

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING/ CON'T OF PUBLIC HEARING
NOVEMBER 17, 2009**

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:30 p.m. Permanent Board members Overmyer, Szunyog, Erickson and Strogin were in attendance. Permanent Board member Jarrett was absent. Alternate Board member Jim Apana sat in for a full Board.

The Zoning Commission minutes to their October 20, 2009 meeting were approved as written. The Trustees have scheduled site plan reviews to be heard on November 25, 2009 at 7:00 p.m. A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

Chair Strogin recessed the regular meeting of the Zoning Commission at 7:35 p.m. and reconvened the public hearing on the proposed text amendment by Mr. Doraty to add language on Inflatables to the Zoning Resolution.

CON'T OF PUBLIC HEARING-Proposed Text Amendment by Bill Doraty Article VI. Sign Regulations Section 605 1. Holiday Inflatables

Chair Strogin stated no additional information has been received by Mr. Doraty and/or his attorney. Chair Strogin stated this hearing would be tabled for one more month and then the Commission would have to take action on what was submitted.

Mr. Overmyer made a motion to continue the public hearing for Mr. Doraty's proposed text amendment on inflatables until the Commission's next scheduled meeting December 15, 2009 at 7:30 p.m. It was seconded by Mr. Erickson.

ROLL-Overmyer-yes, Erickson-yes, Szunyog-yes, Apana-yes, Strogin-yes.

The continuation of the public hearing was closed at 7:37 p.m.

REGULAR MEETING

Chair Strogin reconvened the regular meeting of the Zoning Commission at 7:37 p.m.

SITE PLANS

Jones Fish Hatcheries & Distributers. Inc.-5010 Gateway Dr. Unit A-1

Mr. Adam Hater General Manager of Jones Fish Hatcheries & Distributers Inc. addressed the Board. He stated their headquarters are located in Newtown, Ohio near Cincinnati.

Mr. Hater stated Jones Fish is a fish farm and stock ponds mainly with Midwestern game fish and also offers lake management services. That means they offer any product, supply or service for the maintenance of a pond to resident and/or corporate pond owners. Jones Fish will deliver fish or supplies right to a resident. Mr. Hater stated they do offer a fish day where one would pull up to the feed store on Poe Rd. and get stock and supplies. The

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office they would like to open in Medina Township would be mainly for their lake management services i.e. algae removal/vegetation control etc. No fish would be at this location. The fish would be distributed through their Cincinnati location. An individual would be based in the Medina office and make their rounds in the Hinckley, Akron and Medina area. Mr. Hater passed out brochures on the company.

Fire Chief Crumley asked that the County Bldg. Dept be contacted in case any of the pesticides/chemicals offered would change their use category.

Ms. Szunyog made a motion to approve the use for Jones Fish Hatcheries & Distributers Inc. to be located at 5010 Gateway Dr. unit A-1 as presented. It was seconded by Mr. Erickson.

ROLL CALL- Szunyog-yes, Erickson-yes, Overmyer-yes, Apana-yes, Strogin-yes.

Mr. Hater stated he was also before the Commission to request signage. The signage request is for a 5.29 sq. ft. tenant sign.

Mr. Overmyer made a motion to approve the tenant panel sign for Jones Fish Hatcheries Distributors Inc. to be located at 5010 Gateway Dr. Unit A not to exceed 5.29-sq. ft. as presented. It was seconded by Mr. Apana.

ROLL CALL- Overmyer-yes, Apana-yes, Erickson-yes, Szunyog-yes, Strogin-yes.

Wells Fargo Advisors-3985 Medina Rd.

Mr. Joel Frezel from Action Lighting Service represented Wells Fargo Advisors. Mr. Frezel stated Wells Fargo acquired the assets of Wachovia Securities and are now in the process of changing over all the signs to reflect the Wells Fargo name. Therefore, Mr. Frezel stated he was before the Commission to request signage for Wells Fargo Advisors. The first request is for an 18.31 wall sign.

Chair Strogin stated variances were granted for this building located at the corner of Foote and Medina Rd. for the portico signs not to exceed 23 sq. ft.

Mr. Overmyer made a motion to approve a wall sign for Wells Fargo Advisors located at 3985 Medina Rd. Suite 260 not to exceed 18.31-sq. ft. as presented. It was seconded by Mr. Erickson.

