

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
February 21, 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.

The minutes to the Board's January 17, 2006 regular meeting were approved as amended. The Trustees have scheduled site plan reviews to be heard on March 10, 2006 at noon. A letter would be sent to the applicant when their site plan would be heard by the Trustees.

CONTINUANCES

Rivendale Subdivision (Fenn Rd.)

Mr. Russ Price represented Rivedale Subdivision. Chair Strogin stated the issue raised the last time this plan was before the board was that an easement was needed for the pond. Mr. Price stated his engineer submitted plans showing the storm water management easement for the pond. Chair Strogin asked for documentation to go with that. Mr. Price stated that was all that was necessary to record on the plat. Chair Strogin stated she felt that a deed restriction was needed to make sure that easement remains no matter who the land was sold to. Mr. Price responded that when the plat was recorded it was a filed easement. An easement goes with the land not ownership. Mr. Griffith stated that he too felt there should be verbiage submitted that details and documents the easement.

Mr. Price stated this is an approved preliminary plan by the Township and the County, and that now he was asking for a revision on the plan. Chair Strogin stated the revision was because 4 single-family lots were replaced with 4 clusters. There was then some reconfiguration of the lots and the Township approved the concept of the plan. Mr. Price stated this was a storm water easement for the County.

Mrs. Gardner read the comments from the Planning Commission dated December 7th that stated, "The pond is to be used for storm water management. However it is located off site therefore an easement must be provided..." Access easement for the storm water management pond must be provided since it lies outside the boundaries of the proposed subdivision. Also the developer must provide language to the effect that the storm water management pond will forever remain as such for the proposed subdivision regardless of ownership of the adjacent parcel..." Mr. Price stated in that case, language would appear on the final plat. He added that the engineer Mr. Nils Johnson was supposed to call the Township about what was still needed, but regardless, it would be taken care of.

Regarding the declarations and covenants, Mr. Price stated that he had an attorney working on those but could not complete them until it is determined whether the 4 lots were single family or envelopes as there would then be revisions made to those documents. Chair Strogin stated she would at least appreciate a draft so she could go to

the Prosecutor's Office and review the documents with them. Mr. Price stated the declarations and covenants were being revised and drafted by his attorney at this time.

The Trustees present stated that this specific site plan approval would be held on March 13, 2006 to give Mr. Price ample time to complete and provide the appropriate documentation.

Mr. Overmyer made a motion to approve the revised site plan for Rivendale Subdivision as presented with additional verbiage needed outlining the storm water management pond easement existing on the adjacent lot. It was so noted that the Declarations and Covenants have not been approved and no permits would be issued until such documents have been submitted, approved and recorded. It was seconded by Mr. Williams.

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

Mr. Price would be contacted by the Zoning Inspector to submit 6 revised copies of the site plan to submit at the Trustees meeting.

Red Roof Inn (5021 Eastpointe Dr.)

Mr. Kerry Illes from Illes Architects and Mr. Pramod Patel represented Red Roof Inn. This is a continued request for approval of an accessory use to the hotel. Mr. Illes stated they would be combining two units into a single use unit for the manager as a residence. Chair Strogin asked about the stove shown on the plan. Mr. Illes stated they took out the vanity and put in a very small kitchenette.

Chair Strogin stated that according to the Zoning Code under the definition of hotel/motel it states, "Hotel or Motel" is a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals and in which there are more than five (5) sleeping rooms and in which no provision is made for cooking in any individual room."

Chair Strogin stated the Commission could not approve this if there is cooking in an individual room. Mr. Illes stated if the Commission would like to see a revised drawing he would do so and come back next month. The Commission stated they would like to have a revised complete drawing to consider for approval.

Mrs. Gardner made a motion to table the request for accessory use for Red Roof Inn as submitted pending revised drawings showing no cooking provisions per the definition of Hotel/Motel until the Commission's March 21, 2006 meeting at 7:30 p.m. It was seconded by Mr. Overmyer.

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

SITE PLANS

Sally Z. Lauterjung, D.D.S. Inc. (3591 Reserve Commons Dr. Suite 200)

Ms. Brown from Illes Architects represented Dr. Lauterjung. She would be locating in the Reserve Commons building suite 200.

Mrs. Gardner made a motion to approve the change of use for Dr. Lauterjung (dentist) in the Reserve Commons as presented. There was no signage requested at this time. It was second by Mr. Williams.

