in this case where there is multiple commercial uses surrounding a specific property it is hard to tell what those are.

Mr. Eddy stated this request started with the highest commercial intensity and was changed to a request for a lower intensity commercial use. Mr. Eddy stated they are now requesting the lowest commercial intensity use for this property. Mr. Eddy stated recognizing the fact that there are residential uses to the east, the applicant feels the C-S zoning classification is a good buffer and the particular use is a good buffer. Mr. Eddy stated the principally permitted uses in the C-S zoning district are identical to what exists immediately across Pinewood Drive. Mr. Eddy stated they do not believe it would have an adverse effect on the residential developments to the east. Mr. Eddy stated he respectfully requests the approval of the application.

David Hoek, 28 Pinewood Drive, Medina commented on the request. Mr. Hoek presented an aerial view of the proposed site. Mr. Hoek stated he is a Trustee of the Pinewood Condominium Association and he is here tonight on behalf of their association and other interested parties. Mr. Hoek stated they have appeared before the Planning Commission and Council on numerous occasions to express their deep concern over traffic congestion and increased hazards that an additional commercial driveway at 1088 South Court Street would create. Mr. Hoek stated this was their focus at their first meeting here in April of 2019 and since that time, they have provided testimonial opposing rezoning signed by 72 residents of Pinewood, ODOT Data reflecting more than 13,000 vehicles daily on this busy section of Route 3 and an aerial view showing the existing 7 commercial driveways serving 17 businesses and 3 streets. Mr. Hoek stated all of this activity is within a 2/10 of a mile stretch of roadway south from Sturbridge to Mast Parkway. Mr. Hoek stated their concern has always been the danger created by an eighth commercial driveway regardless of what zoning is permitted. Mr. Hoek stated the driveway would be about 100' south of Pinewood and opposite Hartford Court. Mr. Hoek stated it would be located at the top of the rise which obstructs the view of oncoming northbound traffic and would be right at the city line. Mr. Hoek stated the speed limit reduces from 45mph to 35mph at that point and many drivers seem only intent on making the green light at Sturbridge and do not slow down. Mr. Hoek stated drivers entering South Court from Pinewood, the vet clinic and two medical facilities, only have about 6 seconds to safely enter South Court. Mr. Hoek stated they are gratified that their concerns about this critical safety issue are shared by Mayor and Safety Direction Hanwell, County Commissioner Bill Hutson, and Montville Township Trustee Jeff Brandon. Mr. Hoek stated following a meeting with ODOT District 3 Director, requested by Mr. Brandon, they sent ODOT letters stating their concern about the significant issues and requesting a traffic study. Mr. Hoek stated they have learned that a request is being prepared by ODOT to take funding for a Comprehensive Analysis of traffic on Rt. 3 from Interstate 76 to Medina. Mr. Hoek stated the Mayor pointed out that Rt. 3 on the south end of Medina, due to its limited lanes and numerous points of ingress and egress, provide significant safety concerns for the motoring public as well as our safety forces. Mr. Hoek stated there are too many driveways too close together. Mr. Hoek stated the issue of safety was echoed by Commissioner Hutson who stated in his

letter that over the last five years, there have been 196 crashes on St. Rt. 3 from Pinewood south to Good Road. Mr. Hoek stated Medina has recorded 21 crashes on South Court from Sturbridge south to Lexington in the past 3 years. Mr. Hoek stated the roadway was described to subject the drivers through a serpentine traffic pattern created by deceleration lanes for the many businesses. Mr. Hoek stated they would like to have these letters included for the record of this meeting. Mr. Hoek gave the letters to Mr. Mendel to enter as part of the record. Mr. Hoek stated the applicant has been denied a zoning variance for an ATM for a case that they believe is still pending. Mr. Hoek stated as well as a request for C-3 and C-1 rezoning. Mr. Hoek stated they oppose any rezoning of 1088 South Court including the current request for C-S status. Mr. Hoek stated while at the moment the applicant proposes to lease the vacant front 25% of the property for a bank ATM kiosk which would be opposite a current Huntington Bank ATM kiosk on South Court, the CS status would provide for future office and professional use, personal and professional services, a conference or banquet center, child day care center, public utility as well as numerous additional uses. Mr. Hoek stated to sum up, their concern is the danger and immediate impact and eighth commercial driveway on this narrow 2/10 of a mile roadway would have on the thousands of motorists and passengers who use this busy corridor daily as well as on our dedicated safety forces when accidents occur.

