

**MONTVILLE TOWNSHIP
ZONING COMMISSION MEETING
November 9, 2011**

PRESENT

John Vujevich, Vice Chairperson
Mary Pawlowski
Pat Ryan
Elayne Siegfried
Dave Wetzel
Ron Potter, Alternate

ALSO PRESENT

P. Jeffers, Field Assistant
B. Schwehm, Zoning Secretary
T. Crane R. Madarasz
Dolores Lenc L. Rimpf
Donald Lenc M. Smith
T. Macosko T. Valore

HANDOUTS: Memo/P. Jeffers/Congregate Care with MCDPS Staff Report (11/2/11)

- AGENDA:**
1. Approval of Minutes – None
 2. Public Hearing: Text Amendments: Chapters 210, 430, 450/Congregate Care
 3. Preliminary Development Plan Review: Woodford Commons
 4. Preliminary Land Disturbance Review: Woodford Commons
 5. Development Plan Discussion: Automotive Service Center
 6. Zoning Inspector Updates

The November 9, 2011 meeting of the Montville Township Zoning Commission was called to order at 7:04 p.m. by Vice Chairperson, Mr. John Vujevich who served as Chairperson for the meeting.

ROLL CALL: Ms. Mary Pawlowski – here; Mr. Dave Wetzel – here; Ms. Elayne Siegfried – here; Ms. Pat Ryan – here; Mr. John Vujevich – here.

Commission Chairperson Vujevich asked, “Has the meeting been properly advertised and the necessary contiguous property owners notified?”

Field Assistant Jeffers responded, “Yes, it has.”

Commission Chairperson Vujevich said, “Anyone in attendance should sign in if they have not already done so. If you wish to speak, you should state your name and address for the record. The meeting is taped for transcription purposes. The official minutes of the meeting are the typed transcripts. If you have a cell phone or pager, please put them on quiet mode.”

1. Approval of Minutes None

2. Public Hearing: Text Amendments: Chapters 210, 430, 450/Congregate Care

Commission Chairperson Vujevich introduced the agenda item and explained that the Prosecutor’s Office had not had adequate time to review the proposed text revisions. As a result, he recommended tabling the public hearing until comments were received from the Prosecutor’s Office. Comments had been received from the Medina County

Department of Planning Services. The Zoning Commission (ZC) agreed to table the public hearing.

MOTION: Commission Member Ryan moved to table the public hearing for text amendments to Chapter 210, Definitions, Item #44; Chapter 430, Commercial District Regulations, Section 430.3 H. 4.; and Chapter 450, Conditional Use Regulations, Schedule 450.5 until December 14, 2011 at 7:00 p.m.

SECOND: Commission Member Wetzel

ROLL CALL: Ms. Elayne Siegfried – yes; Ms. Pat Ryan – yes; Ms. Mary Pawlowski – yes; Mr. Dave Wetzel –yes; Mr. John Vujevich – yes.

3. Preliminary Development Plan Review: Woodford Commons

Commission Chairperson Vujevich introduced the agenda item and read the following into the record:

- Medina County Highway Engineer Comments (Attachment I)
- Medina County Health Department Comments (Attachment II)
- Medina County Sanitary Engineer Comments (Attachment III)
- City of Medina Fire Department Letter (Attachment IV)

Ms. Lisa Rimpf, 5354 Coventry Park Lane, President, Woodford Commons Homeowners Association Inc., introduced herself.

Mr. Tony Valore, 23550 Center Ridge Road, Westlake, Ohio introduced himself as the property owner. Mr. Valore met with the existing homeowners in Woodford Commons on Tuesday, November 8, 2011. The existing eight units fell under the condominium rules of the State of Ohio. The proposed development was for single-family detached cluster units on single-family lots. (Mr. Valore called the homes cluster units because of the size of the homes.) The condominiums and the single-family lots were two distinctly different types of property.

Mr. Valore and the Woodford Commons Homeowners Association Inc. agreed to work in conjunction to maintain the entranceway – the landscaped side and the right side of the roadway, the road pavement, the road maintenance for each season, and the entranceway itself. The existing condominium owners would have a second fee (with probably the same contractor) for the two streets to the left side and the grounds around their units.

Mr. Valore thought that the agreement worked well for everyone. The existing homeowners would pay less dues because the costs would be shared with more homeowners.

