

REQUEST FOR COUNCIL ACTION

OK
D.H. Howard
10-21-19

No. ROA 19-199-10/28
[Signature]

FROM: Jonathan Mendel, Community Development Director Committee: Finance

DATE: October 21, 2019

SUBJECT: October 10, 2019 Planning Commission Recommendation to rezone 1088 S. Court Street from R-3, High Density Residential to C-1, Local Commercial (Case P19-19).

SUMMARY AND BACKGROUND:

On October 10, 2019, the applicant requested rezoning the property at 1088 S. Court Street from R-3, High Density Urban Residential to C-1, General Commercial. After reviewing the applicant's request and staff's analysis, the Planning Commission **did not recommend** the requested rezoning to City Council as a motion to recommend approval failed by a 1-4 vote.

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

- October 10, 2019 staff report & packet
- October 16, 2019 Planning Commission recommendation resolution
- October 10, 2019 Planning Commission – Case P19-19 draft meeting minutes

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

- October 28, 2019 – Finance Committee of City Council review
- October 29, 2019 through November 29, 2019 – Minimum 30 day notice period for the City Council Public hearing
- December 9, 2019 – Public Hearing before the City Council
- January 13, 2020 – Ordinance review by City Council

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

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

Emergency Clause Requested: N/A
Reason:

COUNCIL USE ONLY:

Committee Action/Recommendation:

Council Action Taken:

Ord./Res.
Date:

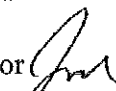
MEETING DATE: 10-10-19

PLANNING COMMISSION

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



CITY of MEDINA
Planning Commission
October 10, 2019 Meeting

Case No: P19-19
Address: 1088 S. Court St.
Applicant: Tucker Ellis, LLP representing Trillium Creek, LLC
Subject: Request to rezone 1088 S. Court St. from R-3 to C-1
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.

Project Introduction:

The applicant requests rezoning the property from R-3, High Density Urban Residential to C-1, Local Commercial. 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-1 district.

Please find attached to this report:

1. Applicant's narrative for the rezoning and development plans received September 19, 2019
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. C-1, Local Commercial
 - a. Principally Permitted and Conditionally Permitted use tables
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-1, Local Commercial. This zoning district permits a limited range of commercial uses such as office, retail and personal/professional services. The conditionally permitted uses are a range of uses such as bed and breakfasts, churches, gas stations, restaurants and personal/professional services with drive through. The applicant provides discussion points to support their request to rezone from R-3 to C-1, 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-1, Local Commercial zoning district is specifically designed to be a low intensity general commercial district typically used elsewhere in the city on relatively small sites closely situated near less intensive land uses and/or zoning districts, such as at the northwest and northeast corners of N. Court St. and Homestead 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 a 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-1, Local Commercial.

Applicant's narrative
in support of the
rezoning &
development plans
received September
19, 2019

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")

September 18, 2019

RECEIVED
SEP 19 2019

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-1 Local Commercial District zoning classification as contained within the provisions of Code Chapter 1133.

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-1 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.

SEP 19 2010

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-1 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-1 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-1 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-1 zoning classification. This is supported by Code Section 1133.01, which states:

The C-1 Local Commercial District is established to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. ***

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 "personal services purchased frequently for daily or weekly needs" 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 minimalize 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-1 zoning classification.

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Legal Description

Land situated in the City of Medina, County of Medina, and State of Ohio: and being known as the whole of Medina City Lot 4640, containing 1.1778 acres to be the same more or less, but subject to all legal highways.

PPN: 028-19D-12-004

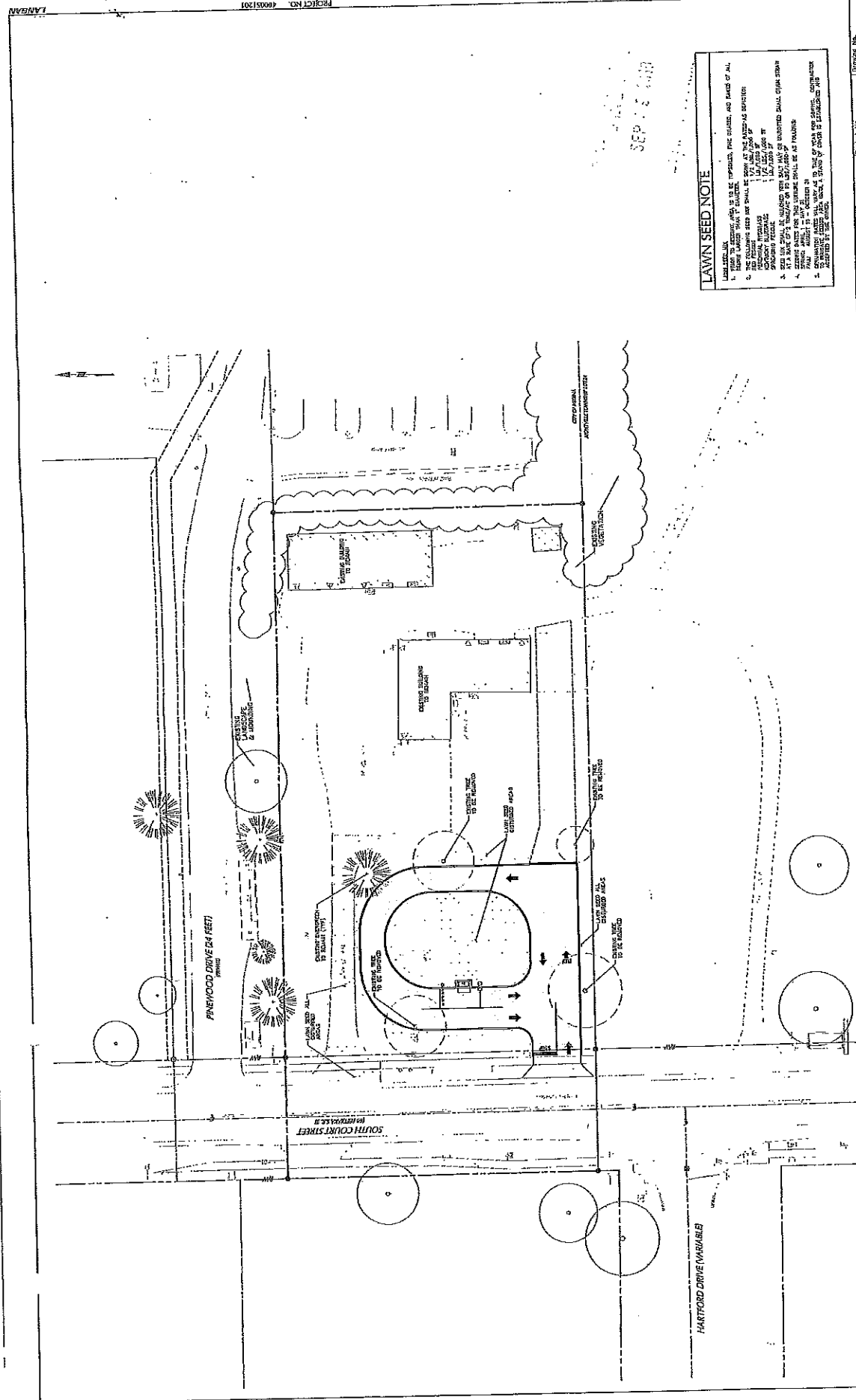
RECORDED
SEP 19 2010

Trillium Creek LLC – 1088 S. Court Street, Medina, Ohio 44256

Adjoining Parcels List

Permanent Parcel No.	Address	Owner
PPN: 028-19C-20-043	1063 S Court St, Medina, Ohio 44256	Mary Beth Esterburg ✓
PPN: 028-19D-12-002	1060 S. Court St, Medina, Ohio 44256	Sally F. Lee
PPN: 028-19D-12-011	7 Pinewood Drive, Medina, Ohio 44256	Bruce & Barbara Fisher
PPN: 028-19D-12-010	5 Pinewood Drive, Medina, Ohio 44256	Deborah L. Teper, Co-Trustee & Pamela Webber, Co-Trustee
PPN: 028-19D-12-009	3 Pinewood Drive, Medina, Ohio 44256	Susan L. Funk, Trustee
PPN: 028-19D-12-008	1 Pinewood Drive, Medina, Ohio 44256	Sally Ann Finefrock
PPN: 028-19C-20-044	1075 S Court St, Medina, Ohio 44256	Thomas H & Ann Lynne Naumoff ✓
PPN: 028-19D-12-014	2 Pinewood Drive, Medina, Ohio 44256	Gerard A & Kathleen M Seman ✓
PPN: 028-19D-12-015	4 Pinewood Drive, Medina, Ohio 44256	Jacob Lambert ✓
PPN: 028-19D-12-016	6 Pinewood Drive, Medina, Ohio 44256	Benjamin T. Wagner ✓
PPN: 028-19D-12-017	8 Pinewood Drive, Medina, Ohio 44256	Michael A. Steffen ✓
PPN: 030-11A-01-027	5779/5783 Wooster Pike, Medina, Ohio 44256	Trillium Creek LLC
PPN: 028-19C-20-045	1105 S Court St, Medina, Ohio 44256	Old Pheonix National Bank

PROJECT NO. 46001201



LAWN SEED NOTE

1. SEED TO BE SEEDING AREAS TO BE SEEDING, FINE GRADED, AND ROLLED AT ALL TIMES.
2. THE SEEDING AREAS ARE TO BE SEEDING AT THE FOLLOWING RATES:
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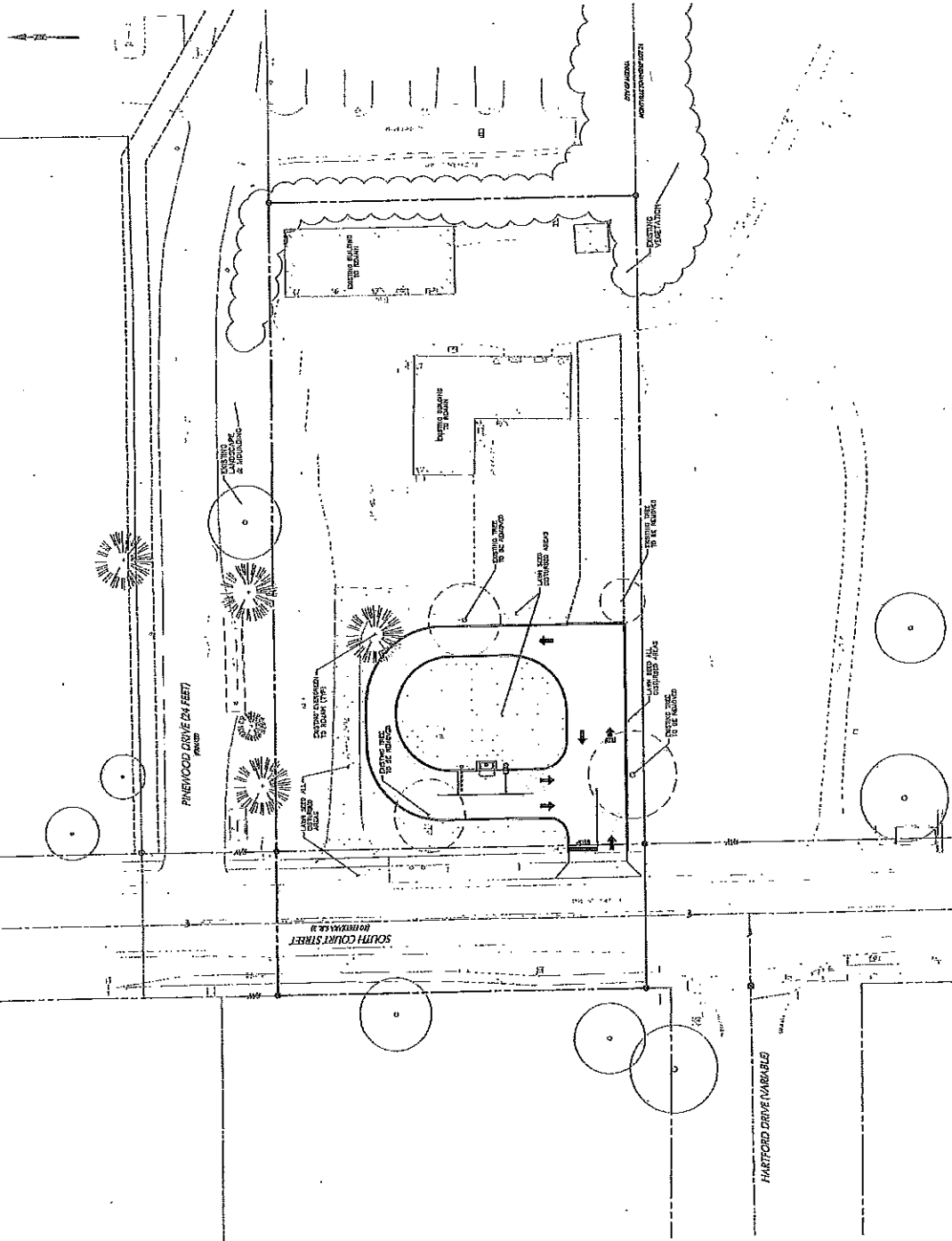
SEP 2 2007

