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CITY OF MEDINA PLANNING COMMISSION  
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Transcript of Proceedings held on Thursday, the  
10th day of September, 2020 before the City of  
Medina Planning Commission, commencing at  
approximately 5:30 p.m., as taken by  
Nicholas Glatzhofer, Notary Public within and  
for the State of Ohio, and held in Medina City Hall,  
132 North Elmwood Avenue, Medina, Ohio 44256.

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I N D E X

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APPEARANCES.....3

- - -

CASE NUMBER	PAGE
P20-11	7
P20-12	13
P20-08	39

1  
2  
3  
4  
5  
6  
7  
8  
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APPEARANCES:

City of Medina Planning Commission,  
Rick Grice, Chairman,  
Monica Russell, Esq., Member,  
Bruce Gold, Member,  
Andrew Dutton, Member,  
Paul Rose, Member.

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

## 1 PROCEEDINGS

## 2 OLD BUSINESS

3 - - -

4 MR. CHAIRMAN: Good evening,  
5 everyone. I would like to welcome you to the  
6 September 10th Medina City Planning Commission  
7 meeting.

8 Our minutes were mailed out for the  
9 August 13th meeting. Are there any additions  
10 or corrections?

11 MR. GOLD: Mr. Chairman,  
12 I would like to approve the minutes as  
13 submitted.

14 MR. ROSE: Second.

15 MR. CHAIRMAN: We have a  
16 motion, a second.

17 Roll call.

18 MS. DAVIS: Was that  
19 Mr. Rose?

20 MR. ROSE: Yes.

21 MS. DAVIS: Okay.

22 Dutton?

23 MR. DUTTON: Yes.

24 MS. DAVIS: Grice?

25 MR. CHAIRMAN: Yes.

1 MS. DAVIS: Russell?

2 MS. RUSSELL: Yes.

3 MS. DAVIS: Gold?

4 MR. GOLD: Yes.

5 MS. DAVIS: Rose?

6 MR. ROSE: Yes.

7 MS. DAVIS: Motion

8 approved, five-zero.

9 MR. CHAIRMAN: Okay.

10 Mr. Rose, behind me, do you have any  
11 announcements from City Counsel?

12 MR. ROSE: No, sir.

13 MR. CHAIRMAN: Jonathan,  
14 anything?

15 MR. MENDEL: No, other than  
16 I have not received any indication from the  
17 architects for the County's courthouse project  
18 of when it may be coming through its regulatory  
19 process.

20 MR. CHAIRMAN: Okay. At  
21 this point in our agenda, it's been a  
22 practice for the Planning Commission for the  
23 last - I don't know - thirty years plus, we  
24 have a court reporter with us this evening,  
25 and at this time I would ask anyone -- well,

1           make it simple. If everyone would stand and  
2           be sworn, and that will eliminate the, "I  
3           don't think I want to speak but maybe later I  
4           do."

5           So whoever is going to do the swearing in.

6           (Whereupon, all those intending to  
7           testify were then placed under oath by the  
8           notary.)

9           MR. CHAIRMAN:                   Thank you.

10          We're going to alter our agenda just a  
11          little this evening. We have couple a items  
12          that will probably be a little quicker than one  
13          of them at least.

14          In all cases, if you would like to  
15          address the Commission, we ask you to go  
16          back to the podium, give us your name and  
17          address, and limit your comments to a  
18          reasonable time. We've always said about  
19          five minutes, in that general range. And if  
20          you have something that somebody else has  
21          said, to be quite honest with you, we don't  
22          necessarily need to hear it twenty times if  
23          it's the same thing. If you have something  
24          else to add, you know, we obviously would  
25          like to hear from you.

1 Case Number P20-11

2 - - -

3 Additional Appearances: Edwin Gonzales, FASTSIGNS.

4 - - -

5 MR. CHAIRMAN: With that in  
6 mind, I would like to alter the agenda and take  
7 Case 20-11 for St. Matthew Lutheran Church at  
8 400 North Broadway. This is for a conditional  
9 sign permit for a digital sign.

10 Jonathan.

11 MR. MENDEL: Yes, thank  
12 you.

13 As you said, this is for St. Matthew  
14 Evangelical Lutheran Church at 400 North  
15 Broadway. It's a conditional sign approval  
16 for an electronic message center sign.

17 The property is zoned R-3, high density  
18 urban residential. The applicant seeks the  
19 conditional sign approval for the installation  
20 of the electronic message center sign into the  
21 existing brick sign structure. In the R-3  
22 zoning district, non-residential signs,  
23 non-residential uses are permitted a  
24 forty-square-foot sign, six-feet tall. EMCs,  
25 or electronic message center signs, require

1 conditional sign approval by the  
2 Planning Commission, that's why we're here  
3 tonight.

4 Generally, there's specific requirements  
5 for the electronic message center signs and  
6 that's laid out in Items 1 through 3 on the end  
7 of -- on the bottom of the Page 1 of your staff  
8 report. It just talks about frequency of copy  
9 change, color, illumination. Those are  
10 requirements that are in the code that have to  
11 be complied with to be the frequency. That's  
12 an item that is an ongoing enforcement --  
13 enforcement work for City staff after these  
14 EMCs are done.

15 Sign height, the sign complies with the  
16 minimum required height of six-feet tall and  
17 forty square feet and, therefore, is compliant.

18 The sign, as proposed, does meet with  
19 the -- does comply with the conditional sign  
20 permit review guidelines. It's harmonious to  
21 the neighborhood and the building.

22 It could be -- any potential detriment to  
23 adjacent properties could be mitigated by  
24 turning off the sign, the EMC portion of the  
25 sign at night. There are occupied residential

1 across the street and adjacent to the site, so  
2 we recommend a conditional approval that the  
3 EMC portion be turned off by 10:00 p.m. each  
4 night.

5 So with that, I would recommend approval of  
6 the proposed sign with the condition of  
7 necessary building permits, and then the  
8 electronic message center sign portion be  
9 turned off by 10:00 p.m. every night.

10 Thank you.

11 MR. CHAIRMAN: Okay. Who is  
12 representing St. Matthew?

13 MR. GONZALES: (Indicating.)

14 MR. CHAIRMAN: If you would,  
15 step back to the podium and give us your name  
16 and address, it could be the church address.

17 MR. GONZALES: Good evening.

18 My name is Ed Gonzales, FASTSIGNS Medina.  
19 Again, I'm representing my client St. Matthew,  
20 which is addressed 400 North Broadway.

21 Questions in terms of the specs, I mean, we  
22 meet the specs in terms of height. The size is  
23 a three-by-five.

24 When you look at the frequency aspects, we  
25 would certainly have the ability to program it

1 in so that, again, we're within the  
2 specifications.

3 The illumination, again, we also have the  
4 capability. In fact, that's built in where it  
5 automatically adjusts the illumination because  
6 of the photocell technology.

7 In terms of the design and flowing in or  
8 blending in with the architecture, again, that  
9 brick structure is harmonious with the existing  
10 brick structure of the church.

11 So with that, any questions?

12 MR. CHAIRMAN: Any questions  
13 by members of the Commission?

14 MR. DUTTON: Yes.

15 I would just note that you recommend off by  
16 10:00 p.m. Should there be an on-time on the  
17 other end so that we know the gap there?

18 MR. MENDEL: I mean,  
19 there could be. But I would imagine -- I know  
20 when we've had these for either, like, the  
21 high school or Heritage Elementary or the  
22 veteran's building on North Broadway, we just  
23 had this -- the night time restriction; we  
24 didn't have a beginning morning restriction.

25 MR. DUTTON: I don't have

1 an issue with it and I don't think, you know,  
2 the church is one that's going to exploit it,  
3 but, technically, turn it off at 10:00, turn it  
4 on at 10:00 would be the condition I suppose.

5 MR. MENDEL: If the  
6 Commission felt they wanted to add that little  
7 bit to it, I have no issue with it.

8 MR. CHAIRMAN: Any other  
9 questions, comments, by members of the  
10 Commission?

11 (No response.)

12 MR. CHAIRMAN: Anybody else  
13 with us this evening have any comments other  
14 than the applicant?

15 (No response.)

16 MR. CHAIRMAN: The brick  
17 portion is existing, so it's just a sign  
18 insert, correct?

19 MR. GONZALES: Yes.

20 MR. CHAIRMAN: Okay. Anybody  
21 want to put forth a motion?

22 MR. DUTTON: I'll make a  
23 motion to approve P20-11 with the conditions  
24 that the project should be subject to all  
25 necessary building permits, and the electronic

1 message center portion of the sign should be  
2 turned off between 10:00 p.m. and 6:00 a.m.

3 MR. GOLD: I second.

4 MR. CHAIRMAN: We have a  
5 motion, a second.

6 Any other discussion?

7 (No response.)

8 MR. CHAIRMAN: Roll call.

9 MS. DAVIS: Dutton?

10 MR. DUTTON: Yes.

11 MS. DAVIS: Gold?

12 MR. GOLD: Yes.

13 MS. DAVIS: Russell?

14 MS. RUSSELL: Yes.

15 MS. DAVIS: Rose?

16 MR. ROSE: Yes.

17 MS. DAVIS: Grice?

18 MR. CHAIRMAN: Yes.

19 MS. DAVIS: Motion

20 approved, five-zero.

21 MR. CHAIRMAN: Okay. Thank  
22 you very much.

23 - - -

24

25

1 Case Number P20-12

2 - - -

3 Additional Appearances: Arline B. Gant,  
4 Dakota P. Productions.

5 Bob Bajko,  
6 HSB Architects + Engineers.

6 - - -

7 MR. CHAIRMAN: The next item  
8 on our agenda would be Case 20-12. This is for  
9 Dakota P. Enterprises at 6237 West Smith Road.  
10 This is for site plan approval.

11 Jonathan.

12 MR. MENDEL: Yes. Sorry,  
13 breaking my rules. If you can just give me a  
14 second, I just have -- I distributed some  
15 e-mails that we received, and I just wanted the  
16 applicants.

17 If you guys want to come down, you can grab  
18 these chairs here. I just want to give them  
19 copies of it for their records.

20 Whenever we receive those, we give them to  
21 the Commission and the -- we keep one for the  
22 file, save it for the file, and then we give  
23 them to the applicant as part of necessary due  
24 process.

25 So what we have here is

1 Dakota P. Enterprises LLC. It's on a -- about  
2 a one-hundred-and-sixteen-acre parcel,  
3 property, various ownerships. One of the  
4 parcels is addressed 6237, so that's why we use  
5 that address.

6 What they are proposing is a  
7 ninety-thousand-square-foot film/TV production  
8 facility on about twenty-five acres of a --  
9 it's technically 115.9 acres, and this is for  
10 site plan review.

11 This property is zoned I-1 industrial  
12 within the City of Medina. As I said, this  
13 is on one hundred and sixteen acres of land on  
14 the west side of the City of Medina on the  
15 6200 Block of Smith Road.

16 The applicant proposed the  
17 ninety-thousand-square-foot film production  
18 studio. "The proposal includes a 30,000 sqft  
19 3-story office building flanked by a 40,000  
20 sqft soundstage and a 20,000 sqft soundstage,"  
21 two separate soundstages. "Adjacent to these  
22 buildings will be a 128 space parking lot and a  
23 drive encircling the site with one access point  
24 to Smith Road," which is going to be here  
25 (indicating).

1           "The intent of the land use is an insular,  
2           primarily indoor film/TV production facility  
3           campus that would be used -- that would be  
4           contracted for use by outside production  
5           companies. There would be approximately -- a  
6           maximum of about 30 employees of the facility  
7           and the productions that use the facility could  
8           be 50+ person operations.

9           "The proposed use is not explicitly listed  
10          on either the permitted or conditionally  
11          permitted use table of the I-1 zoning district,  
12          but the permitted use table of the I-1 zoning  
13          district does have Other Uses as Determined by  
14          the Planning Commission" for instances such as  
15          the -- as this.

16          In your packet, you've got the full plans,  
17          their narrative, project narrative, staff  
18          report, and aerial photograph.

19          So getting into the district regulations,  
20          as I said, this is not an explicitly listed  
21          land use in the I-1 zoning district's permitted  
22          or conditionally permitted use table, but the  
23          other uses, as determined by the  
24          Planning Commission, land use, is there to --  
25          for the Planning Commission to review specific

1 plans and look at it on a case-by-case basis  
2 for consistency with the intent and purpose of  
3 the industrial zoning district and the  
4 permitted use table of the industrial zoning  
5 district.

6 So as I said, "This generalized permitted  
7 use is designed to accommodate case specific  
8 determinations by the Planning Commission for  
9 compliance and appropriateness of land uses not  
10 already contemplated by the Planning and  
11 Zoning Code." So the Planning Commission would  
12 then evaluate the detail of the proposed land  
13 use in relation to the purpose and intent of  
14 the industrial district and the proposed uses  
15 actual or potential impact on neighboring  
16 properties, property's uses, and the general  
17 vicinity.

18 And then some of the other regulations, the  
19 lot area, lot requirements, setback  
20 requirements, the proposed project meets all of  
21 those as they are on a one hundred and sixteen  
22 acre parcel property. The area that they would  
23 be developing is about twenty-five acres of  
24 that one hundred and sixteen acres, and it's  
25 got ample setbacks from all of the adjacent

1 properties to the north, east, south, and west.

2 So under the presumption of it complying  
3 with the other uses as determined by the  
4 Planning Commission and the permitted use  
5 table, it would just be -- this would fall  
6 under site plan administrative review. So the  
7 site plan guidelines are listed on Page 2 of  
8 the staff report, and then for industrial land  
9 uses, for uses in the industrial district,  
10 there are several other -- three other specific  
11 design standards for projects in the I-1 zoning  
12 district.

13 Looking at the project as proposed -- let  
14 me pull up the building plans here.

15 So here are two renderings of, kind of, the  
16 site - artist conceptualization (indicating).

17 This would be looking kind of from the  
18 southeast looking northwest (indicating).

19 And then here is kind of what it would look  
20 like on the ground (indicating).

21 So looking at the design of the buildings  
22 and materials being used and the site plan in  
23 general, this would comply with the  
24 requirements of the general site plan  
25 improvement requirements, site plan design

1 guidelines, and any of the three specific  
2 guidelines for developments in the I-1 zoning  
3 district. This is done because "The principal  
4 building, accessory uses and site landscaping  
5 will be harmonious within the site and  
6 neighborhood, because of the location, size and  
7 attention to buffers, setbacks and transitions  
8 with adjacent properties."

9 Now, in terms of parking, since there's  
10 kind of two different land uses here, two  
11 different kinds of parking uses, there's an  
12 office building, thirty thousand square foot,  
13 and two soundstages of sixty thousand square  
14 feet. So a soundstage is basically just a  
15 giant warehouse, empty warehouse space, that  
16 can be used for lots of different purposes.

17 The proposed one hundred and twenty-eight  
18 parking space parking lot that's proposed,  
19 seventy-five spaces would be the required for  
20 the office space. And the soundstages, I  
21 think, would fall under the standard that we  
22 have for warehousing, manufacturing, light  
23 industrial, where it's kind of as determined by  
24 the need of the applicant. I think, given the  
25 nature of what happens inside of a sound

1 studio, it's not as if you're going to have,  
2 you know, three hundred machinists working on  
3 the floor of a production facility. There  
4 might be a lot more space that's accommodated.  
5 The large open space of the soundstage would  
6 not -- large open interior spaces intended to  
7 spread occupants around to accommodate sets and  
8 associated operational equipment and supplies.

9 So the parking lot design layout and  
10 dimensional requirements are being met under  
11 the Zoning Code and reconfirmed during -- they  
12 will be reconfirmed during the building permit  
13 and site plan improvement plan permit review  
14 process.

15 Site lighting. They do provide a  
16 photometrics plan. It's low-scale light  
17 standards, and due to the nature of how they  
18 are designing the site, there will not be --  
19 there shouldn't be any intrusion or light  
20 escape onto adjacent properties.

21 In terms of the site landscaping,  
22 they're -- you know, they're cutting into a  
23 portion of the wooded area of the site, here,  
24 the pond, and this area (indicating). They  
25 have said that, you know, they're going to try

1 to be as sensitive as possible because that  
2 existing forest area is very important to  
3 their -- to why they, you know, saw this piece  
4 of property and, you know, targeted this piece  
5 of property. And, plus, there is a large berm  
6 that they are building at the, kind of, north  
7 and northeast corner of the area that they are  
8 disturbing. This is presumably the dirt that's  
9 going to be moved off of the construction site,  
10 and it's easier to berm it up and landscape it  
11 on the site than truck it off. So that meets  
12 the requirements for industrial -- for  
13 development in the I-1 zoning -- I-1 industrial  
14 district.

15 And then in the staff report, there are  
16 some comments from various building departments  
17 that -- various departments within the City  
18 that deal with land development. That would  
19 just be stuff that would be worked through  
20 during the permit review process for site  
21 improvements or a building permit.

22 General comments. This project complies  
23 with all the regulations of the Zoning Code.  
24 The applicant has been cognizant of the actual  
25 potential impacts on adjacent properties in the

1 surrounding immediate neighborhood and designed  
2 the project to remove and/or mitigate them.

3 "In regards to the land use in relation to  
4 the I-1 district's permitted use table purpose  
5 and intent, this Film/TV production facility is  
6 unlikely to have objective negative impacts on  
7 the immediate neighboring properties and uses  
8 or the surrounding immediate vicinity." The  
9 actual operations as described by the applicant  
10 is, that the "...use will be similar to, or  
11 less than, the external impacts of the  
12 corporate headquarter offices, light  
13 manufacturing and warehousing land uses next  
14 door to the west on Commerce Drive," such as  
15 Discount Drug Mart or Sandridge Foods. The  
16 proposed land use is likely to be actually an  
17 appropriate transitional land use between the  
18 more intensive -- more intense industrial land  
19 uses to the east in the City of Medina and the  
20 large lot rural residential to the west in  
21 York Township.

22 So I would recommend approval of the  
23 proposed site plan with the two conditions as  
24 listed on Page 4 of the staff report, kind of  
25 just subject to review and approval of permits

1 by the -- by the City's Building Department and  
2 Engineering Department.

3 Thank you.

4 MR. CHAIRMAN: Thank you.

5 And who is here representing this?

6 MR. BAJKO: We both are.

7 MR. CHAIRMAN: If you would  
8 like to go back to the mic, both of you or one  
9 of you, or however.

10 MR. BAJKO: I think both,  
11 yes.

12 MR. CHAIRMAN: That's fine.

13 Give us your name and address, and if you  
14 have anything you would like to add to what  
15 Jonathan said, we would like to hear that.

16 MR. BAJKO: My name is  
17 Bob Bajko, I'm with HSB Architects,  
18 1250 Old River Road in Cleveland, architect for  
19 the project. I'm a civil engineer.  
20 Working with me on this design is Arline.

21 Introduce yourself.

22 MS. GANT: Hello. I'm  
23 Arline, and I'm with Dakota P. Productions.

24 MR. MENDEL: Just give your  
25 address.

1 MS. GANT: 31400 Jackson  
2 and 14154 East Aurora Road, and we're also out  
3 of Los Angeles and Orlando, Florida.

4 MR. CHAIRMAN: Thank you.

5 MR. BAJKO: I mean,  
6 Jonathan did a very good job of explaining the  
7 project. We worked with him over the last  
8 month or month-and-a-half to, you know,  
9 fine-tune this proposal for the City. We're  
10 very excited, obviously, to bring this to you  
11 guys.

12 As he pointed out, we're being as cognizant  
13 as possible and respectful of our neighbors,  
14 and Arline can speak to more of this, but the  
15 intention is to be invisible almost. The idea  
16 is that we don't want -- you know, this has to  
17 be a very private kind of facility - and you  
18 can correct me if I'm wrong - but, you know,  
19 from the nature of -- you know, it doesn't want  
20 to be public, that's why we've tucked it into  
21 the woods. It wants to be both soundproof  
22 inside and out, right? We don't want any sound  
23 to be escaping the property, and we don't want  
24 any sound coming into the stages, right? It's  
25 a very sound-sensitive production.

1           As you can see, you know, we cut into the  
2           woods. There's a pond, there's amenities and,  
3           obviously, as John has pointed out, we're  
4           berming up to provide as much privacy as  
5           possible. We want to hide these buildings and  
6           the facility inside. Its access is off to the  
7           south, and the idea is there is going to be a  
8           security booth here, very reminiscent of  
9           probably what you saw at MGM Studios or  
10          something you probably saw in film somewhere,  
11          where it's going to be controlled access to the  
12          site. When people visit the site, they'll be  
13          allowed to access it, and then the entire  
14          perimeter of the building and the pond is going  
15          to be fenced as well. So there's going to be  
16          no -- you know, it's security and privacy. So  
17          that's the intent of this design.

18          And, you know, this was the first -- you  
19          know, we've done many iterations of this, but  
20          the idea is to refine it as possible. Again,  
21          with Jonathan's help and guidance and your  
22          Commission's guidance and with the City's  
23          guidance - engineering specifically - to make  
24          sure that we're complying with all the  
25          different rules and regulations you guys might

1 wish upon us.

2 So we're excited for the opportunity;  
3 hopefully you guys are as well. Again, the  
4 idea is that, again, it is very private, right?  
5 There's not going to be any -- you know, we  
6 don't want people roaming around here or making  
7 a spectacle of this place. That's not the  
8 intent.

9 Is that good?

10 MS. GANT: Hm-hm.

11 MR. CHAIRMAN: Okay.

12 Anything else?

13 MR. BAJKO: No, I think  
14 that's -- we'd be happy to answer questions.

15 MR. CHAIRMAN: Any members of  
16 the Commission have any comments or questions?

17 MR. ROSE: Mr. Chairman.

18 MR. CHAIRMAN: Yes.

19 MR. ROSE: Thank you.

20 Will there be -- I've got three questions  
21 here. Will there be any outdoor filming  
22 anticipated?

23 MS. GANT: Yes.

24 MR. ROSE: "Yes," there  
25 will?

1 MS. GANT: Yes.

2 MR. ROSE: Okay. And how  
3 do you -- where do you think that will take  
4 place, within this compound or out on the --

5 MS. GANT: What happens  
6 is, we take and put trees all the way around  
7 the facility and a wall, so that makes sure  
8 that it makes everything soundproof and no one  
9 can come in or go out except, of course, with  
10 security itself. But it's to insulate  
11 everything and, also, to make sure that the  
12 neighbors feel safe, and at no time are we  
13 crossing over into their land and them crossing  
14 over to ours.

15 MR. ROSE: Okay, thank  
16 you. And then I have two more.

17 Times of the filming, when do you  
18 anticipate? Is it like, say, 9:00 to 5:00 or  
19 is it twenty-four hours a day?

20 MS. GANT: No.

21 At one point, when we first opened the  
22 production offices, which is your office area  
23 which is in the center, they're generally there  
24 between 9:00 and 5:00 as we build, and then  
25 your studios on both sides, depending on which

1                   one is working, what they are doing is they  
2                   come in, and depending on their hours, which  
3                   can be anywhere from -- they usually start at  
4                   7:00 or 8:00, but vans bring them in. So  
5                   there's no issue with a lot of traffic, and  
6                   they are totally isolated.

7                   MR. ROSE:                                 So in a  
8                   way, kind of like a music-recording gig,  
9                   where you'll allot a team six hours or  
10                  whatever --

11                  MS. GANT:                                 Yes.

12                  MR. BAJKO:                                -- and they'll  
13                  come in and they do their things for six hours  
14                  and then they leave, and then another group  
15                  comes in. Something like that?

16                  MS. GANT:                               No, we only  
17                  allow one production to come in on the forty  
18                  thousand square foot one, and one production in  
19                  the twenty thousand square foot. Twenty  
20                  thousand is usually for TV; forty thousand is  
21                  usually for film.

22                  MR. ROSE:                               All right. So  
23                  they'll come in, they'll stay however long they  
24                  need, and then leave?

25                  MS. GANT:                               Well, we sort

1 of regulate that in case. They generally like  
2 to work not longer than ten hours.

3 MR. ROSE: Okay. So is  
4 that going to make it a round-the-clock  
5 operation --

6 MS. GANT: No.

7 MR. ROSE: -- as far as  
8 the filming goes?

9 MS. GANT: No.

10 MR. ROSE: No? Okay.

11 And then all that land that you have to the  
12 east of the compound here, what are your future  
13 plans for that (indicating)?

14 MS. GANT: That's totally  
15 locked in with trees all the way around it, so  
16 that's beautification, for one thing, and  
17 privacy and safety for the neighbors. Then you  
18 have a wall that is inside of those trees that  
19 no one can view from outside so that you don't  
20 have to worry about sound.

21 MR. ROSE: Okay, so --

22 MR. BAJKO: Let me just  
23 expand on that.

24 The intent is to -- because it is a fairly  
25 open area just east of this, what we're

1 showing, right? So the rest of the property is  
2 pretty open. The intent that Arline is  
3 explaining is, we're going to start planting  
4 trees. We're going to start planting trees  
5 literally along the south face of the property  
6 and the north face. So as we have  
7 opportunities to do some outdoor sets, perhaps,  
8 we're already ahead of the game. We're not  
9 going to let this -- we would not do anything  
10 external to this compound unless it was  
11 properly hidden and screened. The idea is to  
12 start planting vegetation and then, as Arline  
13 pointed out, when those trees are developed far  
14 enough, we're going to put a wall inside those  
15 trees exactly like an MGM Studio basically.  
16 You know, the idea is to protect and make it  
17 private.

18 MR. ROSE: Thank you.

19 MR. CHAIRMAN: Any other  
20 members of the Commission have questions?

21 MR. DUTTON: Will there  
22 be any future connection to Branch Road to  
23 the north with that stub there, or that's  
24 just --

25 MR. BAJKO: We originally

1 had shown something like that, and, I guess,  
2 just for cost and privacy purposes, we decided  
3 that it was best to maintain one access point.  
4 I would think if the fire department or the  
5 engineers would want us to connect through, we  
6 can discuss that with them, but we didn't see a  
7 need to keep extending the development any  
8 further than we needed to. You know, keeping  
9 another thousand feet of road off the project  
10 seemed like it made sense. We can control  
11 things better.

12 MR. DUTTON: Thank you.

13 MR. CHAIRMAN: Anybody else  
14 on the Commission?

15 (No response.)

16 MR. CHAIRMAN: Okay. Anybody  
17 with us this evening have any comments?

18 MR. FREDRICK: (Indicating.)

19 MR. CHAIRMAN: Yes, sir.

20 MR. FREDRICK: Mark Fredrick,  
21 6146 West Smith Road.

22 That site is directly across from the  
23 thirty acres that I now have, and I really  
24 don't seem to have any objection to this. I  
25 contributed to the development of thirty acres

1 for the corporation in my backyard, and I think  
2 this would be a boon to Medina also.

3 My only fear is knowing the slope of that  
4 land. That big patch of empty cornfield right  
5 across the street to the south is mine, and  
6 with a hundred and twenty-eight parking spaces  
7 that I heard, that's an awful lot of water if  
8 we have three inches of rain like we had the  
9 other day. I don't want that water going into  
10 the road ditch under Smith Road and into my  
11 front yard or hayfields.

12 Will there be some sort of adequate  
13 water-retention basin as there is by the  
14 Drug Mart site?

15 MR. MENDEL: On their civil  
16 engineering plan here, you can see one  
17 (indicating).

18 There's a proposed one here down at the  
19 south end -- southerly front edge of the  
20 building of the site (indicating).

21 And they've got one on the north end here  
22 (indicating).

23 And then I believe they are probably going  
24 to probably use some of the pond that's already  
25 here as detention (indicating).

1           But typically, usually always, a  
2           civil-engineered new site development is  
3           always better than the -- than the  
4           existing conditions, particularly on  
5           long-time farm fields. So the -- you know,  
6           the City Engineering Department has very strict  
7           requirements under our own Codes, Ohio EPA,  
8           U.S. EPA, for stormwater management and  
9           stormwater runoff, clean water requirements,  
10          and everything. So you will probably -- it  
11          will probably become a better condition for  
12          stormwater management on this property than  
13          there is now.

14                   MR. FREDRICK:                   Other than  
15          that, I have no objections.

16           Probably no sound if all the roosters in my  
17          red barn across the street don't bother you, I  
18          suppose nothing over there coming out of that  
19          soundstage will. And I also have about a dozen  
20          German Shepherds keeping track of those  
21          chickens in the barn. They bark at everything,  
22          including a bunny.

23                   MR. CHAIRMAN:                   Okay, thank  
24          you, sir.

25           Any other --

1 MR. POSATIERE: (Indicating.)

2 MR. CHAIRMAN: Yes, sir.

3 MR. POSATIERE: Hello.

4 Bob Posatiere, I'm on 6320 Branch Road, so  
5 I'm in the northwest corner.

6 This gentleman asked about the water, so he  
7 answered that for me.

8 My other concern is the setback that you  
9 mentioned, sir. Just so I can plan accordingly  
10 on my property, like how far off the property  
11 line from the northwest corner?

12 MR. MENDEL: You are Gary?

13 MR. POSATIERE: Robert.

14 MR. MENDEL: What was your  
15 last name? I'm sorry.

16 MR. POSATIERE: Posatiere.

17 MR. MENDEL: Okay.

18 MR. POSATIERE: I'm up in  
19 the --

20 MR. MENDEL: I mean, if  
21 you're one of these smaller -- if you're one of  
22 the smaller lots here, or one of the larger  
23 lots in this corner, this would be the  
24 northwest corner (indicating).

25 So their -- basically their site plan is

1 here (indicating).

2 You're about here (indicating). This  
3 one is -- so you're up here (indicating).

4 This site is pretty much -- what they're  
5 developing is right here (indicating).

6 MR. POSATIERE: Okay.

7 MR. MENDEL: So there's all  
8 this tree line that they are preserving between  
9 you and their portion of the site that they are  
10 developing.

11 MR. POSATIERE: Okay, perfect.

12 And then the only other concern would  
13 be to the farmland. I don't know if that  
14 would still be able to be leased to farmers  
15 in the local area. I know my neighbors are,  
16 so --

17 MR. MENDEL: That would be  
18 something that would be a private arrangement  
19 between future property owners.

20 MR. POSATIERE: Understood.

21 MR. MENDEL: Okay.

22 MR. POSATIERE: Thank you for  
23 your time.

24 MR. CHAIRMAN: Thank you.

25 MR. MENDEL: Mr. Chairman,

1 if I could just -- we have two items, two  
2 e-mails that we received this afternoon from  
3 Ms. Anita Mullins, which I believe her  
4 address is 6069 Smith Road. It's one of  
5 these houses on this island here (indicating).  
6 And I passed these e-mails out to Commission  
7 and to the applicant.

8 And then one is from Amanda Macklin, I  
9 believe her address is 5989 Smith Road.

10 So you have those for the record, and you  
11 can read them. We don't need to read them in  
12 total into the record, just to state that they  
13 were here and that they were put into the  
14 record.

15 Thank you.

16 MR. CHAIRMAN: Okay, thank  
17 you.

18 Anything else by members of the Commission?

19 MS. RUSSELL: I would  
20 just say I think it's a pretty exciting  
21 plan, and I love how they have the development  
22 set up so that they're preserving all those  
23 trees and it will be set up off the road.  
24 Considering the variety of uses you can have  
25 in the industrial district, I think this is

1 a good one, as you said, to be a transition  
2 from your more heavy uses to the east moving  
3 to the west. So I think it will be a good  
4 spot.

5 MR. DUTTON: And, also, I  
6 would note the plan showed wetland area  
7 northwest of the developed area, so that would  
8 probably be -- it would probably never expand  
9 northwest. It would be most difficult to get  
10 into that area, so that's further security for  
11 a buffer to the north and the west.

