

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
JULY 16, 2013**

REGULAR MEETING

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:34 p.m. Board members Overmyer, Kuenzer, Apana, and Strogin were in attendance. Permanent member Szunyog was absent. Alternate Commission member Borrer sat in for a full board. Alternate member Johnson was also in attendance.

The Zoning Commission minutes from their June 18, 2013 regular meeting were approved as amended.

Trustees would hear site plans/signage reviews on August 1, 2013 at 7:00 p.m.

A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

SITE PLANS

BackBone of Health (health food store)-4483 Weymouth Rd.

Mr. James Briola from North Coast Lighting represented BackBone of Health. He stated that as part of the site plan that was approved, Backbone of Health would open a health food store as part of its operation. The operation would not sell food but instead vitamins and supplements.

Mr. Briola said he was before the Commission to request signage. The first request is for a 64.52 sq. ft. wall sign. The business has 65 ft. of linear frontage. The sign would be mounted on the roof.

Chair Strogin stated for the record that the sign was being placed on the pitch of the roof not on the peak of the roof as such signs are not permitted. This type of sign is classified as a wall sign. Chair Strogin added that this sign would be similar to the sign at BW3's.

Mr. Overmyer made a motion to approve a wall sign for BackBone of Health (health food store) located at 4483 Weymouth Rd. not to exceed 64.52 sq. ft. as presented. It was seconded by Mr. Kuenzer.

ROLL CALL-Apana-yes, Kuenzer-yes, Overmyer-yes, Borrer-yes, Strogin-yes.

The second sign request was for a 3.375 sq. ft. directional sign. This sign would be placed in the rear of the parking lot to direct access to the health food store.

Mr. Overmyer made a motion to approve a directional sign for BackBone of Health located at 4483 Weymouth Rd. not to exceed 3.375 sq. ft. as presented. It was seconded by Mr. Apana.

ROLL CALL-Overmyer-yes, Apana-yes, Kuenzer-yes, Borrer-yes, Strogin-yes.

Pat O'Brien Laser Wash-3880 Pearl Rd.

Mr. John Schmalz from Star Inc. represented Pat O'Brien Laser Wash. He stated there are two changes that have been made to the previously approved site plan. The first change was that there was to be a car wash bay on the southeast end of the building but they were proposing to take that car wash bay off the building and make it a freestanding bay a bit further to the south.

Mr. Schamlz stated the car wash would be open to the general public. There would be landscaping added around the free-standing car wash building which would consist of the same planting materials that were approved previously for the site. The vacuum islands would be out front. As one exited the car wash bays they could then access vacuums if they choose to.

Chair Strogan stated she would like to see landscaping incorporated around the vacuum islands. Mr. Schamlz stated they wanted to keep the area up front of the dealership open so the public could see the cars. However after further discussion, Mr. Schamlz stated they could accommodate some further landscaping around the vacuum islands.

The second change to the site plan was the increase in size of the dumpster area.

Mr. Borrer made a motion to approve the site plan for new construction for Pat O'Brien Laser Wash to be located at 3880 Pearl Rd. as presented with the addition of landscaping to be added in front of the vacuum pumps from the driveway to the edge of the south property line and the increase in square footage of the dumpster area. It was seconded by Mr. Overmyer.

ROLL CALL-Borrer-yes, Overmyer-yes, Apana-yes, Kuenzer-yes, Strogan-yes.

Pat O'Brien Chevrolet-3880 Pearl Rd.

Ms. Amy Noble from Ellet Sign Co. represented Pat O'Brien Chevrolet. She stated that GM has mandated a signage package for their dealerships.

The first sign request was for a 49.8 sq. ft wall sign (bowtie and Chevrolet). The frontage of Pat O'Brien is 183 linear feet.

Mr. Kuenzer made a motion to approve a wall sign (bowtie and Chevrolet) for Pat O'Brien Chevrolet located at 3880 Pearl Rd. not to exceed 49.8 sq. ft. as presented. It was seconded by Mr. Borrer.

ROLL CALL-Kuenzer-yes, Borrer-yes, Apana-yes, Overmyer-yes, Strogan-yes.

The second signage request was for a 32.6 sq. ft. wall sign. This sign would consist of the wording, "Pat O'Brien."

Chair Strogan stated the code only permits one wall sign per business; therefore this signage request would need to be denied.