<p>PROJECT NO. 46001201</p> <p>DATE 09/25/07</p> <p>DRAWN BY JMC</p> <p>CHECKED BY JMC</p>		<p>PROJECT TITLE</p> <p>LANDSCAPE PLAN</p>	<p>PROJECT NO.</p> <p>46001201</p> <p>DATE</p> <p>09/25/07</p> <p>DRAWN BY</p> <p>JMC</p> <p>CHECKED BY</p> <p>JMC</p>						
<p>KEYBANK</p> <p>MEDINA SOUTH ATM</p>		<p>CITY OF MEDINA</p> <p>MEDINA COUNTY</p>	<p>PROJECT NO.</p> <p>46001201</p> <p>DATE</p> <p>09/25/07</p> <p>DRAWN BY</p> <p>JMC</p> <p>CHECKED BY</p> <p>JMC</p>						
<p>LANGAN</p> <p>Landscape Architecture and</p> <p>Engineering Services, Inc.</p> <p>8000 Linnwood Court, Suite 210</p> <p>San Diego, CA 92121</p>		<p>REGISTERED LANDSCAPE ARCHITECT OF THE STATE OF CALIFORNIA</p> <p>NO. 10000</p> <p>WILLIAM J. LANGAN</p>	<p>PROJECT NO.</p> <p>46001201</p> <p>DATE</p> <p>09/25/07</p> <p>DRAWN BY</p> <p>JMC</p> <p>CHECKED BY</p> <p>JMC</p>						
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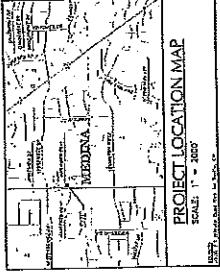
SEP 14 2019

LAWN SEED NOTE

1. SEED TYPE: BLENDED BERMUDA AND FESCUE
 2. SEED RATE: 10 LBS/1000 SQ FT
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		<p>LANGAN Langan Engineering and Environmental Services, Inc. 600 Lakeside Center Drive Columbus, OH 43260</p>	<p>PROJECT: KEYBANK MEDINA SOUTH ATM CITY OF MEDINA MEDINA COUNTY, OHIO</p>	<p>PROJECT NO.: 40081201 DATE: 03/22/2019 DRAWN BY: JCS CHECKED BY: JCS</p>						
<p>DATE: 04/18/19</p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CITY COMMENTS</td> <td>04/18/19</td> </tr> </tbody> </table>			NO.	DESCRIPTION	DATE	1	CITY COMMENTS	04/18/19
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DATE
 11/17/2017

BASE OF BEARINGS
 ALL BEARINGS ARE TO THE NEAREST MINUTE AND ALL DISTANCES ARE TO THE NEAREST 0.01 FEET.

UTILITY ONE CALL
 CALL 811 OR VISIT WWW.ONECALL.ORG

CERTIFICATION

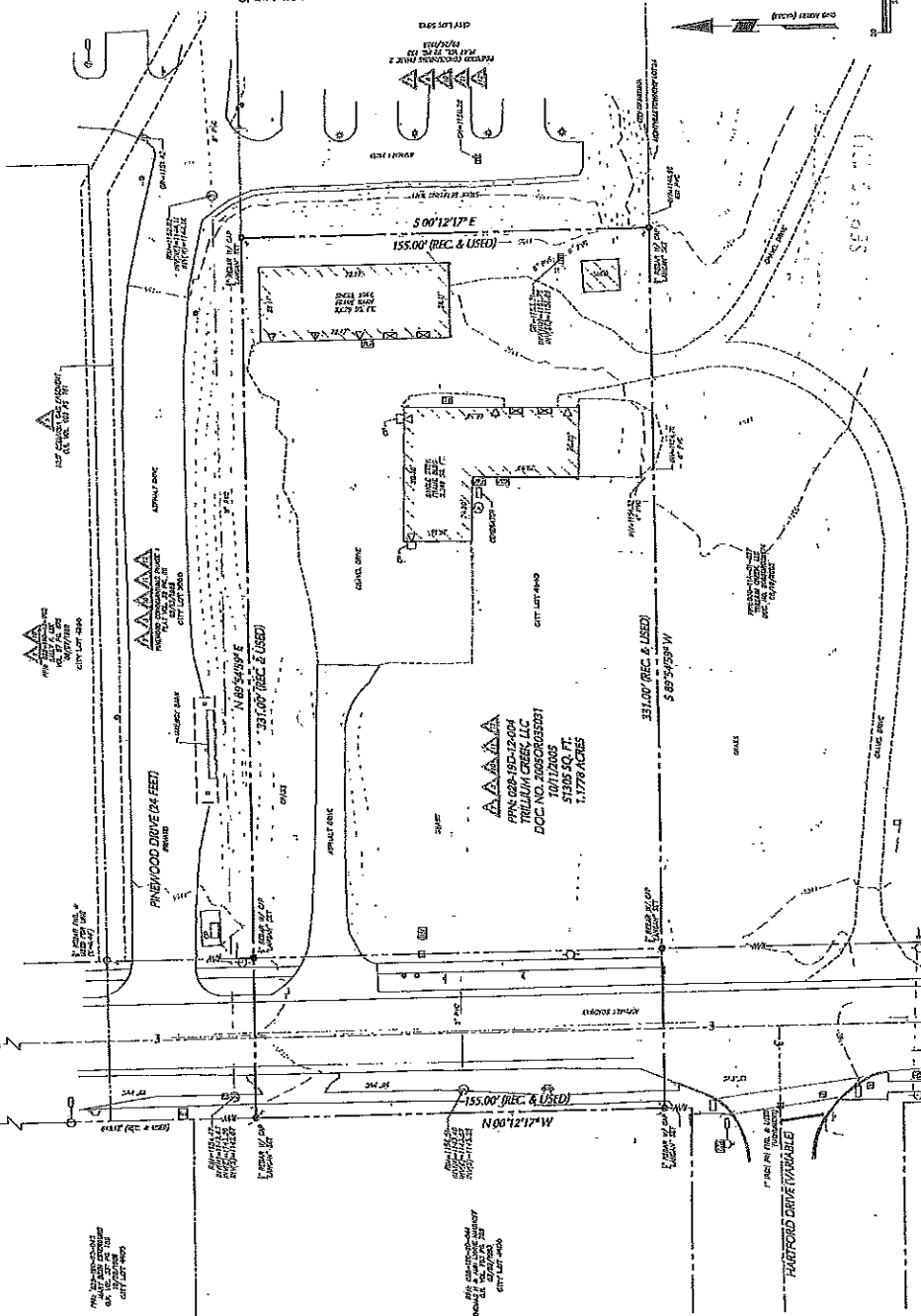
I, John E. Langran, Surveyor No. 10174, do hereby certify that I am a duly qualified and licensed Surveyor in the State of Ohio, and that I am the author of the foregoing plat, and that the same is a true and correct copy of the original on file in my office.



LANGRAN Langran & Associates, Inc. 6000 Lorain Road, Suite 200 Cincinnati, OH 45241 Tel: 513.241.0300 Fax: 513.241.0301 www.langran.com	REVISIONS Date Description
PROJECT MEDINA SOUTH ATM	DRAWING NO. VL101
CITY MEDINA, OHIO	CHECKED BY JAL
DATE 11/17/2017	SCALE AS SHOWN

- NOTES**
- The plat is prepared for the City of Medina, Ohio, and is subject to the approval of the Medina City Council.
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- LEGAL DESCRIPTION**
- ALL INTERESTS IN THE LANDS DESCRIBED WITHIN THE BOUNDARIES OF THE PLAT ARE HEREBY SET APART AND SEVERED FROM ALL OTHERS.
1. The City of Medina, Ohio, does hereby certify that it is the author of the foregoing plat, and that the same is a true and correct copy of the original on file in my office.
2. The City of Medina, Ohio, does hereby certify that it is the author of the foregoing plat, and that the same is a true and correct copy of the original on file in my office.
3. The City of Medina, Ohio, does hereby certify that it is the author of the foregoing plat, and that the same is a true and correct copy of the original on file in my office.



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ZONING

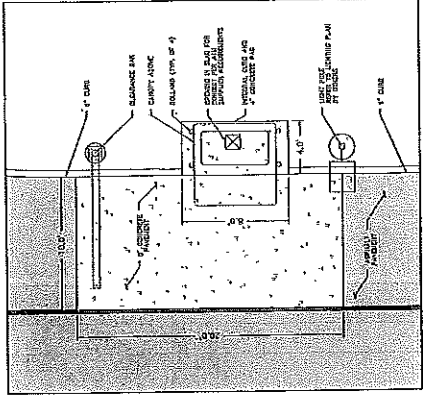
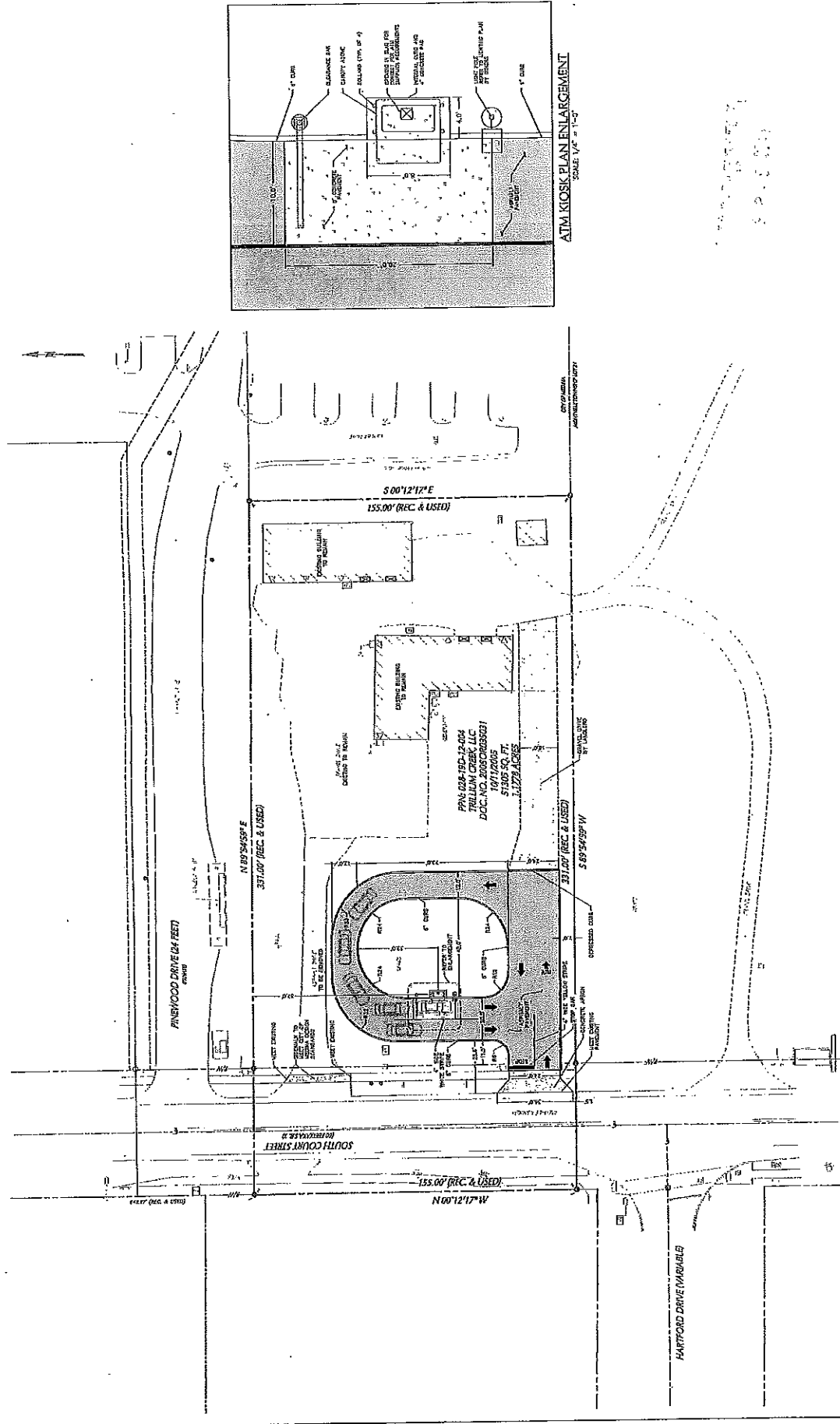
ALL LANDS DESCRIBED WITHIN THE BOUNDARIES OF THE PLAT ARE HEREBY SET APART AND SEVERED FROM ALL OTHERS.