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

Conservatory LLC (3745 Medina Rd. Suite A & B)

Ms. Joanne Brown from Illes Architects represented the Conservatory LLC. She stated that the nature of the business is the management company for the office building. (Lake Pointe building behind Signature Square.)

Mr. Williams made a motion to approve the change of use for the Conservatory LLC as presented. It was second by Mr. Overmyer.

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

Russell & Associates (3848 Medina Rd.)

Mr. Ron Russell represented Russell Realty. He stated that he was requesting his use for Russell and Associates which would be the office for this proposed building to be approved.

Mr. Overmyer made a motion to approve the use for Russell and Associates as presented. It was second by Mrs. Gardner.

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

Russell Realty (3848 Medina Rd.)

Mr. Ron Russell represented Russell & Associates. He stated that the Township has already approved the site plan for Mr. Russell and then the subsequent revision to the building size and parking. Mr. Russell stated that he worked out obtaining some land from the Church next door that will be recorded with the deed. The side yard of the Church however would still be in compliance with the zoning code. Chair Strogan stated that land needs to be transferred over into one piece of property and no permits will be issued until that was completed. Mr. Russell stated he understood.

Mr. Overmyer made a motion to approve the revised site plan for the Russell Realty Office Building showing the land that has been acquired from the church next door which will be combined with Russell Realty's existing parcel resulting in one lot.

It was second by Mrs. Gardner.

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

Radio Shack (4937 Grande Shops Ave.)

Mr. Paul Sevougian was present to represent Radio Shack. He stated they would be locating in Medina Grande Shoppes building G-2.

Mrs. Gardner made a motion to approve the site plan for Radio Shack to be located on Grande Shops Ave. as presented. It was second by Mr. Williams.

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

Mr. Sevougian stated they were also requesting a 28.7 sq. ft. wall sign on the building which includes the logo. The building had 30 feet of frontage. Mr. Williams made a motion to approve the wall sign for Radio Shack not to exceed 29 sq. ft. as presented. It was second by Mrs. Gardner.

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

Excellence in Eye Care (3609 Medina Rd.)

Mr. Kerry Illes from Illes Architects represented Dr. Noreika and Excellence in Eye Care, which would be located in the old dance studio in Reserve Commons. Mr. Illes stated Dr. Noreika is requesting a sign, which consists of only the letter "E".

Mrs. Gardner made a motion to approve the wall sign for Dr. Noreika/Excellence in Eye Care to consist of a 12 sq. ft. letter "E". It was seconded by Mr. Griffith.

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

Raffine (3571 Medina Rd.)

Mr. Kerry Illes from Illes Architects represented Raffine formerly known as the Glass Garden restaurant in Reserve Square. Mr. Illes stated their signage request is for 10 sq. ft. The former sign referencing The Glass Garden has been removed.

Mrs. Gardner made a motion to approve the wall sign for Raffine not to exceed 10 sq. ft. It was second by Mr. Williams.

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

The Hoffman Group (4992-5000 Foote Rd.)

Ms. Dellinger represented The Hoffman Group, which would be an office building that would have various tenants in it such as the Western Reserve building across the street. She stated she would be representing 3 tenants this evening that being The Hoffman Group, Westfield Bank and Critchfield, Critchfield and Johnston. They were also requesting an identification sign (72 sq. ft.) for the entire complex, as well as individual signage (to be placed on the porticos) for the Hoffman Group, Westfield Bank and Critchfield, Critchfield and Johnston.

Chair Strogan stated that it was admirable that The Hoffman Group wanted to have signage of a similar nature such as Western Reserve, but added that particular signage was permitted per variances that were acquired. The Zoning Commission was not in a position to grant variances, that was the Board of Zoning Appeals. Chair Strogan went on to state that the only sign they could approve was the wall sign on the building for The Hoffman Group at 64 sq. ft. The rest of the wall signs would have to be turned down per the Zoning Resolution. Chair Strogan suggested the applicant apply for all the signage variances at one time for the entire complex.

Mr. Overmyer made a motion to approve a wall sign for The Hoffman Group on the southwest side of the building not to exceed 64 sq. ft. as presented. It was second by Mr. Williams.

