

Brunswick City Planning Commission

October 19, 2017 – Caucus

7:00 p.m.

Joe Shirilla, Chairman
Jeff Arona, Vice Chairman
John Rocha, Recording Secretary
Abbas Hasan, Member
Brad Saeger, Member
Nick Hanek, Council Representative
Matt Jones, Consulting City Engineer
Pamela Plavecski, Planning & Zoning Coordinator
Santo Incorvaia, Assistant Law Director
Grant Aungst, Community & Economic Dev. Director
Jim Freet, 3926 Center Road
Keith Mitchell, Ryan Homes, 6770 W. Snowville Road Suite 100
Brecksville
John Stradtman, Creek Run of Brunswick, P O Box 425,
Brunswick

Vice Chairman Jeff Arona called the meeting to order at 7:08 p.m.

The first item was the discussion of the public hearing for the text amendments regarding medical marijuana (Ordinance Nos. 77-17 and 78-17). Mr. Hanek provided background on the legislation.

Chairman Shirilla arrived at 7:10 p.m.

Mr. Incorvaia commented that medical marijuana processing doesn't bring in many jobs. Mr. Aungst explained that cultivators and retail dispensaries are not a comparable use in the C-G or C-O Districts.

The second item was the discussion of the site plan review and conditional zoning certificate for Tire Express Discount, 4248 Center Road. Ms. Plavecski noted there should be one-way traffic on the east side of the building, as there is 60° angle parking and there is insufficient room for two-way traffic.

The third item was the review of the discussion plan for the Creek Run conventional single family cluster development preliminary subdivision plan, north side of Sleepy Hollow Road. Regarding the length of the cul-de-sac, Mr. Mitchell stated it is 2,158' long, but Medina County permits a length of 2,500'.

Mr. Shirilla adjourned the meeting at 7:31 p.m.

Respectfully,

Pamela Plavecki

Brunswick City Planning Commission

October 19, 2017

7:30 p.m.

Joe Shirilla, Chairman
Jeff Arona, Vice Chairman
John Rocha, Recording Secretary
Abbas Hasan, Member
Brad Saeger, Member
Nick Hanek, Council Representative
Matt Jones, Consulting City Engineer
Pamela Plavecki, Planning & Zoning Coordinator
Santo Incorvaia, Assistant Law Director
Grant Aungst, Community & Economic Dev. Director
Patricia Hanek, Council-at-Large
Brian Ousley, Council-at-Large
Matthew Sherwood, 3321 Timber Ridge Circle, Brunswick
Neil Corrigan, 3364 Timber Ridge Circle, Brunswick
Linda & Greg Crane, 3523 Sleepy Hollow Road, Brunswick
Renee Bolham, 3880 Grafton Road, Brunswick
Sharon & John Savarin, 3446 Sleepy Hollow Rd., Brunswick
Walt & Nancy Combs, 3386 Sleepy Hollow Road and 2200
Plum Creek Drive, Brunswick Hills
John Moson, 3374 Sliding Rock Trail, Brunswick
Jay Watkins, 3329 Sleepy Hollow Road, Brunswick
Barb Wilson, 3340 Sleepy Hollow Road, Brunswick
Brian and Andrea Ottinger, 3420 Laurel Road, Brunswick
Ken Martin, 31 East Bridge Street, Suite 208, Berea
Ismail Banna, 6078 Stafford Road, North Olmsted
Ahmad Albanna, 3780 Foxwood Terrace, Apartment 205,
Brunswick
Mike Morse, Medina Auto Parts, 120 West Liberty Street,
Medina
Jim Freet, 3926 Center Road

Keith Mitchell, Ryan Homes, 6770 W. Snowville Road Suite
100, Brecksville
John Stradtman, Creek Run of Brunswick, P O Box 425,
Brunswick
Rachel Novak, 3353 Sleepy Hollow Road, Brunswick
Mark Modie, 3490 Sleepy Hollow Road, Brunswick Hills

Item 1

Chairman Joe Shirilla called the meeting to order at 7:37 p.m.

Ms. Plavecski called the roll; all five members were present.

Item 2

There were no announcements or correspondence.

Item 3

MR. ROCHA MOTIONED TO APPROVE THE MINUTES OF OCTOBER 5, 2017.

Mr. Saeger seconded the motion. The vote was 5 Ayes 0 Nays.

Item 4(a)

A public hearing was held on the proposed text amendments regarding medical marijuana. Mr. Hanek explained that cultivators and retail dispensaries are prohibited in all Zoning Districts in the City of Brunswick. He noted that medical marijuana processors will be a conditionally permitted use in the I-L District only.