FLOOD CERTIFICATION

I, John E. Langran, Surveyor No. 10174, do hereby certify that I am a duly qualified and licensed Surveyor in the State of Ohio, and that I am the author of the foregoing plat, and that the same is a true and correct copy of the original on file in my office.

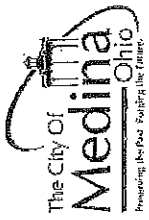
LEGEND

1	Property Line
2	Setback Line
3	Utility Line
4	Water Line
5	Gas Line
6	Electric Line
7	Telephone Line
8	Other Utility Line
9	Other



		LANGAN Langan Environmental and Environmental Services, Inc. 800 Lakeside Court, Suite 210 Columbus, IN 47311 Phone: 317-233-2222 Fax: 317-233-2222 Email: bdlangan@langan.com	PROJECT KEYBANK MEDINA SOUTH ATM	DRAWING TITLE SITE PLAN	PROJECT NO. 40081301	CITY MEDINA
DATE 04/18/19	CITY COMMENTS 1 Drawing Issue	NO. 1	STATE INDIANA	PROJECT NO. 40081301	ADDRESS 800 LAKESIDE COURT	CITY MEDINA
DATE 04/18/19	CITY COMMENTS 1 Drawing Issue	NO. 1	STATE INDIANA	PROJECT NO. 40081301	ADDRESS 800 LAKESIDE COURT	CITY MEDINA

Current City of
Medina Zoning Map
















Zoning

District Map

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

Legend

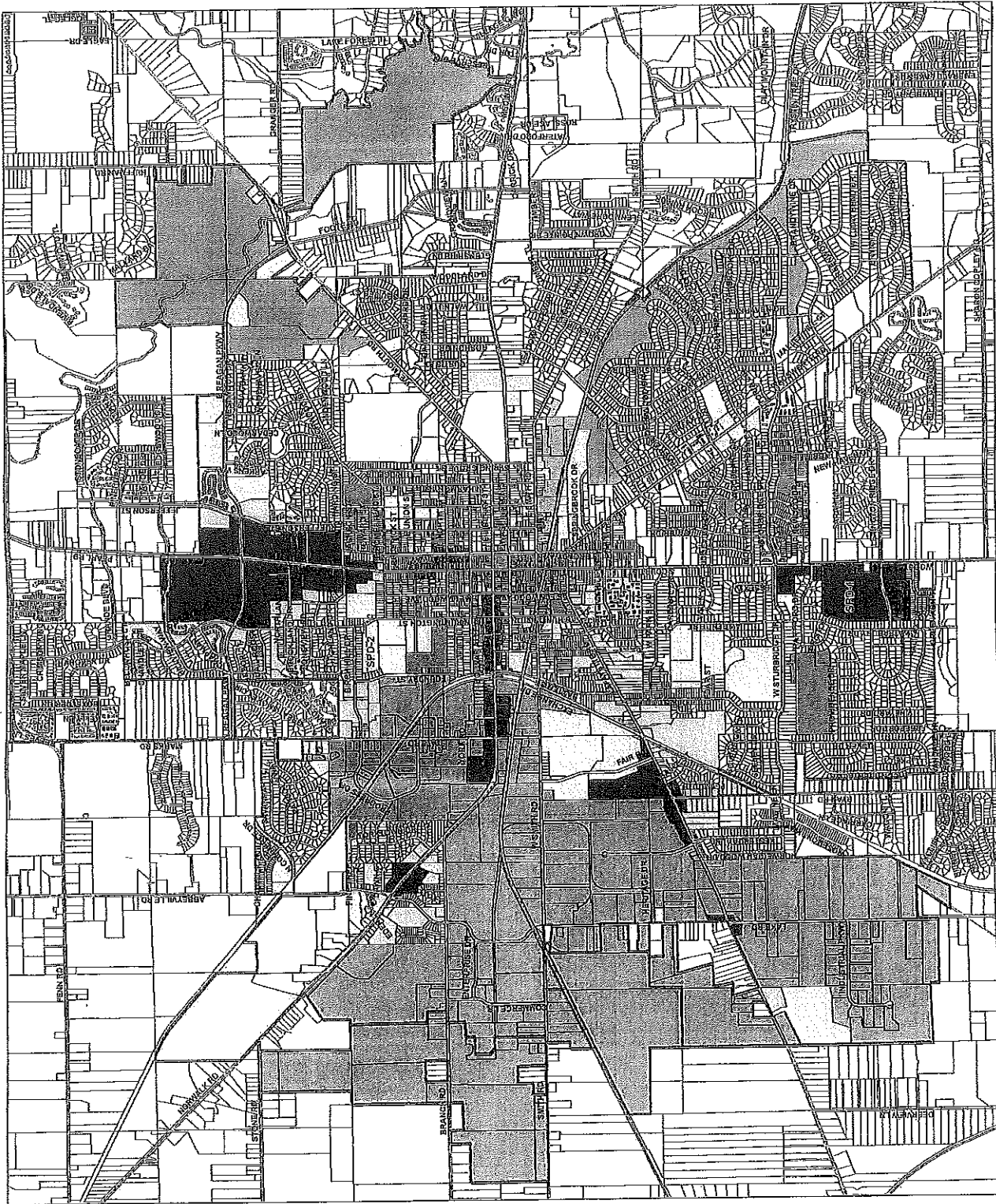
-  City Boundary
-  O-C Open Space Conservation
-  R-1 Low Density Urban Residential
-  R-2 Medium Density Urban Residential
-  R-3 High Density Urban Residential
-  R-4 Multi-Family Residential
-  M-U Multi-Use
-  P-F Public Facilities
-  C-S Commercial Service
-  C-1 Local Commercial
-  C-2 Central 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 330-764-662.

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

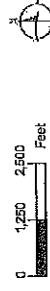
Comprehensive Plan
Update and a detail of
the subject property's
immediate vicinity on
the map