Ms. Rimpf said that the association of existing units was known as Woodford Commons Homeowners Association Incorporated.

As far as the association was concerned, Mr. Valore said that the single-family, detached cluster units on individual lots would be referred to as Woodford Commons Estates.

In the spirit of cooperation, Mr. Valore said that both entities would share expenses, as well as maintenance decisions, on the street. Until 60 percent of the homes were

occupied, the builder/developer would sit on the board with the current homeowners. After 60 percent of the homes were occupied, it would become a true homeowners association with both groups voting together and working together to maintain the entranceway.

Commission Member Siegfried said that there would be two distinct homeowners associations working in cooperation to maintain the front portion.

Mr. Valore said, "Right."

Mr. Roman Madarasz, 5366 Wexford Court, Vice President and Treasurer of the Woodford Commons Homeowners Association Inc., asked if there would be a legal contract between the two associations.

Mr. Valore said, "Yes, absolutely."

Commission Chairperson Vujevich referred to the plan dated October 21, 2011 and asked if any variances were required.

Field Assistant Jeffers said that no variances were required from Montville Township.

Commission Chairperson Vujevich asked if a complete set of plans was submitted, including a landscaping plan.

Mr. Valore said that a landscaping plan was not necessary because the entranceway was already established.

Commission Member Siegfried asked if the *Clearing and Grading Limits Plan* showed the area that would be disturbed.

Mr. Valore replied, "Yes."

Commission Chairperson Vujevich asked if there were comments from the Medina County Department of Planning Services (MCDPS) regarding the proposed development. He wondered what had been discussed/determined regarding forty-eight units on a cul-de-sac street with only one point of egress/ingress.

The Zoning Commission (ZC) discussed the county's requirements and thought a second access point was required when there were more than fifty homes.

The ZC and Mr. Travis Crane, TGC Engineering, 387 Medina Road, discussed that the county also had requirements for an additional egress/ingress when the street was more than 2,500 feet in length. The proposed street was about 2,100 feet.

Commission Member Ryan said that the fire department had an issue with forty-eight homes on a cul-de-sac street.

Commission Member Wetzel said that it appeared Mr. Crumley was interpreting the county regulations to require a second egress/ingress when there were more than forty homes – not fifty.

Field Assistant Jeffers provided a copy of the comments submitted by the MCDPS.

Commission Member Wetzel asked if Mr. Valore planned to have a sign as the street transitioned from the condominium units to Woodford Commons Estates.

Mr. Valore indicated that he did not plan to add additional signage. The two distinct names were for the purpose of identifying the homeowners associations. The deeds and

transfer documents would clarify and differentiate the single-family homes from the condominium units.

Commission Member Ryan pointed to a lot on the preliminary plan that was not numbered. She wondered if the area was something other than a lot.

Mr. Crane also identified another lot that was not numbered and stated it was a drafting error.

After reading through the comments from the MCDPS, Commission Chairperson Vujevich said forty was the maximum number of homes allowed on a permanent cul-de-sac street. He asked for Mr. Valore's comments regarding Fire Marshal Crumley's comment that, "if all the homes within this proposed development are built with Residential Sprinkler Systems in them then we will support the approval of this development and the variance of 48 homes on a cul-de-sac street."

In a previous meeting with the Fire Department, Mr. Valore said the Fire Department commented that if each individual home had a sprinkler system, they would support having fewer hydrants. Mr. Valore said that at some point in time, it was cost prohibitive to install sprinklers. Mr. Valore planned to explore the costs, but he could not commit to putting sprinklers in each home without knowing the cost. The Fire Department estimated \$1,500.00 per home; but Mr. Valore expected the cost to be more than that amount. Mr. Valore added that sprinkler systems involved annual inspections. He thought it may have a negative impact on the development. Mr. Valore was okay with the number of hydrants that were required, and more if necessary.

Commission Chairperson Vujevich read the following Staff Comment from the Medina County Department of Planning Services Staff Report for the Aspen Ridge Subdivision, Concept Plan review:

Aspen Ridge as proposed exceeds the number of dwelling units permitted on a cul-de-sac street per Section 604 B. 9. of the Medina County Subdivision Regulations. This section states that, ". . . permanent cul-de-sac streets shall not serve in excess of 40 dwelling units, nor have a length in excess of 2,500 feet." Woodford Boulevard extended (a cul-de-sac street) is approximately 2,100 feet in length, which is acceptable; however, the 40 proposed single-family detached sublots combined with the existing 8 units is in excess of the 40 unit limit.