Mr. Apana made a motion to deny the request for a second wall sign as it is not in compliance with the Medina Township Zoning Resolution Section 605 I. 1 as presented. It was seconded by Mr. Kuenzer.

ROLL CALL-Apana-yes, Kuenzer-yes, Overmyer-yes, Borrer-yes, Strogin-yes.

Lastly, Ms. Noble stated Pat O'Brien is requesting a third wall sign to consist of the words "Certified Service" and to be 17.9 sq. ft.

Again, Chair Strogin stated the code only permits one wall sign per business; therefore this signage request would need to be denied.

Mr. Overmyer made a motion to deny the request for a third wall sign, as it is not in compliance with the Medina Township Zoning Resolution Section 605 I.1 as presented.

It was seconded by Mr. Kuenzer.

ROLL CALL-Overmyer-yes, Kuenzer-yes, Apana-yes, Borrer-yes, Strogin-yes.

Soccer Post-3707 Pearl Rd.

Mr. David Elliott from BkSquared, Inc. represented Soccer Post of Medina. He stated they wanted to expand their operation and therefore would be vacating their existing space and moving into the space next door. This would give them 3,612 sq. ft more space.

Mr. Apana made motion to approve the change of use for Soccer Post to be located at 3707 Pearl Rd. as presented. It was seconded by Mr. Borrer.

ROLL CALL- Apana-yes, Borrer-yes, Overmyer-yes, Kuenzer-yes, Strogin-yes.

The second request was for a 75 sq. ft. wall sign. Mr. Elliott stated that there was an existing box over the space he would be moving into and his sign would replace the wording Shank's Kitchen. The frontage of the building is 40 ft. Chair Strogin stated that when this business complex was approved, Mr. Hallock installed boxes as permanent attachments to the building without regard to the signage that is permitted. When the building was chopped into smaller units, the signage permitted was not 80 sq. ft. The Township wanted the boxes removed. The boxes are owned by the building, and the sign(s) within the boxes were owned by the business that was there. Some of the businesses that are there have signage in the boxes but not the full 80 sq. ft.

Chair Strogin stated that the zoning code used to permit 10% of the face of the business or 80 sq. ft. whichever was smaller. The code was then change to one sq. ft. of signage per linear foot of business frontage. Currently Soccer Post shares signage space with Hertz, which was equal to the linear frontage of each business. Therefore the request for a 75 sq. ft. sign for Soccer Post is not permitted.

Mr. Morgan Faunce from Gerspacher Real Estate Group represented the landlord. He asked what the code was when Shank's Kitchen had their signage approved. Chair Strogin stated the existing code is what needed to be followed. Mr. Faunce stated the box is centered over the entrance of two businesses...Chair Strogin stated the Soccer Post could center the sign within the box.

Mr. Faunce stated if the Commission would approve a 39.5 sq. ft. wall sign, they would come back with the proper signage documentation (dimensions of the sign) for the Trustees meeting.

Mr. Overmyer made a motion to approve wall sign for Soccer Post located at 3707 Pearl Rd. not to exceed 39.5 sq. ft. as presented. It was seconded by Mr. Borrer.

ROLL CALL-Overmyer-yes, Borrer-yes, Kuenzer-yes, Apana-yes, Strogin-yes.

Totten Financial Consulting, Inc.-5041 Victor Dr.

Ms. Jain represented Rajshree Properties, Inc. She stated that she was seeking a change of use for Unit B for Totten Financial Consulting, Inc. Ms. Jain stated Totten would be submitting their own signage application.

Mr. Apana made motion to approve the change of use for Totten Financial Consulting Inc. to be located at 5041 Victor Dr. Unit B as presented. It was seconded by Mr. Borrer.

ROLL CALL- Apana-yes, Borrer-yes, Overmyer-yes, Kuenzer-yes, Strogin-yes.

It was so noted there was no signage approved this evening.

MISC.

The Trustees will hold their public hearing on the proposed text amendments as recommended by the Zoning Commission on July 25, 2013 at 7:00 p.m.

Ms. Sandra Bilek (3414 Hamlin Rd.) addressed the Commission about two permits ZI Ridgely signed for a new compressor building and an addition to the electric building for Sunoco located at 3623 Watkins Rd. Watkins Rd. is zoned residential.

Chair Strogin stated from a Township perspective, this is classified as a public utility and the Township therefore really had no control over this project.