12 MR. CHAIRMAN: Okay. Does  
13 anybody want to put forth a motion?

14 MS. RUSSELL: I would move  
15 to approve the site plan subject to review and  
16 approval by the Medina Building Department and  
17 the Medina Engineering Department.

18 MR. ROSE: I'll second.

19 MR. CHAIRMAN: We have a  
20 motion, a second.

21 Any other discussion by members of the  
22 Commission?

23 (No response.)

24 MR. CHAIRMAN: Roll call.

25 MS. DAVIS: Grice?

1 MR. CHAIRMAN: Yes.

2 MS. DAVIS: Dutton?

3 MR. DUTTON: Yes.

4 MS. DAVIS: Gold?

5 MR. GOLD: Yes.

6 MS. DAVIS: Russell?

7 MS. RUSSELL: Yes.

8 MS. DAVIS: Rose?

9 MR. ROSE: Yes.

10 MS. DAVIS: Motion

11 approved, five zero.

12 MR. CHAIRMAN: Thank you very

13 much. Good luck with it.

14 MS. GANT: Thank you.

15 MR. BAJKO: Thank you.

16 MR. MENDEL: Mr. Chairman,

17 if I could just have a minute to organize

18 myself here?

19 MR. CHAIRMAN: Sure, not a

20 problem.

21 MS. RUSSELL: Actually,

22 Rick, I wouldn't mind a couple minutes to read

23 through the information that was handed out

24 when we came in.

25 MR. CHAIRMAN: That's fine.

1                   We'll take just a few minutes to review  
2                   everything and let Jonathan get organized,  
3                   and then we'll move on to Case 20-08 for  
4                   1125 Wadsworth Road.

5                                   (Recess taken.)

6                                   - - -

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1 Case Number P20-08

2 - - -

3 Additional Appearance: Brian Phillips,  
4 KMK Development.

5 Theodore J. Lesiak, Esq.,  
6 Roderick Linton Belfance LLP,  
7 on behalf of KMK Development.

8 - - -

9 MR. CHAIRMAN: We'll move  
10 on then to Case P20-08. This has been  
11 continued from the July 9th meeting. This is  
12 for 1125 Wadsworth Road. It is a request for  
13 the creation of a special planning district.  
14 Jonathan.

15 MR. MENDEL: Thank you,  
16 Chairman.

17 As you said, this is a rezoning request by  
18 KMK Development LLC for a special planning  
19 district rezoning for the -- and the conceptual  
20 development planning guidelines for that  
21 rezoning. This is for property that's  
22 effectively at the 1100 Block of West Wadsworth  
23 Road, and it is a continuation of a meeting, a  
24 review from July 9th, 2020, from the  
25 Planning Commission.

As I said, this is "in the 1100 Block at

1 the south end of Wadsworth Road at the City  
2 boundary and extends about 1,100 feet to the  
3 west of Wadsworth Road. The subject site is  
4 the eastern 6.01 acres of a total 6.95 acres  
5 currently owned by the applicant. The site  
6 is currently zoned R-1, Low Density Urban  
7 Residential and surrounded by the following  
8 zoning districts and land uses within --  
9 both within the City of Medina and in  
10 Montville Township. Within the City; R-1,  
11 Low Density Urban Residential developed as  
12 detached single family dwellings. Within  
13 Montville Township; R-2 and R-3 (single family  
14 residential) developed primarily with single  
15 family dwellings."

16 Now, the background. "On July 9th, 2020,  
17 the original rezoning request was reviewed by  
18 the Planning Commission at a public meeting.  
19 There was extensive discussion between the  
20 Planning Commission and the applicant  
21 regarding the instructiveness of conceptual  
22 development plan, the proposed unit density and  
23 the range of proposed building forms. This  
24 discussion resulted in the applicant tabling  
25 their request in order to reevaluate it in

1 light of the Planning Commission discussion and  
2 return at a later date. The July 9th, 2020  
3 Planning Commission packet and meeting minutes  
4 are attached..." They have been attached to  
5 the packet that -- with the staff report that  
6 we're reviewing this evening.

7 The applicant has revised their plans  
8 and returns -- and is returning to the  
9 Planning Commission for the continued review.

10 The revised proposal now for the special  
11 planning district is still six acres, but it's  
12 forty-eight units, multi-family dwellings,  
13 spread across up to one -- up to ten, one- to  
14 two-story buildings with revised development  
15 plan as such; "48 units," which is about eight  
16 units per acre, with a "yet to be determined  
17 mix of 2 & 3 bedroom units."

18 Full vehicular entry and exit, about  
19 one-third of the units to and from  
20 Wadsworth Road; about two-thirds of the  
21 units two and from the to-be-completed portion  
22 of Asherbrand Drive.

23 Parking supply is consistent with the  
24 regular multi-family zoning requirement of two  
25 unit plus one for every five dwelling units for

1 visitor parking.

2 The setbacks, they are proposing front  
3 setbacks of forty feet to properties along  
4 Asherbrand Drive and Wadsworth Road and to the  
5 rear property, and forty foot rear yard setback  
6 to the property line of the existing  
7 neighboring property of 1118 Asherbrand Drive.  
8 Side setbacks are proposed at ten feet from the  
9 northerly and southerly property lines.

10 Site design is twenty percent net common  
11 open space preserved through a deed restriction  
12 or a homeowners' association. It would have  
13 full pedestrian access to surrounding  
14 neighborhoods and vicinity. Site perimeter  
15 landscaping is designed to maximize buffer with  
16 adjacent properties.

17 The building design would be equal or  
18 superior exterior material design and execution  
19 of the surrounding vicinity.

20 And all site utilities would be  
21 underground.

22 So attached to the report is the  
23 "Applicant's Revised Conceptual Development  
24 plans and guidelines," the "2007 City of Medina  
25 Comprehensive Plan Update - Future Land Use

1 Map," the aerial photograph of the site with  
2 the City Zoning Districts overlay, and then  
3 also the Planning -- the July 9th, 2020  
4 Planning Commission packet; the July 9th, 2020  
5 Planning Commission meeting minutes; and then,  
6 as we were putting the packet together, we had  
7 received a number of public comment letters and  
8 e-mail or letter form, which I added to the  
9 packet prior to us distributing it.

10 And then, just while I'm at it, we did  
11 receive -- in the interim since last  
12 Thursday, we received an additional number  
13 of comment letters and a petition and then  
14 another one which I have passed out to the  
15 Planning Commission. I'm just going to cite  
16 the person that added it, that submitted it,  
17 just for the record, but I'm not going to go  
18 through each individual document. First one --  
19 since the ones that are not in the packet that  
20 we received between the packet distribution and  
21 today.

22 One from Candice Baumann at 8500 (sic)  
23 Wadsworth Road; one from the Byards, Theron and  
24 Erin, at 1096 Wadsworth Road; one from Donna  
25 and Joseph Toth at 1113 Asherbrand Drive; one

1 from Mr. and Mrs. Zychowski at 4550 Colinas  
2 Drive; one from Sheryl and Rob Sluder at 1164  
3 Ty Drive. These are all 44256 area code -- or  
4 Zip Code. Let's see here, this other one is  
5 Kyle Kalessa at 901 Brandywine Drive, Medina,  
6 Ohio.

7 We received a petition, which has three  
8 pages of signatures, and this was submitted by  
9 Ms. Candice Baumann at 5800 Wadsworth Road,  
10 Mario and Lauren Cecchi at 1133 Brynmar Lane,  
11 Evanell Baker at 454 Cambridge Drive, and  
12 then, lastly, from Rupert and Nancy Bittner at  
13 472 Cambridge Drive. These, along with the  
14 others that are in the packet, come from a  
15 range of residents -- of people -- of property  
16 owners within the City of Medina and/or in  
17 Montville Township. So thank you, we got that.

18 As I stated at the July 9th meeting, there  
19 is a purpose statement for creating an SPD  
20 that's listed on Page 3 of the staff report,  
21 it's labeled "Section 1114.01." That kind of  
22 goes through the intent and purpose of the  
23 special planning district legislation.

24 Next, there are "Requirements for  
25 Establishing a SPD," which is Section 1114.04

1 of the Planning and Zoning Code, and there are  
2 (a) through (e) standards, and the applicant  
3 would need to express -- and the Council, if  
4 they approved it, would have to state that one  
5 or more of those are being complied with.

6 Now, for the actual application for special  
7 planning district, there are items in Section  
8 1114.05 of the Zoning Code that are required to  
9 be submitted, and those have been submitted.

10 Since this is a rezoning and it's  
11 professional practice -- professional best  
12 practice to kind of say "What does the  
13 comprehensive plan say for these?" and the  
14 comprehensive plan is in the future land use  
15 map which designates properties within the  
16 City, throughout the City, specific kind of  
17 land use types, this property is -- the subject  
18 property is designated as residential low  
19 density within the comprehensive plan future  
20 land use map, and these future land use maps  
21 are -- can be used as a guide for making  
22 decisions on rezonings within the City.

23 The legislative review process for a  
24 special planning district: So a special  
25 planning district has three steps; there's a

1 conceptual step, rezoning, and then there's the  
2 preliminary and final site plan review  
3 processes. The request in front of you is for  
4 the rezoning to SPD, it would probably be  
5 SPD-3, and that has to be accompanied by a  
6 conceptual development plan and design  
7 guidelines which are here on this plan but also  
8 in narrative form in the packet as well. That  
9 establishes basically the development plan and  
10 the Zoning Code for the special planning  
11 district.

12 Now, as a rezoning, that's -- the  
13 Planning Commission is only a recommending body  
14 for rezonings, so the Planning Commission would  
15 make a recommendation one way or the other and  
16 that would then -- it would move into the  
17 legislative process for City Council, and then  
18 that's -- the City Council makes the final  
19 decision on rezoning requests. So if the -- if  
20 it goes through this process and it was  
21 approved for the conceptual development plan,  
22 there still is a preliminary site plan review  
23 of the actual what-is-going-to-be-on-the-ground  
24 development plan and then a final development  
25 plan. Those two steps, preliminary site plan

1 and final site plan, only go to the  
2 Planning Commission for review and approval.

3 Now, if special planning district rezoning  
4 occurs in a development and the conceptual  
5 development plan and design guidelines are  
6 approved, there's no timeline on implementation  
7 of those. It could be twenty years from now  
8 before they -- before someone decides to go  
9 through the preliminary and final site plan  
10 process.

11 So looking at this project, it's passed  
12 around at several of the City departments.  
13 Service Department had some comments about  
14 water access, water distribution within the  
15 site.

16 The Fire Department has some comments in  
17 here that would -- and all these comments maybe  
18 would be addressed during the site improvement  
19 development plan, that would be after the  
20 preliminary site plan review and approval and  
21 the final site plan review and approval by the  
22 Planning Commission. So these are items that  
23 would come into play when there's actually the  
24 construction development review plans are  
25 being reviewed by the City -- by the City

1 Administration.

2 So general discussion, the proposed SPD  
3 meets the -- continues to meet the submittal  
4 requirements of Chapter 1114 to permit the  
5 review by the Planning Commission and  
6 ultimately City Counsel. The City's  
7 comprehensive plan future land use map  
8 designates the subject property low density  
9 residential which is consistent with the  
10 existing detached single-family development  
11 patterns in the immediate vicinity, both within  
12 and outside the City of Medina.

13 The proposed SPD would still result in a  
14 distinctly multi-family development that would  
15 be more consistent with the residential high  
16 density designation in the 2007 comprehensive  
17 plan future land use map and generally  
18 permitted within the R-4 multi-family zoning  
19 district of the City's Planning and Zoning  
20 Code.

21 Also, the revised proposed unit density,  
22 which is now 7.99 units per acre, is equal to  
23 the R-4 zoning district's eight units per acre.  
24 The -- in July 9th, their proposal had, I  
25 believe, about 10.3 units per acre, so they

1           have reduced that, but it is still equal with  
2           the maximum density of the R-4 zoning district.

3           And then, as I said, there's, you know,  
4           lots of comment letters from concerned public,  
5           interested public, provided with the packet and  
6           further described as we -- of the ones we  
7           received since the packet was distributed.

8           So the next step, Planning Commission  
9           should weigh the information provided, provide  
10          a recommendation to City Council on the  
11          rezoning request from R-1 low density urban  
12          residential to the proposed Special Planning  
13          District #3.

14          Thank you.

15                   MR. CHAIRMAN:                   Okay, thank  
16          you.

17          And who would be here representing this  
18          this evening?

19                   MR. LESIAK:                   Ted Lesiak and  
20          KMK Development.

21                   MR. CHAIRMAN:                   Mr. Lesiak, if  
22          you can go back to the podium, and I -- just  
23          because of the number of folks that are here,  
24          were you guys here when we first started the  
25          meeting?

1 MR. LESIAK: No.

2 MR. CHAIRMAN: Okay. You  
3 have not been sworn in then.

4 MR. MENDEL: You guys can  
5 stand up so the court reporter can swear you  
6 in.

7 (Whereupon, Theodore J. Lesiak and  
8 Brian Phillips were then placed under oath by  
9 the notary.)

10 MR. CHAIRMAN: And, if you  
11 would, step back to the podium and give us your  
12 name and address. And if you have anything to  
13 add to what Mr. Mendel said, that would be  
14 great.

15 MR. LESIAK: I'm  
16 Ted Lesiak, and my business address is  
17 50 South Main, 10th Floor, Akron, Ohio 44308.

18 And we did have extensive discussion at the  
19 previous meeting, and we had asked for this to  
20 be tabled so we could go back to the drawing  
21 board and make some changes that we felt that  
22 the Board was looking for, and I'm going to  
23 have Mr. Phillips here explain just  
24 specifically those changes so we can discuss  
25 them with you if you have any questions.

1                   So, Mr. Phillips.

2                   MR. PHILLIPS:                   Hello. My  
3                   name is Brian Phillips, I live at 920 Beechwood  
4                   Drive, Medina, Ohio.

5                   So what we've done is, we've reduced the  
6                   density by twenty percent, from sixty-two units  
7                   down to forty, and eliminated any third-story  
8                   buildings.

9                   This layout here is -- would be based on  
10                  ranch-style units (indicating). These would be  
11                  single-family ranch-style but, you know, in a  
12                  multi-family configuration where you have four  
13                  units, six units, maybe eight units together.

14                  We've added some detail on landscaping,  
15                  open space, and, you know, we tried to address  
16                  most of the concerns that the Planning Board  
17                  gave us.

18                  Giving a little more detail, these are the  
19                  type of units we're looking at building  
20                  (indicating). We included the two-story  
21                  townhome, just that's kind of a fallback. If  
22                  ten years from now we sell it to another  
23                  developer and they don't want to do the ranch  
24                  style, they instead want to do a townhome  
25                  version, which is similar to what's over at

1 Beacon Park, these would be two-story townhomes  
2 that would be for sale with, you know,  
3 basements and would offer some type of  
4 transitional home, transitional housing in the  
5 neighborhood.

6 MR. LESIAK: And with that,  
7 the original plan had a possibility of  
8 three-story units, and that's been reduced to  
9 two. Is that correct?

10 MR. PHILLIPS: Correct, yes.

11 MR. LESIAK: And at this  
12 point, there is an issue that was brought forth  
13 by the fire department. Originally, we had --  
14 we didn't have the road going through  
15 completely, and this plan is gated and,  
16 obviously, that is something for the site plan,  
17 but we are flexible with regard to that issue  
18 as to whether or not that would be gated to  
19 have half the -- or part of the residents  
20 exiting on Wadsworth Road and part on  
21 Asherbrand.

22 At this point, I suppose with regard to the  
23 Commission itself, are there any questions or  
24 concerns that we can address for you?

25 MS. RUSSELL: I had a

1 question.

2 What is it about this property that would  
3 prevent you from developing it within the R-1  
4 guidelines, just doing the single-family homes  
5 as opposed to changing it?

6 MR. PHILLIPS: The road was  
7 left unfinished, so the cost to bring storm  
8 sewers, utilities to finish that, and because  
9 of -- to match the setbacks that are required  
10 in the R-1, it makes it somewhat cost  
11 prohibitive to finish that road and to develop  
12 it into an R-1 setting. So that's why we're  
13 trying to increase the density. We want to try  
14 to, you know, produce something that will fit  
15 into the neighborhood, but, obviously, that's  
16 the long-term goal. But it's primarily the  
17 cost of finishing the road.

18 There's also a stream going through, so we  
19 have some physical limitations on the site that  
20 eat up some of the property where we can't  
21 actually put structures on. So that's --  
22 that's primarily the shape (indicating). The  
23 fact that there's a stream and there's  
24 additional costs because the road was never  
25 finished fifteen, twenty years ago.

1                   MR. CHAIRMAN:                   Any other  
2                   questions by members of the Commission?

3                   MR. DUTTON:                   Can you help  
4                   me understand how the application meets the  
5                   requirements of Section 1114.01? You cite (c)  
6                   and (d).

7                   MR. LESIAK:                   (C) applies to  
8                   a mixed development, and this is, because half  
9                   of -- well, not half, a portion of the  
10                  property, east of where the road would be --

11                  MR. MENDEL:                   Ted, if you  
12                  could, just --

13                  MR. LESIAK:                   I'm sorry.

14                  MR. MENDEL:                   -- keep on top  
15                  of the microphone.

16                  MR. LESIAK:                   I'm sorry.

17                  A portion of the property on the -- if  
18                  Asherbrand were to be completed, would be  
19                  for single-family housing to the west and  
20                  multi-family housing to the east, so it is a  
21                  mixed use.

22                  With regard to (d), that does call for  
23                  imaginative development with special  
24                  characteristics, that Mr. Phillips just  
25                  provided with regard to the -- the water and

1 the creeks and that type of thing.

2 MS. RUSSELL: But doesn't  
3 (d) state, "...in keeping with the overall land  
4 use intensity..."? And what you're suggesting  
5 is to have twice the amount of housing as  
6 permitted by the R-1 district that it is  
7 currently.

8 MR. LESIAK: I'm sorry, did  
9 you say (d)?

10 MS. RUSSELL: Yeah, I'm  
11 looking at (d). You see in the middle, it  
12 says, "...and developers that can produce  
13 residential developments which are in keeping  
14 with overall land use intensity."

15 I mean, the point here is that you're going  
16 from -- you have six acres, so would that be  
17 twenty-four homes under an R-1 district?

18 MR. DUTTON: A real gross  
19 number would be twenty-five --

20 MS. RUSSELL: Okay.

21 MR. DUTTON: -- under the  
22 seven -- the seven acres west of what -- east  
23 of what Asherbrand -- if Asherbrand was  
24 connected.

25 MS. RUSSELL: Okay. So

1                   twenty-five to forty-eight is a pretty --  
2                   obviously, it's about double.

3                   MR. LESIAK:                   Yes, I agree.

4                   But, obviously, one of the things that I  
5                   went through today when I looked at this, from  
6                   Broadway South to 162, there are twelve  
7                   multi-family developments on that front on 57.  
8                   So generally -- and eleven of them are in the  
9                   City of Medina. So generally, this type of  
10                  development, although not currently zoned, is  
11                  permitted in the area.

12                 MR. DUTTON:                 Back to the  
13                  mixed use response, I suppose, you believe --  
14                  you can honestly say that a mixed-use  
15                  development is one single family and then  
16                  forty-some multi-family? That's what the  
17                  Code intended when we talked about a mixed use?

18                 MR. LESIAK:                 Well, I  
19                  can't --

20                 MR. DUTTON:                 That's the  
21                  accurate portrayal of the intent of the  
22                  Code?

23                 MR. LESIAK:                 Well, the Code  
24                  is what the Code is. I don't know what Council  
25                  intended when they created this particular

1 ordinance, but it does say "mixed use," and  
2 that is a mixed use.

3 MR. DUTTON: I would say  
4 that's thin at best.

5 MR. CHAIRMAN: Other  
6 questions by members of the Commission?

7 MR. GOLD: Mr. Phillips,  
8 why did you seek an SPD as opposed to, say, an  
9 R-4?

10 MR. LESIAK: I can address  
11 that.

12 The area has no R-4 contiguous to it. So  
13 you created into your Code this SPD as,  
14 basically, a way around the issue of spot  
15 zoning. If you can meet the Code, then you are  
16 able to do different types of projects in areas  
17 that are not particularly zoned that way.

18 MR. DUTTON: I don't  
19 believe that's the intent of that section at  
20 all.

21 If we want to get into definitions, you  
22 state there's twenty percent open space. By  
23 our Code, there's pretty much zero percent open  
24 space on this entire project. There's really  
25 nowhere that has use for recreation and other

1           leisure activities normally carried on  
2           outdoors. That's our Code definition of open  
3           space. I don't see one spot on this whole  
4           project that's not a building, parking, or a  
5           drive.

6           I'm just going with what the Code says  
7           since we're going line-by-line with the Code.

8           MR. PHILLIPS:                   The open space  
9           is going to be the perimeter and the setbacks  
10          and then the detention ponds around there and  
11          then the creek going through there. So when  
12          this is finally designed, it will have to meet  
13          that twenty percent open space or it will be in  
14          conflict with the SPD that would get approved.  
15          So that would be something that -- that is a  
16          bar that we're setting that will have to be met  
17          at the next round of planning, so --

18          MR. DUTTON:                    I'm saying  
19          what you're showing here is basically zero  
20          percent open space.

21          MR. PHILLIPS:                   But this is --

22          MR. DUTTON:                    So that's the  
23          only special thing about this that's not a  
24          straight multi-family development, other than  
25          the one house across the road, is you're not

1 providing any open space.

2 MR. PHILLIPS: This is just a  
3 conceptual plan at this point, so we still --

4 MR. DUTTON: So we should  
5 disregard it?

6 MR. PHILLIPS: No, you don't  
7 disregard it.

8 This is -- you know, where, potentially,  
9 the buildings could be laid out, but we're  
10 still going to meet the twenty percent open  
11 space. You know, it's written into the SPD  
12 that there will have to be twenty percent open  
13 space.

14 MR. DUTTON: Okay.

15 MS. RUSSELL: Actually, I  
16 have a question for Jonathan.

17 For a special planning district, I  
18 understand the process that right now we're  
19 just talking about the zoning and you've got a  
20 conceptual plan. How much can that conceptual  
21 plan change if the SPD is granted? How much  
22 are they beholden to what they provide in their  
23 conceptual plan? I mean, if the SPD is  
24 granted, will it always have to be multi-family  
25 residential that's built there? How much could

1                   it change in the future? As you said --

2                   MR. MENDEL:                   Well, you've  
3                   got the -- there's the conceptual development  
4                   plan, which would be this plan that I'm  
5                   pointing at here, that's got a basic layout of  
6                   buildings and drives and parking areas and  
7                   access points and setbacks, potential  
8                   stormwater management areas (indicating). That  
9                   one, you know, it would have to be a judgment  
10                  call at the time of preliminary review for site  
11                  plan to see how much of an actual proposed site  
12                  plan is consistent with this development plan.

13                  But then there's also the design  
14                  guidelines, which are, you know, different  
15                  types of buildings forms, setbacks, heights,  
16                  unit density, types of units, open space,  
17                  setbacks. Those are more black-and-white  
18                  compliance. There might be a little more  
19                  flexibility in here.

20                  So of the two other special planning  
21                  districts we have, one is South Court Village,  
22                  which is the forty acres at Route 3, and  
23                  High Point Drive, which pretty much all of the  
24                  residential designated areas of that forty-acre  
25                  SPD has been developed or is developing right

1           now. That conceptual development plan had more  
2           of a bubble diagram -- was more of a bubble  
3           diagram, like, "Okay, here's a bubble cloud of  
4           residential area, buffer edges around there,  
5           commercial here, commercial small lot, small  
6           office building area here." It wasn't as --  
7           with specific building footprints. So that one  
8           had a little more flexibility.

9           This one could be -- you know, if this  
10          isn't the plan as shown on this aerial  
11          photograph, administration staff at the time  
12          can say, "You're not consistent with that  
13          because of..." whatever nature it is. You have  
14          to be consistent with this plan and the  
15          development guidelines.

16                   MS. RUSSELL:                   Okay.

17                   MR. MENDEL:                   If they  
18          wanted to -- if that was the determination by  
19          staff at the time, they would have to amend it,  
20          and that would require going back through  
21          Planning Commission and City Council for  
22          amending the conceptual development plan and/or  
23          the development guidelines. Basically, it  
24          would have to go back through this process.

25                   MS. RUSSELL:                   Okay, thank

1           you.

2           I just wasn't sure how permanent it is.

3                   MR. MENDEL:                   You know,  
4           things change. I mean, the special planning  
5           district at South Court Village went through at  
6           least four iterations of conceptual development  
7           plan and design guideline changes from its  
8           inception in 1999 until it started building out  
9           in 2016, and those all had to go back through  
10          Planning Commission and City Council for  
11          ultimate approval.

12                   MS. RUSSELL:                   Thank you.

13                   MR. CHAIRMAN:                   Okay. Other  
14          questions, comments by members of the  
15          Commission?

16                   MR. ROSE:                   Mr. Chairman.

17                   MR. CHAIRMAN:                   Yes.

18                   MR. ROSE:                   Thank you.

19          Mr. Phillips, you said something that  
20          troubles me. You said you included the design  
21          of the townhomes so in ten years down the road,  
22          if somebody wanted to build them. I've got a  
23          problem with "ten years down the road." You're  
24          asking for us to do something now, and maybe  
25          ten years from now it will be done. I've got a

1 big problem with that. I would expect, if  
2 you're coming here and taking all of our time  
3 up, that you're going to do it now. You're not  
4 going to sit here and say, "This is what I want  
5 to do, but maybe we can do that later." I  
6 don't like that at all. Could you elaborate,  
7 please?

8 MR. PHILLIPS: Yeah.

9 My example is -- our intention is to get  
10 the conceptual approval to -- we already have  
11 an architect. We'll then get them working on  
12 the next preliminary phase, we'll get  
13 engineering going, we'll start working with the  
14 City. So our intention is to begin this  
15 immediately; it's not ten, fifteen, twenty  
16 years.

17 We, as the property owners, are looking to  
18 maximize our value in this property, and having  
19 it sit vacant for ten or fifteen years and  
20 paying taxes every year is not very suitable to  
21 us at this time. So we're looking to do this  
22 right away.

23 However, the reason I brought that up is,  
24 sometimes things happen, whether it's a  
25 pandemic or you have to go back in front of the

1 City Council four times and it takes seven or  
2 eight years. So that's why -- in that time,  
3 that's why we added the contingency for the  
4 two-story townhomes, because this is somewhat  
5 permanent once it's written into the SPD.

6 So our goal is to move ahead with it. We  
7 want to move ahead with it. We would like to  
8 start breaking ground next summer and have  
9 these on the market for sale late summer/early  
10 fall of next year.

11 So that's all I -- that's the only reason I  
12 brought that up, in case you were wondering why  
13 we show the townhome plan.

14 MR. ROSE: So your intent  
15 is to sell these units, not to rent them?

16 MR. PHILLIPS: Our intent is  
17 to sell them, although we haven't written that  
18 into it, in case a company like Redwood or  
19 someone else came in and said, "Hey, you know,  
20 we would like to take this over," and then they  
21 buy -- they buy them from us and then they  
22 start to rent them, so there is the potential  
23 for that. Right now our intention is to build  
24 single-family structures and bring them to  
25 market.

1 MR. ROSE: Thank you.

2 MR. CHAIRMAN: Okay.

3 Anything else by members of the Commission?

4 MR. DUTTON: Yeah.

5 Not to beat a dead horse on this  
6 Section (c), but as one of the two things we're  
7 allowed to consider this by, it states,  
8 "...where there is a need to provide for  
9 greater -- a greater mixture of uses than would  
10 be permitted in the standard zones of this  
11 Ordinance."

12 So it's where you provide a mixture of uses  
13 that you can't provide in any other zoning  
14 district. Well, in the R-4 zoning district,  
15 you can put in single family and multi-family.  
16 So it does not meet that section because there  
17 is a Code Section R-4 where you can use -- have  
18 both of these uses without the need for a  
19 special district.

20 MR. LESIAK: Well, as we  
21 said in the last meeting, we dispute that. The  
22 mixture of uses here applies to this district,  
23 and it's an R-1 district.

24 MR. DUTTON: I'm agreeing  
25 that there's a mixture, but I'm saying that you

1 can do this in the R-4, both of these uses.

2 MR. LESIAK: But we are  
3 talking about land in the R-1, and that's why I  
4 said -- that's why I respectfully disagree.

5 MR. DUTTON: Okay.

6 MR. CHAIRMAN: Anything else  
7 by members of the Commission?

8 (No response.)

9 MR. CHAIRMAN: Okay. Anybody  
10 with us this evening have any comments they  
11 would like to make?

12 MR. KOVALIK: (Indicating.)

13 MR. CHAIRMAN: Yes, sir.

14 If you would step back to podium, give us  
15 your name and address, keep your comments to a  
16 few minutes and --

17 MR. KOVALIK: I just have to  
18 catch my breath here after wearing this mask  
19 for so long.

20 MR. CHAIRMAN: No fun?

21 MR. KOVALIK: No.

22 My name is Anthony Kovalik, and I live on  
23 464 Cambridge Drive in Medina. I've been a  
24 resident in that house for eight years.  
25 Previous to that, I lived at 651 Sturbridge

1 Drive, which is just around the corner, and I  
2 lived there since 2002.

3 I'm here on behalf of myself and many of my  
4 neighbors. I would like to describe our  
5 neighborhood as kind of idyllic in the sense  
6 that we have kids playing up and down the  
7 street all the time. We are a diverse and a  
8 very close-knit community, and we oppose this  
9 particular zoning change and the intended  
10 development. There are kind of two  
11 conversations here, and you will have to  
12 forgive me, I have not really had a chance to  
13 get coached up on zoning and planning, but we  
14 have spoken to Council.

15 First, as a matter of the zoning issue, we  
16 oppose that on the grounds that we do not feel  
17 the proposal meets the -- either the purpose or  
18 the requirements of the SPD, and I think you  
19 have -- with the papers Mr. Mendel provided,  
20 you have what our Council said and the  
21 comments. Basically, I will just reiterate and  
22 say that the proposal is not a greater range or  
23 mixture of compatible uses; it is a wholesale  
24 creation of an entirely new zoning  
25 classification and a solely low density

1 single-family area within the City and  
2 surrounding Township.

3 As regards to purpose -- or actually as  
4 regards to the requirements, the effective area  
5 is not in transition. The proponent has  
6 submitted no evidence that there is a need to  
7 provide a greater mixture of uses, and the  
8 proposal does not meet with the existing land  
9 use. So I guess in terms of the request to  
10 change the zoning, we have stated that  
11 rationale.

12 We've collected at least twenty-five  
13 signatures over a couple days. We probably  
14 could have come in with a hundred if given a  
15 week.

16 Finally, I don't want to take up too much  
17 of your time, and I do not want to reiterate  
18 things that have already been said and  
19 questions that have already been raised. I  
20 just want make a few statements about why in  
21 particular I'm opposed to this proposal.

22 The traffic analysis was solely done at the  
23 intersection of Sturbridge and Wadsworth.  
24 Please correct me if I'm wrong about that. It  
25 did not discuss how people get to that

1 intersection through Colinas or Asherbrand.  
2 There was no traffic study done there. And, as  
3 you know, kids in Medina who live within two  
4 miles of their school need to either walk or  
5 ride their bikes, and I think that this  
6 definitely creates a safety concern for those  
7 kids.

8 There's increased noise. I noticed that  
9 the proposal has been reduced from three  
10 stories down to two, potentially taking an  
11 eyesore issue away; however, as stated by the  
12 Board, the Committee here, these plans are  
13 subject to change. The SPD seems to me to be  
14 more of a catch-all or a loophole or a kind of  
15 anything-goes sort of zoning change, and that  
16 is one of our primary concerns.