Mr. Crane said there was conflicting information in the Medina County Subdivision Regulations. A portion of the code said forty units were allowed and a portion of the code said fifty units were allowed. Mr. Crane's interpretation was that fifty homes were allowed. The difference between forty units being permitted and fifty units being permitted was based on the street being a permanent cul-de-sac street and having a stub street along the cul-de-sac street.

Mr. Crane said that the preliminary plan was submitted to the county for review, along with a variance application (which would be needed if the county's interpretation allowed a maximum of forty units). Mr. Crane thought there were already two possible stub streets – the two existing streets on the left upon entering the subdivision.

Mr. Valore thought the county agreed that it made little sense to have a stub street that would never go through. They opted to apply for a variance and to work through the situation in that manner.

Commission Chairperson Vujevich said that the county recommended extending the street to the north and east to O'Hara Drive.

Mr. Valore said that the county was recommending a deadhead. He reiterated that they were looking at the first two streets on the left as deadheads.

At the county's concept plan meeting, Mr. Crane thought the staff agreed with his interpretation and agreed there were severe environmental constraints on the property – both physical constraints and zoning constraints. There were a lot of wetlands, streams, and terrain issues on the property. In some areas, the zoning regulations tripled the setback requirements. Mr. Crane said that they were trying to respect those constraints. He thought that the county planned to review the preliminary plan on December 7th.

Commission Chairperson Vujevich said that he would be concerned to move forward with preliminary plan approval until a variance was approved by the county or issues were resolved with the Fire Department.

Mr. Valore asked if approval could be granted on a *subject to* basis.

Commission Chairperson Vujevich said that the Zoning Commission did not typically grant approval on a conditional basis with significant issues pending.

Commission Member Siegfried agreed with Commission Chairperson Vujevich and acknowledged that the applicant had worked with the Commission to develop the best plan possible considering all of the constraints on the property. She hoped the county saw the wisdom in granting the variance, but she was hesitant to move forward with preliminary plan approval without the variance.

Mr. Crane respectfully asked the Commission to reconsider its position. He thought Mr. Valore had worked well with the Commission over the past several months. He thought conditional preliminary plan approval from Montville Township for their next meeting with the county would demonstrate that they had been working in good faith with the Zoning Commission. It may help the county to look favorably upon the variance request.

Field Assistant Jeffers said that a representative from the Montville Township Zoning Office would attend the December meeting of the Planning Commission. Commission Chairperson Vujevich and Commission Member Siegfried said that someone from the Township would be able to provide testimony at that meeting.

Commission Member Ryan said that the Zoning Commission did not typically grant approval on a contingency basis. She thought the Commission's primary concerns were the outcome of the variance and the concerns expressed by the fire department. If someone from the Zoning Office attended the December meeting, they would be able to express the Commission's position.

Based on past experience, Mr. Crane thought that Medina County would want to know if Montville Township approved the plan, and Montville Township wanted to know if the county approved the variance/plan.

Commission Member Wetzel said that the Zoning Commission would meet again on December 14th, one week after the meeting with County Planning. In addition to resolving the situation regarding the forty-eight units on a cul-de-sac street, Commission

Member Wetzel added that in order to approve the preliminary plan, the Commission needed additional documentation, such as a grading plan and landscape buffer plan.

Commission Chairperson Vujevich said that a land disturbance plan was also needed.

Mr. Crane said that the clearing and grading limits were shown on the aerial. At this stage, that was their grading plan.

Commission Chairperson Vujevich thought a topographical map was requested at the last discussion. He added that the Commission normally received more documentation/drawings to review for preliminary and final development plan approval.

Mr. Crane thought an aerial photograph was requested. The purple/pink line outlined the grading limits on the aerial photograph.

Commission Chairperson Vujevich said that he was not an engineer. He said Zoning Commission Chairperson Piatak (who was not present at the meeting) was an engineer and liked a little more detail than what was provided. He said that a topo map with the graduated elevations was what Commission Chairperson Piatak liked to see with the grading plan. Commission Chairperson Vujevich added that something was also needed at the preliminary development plan review regarding the trees on the property.

