

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
JANUARY 17, 2006**

Chairperson Strogin called the regular public meeting of the Medina Township Board of Zoning Commissioners to order at 7:32 p.m. All Board members were in attendance except for Mr. Griffith. Mr. Ray Jarrett sat in for a full Board.

Chair Strogin stated that since the Trustees have not determined who will be the permanent and alternates on the Commission, those on the board currently will remain in their positions until renamed or replaced.

The minutes to the Board's December 20, 2005 regular meeting were approved as amended. The Trustees have scheduled site plan reviews to be heard on January 27, 2006 at 2:00 p.m. A letter would be sent to the applicant when their site plan would be heard by the Trustees.

CONTINUANCES

A.G. Edwards (4015 Medina Rd.)

Mr. Morgan Faunce from Washington Properties represented A.G. Edwards. They would be relocating from the second building to the 3rd building, second floor of the Western Reserve Office Park.

Mr. Jarrett made a motion to approve the site plan for A.G. Edwards as presented. It was second by Mr. Overmyer.

ROLL-Jarrett-yes, Overmyer-yes, Williams-yes, Gardner-yes, Strogin-yes.

Mr. Cerny from Architectural Design Studios represented A.G. Edwards request for signage. He stated they were requesting a 23 sq. ft. wall sign on the 3rd building to be consistent with the other buildings in the complex.

Chair Strogin asked why the name was being placed on the building instead of the portico where it was originally granted to be placed? Mr. Faunce stated because one could not see it from the center portico on the east side of the building so A.G. Edwards is requesting the sign to be placed on the building.

Chair Strogin stated that this building complex was granted variances for their signage. On October 14, 1998 Mr. Becker from the BZA made motion to accept the request for the signs as stated in Mr. Cerny's letter. Mr. Rae stated that he would like to add to the motion "limited to a total of 14 entrances" as indicated on the drawing-3 of which have already been approved." Chair Strogin stated Mr. Cerny's letter dated September 1998, read, "The proposed individual tenant signs on the porticos (there would be eight (8) are

13 sq. ft. or less. There would also be (6) identification signs on the building of 23 sq. ft. each or less for a total of 138 sq. ft..."

Chair Strogin continued that this sign was approved by variance to go on the east side of the building on the portico. Mr. Cerny stated that at the time they designed the building it did not have a façade, it probably had a portico that faced out to the south. By the time they got to the third building the design configuration had changed slightly and the main entrance was now on the east side rather than the south side. Chair Strogin stated she did not disagree with Mr. Cerny's statements, but the BZA made a motion which specified exactly where the signs would go i.e. the 13 sq. ft. signs go on the small portico and the 23 sq. ft. signs go on the large portico of each building. Therefore, the Commission could not grant the wall sign as requested per the variance already granted for the signage by the BZA. The Commission could however grant the sign to be located on the east side portico or the applicant could go before the BZA to request another variance. The Chair continued that the advantage of the Commission approving the signage now is that if the applicant decides to proceed before the BZA for a variance and a variance is not granted, then they would not have to come back before the Commission for approval for the sign on the portico.

Mr. Faunce and Mr. Cerny stated they would like approval for the sign on the east portico of the 3rd building and would discuss with their client if they wanted to proceed before the BZA.

Mr. Williams made a motion to approve a sign not to exceed 23 sq. ft. to be mounted on the east portico of the 3rd building. It was seconded by Mrs. Gardner.

ROLL CALL-Williams-yes, Gardner-yes, Jarrett-yes, Overmyer-yes, Strogin-yes.

Bill Doraty (2925 Medina Rd.)

Mr. Kerry Illes, Illes Architects represented Bill Doraty. In addition to the signage they have previously requested, Mr. Illes stated they were also submitting a request for the high rise sign at 160 sq. ft. Mr. Illes added that even though the service sign they are requesting will not be seen they have complied with the zoning code as written. Chair Strogin stated the intent is not to see the sign from the street, but when one drives up to the building.

For the record, Chair Strogin that Bill Doraty KIA is relocating from Pearl Rd. to Medina Rd. by Rt. 71. The ground sign for Bill Doraty KIA has been approved. It was just being moved from the Pearl Rd. location to the new location. What is being requested this evening is the high-rise sign, which has been reduced from 200 ft. to 160 ft.

Mr. Jarrett made a motion to approve the high rise sign to be located on the existing pole not to exceed 160-sq. ft. in size and 70 ft. in height. It was seconded by Mr. Overmyer.

ROLL CALL-Gardner-yes, Overmyer-yes, Williams-yes, Jarrett-yes, Strogin-yes.

The second request was for a wall sign. The wall sign was revised to be 80 sq. ft. The service sign would be 4 sq. ft and considered a directional sign.

Mr. Overmyer made a motion to approve the revised wall signage not to exceed 80-sq. ft. and one 4-sq. ft. directional service sign for Bill Doraty KIA as presented. It was second by Mr. Williams.

ROLL CALL-Overmyer-yes, Williams-yes, Gardner-yes, Jarrett-yes, Strogin-yes.

SITE PLANS

Red Roof Inn (5021 Eastpointe Dr.)