17 There is a water runoff issue. For that  
18 particular proposal, you're talking about a  
19 hundred and twenty parking spaces, which is at  
20 two forty-two spaces per acre. You're looking  
21 at half an acre of parking alone. It does not  
22 include the street or the roofing.

23 There's also a pond and lots of wildlife  
24 that we feel that this particular proposal  
25 threatens and, in addition, will lead to the

1 widening of Route 57 behind the property or --  
2 well, in front of that one behind our homes.

3 Essentially, what I'm saying is, that this  
4 proposal does not fit in with the existing  
5 neighborhood, and it is essentially going to do  
6 nothing for our property values. And I  
7 certainly understand that people should be able  
8 to get value from their property and to be able  
9 to use it for their own profit or pleasure;  
10 however, that should not be done at the expense  
11 and cost of the property values of others.

12 There's already great concern among all my  
13 neighbors. We're talking about dozens of  
14 homes, people concerned about their property  
15 values, their neighborhood, and what they will  
16 be able to leave for their children.

17 Thank you very much for your time, and I  
18 appreciate the opportunity.

19 MR. CHAIRMAN: Thank you,  
20 sir.

21 Is there anybody else with us this evening  
22 that has any other comments other than what  
23 this gentleman has raised? Something  
24 different.

25 MS. BAUMANN: Hi.

1 Candi Baumann, 5800 Wadsworth Road. Actually,  
2 my house -- actually, the other picture is  
3 better. That little road is my driveway on the  
4 bottom of that picture (indicating). That's my  
5 pond, my home (indicating).

6 I just feel -- I understand this is your  
7 land, you have every right to develop it, I  
8 just feel like the whole thing was thrown  
9 together. There's no -- this movie production,  
10 I read through that, this woman had every  
11 little millimeter of that drawn out,  
12 blueprinted. "Here's the color we're using.  
13 Here's the lights we're using."

14 This is like, "Well, we may use this  
15 townhouse, we may not. Here's a picture from  
16 2015 from Madison Township. We might rent  
17 them, we might sell them." Like, it's just --  
18 there's no rhyme or reason to it.

19 I understand single-family homes would be a  
20 much better suit to this area.

21 Not only that, it's like, how are you going  
22 to prevent people from walking right on my  
23 property? I have a pond. I don't want kids  
24 drowning in my pond. There's just -- there's  
25 so many open questions.

1 Thank you.

2 MR. CHAIRMAN: Thank you.

3 MR. THUR: My name --  
4 sorry. My name is Michael Thur, Sr. I live at  
5 1124, directly across from the development.

6 MR. MENDEL: Sorry, which  
7 street?

8 MR. THUR: Wadsworth  
9 Road, 1124. It's directly right across from  
10 the main portion of the development.

11 I threw this together to come up with it.  
12 I only got the notice about a week-and-a-half  
13 ago that there was going to be a meeting  
14 pertaining to this, so I'm going to try to  
15 avoid any duplicate talk.

16 MR. CHAIRMAN: We appreciate  
17 that.

18 MR. THUR: They did say  
19 that one-third of the traffic is going to come  
20 onto Wadsworth, the other two-thirds is going  
21 to go onto the west.

22 MR. MENDEL: Asherbrand.

23 MR. THUR: Asherbrand.

24 I'm sorry.

25 That's not going to happen, because we did

1           have in the notes by the fire department that  
2           they need full access. Now, they just  
3           mentioned pertaining to a gate. A gate is not  
4           going to stop people from coming onto -- more  
5           cars coming onto Wadsworth.

6           Sorry. I'm going to read over the notes so  
7           I don't duplicate.

8           What I did do is, I stood out in front of  
9           my property. If you stand on my sidewalk right  
10          now and talk to someone on the porch, you  
11          really can't hear them, you have to really  
12          yell. With this proposal, you're saying more  
13          traffic is coming on my road in front of me  
14          now. The noise level that hurts your ears is  
15          rated at eighty to eighty-five decameter (sic).  
16          Okay? The traffic that is going on here now is  
17          on a seventy-five to eighty. Trucks just going  
18          down without stopping, without the turn lane  
19          that you're talking about or maybe a signal  
20          light for going into that property, the trucks  
21          are now going at an eighty-five to ninety-five  
22          level. Now, if you put in a stop sign or a  
23          turn lane or a signal, the trucks have to gear  
24          down, then they have to go up. This is an  
25          incline on 57 going south. That decimal (sic)

1 reading is maxing out at one hundred and three.

2 I went on the Internet and tried to find  
3 out with apartments coming into R-1  
4 development, what happens? The crime rate, the  
5 crime rate goes up. Police are called in more  
6 because the high density that you're talking  
7 about. I moved out of a crime area into Medina  
8 to have my kids grow up safe. Now you're  
9 putting my family - my grandchildren now - into  
10 danger because of this.

11 I just found out that you lowered  
12 your building from a three to a two,  
13 so that wipes all this out right here  
14 (indicating).

15 You say that your family grew up in Medina,  
16 three out of four still live there, but they  
17 don't live in the area that you're proposing,  
18 and you probably don't have a two-story  
19 building going up next to your house that is  
20 ten feet or forty feet away from you. I picked  
21 going to Wadsworth Road because I liked it.  
22 Now, I didn't pick to have this housing  
23 development be put on our -- across from our  
24 property.

25 The reason I'm a little upset is because

1 I'm kind of worried about your production and  
2 how you do things. Across the street from us,  
3 that only gets cut maybe once, maybe twice a  
4 year - okay? - four feet, five feet tall. Now,  
5 I'm very worried, and I don't want this ever to  
6 happen, but what happens if a fire happens in  
7 our -- one of our houses. That fire department  
8 from Number 3 comes flying down and can't find  
9 a fire hydrant. Why? The grass is four to  
10 five feet, not maintained. What are you going  
11 to do with this development?

12 Second, there is a tree on the power line  
13 that has been leaning on this power line since  
14 wind went through Medina. Have you ever gone  
15 out there? I got a picture, I'll show you. I  
16 got a picture.

17 Have you ever gone out there and looked at  
18 this property that you own? No, you probably  
19 didn't. You probably had someone or whoever  
20 mowed the lawn come out and do it and continued  
21 on. This tree can fall any time. It may not  
22 land on the road, but if you're driving down  
23 doing forty-five, fifty miles an hour and  
24 something comes down in front of you, what are  
25 you going to do? Swerve right into incoming

1 traffic.

2 Now, I don't want to see anyone get hurt  
3 because of your negligence. That's what's  
4 making me worried about your building. What  
5 are you going to cut corners on to make this  
6 happen?

7 Twenty percent open area, there is no  
8 twenty percent open area in this. The traffic  
9 is so fast going up and down Wadsworth, it is  
10 kind of scary just to walk up and down there.  
11 I grant you, in front of my house it says  
12 thirty-five, but you tell me how many people  
13 really slow up at thirty-five miles an hour at  
14 that point, even though there's signs that say  
15 "slow up."

16 I'm just going to cut my time. I  
17 apologize.

18 MR. CHAIRMAN: That's fine.  
19 Thank you.

20 MR. THUR: I want to  
21 thank you for letting me speak and to try to  
22 stop this development. Now, I'm begging you to  
23 stop this development. I want my grandchildren  
24 to grow up safe, and with this kind of  
25 development here, it's not going to provide the

1 safety.

2 Thank you.

3 MR. CHAIRMAN: Thank you for  
4 being with us this evening.

5 Something new?

6 MR. ZYCHOWSKI: Yes.

7 Frank Zychowski, 4550 Colinas.

8 One thing that I -- if you look at the  
9 circle on the property there, you can see it's  
10 the house with the driveway going all the way  
11 around it.

12 That drainage pond, or what used to be a  
13 pond, has issues to begin with with the  
14 drainage coming through. Taking out another  
15 six-whatever acres and having over a hundred  
16 parking spaces is really going to put a lot of  
17 strain and stress on the drainage of the area.

18 So I'm asking you to do basically what the  
19 applicant's own counsel said, which is, "The  
20 Code is what the Code is." I ask you to  
21 believe what the Code is.

22 Thank you.

23 MR. CHAIRMAN: Thank you.

24 MS. KOVAL: Hi.

25 Lisa Koval, 1114 Asherbrand Drive. So I am

1 the second house next to 1118, which is the one  
2 at the end, which would only have ten feet.

3 A couple things I would just like the  
4 Planning Commission to review. I did submit a  
5 two-page letter, and I would like you to review  
6 my comments on the R-4 and the SPD and what  
7 those are really meant to be, which this is not  
8 the appropriate zoning for this type of  
9 establishment.

10 Second of all, he keeps saying --  
11 Mr. Phillips continues to say "conceptual  
12 plan." That means no plan. We, my husband and  
13 I, have been in the area now for eighteen  
14 years; my neighbors even longer. This empty  
15 area over there, it's been barren that long, so  
16 why now? How do we know that you don't get a  
17 proposal to build something and then you sit on  
18 it another ten, fifteen years - it's been  
19 eighteen years for us already - and then we  
20 have townhouses going up or something like  
21 that? So we're very concerned about that.

22 We have children everywhere, they are  
23 running around.

24 Like the gentleman before me just  
25 stated, the runoff. I actually took

1 pictures from the storm that we had on  
2 Monday. It was a pond. My neighbors at 1118,  
3 it was literally a running river next to  
4 their house going into their -- you know,  
5 where their water collects. This is a  
6 concern.

7 When we moved in the first time, in my  
8 letter, there were mattresses, there was tires  
9 that were thrown into this area.

10 So according to the August Planning  
11 Commission letter, he was going to build a  
12 house at 1111 and build a road through there.  
13 So we have water issues. How do we know that  
14 the road won't collapse, the house won't  
15 collapse because of what is in that  
16 wetland/landfill underneath there?

17 We're requesting that we keep him from  
18 building in that area unless it is going to go  
19 with our single-family homes of an R-1.

20 Thank you.

21 MR. CHAIRMAN: Thank you.

22 Okay. I presume --

23 MR. DEAN: (Indicating.)

24 MR. CHAIRMAN: Yes, only  
25 if it's something new that doesn't do with

1 all of the things that we just already  
2 heard.

3 MR. DEAN: I appreciate  
4 that, sir. It certainly is. Thank you.

5 Sean Dean is my name, I live at 5800  
6 Wadsworth Road. I live with Candice Baumann  
7 and everything.

8 The twenty percent green space, I just want  
9 to add to it real quick. I don't see anything  
10 on here in the drawings and whatnot for --  
11 other than him mentioning -- Mr. Phillips  
12 saying that the natural ponds on the north and  
13 south side of property, which is ours on the  
14 south side.

15 I don't see anything for fencing,  
16 landscaping mounds, or anything that can deter  
17 people from coming onto our property in that  
18 corner as well.

19 She just mentioned the water runoff from  
20 the last weekend's storm which was very, very  
21 bad.

22 You guys, thank you for your time today, I  
23 greatly appreciate it.

24 Mr. Phillips, I know what you want to  
25 do, I understand. As a businessman and

1 everything, I get it, I just don't like this at  
2 all.

3 That's all. Okay, thank you.

4 MR. CHAIRMAN: Thank you.

5 Any other questions by members of the  
6 Commission? Any other comments?

7 MR. GOLD: Mr. Chairman,  
8 I would like to put forth a motion to forward a  
9 recommendation of approval to City Council from  
10 rezoning from R-1 to an SPD.

11 MR. CHAIRMAN: We have a  
12 motion. Is there a second?

13 MR. ROSE: Second.

14 MR. CHAIRMAN: Just so you  
15 all realize, all of our motions are always made  
16 in the, I'll say, positive, so the vote isn't  
17 backwards, if you will.

18 Okay. We have a motion and a second.

19 Is there any other discussion by members of  
20 the Commission?

21 (No response.)

22 MR. CHAIRMAN: Roll call.

23 MS. DAVIS: Grice?

24 MR. CHAIRMAN: No.

25 MS. DAVIS: Dutton?

1 MR. DUTTON: No.  
2 MS. DAVIS: Gold?  
3 MR. GOLD: No.  
4 MS. DAVIS: Russell?  
5 MS. RUSSELL: No.  
6 MS. DAVIS: Rose?  
7 MR. ROSE: No.  
8 MS. DAVIS: Motion denied,  
9 five-zero.

10 MR. CHAIRMAN: This will be  
11 forwarded on to City Council as our action is  
12 only a recommendation. Okay?

13 Thank you very much.

14 And if there's nothing else to come before  
15 the Commission --

16 MR. MENDEL: There is not.

17 MR. CHAIRMAN: -- we are  
18 adjourned.

19 (Hearing concluded.)

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1 STATE OF OHIO )  
2 ) ss:  
3 COUNTY OF MEDINA. )

4 CERTIFICATE

5 I, Nicholas Glatzhofer, Notary Public within  
6 and for the State of Ohio, duly commissioned and  
7 qualified, hereby certify that before the giving of  
8 their testimony, all speakers were first duly sworn to  
9 testify to the truth, the whole truth, and nothing but  
10 the truth in the cases aforesaid and that the  
11 testimony was taken by me by means of stenotype in the  
12 presence of said speakers.

13 I further certify that said hearings were held  
14 at the time and place specified in the above caption  
15 and was concluded on the 10th day of September, 2020.

16 Further, I certify that I am not a relative,  
17 counsel, or attorney at law for any party to this  
18 suit, nor am I interested in the event of same.

19 IN WITNESS WHEREOF, I have hereunto set my hand  
20 and affixed my seal of office at Medina, Ohio this  
21 21st day of September, 2020.

22 \_\_\_\_\_  
23 Nicholas Glatzhofer,  
24 Notary Public within and for  
25 the State of Ohio.  
My commission expires 10/24/2023

## ability

## based

A	B
<p>ability (9:25)  able (34:14)(57:16)(70:7)(70:8)(70:16)  above (83:13)  access (14:23)(24:6)(24:11)(24:13)(30:3)(42:13)  (47:14)(60:7)(73:2)  accessory (18:4)  accommodate (16:7)(19:7)  accommodated (19:4)  accompanied (46:5)  according (79:10)  accordingly (33:9)  accurate (56:21)  acre (16:22)(41:16)(48:22)(48:23)(48:25)(69:20)(69:21)  acres (14:8)(14:9)(14:13)(16:23)(16:24)(30:23)(30:25)  (40:4)(41:11)(55:16)(55:22)(60:22)(77:15)  across (9:1)(30:22)(31:5)(32:17)(41:13)(58:25)(72:5)  (72:9)(74:23)(75:2)  action (82:11)  activities (58:1)  actual (16:15)(20:24)(21:9)(45:6)(46:23)(60:11)  actually (21:16)(37:21)(47:23)(53:21)(59:15)(68:3)  (71:1)(71:2)(78:25)  add (6:24)(11:6)(22:14)(50:13)(80:9)  added (43:8)(43:16)(51:14)(64:3)  addition (69:25)  additional (7:3)(13:3)(39:3)(43:12)(53:24)  additions (4:9)  address (6:15)(6:17)(9:16)(14:5)(22:13)(22:25)(35:4)  (35:9)(50:12)(50:16)(51:15)(52:24)(57:10)(66:15)  addressed (9:20)(14:4)(47:18)  adequate (31:12)  adjacent (8:23)(9:1)(14:21)(16:25)(18:8)(19:20)  (20:25)(42:16)  adjourned (82:18)  adjusts (10:5)  administerial (17:6)  administration (48:1)(61:11)  administrative (3:7)  aerial (15:18)(43:1)(61:10)  affixed (83:19)  aforesaid (83:9)  after (8:13)(47:19)(66:18)  afternoon (35:2)  agenda (5:21)(6:10)(7:6)(13:8)  ago (53:25)(72:13)  agree (56:3)  agreeing (65:24)  ahead (29:8)(64:6)(64:7)  akron (50:17)  allot (27:9)  allow (27:17)  allowed (24:13)(65:7)  almost (23:15)  alone (69:21)  along (29:5)(42:3)(44:13)  already (16:10)(29:8)(31:24)(63:10)(68:18)(68:19)  (70:12)(78:19)(80:1)  alter (6:10)(7:6)  although (56:10)(64:17)  always (6:18)(32:1)(32:3)(59:24)(81:15)  amanda (35:8)  amend (61:19)  amending (61:22)  amenities (24:2)  among (70:12)  amount (55:5)  ample (16:25)  analysis (68:22)  and/or (21:2)(44:16)(61:22)  andrew (3:4)  angeles (23:3)  anita (35:3)  announcements (5:11)  another (27:14)(30:9)(43:14)(51:22)(77:14)(78:18)  answer (25:14)</p>	<p>answered (33:7)  anthony (66:22)  anticipate (26:18)  anticipated (25:22)  anybody (11:12)(11:20)(30:13)(30:16)(36:13)(66:9)  (70:21)  anyone (5:25)(76:2)  anything (5:14)(22:14)(25:12)(29:9)(35:18)(50:12)  (65:3)(66:6)(80:9)(80:15)(80:16)  anything-goes (69:15)  anywhere (27:3)  apartments (74:3)  apologize (76:17)  appearance (39:3)  appearances (2:3)(3:1)(7:3)(13:3)  applicant (7:18)(11:14)(13:23)(14:16)(18:24)(20:24)  (21:9)(35:7)(40:5)(40:20)(40:24)(41:7)(45:2)  applicants (13:16)  applicant's (42:23)(77:19)  application (45:6)(54:4)  applies (54:7)(65:22)  appreciate (70:18)(72:16)(80:3)(80:23)  appropriate (21:17)(78:8)  appropriateness (16:9)  approval (7:15)(7:19)(8:1)(9:2)(9:5)(13:10)(21:22)  (21:25)(36:16)(47:2)(47:20)(47:21)(62:11)(63:10)(81:9)  approve (4:12)(11:23)(36:15)  approved (5:8)(12:20)(37:11)(45:4)(46:21)(47:6)(58:14)  approximately (1:11)(15:5)  architect (22:18)(63:11)  architects (5:17)(13:5)(22:17)  architecture (10:8)  area (16:19)(16:22)(19:23)(19:24)(20:2)(20:7)(26:22)  (28:25)(34:15)(36:6)(36:7)(36:10)(44:3)(56:11)(57:12)  (61:4)(61:6)(68:1)(68:4)(71:20)(74:7)(74:17)(76:7)  (76:8)(77:17)(78:13)(78:15)(79:9)(79:18)  areas (57:16)(60:6)(60:8)(60:24)  arline (13:3)(22:20)(22:23)(23:14)(29:2)(29:12)  around (19:7)(25:6)(26:6)(28:15)(47:12)(57:14)(58:10)  (61:4)(67:1)(77:11)(78:23)  arrangement (34:18)  artist (17:16)  asherbrand (41:22)(42:4)(42:7)(43:25)(52:21)(54:18)  (55:23)(69:1)(72:22)(72:23)(77:25)  ask (5:25)(6:15)(77:20)  asked (33:6)(50:19)  asking (62:24)(77:18)  aspects (9:24)  assistant (3:7)  associated (19:8)  association (42:12)  attached (41:4)(42:22)  attention (18:7)  attorney (83:16)  august (4:9)(79:10)  aurora (23:2)  automatically (10:5)  avenue (1:14)  avoid (72:15)  away (63:22)(69:11)(74:20)  awful (31:7)</p>
	<p style="text-align: center;"><b>B</b></p> <p>back (6:16)(9:15)(22:8)(49:22)(50:11)(50:20)(56:12)  (61:20)(61:24)(62:9)(63:25)(66:14)  background (40:16)  backwards (81:17)  backyard (31:1)  bad (80:21)  bajko (13:4)(22:6)(22:10)(22:16)(22:17)(23:5)(25:13)  (27:12)(28:22)(29:25)(37:15)  baker (44:11)  bar (58:16)  bark (32:21)  barn (32:17)(32:21)  barren (78:15)  based (51:9)</p>

## basements

**basements** (52:3)  
**basic** (60:5)  
**basically** (18:14)(29:15)(33:25)(46:9)(57:14)(58:19)(61:23)(67:21)(77:18)  
**basin** (31:13)  
**basis** (16:1)  
**baumann** (43:22)(44:9)(70:25)(71:1)(80:6)  
**beacon** (52:1)  
**beat** (65:5)  
**beautification** (28:16)  
**become** (32:11)  
**bedroom** (41:17)  
**beechwood** (51:3)  
**before** (1:9)(47:8)(78:24)(82:14)(83:6)  
**begging** (76:22)  
**begin** (63:14)(77:13)  
**beginning** (10:24)  
**behalf** (39:5)(67:3)  
**behind** (5:10)(70:1)(70:2)  
**beholden** (59:22)  
**being** (17:22)(19:10)(23:12)(45:5)(47:25)(77:4)  
**belfance** (39:5)  
**believe** (31:23)(35:3)(35:9)(48:25)(56:13)(57:19)(77:21)  
**berm** (20:5)(20:10)  
**berming** (24:4)  
**best** (30:3)(45:11)(57:4)  
**better** (30:11)(32:3)(32:11)(71:3)(71:20)  
**between** (12:2)(21:17)(26:24)(34:8)(34:19)(40:19)(43:20)  
**big** (31:4)(63:1)  
**bikes** (69:5)  
**bit** (11:7)  
**bittner** (44:12)  
**black-and-white** (60:17)  
**blending** (10:8)  
**block** (14:15)(39:21)(39:25)  
**blueprinted** (71:12)  
**board** (50:21)(50:22)(51:16)(69:12)  
**bob** (13:4)(22:17)(33:4)  
**body** (46:13)  
**boon** (31:2)  
**booth** (24:8)  
**both** (22:6)(22:8)(22:10)(23:21)(26:25)(40:9)(48:11)(65:18)(66:1)  
**bother** (32:17)  
**bottom** (8:7)(71:4)  
**boundary** (40:2)  
**branch** (29:22)(33:4)  
**brandywine** (44:5)  
**breaking** (13:13)(64:8)  
**breath** (66:18)  
**brian** (39:3)(50:8)(51:3)  
**brick** (7:21)(10:9)(10:10)(11:16)  
**bring** (23:10)(27:4)(53:7)(64:24)  
**broadway** (1:22)(7:8)(7:15)(9:20)(10:22)(56:6)  
**brought** (52:12)(63:23)(64:12)  
**bruce** (3:3)  
**brynmarr** (44:10)  
**bubble** (61:2)(61:3)  
**buffer** (36:11)(42:15)(61:4)  
**buffers** (18:7)  
**build** (26:24)(62:22)(64:23)(78:17)(79:11)(79:12)  
**building** (8:21)(9:7)(10:22)(11:25)(14:19)(17:14)(18:4)(18:12)(19:12)(20:6)(20:16)(20:21)(22:1)(24:14)(31:20)(36:16)(40:23)(42:17)(51:19)(58:4)(61:6)(61:7)(62:8)(74:12)(74:19)(76:4)(79:18)  
**buildings** (14:22)(17:21)(24:5)(41:14)(51:8)(59:9)(60:6)(60:15)  
**built** (10:4)(59:25)  
**bunny** (32:22)  
**business** (4:2)(50:16)  
**businessman** (80:25)  
**buy** (64:21)  
**byards** (43:23)

## come

## C

**call** (4:17)(12:8)(36:24)(54:22)(60:10)(81:22)  
**called** (74:5)  
**cambridge** (44:11)(44:13)(66:23)  
**came** (37:24)(64:19)  
**campus** (15:3)  
**candi** (71:1)  
**candice** (43:22)(44:9)(80:6)  
**capability** (10:4)  
**caption** (83:13)  
**carried** (58:1)  
**cars** (73:5)  
**case** (2:5)(7:1)(7:7)(13:1)(13:8)(16:7)(28:1)(38:3)(39:1)(39:9)(64:12)(64:18)  
**case-by-case** (16:1)  
**cases** (6:14)(83:9)  
**catch** (66:18)  
**catch-all** (69:14)  
**cecchi** (44:10)  
**center** (7:16)(7:20)(7:25)(8:5)(9:8)(12:1)(26:23)  
**certainly** (9:25)(70:7)(80:4)  
**certificate** (83:3)  
**certify** (83:6)(83:12)(83:15)  
**chairman** (3:2)(4:4)(4:11)(4:15)(4:25)(5:9)(5:13)(5:20)(6:9)(7:5)(9:11)(9:14)(10:12)(11:8)(11:12)(11:16)(11:20)(12:4)(12:8)(12:18)(12:21)(13:7)(22:4)(22:7)(22:12)(23:4)(25:11)(25:15)(25:17)(25:18)(29:19)(30:13)(30:16)(30:19)(32:23)(33:2)(34:24)(34:25)(35:16)(36:12)(36:19)(36:24)(37:1)(37:12)(37:16)(37:19)(37:25)(39:8)(39:15)(49:15)(49:21)(50:2)(50:10)(54:1)(57:5)(62:13)(62:16)(62:17)(65:2)(66:6)(66:9)(66:13)(66:20)(70:19)(72:2)(72:16)(76:18)(77:3)(77:23)(79:21)(79:24)(81:4)(81:7)(81:11)(81:14)(81:22)(81:24)(82:10)(82:17)  
**chairs** (13:18)  
**chance** (67:12)  
**change** (8:9)(59:21)(60:1)(62:4)(67:9)(68:10)(69:13)(69:15)  
**changes** (50:21)(50:24)(62:7)  
**changing** (53:5)  
**chapter** (48:4)  
**characteristics** (54:24)  
**chickens** (32:21)  
**children** (70:16)(78:22)  
**church** (7:7)(7:14)(9:16)(10:10)(11:2)  
**circle** (77:9)  
**cite** (43:15)(54:5)  
**city** (1:2)(1:9)(1:13)(3:2)(3:5)(4:6)(5:11)(8:13)(14:12)(14:14)(20:17)(21:19)(23:9)(32:6)(40:1)(40:9)(40:10)(42:24)(43:2)(44:16)(45:16)(45:22)(46:17)(46:18)(47:12)(47:25)(48:6)(48:12)(49:10)(56:9)(61:21)(62:10)(63:14)(64:1)(68:1)(81:9)(82:11)  
**city's** (22:1)(24:22)(48:6)(48:19)  
**civil** (22:19)(31:15)  
**civil-engineered** (32:2)  
**classification** (67:25)  
**clean** (32:9)  
**cleveland** (22:18)  
**client** (9:19)  
**close-knit** (67:8)  
**cloud** (61:3)  
**coached** (67:13)  
**code** (8:10)(16:11)(19:11)(20:23)(44:3)(44:4)(45:1)(45:8)(46:10)(48:20)(56:17)(56:22)(56:23)(56:24)(57:13)(57:15)(57:23)(58:2)(58:6)(58:7)(65:17)(77:20)(77:21)  
**codes** (32:7)  
**cognizant** (20:24)(23:12)  
**colinas** (44:1)(69:1)(77:7)  
**collapse** (79:14)(79:15)  
**collected** (68:12)  
**collects** (79:5)  
**color** (8:9)(71:12)  
**com** (1:23)  
**come** (13:17)(26:9)(27:2)(27:13)(27:17)(27:23)(44:14)(47:23)(68:14)(72:11)(72:19)(75:20)(82:14)

## comes

**comes** (27:15)(75:8)(75:24)  
**coming** (5:18)(23:24)(32:18)(63:2)(73:4)(73:5)(73:13)  
(74:3)(77:14)(80:17)  
**commencing** (1:10)  
**comment** (43:7)(43:13)(49:4)  
**comments** (6:17)(11:9)(11:13)(20:16)(20:22)(25:16)  
(30:17)(47:13)(47:16)(47:17)(62:14)(66:10)(66:15)  
(67:21)(70:22)(78:6)(81:6)  
**commerce** (21:14)  
**commercial** (61:5)  
**commission** (1:2)(1:10)(3:2)(4:6)(5:22)(6:15)(8:2)  
(10:13)(11:6)(11:10)(13:21)(15:14)(15:24)(15:25)(16:8)  
(16:11)(17:4)(25:16)(29:20)(30:14)(35:6)(35:18)(36:22)  
(39:24)(40:18)(40:20)(41:1)(41:3)(41:9)(43:4)(43:5)  
(43:15)(46:13)(46:14)(47:2)(47:22)(48:5)(49:8)(52:23)  
(54:2)(57:6)(61:21)(62:10)(62:15)(65:3)(66:7)(78:4)  
(79:11)(81:6)(81:20)(82:15)(83:23)  
**commissioned** (83:5)  
**commission's** (24:22)  
**committee** (69:12)  
**common** (42:10)  
**community** (3:5)(3:6)(67:8)  
**companies** (15:5)  
**company** (64:18)  
**compatible** (67:23)  
**completed** (54:18)  
**completely** (52:15)  
**compliance** (16:9)(60:18)  
**compliant** (8:17)  
**complied** (8:11)(45:5)  
**complies** (8:15)(20:22)  
**comply** (8:19)(17:23)  
**complying** (17:2)(24:24)  
**compound** (26:4)(28:12)(29:10)  
**comprehensive** (42:25)(45:13)(45:14)(45:19)(48:7)  
(48:16)  
**conceptual** (39:18)(40:21)(42:23)(46:1)(46:6)(46:21)  
(47:4)(59:3)(59:20)(59:23)(60:3)(61:1)(61:22)(62:6)  
(63:10)(78:11)  
**conceptualization** (17:16)  
**concern** (33:8)(34:12)(69:6)(70:12)(79:6)  
**concerned** (49:4)(70:14)(78:21)  
**concerns** (51:16)(52:24)(69:16)  
**concluded** (82:19)(83:14)  
**condition** (9:6)(11:4)(32:11)  
**conditional** (7:8)(7:15)(7:19)(8:1)(8:19)(9:2)  
**conditionally** (15:10)(15:22)  
**conditions** (11:23)(21:23)(32:4)  
**configuration** (51:12)  
**conflict** (58:14)  
**connect** (30:5)  
**connected** (55:24)  
**connection** (29:22)  
**consider** (65:7)  
**considering** (35:24)  
**consistency** (16:2)  
**consistent** (41:23)(48:9)(48:15)(60:12)(61:12)(61:14)  
**construction** (20:9)(47:24)  
**contemplated** (16:10)  
**contiguous** (57:12)  
**contingency** (64:3)  
**continuation** (39:22)  
**continued** (39:10)(41:9)(75:20)  
**continues** (48:3)(78:11)  
**contracted** (15:4)  
**contributed** (30:25)  
**control** (30:10)  
**controlled** (24:11)  
**conversations** (67:11)  
**copies** (13:19)  
**copy** (8:8)  
**corner** (20:7)(33:5)(33:11)(33:23)(33:24)(67:1)(80:18)  
**corners** (76:5)  
**cornfield** (31:4)  
**corporate** (21:12)  
**corporation** (31:1)  
**correct** (11:18)(23:18)(52:9)(52:10)(68:24)

## developer

**corrections** (4:10)  
**cost** (30:2)(53:7)(53:10)(53:17)(70:11)  
**costs** (53:24)  
**could** (8:22)(8:23)(9:16)(10:19)(15:7)(35:1)(37:17)  
(47:7)(50:20)(54:12)(59:9)(59:25)(61:9)(63:6)(68:14)  
**council** (45:3)(46:17)(46:18)(49:10)(56:24)(61:21)  
(62:10)(64:1)(67:14)(67:20)(81:9)(82:11)  
**counsel** (5:11)(48:6)(77:19)(83:16)  
**county** (83:2)  
**county's** (5:17)  
**couple** (6:11)(37:22)(68:13)(78:3)  
**course** (26:9)  
**courthouse** (5:17)  
**created** (56:25)(57:13)  
**creates** (69:6)  
**creating** (44:19)  
**creation** (39:12)(67:24)  
**creek** (58:11)  
**creeks** (55:1)  
**crime** (74:4)(74:5)(74:7)  
**crossing** (26:13)  
**currently** (40:5)(40:6)(55:7)(56:10)  
**cut** (24:1)(75:3)(76:5)(76:16)  
**cutting** (19:22)