Mr. Valore thought they had agreed to do a sampling/specimen of trees.

Commission Chairperson Vujevich said that it was necessary to meet the land disturbance requirements of the Zoning Resolution. There were requirements related to young and mature woodlands. The information was usually submitted with the preliminary plan review, as well as with the final review.

Commission Chairperson Vujevich said that the Commission was hesitant to proceed with the review and approval without knowing what the county was going to do relative to the forty versus forty-eight units.

Mr. Valore asked if the county would grant an approval without some type of approval from Montville Township.

Commission Chairperson Vujevich and Commission Member Wetzel said, "Yes."

Mr. Crane asked if they could make the statement in front of the Planning Commission that Montville Township gave verbal approval, based upon the variance from the county being granted.

Commission Chairperson Vujevich believed that at the last discussion, the Zoning Office planned to clarify the county's requirements regarding forty-units versus fifty-units.

Field Assistant Jeffers said that the requirement was discussed. If there were more than forty units on a cul-de-sac street, a stub was needed.

Commission Member Wetzel asked if there were retention ponds.

Mr. Crane pointed out three stormwater management areas. Rather than being retention basins, they would be dry, detention basins.

Commission Member Wetzel asked if the basins had been approved.

Mr. Crane said that typically the detailed engineering drawings were not prepared until approval from Montville Township and Medina County was granted. Detailed drawings

would be submitted to the Medina County Sanitary Engineer's Office and the Medina County Highway Engineer for approval.

Field Assistant Jeffers asked for clarification regarding the tree sampling that was required.

Mr. Valore asked if an acre would be a large enough area to sample.

Commission Chairperson Vujevich said that every tree did not have to be counted. A statistical demonstration confirming compliance with the zoning requirements would be sufficient.

Commission Member Wetzel suggested sampling within the area that would be graded because those trees would be removed. If all of the mature trees were taken down in the graded area, all of the remaining mature trees may need to remain in order to preserve 50 percent of the mature woodlands.

Commission Chairperson Vujevich requested statistical samplings from three areas outside of the grading limits and two areas from within the grading limits to determine if 50 percent of the mature woodland would be preserved. Mature woodland was determined by the diameter at breast height (DBH). The regulations were listed in Chapter 560, Land Disturbance Regulations. Commission Chairperson Vujevich walked the property about three years ago and said that the bulk of the trees were mature woodlands.

Mr. Crane said that was their impression and was discussed at the first meeting regarding the site.

Commission Chairperson Vujevich said that the 50 percent calculation should also include any trees to be removed during the proposed second phase of the project.

Commission Member Siegfried said that a land disturbance review was done in conjunction with the development plan review. Contours of the disturbed area should be included, as well as what trees/woodlands would be preserved and what would be removed.

Commission Chairperson Vujevich added that the land disturbance regulations required a percentage of the topsoil to remain on the site.

Commission Member Siegfried referred to Chapter 560, Land Disturbance Regulations, Section 560.5 which addressed the requirements for a land disturbance review.

Mr. Crane said that the full improvement plans would be approved by the county agencies. He wondered if the county engineer evaluated the submittal that was made to the Zoning Commission.

Commission Chairperson Vujevich did not think that the county considered the Township's soil and land disturbance in their review. He thought the county agencies reviewed the engineering aspects of the plans.

Mr. Crane asked if the grading limits (as provided on the color photo) met the criteria or was the Commission looking for proposed contours.

Commission Chairperson Vujevich and Commission Member Siegfried said that contours were required. Commission Chairperson Vujevich referred to Section 560.5 A. 2. of the Zoning Resolution.

Field Assistant Jeffers agreed to provide Mr. Crane with a copy of the land disturbance regulations.

Mr. Don Lenc, 5240 Windfall Road, asked what happened if the property was split and sold after 50 percent of the mature trees were removed. Would a new owner have to preserve 50 percent of the remaining mature trees?

Commission Chairperson Vujevich explained that the development regulations required a percentage of the parcel to remain as open space – regardless of who owned the property.

Commission Member Ryan said that it would not be possible to split the parcel because the open space was a requirement of the overall development.

Mr. Lenc asked if there would be a stub road off of the proposed street if the variance was not granted.