Mr. Hasan inquired if there is enough space for cultivators and retail dispensaries in the I-L District; Mr. Hanek responded these uses would not be a good fit in this zone, as it is an agricultural use that would take up valuable land in the industrial zone.

Mr. Shirilla stated he is in support of the legislation as written.

Mr. Shirilla declared the public hearing open.

Mr. Aungst commented the city's industrial parks are 92% filled, and cultivators would take up valuable space in the I-L District. He noted this type of business only employs five to seven people and it is not economically feasible at this time to allow cultivation in this zone. Mr. Aungst noted medical marijuana is a non-approved substance by the federal government. He stated cultivation is not the best or highest use for the community and it is not a comparable business to any permitted or conditionally permitted use in the I-L District.

Mr. Hasan inquired if the Zoning Code has regulations regarding the minimum number of employees for a business; Mr. Incorvaia responded no, but the city usually looks for a higher number of employees to bring in more revenue. He said cultivators would be a good use in a city that has an old abandoned warehouse that could be repurposed, but Brunswick does not have one.

There was no further public comment so Mr. Shirilla declared the public hearing closed.

MR. HASAN MOTIONED TO RECOMMEND APPROVAL TO CITY COUNCIL TO ADOPT ORDINANCE 77-17 PROHIBITING MEDICAL MARIJUANA CULTIVATORS AND RETAIL DISPENSARIES, AS LICENSED UNDER OHIO REVISED CODE CHAPTER 3796, IN ALL ZONING DISTRICTS OF THE CITY.

Mr. Arona seconded the motion. The vote was 4 Ayes 1 Nay (Mr. Hasan).

MR. HASAN MOTIONED TO RECOMMEND TO CITY COUNCIL TO ADOPT ORDINANCE 78-17 TO ALLOW MEDICAL MARIJUANA PROCESSORS, AS LICENSED UNDER OHIO REVISED CODE CHAPTER 3796, AS A CONDITIONALLY PERMITTED USE.

Mr. Arona seconded the motion. The vote was 5 Ayes 0 Nays.

Item 4(b)

Regarding the site plan review and conditional zoning certificate for Tire Express Discount, 4248 Center Road, Mr. Kenneth Martin, architect; Mr. Ahmad Albanna, business owner; and Mr. Mike Morse, property owner, were present.

Mr. Martin addressed the Staff Review Comments as follows:

1. The applicant has agreed to one-way traffic on the east side of the building adjacent to the 60° angle parking, as Table 1276-3 permits only one-way traffic for angled parking, which shall have a minimum aisle width of 18'.
2. The 22' wide gravel drive to the east of the building that extends to Manhattan Avenue will be paved in asphalt, in accordance with Section 1276.10(c), and will be narrowed to an 18' width in order to facilitate one-way traffic. This will be an exit only drive. Regarding on-site traffic circulation for the tire service facility, Mr. Arona suggested having entry from the south side of the building that will exit from the north side of the structure. Mr. Jones said he agrees with this suggestion, as it will reduce the amount of off-site traffic on Center Road, to which Mr. Shirilla concurred.
3. Pursuant to Section 1278.09(d)(3), they will install a new 4' wide concrete sidewalk on Manhattan Avenue to connect with the existing portion.

4. Mr. Martin outlined the current lighting fixtures on the site and stated they will add a wall pack by the front entry to the building. Mr. Shirilla stated a photometrics plan is required to verify there is a minimum 0.6 footcandle lighting level for parking and pedestrian areas, pursuant to Section 1276.14(a).
5. Mr. Martin stated all tires will be stored inside the building.
6. They will adhere to all items listed in the conditional zoning certificate.
7. They will rotate the dumpster 90° in order for the gate to face Manhattan Avenue for easier accessibility.
8. Mr. Jones stated the Engineering Department will assist with signage locations and wording to ensure a one-way traffic pattern on the east side of the building, along with exit only on the Manhattan Avenue drive.
9. They have provided a color rendering of the building with the new overhead 10' x 12' garage doors on the north and south elevations.
10. If a free-standing sign is proposed, it shall be a ground sign in compliance with Section 1270.05 – Table B, as pole signs are prohibited, pursuant to Section 1270.11(m).
11. Section 1282.08(b)(1) and (2) requires a minimum of 180 sq. ft. of interior landscaping that shall include one tree from Plant List “A” and eight shrubs from Plant Lists “D” or “E”. Mr. Jones suggested removing a portion of the pavement striping near the northeast corner of the building, subject to Administration approval, to fulfill this requirement.
12. Section 1282.06(g) requires a 10' wide perimeter screening strip adjacent to the Center Road right-of-way which shall be installed with either trees from Plant List “A”, 25' to 35' on-center with a row of shrubs from Plant Lists “D” or “E”, 3' to 4' on-center; or trees from Plant List “B”, 20' to 30' on-center with a row of shrubs from Plant Lists “D” or “E”, 3' to 4' on-center (1 tree minimum). Mr. Martin stated there is only room for a 5' wide screening strip, which is consistent with NAPA's (adjacent property) screening strip. Mr. Shirilla stated the Planning Commission, pursuant to Section 1282.10(a), may approve a less restrictive landscaping or screening improvement in individual, unique situations where the requirements of this Chapter are clearly inapplicable. Mr. Arona suggested in exchange for granting a modification, that the applicant could paint the sides and front of the building in a complementary color palette, to which the applicant agreed.