Map 8 Future Land Use

11/13/2006

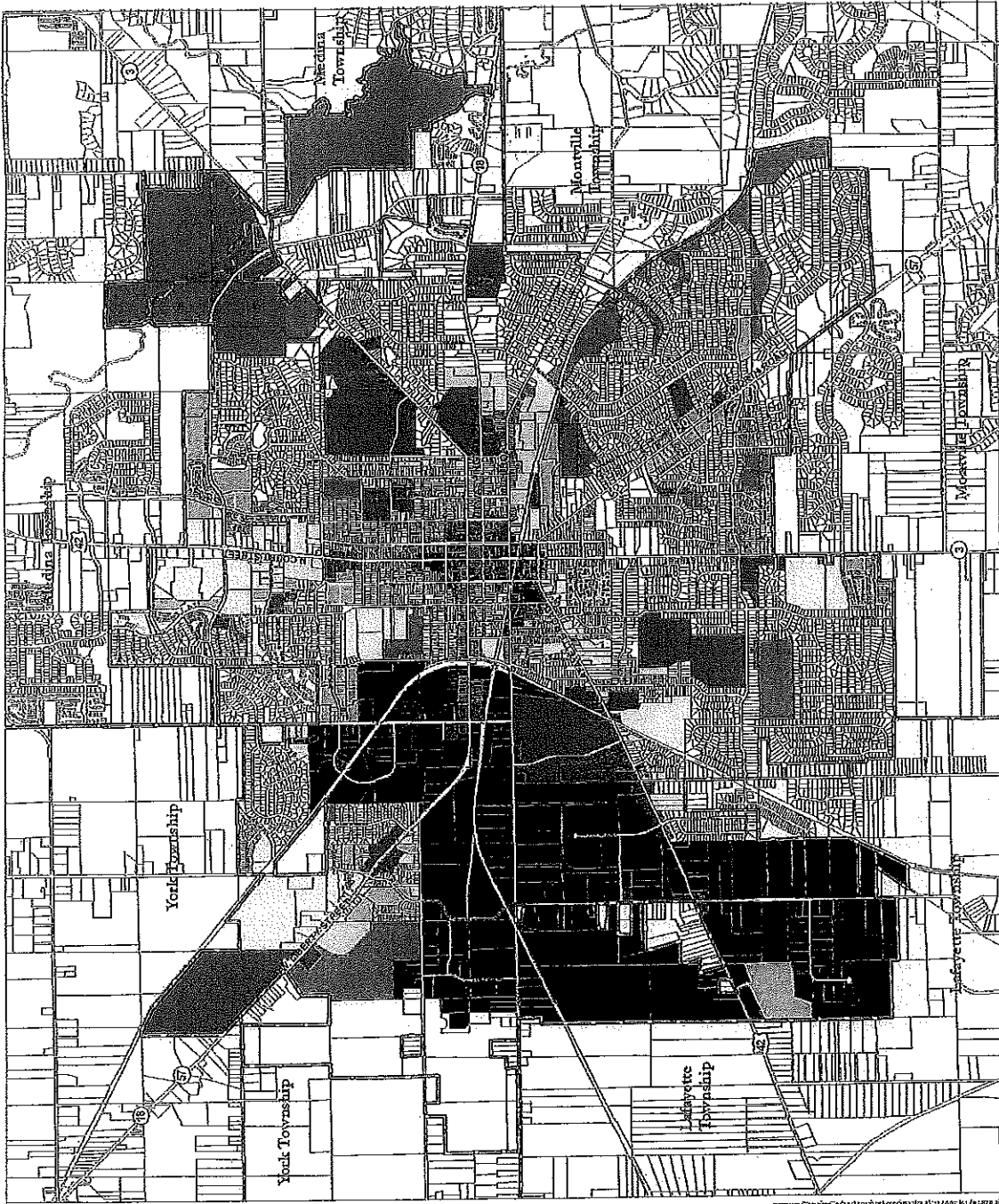
City of Medina, Ohio

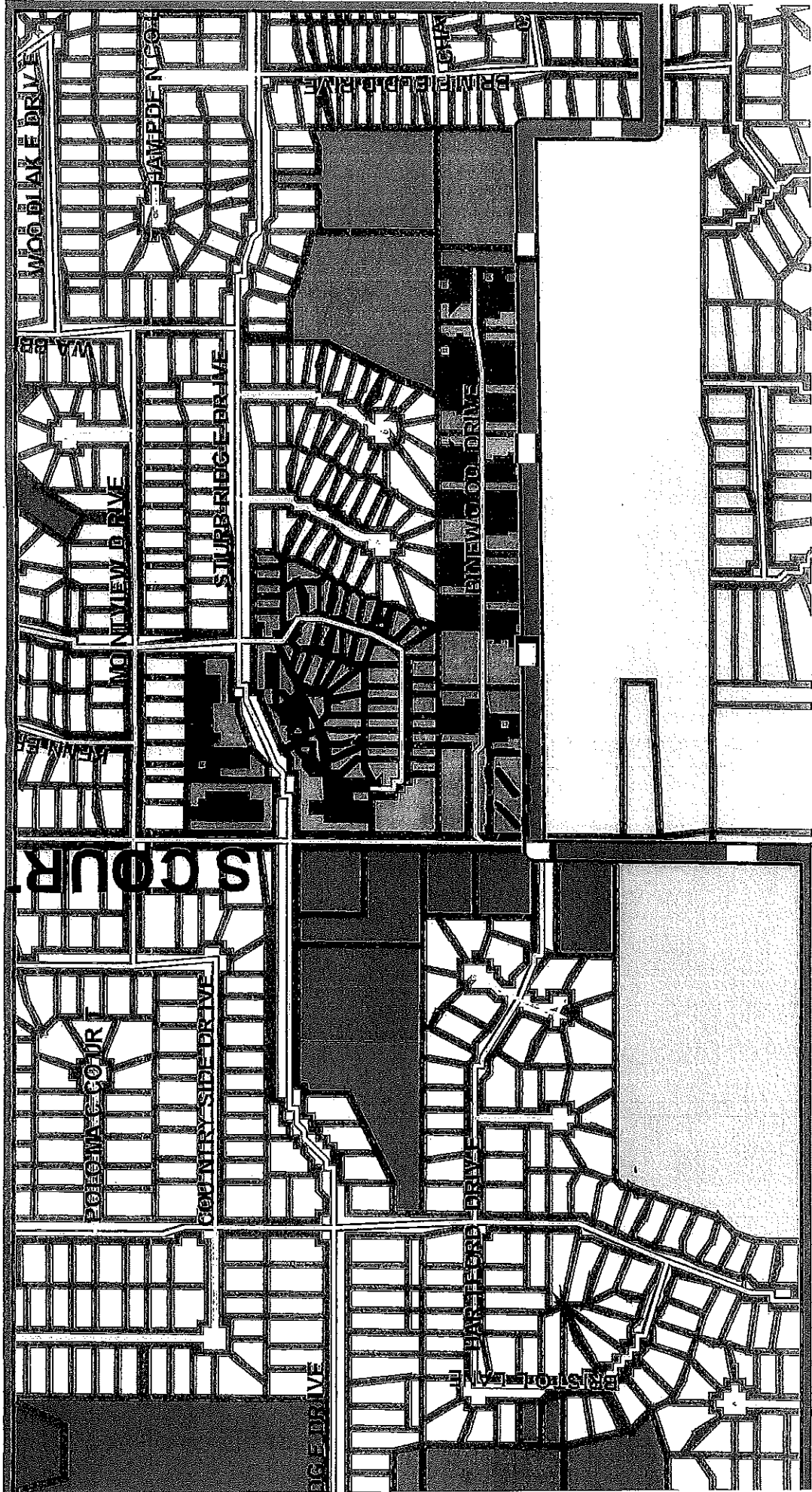
- Future Land Use**
- Residential Low Density
 - Residential Medium Density
 - Residential High Density
 - Mixed Use
 - Central Business District
 - Thoroughfare Commercial
 - Planned Commercial
 - Restricted Office
 - Office/Technology
 - Light Industrial
 - General Industrial
 - Public Facilities
 - Conservation/Recreation
 - Municipal Boundary
 - Township Boundary
 - Surrounding Area



Map Source: Medina County GIS, 2005
Data Source: McKenna Associates, Incorporated, 2006

McKenna
ASSOCIATES
INCORPORATED





WOODBLAKE DRIVE

HAMPDE N CO

WA RR

MOUNTVIEW DRIVE

STURBRIDGE DRIVE

NEWWOOD DRIVE

S COUR

COUNTRY SIDE DRIVE

COUNTRY SIDE DRIVE

ICE DRIVE

PARTEORE DRIVE

FRISTON TAY

C-1, Local
Commercial
Principally Permitted
and Conditionally
Permitted use tables

Print

Medina, OH Code of Ordinances

1133.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the C-1 Local Commercial District:

Residential	Public/Semi-Public	Commercial
• None	• None	• Convenience Retail
		• 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.)

1133.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the C-1 Local Commercial 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}	• Club, Lodge or Fraternal Organization ^{9,11,14,25}	• Bar or Tavern
• Nursing Home, Assisted Living Facility, Independent Living Facility ^{1,2,3,5,7,9,11,14}	• Conservation Use	• Child Day Care Center and Nursery ^{2,5,9,11,14}
	• Educational Institution for Higher Education	• Hospital ^{1,2,3,5,7,9,11,14}
	• Publicly Owned or Operated Governmental Facility ^{3,7}	• Motor Vehicle Filling Station with or without Convenience Retail ^{5,7,17,29,31}
	• Public Utility ^{1,10,11}	• Personal and Professional Services with Drive- Thru ^{7,17}
	• Religious Place of Worship ^{1,3,7,11,12,14}	• Research and Development Laboratory and Processing with No External Hazardous, Noxious or Offensive Conditions
	• Urban Garden	• Restaurant

(Ord. 63-16. Passed 5-9-16.)

Aerial photograph
with City of Medina
Zoning Districts
overlay.

W STURBRIDGE DR

STURBRIDGE DR

NORTHFORD CT

SALEM CT

NORTHFORD DR

R-3

PINEWOOD DR

R-1

R-1

C-3

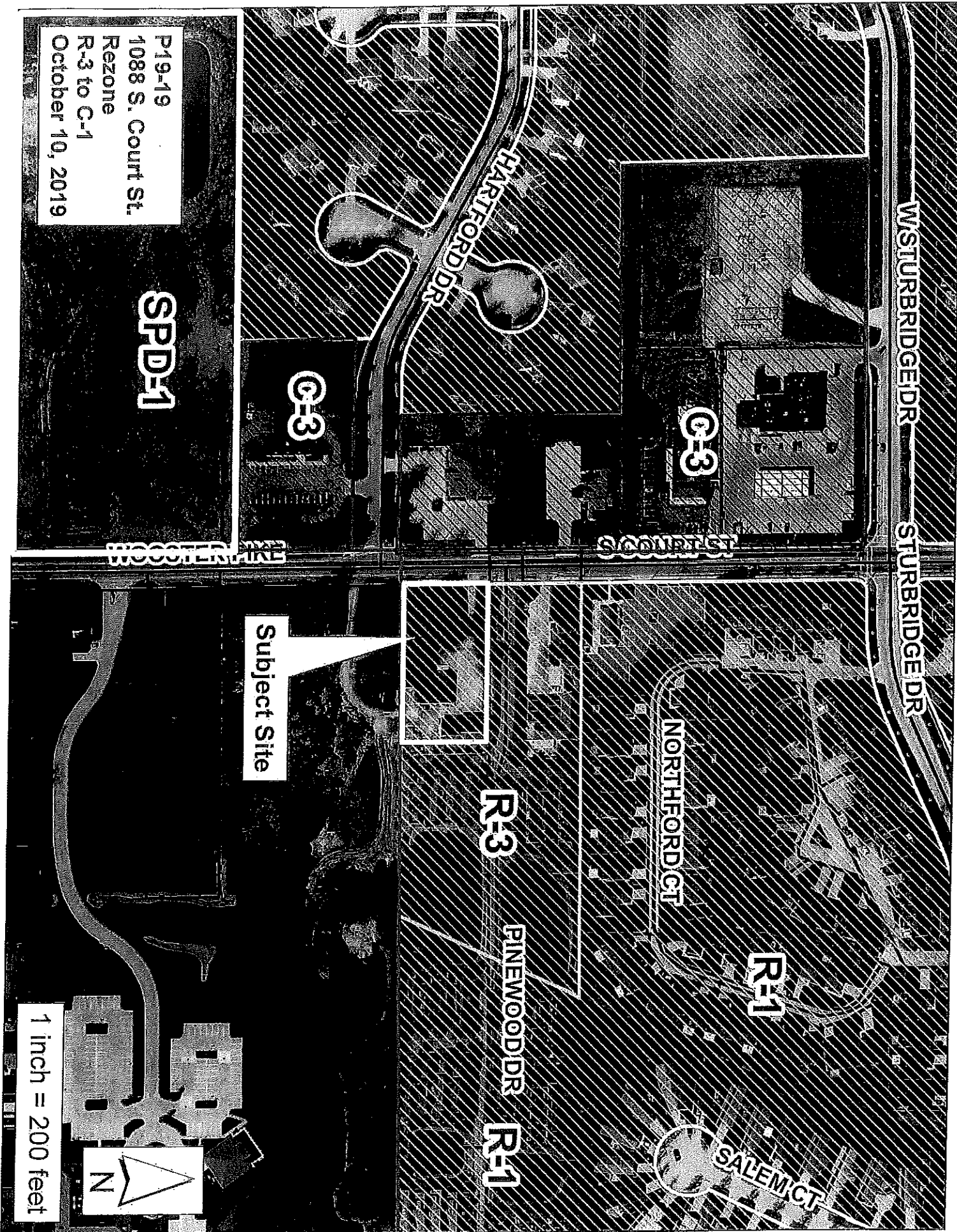
C-3

SPD-1

P19-19
1088 S. Court St.
Rezone
R-3 to C-1
October 10, 2019

Subject Site

1 inch = 200 feet



**RESOLUTION
PLANNING COMMISSION**

October 16, 2019

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 October 10, 2019 meeting the Planning Commission denied a recommendation to City Council for rezoning 1088 S. Court Street from R-3 to C-1.

Sincerely,



Jonathan Mendel
Community Development Director



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CITY OF MEDINA
PLANNING COMMISSION
- - -

Draft

Transcript of Proceedings held on
Thursday, the 10th day of October, 2019 before
the City of Medina Planning Commission,
commencing at approximately 7:00 p.m., as
taken by Makenzie J. Koman, RPR, Notary Public
within and for the State of Ohio, and held in
Medina City Hall, 132 North Elmwood Avenue,
Medina, Ohio 44256.

- - -
MEDINA COURT REPORTERS, INC.
REGISTERED PROFESSIONAL REPORTERS
209 North Broadway Street
Medina, Ohio 44256
(330) 723-2482
MCRMedina@msn.com

I N D E X

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APPEARANCES..... 3

CASE 19-19..... 16

~~CASE 19-20..... 8~~

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APPEARANCES:

City of Medina Planning Commission,
Rick Grice, Commissioner,
Bruce Gold, Member,
Monica Russell, Esq., Member,
Paul Rose, Member,
Andrew Dutton, Member, (Alternate).

City of Medina Planning Department,
Jonathan Mendel, Community Development Director,
Sandy Davis, Administrative Assistant.

PROCEEDINGS

- - -

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THE CHAIRMAN: Good evening,
everyone. We'd like to welcome you to the
October 10th Medina City Planning Commission
meeting.

Anyone that is with us this evening will
have an opportunity to speak if they so choose.
We'd ask you come to the podium, give your name
and address, keep your comments to, you know, a
reasonable amount of time, five minutes or so.

It has been our practice for the last - oh,
I don't know - thirty-five, forty years or so,
we have a court reporter with us this evening,
and at this point I'd ask that everybody stand
and be sworn in, in case you decide later on
you have something you want to say.

(Whereupon, the audience members and
Jonathan Mendel were then placed under oath by
the Notary.)

THE CHAIRMAN: Thank you.

The minutes of the September the 12th
meeting were sent out to the Commission
members. Are there any additions or
corrections?