## D

**dakota** (13:3)(13:9)(14:1)(22:23)  
**danger** (74:10)  
**date** (41:2)  
**davis** (3:7)(4:18)(4:21)(4:24)(5:1)(5:3)(5:5)(5:7)  
(12:9)(12:11)(12:13)(12:15)(12:17)(12:19)(36:25)(37:2)  
(37:4)(37:6)(37:8)(37:10)(81:23)(81:25)(82:2)(82:4)  
(82:6)(82:8)  
**day** (1:9)(26:19)(31:9)(83:14)(83:20)  
**days** (68:13)  
**dead** (65:5)  
**deal** (20:18)  
**dean** (79:23)(80:3)(80:5)  
**decameter** (73:15)  
**decided** (30:2)  
**decides** (47:8)  
**decimal** (73:25)  
**decision** (46:19)  
**decisions** (45:22)  
**deed** (42:11)  
**definitely** (69:6)  
**definition** (58:2)  
**definitions** (57:21)  
**denied** (82:8)  
**density** (7:17)(40:6)(40:11)(40:22)(45:19)(48:8)  
(48:16)(48:21)(49:2)(49:11)(51:6)(53:13)(60:16)(67:25)  
(74:6)  
**department** (3:6)(22:1)(22:2)(30:4)(32:6)(36:16)  
(36:17)(47:13)(47:16)(52:13)(73:1)(75:7)  
**departments** (20:16)(20:17)(47:12)  
**depending** (26:25)(27:2)  
**describe** (67:4)  
**described** (21:9)(49:6)  
**design** (10:7)(17:11)(17:21)(17:25)(19:9)(22:20)  
(24:17)(42:10)(42:17)(42:18)(46:6)(47:5)(60:13)(62:7)  
(62:20)  
**designated** (45:18)(60:24)  
**designates** (45:15)(48:8)  
**designation** (48:16)  
**designed** (16:7)(21:1)(42:15)(58:12)  
**designing** (19:18)  
**detached** (40:12)(48:10)  
**detail** (16:12)(51:14)(51:18)  
**detention** (31:25)(58:10)  
**deter** (80:16)  
**determination** (61:18)  
**determinations** (16:8)  
**determined** (15:13)(15:23)(17:3)(18:23)(41:16)  
**detriment** (8:22)  
**develop** (53:11)(71:7)  
**developed** (29:13)(36:7)(40:11)(40:14)(60:25)  
**developer** (51:23)

## developers

**developers** (55:12)  
**developing** (16:23)(34:5)(34:10)(53:3)(60:25)  
**development** (3:6)(20:13)(20:18)(30:7)(30:25)(32:2)  
 (35:21)(39:3)(39:5)(39:17)(39:19)(40:22)(41:14)(42:23)  
 (46:6)(46:9)(46:21)(46:24)(47:4)(47:5)(47:19)(47:24)  
 (48:10)(48:14)(49:20)(54:8)(54:23)(56:10)(56:15)  
 (58:24)(60:3)(60:12)(61:1)(61:15)(61:22)(61:23)(62:6)  
 (67:10)(72:5)(72:10)(74:4)(74:23)(75:11)(76:22)(76:23)  
 (76:25)  
**developments** (18:2)(55:13)(56:7)  
**diagram** (61:2)(61:3)  
**different** (18:10)(18:11)(18:16)(24:25)(57:16)(60:14)  
 (70:24)  
**difficult** (36:9)  
**digital** (7:9)  
**dimensional** (19:10)  
**directly** (30:22)(72:5)(72:9)  
**director** (3:6)  
**dirt** (20:8)  
**disagree** (66:4)  
**discount** (21:15)  
**discuss** (30:6)(50:24)(68:25)  
**discussion** (12:6)(36:21)(40:19)(40:24)(41:1)(48:2)  
 (50:18)(81:19)  
**dispute** (65:21)  
**disregard** (59:5)(59:7)  
**distinctly** (48:14)  
**distributed** (13:14)(49:7)  
**distributing** (43:9)  
**distribution** (43:20)(47:14)  
**district** (7:22)(15:11)(15:13)(15:19)(16:3)(16:5)  
 (16:14)(17:9)(17:12)(18:3)(20:14)(35:25)(39:12)(39:18)  
 (41:11)(44:23)(45:7)(45:24)(45:25)(46:11)(47:3)(48:19)  
 (49:2)(49:13)(55:6)(55:17)(59:17)(62:5)(65:14)(65:19)  
 (65:22)(65:23)  
**districts** (40:8)(43:2)(60:21)  
**district's** (15:21)(21:4)(48:23)  
**disturbing** (20:8)  
**ditch** (31:10)  
**diverse** (67:7)  
**document** (43:18)  
**does** (8:18)(8:19)(15:13)(36:12)(45:12)(54:22)(57:1)  
 (65:16)(68:8)(69:21)(70:4)  
**doesn't** (23:19)(55:2)(79:25)  
**doing** (27:1)(53:4)(75:23)  
**done** (8:14)(18:3)(24:19)(51:5)(62:25)(68:22)(69:2)  
 (70:10)  
**donna** (43:24)  
**door** (21:14)  
**double** (56:2)  
**down** (13:17)(31:18)(51:7)(62:21)(62:23)(67:6)(69:10)  
 (73:18)(73:24)(75:8)(75:22)(75:24)(76:9)(76:10)  
**dozen** (32:19)  
**dozens** (70:13)  
**drainage** (77:12)(77:14)(77:17)  
**drawing** (50:20)  
**drawings** (80:10)  
**drawn** (71:11)  
**drive** (14:23)(21:14)(41:22)(42:4)(42:7)(43:25)(44:2)  
 (44:3)(44:5)(44:11)(44:13)(51:4)(58:5)(60:23)(66:23)  
 (67:1)(77:25)  
**drives** (60:6)  
**driveway** (71:3)(77:10)  
**driving** (75:22)  
**drowning** (71:24)  
**drug** (21:15)(31:14)  
**due** (13:23)(19:17)  
**duly** (83:5)(83:7)  
**duplicate** (72:15)(73:7)  
**during** (19:11)(19:12)(20:20)(47:18)  
**dutton** (3:4)(4:22)(4:23)(10:14)(10:25)(11:22)(12:9)  
 (12:10)(29:21)(30:12)(36:5)(37:2)(37:3)(54:3)(55:18)  
 (55:21)(56:12)(56:20)(57:3)(57:18)(58:18)(58:22)(59:4)  
 (59:14)(65:4)(65:24)(66:5)(81:25)(82:1)  
**dwelling** (41:25)  
**dwelling's** (40:12)(40:15)(41:12)

## existing

**E**

**each** (9:3)(43:18)  
**ears** (73:14)  
**easier** (20:10)  
**east** (17:1)(21:19)(23:2)(28:12)(28:25)(36:2)(54:10)  
 (54:20)(55:22)  
**eastern** (40:4)  
**eat** (53:20)  
**edge** (31:19)  
**edges** (61:4)  
**edwin** (7:3)  
**effective** (68:4)  
**effectively** (39:21)  
**eight** (41:15)(48:23)(51:13)(64:2)(66:24)  
**eighteen** (78:13)(78:19)  
**eighty** (73:15)(73:17)  
**eighty-five** (73:15)(73:21)  
**either** (10:20)(15:10)(67:17)(69:4)  
**elaborate** (63:6)  
**electronic** (7:16)(7:20)(7:25)(8:5)(9:8)(11:25)  
**elementary** (10:21)  
**eleven** (56:8)  
**eliminate** (6:2)  
**eliminated** (51:7)  
**elmwood** (1:14)  
**else** (6:20)(6:24)(11:12)(25:12)(30:13)(35:18)(64:19)  
 (65:3)(66:6)(70:21)(82:14)  
**e-mail** (43:8)  
**e-mails** (13:15)(35:2)(35:6)  
**emc** (8:24)(9:3)  
**emcs** (7:24)(8:14)  
**employees** (15:6)  
**empty** (18:15)(31:4)(78:14)  
**encircling** (14:23)  
**end** (8:6)(10:17)(31:19)(31:21)(40:1)(78:2)  
**enforcement** (8:12)(8:13)  
**engineer** (22:19)  
**engineering** (22:2)(24:23)(31:16)(32:6)(36:17)(63:13)  
**engineers** (13:5)(30:5)  
**enough** (29:14)  
**enterprises** (13:9)(14:1)  
**entire** (24:13)(57:24)  
**entirely** (67:24)  
**entry** (41:18)  
**epa** (32:7)(32:8)  
**equal** (42:17)(48:22)(49:1)  
**equipment** (19:8)  
**erin** (43:24)  
**escape** (19:20)  
**escaping** (23:23)  
**esq** (3:3)(39:4)  
**essentially** (70:3)(70:5)  
**establishes** (46:9)  
**establishing** (44:25)  
**establishment** (78:9)  
**evaluate** (16:12)  
**evanell** (44:11)  
**evangelical** (7:14)  
**even** (76:14)(78:14)  
**evening** (4:4)(5:24)(6:11)(9:17)(11:13)(30:17)(41:6)  
 (49:18)(66:10)(70:21)(77:4)  
**event** (83:17)  
**ever** (75:5)(75:14)(75:17)  
**every** (9:9)(41:25)(63:20)(71:7)(71:10)  
**everyone** (4:5)(6:1)  
**everything** (26:8)(26:11)(32:10)(32:21)(38:2)(80:7)  
 (81:1)  
**everywhere** (78:22)  
**evidence** (68:6)  
**exactly** (29:15)  
**example** (63:9)  
**except** (26:9)  
**excited** (23:10)(25:2)  
**exciting** (35:20)  
**execution** (42:18)  
**existing** (7:21)(10:9)(11:17)(20:2)(32:4)(42:6)(48:10)

exit

(68:8)(70:4)  
**exit** (41:18)  
**exiting** (52:20)  
**expand** (28:23)(36:8)  
**expect** (63:1)  
**expense** (70:10)  
**expires** (83:23)  
**explain** (50:23)  
**explaining** (23:6)(29:3)  
**explicitly** (15:9)(15:20)  
**exploit** (11:2)  
**express** (45:3)  
**extending** (30:7)  
**extends** (40:2)  
**extensive** (40:19)(50:18)  
**exterior** (42:18)  
**external** (21:11)(29:10)  
**eyesore** (69:11)

**F**

**face** (29:5)(29:6)  
**facility** (14:8)(15:2)(15:6)(15:7)(19:3)(21:5)(23:17)  
(24:6)(26:7)  
**fact** (10:4)(53:23)  
**fairly** (28:24)  
**fall** (17:5)(18:21)(64:10)(75:21)  
**fallback** (51:21)  
**family** (40:12)(40:13)(40:15)(56:15)(65:15)(74:9)  
(74:15)  
**far** (28:7)(29:13)(33:10)  
**farm** (32:5)  
**farmers** (34:14)  
**farmland** (34:13)  
**fast** (76:9)  
**fastsigns** (7:3)(9:18)  
**fear** (31:3)  
**feel** (26:12)(67:16)(69:24)(71:6)(71:8)  
**feet** (8:17)(18:14)(30:9)(40:2)(42:3)(42:8)(74:20)  
(75:4)(75:10)(78:2)  
**felt** (11:6)(50:21)  
**fenced** (24:15)  
**fencing** (80:15)  
**few** (38:1)(66:16)(68:20)  
**fields** (32:5)  
**fifteen** (53:25)(63:15)(63:19)(78:18)  
**fifty** (75:23)  
**file** (13:22)  
**film** (14:17)(24:10)(27:21)  
**film/tv** (14:7)(15:2)(21:5)  
**filming** (25:21)(26:17)(28:8)  
**final** (46:2)(46:18)(46:24)(47:1)(47:9)(47:21)  
**finally** (58:12)(68:16)  
**find** (74:2)(75:8)  
**fine** (22:12)(37:25)(76:18)  
**fine-tune** (23:9)  
**finish** (53:8)(53:11)  
**finished** (53:25)  
**finishing** (53:17)  
**fire** (30:4)(47:16)(52:13)(73:1)(75:6)(75:7)(75:9)  
**first** (24:18)(26:21)(43:18)(49:24)(67:15)(79:7)(83:7)  
**fit** (53:14)(70:4)  
**five** (6:19)(37:11)(41:25)(75:4)(75:10)  
**five-zero** (5:8)(12:20)(82:9)  
**flanked** (14:19)  
**flexibility** (60:19)(61:8)  
**flexible** (52:17)  
**floor** (19:3)(50:17)  
**florida** (23:3)  
**flowing** (10:7)  
**flying** (75:8)  
**folks** (49:23)  
**following** (40:7)  
**foods** (21:15)  
**foot** (18:12)(27:18)(27:19)(42:5)  
**footprints** (61:7)  
**forest** (20:2)  
**forgive** (67:12)

guideline

**form** (43:8)(46:8)  
**forms** (40:23)(60:15)  
**forth** (11:21)(36:13)(52:12)(81:8)  
**forty** (8:17)(27:17)(27:20)(42:3)(42:5)(51:7)(60:22)  
(74:20)  
**forty-acre** (60:24)  
**forty-eight** (41:12)(56:1)  
**forty-five** (75:23)  
**forty-some** (56:16)  
**forty-square-foot** (7:24)  
**forty-two** (69:20)  
**forward** (81:8)  
**forwarded** (82:11)  
**found** (74:11)  
**four** (51:12)(62:6)(64:1)(74:16)(75:4)(75:9)  
**frank** (77:7)  
**fredrick** (30:18)(30:20)(32:14)  
**frequency** (8:8)(8:11)(9:24)  
**front** (31:11)(31:19)(42:2)(46:3)(56:7)(63:25)(70:2)  
(73:8)(73:13)(75:24)(76:11)  
**full** (15:16)(41:18)(42:13)(73:2)  
**fun** (66:20)  
**further** (30:8)(36:10)(49:6)(83:12)(83:15)  
**future** (28:12)(29:22)(34:19)(42:25)(45:14)(45:19)  
(45:20)(48:7)(48:17)(60:1)

**G**

**game** (29:8)  
**gant** (13:3)(22:22)(23:1)(25:10)(25:23)(26:1)(26:5)  
(26:20)(27:11)(27:16)(27:25)(28:6)(28:9)(28:14)(37:14)  
**gap** (10:17)  
**gary** (33:12)  
**gate** (73:3)  
**gated** (52:15)(52:18)  
**gave** (51:17)  
**gear** (73:23)  
**general** (6:19)(16:16)(17:23)(17:24)(20:22)(48:2)  
**generalized** (16:6)  
**generally** (8:4)(26:23)(28:1)(48:17)(56:8)(56:9)  
**gentleman** (33:6)(70:23)(78:24)  
**german** (32:20)  
**gets** (75:3)  
**getting** (15:19)  
**giant** (18:15)  
**gig** (27:8)  
**give** (6:16)(9:15)(13:13)(13:18)(13:20)(13:22)(22:13)  
(22:24)(50:11)(66:14)  
**given** (18:24)(68:14)  
**giving** (51:18)(83:6)  
**glatzhofer** (1:12)(83:4)(83:22)  
**goal** (53:16)(64:6)  
**goes** (28:8)(44:22)(46:20)(74:5)  
**gold** (3:3)(4:11)(5:3)(5:4)(12:3)(12:11)(12:12)(37:4)  
(37:5)(57:7)(81:7)(82:2)(82:3)  
**gone** (75:14)(75:17)  
**gonzales** (7:3)(9:13)(9:17)(9:18)(11:19)  
**good** (4:4)(9:17)(23:6)(25:9)(36:1)(36:3)(37:13)  
**grab** (13:17)  
**grandchildren** (74:9)(76:23)  
**grant** (76:11)  
**granted** (59:21)(59:24)  
**grass** (75:9)  
**great** (50:14)(70:12)  
**greater** (65:9)(67:22)(68:7)  
**greatly** (80:23)  
**green** (80:8)  
**grew** (74:15)  
**grice** (3:2)(4:24)(12:17)(36:25)(81:23)  
**gross** (55:18)  
**ground** (17:20)(64:8)  
**grounds** (67:16)  
**group** (27:14)  
**grow** (74:8)(76:24)  
**guess** (30:1)(68:9)  
**guidance** (24:21)(24:22)(24:23)  
**guide** (45:21)  
**guideline** (62:7)

## guidelines

**guidelines** (8:20)(17:7)(18:1)(18:2)(39:19)(42:24)  
(46:7)(47:5)(53:4)(60:14)(61:15)(61:23)  
**guys** (13:17)(23:11)(24:25)(25:3)(49:24)(50:4)(80:22)

**H**

**half** (52:19)(54:8)(54:9)(69:21)  
**hall** (1:13)  
**hand** (83:18)  
**handed** (37:23)  
**happen** (63:24)(72:25)(75:6)(76:6)  
**happens** (18:25)(26:5)(74:4)(75:6)  
**happy** (25:14)  
**harmonious** (8:20)(10:9)(18:5)  
**having** (63:18)(77:15)  
**hayfields** (31:11)  
**headquarter** (21:12)  
**hear** (6:22)(6:25)(22:15)(73:11)  
**heard** (31:7)(80:2)  
**hearing** (82:19)  
**hearings** (83:12)  
**heavy** (36:2)  
**height** (8:15)(8:16)(9:22)  
**heights** (60:15)  
**held** (1:8)(1:13)(83:12)  
**hello** (22:22)(33:3)(51:2)  
**help** (24:21)(54:3)  
**hereby** (83:6)  
**here's** (61:3)(71:12)(71:13)(71:15)  
**hereunto** (83:18)  
**heritage** (10:21)  
**hey** (64:19)  
**hidden** (29:11)  
**hide** (24:5)  
**high** (7:17)(10:21)(48:15)(60:23)(74:6)  
**hm-hm** (25:10)  
**home** (52:4)(71:5)  
**homeowners'** (42:12)  
**homes** (53:4)(55:17)(70:2)(70:14)(71:19)(79:19)  
**honest** (6:21)  
**honestly** (56:14)  
**hopefully** (25:3)  
**horse** (65:5)  
**hour** (75:23)(76:13)  
**hours** (26:19)(27:2)(27:9)(27:13)(28:2)  
**house** (58:25)(66:24)(71:2)(74:19)(76:11)(77:10)(78:1)  
(79:4)(79:12)(79:14)  
**houses** (35:5)(75:7)  
**housing** (52:4)(54:19)(54:20)(55:5)(74:22)  
**however** (22:9)(27:23)(63:23)(69:11)(70:10)  
**hsb** (13:5)(22:17)  
**hundred** (14:13)(16:21)(16:24)(18:17)(19:2)(31:6)  
(68:14)(69:19)(74:1)(77:15)  
**hurt** (76:2)  
**hurts** (73:14)  
**husband** (78:12)  
**hydrant** (75:9)

**I**

**idea** (23:15)(24:7)(24:20)(25:4)(29:11)(29:16)  
**idyllic** (67:5)  
**i'll** (11:22)(36:18)(75:15)(81:16)  
**illumination** (8:9)(10:3)(10:5)  
**imaginative** (54:23)  
**imagine** (10:19)  
**immediate** (21:1)(21:7)(21:8)(48:11)  
**immediately** (63:15)  
**impact** (16:15)  
**impacts** (20:25)(21:6)(21:11)  
**implementation** (47:6)  
**important** (20:2)  
**improvement** (17:25)(19:13)(47:18)  
**improvements** (20:21)  
**inc** (1:21)  
**inception** (62:8)  
**inches** (31:8)  
**incline** (73:25)  
**include** (69:22)

## koval

**included** (51:20)(62:20)  
**includes** (14:18)  
**including** (32:22)  
**incoming** (75:25)  
**increase** (53:13)  
**increased** (69:8)  
**indicating** (9:13)(14:25)(17:16)(17:18)(17:20)(19:24)  
(28:13)(30:18)(31:17)(31:20)(31:22)(31:25)(33:1)  
(33:24)(34:1)(34:2)(34:3)(34:5)(35:5)(51:10)(51:20)  
(53:22)(60:8)(66:12)(71:4)(71:5)(74:14)(79:23)  
**indication** (5:16)  
**individual** (43:18)  
**indoor** (15:2)  
**industrial** (14:11)(16:3)(16:4)(16:14)(17:8)(17:9)  
(18:23)(20:12)(20:13)(21:18)(35:25)  
**information** (37:23)(49:9)  
**insert** (11:18)  
**inside** (18:25)(23:22)(24:6)(28:18)(29:14)  
**installation** (7:19)  
**instances** (15:14)  
**instead** (51:24)  
**instructiveness** (40:21)  
**insular** (15:1)  
**insulate** (26:10)  
**intended** (19:6)(56:17)(56:25)(67:9)  
**intending** (6:6)  
**intense** (21:18)  
**intensity** (55:4)(55:14)  
**intensive** (21:18)  
**intent** (15:1)(16:2)(16:13)(21:5)(24:17)(25:8)(28:24)  
(29:2)(44:22)(56:21)(57:19)(64:14)(64:16)  
**intention** (23:15)(63:9)(63:14)(64:23)  
**interested** (49:5)(83:17)  
**interim** (43:11)  
**interior** (19:6)  
**internet** (74:2)  
**intersection** (68:23)(69:1)  
**introduce** (22:21)  
**intrusion** (19:19)  
**invisible** (23:15)  
**is pretty** (34:4)  
**island** (35:5)  
**isn't** (61:10)(81:16)  
**isolated** (27:6)  
**issue** (11:1)(11:7)(27:5)(52:12)(52:17)(57:14)(67:15)  
(69:11)(69:17)  
**issues** (77:13)(79:13)  
**item** (8:12)(13:7)  
**items** (6:11)(8:6)(35:1)(45:7)(47:22)  
**iterations** (24:19)(62:6)  
**itself** (26:10)(52:23)

**J**

**jackson** (23:1)  
**job** (23:6)  
**john** (24:3)  
**jonathan** (3:6)(5:13)(7:10)(13:11)(22:15)(23:6)(38:2)  
(39:13)(59:16)  
**jonathan's** (24:21)  
**joseph** (43:25)  
**judgment** (60:9)  
**july** (39:10)(39:23)(40:16)(41:2)(43:3)(43:4)(44:18)  
(48:24)

**K**

**kalessa** (44:5)  
**keep** (13:21)(30:7)(54:14)(66:15)(79:17)  
**keeping** (30:8)(32:20)(55:3)(55:13)  
**keeps** (78:10)  
**kids** (67:6)(69:3)(69:7)(71:23)(74:8)  
**kind** (17:15)(17:17)(17:19)(18:10)(18:23)(20:6)(21:24)  
(23:17)(27:8)(44:21)(45:12)(45:16)(51:21)(67:5)(67:10)  
(69:14)(75:1)(76:10)(76:24)  
**kinds** (18:11)  
**kmk** (39:3)(39:5)(39:17)(49:20)  
**knowing** (31:3)  
**koval** (77:24)(77:25)

kovalik

middle

<p><b>kovalik</b> (66:12)(66:17)(66:21)(66:22)  <b>kyle</b> (44:5)</p>	<p><b>looking</b> (17:13)(17:17)(17:18)(17:21)(47:11)(50:22)  (51:19)(55:11)(63:17)(63:21)(69:20)  <b>loophole</b> (69:14)  <b>los</b> (23:3)  <b>lot</b> (14:22)(16:19)(18:18)(19:4)(19:9)(21:20)(27:5)  (31:7)(61:5)(77:16)  <b>lots</b> (18:16)(33:22)(33:23)(49:4)(69:23)  <b>love</b> (35:21)  <b>low</b> (40:6)(40:11)(45:18)(48:8)(49:11)(67:25)  <b>lowered</b> (74:11)  <b>low-scale</b> (19:16)  <b>luck</b> (37:13)  <b>lutheran</b> (7:7)(7:14)</p>
<b>L</b>	
<p><b>labeled</b> (44:21)  <b>laid</b> (8:6)(59:9)  <b>land</b> (14:13)(15:1)(15:21)(15:24)(16:9)(16:12)(17:8)  (18:10)(20:18)(21:3)(21:13)(21:16)(21:17)(21:18)  (26:13)(28:11)(31:4)(40:8)(42:25)(45:14)(45:17)(45:20)  (48:7)(48:17)(55:3)(55:14)(66:3)(68:8)(71:7)(75:22)  <b>landscape</b> (20:10)  <b>landscaping</b> (18:4)(19:21)(42:15)(51:14)(80:16)  <b>lane</b> (44:10)(73:18)(73:23)  <b>large</b> (19:5)(19:6)(20:5)(21:20)  <b>larger</b> (33:22)  <b>last</b> (5:23)(23:7)(33:15)(43:11)(65:21)(80:20)  <b>lastly</b> (44:12)  <b>late</b> (64:9)  <b>later</b> (6:3)(41:2)(63:5)  <b>lauren</b> (44:10)  <b>law</b> (83:16)  <b>lawn</b> (75:20)  <b>layout</b> (19:9)(51:9)(60:5)  <b>lead</b> (69:25)  <b>leaning</b> (75:13)  <b>leased</b> (34:14)  <b>least</b> (6:13)(62:6)(68:12)  <b>leave</b> (27:14)(27:24)(70:16)  <b>left</b> (53:7)  <b>legislation</b> (44:23)  <b>legislative</b> (45:23)(46:17)  <b>leisure</b> (58:1)  <b>lesiak</b> (39:4)(49:19)(49:21)(50:1)(50:7)(50:15)(50:16)  (52:6)(52:11)(54:7)(54:13)(54:16)(55:8)(56:3)(56:18)  (56:23)(57:10)(65:20)(66:2)  <b>less</b> (21:11)  <b>let</b> (17:13)(28:22)(29:9)(38:2)  <b>let's</b> (44:4)  <b>letter</b> (43:8)(78:5)(79:8)(79:11)  <b>letters</b> (43:7)(43:13)(49:4)  <b>letting</b> (76:21)  <b>level</b> (73:14)(73:22)  <b>light</b> (18:22)(19:16)(19:19)(21:12)(41:1)(73:20)  <b>lighting</b> (19:15)  <b>lights</b> (71:13)  <b>like</b> (4:5)(4:12)(6:14)(6:25)(7:6)(10:20)(17:20)(22:8)  (22:14)(22:15)(26:18)(27:8)(27:15)(28:1)(29:15)(30:1)  (30:10)(31:8)(33:10)(61:3)(63:6)(64:7)(64:18)(64:20)  (66:11)(67:4)(71:8)(71:14)(71:17)(71:21)(78:3)(78:5)  (78:20)(78:24)(81:1)(81:8)  <b>liked</b> (74:21)  <b>likely</b> (21:16)  <b>limit</b> (6:17)  <b>limitations</b> (53:19)  <b>line</b> (33:11)(34:8)(42:6)(75:12)(75:13)  <b>line-by-line</b> (58:7)  <b>lines</b> (42:9)  <b>linton</b> (39:5)  <b>lisa</b> (77:25)  <b>listed</b> (15:9)(15:20)(17:7)(21:24)(44:20)  <b>literally</b> (29:5)(79:3)  <b>little</b> (6:11)(6:12)(11:6)(51:18)(60:18)(61:8)(71:3)  (71:11)(74:25)  <b>live</b> (51:3)(66:22)(69:3)(72:4)(74:16)(74:17)(80:5)  (80:6)  <b>lived</b> (66:25)(67:2)  <b>llc</b> (14:1)(39:17)  <b>llp</b> (39:5)  <b>local</b> (34:15)  <b>location</b> (18:6)  <b>locked</b> (28:15)  <b>long</b> (27:23)(66:19)(78:15)  <b>longer</b> (28:2)(78:14)  <b>long-term</b> (53:16)  <b>long-time</b> (32:5)  <b>look</b> (9:24)(16:1)(17:19)(77:8)  <b>looked</b> (56:5)(75:17)</p>	<p><b>M</b></p> <p><b>machinists</b> (19:2)  <b>macklin</b> (35:8)  <b>made</b> (30:10)(81:15)  <b>madison</b> (71:16)  <b>mailed</b> (4:8)  <b>main</b> (50:17)(72:10)  <b>maintain</b> (30:3)  <b>maintained</b> (75:10)  <b>make</b> (6:1)(11:22)(24:23)(26:11)(28:4)(29:16)(46:15)  (50:21)(66:11)(68:20)(76:5)  <b>makes</b> (26:7)(26:8)(46:18)(53:10)  <b>making</b> (25:6)(45:21)(76:4)  <b>management</b> (32:8)(32:12)(60:8)  <b>manufacturing</b> (18:22)(21:13)  <b>many</b> (24:19)(67:3)(71:25)(76:12)  <b>map</b> (43:1)(45:15)(45:20)(48:7)(48:17)  <b>maps</b> (45:20)  <b>mario</b> (44:10)  <b>mark</b> (30:20)  <b>market</b> (64:9)(64:25)  <b>mart</b> (21:15)(31:14)  <b>mask</b> (66:18)  <b>match</b> (53:9)  <b>material</b> (42:18)  <b>materials</b> (17:22)  <b>matter</b> (67:15)  <b>matthew</b> (7:7)(7:13)(9:12)(9:19)  <b>mattresses</b> (79:8)  <b>maximize</b> (42:15)(63:18)  <b>maximum</b> (15:6)(49:2)  <b>maxing</b> (74:1)  <b>may</b> (5:18)(71:14)(71:15)(75:21)  <b>maybe</b> (6:3)(47:17)(51:13)(62:24)(63:5)(73:19)(75:3)  <b>mcrmedina</b> (1:23)  <b>mean</b> (9:21)(10:18)(23:5)(33:20)(55:15)(59:23)(62:4)  <b>means</b> (78:12)(83:10)  <b>meant</b> (78:7)  <b>medina</b> (1:2)(1:10)(1:13)(1:14)(1:21)(1:22)(3:2)(3:5)  (4:6)(9:18)(14:12)(14:14)(21:19)(31:2)(36:16)(36:17)  (40:9)(42:24)(44:5)(44:16)(48:12)(51:4)(56:9)(66:23)  (69:3)(74:7)(74:15)(75:14)(83:2)(83:19)  <b>meet</b> (8:18)(9:22)(48:3)(57:15)(58:12)(59:10)(65:16)  (68:8)  <b>meeting</b> (4:7)(4:9)(39:10)(39:22)(40:18)(41:3)(43:5)  (44:18)(49:25)(50:19)(65:21)(72:13)  <b>meets</b> (16:20)(20:11)(48:3)(54:4)(67:17)  <b>member</b> (3:3)(3:4)  <b>members</b> (10:13)(11:9)(25:15)(29:20)(35:18)(36:21)  (54:2)(57:6)(62:14)(65:3)(66:7)(81:5)(81:19)  <b>mendel</b> (3:6)(5:15)(7:11)(10:18)(11:5)(13:12)(22:24)  (31:15)(33:12)(33:14)(33:17)(33:20)(34:7)(34:17)  (34:21)(34:25)(37:16)(39:14)(50:4)(50:13)(54:11)  (54:14)(60:2)(61:17)(62:3)(67:19)(72:6)(72:22)(82:16)  <b>mentioned</b> (33:9)(73:3)(80:19)  <b>mentioning</b> (80:11)  <b>message</b> (7:16)(7:20)(7:25)(8:5)(9:8)(12:1)  <b>met</b> (19:10)(58:16)  <b>mgm</b> (24:9)(29:15)  <b>mic</b> (22:8)  <b>michael</b> (72:4)  <b>microphone</b> (54:15)  <b>middle</b> (55:11)</p>

might

our

**might** (19:4)(24:25)(60:18)(71:16)(71:17)  
**miles** (69:4)(75:23)(76:13)  
**millimeter** (71:11)  
**mind** (7:6)(37:22)  
**mine** (31:5)  
**minimum** (8:16)  
**minute** (37:17)  
**minutes** (4:8)(4:12)(6:19)(37:22)(38:1)(41:3)(43:5)  
 (66:16)  
**mitigate** (21:2)  
**mitigated** (8:23)  
**mix** (41:17)  
**mixed** (54:8)(54:21)(56:13)(56:17)(57:1)(57:2)  
**mixed-use** (56:14)  
**mixture** (65:9)(65:12)(65:22)(65:25)(67:23)(68:7)  
**monday** (79:2)  
**monica** (3:3)  
**month** (23:8)  
**month-and-a-half** (23:8)  
**montville** (40:10)(40:13)(44:17)  
**more** (19:4)(21:18)(23:14)(26:16)(36:2)(45:5)(48:15)  
 (51:18)(60:17)(60:18)(61:1)(61:2)(61:8)(69:14)(73:4)  
 (73:12)(74:5)  
**morning** (10:24)  
**most** (36:9)(51:16)  
**motion** (4:16)(5:7)(11:21)(11:23)(12:5)(12:19)(36:13)  
 (36:20)(37:10)(81:8)(81:12)(81:18)(82:8)  
**motions** (81:15)  
**mounds** (80:16)  
**move** (36:14)(38:3)(39:8)(46:16)(64:6)(64:7)  
**moved** (20:9)(74:7)(79:7)  
**movie** (71:9)  
**moving** (36:2)  
**mowed** (75:20)  
**mrs** (44:1)  
**msn** (1:23)  
**much** (12:22)(24:4)(34:4)(37:13)(57:23)(59:20)(59:21)  
 (59:25)(60:11)(60:23)(68:16)(70:17)(71:20)(82:13)  
**mullins** (35:3)  
**multi-family** (41:12)(41:24)(48:14)(48:18)(51:12)  
 (54:20)(56:7)(56:16)(58:24)(59:24)(65:15)  
**music-recording** (27:8)  
**myself** (37:18)(67:3)