Mr. Dutton asked if it is possible to stipulate “no left turns” in or out of the property as part of the rezoning process. Mr. Dutton stated this way nobody can block traffic at 5pm to get cash. Mr. Dutton stated it would mean right turn in only when heading north and when you leave you have to go north, right turn only.

Mr. Mendel stated it is not appropriate to specify that during the rezoning request process. Mr. Mendel stated the rezoning is based on different criteria. Mr. Mendel stated if the site plan condition were to not get approved but he rezoning has occurred, you cannot claw back the rezoning because now the site has been given the right through the legislative process. Mr. Mendel stated it is not appropriate to do rezoning contingent on site plan discussion. Mr. Mendel stated the applicant will still need to go through at least the Conditional Zoning Certificate review process which affords the Planning Commission latitude on the particular nature of the use in its particular location. Mr. Mendel stated the 7 criteria in Chapter 1153, it talks about safety and appropriate site planning. Mr. Mendel stated if the previous site plan approval from 2019 expires, then that discussion will also need to happen in terms of the site planning requirements and the design guidelines but you still have leeway to talk about the use at that specific site. Mr. Mendel stated those discussions will have to happen to build what is being proposed. Mr. Mendel stated it will require at least another public meeting and another public hearing process.

Mr. Rose asked if Trillium Creek decides to put something else on the site, would they need to go through this process all over again. Mr. Mendel stated yes, all but the rezoning process for the remainder of the property.

Mr. Rose asked if the buildings get demolished on the property, would it need to come to Planning Commission. Mr. Mendel stated this is not under a Certificate of

Appropriateness review process for demolition so they can clear the site right now of all buildings with just a permit from the Building Department.

Mr. Dutton asked if the proposed CS zoning is the least intensive zoning district for the proposed use. Mr. Mendel stated yes.

Patricia Ryan, 4254 Sharon Copley Road, Medina, Ohio commented. Ms. Ryan asked if the kiosk is put in, could the buildings to the rear be developed as a commercial use and offices in addition to the kiosk up front. Mr. Mendel stated it depends on if someone wanted to convert the buildings to a commercial use if they wish. Mr. Mendel stated under the CS zoning district, you could have both land uses on one lot. Mr. Mendel stated there are no restrictions on one land use per lot. Mr. Mendel stated if the building were converted to something or a new office building was built with an accessory parking lot that could be approved. Mr. Mendel stated at a minimum, it would require Site Plan review through the Planning Commission at a public meeting.

Mr. Grice stated even if they converted the existing buildings to office, they would need to have site plan approval at a minimum for parking and circulation.

Ms. Ryan stated when the original site plan review was done, it also needed to go to the BZA for a land use variance. Ms. Ryan stated since this is not going that way for a land use variance, wouldn't a site plan review be required regardless of it running out of time on the original approval. Mr. Mendel stated he would need to take a look at that distinction but it is not a question for the rezoning process today but a question as it goes into site development review. Mr. Mendel stated once the zoning district is effective, they can make an application for the conditional zoning certificate review at which point he would look at the April 2019 approval to see if it has expired.

Ms. Ryan stated she just wants to clarify that there could be more uses on the site than just the kiosk if this zoning request is approved. Mr. Mendel stated yes.

Mr. Gold stated the existing building on the site could not be readapted into a new structure because it would not meet the setback requirements for CS. Mr. Mendel stated it would need to be reviewed at the time.

Mr. Gold made a motion to approve a recommendation to City Council to rezone the property at 1088 S. Court Street from R-3 to C-S.

The motion was seconded by Mr. Rose.

Vote:

Gold	<u>Y</u>
Grice	<u>Y</u>
Dutton	<u>Y</u>
Rose	<u>Y</u>
Approved	4-0

Having no further business, the meeting was adjourned.