1 MR. GOLD: Mr. Chairman, I'd
2 like to make a motion to accept the minutes as
3 submitted.

4 THE CHAIRMAN: So a motion.
5 MR. ROSE: Second.
6 THE CHAIRMAN: Motion and a
7 second.

8 Roll call.

9 MS. DAVIS: Grice?
10 THE CHAIRMAN: Yes.
11 MS. DAVIS: Russell?
12 MS. RUSSELL: Abstain.
13 MS. DAVIS: Gold?
14 MR. GOLD: Yes.
15 MS. DAVIS: Dutton?
16 MR. DUTTON: Yes.
17 MS. DAVIS: Rose?
18 MR. ROSE: Yes.
19 MS. DAVIS: Motion approved;
20 four yeas, one abstention.

21 THE CHAIRMAN: Mr. Rose, any
22 announcements?
23 MR. ROSE: No.
24 THE CHAIRMAN: City Council?
25 MR. ROSE: None this

1 evening, sir.

2 THE CHAIRMAN: Okay. Thank you.

3 Jonathan, any announcements?

4 MR. MENDEL: Just as everybody
5 in attendance here knows, the south side of
6 City Hall is under construction for the new
7 parking facility, two hundred and eleven
8 parking spaces, so the -- that is -- the
9 contract has a pretty hard line of beginning of
10 May, is when that should be finished, so if
11 everybody just kind of hopes for a dry and
12 relatively warm winter, that wouldn't hurt the
13 process.

14 And, also --

15 THE CHAIRMAN: If we should be
16 so lucky.

17 MR. MENDEL: -- for
18 November -- yeah.

19 For November, the November regular
20 meetings, we have our -- we have instituted and
21 changed the forms for switching BZA and
22 Planning Commission, so Planning Commission
23 would be then 6:00 p.m. regularly and
24 Planning Commission would -- or BZA would be
25 then 7:00 p.m.

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So -- and if -- just in case anybody
questions if there's something that's kind of
maybe going to both entities, I'll just
cross-condition things, so if it's a site
plan that's going to Planning Commission, I'll
say -- and it's also seeking some variances,
the site plan would be contingent on approval
by BZA, so --

MS. RUSSELL: Thank you,
Jonathan.

MR. MENDEL: So that's all I
have.

THE CHAIRMAN: Okay, good.

- - -

1 CASE NUMBER 19-19

2 - - -

3 THE CHAIRMAN: The second item
4 on the agenda tonight is Case 19-19. This is
5 for the property at 1088 South Court Street.
6 This is for a code or -- and map amendment.
7 Actually, a map amendment.

8 Jonathan.

9 MR. MENDEL: Yes. Thank you.

10 As you said, this is a map amendment, a
11 rezoning of the property at 1088 South Court
12 Street from R-3 to C-1 requested by the
13 Applicant, which is Tucker Ellis, LLP,
14 representing Trillium Creek, LLC, which is the
15 owner of the property.

16 The subject property is .92 acres on the
17 east side of South Court Street at the City of
18 Medina corporate boundary. The site is
19 occupied by a twenty-three-hundred-square-foot
20 one-story principal building and about a
21 two-thousand-square-foot accessory building and
22 accessory vehicle circulation areas.

23 The Applicant requests rezoning the
24 property from R-3, High Density Urban
25 Residential, to C-1, Local Commercial. At the

1 moment, the Applicant wishes to develop the
2 property with a bank ATM kiosk drive-through.
3 This is not a permitted use in the R-3 zoning
4 and is a conditionally permitted use within the
5 C-1 district.

6 Attached to your -- the staff report has
7 various supporting information regarding the
8 request and the regulatory framework under
9 the C-1 Future Land Use Map of the
10 Comprehensive Plan, current zoning map, and
11 then the Applicant's narrative for the rezoning
12 and their development plans.

13 And just walking through the proposed
14 zoning, the Applicant proposes rezoning the
15 property as C-1, Local Commercial, which is our
16 lowest intensity commercial zoning district,
17 kind of our lowest intensity general zoning --
18 commercial zoning district. This district
19 permits a limited range of commercial uses,
20 such as office, retail, professional --
21 personal and professional services.

22 Conditionally permitted uses are a range of
23 uses, such as bed and breakfasts, churches, gas
24 stations, restaurants, personal and
25 professional services with a drive-through,

1 which personal and professional service with a
2 drive-through is the land use that the proposed
3 drive-through ATM kiosk would fall under.

4 The Applicant proposes -- provides
5 discussion points supporting their request for
6 the rezoning from R-3 to C-1.

7 In the current policy document, the
8 Future Land Use Map of the 2007 City of
9 Medina Comprehensive Plan Update, this
10 property, the subject property, is designated
11 residential high density as a specific area of
12 the same designation to the north and east
13 encompassing properties on the east side of
14 South Court Street and Sturbridge Drive.

15 So going through some general staff
16 comments, the City's Comprehensive Plan
17 designates the property, as I said, residential
18 high density, which is equivalent to the
19 existing multifamily development patterns on
20 the -- many of the neighboring properties to
21 the north and east.

22 The C-1, Local Commercial, zoning district
23 is specifically designed to be a low intensity
24 commercial district, typically used elsewhere
25 in the city on relatively small sites, closely

1 situated near less-intensive land uses and/or
2 zoning districts. One such area would be at
3 the northwest and northeast corners of
4 North Court Street and Homestead Street, which
5 is a very transitional area in land use and
6 zoning.

7 If the purposed rezoning is approved by
8 City Council and becomes effective, the
9 Applicant's proposed and intended land use for
10 the subject property will require a
11 conditional zoning certificate review and
12 approval by the Planning Commission, and this
13 does require a public hearing in front of the
14 Planning Commission, as we're all well aware
15 of.

16 So the next step is the Planning Commission
17 should weigh the information provided and put
18 forward a recommendation to the City Council on
19 the rezoning request from R-3, High Density
20 Urban Residential, to C-3 -- C-1,
21 Local Commercial.

22 Thank you.

23 THE CHAIRMAN: Okay. Thank you,
24 Jonathan.

25 And the Applicant?

1 MR. EDDY: Yes. Thank you.
2 Justin Eddy from Tucker Ellis, LLP,
3 950 Main Avenue, Suite 1100, Cleveland, Ohio.
4 Unfortunately -- typically, I bring -- and
5 this is -- it's good to see everybody again.
6 We're back again. Mr. Funk from Trillium Creek
7 was ill this afternoon, so he decided to sit
8 this one out, so if anybody has any questions,
9 I'll answer them to the best of my ability, but
10 I think I know this pretty well.

11 MR. MENDEL: Justin, can I
12 interrupt you for one second?

13 MR. EDDY: Yeah.

14 MR. MENDEL: The
15 Commissioners, you have a red folder that has
16 been provided as an exhibit from, I believe,
17 someone from the public that will give their
18 presentation of their stuff, just so you have
19 that. I'm going to give a copy to Mr. Eddy for
20 his files.

21 MR. EDDY: Thank you.

22 MR. MENDEL: And I have one
23 for the Planning Commission file, so thank you.

24 MR. EDDY: Okay. So what we
25 are proposing to do on this site, kind of the

1 plans and the site plan that was approved by
2 BZA subject to rezoning the property, are
3 included in the packet, but essentially it's
4 for the installation of a drive-up ATM KeyBank
5 kiosk. KeyBank has been involved in this
6 process and is -- you know, they're committed
7 to developing the site in accordance with those
8 plans and, basically, as soon as we are able to
9 get this done, we will.

10 If you recall, we had -- the initial
11 iteration of this plan had the entrance drive
12 on the north side of the property. That was
13 moved to address concerns related to traffic,
14 particularly with regard to the Pinewood
15 entrance and exit, and as you see cars come in
16 off of South Court, circulate through the
17 kiosk, it has a lane that would allow a car to
18 go around anybody that's queued waiting for
19 the -- to use the ATM to exit. Then you're
20 able to exit back out onto South Court Street.

21 Another item that we're doing, if you could
22 see the drive extension off the south end
23 there, basically the current drive is going to
24 be removed and then replaced, so Trillium is
25 still going to retain use of these buildings.

1 They use them for storage, things along those
2 lines, and need access to it, so the -- that's
3 how they're going to do it. We're going to
4 install at our expense and remove the existing
5 driveway to reduce the points of, you know,
6 traffic along that particular piece of
7 property.

8 As you can see by this map, you have a
9 significant amount of C-3 zoned property
10 adjacent to what is, I believe, residential on
11 the west side of South Court as well as the
12 Handel's Ice Cream and, I believe, a veterinary
13 office within the R-1 and R-3 zoning districts.
14 The veterinary office, if I'm correct, exists
15 by virtue of the fact that it was zoned that
16 way when that area was annexed into the City.
17 The Handel's was approved as a commercial use
18 in connection with PUD. That, I believe,
19 relates to the residential development there to
20 the north.

21 To the south, everything in Montville
22 maintains a commercial zoning classification.
23 Trillium owns the property that is immediately
24 to the south, and that's where they operate
25 their dermatology practice.

1 Essentially, the character of this
2 neighborhood is such that it has become a
3 commercial corridor. The R-3 zoning
4 classification, because of this, we don't
5 believe that the R-3 zoning classification is
6 no longer appropriate and we believe that a
7 commercial zoning designation would fit the
8 conformance with the area and bring the
9 property into conformance with the character of
10 the area specifically.

11 I'll note that the -- there were some -- I
12 think this just sort of drives some of the
13 points. In terms of the inapplicability of a
14 residential zoning classification, there were a
15 series of houses that were -- that maintain
16 frontage in Montville Township on Trillium's
17 current property, and they -- when they
18 acquired the property, they owned those houses,
19 and for a time had actually rented some of them
20 out. But it's just not an area, at least right
21 along that corridor, that's feasible to own and
22 operate for -- you know, for particularly
23 rental properties, but in terms of
24 marketability of that particular corridor for
25 residential properties. I think that's an

1 example where it's just not something that we
2 feel is feasible, and those houses have, I
3 think, by and large been raised.

4 I'll note that the purposes of the C-1
5 zoning classification stated in the code of
6 1133.01 is to - and I'm quoting - provide for
7 uses principally to accommodate the sale of
8 convenience retail goods and personal services
9 purchased frequently for daily and weekly
10 needs.

11 Our proposed project, we feel, fits
12 directly within that. It's designed
13 essentially to capture those folks that are
14 traveling along South Court Street. It's not a
15 destination use, as they say. It captures the
16 existing traffic, and we believe it supports
17 what -- the purpose of the code.

18 Also, as Mr. Mendel mentioned, this is the
19 lowest intensity commercial zoning
20 classification, I believe, with respect to --
21 except for the C-S zoning classification, but
22 that's something a bit different, I guess.

23 But it's really designed to be adjacent to
24 the residential uses that you see to the east
25 and used as a transitional type of zoning

1 classification between the higher density
2 commercial zoning classifications and uses to
3 the west, and even more generally, higher
4 density zoning classifications and higher
5 intensity commercial uses and those residential
6 uses that you see here to the east.

7 In terms of the Comprehensive Plan, I just
8 want to point out that that's -- you know, the
9 way that I think this board should look at it,
10 that's a guide. It is a little bit dated, in
11 my opinion. I think it was completed in 2007
12 and hasn't been updated since then. So it's
13 just one of those things that -- it's a guide.
14 I think that, you know, it's always good to
15 plan and look at things and what we want to do
16 with certain areas, but at the end of the day,
17 things change, so you really sort of have to
18 look at the current state of affairs when
19 weighing what to do relative to a certain piece
20 of property.

21 As I mentioned, this is a use that's
22 designed to capture existing traffic. You're
23 not going to have people coming from all areas
24 of the city to get here. It's not a retail
25 shopping center, for example.

1 The main reason that this property is
2 attractive is because there is a decent amount
3 of traffic on South Court Street. I don't
4 think that that's anything we've tried to hide
5 throughout this process. What we're expecting
6 are sixty to eighty trips per day, and what
7 that translates is thirty to forty cars going
8 onto the site. So a trip is entering the site.
9 There's another trip counted for exiting the
10 site.