## N

**name** (6:16)(9:15)(9:18)(22:13)(22:16)(33:15)(50:12)  
 (51:3)(66:15)(66:22)(72:3)(72:4)(80:5)  
**nancy** (44:12)  
**narrative** (15:17)(46:8)  
**natural** (80:12)  
**nature** (18:25)(19:17)(23:19)(61:13)  
**necessarily** (6:22)  
**necessary** (9:7)(11:25)(13:23)  
**need** (6:22)(18:24)(27:24)(30:7)(35:11)(45:3)(65:8)  
 (65:18)(68:6)(69:4)(73:2)  
**needed** (30:8)  
**negative** (21:6)  
**negligence** (76:3)  
**neighborhood** (8:21)(18:6)(21:1)(52:5)(53:15)(67:5)  
 (70:5)(70:15)  
**neighborhoods** (42:14)  
**neighboring** (16:15)(21:7)(42:7)  
**neighbors** (23:13)(26:12)(28:17)(34:15)(67:4)(70:13)  
 (78:14)(79:2)  
**net** (42:10)  
**never** (36:8)(53:24)  
**new** (32:2)(67:24)(77:5)(79:25)  
**next** (13:7)(21:13)(44:24)(49:8)(58:17)(63:12)(64:8)  
 (64:10)(74:19)(78:1)(79:3)  
**nicholas** (1:12)(83:4)(83:22)  
**night** (8:25)(9:4)(9:9)(10:23)  
**ninety-five** (73:21)  
**ninety-thousand-square-foot** (14:7)(14:17)  
**noise** (69:8)(73:14)  
**non-residential** (7:22)(7:23)  
**nor** (83:17)  
**normally** (58:1)

**north** (1:14)(1:22)(7:8)(7:14)(9:20)(10:22)(17:1)  
 (20:6)(29:6)(29:23)(31:21)(36:11)(80:12)  
**northeast** (20:7)  
**northerly** (42:9)  
**northwest** (17:18)(33:5)(33:11)(33:24)(36:7)(36:9)  
**notary** (1:12)(6:8)(50:9)(83:4)(83:22)  
**note** (10:15)(36:6)  
**notes** (73:1)(73:6)  
**nothing** (32:18)(70:6)(82:14)(83:8)  
**notice** (72:12)  
**noticed** (69:8)  
**nowhere** (57:25)  
**number** (2:5)(7:1)(13:1)(39:1)(43:7)(43:12)(49:23)  
 (55:19)(75:8)

## O

**oath** (6:7)(50:8)  
**objection** (30:24)  
**objections** (32:15)  
**objective** (21:6)  
**obviously** (6:24)(23:10)(24:3)(52:16)(53:15)(56:2)  
 (56:4)  
**occupants** (19:7)  
**occupied** (8:25)  
**occurs** (47:4)  
**of what** (55:22)  
**off** (8:24)(9:3)(9:9)(10:15)(11:3)(12:2)(20:9)(20:11)  
 (24:6)(30:9)(33:10)(35:23)  
**offer** (52:3)  
**office** (14:19)(18:12)(18:20)(26:22)(61:6)(83:19)  
**offices** (21:12)(26:22)  
**ohio** (1:13)(1:14)(1:22)(32:7)(44:6)(50:17)(51:4)  
 (83:1)(83:5)(83:19)(83:23)  
**old** (4:2)(22:18)  
**once** (64:5)(75:3)  
**one** (6:12)(11:2)(13:21)(14:3)(14:13)(14:23)(16:21)  
 (16:24)(18:17)(22:8)(26:8)(26:21)(27:1)(27:17)(27:18)  
 (28:16)(28:19)(30:3)(31:16)(31:18)(31:21)(33:21)  
 (33:22)(34:3)(35:4)(35:8)(36:1)(41:13)(41:25)(43:14)  
 (43:18)(43:22)(43:23)(43:24)(43:25)(44:2)(44:4)(45:4)  
 (46:15)(56:4)(56:15)(58:3)(58:25)(60:9)(60:21)(61:7)  
 (61:9)(65:6)(69:16)(70:2)(74:1)(75:7)(77:8)(78:1)  
**one-** (41:13)  
**one-hundred-and-sixteen-acre** (14:2)  
**ones** (43:19)(49:6)  
**one-third** (41:19)(72:19)  
**ongoing** (8:12)  
**only** (27:16)(31:3)(34:12)(46:13)(47:1)(58:23)(64:11)  
 (71:21)(72:12)(75:3)(78:2)(79:24)(82:12)  
**on-time** (10:16)  
**onto** (19:20)(72:20)(72:21)(73:4)(73:5)(80:17)  
**open** (19:5)(19:6)(28:25)(29:2)(42:11)(51:15)(57:22)  
 (57:23)(58:2)(58:8)(58:13)(58:20)(59:1)(59:10)(59:12)  
 (60:16)(71:25)(76:7)(76:8)  
**opened** (26:21)  
**operation** (28:5)  
**operational** (19:8)  
**operations** (15:8)(21:9)  
**opportunities** (29:7)  
**opportunity** (25:2)(70:18)  
**oppose** (67:8)(67:16)  
**opposed** (53:5)(57:8)(68:21)  
**order** (40:25)  
**ordinance** (57:1)(65:11)  
**organize** (37:17)  
**organized** (38:2)  
**original** (40:17)(52:7)  
**originally** (29:25)(52:13)  
**orlando** (23:3)  
**other** (5:15)(10:17)(11:8)(11:13)(12:6)(15:13)(15:23)  
 (16:18)(17:3)(17:10)(29:19)(31:9)(32:14)(32:25)(33:8)  
 (34:12)(36:21)(44:4)(46:15)(54:1)(57:5)(57:25)(58:24)  
 (60:20)(62:13)(65:13)(70:22)(71:2)(72:20)(80:11)(81:5)  
 (81:6)(81:19)  
**others** (44:14)(70:11)  
**our** (4:8)(5:21)(6:10)(13:8)(23:13)(32:7)(57:23)(58:2)  
 (63:2)(63:9)(63:14)(63:18)(64:6)(64:16)(64:23)(67:4)

ours

properly

(67:20)(69:16)(70:2)(70:6)(74:23)(75:7)(79:19)(80:17)  
 (81:15)(82:11)  
**ours** (26:14)(80:13)  
**out** (4:8)(8:6)(23:2)(23:12)(23:22)(24:3)(26:4)(26:9)  
 (29:13)(32:18)(35:6)(37:23)(43:14)(59:9)(62:8)(71:11)  
 (73:8)(74:1)(74:3)(74:7)(74:11)(74:13)(74:16)(75:15)  
 (75:17)(75:20)(77:14)  
**outdoor** (25:21)(29:7)  
**outdoors** (58:2)  
**outside** (15:4)(28:19)(48:12)  
**over** (23:7)(26:13)(26:14)(32:18)(51:25)(64:20)(68:13)  
 (73:6)(77:15)(78:15)  
**overall** (55:3)(55:14)  
**overlay** (43:2)  
**own** (32:7)(70:9)(75:18)(77:19)  
**owned** (40:5)  
**owners** (34:19)(44:16)(63:17)  
**ownerships** (14:3)

**P**

**packet** (15:16)(41:3)(41:5)(43:4)(43:6)(43:9)(43:19)  
 (43:20)(44:14)(46:8)(49:5)(49:7)  
**page** (2:5)(8:7)(17:7)(21:24)(44:20)  
**pages** (44:8)  
**pandemic** (63:25)  
**papers** (67:19)  
**parcel** (14:2)(16:22)  
**parcels** (14:4)  
**park** (52:1)  
**parking** (14:22)(18:9)(18:11)(18:18)(19:9)(31:6)  
 (41:23)(42:1)(58:4)(60:6)(69:19)(69:21)(77:16)  
**part** (13:23)(52:19)(52:20)  
**particular** (56:25)(67:9)(68:21)(69:18)(69:24)  
**particularly** (32:4)(57:17)  
**party** (83:16)  
**passed** (35:6)(43:14)(47:11)  
**patch** (31:4)  
**patterns** (48:11)  
**paul** (3:4)  
**paying** (63:20)  
**pedestrian** (42:13)  
**people** (24:12)(25:6)(44:15)(68:25)(70:7)(70:14)  
 (71:22)(73:4)(76:12)(80:17)  
**per** (41:16)(48:22)(48:23)(48:25)(69:20)  
**percent** (42:10)(51:6)(57:22)(57:23)(58:13)(58:20)  
 (59:10)(59:12)(76:7)(76:8)(80:8)  
**perfect** (34:11)  
**perhaps** (29:7)  
**perimeter** (24:14)(42:14)(58:9)  
**permanent** (62:2)(64:5)  
**permit** (7:9)(8:20)(19:12)(19:13)(20:20)(20:21)(48:4)  
**permits** (9:7)(11:25)(21:25)  
**permitted** (7:23)(15:10)(15:11)(15:12)(15:21)(15:22)  
 (16:4)(16:6)(17:4)(21:4)(48:18)(55:6)(56:11)(65:10)  
**person** (15:8)(43:16)  
**pertaining** (72:14)(73:3)  
**petition** (43:13)(44:7)  
**phase** (63:12)  
**phillips** (39:3)(50:8)(50:23)(51:1)(51:2)(51:3)(52:10)  
 (53:6)(54:24)(57:7)(58:8)(58:21)(59:2)(59:6)(62:19)  
 (63:8)(64:16)(78:11)(80:11)(80:24)  
**photocell** (10:6)  
**photograph** (15:18)(43:1)(61:11)  
**photometrics** (19:16)  
**physical** (53:19)  
**pick** (74:22)  
**picked** (74:20)  
**picture** (71:2)(71:4)(71:15)(75:15)(75:16)  
**pictures** (79:1)  
**piece** (20:3)(20:4)  
**place** (25:7)(26:4)(83:13)  
**placed** (6:7)(50:8)  
**plan** (13:10)(14:10)(17:6)(17:7)(17:22)(17:24)(17:25)  
 (19:13)(19:16)(21:23)(31:16)(33:9)(33:25)(35:21)(36:6)  
 (36:15)(40:22)(41:15)(42:25)(45:13)(45:14)(45:19)  
 (46:2)(46:6)(46:7)(46:9)(46:21)(46:22)(46:24)(46:25)  
 (47:1)(47:5)(47:9)(47:19)(47:20)(47:21)(48:7)(48:17)

(52:7)(52:15)(52:16)(59:3)(59:20)(59:21)(59:23)(60:4)  
 (60:11)(60:12)(61:1)(61:10)(61:14)(61:22)(62:7)(64:13)  
 (78:12)  
**planning** (1:2)(1:10)(3:2)(3:5)(4:6)(5:22)(8:2)(15:14)  
 (15:24)(15:25)(16:8)(16:10)(16:11)(17:4)(39:12)(39:17)  
 (39:19)(39:24)(40:18)(40:20)(41:1)(41:3)(41:9)(41:11)  
 (43:3)(43:4)(43:5)(43:15)(44:23)(45:1)(45:7)(45:24)  
 (45:25)(46:10)(46:13)(46:14)(47:2)(47:3)(47:22)(48:5)  
 (48:19)(49:8)(49:12)(51:16)(58:17)(59:17)(60:20)  
 (61:21)(62:4)(62:10)(67:13)(78:4)(79:10)  
**plans** (15:16)(16:1)(17:14)(28:13)(41:7)(42:24)(47:24)  
 (69:12)  
**planting** (29:3)(29:4)(29:12)  
**play** (47:23)  
**playing** (67:6)  
**please** (63:7)(68:24)  
**pleasure** (70:9)  
**plus** (5:23)(20:5)(41:25)  
**podium** (6:16)(9:15)(49:22)(50:11)(66:14)  
**point** (5:21)(14:23)(26:21)(30:3)(52:12)(52:22)(55:15)  
 (59:3)(60:23)(76:14)  
**pointed** (23:12)(24:3)(29:13)  
**pointing** (60:5)  
**points** (60:7)  
**police** (74:5)  
**pond** (19:24)(24:2)(24:14)(31:24)(69:23)(71:5)(71:23)  
 (71:24)(77:12)(77:13)(79:2)  
**ponds** (58:10)(80:12)  
**porch** (73:10)  
**portion** (8:24)(9:3)(9:8)(11:17)(12:1)(19:23)(34:9)  
 (41:21)(54:9)(54:17)(72:10)  
**portrayal** (56:21)  
**posatiere** (33:1)(33:3)(33:4)(33:13)(33:16)(33:18)  
 (34:6)(34:11)(34:20)(34:22)  
**positive** (81:16)  
**possibility** (52:7)  
**possible** (20:1)(23:13)(24:5)(24:20)  
**potential** (8:22)(16:15)(20:25)(60:7)(64:22)  
**potentially** (59:8)(69:10)  
**power** (75:12)(75:13)  
**practice** (5:22)(45:11)(45:12)  
**preliminary** (46:2)(46:22)(46:25)(47:9)(47:20)(60:10)  
 (63:12)  
**presence** (83:11)  
**preserved** (42:11)  
**preserving** (34:8)(35:22)  
**presumably** (20:8)  
**presume** (79:22)  
**presumption** (17:2)  
**pretty** (29:2)(35:20)(56:1)(57:23)(60:23)  
**prevent** (53:3)(71:22)  
**previous** (50:19)(66:25)  
**primarily** (15:2)(40:14)(53:16)(53:22)  
**primary** (69:16)  
**principal** (18:3)  
**prior** (43:9)  
**privacy** (24:4)(24:16)(28:17)(30:2)  
**private** (23:17)(25:4)(29:17)(34:18)  
**probably** (6:12)(24:9)(24:10)(31:23)(31:24)(32:10)  
 (32:11)(32:16)(36:8)(46:4)(68:13)(74:18)(75:18)(75:19)  
**problem** (37:20)(62:23)(63:1)  
**proceedings** (1:8)(4:1)  
**process** (5:19)(13:24)(19:14)(20:20)(45:23)(46:17)  
 (46:20)(47:10)(59:18)(61:24)  
**processes** (46:3)  
**produce** (53:14)(55:12)  
**production** (14:7)(14:17)(15:2)(15:4)(19:3)(21:5)  
 (23:25)(26:22)(27:17)(27:18)(71:9)(75:1)  
**productions** (13:3)(15:7)(22:23)  
**professional** (1:21)(45:11)  
**profit** (70:9)  
**program** (9:25)  
**prohibitive** (53:11)  
**project** (5:17)(11:24)(15:17)(16:20)(17:13)(20:22)  
 (21:2)(22:19)(23:7)(30:9)(47:11)(57:24)(58:4)  
**projects** (17:11)(57:16)  
**properly** (29:11)

## properties

**properties** (8:23)(16:16)(17:1)(18:8)(19:20)(20:25)  
 (21:7)(42:3)(42:16)(45:15)  
**property** (7:17)(14:3)(14:11)(16:22)(20:4)(20:5)  
 (23:23)(29:1)(29:5)(32:12)(33:10)(34:19)(39:20)(42:5)  
 (42:6)(42:7)(42:9)(44:15)(45:17)(45:18)(48:8)(53:2)  
 (53:20)(54:10)(54:17)(63:17)(63:18)(70:1)(70:6)(70:8)  
 (70:11)(70:14)(71:23)(73:9)(73:20)(74:24)(75:18)(77:9)  
 (80:13)(80:17)  
**property's** (16:16)  
**proponent** (68:5)  
**proposal** (14:18)(23:9)(41:10)(48:24)(67:17)(67:22)  
 (68:8)(68:21)(69:9)(69:18)(69:24)(70:4)(73:12)(78:17)  
**proposed** (8:18)(9:6)(14:16)(15:9)(16:12)(16:14)  
 (16:20)(17:13)(18:17)(18:18)(21:16)(21:23)(31:18)  
 (40:22)(40:23)(42:8)(48:2)(48:13)(48:21)(49:12)(60:11)  
**proposing** (14:6)(42:2)(74:17)  
**protect** (29:16)  
**provide** (19:15)(24:4)(49:9)(59:22)(65:8)(65:12)  
 (65:13)(68:7)(76:25)  
**provided** (49:5)(49:9)(54:25)(67:19)  
**providing** (59:1)  
**public** (1:12)(23:20)(40:18)(43:7)(49:4)(49:5)(83:4)  
 (83:22)  
**pull** (17:14)  
**purpose** (16:2)(16:13)(21:4)(44:19)(44:22)(67:17)(68:3)  
**purposes** (18:16)(30:2)  
**put** (11:21)(15:12)(26:6)(29:14)(35:13)(36:13)(53:21)  
 (65:15)(73:22)(74:23)(77:16)(81:8)  
**putting** (43:6)(74:9)

## Q

**qualified** (83:6)  
**question** (53:1)(59:16)  
**questions** (9:21)(10:11)(10:12)(11:9)(25:14)(25:16)  
 (25:20)(29:20)(50:25)(52:23)(54:2)(57:6)(62:14)(68:19)  
 (71:25)(81:5)  
**quick** (80:9)  
**quicker** (6:12)  
**quite** (6:21)

## R

**rain** (31:8)  
**raised** (68:19)(70:23)  
**ranch** (51:23)  
**ranch-style** (51:10)(51:11)  
**range** (6:19)(40:23)(44:15)(67:22)  
**rate** (74:4)(74:5)  
**rated** (73:15)  
**rationale** (68:11)  
**read** (35:11)(37:22)(71:10)(73:6)  
**reading** (74:1)  
**real** (55:18)(80:9)  
**realize** (81:15)  
**really** (30:23)(57:24)(67:12)(73:11)(76:13)(77:16)  
 (78:7)  
**rear** (42:5)  
**reason** (63:23)(64:11)(71:18)(74:25)  
**reasonable** (6:18)  
**receive** (13:20)(43:11)  
**received** (5:16)(13:15)(35:2)(43:7)(43:12)(43:20)  
 (44:7)(49:7)  
**recess** (38:5)  
**recommend** (9:2)(9:5)(10:15)(21:22)  
**recommendation** (46:15)(49:10)(81:9)(82:12)  
**recommending** (46:13)  
**reconfirmed** (19:11)(19:12)  
**record** (35:10)(35:12)(35:14)(43:17)  
**records** (13:19)  
**recreation** (57:25)  
**red** (32:17)  
**reduced** (49:1)(51:5)(52:8)(69:9)  
**redwood** (64:18)  
**reevaluate** (40:25)  
**refine** (24:20)  
**regard** (52:17)(52:22)(54:22)(54:25)  
**regarding** (40:21)  
**regards** (21:3)(68:3)(68:4)

## running

**registered** (1:21)  
**regular** (41:24)  
**regulate** (28:1)  
**regulations** (15:19)(16:18)(20:23)(24:25)  
**regulatory** (5:18)  
**reiterate** (67:21)(68:17)  
**relation** (16:13)(21:3)  
**relative** (83:15)  
**reminiscent** (24:8)  
**remove** (21:2)  
**renderings** (17:15)  
**rent** (64:15)(64:22)(71:16)  
**report** (8:8)(15:18)(17:8)(20:15)(21:24)(41:5)(42:22)  
 (44:20)  
**reporter** (5:24)(50:5)  
**reporters** (1:21)  
**representing** (9:12)(9:19)(22:5)(49:17)  
**request** (39:11)(39:16)(40:17)(40:25)(46:3)(49:11)  
 (68:9)  
**requesting** (79:17)  
**requests** (46:19)  
**require** (7:25)(61:20)  
**required** (8:16)(18:19)(45:8)(53:9)  
**requirement** (41:24)  
**requirements** (8:4)(8:10)(16:19)(16:20)(17:24)(17:25)  
 (19:10)(20:12)(32:7)(32:9)(44:24)(48:4)(54:5)(67:18)  
 (68:4)  
**resident** (66:24)  
**residential** (7:18)(8:25)(21:20)(40:7)(40:11)(40:14)  
 (45:18)(48:9)(48:15)(49:12)(55:13)(59:25)(60:24)(61:4)  
**residents** (44:15)(52:19)  
**respectful** (23:13)  
**respectfully** (66:4)  
**response** (11:11)(11:15)(12:7)(30:15)(36:23)(56:13)  
 (66:8)(81:21)  
**rest** (29:1)  
**restriction** (10:23)(10:24)(42:11)  
**result** (48:13)  
**resulted** (40:24)  
**return** (41:2)  
**returning** (41:8)  
**returns** (41:8)  
**review** (8:20)(14:10)(15:25)(17:6)(19:13)(20:20)  
 (21:25)(36:15)(38:1)(39:23)(41:9)(45:23)(46:2)(46:22)  
 (47:2)(47:20)(47:21)(47:24)(48:5)(60:10)(78:4)(78:5)  
**reviewed** (40:17)(47:25)  
**reviewing** (41:6)  
**revised** (41:7)(41:10)(41:14)(42:23)(48:21)  
**rezoning** (39:16)(39:18)(39:20)(40:17)(45:10)(46:1)  
 (46:4)(46:12)(46:19)(47:3)(49:11)(81:10)  
**rezonings** (45:22)(46:14)  
**rhyme** (71:18)  
**rick** (3:2)(37:22)  
**ride** (69:5)  
**river** (22:18)(79:3)  
**road** (13:9)(14:15)(14:24)(22:18)(23:2)(29:22)(30:9)  
 (30:21)(31:10)(33:4)(35:4)(35:9)(35:23)(38:4)(39:11)  
 (39:22)(40:1)(40:3)(41:20)(42:4)(43:23)(43:24)(44:9)  
 (52:14)(52:20)(53:6)(53:11)(53:17)(53:24)(54:10)  
 (58:25)(62:21)(62:23)(71:1)(71:3)(72:9)(73:13)(74:21)  
 (75:22)(79:12)(79:14)(80:6)  
**roaming** (25:6)  
**rob** (44:2)  
**robert** (33:13)  
**roderick** (39:5)  
**roll** (4:17)(12:8)(36:24)(81:22)  
**roofing** (69:22)  
**roosters** (32:16)  
**rose** (3:4)(4:14)(4:19)(4:20)(5:5)(5:6)(5:10)(5:12)  
 (12:15)(12:16)(25:17)(25:19)(25:24)(26:2)(26:15)(27:7)  
 (27:22)(28:3)(28:7)(28:10)(28:21)(29:18)(36:18)(37:8)  
 (37:9)(62:16)(62:18)(64:14)(65:1)(81:13)(82:6)(82:7)  
**round** (58:17)  
**round-the-clock** (28:4)  
**route** (60:22)(70:1)  
**rules** (13:13)(24:25)  
**running** (78:23)(79:3)

## runoff

runoff (32:9)(69:17)(78:25)(80:19)  
 rupert (44:12)  
 rural (21:20)  
 russell (3:3)(5:1)(5:2)(12:13)(12:14)(35:19)(36:14)  
 (37:6)(37:7)(37:21)(52:25)(55:2)(55:10)(55:20)(55:25)  
 (59:15)(61:16)(61:25)(62:12)(82:4)(82:5)

## S

safe (26:12)(74:8)(76:24)  
 safety (28:17)(69:6)(77:1)  
 said (6:18)(6:21)(7:13)(14:12)(15:20)(16:6)(19:25)  
 (22:15)(36:1)(39:16)(39:25)(49:3)(50:13)(60:1)(62:19)  
 (62:20)(64:19)(65:21)(66:4)(67:20)(68:18)(77:19)  
 (83:11)(83:12)  
 sale (52:2)(64:9)  
 same (6:23)(83:17)  
 sandridge (21:15)  
 sandy (3:7)  
 save (13:22)  
 saw (20:3)(24:9)(24:10)  
 say (26:18)(35:20)(45:12)(45:13)(55:9)(56:14)(57:1)  
 (57:3)(57:8)(61:12)(63:4)(67:22)(72:18)(74:15)(76:14)  
 (78:11)(81:16)  
 saying (58:18)(65:25)(70:3)(73:12)(78:10)(80:12)  
 says (55:12)(58:6)(76:11)  
 scary (76:10)  
 school (10:21)(69:4)  
 screened (29:11)  
 seal (83:19)  
 sean (80:5)  
 second (4:14)(4:16)(12:3)(12:5)(13:14)(36:18)(36:20)  
 (75:12)(78:1)(78:10)(81:12)(81:13)(81:18)  
 section (44:21)(44:25)(45:7)(54:5)(57:19)(65:6)  
 (65:16)(65:17)  
 security (24:8)(24:16)(26:10)(36:10)  
 see (24:1)(30:6)(31:16)(44:4)(55:11)(58:3)(60:11)  
 (76:2)(77:9)(80:9)(80:15)  
 seek (57:8)  
 seeks (7:18)  
 seem (30:24)  
 seemed (30:10)  
 seems (69:13)  
 sell (51:22)(64:15)(64:17)(71:17)  
 sense (30:10)(67:5)  
 sensitive (20:1)  
 separate (14:21)  
 september (1:9)(4:6)(83:14)(83:20)  
 service (47:13)  
 set (35:22)(35:23)(83:18)  
 setback (16:19)(33:8)(42:5)  
 setbacks (16:25)(18:7)(42:2)(42:3)(42:8)(53:9)(58:9)  
 (60:7)(60:15)(60:17)  
 sets (19:7)(29:7)  
 setting (53:12)(58:16)  
 seven (55:22)(64:1)  
 seventy-five (18:19)(73:17)  
 several (17:10)(47:12)  
 sewers (53:8)  
 shape (53:22)  
 shepherds (32:20)  
 sheryl (44:2)  
 should (10:16)(11:24)(12:1)(49:9)(59:4)(70:7)(70:10)  
 shouldn't (19:19)  
 show (64:13)(75:15)  
 showed (36:6)  
 showing (29:1)(58:19)  
 shown (30:1)(61:10)  
 sic (43:22)(73:15)(73:25)  
 side (14:14)(42:8)(80:13)(80:14)  
 sides (26:25)  
 sidewalk (73:9)  
 sign (7:9)(7:15)(7:19)(7:20)(7:21)(7:24)(8:1)  
 (8:15)(8:18)(8:19)(8:24)(8:25)(9:6)(9:8)(11:17)(12:1)  
 (73:22)  
 signal (73:19)(73:23)  
 signatures (44:8)(68:13)  
 signs (7:22)(7:25)(8:5)(76:14)

## staff

similar (21:10)(51:25)  
 simple (6:1)  
 since (18:9)(43:11)(43:19)(45:10)(49:7)(58:7)(67:2)  
 (75:13)  
 single (40:12)(40:13)(40:14)(56:15)(65:15)  
 single-family (48:10)(51:11)(53:4)(54:19)(64:24)  
 (68:1)(71:19)(79:19)  
 sir (5:12)(30:19)(32:24)(33:2)(33:9)(66:13)(70:20)  
 (80:4)  
 sit (63:4)(63:19)(78:17)  
 site (9:1)(13:10)(14:10)(14:23)(17:6)(17:7)(17:16)  
 (17:22)(17:24)(17:25)(18:4)(18:5)(19:13)(19:15)(19:18)  
 (19:21)(19:23)(20:9)(20:11)(20:20)(21:23)(24:12)  
 (30:22)(31:14)(31:20)(32:2)(33:25)(34:4)(34:9)(36:15)  
 (40:3)(40:5)(42:10)(42:14)(42:20)(43:1)(46:2)(46:22)  
 (46:25)(47:1)(47:9)(47:15)(47:18)(47:20)(47:21)(52:16)  
 (53:19)(60:10)(60:11)  
 six (27:9)(27:13)(41:11)(51:13)(55:16)  
 six-feet (7:24)(8:16)  
 sixteen (14:13)(16:21)(16:24)  
 sixty (18:13)  
 sixty-two (51:6)  
 six-whatever (77:15)  
 size (9:22)(18:6)  
 slope (31:3)  
 slow (76:13)(76:15)  
 sluder (44:2)  
 small (61:5)  
 smaller (33:21)(33:22)  
 smith (13:9)(14:15)(14:24)(30:21)(31:10)(35:4)(35:9)  
 solely (67:25)(68:22)  
 some (13:14)(16:18)(20:16)(29:7)(31:12)(31:24)(47:13)  
 (47:16)(50:21)(51:14)(52:3)(53:19)(53:20)  
 somebody (6:20)(62:22)  
 someone (47:8)(64:19)(73:10)(75:19)  
 something (6:20)(6:23)(24:10)(27:15)(30:1)(34:18)  
 (52:16)(53:14)(58:15)(62:19)(62:24)(70:23)(75:24)  
 (77:5)(78:17)(78:20)(79:25)  
 sometimes (63:24)  
 somewhat (53:10)(64:4)  
 somewhere (24:10)  
 sorry (13:12)(33:15)(54:13)(54:16)(55:8)(72:4)(72:6)  
 (72:24)(73:6)  
 sort (27:25)(31:12)(69:15)  
 sound (18:25)(23:22)(23:24)(28:20)(32:16)  
 soundproof (23:21)(26:8)  
 sound-sensitive (23:25)  
 soundstage (14:20)(18:14)(19:5)(32:19)  
 soundstages (14:21)(18:13)(18:20)  
 south (17:1)(24:7)(29:5)(31:5)(31:19)(40:1)(50:17)  
 (56:6)(60:21)(62:5)(73:25)(80:13)(80:14)  
 southeast (17:18)  
 southerly (31:19)(42:9)  
 space (14:22)(18:15)(18:18)(18:20)(19:4)(19:5)(42:11)  
 (51:15)(57:22)(57:24)(58:3)(58:8)(58:13)(58:20)(59:1)  
 (59:11)(59:13)(60:16)(80:8)  
 spaces (18:19)(19:6)(31:6)(69:19)(69:20)(77:16)  
 spd (44:19)(44:25)(46:4)(48:2)(48:13)(57:8)(57:13)  
 (58:14)(59:11)(59:21)(59:23)(60:25)(64:5)(67:18)  
 (69:13)(78:6)(81:10)  
 speak (6:3)(23:14)(76:21)  
 speakers (83:7)(83:11)  
 special (39:12)(39:17)(41:10)(44:23)(45:6)(45:24)  
 (46:10)(47:3)(49:12)(54:23)(58:23)(59:17)(60:20)(62:4)  
 (65:19)  
 specific (8:4)(15:25)(16:7)(17:10)(18:1)(45:16)(61:7)  
 specifically (24:23)(50:24)  
 specifications (10:2)  
 specified (83:13)  
 specs (9:21)(9:22)  
 spectacle (25:7)  
 spoken (67:14)  
 spot (36:4)(57:14)(58:3)  
 spread (19:7)(41:13)  
 sqft (14:18)(14:20)  
 square (8:17)(18:12)(18:13)(27:18)(27:19)  
 staff (8:7)(8:13)(15:17)(17:8)(20:15)(21:24)(41:5)