ROLL CALL- Overmyer-yes, Erickson-yes, Apana-yes, Szunyog-yes, Strogin-yes.

Mr. Frezel stated he was also requesting a 1.33-sq. ft. tenant panel sign to replace the Wachovia name with Wells Fargo.

Mr. Erickson made a motion to approve a tenant panel sign for Wells Fargo Advisors located at 3985 Medina Rd. Suite #260 not to exceed 1.33 sq. ft. as presented. It was seconded by Ms. Szunyog.

ROLL CALL- Erickson-yes, Szunyog-yes, Overmyer-yes, Apana-yes, Strogin-yes.

Medina Creative Housing-PP#026-06C-07-132

Ms. Hagerty, Executive Director of Medina Creative Housing and Mr. Bob Arnold from Arnold Architectural Strategies addressed the Commission. Mr. Arnold stated Medina Creative Housing would be creating another entity called Medina Creative Living and were looking to develop the property behind GFS owned by Home Depot. There is a detention basin on the parcel that takes up quite a bit of space on the site. He continued that Ms. Hagerty has secured funding for a project on the site for a two-unit HUD project (811) for the mentally and physically disabled. These individuals would not drive but need an independent living situation. Mr. Arnold stated that Medina Creative Housing has just built similar units in the City of Medina on Huntington and Reagan Pkwy across from the fire station. Unit A would be a four unit building and Unit B would be a four unit building with a community room. Mr. Arnold stated that Ms. Hagerty was also in the process of applying for funding for two other housing projects that would eventually be built on the site as well. One of these would be a 202 project, which would provide 18 living units for the elderly.

Mr. Arnold continued that they were aware the project does not meet all of the zoning requirements of the Township. Chair Strogin stated she and zoning inspector Ridgely met with Ms. Haggerty and the architect, Mr. Bob Arnold, regarding the site plan and there were numerous items that did not meet the zoning code. Originally the area with the dry retention basin was not part of the original plan which significantly reduced the amount of land and in turn the number of units that could be built. Home Depot wanted to keep control of the dry retention basin so Chair Strogin stated she told Ms. Haggerty if she wanted the density proposed she had to arrange with Home Depot to take possession of all that acreage and to have easements and Declarations and Covenants in place regarding the maintenance of the dry retention basin. Chair Strogin then asked Ms. Hagerty if that had been completed? Mr. Hagerty stated it has been verbally communicated to Home Depot. Home Depot agreed for them to purchase the entire site and Home Dept would have an easement for the maintenance of the dry retention basin. Chair Strogin stated Ms. Hagerty and Mr. Arnold would be going before the BZA tomorrow evening requesting variances. If the variances are granted there will be no issuance of permits until the easements and Declarations and Covenants are reviewed and approved by the Township and legal counsel and then recorded.

Chair Strogin continued that multi-family is permitted in the BI District, which provides a buffer between commercial and more traditional residential housing. Multi-family also allows the land to be developed for residential because the back land is not conducive to a commercial use being located in that specific area with no frontage.

Mr. Arnold stated they were also looking to develop a commercial use in the front of the parcel to provide employment opportunities for the individuals that would be living in

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this housing project. Right now Mr. Arnold stated he could not say what type of business would go in there but they had a few ideas that would be conducive for the residents to earn some money for their rent. M. Arnold then addressed the zoning requirements the site plan was not in compliance with as follows:

1. Living Unit Size: Section 307.A.1. Multi-Family one-bedroom units require 800-sq. ft. minimum. Request reduction of this amount to 540 sq.ft. Reason: The construction of these units is funded through HUD (811 & 202 programs) and they do not fund units greater than 540 sq. ft. Mr. Arnold said they were able to bump up that square footage to 577 sq. ft. in the Medina City project to add washers and dryers but generally HUD will not finance units larger than 540 sq. ft.
2. Parking: Section 503.A.2. Multi-Family dwellings require 3-spaces/dwelling unit. Request reduction of this amount to 1.5 spaces/dwelling unit. Reason: There are no garages at these units. The occupants of the HUD 811 units (new parcels B & C) do not drive. The 1.5 spaces/units is very adequate for the visitors and caregivers. The occupants of the HUD 202 units (new parcel D) do not all drive. The 1.5 spaces/unit is adequate for the few driving occupants and visitors.
3. Side yard Setbacks: Section 406.3.D.2 (a) 1. Commercial abutting Residential District requires a 75-foot side yard setback. This occurs along the western lines of the new parcels B & C where it abuts a City of Medina R-3 District. Request a reduction in the required side yard setback along this edge of 55 ft. to a 20-ft. setback.
4. Section 308F.4 (a) Maximum of 6 units/acre allowed. Request a reduction in the required acreage for a new parcel "D" so that 18 units can occupy 2.4 acres. Reason: The need for elderly housing in the Medina community is great and the 18 units will go along way toward meeting part of this need. Mr. Arnold added that this project does not use the land the way a traditional residence does. There are no kids or pets in this project. These individuals need to be in a community setting.