Ms. Bilek then handed out various documents and summaries of emails from PUCO, the Ohio Power Siting Board, the Medina County Building Department and the Division of Industrial Compliance, which did not wholly support that the Township did not have any control or authority. The Building Dept. confirmed the compressor building will be designated H-2 which is High Hazard. The compressor building is a new building and the electric building is an addition.

Ms. Bilek stated at the last Trustee meeting, Trustee Todd stated he understood Sunoco would just be replacing pipe lines but Mr. Huber from the County Building Department said there will be new pipe lines added as well as the replacement of existing pipelines.

Ms. Bilek stated there is documentation stating the pipes would handle liquid Ethane. The citing jurisdiction for gathering lines and liquid lines (which ethane qualifies as) according to the Ohio Power Siting Board, is the local zoning authority. The liquid pipe line, gathering lines and compressor building are under the jurisdiction of the local zoning. Safety of the line for the line only is under PHMSA's jurisdiction.

Mr. Eaton from the Division of Industrial Compliance stated the compressor sites dealing with liquids are not a utility and are not exempt.

Ms. Bilek continued that on the zoning application the compressor building shows a value of \$417,000 but the County auditor shows a value of \$992,000 and may go higher due to the H-2 classification. Mr. Huber from the County Building Dept. stated this facility should have a very extensive fire suppression system.

Ms. Bilek stated that per the information she received, natural gas is not the same as natural gas liquids. Ethane is a natural gas liquid. It is an industrial use and used for plastics. The US Energy Administration identified Ethane is a product for industrial use for plastics.

For compressor buildings there is also the mention of a blast zone or incineration zone. There is no clarification at this time as to what that encompasses but ZI Ridgely has sent a letter to Sunoco asking for that information.

There is a red air sock which is flying to the left of the facility. Chief Crumley stated the purpose of the sock is to know which way the wind is blowing so the residents could be evacuated in case of an explosion.

Ms. Bilek stated she was appalled that a project of this size and nature was signed off by the Zoning Inspector without notification to the Trustees, this zoning board or the neighbors.

Mr. Borrer stated he lives south of the location and he was notified by Sunoco approximately two months ago that they would be doing work on that line this summer.

Chair Strogan stated there is no industrial zoning in the township. She added that the Township has been told that this facility is a public utility. The Township has no jurisdiction over utilities. Pipe lines are a necessary function of society to provide a transport method and that is why the Fed/State governments have taken local authority away because if left up to each individual township, city, village etc. there would always be a percentage of those who don't want such methods of transportation to run through their community. That is the reason for the road right of way so utilities had a place to locate and provide continuously functioning power sources.

Chair Strogan stated the Township could also not regulate oil wells either. The State said that oil wells could not be located less than 100 ft. from an existing home. Because the State did not specify how close an oil well could be located to new construction of a residence, the Township zoning was able to say a new house could not be built within 300 ft. of an existing oil well. When a well is struck by lightning those tanks have been propelled even further than 300 ft. She commented that an individual asked the Township for a variance to build closer. The night the BZA was holding their hearing on the variance, there was a storm in Sharon Township and two well heads were hit and those tanks went farther than 300 ft.

Chair Strogin stated there was that loophole for the wells but did not believe there was for pipe lines. If local zoning could even have any jurisdiction over the building, it would just be setbacks. The worst case scenario is that the compression building would be considered a pre-existing nonconforming use that has been there for 50-60 yrs. The zoning states that a pre-existing nonconforming use can be expanded up to 35%.

Ms. Laurie Shoemaker stated she and ZI Ridgely spoke with the project manager. This gentleman did not work for Sunoco but was extremely impressed how Sunoco went over and above the safety regulations that have to be followed. This individual was willing to come and meet with the Township and residents and asked that questions be gathered so that he and/or a representative from Sunoco could answer any questions or concerns.

Ms. Gardner stated an independent contractor was not the person who should be contacted to answer questions but an individual from Sunoco itself.

Mr. Bilek (3414 Hamlin Rd.) stated he was sure that Sunoco would be very happy to tell the Township what we want to hear to appease us. Everything we have been told is that this is not a utility. That means the Township could have done something about this.

Chair Strogin reiterated her comments about a pre-existing nonconforming use.

Mr. Overmyer stated he would like to see the comments and questions raised by Ms. Bilek addressed.

Ms. Bilek stated that Sunoco needed Township approval to apply for a permit from the County. Mr. Huber from the County Building Dept. confirmed this requirement. Ms. Bilek stated with all due respect, she did not feel an ethane pipe line fell under the category of a public utility.