## stages

## timeline

(44:20)(61:11)(61:19)  
**stages** (23:24)  
**stand** (6:1)(50:5)(73:9)  
**standard** (18:21)(65:10)  
**standards** (17:11)(19:17)(45:2)  
**start** (27:3)(29:3)(29:4)(29:12)(63:13)(64:8)(64:22)  
**started** (49:24)(62:8)  
**state** (1:13)(35:12)(45:4)(55:3)(57:22)(83:1)(83:5)  
 (83:23)  
**stated** (44:18)(68:10)(69:11)(78:25)  
**statement** (44:19)  
**statements** (68:20)  
**states** (65:7)  
**stay** (27:23)  
**stereotype** (83:10)  
**step** (9:15)(46:1)(49:8)(50:11)(66:14)  
**steps** (45:25)(46:25)  
**still** (34:14)(41:11)(46:22)(48:13)(49:1)(59:3)(59:10)  
 (74:16)  
**stood** (73:8)  
**stop** (73:4)(73:22)(76:22)(76:23)  
**stopping** (73:18)  
**stories** (69:10)  
**storm** (53:7)(79:1)(80:20)  
**stormwater** (32:8)(32:9)(32:12)(60:8)  
**straight** (58:24)  
**strain** (77:17)  
**stream** (53:18)(53:23)  
**street** (1:22)(9:1)(31:5)(32:17)(67:7)(69:22)(72:7)  
 (75:2)  
**stress** (77:17)  
**strict** (32:6)  
**structure** (7:21)(10:9)(10:10)  
**structures** (53:21)(64:24)  
**stub** (29:23)  
**studio** (14:18)(19:1)(29:15)  
**studios** (24:9)(26:25)  
**study** (69:2)  
**stuff** (20:19)  
**sturbridge** (66:25)(68:23)  
**style** (51:24)  
**subject** (11:24)(21:25)(36:15)(40:3)(45:17)(48:8)  
 (69:13)  
**submit** (78:4)  
**submittal** (48:3)  
**submitted** (4:13)(43:16)(44:8)(45:9)(68:6)  
**such** (15:14)(21:14)(41:15)  
**suggesting** (55:4)  
**suit** (71:20)(83:17)  
**suitable** (63:20)  
**summer** (64:8)  
**summer/early** (64:9)  
**superior** (42:18)  
**supplies** (19:8)  
**supply** (41:23)  
**suppose** (11:4)(32:18)(52:22)(56:13)  
**sure** (24:24)(26:7)(26:11)(37:19)(62:2)  
**surrounded** (40:7)  
**surrounding** (21:1)(21:8)(42:13)(42:19)(68:2)  
**swear** (50:5)  
**swearing** (6:5)  
**swerve** (75:25)  
**sworn** (6:2)(50:3)(83:7)

**T**

**table** (15:11)(15:12)(15:22)(16:4)(17:5)(21:4)  
**tabled** (50:20)  
**tabling** (40:24)  
**take** (7:6)(26:3)(26:6)(38:1)(64:20)(68:16)  
**taken** (1:11)(38:5)(83:10)  
**takes** (64:1)  
**taking** (63:2)(69:10)(77:14)  
**talk** (72:15)(73:10)  
**talked** (56:17)  
**talking** (59:19)(66:3)(69:18)(70:13)(73:19)(74:6)  
**talks** (8:8)  
**tall** (7:24)(8:16)(75:4)

**targeted** (20:4)  
**taxes** (63:20)  
**team** (27:9)  
**technically** (11:3)(14:9)  
**technology** (10:6)  
**ted** (49:19)(50:16)(54:11)  
**tell** (76:12)  
**ten** (28:2)(41:13)(42:8)(51:22)(62:21)(62:23)(62:25)  
 (63:15)(63:19)(74:20)(78:2)(78:18)  
**terms** (9:21)(9:22)(10:7)(18:9)(19:21)(68:9)  
**testify** (6:7)(83:8)  
**testimony** (83:7)(83:10)  
**than** (5:15)(6:12)(11:14)(20:11)(21:11)(28:2)(30:8)  
 (32:3)(32:12)(32:14)(58:24)(65:9)(70:22)(80:11)  
**their** (13:19)(15:17)(20:3)(26:13)(27:2)(27:13)(31:15)  
 (33:25)(34:9)(40:25)(41:7)(48:24)(59:22)(69:4)(69:5)  
 (70:8)(70:9)(70:14)(70:15)(70:16)(79:4)(79:5)(83:7)  
**then** (6:7)(9:7)(13:22)(16:12)(16:18)(17:8)(17:19)  
 (20:15)(24:13)(26:16)(26:24)(27:14)(27:24)(28:11)  
 (28:17)(29:12)(31:23)(34:12)(35:8)(38:3)(39:9)(43:2)  
 (43:5)(43:10)(43:13)(44:12)(46:1)(46:16)(46:17)(46:24)  
 (49:3)(50:3)(50:8)(56:15)(57:15)(58:10)(58:11)(60:13)  
 (63:11)(64:20)(64:21)(73:24)(78:17)(78:19)  
**theodore** (39:4)(50:7)  
**there** (4:9)(8:25)(10:16)(10:17)(10:19)(15:5)(15:24)  
 (17:10)(19:3)(19:18)(19:19)(20:5)(20:15)(24:7)(25:20)  
 (25:21)(25:24)(26:23)(29:21)(29:23)(31:12)(31:13)  
 (32:13)(32:18)(40:19)(44:18)(44:24)(45:1)(45:7)(46:22)  
 (52:12)(52:23)(56:6)(58:10)(58:11)(59:12)(59:25)  
 (60:18)(61:4)(64:22)(65:8)(65:16)(67:2)(67:10)(68:6)  
 (69:2)(69:17)(70:21)(72:13)(74:16)(75:12)(75:15)  
 (75:17)(76:7)(76:10)(77:9)(78:15)(79:8)(79:12)(79:16)  
 (81:12)(81:19)(82:16)  
**therefore** (8:17)  
**there's** (8:4)(18:9)(18:11)(24:2)(24:15)(25:5)(27:5)  
 (31:18)(34:7)(45:25)(46:1)(47:6)(47:23)(49:3)(53:18)  
 (53:23)(57:22)(57:23)(57:24)(60:3)(60:13)(65:25)(69:8)  
 (69:23)(70:12)(71:9)(71:18)(71:24)(76:14)(82:14)  
**theron** (43:23)  
**these** (8:13)(10:20)(13:18)(14:21)(24:5)(33:21)(35:5)  
 (35:6)(44:3)(44:13)(45:13)(45:20)(47:17)(47:22)(51:10)  
 (51:18)(52:1)(64:9)(64:15)(65:18)(66:1)(69:12)  
**they'll** (24:12)(27:12)(27:23)  
**they're** (19:22)(19:25)(26:23)(34:4)(35:22)  
**they've** (31:21)  
**thin** (57:4)  
**thing** (6:23)(28:16)(55:1)(58:23)(71:8)(77:8)  
**things** (27:13)(30:11)(56:4)(62:4)(63:24)(65:6)(68:18)  
 (75:2)(78:3)(80:1)  
**think** (6:3)(11:1)(18:21)(18:24)(22:10)(25:13)(26:3)  
 (30:4)(31:1)(35:20)(35:25)(36:3)(67:18)(69:5)  
**third-story** (51:7)  
**thirty** (5:23)(18:12)(30:23)(30:25)  
**thirty-five** (76:12)(76:13)  
**those** (6:6)(8:9)(13:20)(16:21)(28:18)(29:13)(29:14)  
 (32:20)(35:10)(35:22)(45:5)(45:9)(46:25)(47:7)(50:24)  
 (60:17)(62:9)(69:6)(78:7)  
**though** (76:14)  
**thousand** (18:12)(18:13)(27:18)(27:19)(27:20)(30:9)  
**threatens** (69:25)  
**three** (17:10)(18:1)(19:2)(25:20)(31:8)(44:7)(45:25)  
 (69:9)(74:1)(74:12)(74:16)  
**three-by-five** (9:23)  
**three-story** (52:8)  
**threw** (72:11)  
**through** (5:18)(8:6)(20:19)(30:5)(37:23)(42:11)(43:18)  
 (44:22)(45:2)(46:20)(47:9)(52:14)(53:18)(56:5)(58:11)  
 (61:20)(61:24)(62:5)(62:9)(69:1)(71:10)(75:14)(77:14)  
 (79:12)  
**throughout** (45:16)  
**thrown** (71:8)(79:9)  
**thur** (72:3)(72:4)(72:8)(72:18)(72:23)(76:20)  
**thursday** (1:8)(43:12)  
**time** (5:25)(6:18)(10:23)(26:12)(34:23)(60:10)(61:11)  
 (61:19)(63:2)(63:21)(64:2)(67:7)(68:17)(70:17)(75:21)  
 (76:16)(79:7)(80:22)(83:13)  
**timeline** (47:6)

times

times (6:22)(26:17)(64:1)  
 tires (79:8)  
 to-be-completed (41:21)  
 today (43:21)(56:5)(80:22)  
 together (43:6)(51:13)(71:9)(72:11)  
 tonight (8:3)  
 too (68:16)  
 took (78:25)  
 top (54:14)  
 total (35:12)(40:4)  
 totally (27:6)(28:14)  
 toth (43:25)  
 townhome (51:21)(51:24)(64:13)  
 townhomes (52:1)(62:21)(64:4)  
 townhouse (71:15)  
 townhouses (78:20)  
 township (21:21)(40:10)(40:13)(44:17)(68:2)(71:16)  
 track (32:20)  
 traffic (27:5)(68:22)(69:2)(72:19)(73:13)(73:16)  
 (76:1)(76:8)  
 transcript (1:8)  
 transition (36:1)(68:5)  
 transitional (21:17)(52:4)  
 transitions (18:7)  
 tree (34:8)(75:12)(75:21)  
 trees (26:6)(28:15)(28:18)(29:4)(29:13)(29:15)(35:23)  
 tried (51:15)(74:2)  
 troubles (62:20)  
 truck (20:11)  
 trucks (73:17)(73:20)(73:23)  
 truth (83:8)(83:9)  
 try (19:25)(53:13)(72:14)(76:21)  
 trying (53:13)  
 tucked (23:20)  
 turn (11:3)(73:18)(73:23)  
 turned (9:3)(9:9)(12:2)  
 turning (8:24)  
 twelve (56:6)  
 twenty (6:22)(27:19)(42:10)(47:7)(51:6)(53:25)(57:22)  
 (58:13)(59:10)(59:12)(63:15)(69:19)(76:7)(76:8)(80:8)  
 twenty-eight (18:17)(31:6)  
 twenty-five (14:8)(16:23)(55:19)(56:1)(68:12)  
 twenty-four (26:19)(55:17)  
 twice (55:5)(75:3)  
 two (14:21)(17:15)(18:10)(18:13)(21:23)(26:16)(35:1)  
 (41:21)(41:24)(46:25)(52:9)(60:20)(65:6)(67:10)(69:3)  
 (69:10)(69:20)(74:12)  
 two-page (78:5)  
 two-story (41:14)(51:20)(52:1)(64:4)(74:18)  
 two-thirds (41:20)(72:20)  
 type (51:19)(52:3)(55:1)(56:9)(78:8)  
 types (45:17)(57:16)(60:15)(60:16)  
 typically (32:1)

## U

ultimate (62:11)  
 ultimately (48:6)  
 under (6:7)(17:2)(17:6)(18:21)(19:10)(31:10)(32:7)  
 (50:8)(55:17)(55:21)  
 underground (42:21)  
 underneath (79:16)  
 understand (54:4)(59:18)(70:7)(71:6)(71:19)(80:25)  
 understood (34:20)  
 unfinished (53:7)  
 unit (40:22)(41:25)(48:21)(60:16)  
 units (41:12)(41:15)(41:16)(41:17)(41:19)(41:21)  
 (41:25)(48:22)(48:23)(48:25)(51:6)(51:10)(51:13)  
 (51:19)(52:8)(60:16)(64:15)  
 unless (29:10)(79:18)  
 unlikely (21:6)  
 until (62:8)  
 update (42:25)  
 upon (25:1)  
 upset (74:25)  
 urban (7:18)(40:6)(40:11)(49:11)  
 use (14:4)(15:1)(15:4)(15:7)(15:9)(15:11)(15:12)  
 (15:21)(15:22)(15:24)(16:4)(16:7)(16:13)(17:4)(21:3)

whether

(21:4)(21:10)(21:16)(21:17)(31:24)(42:25)(45:14)  
 (45:17)(45:20)(48:7)(48:17)(54:21)(55:4)(55:14)(56:13)  
 (56:17)(57:1)(57:2)(57:25)(65:17)(68:9)(70:9)(71:14)  
 used (15:3)(17:22)(18:16)(45:21)(77:12)  
 uses (7:23)(15:13)(15:23)(16:9)(16:14)(16:16)(17:3)  
 (17:9)(18:4)(18:10)(18:11)(21:7)(21:13)(21:19)(35:24)  
 (36:2)(40:8)(65:9)(65:12)(65:18)(65:22)(66:1)(67:23)  
 (68:7)  
 using (71:12)(71:13)  
 usually (27:3)(27:20)(27:21)(32:1)  
 utilities (42:20)(53:8)

## V

vacant (63:19)  
 value (63:18)(70:8)  
 values (70:6)(70:11)(70:15)  
 vans (27:4)  
 variety (35:24)  
 various (14:3)(20:16)(20:17)  
 vegetation (29:12)  
 vehicular (41:18)  
 version (51:25)  
 very (12:22)(20:2)(23:6)(23:10)(23:17)(23:25)(24:8)  
 (25:4)(32:6)(37:12)(63:20)(67:8)(70:17)(75:5)(78:21)  
 (80:20)(82:13)  
 veteran's (10:22)  
 vicinity (16:17)(21:8)(42:14)(42:19)(48:11)  
 view (28:19)  
 village (60:21)(62:5)  
 visit (24:12)  
 visitor (42:1)  
 vote (81:16)

## W

wadsworth (38:4)(39:11)(39:21)(40:1)(40:3)(41:20)  
 (42:4)(43:23)(43:24)(44:9)(52:20)(68:23)(71:1)(72:8)  
 (72:20)(73:5)(74:21)(76:9)(80:6)  
 walk (69:4)(76:10)  
 walking (71:22)  
 wall (26:7)(28:18)(29:14)  
 want (6:3)(11:21)(13:17)(13:18)(23:16)(23:19)(23:22)  
 (23:23)(24:5)(25:6)(30:5)(31:9)(36:13)(51:23)(51:24)  
 (53:13)(57:21)(63:4)(64:7)(68:16)(68:17)(68:20)(71:23)  
 (75:5)(76:2)(76:20)(76:23)(80:8)(80:24)  
 wanted (11:6)(13:15)(61:18)(62:22)  
 wants (23:21)  
 warehouse (18:15)  
 warehousing (18:22)(21:13)  
 wasn't (61:6)(62:2)  
 water (31:7)(31:9)(32:9)(33:6)(47:14)(54:25)(69:17)  
 (79:5)(79:13)(80:19)  
 water-retention (31:13)  
 way (26:6)(27:8)(28:15)(46:15)(57:14)(57:17)(77:10)  
 wearing (66:18)  
 we'd (25:14)  
 week (68:15)  
 week-and-a-half (72:12)  
 weekend's (80:20)  
 weigh (49:9)  
 welcome (4:5)  
 we'll (38:1)(38:3)(39:8)(63:11)(63:12)(63:13)  
 went (56:5)(62:5)(74:2)(75:14)  
 west (13:9)(14:14)(17:1)(21:14)(21:20)(30:21)(36:3)  
 (36:11)(39:21)(40:3)(54:19)(55:22)(72:21)  
 wetland (36:6)  
 wetland/landfill (79:16)  
 we've (6:18)(10:20)(23:20)(24:19)(51:5)(51:14)(68:12)  
 whatever (27:10)(61:13)  
 what-is-going-to-be-on-the-ground (46:23)  
 whatnot (80:10)  
 what's (51:25)(76:3)  
 whenever (13:20)  
 where (10:4)(18:23)(24:11)(26:3)(27:9)(51:12)(53:20)  
 (54:10)(59:8)(65:8)(65:12)(65:17)(79:5)  
 whereof (83:18)  
 whereupon (6:6)(50:7)  
 whether (52:18)(63:24)

which

zychowski

**which** (9:20)(14:24)(26:22)(26:23)(26:25)(27:2)(35:3)  
 (41:15)(43:8)(43:14)(44:7)(44:25)(45:15)(46:7)(48:9)  
 (48:22)(51:25)(55:13)(60:4)(60:14)(60:22)(60:23)(67:1)  
 (69:19)(72:6)(77:19)(78:1)(78:2)(78:7)(80:13)(80:20)  
**while** (43:10)  
**who** (9:11)(22:5)(49:17)(69:3)  
**whoever** (6:5)(75:19)  
**whole** (58:3)(71:8)(83:8)  
**wholesale** (67:23)  
**widening** (70:1)  
**wildlife** (69:23)  
**will** (6:2)(6:12)(14:22)(18:5)(19:12)(19:18)(21:10)  
 (25:20)(25:21)(25:25)(26:3)(29:21)(31:12)(32:10)  
 (32:11)(32:19)(35:23)(36:3)(53:14)(58:12)(58:13)  
 (58:16)(59:12)(59:24)(62:25)(67:11)(67:21)(69:25)  
 (70:15)(81:17)(82:10)  
**wind** (75:14)  
**wipes** (74:13)  
**wish** (25:1)  
**within** (1:12)(10:1)(14:12)(18:5)(20:17)(26:4)(40:8)  
 (40:9)(40:10)(40:12)(44:16)(45:15)(45:19)(45:22)  
 (47:14)(48:11)(48:18)(53:3)(68:1)(69:3)(83:4)(83:22)  
**without** (65:18)(73:18)  
**witness** (83:18)  
**woman** (71:10)  
**wondering** (64:12)  
**won't** (79:14)  
**wooded** (19:23)  
**woods** (23:21)(24:2)  
**work** (8:13)(28:2)  
**worked** (20:19)(23:7)  
**working** (19:2)(22:20)(27:1)(63:11)(63:13)  
**worried** (75:1)(75:5)(76:4)  
**worry** (28:20)  
**wouldn't** (37:22)  
**written** (59:11)(64:5)(64:17)  
**wrong** (23:18)(68:24)

**Y**

**yard** (31:11)(42:5)  
**yeah** (55:10)(63:8)(65:4)  
**year** (63:20)(64:10)(75:4)  
**years** (5:23)(47:7)(51:22)(53:25)(62:21)(62:23)(62:25)  
 (63:16)(63:19)(64:2)(66:24)(78:14)(78:18)(78:19)  
**yell** (73:12)  
**yet** (41:16)  
**york** (21:21)  
**you'll** (27:9)  
**yourself** (22:21)

**Z**

**zero** (37:11)(57:23)(58:19)  
**zip** (44:4)  
**zoned** (7:17)(14:11)(40:6)(56:10)(57:17)  
**zones** (65:10)  
**zoning** (7:22)(15:11)(15:12)(15:21)(16:3)(16:4)(16:11)  
 (17:11)(18:2)(19:11)(20:13)(20:23)(40:8)(41:24)(43:2)  
 (45:1)(45:8)(46:10)(48:18)(48:19)(48:23)(49:2)(57:15)  
 (59:19)(65:13)(65:14)(67:9)(67:13)(67:15)(67:24)  
 (68:10)(69:15)(78:8)  
**zychowski** (44:1)(77:6)(77:7)

CITY OF MEDINA PLANNING COMMISSION

Transcript of Proceedings held on Thursday, the 10th day of September, 2020 before the City of Medina Planning Commission, commencing at approximately 5:30 p.m., as taken by Nicholas Glatzhofer, Notary Public within and for the State of Ohio, and held in Medina City Hall, 132 North Elmwood Avenue, Medina, Ohio 44256.

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I N D E X

APPEARANCES.....3

Table with 2 columns: CASE NUMBER, PAGE. Rows include P20-11 (7), P20-12 (13), P20-08 (39).

APPEARANCES:

City of Medina Planning Commission, Rick Grice, Chairman, Monica Russell, Esq., Member, Bruce Gold, Member, Andrew Dutton, Member, Paul Rose, Member.

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

PROCEEDINGS

OLD BUSINESS

MR. CHAIRMAN: Good evening, everyone. I would like to welcome you to the September 10th Medina City Planning Commission meeting.

Our minutes were mailed out for the August 13th meeting. Are there any additions or corrections?

MR. GOLD: Mr. Chairman, I would like to approve the minutes as submitted.

MR. ROSE: Second.

MR. CHAIRMAN: We have a motion, a second.

Roll call.

MS. DAVIS: Was that Mr. Rose?

MR. ROSE: Yes.

MS. DAVIS: Okay.

Dutton?

MR. DUTTON: Yes.

MS. DAVIS: Grice?

MR. CHAIRMAN: Yes.

1 MS. DAVIS: Russell?  
 2 MS. RUSSELL: Yes.  
 3 MS. DAVIS: Gold?  
 4 MR. GOLD: Yes.  
 5 MS. DAVIS: Rose?  
 6 MR. ROSE: Yes.  
 7 MS. DAVIS: Motion  
 8 approved, five-zero.  
 9 MR. CHAIRMAN: Okay.  
 10 Mr. Rose, behind me, do you have any  
 11 announcements from City Counsel?  
 12 MR. ROSE: No, sir.  
 13 MR. CHAIRMAN: Jonathan,  
 14 anything?  
 15 MR. MENDEL: No, other than  
 16 I have not received any indication from the  
 17 architects for the County's courthouse project  
 18 of when it may be coming through its regulatory  
 19 process.  
 20 MR. CHAIRMAN: Okay. At  
 21 this point in our agenda, it's been a  
 22 practice for the Planning Commission for the  
 23 last - I don't know - thirty years plus, we  
 24 have a court reporter with us this evening,  
 25 and at this time I would ask anyone -- well,

1 make it simple. If everyone would stand and  
 2 be sworn, and that will eliminate the, "I  
 3 don't think I want to speak but maybe later I  
 4 do."  
 5 So whoever is going to do the swearing in.  
 6 (Whereupon, all those intending to  
 7 testify were then placed under oath by the  
 8 notary.)  
 9 MR. CHAIRMAN: Thank you.  
 10 We're going to alter our agenda just a  
 11 little this evening. We have couple a items  
 12 that will probably be a little quicker than one  
 13 of them at least.  
 14 In all cases, if you would like to  
 15 address the Commission, we ask you to go  
 16 back to the podium, give us your name and  
 17 address, and limit your comments to a  
 18 reasonable time. We've always said about  
 19 five minutes, in that general range. And if  
 20 you have something that somebody else has  
 21 said, to be quite honest with you, we don't  
 22 necessarily need to hear it twenty times if  
 23 it's the same thing. If you have something  
 24 else to add, you know, we obviously would  
 25 like to hear from you.

1 Case Number P20-11  
 2 - - -  
 3 Additional Appearances: Edwin Gonzales, FASTSIGNS.  
 4 - - -  
 5 MR. CHAIRMAN: With that in  
 6 mind, I would like to alter the agenda and take  
 7 Case 20-11 for St. Matthew Lutheran Church at  
 8 400 North Broadway. This is for a conditional  
 9 sign permit for a digital sign.  
 10 Jonathan.  
 11 MR. MENDEL: Yes, thank  
 12 you.  
 13 As you said, this is for St. Matthew  
 14 Evangelical Lutheran Church at 400 North  
 15 Broadway. It's a conditional sign approval  
 16 for an electronic message center sign.  
 17 The property is zoned R-3, high density  
 18 urban residential. The applicant seeks the  
 19 conditional sign approval for the installation  
 20 of the electronic message center sign into the  
 21 existing brick sign structure. In the R-3  
 22 zoning district, non-residential signs,  
 23 non-residential uses are permitted a  
 24 forty-square-foot sign, six-feet tall. EMCs,  
 25 or electronic message center signs, require

1 conditional sign approval by the  
 2 Planning Commission, that's why we're here  
 3 tonight.  
 4 Generally, there's specific requirements  
 5 for the electronic message center signs and  
 6 that's laid out in Items 1 through 3 on the end  
 7 of -- on the bottom of the Page 1 of your staff  
 8 report. It just talks about frequency of copy  
 9 change, color, illumination. Those are  
 10 requirements that are in the code that have to  
 11 be complied with to be the frequency. That's  
 12 an item that is an ongoing enforcement --  
 13 enforcement work for City staff after these  
 14 EMCs are done.  
 15 Sign height, the sign complies with the  
 16 minimum required height of six-feet tall and  
 17 forty square feet and, therefore, is compliant.  
 18 The sign, as proposed, does meet with  
 19 the -- does comply with the conditional sign  
 20 permit review guidelines. It's harmonious to  
 21 the neighborhood and the building.  
 22 It could be -- any potential detriment to  
 23 adjacent properties could be mitigated by  
 24 turning off the sign, the EMC portion of the  
 25 sign at night. There are occupied residential

1 across the street and adjacent to the site, so  
2 we recommend a conditional approval that the  
3 EMC portion be turned off by 10:00 p.m. each  
4 night.

5 So with that, I would recommend approval of  
6 the proposed sign with the condition of  
7 necessary building permits, and then the  
8 electronic message center sign portion be  
9 turned off by 10:00 p.m. every night.

10 Thank you.

11 MR. CHAIRMAN: Okay. Who is  
12 representing St. Matthew?

13 MR. GONZALES: (Indicating.)

14 MR. CHAIRMAN: If you would,  
15 step back to the podium and give us your name  
16 and address, it could be the church address.

17 MR. GONZALES: Good evening.

18 My name is Ed Gonzales, FASTSIGNS Medina.  
19 Again, I'm representing my client St. Matthew,  
20 which is addressed 400 North Broadway.

21 Questions in terms of the specs, I mean, we  
22 meet the specs in terms of height. The size is  
23 a three-by-five.

24 When you look at the frequency aspects, we  
25 would certainly have the ability to program it

1 in so that, again, we're within the  
2 specifications.

3 The illumination, again, we also have the  
4 capability. In fact, that's built in where it  
5 automatically adjusts the illumination because  
6 of the photocell technology.

7 In terms of the design and flowing in or  
8 blending in with the architecture, again, that  
9 brick structure is harmonious with the existing  
10 brick structure of the church.

11 So with that, any questions?

12 MR. CHAIRMAN: Any questions  
13 by members of the Commission?

14 MR. DUTTON: Yes.

15 I would just note that you recommend off by  
16 10:00 p.m. Should there be an on-time on the  
17 other end so that we know the gap there?

18 MR. MENDEL: I mean,  
19 there could be. But I would imagine -- I know  
20 when we've had these for either, like, the  
21 high school or Heritage Elementary or the  
22 veteran's building on North Broadway, we just  
23 had this -- the night time restriction; we  
24 didn't have a beginning morning restriction.

25 MR. DUTTON: I don't have

1 an issue with it and I don't think, you know,  
2 the church is one that's going to exploit it,  
3 but, technically, turn it off at 10:00, turn it  
4 on at 10:00 would be the condition I suppose.

5 MR. MENDEL: If the  
6 Commission felt they wanted to add that little  
7 bit to it, I have no issue with it.

8 MR. CHAIRMAN: Any other  
9 questions, comments, by members of the  
10 Commission?

11 (No response.)

12 MR. CHAIRMAN: Anybody else  
13 with us this evening have any comments other  
14 than the applicant?

15 (No response.)

16 MR. CHAIRMAN: The brick  
17 portion is existing, so it's just a sign  
18 insert, correct?

19 MR. GONZALES: Yes.

20 MR. CHAIRMAN: Okay. Anybody  
21 want to put forth a motion?

22 MR. DUTTON: I'll make a  
23 motion to approve P20-11 with the conditions  
24 that the project should be subject to all  
25 necessary building permits, and the electronic

1 message center portion of the sign should be  
2 turned off between 10:00 p.m. and 6:00 a.m.

3 MR. GOLD: I second.

4 MR. CHAIRMAN: We have a  
5 motion, a second.

6 Any other discussion?

7 (No response.)

8 MR. CHAIRMAN: Roll call.

9 MS. DAVIS: Dutton?

10 MR. DUTTON: Yes.

11 MS. DAVIS: Gold?

12 MR. GOLD: Yes.

13 MS. DAVIS: Russell?

14 MS. RUSSELL: Yes.

15 MS. DAVIS: Rose?

16 MR. ROSE: Yes.

17 MS. DAVIS: Grice?

18 MR. CHAIRMAN: Yes.

19 MS. DAVIS: Motion

20 approved, five-zero.

21 MR. CHAIRMAN: Okay. Thank  
22 you very much.

23 - - -

24

25

Case Number P20-12

- - -

Additional Appearances: Arline B. Gant,  
Dakota P. Productions.  
  
Bob Bajko,  
HSB Architects + Engineers.

- - -

MR. CHAIRMAN: The next item on our agenda would be Case 20-12. This is for Dakota P. Enterprises at 6237 West Smith Road. This is for site plan approval.

Jonathan.

MR. MENDEL: Yes. Sorry, breaking my rules. If you can just give me a second, I just have -- I distributed some e-mails that we received, and I just wanted the applicants.

If you guys want to come down, you can grab these chairs here. I just want to give them copies of it for their records.

Whenever we receive those, we give them to the Commission and the -- we keep one for the file, save it for the file, and then we give them to the applicant as part of necessary due process.

So what we have here is

Dakota P. Enterprises LLC. It's on a -- about a one-hundred-and-sixteen-acre parcel, property, various ownerships. One of the parcels is addressed 6237, so that's why we use that address.

What they are proposing is a ninety-thousand-square-foot film/TV production facility on about twenty-five acres of a -- it's technically 115.9 acres, and this is for site plan review.

This property is zoned I-1 industrial within the City of Medina. As I said, this is on one hundred and sixteen acres of land on the west side of the City of Medina on the 6200 Block of Smith Road.

The applicant proposed the ninety-thousand-square-foot film production studio. "The proposal includes a 30,000 sqft 3-story office building flanked by a 40,000 sqft soundstage and a 20,000 sqft soundstage," two separate soundstages. "Adjacent to these buildings will be a 128 space parking lot and a drive encircling the site with one access point to Smith Road," which is going to be here (indicating).

"The intent of the land use is an insular, primarily indoor film/TV production facility campus that would be used -- that would be contracted for use by outside production companies. There would be approximately -- a maximum of about 30 employees of the facility and the productions that use the facility could be 50+ person operations.

"The proposed use is not explicitly listed on either the permitted or conditionally permitted use table of the I-1 zoning district, put the permitted use table of the I-1 zoning district does have Other Uses as Determined by the Planning Commission" for instances such as the -- as this.

In your packet, you've got the full plans, their narrative, project narrative, staff report, and aerial photograph.

So getting into the district regulations, as I said, this is not an explicitly listed land use in the I-1 zoning district's permitted or conditionally permitted use table, but the other uses, as determined by the Planning Commission, land use, is there to -- for the Planning Commission to review specific

plans and look at it on a case-by-case basis for consistency with the intent and purpose of the industrial zoning district and the permitted use table of the industrial zoning district.