11 So even though that we are capturing that,
12 that existing traffic, we don't feel that there
13 is any significant additional impact from a
14 traffic standpoint that is created by this. I
15 don't doubt -- and I'm sure that some of the
16 members of the community from the Pinewood
17 development are going to discuss some of their
18 concerns with the traffic on this thoroughfare,
19 but at the end of the day, that's a broader
20 issue than what we're looking at today relative
21 to this particular rezoning request. To the
22 extent that those issues do exist on
23 South Court Street, those are secondary and
24 should not really drive in decision-making here
25 this evening.

1 With that, I'm happy to answer any
2 questions. I may reserve the right to respond
3 to anything in this if that's okay as well
4 (indicating).

5 THE CHAIRMAN: Okay. Do we have
6 anybody present that would like to make a
7 comment about this?

8 MR. HOEK: Good evening.
9 My name is David Hoek, H-o-e-k. I live at
10 28 Pinewood Drive, Medina, Ohio 44256. I'm a
11 member of the Pinewood Condominium Association.

12 We are here tonight to reassert our
13 opposition to any rezoning of the lot at
14 1088 South Court Street, our objection to any
15 rezoning which allows a commercial driveway at
16 a critical and dangerous spot on South Court.

17 At our meeting in July, Attorney Eddy
18 dismissed our comments opposing the rezoning
19 as anecdotal. We have presented the
20 Planning Commission with empirical evidence
21 supporting the reasons for our opposition.
22 This includes a testimonial signed by
23 seventy-two residents including fifty-three
24 owners of homes in Pinewood expressing their
25 opposition.

1 We also provided members with a detailed
2 aerial map, a view of the section of Route 3
3 where the proposed rezoning would add an eighth
4 commercial driveway to an already-congested
5 two-tenths-of-a-mile stretch of the roadway.
6 One doesn't need years of experience as a city
7 planner or a real estate professional to
8 recognize the potential hazards in the short
9 stretch of a busy highway.

10 Here are more facts that you could see on
11 the aerial photo. There are seven commercial
12 driveways serving nineteen businesses,
13 including a twelve-pump gas station and a
14 ten-bay auto service center, as well as two
15 streets - Pinewood and Hartford - between
16 Sturbridge and Mast Parkway. Four of the
17 driveways and Pinewood Drive are squeezed into
18 a distance shorter than a football field. The
19 proposed new commercial driveway would replace
20 an existing limited-use nonconforming
21 residential driveway, which for the past
22 sixteen years has been an access to buildings
23 that serve an economically feasible use for
24 Trillium Creek. This driveway is shown on the
25 map as Number 8.

1 Based on an ODOT analysis of traffic volume
2 at Lexington Ridge, there are 13,460 vehicles
3 each day on Route 3. This analysis was done in
4 2010, and traffic has surely increased due to
5 the continued development on both sides of
6 Route 3. There have been sixteen traffic
7 accidents in Medina in the past three months.
8 By comparison, there are 16,380 vehicles a day
9 on North Court at Grande Boulevard, based on a
10 traffic analysis made in 2016 prior to the
11 major construction project on Route 42.

12 Our concern is not just the increase in
13 traffic, but the danger due to the limited
14 sight line on Route 3 looking south from
15 Pinewood Drive. The proposed commercial
16 driveway at 1088 South Court would only be
17 about a hundred feet from Pinewood, far less
18 than state-recommended stopping sight distance
19 of two hundred and fifty feet at thirty-five
20 miles an hour, and many motorists are going
21 much faster.

22 The driveway would be at the crest of a
23 hill whose low point is just north of
24 Lexington. The speed limit in that area is
25 forty-five miles an hour, while it's

1 thirty-five miles an hour at the Medina City
2 line, which is where the proposed driveway
3 would be. Drivers exiting Pinewood only have
4 six to eight seconds to enter South Court
5 safely after a northbound vehicle emerges in
6 sight over that hill.

7 Traffic does not come to an immediate
8 slowdown at this point despite the posted speed
9 limit reduction. It is difficult and dangerous
10 to make a left turn entering or exiting
11 Pinewood or the many commercial driveways along
12 this short stretch of Route 3. Any additional
13 commercial driveway would contribute to more
14 congestion in this high-traffic area creating
15 further hazards and hardship for the residents
16 of Pinewood and the lives of the thousands of
17 motorists and passengers on Route 3.

18 Ongoing and future residential and
19 commercial development, such as the slated
20 nursing home proposed for a five-acre parcel in
21 front of Trillium Creek's business will
22 generate a significant increase in traffic.

23 There are currently sixty-six homes sited
24 on Mast Parkway with commercial and retail
25 development proposed. Route 3 south to

1 Lexington and beyond also has property offered
2 for additional development.

3 Attorney Eddy pointed out Trillium Creek is
4 not suing the City over what it cites as the
5 arbitrary and unsupported decision of the BZA
6 which refused its request for a conditional
7 variance to the current R-3 zoning, it is only
8 appealing to this issue. He indicated that the
9 appeal would be dropped if the requested
10 rezoning were approved. He might have just as
11 well have added "or else."

12 He described 1088 South Court as being
13 located on a major thoroughfare in an outlining
14 area. In fact, the property is only a mile or
15 so from the Square. He added that the bank
16 kiosk would replace the loss of services due to
17 the closing of the Huntington Bank branch
18 across the street. In fact, Huntington has
19 opened a kiosk in front of the former bank
20 building.

21 Trillium seems to have a high level of
22 confidence that they will get their rezoning.
23 The lot has already been clear-cut in
24 expectation of a construction project, we
25 presume.

1 Attorney Eddy has cited several cases in
2 support of the rezoning request. One of these
3 is Shemo versus Mayfield Heights, in which it
4 was stated that the rezoning request, quote,
5 "will advance legitimate governmental
6 purposes," end quote. Among the legitimate
7 governmental purposes noted in the case was
8 that rezoning, quote, "will not exacerbate
9 traffic congestion and noise in the area."

10 The additional driveway at 1088 South Court
11 will certainly exacerbate traffic congestion,
12 and this should not be a secondary
13 consideration in the rezoning issue here.

14 Another case cited is Ederer versus
15 Board of Zoning Appeals in Wadsworth.
16 Here it's stated that, quote, "traffic
17 regulation must remain a byproduct of zoning
18 activities --" continuing "-- the public
19 authorities must find some manner of dealing
20 with traffic hazards," end of quote. Public
21 authorities dealt with the traffic congestion
22 and hazards on North Court Street through a
23 two-year, twenty-million-dollar construction
24 project on Route 42. Will this happen on
25 South Court? The community planning staff

1 recommended against an earlier request to
2 rezone the property to C-3. Now, staff has
3 only commented saying the zoning district is
4 typical to that of North Court and
5 Homestead Street.

6 Here are the differences. There are four
7 businesses operated from former homes on
8 North Court at Homestead. All are low
9 traffic - an insurance agency, tax service, a
10 recovery center, and a daycare service - but
11 the greater importance, the speed limit on
12 North Court is twenty-five miles an hour and
13 there are turn lanes for Homestead.

14 The owners, residents, and many daily
15 visitors to our Pinewood neighborhood appeal to
16 this Commission to recognize the dangerous
17 conditions and negative impact that allowing an
18 eighth commercial business driveway would
19 create in this busy, narrow funnel into and out
20 of Medina. When the Planning Commission
21 approved the development of Pinewood
22 some-thirty years ago, it was with the implicit
23 commitment to the safety and security of its
24 residents. That commitment has no expiration
25 date due to changing conditions along the busy

1 question about the signatures gathered? Are
2 these recent signatures or --

3 MR. HOAK: Those were
4 gathered by -- prior to the meeting on --
5 Jonathan, help me with that. The meeting on
6 the C-3 rezoning request several months ago.

7 MR. DUTTON: Okay. So these
8 signatures are actually for a different
9 application then, what I'm looking at right
10 now?

11 MR. HOAK: Well, yes. At
12 the time we got those, there was a rezoning
13 request for C-3.

14 MR. DUTTON: Okay.

15 MR. HOAK: But the
16 implication is -- the purpose is that the
17 residents were against -- opposing of any
18 rezoning which would create that commercial
19 driveway.

20 MR. DUTTON: Okay.

21 MR. HOAK: Thank you.

22 MR. GOLD: Mr. Hoak, how
23 many additional -- how much additional traffic
24 do you expect that this would generate?

25 MR. HOAK: Well, sir, it

1 isn't the question of traffic. It's already
2 plenty of traffic. As I said, thirteen
3 thousand-plus.

4 There's a lot of development going to go on
5 South -- there will be more traffic. The
6 situation is, the driveway, a thirty-six-foot
7 cut, twenty-four-foot driveway would be right
8 at the city limits.

9 And you folks are from Medina. If you
10 drive north on South Court where, at that point
11 Wooster Pike Road from Lexington, you go down a
12 hill and then you come up a hill, and right
13 there is where that driveway would be. It's a
14 very hard sight obstruction, particularly
15 pulling out of Pinewood and if you're trying to
16 make a left turn. It's okay in the daytime,
17 sure, Sunday afternoon visiting Handel's, but
18 you look there at night, you look in the
19 evening, you look in the early morning hours
20 when people are going to work when there's the
21 traffic, it's very difficult to see if they're
22 making a left turn. They'll be making a left
23 turn into the -- anything that's at 1088.

24 But we're concerned that it won't just be a
25 kiosk, which is what they're asking for on a

1 short-term lease. Once they have a C-1
2 rezoning ability, they could put in any number
3 of different kinds of businesses that would
4 be -- would certainly generate more traffic.
5 We have to look to the future for that because
6 we're living there. We're sixty-four homes.
7 It was created by a planning commission such as
8 yourself thirty years ago. We asked for the
9 protection that you could give us by not
10 allowing that commercial drive.

11 THE CHAIRMAN: Did anybody
12 else -- I presume you were speaking for
13 Pinewood, though, right?

14 MR. HOAK: I'm sorry?

15 THE CHAIRMAN: You're speaking
16 for the Pinewood Association?

17 MR. HOAK: Yes, sir.

18 THE CHAIRMAN: Okay. Is there
19 anybody else that wanted to make any comment
20 that's not part of Pinewood?

21 MS. RYAN: Not addressing
22 Pinewood or not living in Pinewood?

23 THE CHAIRMAN: Well, I mean,
24 this gentleman already basically said he was
25 speaking for the association, which I presume

1 is all the residents.

2 MS. RYAN: I'm not a
3 resident of Pinewood.

4 THE CHAIRMAN: Oh. Come on up.

5 MS. RYAN: I didn't know if
6 you meant speaking on another issue.

7 Good evening. My name is Pat Ryan, and I
8 live at 4254 Sharon Copley Road in
9 Montville Township. I have relatives and
10 friends in Pinewood. I go there quite often
11 and that's why I'm here.

12 I'll give a little bit of history here I
13 know some of you do know, but bear with me, I'd
14 like to do this because some of the points lead
15 into tonight.

16 The Applicant applied for a land use
17 variance to allow a bank kiosk to be
18 constructed on the property at 1088 South
19 Court. This use, being only leased, is not a
20 permanent use.

21 On April 11th, the request was denied by
22 the Medina City Board of Zoning Appeals. The
23 current nonconforming use, according to the BZA
24 record, is for storage of business records and
25 property maintenance equipment for the medical

1 office facility on the adjacent property and,
2 as such, the Board felt it had a viable
3 nonconforming use. This use can be substituted
4 with another nonconforming use with approval.
5 An appeal to the Court of Common Pleas has been
6 filed by the Applicant's attorney.

7 On the same evening as the BZA denial, the
8 site plan review for the unapproved kiosk on a
9 leased land was reviewed by this Commission.

10 The site plan was approved by the
11 Commission with four conditions. The final one
12 being, quote, "subject to the BZA approval of a
13 land use variance --" and I'd like to state,
14 Mr. Eddy said for rezoning, and it was for "a
15 land use variance request to permit a personal
16 and professional services with drive-through
17 land use (bank ATM kiosk) on an R-3 zoned
18 property where such land use is not permitted
19 or conditionally permitted," unquote. This
20 condition renders that site plan review
21 approval void unless the Applicant proceeds
22 with and is granted their appeal in court.