ZI Ridgely stated she spoke with Mr. Thorne from the Prosecutor's Office and he said this is a public utility.

Mr. Bilek stated he felt this needed to be explored further. Ms. Bilek added she would like to know what the blast zone area is. ZI Ridgely stated Chief Crumley was looking into that information.

Chair Strogin asked ZI Ridgely to ask Pros. Thorne to put something in writing if Sunoco is a utility. She added that the Township has been told this is a utility. Mr. Huber is the one who deals with the physical construction of a building/residence. The categorization of a building is up to the County Building Dept.

Ms. Bilek stated she would urge the Commission to call or email the individuals she has had contact with regarding this project. If this ethane project is not a utility she would urge the Township to take measures. She continued that the Comprehensive Plan is very clear about such a project being located in a residential neighborhood.

Chair Strogan asked again for ZI Ridgely to contact Mr. Thorne if Sunoco is considered a public utility project. Mr. Overmyer interjected how is Mr. Thorne going to make a determination without knowing what the project is?

Ms. Bilek stated Mr. Huber has asked about what material is going to be piped through these lines. Chair Strogan stated Mr. Huber also has the right to shut the project down if he finds that it is illegal. He has the authority to invoke a cease and desist order on that facility until he gets all the information he needs to be able to make a determination.

Ms. Bilek stated she believes not notifying the Trustees, the Zoning Commission or the residents about this project is improper.

Chair Strogan stated reports are given to the Trustees every month about permits issued. The question that lingers is whether this is a utility. The questions at hand are legitimate but the Township has always been of the understanding that this is a utility, based on that fact ZI Ridgely has issued permits to them to modify their facility.

Robin Gray (4074 Remsen Rd.) stated that the pipeline that is to go through 22 miles of our County is 36" in diameter. That pipeline is going to go up through Toledo and Detroit and then to Canada. We have existing infrastructure and facilities for domestic use but we don't for exporting this product out of our country. The real reason why there have been limited refineries built and why gas prices are so high are because of the new EPA regulations.

She continued that on Fenn Rd. and all along Rt. 42, the telephone poles and electric lines had been moved and high powered electrical lines put in. Does this have anything to do with the proposed compressor station? The compressor station is going to have 6,693 amps. One house has 200 amps. The power that is going to be run from that compressor building is huge. There are 60 acres back there. Are we going to get more compressor stations? The liabilities that they don't cover are huge. This is dangerous if there ever was an explosion.

Chair Strogan stated she did not know why the telephone and electrical lines were moved but there has always been talk about widening Fenn Rd. This may be the reason why just like they did on Rt. 18. If the electrical building has been there for 50-60 yrs. most of the homes in that area were built after the building was erected. The question remains is this a utility. If the Prosecutor's Office comes back with the opinion that this is a utility then the Township is going to have to treat it as a utility. Chair Strogan again asked ZI Ridgely to ask Mr. Thorne if Sunoco and this project are considered a utility. The Township does not want to be at risk of preventing a utility from conducting their business.

Mr. Bilek asked that the information provided this evening be forwarded to Mr. Thorne for review to make such a determination. Ms. Bilek stated she would provide that information to be sent to Mr. Thorne. Ms. Shoemaker stated if anyone had questions/comments for the representative to address it would be appreciated if those could be gathered to make the best use of when the representative would be available to come to the Township.

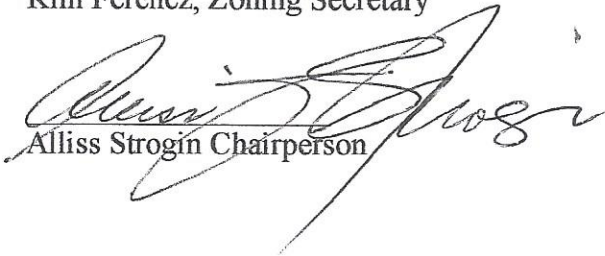
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Trustee Jarrett stated the information should be sent to Mr. Karris at the Prosecutor's Office as he is the Township's legal representative. Chair Strogin stated she wanted the opinion from the Prosecutor's Office to be in writing and ask if it could be received by the Commission's next meeting if possible.

Having no further business before the Board, the meeting was officially adjourned at 9:32 pm.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary


Alliss Strogin Chairperson