So as I said, "This generalized permitted use is designed to accommodate case specific determinations by the Planning Commission for compliance and appropriateness of land uses not already contemplated by the Planning and Zoning Code." So the Planning Commission would then evaluate the detail of the proposed land use in relation to the purpose and intent of the industrial district and the proposed uses actual or potential impact on neighboring properties, property's uses, and the general vicinity.

And then some of the other regulations, the lot area, lot requirements, setback requirements, the proposed project meets all of those as they are on a one hundred and sixteen acre parcel property. The area that they would be developing is about twenty-five acres of that one hundred and sixteen acres, and it's got ample setbacks from all of the adjacent

1 properties to the north, east, south, and west.

2 So under the presumption of it complying  
3 with the other uses as determined by the  
4 Planning Commission and the permitted use  
5 table, it would just be -- this would fall  
6 under site plan administrative review. So the  
7 site plan guidelines are listed on Page 2 of  
8 the staff report, and then for industrial land  
9 uses, for uses in the industrial district,  
10 there are several other -- three other specific  
11 design standards for projects in the I-1 zoning  
12 district.

13 Looking at the project as proposed -- let  
14 me pull up the building plans here.

15 So here are two renderings of, kind of, the  
16 site - artist conceptualization (indicating).

17 This would be looking kind of from the  
18 southeast looking northwest (indicating).

19 And then here is kind of what it would look  
20 like on the ground (indicating).

21 So looking at the design of the buildings  
22 and materials being used and the site plan in  
23 general, this would comply with the  
24 requirements of the general site plan  
25 improvement requirements, site plan design

1 guidelines, and any of the three specific  
2 guidelines for developments in the I-1 zoning  
3 district. This is done because "The principal  
4 building, accessory uses and site landscaping  
5 will be harmonious within the site and  
6 neighborhood, because of the location, size and  
7 attention to buffers, setbacks and transitions  
8 with adjacent properties."

9 Now, in terms of parking, since there's  
10 kind of two different land uses here, two  
11 different kinds of parking uses, there's an  
12 office building, thirty thousand square foot,  
13 and two soundstages of sixty thousand square  
14 feet. So a soundstage is basically just a  
15 giant warehouse, empty warehouse space, that  
16 can be used for lots of different purposes.

17 The proposed one hundred and twenty-eight  
18 parking space parking lot that's proposed,  
19 seventy-five spaces would be the required for  
20 the office space. And the soundstages, I  
21 think, would fall under the standard that we  
22 have for warehousing, manufacturing, light  
23 industrial, where it's kind of as determined by  
24 the need of the applicant. I think, given the  
25 nature of what happens inside of a sound

1 studio, it's not as if you're going to have,  
2 you know, three hundred machinists working on  
3 the floor of a production facility. There  
4 might be a lot more space that's accommodated.  
5 The large open space of the soundstage would  
6 not -- large open interior spaces intended to  
7 spread occupants around to accommodate sets and  
8 associated operational equipment and supplies.

9 So the parking lot design layout and  
10 dimensional requirements are being met under  
11 the Zoning Code and reconfirmed during -- they  
12 will be reconfirmed during the building permit  
13 and site plan improvement plan permit review  
14 process.

15 Site lighting. They do provide a  
16 photometrics plan. It's low-scale light  
17 standards, and due to the nature of how they  
18 are designing the site, there will not be --  
19 there shouldn't be any intrusion or light  
20 escape onto adjacent properties.

21 In terms of the site landscaping,  
22 they're -- you know, they're cutting into a  
23 portion of the wooded area of the site, here,  
24 the pond, and this area (indicating). They  
25 have said that, you know, they're going to try

1 to be as sensitive as possible because that  
2 existing forest area is very important to  
3 their -- to why they, you know, saw this piece  
4 of property and, you know, targeted this piece  
5 of property. And, plus, there is a large berm  
6 that they are building at the, kind of, north  
7 and northeast corner of the area that they are  
8 disturbing. This is presumably the dirt that's  
9 going to be moved off of the construction site,  
10 and it's easier to berm it up and landscape it  
11 on the site than truck it off. So that meets  
12 the requirements for industrial -- for  
13 development in the I-1 zoning -- I-1 industrial  
14 district.

15 And then in the staff report, there are  
16 some comments from various building departments  
17 that -- various departments within the City  
18 that deal with land development. That would  
19 just be stuff that would be worked through  
20 during the permit review process for site  
21 improvements or a building permit.

22 General comments. This project complies  
23 with all the regulations of the Zoning Code.  
24 The applicant has been cognizant of the actual  
25 potential impacts on adjacent properties in the

1 surrounding immediate neighborhood and designed  
2 the project to remove and/or mitigate them.

3 "In regards to the land use in relation to  
4 the I-1 district's permitted use table purpose  
5 and intent, this Film/TV production facility is  
6 unlikely to have objective negative impacts on  
7 the immediate neighboring properties and uses  
8 or the surrounding immediate vicinity." The  
9 actual operations as described by the applicant  
10 is, that the "...use will be similar to, or  
11 less than, the external impacts of the  
12 corporate headquarter offices, light  
13 manufacturing and warehousing land uses next  
14 door to the west on Commerce Drive," such as  
15 Discount Drug Mart or Sandridge Foods. The  
16 proposed land use is likely to be actually an  
17 appropriate transitional land use between the  
18 more intensive -- more intense industrial land  
19 uses to the east in the City of Medina and the  
20 large lot rural residential to the west in  
21 York Township.

22 So I would recommend approval of the  
23 proposed site plan with the two conditions as  
24 listed on Page 4 of the staff report, kind of  
25 just subject to review and approval of permits

1 by the -- by the City's Building Department and  
2 Engineering Department.

3 Thank you.

4 MR. CHAIRMAN: Thank you.

5 And who is here representing this?

6 MR. BAJKO: We both are.

7 MR. CHAIRMAN: If you would  
8 like to go back to the mic, both of you or one  
9 of you, or however.

10 MR. BAJKO: I think both,  
11 yes.

12 MR. CHAIRMAN: That's fine.

13 Give us your name and address, and if you  
14 have anything you would like to add to what  
15 Jonathan said, we would like to hear that.

16 MR. BAJKO: My name is  
17 Bob Bajko, I'm with HSB Architects,  
18 1250 Old River Road in Cleveland, architect for  
19 the project. I'm a civil engineer.  
20 Working with me on this design is Arline.

21 Introduce yourself.

22 MS. GANT: Hello. I'm  
23 Arline, and I'm with Dakota P. Productions.

24 MR. MENDEL: Just give your  
25 address.

1 MS. GANT: 31400 Jackson  
2 and 14154 East Aurora Road, and we're also out  
3 of Los Angeles and Orlando, Florida.

4 MR. CHAIRMAN: Thank you.

5 MR. BAJKO: I mean,  
6 Jonathan did a very good job of explaining the  
7 project. We worked with him over the last  
8 month or month-and-a-half to, you know,  
9 fine-tune this proposal for the City. We're  
10 very excited, obviously, to bring this to you  
11 guys.

12 As he pointed out, we're being as cognizant  
13 as possible and respectful of our neighbors,  
14 and Arline can speak to more of this, but the  
15 intention is to be invisible almost. The idea  
16 is that we don't want -- you know, this has to  
17 be a very private kind of facility - and you  
18 can correct me if I'm wrong - but, you know,  
19 from the nature of -- you know, it doesn't want  
20 to be public, that's why we've tucked it into  
21 the woods. It wants to be both soundproof  
22 inside and out, right? We don't want any sound  
23 to be escaping the property, and we don't want  
24 any sound coming into the stages, right? It's  
25 a very sound-sensitive production.

1 As you can see, you know, we cut into the  
2 woods. There's a pond, there's amenities and,  
3 obviously, as John has pointed out, we're  
4 berming up to provide as much privacy as  
5 possible. We want to hide these buildings and  
6 the facility inside. Its access is off to the  
7 south, and the idea is there is going to be a  
8 security booth here, very reminiscent of  
9 probably what you saw at MGM Studios or  
10 something you probably saw in film somewhere,  
11 where it's going to be controlled access to the  
12 site. When people visit the site, they'll be  
13 allowed to access it, and then the entire  
14 perimeter of the building and the pond is going  
15 to be fenced as well. So there's going to be  
16 no -- you know, it's security and privacy. So  
17 that's the intent of this design.

18 And, you know, this was the first -- you  
19 know, we've done many iterations of this, but  
20 the idea is to refine it as possible. Again,  
21 with Jonathan's help and guidance and your  
22 Commission's guidance and with the City's  
23 guidance - engineering specifically - to make  
24 sure that we're complying with all the  
25 different rules and regulations you guys might

1 wish upon us.

2 So we're excited for the opportunity;  
3 hopefully you guys are as well. Again, the  
4 idea is that, again, it is very private, right?  
5 There's not going to be any -- you know, we  
6 don't want people roaming around here or making  
7 a spectacle of this place. That's not the  
8 intent.

9 Is that good?

10 MS. GANT: Hm-hm.

11 MR. CHAIRMAN: Okay.

12 Anything else?

13 MR. BAJKO: No, I think  
14 that's -- we'd be happy to answer questions.

15 MR. CHAIRMAN: Any members of  
16 the Commission have any comments or questions?

17 MR. ROSE: Mr. Chairman.

18 MR. CHAIRMAN: Yes.

19 MR. ROSE: Thank you.

20 Will there be -- I've got three questions  
21 here. Will there be any outdoor filming  
22 anticipated?

23 MS. GANT: Yes.

24 MR. ROSE: "Yes," there  
25 will?

1 MS. GANT: Yes.

2 MR. ROSE: Okay. And how  
3 do you -- where do you think that will take  
4 place, within this compound or out on the --

5 MS. GANT: What happens  
6 is, we take and put trees all the way around  
7 the facility and a wall, so that makes sure  
8 that it makes everything soundproof and no one  
9 can come in or go out except, of course, with  
10 security itself. But it's to insulate  
11 everything and, also, to make sure that the  
12 neighbors feel safe, and at no time are we  
13 crossing over into their land and then crossing  
14 over to ours.

15 MR. ROSE: Okay, thank  
16 you. And then I have two more.

17 Times of the filming, when do you  
18 anticipate? Is it like, say, 9:00 to 5:00 or  
19 is it twenty-four hours a day?

20 MS. GANT: No.

21 At one point, when we first opened the  
22 production offices, which is your office area  
23 which is in the center, they're generally there  
24 between 9:00 and 5:00 as we build, and then  
25 your studios on both sides, depending on which

1 one is working, what they are doing is they  
2 come in, and depending on their hours, which  
3 can be anywhere from -- they usually start at  
4 7:00 or 8:00, but vans bring them in. So  
5 there's no issue with a lot of traffic, and  
6 they are totally isolated.

7 MR. ROSE: So in a  
8 way, kind of like a music-recording gig,  
9 where you'll allot a team six hours or  
10 whatever --

11 MS. GANT: Yes.

12 MR. BAJKO: -- and they'll  
13 come in and they do their things for six hours  
14 and then they leave, and then another group  
15 comes in. Something like that?

16 MS. GANT: No, we only  
17 allow one production to come in on the forty  
18 thousand square foot one, and one production in  
19 the twenty thousand square foot. Twenty  
20 thousand is usually for TV; forty thousand is  
21 usually for film.

22 MR. ROSE: All right. So  
23 they'll come in, they'll stay however long they  
24 need, and then leave?

25 MS. GANT: Well, we sort

1 of regulate that in case. They generally like  
2 to work not longer than ten hours.

3 MR. ROSE: Okay. So is  
4 that going to make it a round-the-clock  
5 operation --

6 MS. GANT: No.

7 MR. ROSE: -- as far as  
8 the filming goes?

9 MS. GANT: No.

10 MR. ROSE: No? Okay.

11 And then all that land that you have to the  
12 east of the compound here, what are your future  
13 plans for that (indicating)?

14 MS. GANT: That's totally  
15 locked in with trees all the way around it, so  
16 that's beautification, for one thing, and  
17 privacy and safety for the neighbors. Then you  
18 have a wall that is inside of those trees that  
19 no one can view from outside so that you don't  
20 have to worry about sound.

21 MR. ROSE: Okay, so --

22 MR. BAJKO: Let me just  
23 expand on that.

24 The intent is to -- because it is a fairly  
25 open area just east of this, what we're

1 showing, right? So the rest of the property is  
 2 pretty open. The intent that Arline is  
 3 explaining is, we're going to start planting  
 4 trees. We're going to start planting trees  
 5 literally along the south face of the property  
 6 and the north face. So as we have  
 7 opportunities to do some outdoor sets, perhaps,  
 8 we're already ahead of the game. We're not  
 9 going to let this -- we would not do anything  
 10 external to this compound unless it was  
 11 properly hidden and screened. The idea is to  
 12 start planting vegetation and then, as Arline  
 13 pointed out, when those trees are developed far  
 14 enough, we're going to put a wall inside those  
 15 trees exactly like an MGM Studio basically.  
 16 You know, the idea is to protect and make it  
 17 private.

18 MR. ROSE: Thank you.

19 MR. CHAIRMAN: Any other  
 20 members of the Commission have questions?

21 MR. DUTTON: Will there  
 22 be any future connection to Branch Road to  
 23 the north with that stub there, or that's  
 24 just --

25 MR. BAJKO: We originally

1 had shown something like that, and, I guess,  
 2 just for cost and privacy purposes, we decided  
 3 that it was best to maintain one access point.  
 4 I would think if the fire department or the  
 5 engineers would want us to connect through, we  
 6 can discuss that with them, but we didn't see a  
 7 need to keep extending the development any  
 8 further than we needed to. You know, keeping  
 9 another thousand feet of road off the project  
 10 seemed like it made sense. We can control  
 11 things better.

12 MR. DUTTON: Thank you.

13 MR. CHAIRMAN: Anybody else  
 14 on the Commission?

15 (No response.)

16 MR. CHAIRMAN: Okay. Anybody  
 17 with us this evening have any comments?

18 MR. FREDRICK: (Indicating.)

19 MR. CHAIRMAN: Yes, sir.

20 MR. FREDRICK: Mark Fredrick,  
 21 6146 West Smith Road.

22 That site is directly across from the  
 23 thirty acres that I now have, and I really  
 24 don't seem to have any objection to this. I  
 25 contributed to the development of thirty acres

1 for the corporation in my backyard, and I think  
 2 this would be a boon to Medina also.

3 My only fear is knowing the slope of that  
 4 land. That big patch of empty cornfield right  
 5 across the street to the south is mine, and  
 6 with a hundred and twenty-eight parking spaces  
 7 that I heard, that's an awful lot of water if  
 8 we have three inches of rain like we had the  
 9 other day. I don't want that water going into  
 10 the road ditch under Smith Road and into my  
 11 front yard or hayfields.

12 Will there be some sort of adequate  
 13 water-retention basin as there is by the  
 14 Drug Mart site?

15 MR. MENDEL: On their civil  
 16 engineering plan here, you can see one  
 17 (indicating).

18 There's a proposed one here down at the  
 19 south end -- southerly front edge of the  
 20 building of the site (indicating).

21 And they've got one on the north end here  
 22 (indicating).

23 And then I believe they are probably going  
 24 to probably use some of the pond that's already  
 25 here as detention (indicating).

1 But typically, usually always, a  
 2 civil-engineered new site development is  
 3 always better than the -- than the  
 4 existing conditions, particularly on  
 5 long-time farm fields. So the -- you know,  
 6 the City Engineering Department has very strict  
 7 requirements under our own Codes, Ohio EPA,  
 8 U.S. EPA, for stormwater management and  
 9 stormwater runoff, clean water requirements,  
 10 and everything. So you will probably -- it  
 11 will probably become a better condition for  
 12 stormwater management on this property than  
 13 there is now.

14 MR. FREDRICK: Other than  
 15 that, I have no objections.

16 Probably no sound if all the roosters in my  
 17 red barn across the street don't bother you, I  
 18 suppose nothing over there coming out of that  
 19 soundstage will. And I also have about a dozen  
 20 German Shepherds keeping track of those  
 21 chickens in the barn. They bark at everything,  
 22 including a bunny.

23 MR. CHAIRMAN: Okay, thank  
 24 you, sir.

25 Any other --

1 MR. POSATIERE: (Indicating.)

2 MR. CHAIRMAN: Yes, sir.

3 MR. POSATIERE: Hello.

4 Bob Posatiere, I'm on 6320 Branch Road, so  
5 I'm in the northwest corner.

6 This gentleman asked about the water, so he  
7 answered that for me.

8 My other concern is the setback that you  
9 mentioned, sir. Just so I can plan accordingly  
10 on my property, like how far off the property  
11 line from the northwest corner?

12 MR. MENDEL: You are Gary?

13 MR. POSATIERE: Robert.

14 MR. MENDEL: What was your  
15 last name? I'm sorry.

16 MR. POSATIERE: Posatiere.

17 MR. MENDEL: Okay.

18 MR. POSATIERE: I'm up in  
19 the --

20 MR. MENDEL: I mean, if  
21 you're one of these smaller -- if you're one of  
22 the smaller lots here, or one of the larger  
23 lots in this corner, this would be the  
24 northwest corner (indicating).

25 So their -- basically their site plan is

1 here (indicating).

2 You're about here (indicating). This  
3 one is -- so you're up here (indicating).

4 This site is pretty much -- what they're  
5 developing is right here (indicating).

6 MR. POSATIERE: Okay.

7 MR. MENDEL: So there's all  
8 this tree line that they are preserving between  
9 you and their portion of the site that they are  
10 developing.

11 MR. POSATIERE: Okay, perfect.

12 And then the only other concern would  
13 be to the farmland. I don't know if that  
14 would still be able to be leased to farmers  
15 in the local area. I know my neighbors are,  
16 so --

17 MR. MENDEL: That would be  
18 something that would be a private arrangement  
19 between future property owners.

20 MR. POSATIERE: Understood.

21 MR. MENDEL: Okay.

22 MR. POSATIERE: Thank you for  
23 your time.

24 MR. CHAIRMAN: Thank you.

25 MR. MENDEL: Mr. Chairman,

1 if I could just -- we have two items, two  
2 e-mails that we received this afternoon from  
3 Ms. Anita Mullins, which I believe her  
4 address is 6069 Smith Road. It's one of  
5 these houses on this island here (indicating).  
6 And I passed these e-mails out to Commission  
7 and to the applicant.

8 And then one is from Amanda Macklin, I  
9 believe her address is 5989 Smith Road.

10 So you have those for the record, and you  
11 can read them. We don't need to read them in  
12 total into the record, just to state that they  
13 were here and that they were put into the  
14 record.

15 Thank you.

16 MR. CHAIRMAN: Okay, thank  
17 you.

18 Anything else by members of the Commission?

19 MS. RUSSELL: I would  
20 just say I think it's a pretty exciting  
21 plan, and I love how they have the development  
22 set up so that they're preserving all those  
23 trees and it will be set up off the road.  
24 Considering the variety of uses you can have  
25 in the industrial district, I think this is

1 a good one, as you said, to be a transition  
2 from your more heavy uses to the east moving  
3 to the west. So I think it will be a good  
4 spot.

5 MR. DUTTON: And, also, I  
6 would note the plan showed wetland area  
7 northwest of the developed area, so that would  
8 probably be -- it would probably never expand  
9 northwest. It would be most difficult to get  
10 into that area, so that's further security for  
11 a buffer to the north and the west.

12 MR. CHAIRMAN: Okay. Does  
13 anybody want to put forth a motion?

14 MS. RUSSELL: I would move  
15 to approve the site plan subject to review and  
16 approval by the Medina Building Department and  
17 the Medina Engineering Department.

18 MR. ROSE: I'll second.

19 MR. CHAIRMAN: We have a  
20 motion, a second.

21 Any other discussion by members of the  
22 Commission?

23 (No response.)

24 MR. CHAIRMAN: Roll call.

25 MS. DAVIS: Grice?

1 MR. CHAIRMAN: Yes.

2 MS. DAVIS: Dutton?

3 MR. DUTTON: Yes.

4 MS. DAVIS: Gold?

5 MR. GOLD: Yes.

6 MS. DAVIS: Russell?

7 MS. RUSSELL: Yes.

8 MS. DAVIS: Rose?

9 MR. ROSE: Yes.

10 MS. DAVIS: Motion

11 approved, five zero.

12 MR. CHAIRMAN: Thank you very

13 much. Good luck with it.

14 MS. GANT: Thank you.

15 MR. BAJKO: Thank you.

16 MR. MENDEL: Mr. Chairman,

17 if I could just have a minute to organize

18 myself here?

19 MR. CHAIRMAN: Sure, not a

20 problem.

21 MS. RUSSELL: Actually,

22 Rick, I wouldn't mind a couple minutes to read

23 through the information that was handed out

24 when we came in.

25 MR. CHAIRMAN: That's fine.

1 We'll take just a few minutes to review

2 everything and let Jonathan get organized,

3 and then we'll move on to Case 20-08 for

4 1125 Wadsworth Road.

5 (Recess taken.)

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1 Case Number P20-08

2 - - -

3 Additional Appearance: Brian Phillips,

4 KMK Development.

5 Theodore J. Lesiak, Esq.,

6 Roderick Linton Belfance LLP,

7 on behalf of KMK Development.

8 - - -

9 MR. CHAIRMAN: We'll move

10 on then to Case P20-08. This has been

11 continued from the July 9th meeting. This is

12 for 1125 Wadsworth Road. It is a request for

13 the creation of a special planning district.

14 Jonathan.

15 MR. MENDEL: Thank you,

16 Chairman.

17 As you said, this is a rezoning request by

18 KMK Development LLC for a special planning

19 district rezoning for the -- and the conceptual

20 development planning guidelines for that

21 rezoning. This is for property that's

22 effectively at the 1100 Block of West Wadsworth

23 Road, and it is a continuation of a meeting, a

24 review from July 9th, 2020, from the

25 Planning Commission.

As I said, this is "in the 1100 Block at

1 the south end of Wadsworth Road at the City

2 boundary and extends about 1,100 feet to the

3 west of Wadsworth Road. The subject site is

4 the eastern 6.01 acres of a total 6.95 acres

5 currently owned by the applicant. The site

6 is currently zoned R-1, Low Density Urban

7 Residential and surrounded by the following

8 zoning districts and land uses within --

9 both within the City of Medina and in

10 Montville Township. Within the City; R-1,

11 Low Density Urban Residential developed as

12 detached single family dwellings. Within

13 Montville Township; R-2 and R-3 (single family

14 residential) developed primarily with single

15 family dwellings."

16 Now, the background. "On July 9th, 2020,

17 the original rezoning request was reviewed by

18 the Planning Commission at a public meeting.

19 There was extensive discussion between the

20 Planning Commission and the applicant

21 regarding the instructiveness of conceptual

22 development plan, the proposed unit density and

23 the range of proposed building forms. This

24 discussion resulted in the applicant tabling

25 their request in order to reevaluate it in

1 light of the Planning Commission discussion and  
2 return at a later date. The July 9th, 2020  
3 Planning Commission packet and meeting minutes  
4 are attached..." They have been attached to  
5 the packet that -- with the staff report that  
6 we're reviewing this evening.

7 The applicant has revised their plans  
8 and returns -- and is returning to the  
9 Planning Commission for the continued review.

10 The revised proposal now for the special  
11 planning district is still six acres, but it's  
12 forty-eight units, multi-family dwellings,  
13 spread across up to one -- up to ten, one- to  
14 two-story buildings with revised development  
15 plan as such; "48 units," which is about eight  
16 units per acre, with a "yet to be determined  
17 mix of 2 & 3 bedroom units."

18 Full vehicular entry and exit, about  
19 one-third of the units to and from  
20 Wadsworth Road; about two-thirds of the  
21 units two and from the to-be-completed portion  
22 of Asherbrand Drive.

23 Parking supply is consistent with the  
24 regular multi-family zoning requirement of two  
25 unit plus one for every five dwelling units for

1 visitor parking.

2 The setbacks, they are proposing front  
3 setbacks of forty feet to properties along  
4 Asherbrand Drive and Wadsworth Road and to the  
5 rear property, and forty foot rear yard setback  
6 to the property line of the existing  
7 neighboring property of 1118 Asherbrand Drive.  
8 Side setbacks are proposed at ten feet from the  
9 northerly and southerly property lines.

10 Site design is twenty percent net common  
11 open space preserved through a deed restriction  
12 or a homeowners' association. It would have  
13 full pedestrian access to surrounding  
14 neighborhoods and vicinity. Site perimeter  
15 landscaping is designed to maximize buffer with  
16 adjacent properties.

17 The building design would be equal or  
18 superior exterior material design and execution  
19 of the surrounding vicinity.

20 And all site utilities would be  
21 underground.

22 So attached to the report is the  
23 "Applicant's Revised Conceptual Development  
24 plans and guidelines," the "2007 City of Medina  
25 Comprehensive Plan Update - Future Land Use

1 Map," the aerial photograph of the site with  
2 the City Zoning Districts overlay, and then  
3 also the Planning -- the July 9th, 2020  
4 Planning Commission packet; the July 9th, 2020  
5 Planning Commission meeting minutes; and then,  
6 as we were putting the packet together, we had  
7 received a number of public comment letters and  
8 e-mail or letter form, which I added to the  
9 packet prior to us distributing it.

10 And then, just while I'm at it, we did  
11 receive -- in the interim since last  
12 Thursday, we received an additional number  
13 of comment letters and a petition and then  
14 another one which I have passed out to the  
15 Planning Commission. I'm just going to cite  
16 the person that added it, that submitted it,  
17 just for the record, but I'm not going to go  
18 through each individual document. First one --  
19 since the ones that are not in the packet that  
20 we received between the packet distribution and  
21 today.

22 One from Candice Baumann at 8500 (sic)  
23 Wadsworth Road; one from the Byards, Theron and  
24 Erin, at 1096 Wadsworth Road; one from Donna  
25 and Joseph Toth at 1113 Asherbrand Drive; one

1 from Mr. and Mrs. Zychowski at 4550 Colinas  
2 Drive; one from Sheryl and Rob Sluder at 1164  
3 Ty Drive. These are all 44256 area code -- or  
4 Zip Code. Let's see here, this other one is  
5 Kyle Kalessa at 901 Brandywine Drive, Medina,  
6 Ohio.

7 We received a petition, which has three  
8 pages of signatures, and this was submitted by  
9 Ms. Candice Baumann as 5800 Wadsworth Road,  
10 Mario and Lauren Cecchi at 1133 Brynmar Lane,  
11 Evanel Baker at 454 Cambridge Drive, and  
12 then, lastly, from Rupert and Nancy Bittner at  
13 472 Cambridge Drive. These, along with the  
14 others that are in the packet, come from a  
15 range of residents -- of people -- of property  
16 owners within the City of Medina and/or in  
17 Montville Township. So thank you, we got that.

18 As I stated at the July 9th meeting, there  
19 is a purpose statement for creating an SPD  
20 that's listed on Page 3 of the staff report,  
21 it's labeled "Section 1114.01." That kind of  
22 goes through the intent and purpose of the  
23 special planning district legislation.

24 Next, there are "Requirements for  
25 Establishing a SPD," which is Section 1114.04

1 of the Planning and Zoning Code, and there are  
2 (a) through (e) standards, and the applicant  
3 would need to express -- and the Council, if  
4 they approved it, would have to state that one  
5 or more of those are being complied with.

6 Now, for the actual application for special  
7 planning district, there are items in Section  
8 1114.05 of the Zoning Code that are required to  
9 be submitted, and those have been submitted.

10 Since this is a rezoning and it's  
11 professional practice -- professional best  
12 practice to kind of say "What does the  
13 comprehensive plan say for these?" and the  
14 comprehensive plan is in the future land use  
15 map which designates properties within the  
16 City, throughout the City, specific kind of  
17 land use types, this property is -- the subject  
18 property is designated as residential low  
19 density within the comprehensive plan future  
20 land use map, and these future land use maps  
21 are -- can be used as a guide for making  
22 decisions on rezonings within the City.

23 The legislative review process for a  
24 special planning district: So a special  
25 planning district has three steps; there's a

1 conceptual step, rezoning, and then there's the  
2 preliminary and final site plan review  
3 processes. The request in front of you is for  
4 the rezoning to SPD, it would probably be  
5 SPD-3, and that has to be accompanied by a  
6 conceptual development plan and design  
7 guidelines which are here on this plan but also  
8 in narrative form in the packet as well. That  
9 establishes basically the development plan and  
10 the Zoning Code for the special planning  
11 district.

12 Now, as a rezoning, that's -- the  
13 Planning Commission is only a recommending body  
14 for rezonings, so the Planning Commission would  
15 make a recommendation one way or the other and  
16 that would then -- it would move into the  
17 legislative process for City Council, and then  
18 that's -- the City Council makes the final  
19 decision on rezoning requests. So if the -- if  
20 it goes through this process and it was  
21 approved for the conceptual development plan,  
22 there still is a preliminary site plan review  
23 of the actual what-is-going-to-be-on-the-ground  
24 development plan and then a final development  
25 plan. Those two steps, preliminary site plan

1 and final site plan, only go to the  
2 Planning Commission for review and approval.

3 Now, if special planning district rezoning  
4 occurs in a development and the conceptual  
5 development plan and design guidelines are  
6 approved, there's no timeline on implementation  
7 of those. It could be twenty years from now  
8 before they -- before someone decides to go  
9 through the preliminary and final site plan  
10 process.

11 So looking at this project, it's passed  
12 around at several of the City departments.  
13 Service Department had some comments about  
14 water access, water distribution within the  
15 site.

16 The Fire Department has some comments in  
17 here that would -- and all these comments maybe  
18 would be addressed during the site improvement  
19 development plan, that would be after the  
20 preliminary site plan review and approval and  
21 the final site plan review and approval by the  
22 Planning Commission. So these are items that  
23 would come into play when there's actually the  
24 construction development review plans are  
25 being reviewed by the City -- by the City

1 Administration.

2 So general discussion, the proposed SPD  
3 meets the -- continues to meet the submittal  
4 requirements of Chapter 1114 to permit the  
5 review by the Planning Commission and  
6 ultimately City Counsel. The City's  
7 comprehensive plan future land use map  
8 designates the subject property low density  
9 residential which is consistent with the  
10 existing detached single-family development  
11 patterns in the immediate vicinity, both within  
12 and outside the City of Medina.

13 The proposed SPD would still result in a  
14 distinctly multi-family development that would  
15 be more consistent with the residential high  
16 density designation in the 2007 comprehensive  
17 plan future land use map and generally  
18 permitted within the R-4 multi-family zoning  
19 district of the City's Planning and Zoning  
20 Code.

21 Also, the revised proposed unit density,  
22 which is now 7.99 units per acre, is equal to  
23 the R-4 zoning district's eight units per acre.  
24 The -- in July 9th, their proposal had, I  
25 believe, about 10.3 units per acre, so they

1 have reduced that, but it is still equal with  
2 the maximum density of the R-4 zoning district.

3 And then, as I said, there's, you know,  
4 lots of comment letters from concerned public,  
5 interested public, provided with the packet and  
6 further described as we -- of the ones we  
7 received since the packet was distributed.

8 So the next step, Planning Commission  
9 should weigh the information provided, provide  
10 a recommendation to City Council on the  
11 rezoning request from R-1 low density urban  
12 residential to the proposed Special Planning  
13 District #3.

14 Thank you.

15 MR. CHAIRMAN: Okay, thank

16 you.

17 And who would be here representing this  
18 this evening?

19 MR. LESIAK: Ted Lesiak and  
20 KMK Development.

21 MR. CHAIRMAN: Mr. Lesiak, if  
22 you can go back to the podium, and I -- just  
23 because of the number of folks that are here,  
24 were you guys here when we first started the  
25 meeting?