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

Regarding the sign on the portico for The Hoffman Group, Mr. Overmyer made a motion to deny the identification sign for The Hoffman Group as presented as it was not in compliance with the Zoning Resolution. It was second by Mr. Griffith.

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

Regarding the identification sign for the entire complex, Mr. Overmyer made motion to approve the identification sign not to exceed 72 sq. ft. as presented. It was second by Mr. Griffith.

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

Westfield Bank (4992 Foote Rd.)

Ms. Margaret Dellinger represented Westfield Bank. She stated they were requesting two (2) wall signs 12.5 sq. ft. each.

Mr. Overmyer made a motion to deny the two portico signs for Westfield Bank as they do not comply with the Zoning Resolution. It was second by Mr. Williams.

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

Critchfield, Critchfield & Johnston (4996 Foote Rd.)

Mr. Margaret Dellinger represented Critchfield, Critchfield and Johnston. She stated this is a law firm and they were requesting a 28.75 sq. ft. wall sign. Again Chair Strogan explained the Commission could not approve the signage per the zoning requirements. ZI Ridgely stated the Commission could also not approve the signage because Critchfield has not come in to have their use approved. Ms. Dellinger stated that Critchfield was doing their own approvals but she would forward that information to them.

Mrs. Gardner made a motion to deny the wall sign for Critchfield, Critchfield and Johnston. as presented as it does not comply with the Zoning Resolution. It was seconded by Mr. Williams.

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

Phase II River Trace Subdivision

Mr. Moise Zarouk represented River Trace. He stated that due to the wetlands, the lots have been reconfigured. There were originally 24 lots and now there would be 23. Chair Strogin stated that she was concerned with how much real building envelope there was to accommodate a home due to the wetlands, deed restrictions and the setback lines when the topo map was reviewed. She continued that the homebuyer would come back to the Township to complain and try to seek variances that they bought this lot and their "dream home" could not be built on it and/or accommodate amenities such as a deck, a pool etc. Mr. Zarouk stated they were only selling buildable lots and if a home could not be accommodated they would not sell the lot. He continued there were minimum home size requirements (2300 sq. ft. for a single story home and 3,000 sq. ft. a 2 story) and if the size of the home could not be met it could not be built. Also, Mr. Zarouk stated there was a window of opportunity from time the potential owner signs the contract until closing to show him the plans for the home. If the home can not be accommodated the sale will not go through.

Chair Strogin stated that developers buy lots they cannot build on all the time and then come to the Township and try to make the Township "fix" them so they could be built on. Again Chair Strogin stated there would have to be a specialized buyer with a very specific home style in mind for some of these lots. Chair Strogin continued that she wanted it on the record that Mr. Zarouk would not sell a lot that a home could not be accommodated on. She asked then if Mr. Zarouk would have the final plan for the home before it is built by the potential owner, come to the Zoning Inspector so that she could make sure it meets the zoning code for placement and size. Mr. Zarouk stated he would comply with that request.

Chair Strogin then asked what document would be shown to the potential home owner showing them the size of the building envelope of the lot they wanted to purchase. She added they would see they are buying a 2-acre lot, but only a tenth of the lot was buildable. Mr. Zarouk stated they would not show them the topo as it was a very "busy" map but would show them the building envelope, the wetlands and the deed restrictions. If they want a copy of the topo it will be given to them. He added that if the potential buyer cannot build the home they want then he would not sell them the lot. Chair Strogin then asked if the potential homeowner would be informed that the wetlands are protected and cannot be built upon. Mr. Zarouk stated the contract states that the shaded area on the map is protected by the Army Corp. of Engineers and the EPA. The land cannot be disturbed or if it is it must be approved by the Army Corp. of Engineers and the EPA.

Mrs. Gardner asked about the temporary cul de sac. Chair Strogan stated that the zoning inspectors have looked at all the developments in the Township that have temporary cul de sacs or stubs. Signs are going to be ordered so that in such instances where there was a temporary cul de sac or stub those living it there will be aware by the signage, that there is the very real potential that it will be extended.

Chair Strogan then asked if the storm water management easement for the retention area had been completed and asked that the potential homeowner be aware that the retention area was not a "lake" nor could it be filled in. Mr. Zarouk stated the easement was delineated on the map and the owners would be aware through the deed restrictions what can and cannot be done on their lot.

Mr. Griffith made a motion to approve the revised preliminary plan for Phase II River Trace Subdivision. It was so noted that some lots would require careful empirical data that a home could fit within the building envelope of the lot. It was seconded by Mr.