Chair Strogin asked what was the overall acreage of this parcel? Mr. Arnold stated 6.04 acres, which included the commercial portion of the project, which would consist of .92 acres. Chair Strogin stated the overall density permits 6 units per acre i.e. on five acres i.e. 30 units were permitted and 34 units were being proposed. Therefore the density request is 7.3 units per acres on the new parcel "D". Ms. Hagerty stated this would property would be parceled off into four separate lots.

ZC member Overmyer asked if the Commission was being asked just to approve parcels A & B or the entire project? Chair Strogin stated the Commission is to review the entire site plan. Mr. Arnold stated they only had funding at this time for new parcel B. Chair Strogin stated that after several discussions with all applicable parties it was decided it was best to consider the entire project as a whole though it would be built in phases. Ms. Hagerty stated they had the funding for parcel B but the funding for the other phases of the project were an unknown at this time; however they wanted to be upfront with the Township as to their plans to develop the entire area. Mr. Arnold stated they wanted to be

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upfront with the Township to see if the Township would want such a project in this community. If the needed variances were not granted then the project would not be viable to locate in Medina Township. Ms. Hagerty stated HUD would require all the documented easements to be recorded, the lot splits complete, and that separate corporations be set up for each housing project.

Ms. Hagerty added that there was a long waiting list for this type of housing in Medina County. The units are filled before she even applies for funding or they are built. Currently the waiting list is at 160 individuals.

Chair Strogin stated the zoning resolution calls for a one-bedroom unit to consist of a minimum of 800 sq. ft. She added one of the concerns with the consideration of a smaller unit is that these units would be used to house several individuals/family members. What guarantee was there that these units were going to remain for the use proposed, versus HUD walking away from the project and then the units became a haven for numerous individuals to live in? Ms. Hagerty stated HUD makes a 40-year commitment when a project is funded. All the units that are going to be built were subsidized. Individuals pay 30% of their income and that includes utilities. Therefore these units have to remain solely designated to serve the mentally/physically handicapped and the elderly. HUD funds the units but Medina Creative Housing owns the housing and has provided this type of housing for the last 17 yrs.

Ms. Hagerty continued that there was a volunteer board of trustees as they were a nonprofit 5013C. She was the only employee of Medina Creative Housing so she ran the day to day operation but there was a board that established policies and procedures for Medina Creative Housing to function and operate. These types of projects need to be close to support services, employment opportunities, recreation, shopping. That is why this site is perfect for this project.

ZC member Szunyog stated there was a need for this type of housing in Medina County. The majority of these residents would neither drive nor put more children in the school system so it would not be an additional burden to the infrastructure and services provided by the Township.

Mr. Apana asked how the residents were selected? Ms. Hagerty stated there was a waiting list and they were obligated to go down that waiting list in choosing who would live there. ZC member Szunyog asked if there would be caregivers for the residents? Ms. Hagerty stated yes, based on one's level of functioning. She added Medina Creative Housing also provides the support services but there are other providers as well as there was a freedom of choice for the residents to make. Medina Creative Living currently has three 24/7 sites. There would be an on site office in the community room of this housing project as well.

Fire Chief Crumley stated it was also discussed with Ms. Hagerty and Mr. Arnold about putting sprinkler systems in the units. He added he has worked with both of them regarding the similar project in the City and they have been very accommodating. Ms. Hagerty stated they would comply with the Fire Chief's request as well as put in smoke/fire detector systems for the hearing impaired. Regarding the means of ingress/egress, Fire Chief Crumley stated an emergency access would be created next to GFS for fire/safety vehicles. Ms. Hagerty stated GFS would need to be contacted as she had not done that yet until it was determined that this project was feasible to be located in the Township. Mr. Arnold stated he did not think that would be an issue with GFS if such access was being requested by the Township and Fire Chief. He added that this access would be a positive for both this project as well as GFS. Mr. Arnold stated that if for some reason funding was pulled for the project(s) then they knew they would have to come back before the Township for a replat.