Respectfully submitted,

Sandy Davis

Rick Grice, Chairman

Data Layers Measure

Measure Length (shift-click stop)

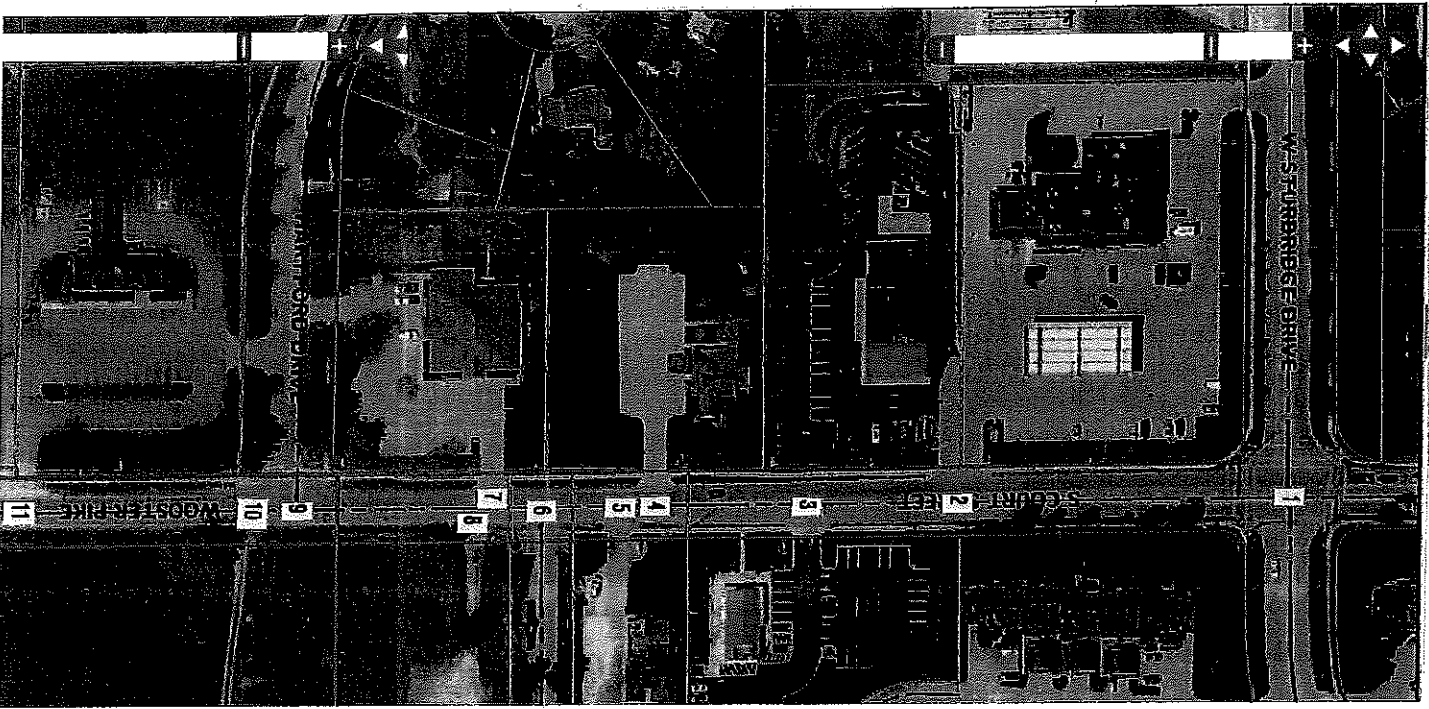
Total: 1,614.161

Segment: 0.679

Bearing: Due North

Units: Feet
Clear Log

#	Segment	Bearing:
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14:	165.076	S0-14-8E
13:	69.974	S0-33-22E
12:	126.352	Due South
11:	205.833	S0-11-20E
10:	43.481	S0-53-42E
9:	159.639	Due South
8:	16.998	S2-17-26E
7:	41.460	S1-52-40E
6:	66.588	S1-10-8W
5:	34.652	S1-7-23E
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3:	133.832	S0-34-53E
2:	-868.895	Due South
1:	1,157.606	N76-24-26W





Dennis Hanwell, Mayor

December 26, 2019

ODOT District 3

Attn: District Deputy Director Bob Weaver, P.E., P.S.