Mr. Valore said that initially a concept plan with thirty-two homes was submitted for discussion. Someone mentioned that the plan could include as many as forty homes, and the plan was changed accordingly. Now it was necessary to apply for a variance for the number of proposed homes. A variance was not needed for the length of the cul-de-sac street.

Mr. Lenc said he heard something about the street being extended to the east. He wondered if they were referring to Windfall or O'Hara.

Commission Chairperson Vujevich said that the street could be extended anywhere. Woodford Commons currently had two stub streets – one with two homes and one with six homes. It was unclear if the county would consider those streets as stubs for future extensions, so the alternative was to apply for a variance.

Mr. Lenc said that he bought his property thirty-four years ago. The area was wide open then, and he did not have to worry about getting run over when he got his mail or the newspaper. Things were changing and change was not going to be stopped. So far, he liked what he saw with the proposed development. It appeared that a variance was in everyone's best interest. A variance would allow the developer to do what he wanted to do without providing for a future connection. Mr. Lenc asked about future development along O'Hara.

Commission Chairperson Vujevich said that Mr. Valore was proposing to put condos near O'Hara Drive in a future phase. He added that several developers presented plans for the site. The original plan that was approved for Woodford Commons, and subsequent proposals, included many more homes than the current project.

Ms. Rimpf said that the original plan included 236 homes.

Commission Chairperson Vujevich said that the current plan included forty-eight units which the Commission thought was very reasonable.

Mr. Lenc agreed, and said that he was highly in favor of what he had seen.

Mr. Madarasz wondered if there was anything that they could do as homeowners/an association to express their wishes to the county that the variance be granted.

Commission Chairperson Vujevich suggested attending the Planning Commission meeting.

Mr. Crane said that written correspondence could be sent or personal testimony given.

Ms. Rimpf said that she wrote an email on Friday, April 29th, at 3:24 p.m. to montvilletwpzoning@neo.rr.com asking for assistance in finding out information regarding the purchase of the land adjacent to Woodford Commons by a developer.

Ms. Rimpf received a response from and spoke with Zoning Inspector Emrick on Monday, May 2, 2011. Ms. Rimpf was told that she would be notified immediately if any information was received; however, she was never contacted.

Ms. Rimpf said that the property was sold to Mr. Tony Valore's cousin, Mr. Joe Valore, in September of 2010. According to the meeting notes, the Zoning Commission first met with Mr. Valore on June 8th. The notes indicated that ZI Emrick and Field Assistant Jeffers had recently met with an architect/engineer regarding a controlled density development, Woodford Commons/Aspen Ridge.

Ms. Rimpf said that she was frustrated and would have been at every single meeting had she gotten the right information. She was not opposed to anything. She did not think anything bad was going on. She was just really frustrated, and she wanted to share that with the Commission because the existing homeowners/association wanted to be involved.

Ms. Rimpf said that in October of 2010 she started trying to figure out what was going on. She found Mr. Tony Valore on her own through Mr. Joe Valore after hours of looking on the internet and calling Medina County. She was trying to be proactive, and they were trying to be involved.

Field Assistant Jeffers said that when land was purchased and transferred, the Township did not get a record of the transfer. The last the Township knew National City owned the property. National City could make a deal with anyone without telling the Zoning Office or the Township. A new owner could go out and do whatever needed to be done without letting the Township know. The Township was first notified when Mr. Crane came in and discussed the proposal.

Ms. Rimpf said her point was that the meeting occurred before the June 8th Zoning Commission meeting. Between May 2nd and June 8th, her email seemed to vanish into thin air.

Field Assistant Jeffers said that meetings with the Zoning Office staff would not have been posted.

Commission Chairperson Vujevich said that Ms. Rimpf expressed a concern to ZI Emrick in an email and made voice contact. Ms. Rimpf was to be notified if there was a meeting on the project, but that did not happen. ZI Emrick was normally good about notifying people when they requested to be notified.

Ms. Rimpf said that she would have been at the June 8th meeting and all subsequent meetings.

Field Assistant Jeffers said any meeting that was open to the public would be posted on the Township's website.

Ms. Rimpf said that she did not go onto the Township's website on a monthly basis.

Commission Chairperson Vujevich explained that it was a requirement to notify contiguous property owners adjacent to proposed development. Contiguous property owner notifications were mailed for preliminary and final development plan reviews.