1 MR. LESIAK: No.

2 MR. CHAIRMAN: Okay. You  
3 have not been sworn in then.

4 MR. MENDEL: You guys can  
5 stand up so the court reporter can swear you  
6 in.

7 (Whereupon, Theodore J. Lesiak and  
8 Brian Phillips were then placed under oath by  
9 the notary.)

10 MR. CHAIRMAN: And, if you  
11 would, step back to the podium and give us your  
12 name and address. And if you have anything to  
13 add to what Mr. Mendel said, that would be  
14 great.

15 MR. LESIAK: I'm  
16 Ted Lesiak, and my business address is  
17 50 South Main, 10th Floor, Akron, Ohio 44308.

18 And we did have extensive discussion at the  
19 previous meeting, and we had asked for this to  
20 be tabled so we could go back to the drawing  
21 board and make some changes that we felt that  
22 the Board was looking for, and I'm going to  
23 have Mr. Phillips here explain just  
24 specifically those changes so we can discuss  
25 them with you if you have any questions.

1 So, Mr. Phillips.

2 MR. PHILLIPS: Hello. My  
3 name is Brian Phillips, I live at 920 Beechwood  
4 Drive, Medina, Ohio.

5 So what we've done is, we've reduced the  
6 density by twenty percent, from sixty-two units  
7 down to forty, and eliminated any third-story  
8 buildings.

9 This layout here is -- would be based on  
10 ranch-style units (indicating). These would be  
11 single-family ranch-style but, you know, in a  
12 multi-family configuration where you have four  
13 units, six units, maybe eight units together.

14 We've added some detail on landscaping,  
15 open space, and, you know, we tried to address  
16 most of the concerns that the Planning Board  
17 gave us.

18 Giving a little more detail, these are the  
19 type of units we're looking at building  
20 (indicating). We included the two-story  
21 townhome, just that's kind of a fallback. If  
22 ten years from now we sell it to another  
23 developer and they don't want to do the ranch  
24 style, they instead want to do a townhome  
25 version, which is similar to what's over at

1 Beacon Park, these would be two-story townhomes  
2 that would be for sale with, you know,  
3 basements and would offer some type of  
4 transitional home, transitional housing in the  
5 neighborhood.

6 MR. LESIAK: And with that,  
7 the original plan had a possibility of  
8 three-story units, and that's been reduced to  
9 two. Is that correct?

10 MR. PHILLIPS: Correct, yes.

11 MR. LESIAK: And at this  
12 point, there is an issue that was brought forth  
13 by the fire department. Originally, we had --  
14 we didn't have the road going through  
15 completely, and this plan is gated and,  
16 obviously, that is something for the site plan,  
17 but we are flexible with regard to that issue  
18 as to whether or not that would be gated to  
19 have half the -- or part of the residents  
20 exiting on Wadsworth Road and part on  
21 Asherbrand.

22 At this point, I suppose with regard to the  
23 Commission itself, are there any questions or  
24 concerns that we can address for you?

25 MS. RUSSELL: I had a

1 question.

2 What is it about this property that would  
3 prevent you from developing it within the R-1  
4 guidelines, just doing the single-family homes  
5 as opposed to changing it?

6 MR. PHILLIPS: The road was  
7 left unfinished, so the cost to bring storm  
8 sewers, utilities to finish that, and because  
9 of -- to match the setbacks that are required  
10 in the R-1, it makes it somewhat cost  
11 prohibitive to finish that road and to develop  
12 it into an R-1 setting. So that's why we're  
13 trying to increase the density. We want to try  
14 to, you know, produce something that will fit  
15 into the neighborhood, but, obviously, that's  
16 the long-term goal. But it's primarily the  
17 cost of finishing the road.

18 There's also a stream going through, so we  
19 have some physical limitations on the site that  
20 eat up some of the property where we can't  
21 actually put structures on. So that's --  
22 that's primarily the shape (indicating). The  
23 fact that there's a stream and there's  
24 additional costs because the road was never  
25 finished fifteen, twenty years ago.

1 MR. CHAIRMAN: Any other  
2 questions by members of the Commission?

3 MR. DUTTON: Can you help  
4 me understand how the application meets the  
5 requirements of Section 1114.01? You cite (c)  
6 and (d).

7 MR. LESIAK: (C) applies to  
8 a mixed development, and this is, because half  
9 of -- well, not half, a portion of the  
10 property, east of where the road would be --

11 MR. MENDEL: Ted, if you  
12 could, just --

13 MR. LESIAK: I'm sorry.

14 MR. MENDEL: -- keep on top  
15 of the microphone.

16 MR. LESIAK: I'm sorry.

17 A portion of the property on the -- if  
18 Asherbrand were to be completed, would be  
19 for single-family housing to the west and  
20 multi-family housing to the east, so it is a  
21 mixed use.

22 With regard to (d), that does call for  
23 imaginative development with special  
24 characteristics, that Mr. Phillips just  
25 provided with regard to the -- the water and

1 the creeks and that type of thing.

2 MS. RUSSELL: But doesn't  
3 (d) state, "...in keeping with the overall land  
4 use intensity..."? And what you're suggesting  
5 is to have twice the amount of housing as  
6 permitted by the R-1 district that it is  
7 currently.

8 MR. LESIAK: I'm sorry, did  
9 you say (d)?

10 MS. RUSSELL: Yeah, I'm  
11 looking at (d). You see in the middle, it  
12 says, "...and developers that can produce  
13 residential developments which are in keeping  
14 with overall land use intensity."

15 I mean, the point here is that you're going  
16 from -- you have six acres, so would that be  
17 twenty-four homes under an R-1 district?

18 MR. DUTTON: A real gross  
19 number would be twenty-five --

20 MS. RUSSELL: Okay.

21 MR. DUTTON: -- under the  
22 seven -- the seven acres west of what -- east  
23 of what Asherbrand -- if Asherbrand was  
24 connected.

25 MS. RUSSELL: Okay. So

1 twenty-five to forty-eight is a pretty --  
2 obviously, it's about double.

3 MR. LESIAK: Yes, I agree.

4 But, obviously, one of the things that I  
5 went through today when I looked at this, from  
6 Broadway South to 162, there are twelve  
7 multi-family developments on that front on 57.  
8 So generally -- and eleven of them are in the  
9 City of Medina. So generally, this type of  
10 development, although not currently zoned, is  
11 permitted in the area.

12 MR. DUTTON: Back to the  
13 mixed use response, I suppose, you believe --  
14 you can honestly say that a mixed-use  
15 development is one single family and then  
16 forty-some multi-family? That's what the  
17 Code intended when we talked about a mixed use?

18 MR. LESIAK: Well, I  
19 can't --

20 MR. DUTTON: That's the  
21 accurate portrayal of the intent of the  
22 Code?

23 MR. LESIAK: Well, the Code  
24 is what the Code is. I don't know what Council  
25 intended when they created this particular

1 ordinance, but it does say "mixed use," and  
2 that is a mixed use.

3 MR. DUTTON: I would say  
4 that's thin at best.

5 MR. CHAIRMAN: Other  
6 questions by members of the Commission?

7 MR. GOLD: Mr. Phillips,  
8 why did you seek an SPD as opposed to, say, an  
9 R-4?

10 MR. LESIAK: I can address  
11 that.

12 The area has no R-4 contiguous to it. So  
13 you created into your Code this SPD as,  
14 basically, a way around the issue of spot  
15 zoning. If you can meet the Code, then you are  
16 able to do different types of projects in areas  
17 that are not particularly zoned that way.

18 MR. DUTTON: I don't  
19 believe that's the intent of that section at  
20 all.

21 If we want to get into definitions, you  
22 state there's twenty percent open space. By  
23 our Code, there's pretty much zero percent open  
24 space on this entire project. There's really  
25 nowhere that has use for recreation and other

1 leisure activities normally carried on  
2 outdoors. That's our Code definition of open  
3 space. I don't see one spot on this whole  
4 project that's not a building, parking, or a  
5 drive.

6 I'm just going with what the Code says  
7 since we're going line-by-line with the Code.

8 MR. PHILLIPS: The open space  
9 is going to be the perimeter and the setbacks  
10 and then the detention ponds around there and  
11 then the creek going through there. So when  
12 this is finally designed, it will have to meet  
13 that twenty percent open space or it will be in  
14 conflict with the SPD that would get approved.  
15 So that would be something that -- that is a  
16 bar that we're setting that will have to be met  
17 at the next round of planning, so --

18 MR. DUTTON: I'm saying  
19 what you're showing here is basically zero  
20 percent open space.

21 MR. PHILLIPS: But this is --

22 MR. DUTTON: So that's the  
23 only special thing about this that's not a  
24 straight multi-family development, other than  
25 the one house across the road, is you're not

1 providing any open space.

2 MR. PHILLIPS: This is just a  
3 conceptual plan at this point, so we still --

4 MR. DUTTON: So we should  
5 disregard it?

6 MR. PHILLIPS: No, you don't  
7 disregard it.

8 This is -- you know, where, potentially,  
9 the buildings could be laid out, but we're  
10 still going to meet the twenty percent open  
11 space. You know, it's written into the SPD  
12 that there will have to be twenty percent open  
13 space.

14 MR. DUTTON: Okay.

15 MS. RUSSELL: Actually, I  
16 have a question for Jonathan.

17 For a special planning district, I  
18 understand the process that right now we're  
19 just talking about the zoning and you've got a  
20 conceptual plan. How much can that conceptual  
21 plan change if the SPD is granted? How much  
22 are they beholden to what they provide in their  
23 conceptual plan? I mean, if the SPD is  
24 granted, will it always have to be multi-family  
25 residential that's built there? How much could

1 it change in the future? As you said --

2 MR. MENDEL: Well, you've  
3 got the -- there's the conceptual development  
4 plan, which would be this plan that I'm  
5 pointing at here, that's got a basic layout of  
6 buildings and drives and parking areas and  
7 access points and setbacks, potential  
8 stormwater management areas (indicating). That  
9 one, you know, it would have to be a judgment  
10 call at the time of preliminary review for site  
11 plan to see how much of an actual proposed site  
12 plan is consistent with this development plan.

13 But then there's also the design  
14 guidelines, which are, you know, different  
15 types of buildings forms, setbacks, heights,  
16 unit density, types of units, open space,  
17 setbacks. Those are more black-and-white  
18 compliance. There might be a little more  
19 flexibility in here.

20 So of the two other special planning  
21 districts we have, one is South Court Village,  
22 which is the forty acres at Route 3, and  
23 High Point Drive, which pretty much all of the  
24 residential designated areas of that forty-acre  
25 SPD has been developed or is developing right

1 now. That conceptual development plan had more  
2 of a bubble diagram -- was more of a bubble  
3 diagram, like, "Okay, here's a bubble cloud of  
4 residential area, buffer edges around there,  
5 commercial here, commercial small lot, small  
6 office building area here." It wasn't as --  
7 with specific building footprints. So that one  
8 had a little more flexibility.

9 This one could be -- you know, if this  
10 isn't the plan as shown on this aerial  
11 photograph, administration staff at the time  
12 can say, "You're not consistent with that  
13 because of..." whatever nature it is. You have  
14 to be consistent with this plan and the  
15 development guidelines.

16 MS. RUSSELL: Okay.

17 MR. MENDEL: If they  
18 wanted to -- if that was the determination by  
19 staff at the time, they would have to amend it,  
20 and that would require going back through  
21 Planning Commission and City Council for  
22 amending the conceptual development plan and/or  
23 the development guidelines. Basically, it  
24 would have to go back through this process.

25 MS. RUSSELL: Okay, thank

1 you.

2 I just wasn't sure how permanent it is.

3 MR. MENDEL: You know,  
4 things change. I mean, the special planning  
5 district at South Court Village went through at  
6 least four iterations of conceptual development  
7 plan and design guideline changes from its  
8 inception in 1999 until it started building out  
9 in 2016, and those all had to go back through  
10 Planning Commission and City Council for  
11 ultimate approval.

12 MS. RUSSELL: Thank you.

13 MR. CHAIRMAN: Okay. Other  
14 questions, comments by members of the  
15 Commission?

16 MR. ROSE: Mr. Chairman.

17 MR. CHAIRMAN: Yes.

18 MR. ROSE: Thank you.

19 Mr. Phillips, you said something that  
20 troubles me. You said you included the design  
21 of the townhomes so in ten years down the road,  
22 if somebody wanted to build them. I've got a  
23 problem with "ten years down the road." You're  
24 asking for us to do something now, and maybe  
25 ten years from now it will be done. I've got a

1 big problem with that. I would expect, if  
2 you're coming here and taking all of our time  
3 up, that you're going to do it now. You're not  
4 going to sit here and say, "This is what I want  
5 to do, but maybe we can do that later." I  
6 don't like that at all. Could you elaborate,  
7 please?

8 MR. PHILLIPS: Yeah.

9 My example is -- our intention is to get  
10 the conceptual approval to -- we already have  
11 an architect. We'll then get them working on  
12 the next preliminary phase, we'll get  
13 engineering going, we'll start working with the  
14 City. So our intention is to begin this  
15 immediately; it's not ten, fifteen, twenty  
16 years.

17 We, as the property owners, are looking to  
18 maximize our value in this property, and having  
19 it sit vacant for ten or fifteen years and  
20 paying taxes every year is not very suitable to  
21 us at this time. So we're looking to do this  
22 right away.

23 However, the reason I brought that up is,  
24 sometimes things happen, whether it's a  
25 pandemic or you have to go back in front of the

1 City Council four times and it takes seven or  
2 eight years. So that's why -- in that time,  
3 that's why we added the contingency for the  
4 two-story townhomes, because this is somewhat  
5 permanent once it's written into the SPD.

6 So our goal is to move ahead with it. We  
7 want to move ahead with it. We would like to  
8 start breaking ground next summer and have  
9 these on the market for sale late summer/early  
10 fall of next year.

11 So that's all I -- that's the only reason I  
12 brought that up, in case you were wondering why  
13 we show the townhome plan.

14 MR. ROSE: So your intent  
15 is to sell these units, not to rent them?

16 MR. PHILLIPS: Our intent is  
17 to sell them, although we haven't written that  
18 into it, in case a company like Redwood or  
19 someone else came in and said, "Hey, you know,  
20 we would like to take this over," and then they  
21 buy -- they buy them from us and then they  
22 start to rent them, so there is the potential  
23 for that. Right now our intention is to build  
24 single-family structures and bring them to  
25 market.

MR. ROSE: Thank you.

MR. CHAIRMAN: Okay.

Anything else by members of the Commission?

MR. DUTTON: Yeah.

Not to beat a dead horse on this Section (c), but as one of the two things we're allowed to consider this by, it states, "...where there is a need to provide for greater -- a greater mixture of uses than would be permitted in the standard zones of this Ordinance."

So it's where you provide a mixture of uses that you can't provide in any other zoning district. Well, in the R-4 zoning district, you can put in single family and multi-family. So it does not meet that section because there is a Code Section R-4 where you can use -- have both of these uses without the need for a special district.

MR. LESIAK: Well, as we said in the last meeting, we dispute that. The mixture of uses here applies to this district, and it's an R-1 district.

MR. DUTTON: I'm agreeing that there's a mixture, but I'm saying that you

can do this in the R-4, both of these uses.

MR. LESIAK: But we are talking about land in the R-1, and that's why I said -- that's why I respectfully disagree.

MR. DUTTON: Okay.

MR. CHAIRMAN: Anything else by members of the Commission?

(No response.)

MR. CHAIRMAN: Okay. Anybody with us this evening have any comments they would like to make?

MR. KOVALIK: (Indicating.)

MR. CHAIRMAN: Yes, sir.

If you would step back to podium, give us your name and address, keep your comments to a few minutes and --

MR. KOVALIK: I just have to catch my breath here after wearing this mask for so long.

MR. CHAIRMAN: No fun?

MR. KOVALIK: No.

My name is Anthony Kovalik, and I live on 464 Cambridge Drive in Medina. I've been a resident in that house for eight years. Previous to that, I lived at 651 Sturbridge

Drive, which is just around the corner, and I lived there since 2002.

I'm here on behalf of myself and many of my neighbors. I would like to describe our neighborhood as kind of idyllic in the sense that we have kids playing up and down the street all the time. We are a diverse and a very close-knit community, and we oppose this particular zoning change and the intended development. There are kind of two conversations here, and you will have to forgive me, I have not really had a chance to get coached up on zoning and planning, but we have spoken to Council.

First, as a matter of the zoning issue, we oppose that on the grounds that we do not feel the proposal meets the -- either the purpose or the requirements of the SPD, and I think you have -- with the papers Mr. Mendel provided, you have what our Council said and the comments. Basically, I will just reiterate and say that the proposal is not a greater range or mixture of compatible uses; it is a wholesale creation of an entirely new zoning classification and a solely low density

single-family area within the City and surrounding Township.

As regards to purpose -- or actually as regards to the requirements, the effective area is not in transition. The proponent has submitted no evidence that there is a need to provide a greater mixture of uses, and the proposal does not meet with the existing land use. So I guess in terms of the request to change the zoning, we have stated that rationale.

We've collected at least twenty-five signatures over a couple days. We probably could have come in with a hundred if given a week.

Finally, I don't want to take up too much of your time, and I do not want to reiterate things that have already been said and questions that have already been raised. I just want make a few statements about why in particular I'm opposed to this proposal.

The traffic analysis was solely done at the intersection of Sturbridge and Wadsworth. Please correct me if I'm wrong about that. It did not discuss how people get to that

1 intersection through Colinas or Asherbrand.  
2 There was no traffic study done there. And, as  
3 you know, kids in Medina who live within two  
4 miles of their school need to either walk or  
5 ride their bikes, and I think that this  
6 definitely creates a safety concern for those  
7 kids.

8 There's increased noise. I noticed that  
9 the proposal has been reduced from three  
10 stories down to two, potentially taking an  
11 eyesore issue away; however, as stated by the  
12 Board, the Committee here, these plans are  
13 subject to change. The SPD seems to me to be  
14 more of a catch-all or a loophole or a kind of  
15 anything-goes sort of zoning change, and that  
16 is one of our primary concerns.

17 There is a water runoff issue. For that  
18 particular proposal, you're talking about a  
19 hundred and twenty parking spaces, which is at  
20 two forty-two spaces per acre. You're looking  
21 at half an acre of parking alone. It does not  
22 include the street or the roofing.

23 There's also a pond and lots of wildlife  
24 that we feel that this particular proposal  
25 threatens and, in addition, will lead to the

1 widening of Route 57 behind the property or --  
2 well, in front of that one behind our homes.

3 Essentially, what I'm saying is, that this  
4 proposal does not fit in with the existing  
5 neighborhood, and it is essentially going to do  
6 nothing for our property values. And I  
7 certainly understand that people should be able  
8 to get value from their property and to be able  
9 to use it for their own profit or pleasure;  
10 however, that should not be done at the expense  
11 and cost of the property values of others.

12 There's already great concern among all my  
13 neighbors. We're talking about dozens of  
14 homes, people concerned about their property  
15 values, their neighborhood, and what they will  
16 be able to leave for their children.

17 Thank you very much for your time, and I  
18 appreciate the opportunity.

19 MR. CHAIRMAN: Thank you,  
20 sir.

21 Is there anybody else with us this evening  
22 that has any other comments other than what  
23 this gentleman has raised? Something  
24 different.

25 MS. BAUMANN: Hi.

1 Candi Baumann, 5800 Wadsworth Road. Actually,  
2 my house -- actually, the other picture is  
3 better. That little road is my driveway on the  
4 bottom of that picture (indicating). That's my  
5 pond, my home (indicating).

6 I just feel -- I understand this is your  
7 land, you have every right to develop it, I  
8 just feel like the whole thing was thrown  
9 together. There's no -- this movie production,  
10 I read through that, this woman had every  
11 little millimeter of that drawn out,  
12 blueprinted. "Here's the color we're using.  
13 Here's the lights we're using."

14 This is like, "Well, we may use this  
15 townhouse, we may not. Here's a picture from  
16 2015 from Madison Township. We might rent  
17 them, we might sell them." Like, it's just --  
18 there's no rhyme or reason to it.

19 I understand single-family homes would be a  
20 much better suit to this area.

21 Not only that, it's like, how are you going  
22 to prevent people from walking right on my  
23 property? I have a pond. I don't want kids  
24 drowning in my pond. There's just -- there's  
25 so many open questions.

1 Thank you.

2 MR. CHAIRMAN: Thank you.

3 MR. THUR: My name --  
4 sorry. My name is Michael Thur, Sr. I live at  
5 1124, directly across from the development.

6 MR. MENDEL: Sorry, which  
7 street?

8 MR. THUR: Wadsworth  
9 Road, 1124. It's directly right across from  
10 the main portion of the development.

11 I threw this together to come up with it.  
12 I only got the notice about a week-and-a-half  
13 ago that there was going to be a meeting  
14 pertaining to this, so I'm going to try to  
15 avoid any duplicate talk.

16 MR. CHAIRMAN: We appreciate  
17 that.

18 MR. THUR: They did say  
19 that one-third of the traffic is going to come  
20 onto Wadsworth, the other two-thirds is going  
21 to go onto the west.

22 MR. MENDEL: Asherbrand.

23 MR. THUR: Asherbrand.

24 I'm sorry.

25 That's not going to happen, because we did

1 have in the notes by the fire department that  
2 they need full access. Now, they just  
3 mentioned pertaining to a gate. A gate is not  
4 going to stop people from coming onto -- more  
5 cars coming onto Wadsworth.

6 Sorry. I'm going to read over the notes so  
7 I don't duplicate.

8 What I did do is, I stood out in front of  
9 my property. If you stand on my sidewalk right  
10 now and talk to someone on the porch, you  
11 really can't hear them, you have to really  
12 yell. With this proposal, you're saying more  
13 traffic is coming on my road in front of me  
14 now. The noise level that hurts your ears is  
15 rated at eighty to eighty-five decameter (sic).  
16 Okay? The traffic that is going on here now is  
17 on a seventy-five to eighty. Trucks just going  
18 down without stopping, without the turn lane  
19 that you're talking about or maybe a signal  
20 light for going into that property, the trucks  
21 are now going at an eighty-five to ninety-five  
22 level. Now, if you put in a stop sign or a  
23 turn lane or a signal, the trucks have to gear  
24 down, then they have to go up. This is an  
25 incline on 57 going south. That decimal (sic)

1 reading is maxing out at one hundred and three.

2 I went on the Internet and tried to find  
3 out with apartments coming into R-1  
4 development, what happens? The crime rate, the  
5 crime rate goes up. Police are called in more  
6 because the high density that you're talking  
7 about. I moved out of a crime area into Medina  
8 to have my kids grow up safe. Now you're  
9 putting my family - my grandchildren now - into  
10 danger because of this.

11 I just found out that you lowered  
12 your building from a three to a two,  
13 so that wipes all this out right here  
14 (indicating).

15 You say that your family grew up in Medina,  
16 three out of four still live there, but they  
17 don't live in the area that you're proposing,  
18 and you probably don't have a two-story  
19 building going up next to your house that is  
20 ten feet or forty feet away from you. I picked  
21 going to Wadsworth Road because I liked it.  
22 Now, I didn't pick to have this housing  
23 development be put on our -- across from our  
24 property.

25 The reason I'm a little upset is because

1 I'm kind of worried about your production and  
2 how you do things. Across the street from us,  
3 that only gets cut maybe once, maybe twice a  
4 year - okay? - four feet, five feet tall. Now,  
5 I'm very worried, and I don't want this ever to  
6 happen, but what happens if a fire happens in  
7 our -- one of our houses. That fire department  
8 from Number 3 comes flying down and can't find  
9 a fire hydrant. Why? The grass is four to  
10 five feet, not maintained. What are you going  
11 to do with this development?

12 Second, there is a tree on the power line  
13 that has been leaning on this power line since  
14 wind went through Medina. Have you ever gone  
15 out there? I got a picture, I'll show you. I  
16 got a picture.

17 Have you ever gone out there and looked at  
18 this property that you own? No, you probably  
19 didn't. You probably had someone or whoever  
20 mowed the lawn come out and do it and continued  
21 on. This tree can fall any time. It may not  
22 land on the road, but if you're driving down  
23 doing forty-five, fifty miles an hour and  
24 something comes down in front of you, what are  
25 you going to do? Swerve right into incoming

1 traffic.

2 Now, I don't want to see anyone get hurt  
3 because of your negligence. That's what's  
4 making me worried about your building. What  
5 are you going to cut corners on to make this  
6 happen?

7 Twenty percent open area, there is no  
8 twenty percent open area in this. The traffic  
9 is so fast going up and down Wadsworth, it is  
10 kind of scary just to walk up and down there.  
11 I grant you, in front of my house it says  
12 thirty-five, but you tell me how many people  
13 really slow up at thirty-five miles an hour at  
14 that point, even though there's signs that say  
15 "slow up."

16 I'm just going to cut my time. I  
17 apologize.

18 MR. CHAIRMAN: That's fine.  
19 Thank you.

20 MR. THUR: I want to  
21 thank you for letting me speak and to try to  
22 stop this development. Now, I'm begging you to  
23 stop this development. I want my grandchildren  
24 to grow up safe, and with this kind of  
25 development here, it's not going to provide the

1 safety.

2 Thank you.

3 MR. CHAIRMAN: Thank you for  
4 being with us this evening.

5 Something new?

6 MR. ZYCHOWSKI: Yes.

7 Frank Zychowski, 4550 Colinas.

8 One thing that I -- if you look at the  
9 circle on the property there, you can see it's  
10 the house with the driveway going all the way  
11 around it.

12 That drainage pond, or what used to be a  
13 pond, has issues to begin with with the  
14 drainage coming through. Taking out another  
15 six-whatever acres and having over a hundred  
16 parking spaces is really going to put a lot of  
17 strain and stress on the drainage of the area.

18 So I'm asking you to do basically what the  
19 applicant's own counsel said, which is, "The  
20 Code is what the Code is." I ask you to  
21 believe what the Code is.

22 Thank you.

23 MR. CHAIRMAN: Thank you.

24 MS. KOVAL: Hi.

25 Lisa Koval, 1114 Asherbrand Drive. So I am

1 the second house next to 1118, which is the one  
2 at the end, which would only have ten feet.

3 A couple things I would just like the  
4 Planning Commission to review. I did submit a  
5 two-page letter, and I would like you to review  
6 my comments on the R-4 and the SPD and what  
7 those are really meant to be, which this is not  
8 the appropriate zoning for this type of  
9 establishment.

10 Second of all, he keeps saying --  
11 Mr. Phillips continues to say "conceptual  
12 plan." That means no plan. We, my husband and  
13 I, have been in the area now for eighteen  
14 years; my neighbors even longer. This empty  
15 area over there, it's been barren that long, so  
16 why now? How do we know that you don't get a  
17 proposal to build something and then you sit on  
18 it another ten, fifteen years - it's been  
19 eighteen years for us already - and then we  
20 have townhouses going up or something like  
21 that? So we're very concerned about that.

22 We have children everywhere, they are  
23 running around.

24 Like the gentleman before me just  
25 stated, the runoff. I actually took

1 pictures from the storm that we had on  
2 Monday. It was a pond. My neighbors at 1118,  
3 it was literally a running river next to  
4 their house going into their -- you know,  
5 where their water collects. This is a  
6 concern.

7 When we moved in the first time, in my  
8 letter, there were mattresses, there was tires  
9 that were thrown into this area.

10 So according to the August Planning  
11 Commission letter, he was going to build a  
12 house at 1111 and build a road through there.  
13 So we have water issues. How do we know that  
14 the road won't collapse, the house won't  
15 collapse because of what is in that  
16 wetland/landfill underneath there?

17 We're requesting that we keep him from  
18 building in that area unless it is going to go  
19 with our single-family homes of an R-1.

20 Thank you.

21 MR. CHAIRMAN: Thank you.

22 Okay. I presume --

23 MR. DEAN: (Indicating.)

24 MR. CHAIRMAN: Yes, only  
25 if it's something new that doesn't do with

1 all of the things that we just already  
2 heard.

3 MR. DEAN: I appreciate  
4 that, sir. It certainly is. Thank you.

5 Sean Dean is my name, I live at 5800  
6 Wadsworth Road. I live with Candice Baumann  
7 and everything.

8 The twenty percent green space, I just want  
9 to add to it real quick. I don't see anything  
10 on here in the drawings and whatnot for --  
11 other than him mentioning -- Mr. Phillips  
12 saying that the natural ponds on the north and  
13 south side of property, which is ours on the  
14 south side.

15 I don't see anything for fencing,  
16 landscaping mounds, or anything that can deter  
17 people from coming onto our property in that  
18 corner as well.

19 She just mentioned the water runoff from  
20 the last weekend's storm which was very, very  
21 bad.

22 You guys, thank you for your time today, I  
23 greatly appreciate it.

24 Mr. Phillips, I know what you want to  
25 do, I understand. As a businessman and

1 everything, I get it, I just don't like this at  
 2 all.  
 3 That's all. Okay, thank you.  
 4 MR. CHAIRMAN: Thank you.  
 5 Any other questions by members of the  
 6 Commission? Any other comments?  
 7 MR. GOLD: Mr. Chairman,  
 8 I would like to put forth a motion to forward a  
 9 recommendation of approval to City Council from  
 10 rezoning from R-1 to an SPD.  
 11 MR. CHAIRMAN: We have a  
 12 motion. Is there a second?  
 13 MR. ROSE: Second.  
 14 MR. CHAIRMAN: Just so you  
 15 all realize, all of our motions are always made  
 16 in the, I'll say, positive, so the vote isn't  
 17 backwards, if you will.  
 18 Okay. We have a motion and a second.  
 19 Is there any other discussion by members of  
 20 the Commission?  
 21 (No response.)  
 22 MR. CHAIRMAN: Roll call.  
 23 MS. DAVIS: Grice?  
 24 MR. CHAIRMAN: No.  
 25 MS. DAVIS: Dutton?

1 MR. DUTTON: No.  
 2 MS. DAVIS: Gold?  
 3 MR. GOLD: No.  
 4 MS. DAVIS: Russell?  
 5 MS. RUSSELL: No.  
 6 MS. DAVIS: Rose?  
 7 MR. ROSE: No.  
 8 MS. DAVIS: Motion denied,  
 9 five-zero.  
 10 MR. CHAIRMAN: This will be  
 11 forwarded on to City Council as our action is  
 12 only a recommendation. Okay?  
 13 Thank you very much.  
 14 And if there's nothing else to come before  
 15 the Commission --  
 16 MR. MENDEL: There is not.  
 17 MR. CHAIRMAN: -- we are  
 18 adjourned.  
 19 (Hearing concluded.)  
 20 - - -  
 21  
 22  
 23  
 24  
 25

1 STATE OF OHIO )  
 2 ) ss:  
 2 COUNTY OF MEDINA. )  
 3  
 4 CERTIFICATE  
 5 I, Nicholas Glatzhofer, Notary Public within  
 6 and for the State of Ohio, duly commissioned and  
 7 qualified, hereby certify that before the giving of  
 8 their testimony, all speakers were first duly sworn to  
 9 testify to the truth, the whole truth, and nothing but  
 10 the truth in the cases aforesaid and that the  
 11 testimony was taken by me by means of stenotype in the  
 12 presence of said speakers.  
 13 I further certify that said hearings were held  
 14 at the time and place specified in the above caption  
 15 and was concluded on the 10th day of September, 2020.  
 16 Further, I certify that I am not a relative,  
 17 counsel, or attorney at law for any party to this  
 18 suit, nor am I interested in the event of same.  
 19 IN WITNESS WHEREOF, I have hereunto set my hand  
 20 and affixed my seal of office at Medina, Ohio this  
 21 21st day of September, 2020.  
 22  
 23 \_\_\_\_\_  
 24 Nicholas Glatzhofer,  
 25 Notary Public within and for  
 the State of Ohio.  
 My commission expires 10/24/2023