Mr. Pramod Patel represented Red Roof Inn. Chair Strogin stated that while reviewing the application and discussing it with the Pros. Office, it was an inaccurate submittal. The applicant has filed the application under Section 405.2.B for a comparable use and it should be filed as an accessory use under Section 405.2.A.13. Also, there is no information as to what the request is, what the accessory use is or what it will consist of. Therefore it is recommended by the Township's legal council to table the request until a correct, complete application is submitted. Chair Strogin stated by handling it in that manner there would be no additional cost for submission by the applicant. Mr. Patel stated he would like to do that and appear before the Commission next month. Secretary Ferencz stated in order to get on the Commission's February agenda a revised application and any documentation needed to be submitted by February 3, 2006 at noon. No EXCEPTIONS.

Mrs. Gardner made a motion to table the request for accessory use for Red Roof Inn until a complete, accurate application is submitted. It was second by Mr. Williams.

ROLL CALL-Gardner-yes, Williams-yes, Jarrett-yes, Overmyer-yes, Strogin-yes.

Hoffman Group (4049 Medina Rd. & 5000 Foote Rd.)

Mr. Brian Russell represented the Hoffman Group. He stated that the Hoffman Group would be locating in the west building. The nature of this business is an insurance agency. Chair Strogin stated this is a large complex currently under construction at Rt. 18 and Foote Rd. on the west corner. This is one building which has three major components and will have three major tenants and spaces for smaller tenants. She continued the site plan has already been approved for the building and Mr. Russell was present to receive approval for the individual tenant use that would take place in these buildings. The Hoffman Group would be occupying the 2nd floor of the southwest portion of the building closest to Rt. 18.

Mr. Williams made a motion to approve the use for the Hoffman Group to locate on the 2nd floor of the southwest portion of the building closest to Rt. 18 as presented. It was second by Mr. Jarrett.

ROLL CALL-Williams-yes, Jarrett-yes, Gardner-yes, Overmyer-yes, Strogan-yes.

Westfield Bank (5000 Foote Rd.)

Mr. Tim Philips represented Westfield Bank. He stated that they would be locating in the main and second floor of the far east portion of the building closest to Foote Rd. of the complex just discussed at Medina Rd. and Foote Rd.

Trustee Todd stated for the record that since the law firm he works for represents Westfield Bank he would abstain from voting on their site plan when it came before the Trustees.

Mr. Overmyer made a motion to approve the use for Westfield Bank to be located on the main and 2nd floor of the Far East portion of the building closest to Foote Rd. as presented. It was second by Mrs. Gardner.

ROLL CALL-Overmyer-yes, Gardner-yes, Williams-yes, Jarrett-yes, Strogan-yes.

Rivendale Subdivision (Fenn Rd.)

There was no one present to represent this agenda item.

Mr. Williams made a motion to table the revised site plan for Rivendale Subdivision until the Commission's next meeting date on February 21, 2006 at 7:30 p.m. It was second by Mrs. Gardner.

ROLL CALL-Williams-yes, Gardner-yes, Jarrett-yes, Overmyer-yes, Strogan-yes.

Public Comment

Ms. Rita Holt asked about Grace Brothers. She stated she was concerned as they went from being approved to sell cookies, coffee and pastry to a bistro. She added that it seemed to be going beyond being an "agricultural use". She then asked if the Township had contacted the Health Board and if Grace Bros. had sewer and water. It was stated that Grace Bros. have water but no sewer. Regarding the Health Dept., Chair Strogan stated the Township does not follow up with the Health Dept. They are a separate entity all their own with their own authority to approve or not approve establishments. Ms. Holt stated she was asking not because she was solely concerned with Grace Bros. but rather what this would do to the purpose and integrity of the other BL zones in the Township. Chair Strogan stated the Township had numerous discussions with Mr. Thorne from the Pros. Office on this issue as to what constituted an agricultural use. This is a very grey area and there can be arguments for and against what is being proposed by Grace Bros. Regarding the concern of the other BL Districts, there is no other such use in those districts that are under the agricultural heading. Chair Strogan stated under that heading of "agriculture", 51% has to be an agricultural use and the owner can do other things with the additional 49%. ZI Ridgely stated that Grace Bros. stated they would be continuing their agricultural use though it would be scaled back slightly but they would still be selling plants, flowers

etc. Trustee Todd concurred with Chair Strogin comments that there is a grey area as to what falls under an agricultural use and how that is measured.

It was also discussed that the bistro was going to have carry out of alcoholic beverages. The Commission questioned the carry out portion of the business being outside the realm of agricultural and even a bistro. Again Chair Strogin stated that per Mr. Thorne, the 49% that does not have to be agricultural could be whatever the owner wanted it to consist of. Trustee Todd stated he believed the use that is being granted has to be incidental to the principal use of the land. Mr. Ostmann stated that Grace Bros. only applied for a carry out liquor license not for alcohol to be consumed on the premises. Again it was stated that this is a very grey area of the code per the Pros. Office and an argument could be made either way for or against at this time. Until the bistro is up and running, the Township has to wait and see what occurs with the business as a whole.

Having no further business before the Board, the meeting was officially adjourned at 8:48 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary


Alliss Strogin Chairperson