Commission Chairperson Vujevich referred to the Trails of Montville (off of State Route 3), where contiguous property owners in Montville Township were notified, as well as contiguous property owners in the City of Medina. He explained that the Zoning Commission meetings were open to the public, and the Commission was always open to having the public at the meetings. The meetings were usually very lonely because no one, other than the Commission members and Zoning Office staff, attended the meetings.

Ms. Rimpf said that she understood. She was frustrated with the situation because she was trying to be proactive. If she had gotten a response, she would have been at the meetings because she cared. She offered to provide a copy of the email.

Commission Chairperson Vujevich said that a copy was not necessary, and normally, she would have been notified. He had tried to request notifications from other townships, and they would not let him know anything. He said Montville Township was very open.

Ms. Rimpf said that the good news, at least from her perspective, was that they were happy with how things worked out since she found Valore Builders. Otherwise, she would have been very upset. However, she wanted to share her frustrations.

Mr. Madarasz asked for the address of the county agency where the meeting would be held on December 7th.

Commission Chairperson Vujevich said correspondence could be directed to Ms. Susan Hirsch, and Field Assistant Jeffers could provide the appropriate address.

Mr. Madarasz asked if school buses went down private streets.

Commission Member Siegfried said it was the Commission's understanding that school buses did not go down private streets.

Commission Member Ryan said it was related to insurance issues.

Field Assistant Jeffers said that students would be picked up at Woodford Boulevard and Montville Drive.

Ms. Rimpf confirmed that was where the school bus currently picked up students.

Commission Member Pawlowski wondered if the pickup point would become a concern when there were more than just eight homes in the development.

Commission Member Ryan said that buses for the Medina City Schools picked up students at central pickup points. Buses did not stop at individual houses in subdivisions. It took too much time and was too expensive.

Ms. Rimpf said that Woodford Commons was split between two different school districts - Highland Local School District and Medina City School District. Currently six homes attended Medina City and the two homes on Wexford attended Highland. The remaining forty homes would probably attend Highland schools.

The Commission explained that Rustic Hills and Blue Heron were also split between two school districts.

Field Assistant Jeffers explained that if a lot was split between two school districts, the location of the master bedroom determined where the children attended school.

Commission Member Wetzel supported neighborhood schools and thought school district boundaries should be redrawn.

Mr. Madarasz asked if there were noise disturbance regulations stipulating work hours and work days for construction related work.

Field Assistant Jeffers said that work could be conducted from dawn to dusk, and until 7:00 p.m. during the summer. Work was allowed on Saturdays.

Commission Member Ryan said that Fox Meadow received approval to work extended hours for a short period of time when Fox Meadow was being developed.

Commission Member Wetzel thought the landscaping to the right of the private drive should be extended to the east along the street extension. Shrubs and trees should be noted.

Mr. Crane said there was a notation that the pine trees would be extended.

Ms. Rimpf said there was a twelve or fifteen-foot section of heavy brush and trees (to the right of the private drive) separating Woodford Commons and the houses on Sunburst. Nothing had been done to create any type of landscaping. She was happy with the way it currently existed.

Commission Member Ryan said that the sanitary sewer went through that area which would clear out most of the vegetation.

Commission Member Pawlowski confirmed that the following items were required:

- Paperwork required by Chapter 560, Land Disturbance Review
- Variance from Medina County/resolution regarding forty units vs. forty-eight units
- Buffering

Mr. Crane asked if he could contact Mr. Alan Piatak, Zoning Commission Chairperson, to clarify requirements. Commission Chairperson Vujevich planned to contact Commission Chairperson Piatak with Mr. Crane's contact information.

MOTION: Commission Member Ryan moved to table the Preliminary Development Plan Review for Woodford Commons until December 14, 2011 at 7:00 p.m.

SECOND: Commission Member Wetzel

ROLL CALL: Mr. Dave Wetzel – aye; Ms. Mary Pawlowski – aye; Ms. Pat Ryan – aye; Ms. Elayne Siegfried – yes; Mr. John Vujevich – aye.

4. Preliminary Land Disturbance Review: Woodford Commons

MOTION: Commission Member Ryan moved to table the Preliminary Land Disturbance Review for Woodford Commons until December 14, 2011 at 7:00 p.m.