Mr. Arnold continued they have also submitted a landscaping plan for the project. The natural landscaping borders already in place would remain. Ms. Szunyog asked if anyone checks the landscaping that is to go in for a certain project? Chair Strogin stated yes, the Zoning Inspectors go out and inspect for compliance with the plan. Ms. Hagerty interjected that an individual from HUD would also come out and check for compliance at final inspection and then a year later as well. Any dead trees/bushes etc. would be replaced accordingly.

Mr. Erickson asked if the retention basin was for Home Depot, would it need to be dug deeper to accommodate this project? Mr. Arnold stated he did not believe so but that would be analyzed by a civil engineer. He added he believed the retention basin was designed for development of all the property Home Depot owned.

Chair Strogin stated since Medina Creative Housing would be responsible for the landscaping, roads and the maintenance of the buildings etc. there needed to be Declarations and Covenants (D & C's) in place to secure that. This project consists of 4 different parcels and the D & C's need to reflect that as well. Ms. Hagerty stated each parcel would be owned by a separate entity. Each entity would be responsible for maintenance, which would be contracted out. Chair Strogin then asked what guarantee would there be of uniformity or who would take care of the roads? Ms. Hagerty stated it would be a shared cost between the entities. Medina Creative Housing's responsibility was to make sure the 4 entities fulfill their obligations. Chair Strogin stated this would need to all be spelled out in the D & C's which would be reviewed and approved by the Township and the Pros. Office. This document also needed to include the easement for the retention basin and maintenance thereof. The D & C's would need to address all of these issues and then be recorded before any permits were issued by the Township.

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Again the question was asked if these one-bedroom units meant one person or could a couple live in them? Ms. Hagerty responded that per the HUD requirements one-bedroom units meant only one person could live in these units.

Mrs. Gardner spoke about driving the van for Project Munch that went to similar housing facilities for the elderly and disabled and commented how quiet and community oriented those facilities were. She asked Ms. Hagerty what was going to be the means of transportation for these residents? Ms. Hagerty stated for the most part the residents would be able to walk to most of what they need and their caregivers would help them get to other areas or would do the errand for them.

Chair Strogin stated the Zoning Commission would need to turn down the site plan for Medina Creative Housing because it was not in compliance with the Zoning Resolution. Medina Creative Housing has filed variance requests that would be heard by the Board of Zoning Appeals tomorrow evening.

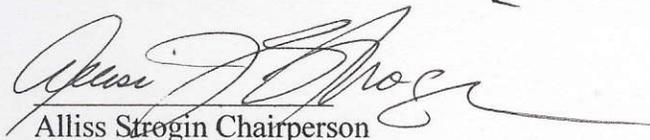
Mr. Overmyer made a motion to deny the site plan for Medina Creative Housing for proposed Multi-Family and Commercial Use due to the fact they are in non-compliance of the following Sections of the Medina Township zoning Resolution:
Section 307.A.1-Living Unit Size Min. Square footage-800 sq. ft. required-540 sq. ft. proposed; Section 503.A.2. - Parking-3 spaces/dwelling unit required. Request reduction of this amount to 1.5 spaces/dwelling unit; Section 406.3.D.2 (a) 1.-Commercial Side yard Setback abutting residential 75 ft. required, 30 ft. requested on western boundary line; Section 308F.4 (a) Overall Density-30 units permitted 34 units proposed; Density per Acre-and failure to meet density per acre of 6 units per acre 7.3 acres proposed on new parcel "D".

It was so noted that the applicant has agreed to sprinkle all multi-family units and has acknowledged that the light poles will not exceed 20 ft. in height. The applicant will also provide the Declarations and Covenants for the overall project addressing landscaping, maintenance of buildings, roads etc.; and will also include the easement with Home Depot to maintain the existing dry retention basin as presented. It was seconded by Mr. Erickson.

ROLL CALL- Overmyer-yes, Erickson-yes, Szunyog-yes, Apana-yes, Strogin-yes.

Having no further business before the Board, the meeting was officially adjourned at 9:22 p.m.

Respectfully Submitted, Kim Ferencz, Zoning Secretary


Alliss Strogin Chairperson