23 After the site plan approval, the Applicant
24 changed course and proposed rezoning the
25 subject property to C-3, the most intense and

1 intrusive commercial district in the Medina
2 City Zoning Ordinance.

3 At the May 9th Planning Commission meeting,
4 Mr. Mendel stated, quote, "The map currently
5 designates the subject property High --
6 Residential High Density as part of a specific
7 area of the same designation to the north
8 encompassing properties on the east side of
9 South Court and Sturbridge Drive," unquote. He
10 went on to state, "The following items must be
11 considered: Consistency with the 2007 City of
12 Medina Comprehensive Plan Update and
13 Future Land Use Map; consider all possible
14 permitted and conditionally permitted uses in
15 the proposed zoning district; and intrusion of
16 commercial development and change of
17 neighborhood land use character."

18 Mr. Mendel stated he felt to be more
19 consistent with the Future Land Use Map
20 designation, the more appropriate zoning
21 district for the subject property would be R-4,
22 Multi-Family Residential. He stated staff did
23 not recommend rezoning to C-3 due to
24 inconsistency with the 2007 Comprehensive Plan
25 Update and Future Land Use Map and, quote, "the

1 C-3 district full range of permitted and
2 conditionally permitted uses have greater
3 potential for negative impacts on the
4 surrounding residential uses." And I know
5 that's C-3 and we're considering C-1, but bear
6 with me.

7 Mr. Eddy, attorney for the Applicant, then
8 inquired if there was a less-intense commercial
9 zoning district that would permit the use of a
10 bank kiosk. Mr. Mendel stated there were
11 and explained the C-2 and C-1 but stated
12 they would still be inconsistent with the
13 Comprehensive Plan Update and Future Land
14 Use Map. He did not address the C-S district.

15 The east side of South Court has no
16 commercial zoning at all from Lafayette down to
17 the south city limit. The only reason two of
18 the three commercial uses exist on the east
19 side of South Court is because of annexation.
20 The vet clinic is a legal nonconforming use in
21 a residential district which existed when the
22 property was annexed from Montville Township.
23 The City had no part in approving this use, and
24 as a nonconforming use, according to the
25 Ohio Revised Code, it is permitted to continue.

1 The existing structures on the subject
2 property housed Swingle's plumbing business and
3 their residence. The house was demolished by
4 the Applicant when they acquired the property.
5 The plumbing business was also a nonconforming
6 use when annexed by the City. Again, the City
7 had no part in approving this business use.

8 Handel's Ice Cream is in the portion of
9 Sturbridge Townhome Planned Unit Development
10 designated for commercial use, but the
11 underlying zoning does not change, it is still
12 residential. The only actual commercially
13 zoned properties are across South Court - or
14 State Route 3 - and there is no rule that says
15 zoning on both sides of a road have to be the
16 same.

17 Mr. Eddy stated, quote, "Their intent is to
18 narrowly tailor this as much as possible for a
19 kiosk," unquote. And for that reason, they
20 wanted to amend their application that night to
21 the C-1 designation. Tailoring doesn't exist
22 in rezoning and all uses listed in the
23 requested district must be considered.

24 Mr. Mendel said the staff report was
25 predicated under the C-3 request and felt it

1 would be best if the Applicant requested a
2 continuance for a month to amend the request,
3 giving the staff and Applicant time to revise
4 their comments, assemble commission packets,
5 and redistribute it to the public.

6 Mr. Mendel further stated that the C-3
7 request, quote, "would need to be denied by
8 council, at which point the Applicant could
9 submit an application for rezoning to C-1,"
10 unquote.

11 The Zoning Commission recommended
12 approval contrary to the planning director's
13 recommendation to deny due to noncompliance
14 with the land use map and Comprehensive Plan --
15 sorry, and potential negative impacts on
16 surrounding residential land uses.

17 At the City Council meeting in August, the
18 Applicant again attempted to circumvent the
19 administrative process by requesting an
20 amendment to their request from C-3 to C-1.
21 They did this by submitting a letter the same
22 day as the meeting, after the agenda had been
23 released, without any Planning Department
24 review, staff report and recommendation, PC
25 recommendation or even public comment on the

1 C-1. Council tabled this issue.

2 After reviewing the zoning districts, if
3 there is any commercial rezoning for a kiosk,
4 then the C-S district appears to be the best
5 option. The C-S permits professional, medical
6 and administrative office, personal and
7 professional services (including banks), and
8 other similar uses. As with the C-1, it
9 conditionally permits personal and professional
10 services with a drive-through. Prior to the
11 council meeting in September, I asked Mr. Eddy
12 if they had considered this district, and he
13 hesitantly said no, but he took the text that I
14 presented to consult with Mr. Mendel. Mr. Eddy
15 came back and told his clients -- client in my
16 presence, after speaking with Mr. Mendel, that
17 "the C-S gets you what you want, the kiosk, but
18 it doesn't give you the convenience store."
19 Mr. Eddy conferred with his client privately
20 and approached me, thanked me for the
21 information and said they were not going to
22 consider the C-S.

23 Why not? The C-S is narrowly tailored for
24 this type of use, as Mr. Eddy stated was their
25 intent, and would permit a bank kiosk. But I

1 ask, is that truly their intent? Obviously
2 not.

3 Council had two motions on the revised
4 agenda that evening. The first was for the
5 original C-3 application, and the second was
6 the same motion but for the C-1, if modified.
7 As we were told, either motion would have
8 changed the zoning if approved. Council was
9 instructed -- sorry.

10 After council discussion, it was suggested
11 the Applicant table the item until proper
12 documentation review, notification, and
13 comments could be generated for the C-1 and now
14 the C-S. The Applicant decided to not do this
15 and requested a vote that evening. Council
16 voted no on the C-1, with the super majority,
17 and no on the C-3. Both rezoning requests were
18 denied as stated by the President of Council,
19 Mr. Coyne.

20 Now we are back before the
21 Planning Commission for the C-1. In my
22 opinion, even if the Commission approves this
23 rezoning, Council can't act on it for one year
24 per Section 1107.06(e) since it was denied, and
25 even if they would -- Council would hear it,

1 they still do not have any recommendations from
2 Mr. Mendel, which was one reason they suggested
3 that it be tabled.

4 This entire process has been
5 complicated by midstream changes in strategies,
6 requests, and applications. I realize the
7 Planning Commission has the ability to approve
8 this request, but should something as
9 consequential as rezoning that could
10 permanently and adversely affect adjacent
11 residential property be decided without the
12 planning director's recommendation and without
13 regard to the Comprehensive Plan and the
14 Future Land Use Map?

15 It begs to be asked, if the Applicant's
16 real intent was to just lease a portion of the
17 property for a bank kiosk, then why leap from a
18 use variance which was narrowly tailored for
19 the intended use on a portion of the property,
20 to a commercial zoning for an array of
21 potential intrusive commercial uses on the
22 entire parcel? Are they perhaps preparing for
23 when the lease expires or is terminated? Why
24 not consider the C-S? Why not complete the
25 appeals process? The C-S would be the least

1 intrusive for the adjacent owners because they
2 would at least have the assurance that they
3 would not have a restaurant, a bar, outdoor
4 patio, noise, lights, food odors within feet of
5 their front doors, and it would give the
6 Applicant what they say they desire, a bank
7 kiosk.

8 The Applicant absolutely has the right to
9 develop, but the adjacent existing property
10 owners who signed that petition and live in the
11 area in Pinewood and off Hartford also have
12 rights. We are all allowed the, quote,
13 "greatest enjoyment and maximum use of one's
14 land," unquote, within our perspective zoning
15 district and Comprehensive Plan.

16 Interestingly, there are no recommendations
17 this time from Mr. Mendel in his current staff
18 report. The Comprehensive Plan is not to be --
19 is the Comprehensive Plan not to be formally
20 addressed for this application? How did the
21 staff report go from four pages for C-3 to just
22 two for C-1? Why is this application
23 different?

24 THE CHAIRMAN: I think we
25 know -- we pretty much heard this from the

1 other gentleman, too. I think we know where
2 everything's kind of going. You're kind of
3 well past any five- or ten- or fifteen-minute,
4 you know, time. Do you have any, like,
5 closing-type comments?

6 MS. RYAN: Okay. I have
7 something that's quite different.

8 THE CHAIRMAN: Okay.

9 MS. RYAN: Also, for this
10 application, the C-1, proper notification has
11 not been given per Section 1107.07(b) and the
12 Ohio Revised Code 713.12. This new application
13 has been rushed through without proper
14 notification as required by Medina Codified
15 Ordinances. I do not believe an ad was
16 published thirty days prior to the meeting, nor
17 was twenty-day notice given to the contiguous
18 property owners. Again, is this application
19 exempt from the rules?

20 Let me just go through here and see if
21 there's anything new.

22 Again, Mr. Eddy said that the plan
23 approval -- site plan approval was based on a
24 rezoning of the property as requested by this
25 application, and it was not. It was BZA

1 approval for the use variance.

2 Rezoning applies to the entire property, so
3 the owner could and may remove all the existing
4 buildings if desired and to develop the entire
5 property at any point in time.

6 And I believe it's also important to note
7 the four homes removed -- where Mr. Eddy is
8 saying that it's not residentially viable
9 anymore, the four homes that were removed were
10 removed by the Applicant, and so they are the
11 ones that determined that the area is obsolete
12 and economically infeasible because they didn't
13 want to be landlords.

14 THE CHAIRMAN: The majority
15 of those homes, though, were in
16 Montville Township, which we have no control
17 over there.

18 MS. RYAN: True. But
19 they're citing that in part of their argument
20 as the corridor being unviable for residential,
21 so I think it was a fair statement.

22 Just my closing. Zoning is to guide for
23 urban growth and development used in
24 accordance with the Comprehensive Plan. The
25 2007 Comprehensive Plan Update for Medina

1 states the area should be residential. This
2 plan was created and supported by the
3 Planning Department, this Commission, the
4 residents, and approved by Council. This plan
5 is not outdated, as Mr. Eddy stated. When the
6 plan was updated in 2007, the Board of Zoning
7 was identical to what it is today. The only
8 changes are that four residences were
9 demolished by the Applicant and Handel's as
10 part of an approved PUD went in.

11 This plan is still very relevant and should
12 be followed until it's formally changed.

13 Thank you.

14 THE CHAIRMAN: Thank you.

15 Anybody else have any comments they'd like
16 to make at this point?

17 AUDIENCE MEMBER: I have some short
18 comments, but it sounds like you don't --

19 THE CHAIRMAN: New and
20 different?

21 AUDIENCE MEMBER: -- want to hear
22 them.

23 THE CHAIRMAN: New and
24 different?

25 Because City Council is the one that holds

1 the actual public hearing. We've always
2 entertained anybody that was here because we
3 want to have input, but they're the ones that
4 actually hold the public hearing on any
5 rezoning, so you'll have another opportunity as
6 well to go into all your reasons for and
7 against -- in this case against, I guess, or
8 for.

9 If it's something new, absolutely. If
10 it's, you know --

11 AUDIENCE MEMBER: That's okay.

12 THE CHAIRMAN: What?

13 MR. GOLD: She said "that's
14 okay."

15 THE CHAIRMAN: Okay, good.

16 Members of the Commission?

17 Mr. Rose?

18 MR. ROSE: Thank you,

19 Mr. Chairman.

20 First, Jonathan, about the notification
21 that was brought up, was the notification
22 timely?

23 MR. MENDEL: It was.

24 For rezonings, the zoning code requires
25 notification to adjacent property owners, so we

1 notified the adjacent -- I believe the adjacent
2 condo owners and the homeowners association for
3 Pinewood as adjacent property owners, and then
4 the other adjacent property owners to the west
5 across the street.

6 We do not do a newspaper notification.
7 It's not required by the zoning code for a
8 rezoning request in front of the Planning
9 Commission.

10 And the notification is ten days for
11 Planning Commission to the adjacent property
12 owners and the -- as you said, the publication
13 for a thirty-day minimum for a public hearing
14 is for City Council process, so it was
15 followed.