SECOND: Commission Member Wetzel

ROLL CALL: Ms. Elayne Siegfried – yes; Ms. Pat Ryan – yes; Mr. Dave Wetzel – yes; Ms. Mary Pawlowski – aye; Mr. John Vujevich – aye.

5. Development Plan Discussion: Automotive Service Center

Commission Chairperson Vujevich introduced the agenda item and Mr. Ted Macosko, 24 Glen Oaks, Berea, Ohio 44017 introduced himself as the representative for the item.

Mr. Macosko handed out revised plans for the proposed automotive service center. The front elevation had been changed based on comments from the last discussion. The color rendering was for demonstration purposes only – the appearance of the building had not been updated. A more developed landscaping plan was presented, as well as a sign elevation.

Mr. Macosko said that the access point off of State Route 3 had been removed. After spending time at McDonald's and seeing no one turn left out of the driveway onto State Route 3, he did not think congestion would be a problem with the current access road. At this point in time, they were not planning to apply for an additional access point off of State Route 3. Eliminating the additional access provided additional space for landscaping.

Commission Member Siegfried referred to the landscaping requirement that stated 75 percent of the façade of the building was to be landscaped. Mr. Macosko had indicated at the last meeting that the requirement would be difficult to meet.

Mr. Macosko said there was an existing stripe of mature trees (that thinned to the east) bordering the parcel to the north. On the south side of the building, the parking was pulled away six feet from the building and landscaping was added. He did not know how to get more landscaping around the perimeter of the building given the required access to the service bays. There was landscaping to the front (west) and to the rear (east) of the property. Mr. Macosko said there was more landscaping on this building than any other building he had ever done.

Commission Chairperson Vujevich asked if a variance was required if the landscaping requirements were not met.

Field Assistant Jeffers said a variance would be required if the requirements were not met. He referenced Chapter 530, Landscaping, Screening, and Outdoor Lighting Regulations, Section 530.2 B. which stated that existing vegetation and natural features may suffice for some of the landscaping requirements.

The Zoning Commission agreed that there was a good existing tree line to the north.

Commission Member Siegfried referred to the west side of the building.

Mr. Macosko said that no one would ever see that side of the building. He thought they had tried to make a reasonable attempt to maximize the landscaping. The perimeter landscaping requirements would be met.

Commission Member Pawlowski suggested adding large flower pots in front of the building to soften the appearance.

Commission Chairperson Vujevich referred to the Conrad's Tire Express and Total Car Care located north of the proposed automotive service center. He thought the all-brick building looked very nice.

Mr. Macosko did not think the owner wanted to do brick. The proposed building would be built using split face block. Mr. Macosko said that the owner had received many positive comments about his existing store.

Commission Member Pawlowski was concerned about the color of the building. She would like to see a variation in the color or would like to see some brick on the building. She liked the red roof.

Mr. Macosko said he would bring building material samples to the next meeting.

Commission Member Siegfried thought building material samples would be helpful and appreciated Mr. Macosko's willingness to work with the Commission on the project.

Commission Chairperson Vujevich asked about the size of the lot and the 60 percent maximum impervious surface requirement.

Mr. Macosko said the lot was 2.2 acres, and the impervious surface was less than 60 percent of the lot area.

Referring to the trim, Commission Member Ryan asked if it was a shiny aluminum/silver color, and she suggested using a green roof.

Mr. Macosko presented a picture depicting the trim. He said the trim was anodized so it was not bright. He added that a bronze color could be used.

Commission Member Wetzel asked if the bronze color could be picked up in the windows across the bays.

Mr. Macosko said that the bays were beige and would match the building. The building would be a sandy beige; it would not have a green tint like the rendering.

Field Assistant Jeffers said that the Ohio Department of Transportation would like to see sidewalks along State Route 3 to connect with the City of Medina. ODOT thought there was an agreement/easement for the sidewalk when the road permit was obtained by McDonald's. Since the sidewalk would be in ODOT's road right-of-way, ODOT wanted to meet with the Township to determine who would maintain the sidewalk. ODOT had indicated that they would not maintain the sidewalk, especially as it related to snow removal.

Commission Member Siegfried said that the burden would be placed upon the adjacent property owners and the Township to work out an agreement as to who maintained the sidewalk.