906 Clark Avenue

Ashland, Ohio 44805

Dear District Deputy Director Weaver,

I am writing to share my concerns with the S. R. 3 corridor on the south end of Medina city as well as within Montville Township. In addition to the City of Medina, the city contractually provides fire services to the Townships of Medina and Montville. Our fire department also responds to all medic calls and injury accidents. As the Safety Director for the City of Medina, I believe that, due to its limited lanes and numerous points of ingress and egress, this corridor provides significant safety concerns for the motoring public, as well as our safety forces, especially when accidents or medical incidents arise.

I have worked for nearly forty years in public safety in Medina County. This service includes working for Medina County Sheriff's Department, the City of Medina Police Department including nearly thirteen years as Chief of Police, and the last ten years as Mayor and Safety Director for the City of Medina. That experience provides me a broad perspective of safety and protection for public and safety force members as they attend to disabled vehicles, medical emergencies, and crashes.

This particular roadway is narrow and limited to two lanes in most areas from the Sturbridge Drive intersection near the southern edge of Medina city limits to the Montville Township southern limits. In addition, the areas where the S.R. 3 corridor has been improved, at Highpoint Drive/Lexington Ridge Drive intersection of S.R. 3 and Wedgewood Drive/Cobblestone Drive intersection of S.R. 3, cause other safety concerns of traffic patterns subjecting drivers to a serpentine pattern. Also, when delivery trucks stop along the roadway,

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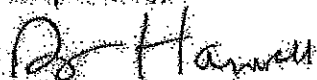
132 North Elmwood Ave.
P.O. Box 703
Medina, Ohio 44258-0703
Phone: 330-725-8861
Fax: 330-722-9045
www.medinaohio.org

this causes issues where passing of vehicles moves into oncoming lanes with limited sight distances in many locations. I have asked our respective Police Chiefs to gather crash data along this corridor for the past several years.

I would respectfully ask that a study of this corridor be conducted and grant dollars researched by ODOT to help alleviate these aforementioned safety conditions. These problems will only continue to exasperate as Montville Township is one of the fastest growing areas in the County of Medina, and in northern Ohio.

Thank you for your time and attention to this safety concern in our region. We need to work collaboratively to improve our roadways, to enhance safety and to alleviate these conditions for the benefit of all. We look forward to working with you to find safe and reasonable improvements along this S.R. 3 corridor.

Respectfully,



Dennis Hanwell

Mayor/Safety Director

City of Medina, Ohio

Medina County Commissioners

Patricia G. Geissman
William F. Hutson
Colleen M. Swedyk

County Administration Building
144 North Broadway
Medina, Ohio 44256

Phone: (330) 722-9208
Toll Free: (844) 722-3800
Fax: (330) 722-9206

January 14, 2019

ODOT District 3
Attn: District Deputy Director Bob Weaver, P.E., P.S.
906 Clark Avenue
Ashland, Ohio 44805

Dear District Deputy Director Weaver,

As commissioners', we are concerned with the safety of all who live, work and visit Medina County. We are writing to express our concerns with the State Route 3 corridor on the south end of Medina City to Interstate 76 in the Village of Seville. This roadway is narrow and limited to two lanes in most areas from the Sturbridge Drive intersection near the southern edge of Medina city limits to the Village of Seville.

While we appreciate the improvements that have been made in certain areas along State Route 3, it has raised additional issues such as traffic patterns and limited sight distance in many sections that need to be addressed. Over the last five years, there have been 196 crashes on State Route 3 from Pinewood Drive to Good Road. Thankfully, there have been zero fatalities over the last five years, but the high number of crashes is indicative of a larger problem and a true concern, that a fatality is possible. Furthermore, a number of prospective businesses have been stymied by ODOT requirements and the financial burdens placed on them by developing along State Route 3. This is taking away the economic development potential of a highly traveled route.

We are asking that a study of this corridor be conducted with grant dollars researched by ODOT to help alleviate these aforementioned safety concerns and facilitate economic development along the corridor. Since Medina County is characterized by being the tenth fastest growing county in Ohio, these problems will only continue and become greater, if not addressed.

Thank you for your time and attention to this safety concern in our region. Collaboration is key to creating a transportation system that supports the safe, effective and efficient movement of people, information and goods. We trust that if we work together, we can improve upon these issues.

Sincerely,

Patricia G. Geissman
Commissioner

William F. Hutson
Commissioner

Colleen M. Swedyk
Board President, Commissioner