16 MR. ROSE: Thank you.

17 And then --

18 MS. RUSSELL: What --

19 I'm sorry, go ahead.

20 MR. ROSE: Okay. Did you
21 have more to add to that?

22 MR. MENDEL: No.

23 MR. ROSE: Then with regard
24 to the C-S --

25 MR. MENDEL: Yes.

1 MS. RUSSELL: That was going to
2 be my question.

3 MR. ROSE: Thank you. I got
4 to scoop -- I got to scoop a lawyer.

5 But could you enlighten us on that and
6 what --

7 MR. MENDEL: It is true that
8 we --

9 MR. ROSE: -- conversations.

10 MR. MENDEL: I -- the only --
11 nobody's suggested or brought to me formally a
12 request to change it to C-S. I -- any ex-parte
13 discussions that happened before or after a
14 meeting I was not party to, nor would I ever be
15 party to, so I don't know anything about
16 anybody requesting C-S or any discussions
17 there.

18 The C-S district objectively is a low --
19 very low intensity commercial zoning district.
20 As was mentioned, the purpose is to establish,
21 to create an environment conducive to
22 well-located and designed office building
23 sites, to accommodate professional offices,
24 non-profit organizations, and limited business
25 service activities. You know, it is a very low

1 intensity, so pretty much there's only three
2 permitted uses, is office -
3 professional/medical/administrative -
4 professional or personal service, or other uses
5 as determined by the Planning Commission.

6 Conditionally permitted uses. Personal
7 and professional services with drive-through
8 is a conditionally permitted use in the C-S,
9 so --

10 MR. DUTTON: Would that be a
11 standalone drive-through or --

12 MR. MENDEL: That would be --
13 you know, whether this ATM is a financial
14 institution. And it's a drive-through
15 facility, so it kind of meets the intent and
16 definition of what a professional -- personal
17 and professional service where the
18 drive-through would be.

19 The only areas that are zoned C-S in the
20 City of Medina are along Route 18, West --
21 East Liberty -- or East Washington Street,
22 basically east of the cemetery and east of
23 St. Francis Xavier Church up to about almost
24 Guilford, you know, about -- you know, about a
25 couple hundred feet east of -- west of

1 Guilford.

2 So the request that I have that we've
3 gotten with this application of P19-19 is for
4 C-1 zoning, to rezone the subject property from
5 R-3 to C-1. So C-S could be something that
6 someone could suggest, but that has not been
7 part of my -- of the application that has been
8 submitted and part of the staff report and
9 packet that were put together for the
10 Planning Commission this evening.

11 MR. GOLD: Mr. Chairman, I'd
12 like to make a comment.

13 THE CHAIRMAN: Go right ahead.

14 MR. GOLD: You know, I do
15 not see how this kiosk is going to add
16 additional traffic to Court Street. I cannot
17 understand how thirteen thousand cars are using
18 this stretch in there per day. I'd like to see
19 more data on it and I'd like to see where the
20 data was generated from. I just can't see
21 thirteen thousand.

22 As far as the entranceway into this kiosk
23 causing traffic problems, with such low use, I
24 just don't see how that could really affect the
25 movement to any great degree in and out of

1 Pinewood Drive.

2 But with that said, changing this to a C-1
3 zoning is going to open this up to a large
4 litany of businesses and institutions that we
5 may not want to see on this property. If it
6 was limited only to the professional services
7 and the ATM drive-through, I'd have no problem
8 supporting this, but to go to a C-1, which
9 allows a broad use - and not to say that down
10 the road that the Trillium Creek would then
11 demo those outbuildings, move them to a
12 different part of the property, and then open
13 this up to other business applications - I
14 can't say I'm in favor of changing this to a
15 C-1.

16 THE CHAIRMAN: Okay. Thank you.
17 Go ahead.

18 MR. DUTTON: Can we ask the
19 Applicant to respond on why the C-S isn't
20 intense enough for this property? Is that
21 possible?

22 MR. EDDY: I guess there's
23 no particular reason. You know, I don't think
24 it's any secret. I mean, there's more of a
25 greater multitude of uses that are permitted

1 and conditionally permitted, I believe. I'm
2 not up to speed particularly with the exact
3 uses.

4 I think at the end of the day, though,
5 where the C-1 makes sense still,
6 notwithstanding the fact that the C-S does not
7 permit as many uses, is that most of the uses
8 that have been cited as the concern are
9 conditionally permitted, and those are subject
10 to review of this body, I believe, and subject
11 to various standards that are set forth in the
12 code that are going to be, you know, considered
13 on and decided upon on a case-by-case basis.
14 So there's that extra layer of review that the
15 City maintains.

16 THE CHAIRMAN: Thank you.

17 I guess that's the one thing I would remind
18 the Commission, while the kiosk is what's shown
19 on the plan, all well-intentioned, at some
20 point in time one still has to look at the
21 entire C-1 uses that are allowed on this
22 property. And that's not to say that anything
23 other than -- I mean, right now the kiosk is
24 what's being proposed, but down the road if
25 something happens, it is still C-1 and you need

1 to look at all those uses.

2 I think, personally the kiosk probably
3 generates a whole lot less traffic than even
4 Pinewood does, but that's only the kiosk,
5 that's not necessarily the property, so
6 other --

7 MR. EDDY: And I -- if I can
8 say, the ground lease that -- the basic
9 structure of this would ground lease the
10 property to KeyBank. That would be for a term
11 of ten to twenty years depending on, you know,
12 what happens, what KeyBank decides to do after
13 that ten-year period. You know, I can't
14 guarantee what's going to happen in the future.
15 I don't think anybody can.

16 THE CHAIRMAN: Right.

17 MR. EDDY: But there's a
18 long-term commitment relative to this
19 particular site.

20 THE CHAIRMAN: And that I don't
21 doubt certainly at all. That's what I'm
22 saying, you know, that's the plan you're
23 showing.

24 MR. EDDY: Right.

25 THE CHAIRMAN: Except we have to

1 look at all of the uses --

2 MR. EDDY: Right.

3 THE CHAIRMAN: -- not just a
4 kiosk.

5 MR. EDDY: Right,
6 understood.

7 THE CHAIRMAN: Because, you
8 know, that certainly might generate, as was
9 explained, you know --

10 MS. RUSSELL: And the kiosk is
11 just in front. I mean, are they going to lease
12 the entire parcel?

13 MR. EDDY: No. It's only
14 a -- it's only a portion.

15 MS. RUSSELL: So they could
16 theoretically, if they change the zoning, knock
17 down the other buildings and put in something
18 in the back.

19 THE CHAIRMAN: Other comments by
20 members of the Commission?

21 (No response.)

22 THE CHAIRMAN: Any motion would
23 be a recommend --

24 MR. ROSE: (Indicating.)

25 THE CHAIRMAN: Yes?

1 MR. ROSE: I do have a
2 question with regard to carrying on Monica's
3 comment. The rest of the property, if anything
4 is done to that, they would have to come to the
5 Board for --

6 MR. MENDEL: Likely, the
7 redevelopment of the remainder of the parcel
8 would have to come through Planning Commission
9 for at least site plan review.

10 MR. ROSE: They would have
11 to come before the Planning Commission for --

12 MR. MENDEL: For the
13 Planning Commission --

14 MR. ROSE: For demolition?

15 MR. MENDEL: No. Demolition,
16 they can demolish anything. They can demolish
17 the rest of those buildings today if they wish,
18 they just get a demolition permit through the
19 building department, but the -- building
20 something else on it --

21 MR. ROSE: They would have
22 to come to us.

23 MR. MENDEL: They most likely
24 would have to come to at least a site plan
25 review in front of the Planning Commission, and

1 then conditional zoning, depending on the
2 specific case.

3 MS. RUSSELL: As long as it's
4 within the permitted uses in the C-1. I mean,
5 obviously --

6 MR. MENDEL: It would just be
7 a site plan review.

8 MS. RUSSELL: We have our
9 review of the site plan, but if it's a use
10 that's already permitted, you know, then we
11 have less flexibility.

12 MR. GOLD: Mr. Chairman?

13 THE CHAIRMAN: Yes, sir.

14 MR. ROSE: Well, I --

15 MR. GOLD: Go ahead.

16 MR. ROSE: I still -- from
17 the first time I saw this back whenever, I
18 still have a problem with the location of the
19 driveway relative to Hartford. You're creating
20 an accident just waiting to happen, number one,
21 because there's going to -- invariably there's
22 going to be two cars vying for the same space,
23 and you know what happens then, fender juice
24 all over the place. So we increase safety
25 hazard.

1 There's going to be people going to be
2 wanting to be using that kiosk and making a
3 left turn into it at 4:32 on a Tuesday
4 afternoon, Friday afternoon, and it's going to
5 back traffic up to North Court Street. Okay?

6 All right. Those have been my problems
7 with this since day one. I don't think that's
8 a good thing for the City.

9 MS. RUSSELL: I would chime
10 in on that and say, even if you take the
11 driveway issue aside -- because right now it's
12 an R-3, right? Aren't some of the uses they
13 could use it for is a school or a church,
14 theoretically?

15 MR. MENDEL: Those are
16 conditionally permitted uses within -- in the
17 R-3 zoning district.

18 MS. RUSSELL: So even if they
19 wanted to work within the zoning district that
20 they have and try to put a conditionally
21 permitted use there, it's going to have
22 another -- probably a wider drive and increase
23 traffic, so I don't think our review should be
24 as focused on the traffic. Believe me, I lived
25 on Hartford for ten years.

1 MR. ROSE: Okay. So you
2 know.

3 MS. RUSSELL: I'm familiar with
4 that particular intersection.

5 MR. ROSE: You know.

6 MS. RUSSELL: I think the
7 focus ought to be on, would we want the -- do
8 we want the zoning to stay? Is there a
9 compelling enough reason that the zoning should
10 actually be changed for that?

11 Does that make sense?

12 MR. ROSE: I think so,
13 yeah.

14 MS. RUSSELL: Maybe?

15 MR. ROSE: I think I
16 understood your words, is what I'm saying.

17 MS. RUSSELL: Yeah. It's
18 late.

19 MR. GOLD: Mr. Chairman, I'd
20 like to put forth a motion to -- for the
21 Commission to forward a recommendation to the
22 City Council for approval of rezoning from R-3
23 to C-1.

24 THE CHAIRMAN: We have a motion.
25 Is there a second?

1 MR. DUTTON: Second.

2 THE CHAIRMAN: I have a motion,
3 a second.

4 Any other discussion by members of the
5 Commission?

6 (No response.)

7 THE CHAIRMAN: Roll call.

8 MS. DAVIS: Grice?

9 THE CHAIRMAN: No.

10 MS. DAVIS: Russell?

11 MS. RUSSELL: No.

12 MS. DAVIS: Gold?

13 MR. GOLD: No.

14 MS. DAVIS: Dutton?

15 MR. DUTTON: Yes.

16 MS. DAVIS: Rose?

17 MR. ROSE: No.

18 MS. DAVIS: Motion denied,
19 four yeas, one nay. Does that make sense?

20 MR. ROSE: No. One yea,
21 four nays.

22 MS. DAVIS: One yea, four
23 nays.

24 THE CHAIRMAN: Yes.

25 MR. MENDEL: So this will then

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be forwarded to -- through the City Council
legislative process.

THE CHAIRMAN: Right.

If there's nothing else to come before the
commission tonight, we're adjourned.

(Hearing concluded.)

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STATE OF OHIO)
) ss:
COUNTY OF MEDINA.)

CERTIFICATE

I, Makenzie J. Koman, RPR, Notary Public within
and for the State of Ohio, hereby certify that the
above and foregoing is a true and correct
transcription of my stenographic notes as taken by
me on the 10th day of October, 2019.

I further certify that this is a full and
complete transcription of the above-entitled cause.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my seal of office at Medina, Ohio this
16th day of October, 2019.

Makenzie J. Koman, RPR
and Notary Public within and for
the State of Ohio.
My commission expires 09/19/23.