Field Assistant Jeffers said that the Medina County Prosecutor's Office did not recommend shoveling sidewalks because it created a liability. He planned to call Ms. Dawn Roxberry, ODOT, to determine what paperwork was on file regarding the sidewalk.

Commission Chairperson Vujevich asked if there was enough room for a sidewalk.

Mr. Macosko asked where it said a sidewalk was required. He did not read that anywhere. There was five feet along the curb. Would the sidewalk be right on the curb?

Commission Member Wetzel said that the commercial development along State Route 3 would eventually necessitate two lanes northbound and two lanes southbound. With the proposed commercial development in the area, he thought it was time to consider a sidewalk.

Mr. Macosko thought that State Route 3 had already been widened in the immediate area of the project. McDonald's was closer to the road than the proposed automotive service center. If a sidewalk was necessary, he asked to receive a copy of the criteria for the sidewalk.

When McDonald's was developed, Commission Member Pawlowski thought there was an agreement that a sidewalk would be required along State Route 3 when the property to the north was developed.

Commission Chairperson Vujevich suggested having the office area of the building stick out a little more.

Mr. Macosko said that the entryway was still at an angle. The owner was happy to change the roof, but a similar building had been built in Strongsville and worked well for the business. It was going to cost \$75,000.00 just to get the surface of the site flat. The property had been filled and deep footings were necessary.

Commission Chairperson Vujevich wondered if it would be possible for the entire building to be built using block.

Mr. Macosko did not think that the Commission would like the appearance of an all-block building.

The Commission discussed the possibility and agreed that it would not be attractive. The Commission thought a contrast was needed.

Commission Chairperson Vujevich asked if the service center would be an authorized Goodyear dealer.

Mr. Macosko responded, "Yes."

Referencing the sign requirements, Mr. Macosko said thirty-two square feet of signage was allowed with 75 percent allowed as a reader board. He thought the owner would prefer an LED sign.

Field Assistant Jeffers said that the zoning regulations allowed 75 percent of the sign area to be changeable copy. Town & Country and Waite Elementary had LED signs. There were regulations regarding the intervals at which the sign changed. Flashing signs were not permitted.

Commission Member Ryan preferred reader boards over signs with changeable letters.

Mr. Macosko said that the owner, Mr. Justice, was a very community oriented business owner, and was very responsive if concerns were expressed.

Mr. Macosko and the Zoning Commission discussed the location of the sign in relationship to the right-of-way line and setbacks used by McDonald's. The sign was required to be ten feet from the right-of-way. Mr. Macosko said that the proposed location of the sign took sight distances into consideration.

Mr. Macosko and the Zoning Commission discussed that there seemed to be a couple different right-of-ways, and Mr. Macosko said that he would investigate the location of the right-of-way before meeting again.

Field Assistant Jeffers said that the automotive service center was a conditionally permitted use in the Community Business District. In an initial conversation, Mr. Justice expressed concern regarding financing for conditionally permitted uses. Field Assistant

Jeffers had told Mr. Justice that the Zoning Commission planned to look at conditionally permitted uses and planned to consider making some conditionally permitted uses permitted uses.

Commission Member Ryan said Springfield Township had *permitted uses with standards* that worked well. There was always the power to revoke the permit.

The Zoning Commission reviewed the text as it related to automotive service station, gasoline station, and vehicle repair garage. The Zoning Commission thought the proposed facility fell under the definition for an automotive service station and indicated the use was conditionally permitted in the Community Business District.

Mr. Macosko indicated that preliminary development plan review/approval would be the next step in the process.

Commission Chairperson Vujevich suggested using the committee approach to review conditionally permitted uses. To begin the process, Commission Members Ryan and Siegfried volunteered to review conditionally permitted uses in the commercial zoning districts. By the December 14, 2011 Zoning Commission meeting, they would review the regulations and determine if it would be best to review the conditionally permitted uses in smaller sections.

6. Zoning Inspector Updates

Field Assistant Jeffers did not have any additional updates.

MOTION: Commission Member Pawlowski moved to adjourn the meeting.

SECOND: Commission Member Ryan

A collective oral vote was taken with all Zoning Commission members in favor of adjourning. The November 9, 2011 Zoning Commission meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Bonnie Schwehm

Signature _____
Chairperson

Date _____