Overmyer.

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

3594 Pearl Rd.

Mr. Montali addressed the Board. Chair Strogan state the land Mr. Montali purchased is technically zoned commercial but it has a home on either side so a 75 ft. side yard setback was required. The lot also does not meet the building setback requirements or the frontage required.

Mr. Montali stated he negotiated with the property owner to the north to allow him to rectangle off the property in question so basically the lot is 150' x 400'. The problem is when Pearl Rd. was widened they took 35 ft. of frontage from the property. So it took what was 135 ft. of frontage and reduced it to 90 ft. He added he made a deal with the owners to the north and all they would relinquish was 15 ft. of frontage but that gave him enough to square off the property to make it 150 ft. wide all the way back to 400 ft.

Chair Strogan stated that this property originally had variances granted. Mr. Montali bought the property but a commercial building cannot be accommodated on the land as it stands. Mr. Montali then negotiated with the property owner to the north for some land to make it a long narrow rectangle lot but it is still unbuildable. The building Mr. Montali wants to build shows a 35 ft. side yard setback and the zoning code calls for a 75 ft. side yard setback due to a residential use/property being adjacent to it. The originally variances did give some relief, but because there was land added to it, those variances were no longer applicable.

The Commission stated they could not approve the lot because it did not meet the zoning requirements of the Township and there was not a sufficient site plan represented for approval. Mr. Montali stated he really could not present a site plan until he knew he had a

buildable lot approved. Chair Strogan stated the Commission needed to see the parking, the location of the building proposed to be built, and how close it conforms to the code so it could be turned down accordingly. Then an application could be made to the BZA citing the specific areas where the lot/building/parking etc. was deficient per the zoning code.

Mr. Montali stated he did not want to go ahead and spend the money to have architectural drawings done if the BZA does not grant variances for the lot so he could build on it. He added he already submitted an application to the BZA for their March hearing. What he wanted from the Commission this evening is approval of the lot split for the two parcels to be able to put them together and then he would take his chances in front of the BZA. He added he was asking for a 35 ft. side yard setback which was what the property was allowed to have when he bought it. Mr. Montali stated he was also asking a variance from the 135 ft. frontage to 105 ft. frontage because of the hardship of the road being moved. Again Mr. Montali stated he could not provide a site plan until the lot was approved to be built on. Chair Strogan stated the normal procedure is that someone comes in with a site plan stating the proposed use of the lot and building and where it would be placed on the lot so the Commission could review it for frontage, setbacks, use etc. If it does not meet the zoning code, the Commission turns it down, and then the applicant has the right to go before the BZA. If the BZA approves the variance (s) then the plan is good to go. In this case, there is no building, no parking nor any of the details needed for a site plan review. Chair Strogan continued that there would be a real possibility that Mr. Montali would have to go before the BZA a second time and did not know how the BZA would react to that. Mr. Montali stated he felt the land was a good deal and was willing to take his chances in front of the BZA.

Mr. Overmyer made a motion to deny the request for site plan approval for a proposed building shown on the plan to be located at 3594 Pearl Rd. due to the fact that the frontage and side yard requirements shown on the plan presented do not meet the zoning requirements. It was seconded by Mr. Williams.

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

Waterford Properties Office Park (3960 Medina Rd.)

Mr. Jeffrey Reed from Waterford Properties Ltd. and Mr. Dave Pelligra his architect represented Waterford Properties Office Park. Mr. Reed stated this plan was previously approved a year ago but revisions have been made as the State did not approve a right in and right out on Rt. 18. Mr. Reed stated the plan would now combine the two proposed buildings into one building for a total of 35,000 sq. ft. which will not have any direct access onto Rt. 18.

Mr. Jarrett asked about the sanitary sewer under building D. Mr. Pelligra stated with this revision it would not occur. ZI Ridgeley stated that Mr. Reed would need to get in touch with the Fire Chief regarding fire hydrant placement. Mr. Reed stated he would comply.

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Mrs. Gardner made a motion to the revised site plan for Waterford Office Park notating that the sanitary sewer under building D is no longer applicable and is being removed. It was seconded by Mr. Griffith.

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

Having no further business before the Board, the meeting was officially adjourned at 10:16 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary



Alliss Strogin Chairperson