Mr. Hasan noted in order to accommodate the new on-site traffic circulation for the tire service facility, whereby entry will be from the south side of the building that will exit from the north side of the structure, that the Center Road drive should be for two-way traffic, to which Mr. Jones and the Commission agreed.

Mr. Aungst stated that storage of tires inside the building should be subject to Fire Department approval.

MR. ARONA MOTIONED TO APPROVE THE SITE PLAN AND CONDITIONAL ZONING CERTIFICATE FOR TIRE EXPRESS DISCOUNT, 4248 CENTER ROAD, SUBJECT TO THE FOLLOWING

1. TRAFFIC FLOW ON THE EAST SIDE OF THE BUILDING SHALL BE MODIFIED FOR ONE-WAY TRAFFIC, AS THERE IS 60° ANGLE PARKING, WHICH REQUIRES A MINIMUM AISLE WIDTH OF 18', PURSUANT TO TABLE 1276-3 OF THE ZONING CODE. THE CENTER ROAD DRIVEWAY WILL PERMIT TWO-WAY TRAFFIC AND THE MANHATTAN AVENUE DRIVEWAY WILL BE FOR ONE-WAY EXIT TRAFFIC ONLY. ON-SITE TRAFFIC CIRCULATION FOR THE TIRE SERVICE FACILITY WILL BE ENTRY FROM THE SOUTH SIDE OF THE BUILDING THAT WILL EXIT FROM THE NORTH SIDE OF THE STRUCTURE TO PROVIDE A CLOCKWISE TRAFFIC PATTERN.
2. THE 22' WIDE GRAVEL DRIVE TO THE EAST OF THE BUILDING THAT EXTENDS TO MANHATTAN AVENUE WILL BE PAVED IN ASPHALT, IN ACCORDANCE WITH SECTION 1276.10(c). IN ORDER TO FACILITATE ONE-WAY TRAFFIC, THE MANHATTAN AVENUE DRIVE WIDTH SHALL BE NARROWED TO 18'.
3. A NEW 4' WIDE CONCRETE SIDEWALK WILL BE INSTALLED ON MANHATTAN AVENUE TO CONNECT WITH THE EXISTING PORTION, PURSUANT TO SECTION 1278.09(d)(3).
4. A PHOTOMETRICS PLAN SHALL BE SUBMITTED INDICATING A MINIMUM 0.6 FOOTCANDLE LIGHTING LEVEL FOR PARKING AND PEDESTRIAN AREAS, PURSUANT TO SECTION 1276.14(a), WHICH SHALL BE APPROVED BY THE ADMINISTRATION.
5. THE APPLICANT HAS STATED ALL TIRE STORAGE SHALL BE INSIDE THE BUILDING, SUBJECT TO FIRE DEPARTMENT APPROVAL.
6. ALL ITEMS OF THE CONDITIONAL ZONING CERTIFICATE SHALL BE STRICTLY ADHERED TO.
7. THE DUMPSTER ENCLOSURE SHALL BE ROTATED 90° IN ORDER FOR THE GATE TO FACE MANHATTAN AVENUE FOR EASIER ACCESSIBILITY.
8. PROVIDE SIGNAGE TO SUPPORT THE DESIRED TRAFFIC FLOW ON THE SITE, SUBJECT TO ENGINEERING APPROVAL, INCLUDING ONE-WAY TRAFFIC ON THE EAST SIDE OF THE BUILDING AND EXIT ONLY ON MANHATTAN AVENUE.

9. A COLOR RENDERING OF THE BUILDING WITH THE NEW OVERHEAD 10' X 12' GARAGE DOORS ON THE NORTH AND SOUTH ELEVATIONS HAS BEEN SUBMITTED.
10. IF A FREE-STANDING SIGN IS PROPOSED, IT SHALL BE A GROUND SIGN IN COMPLIANCE WITH SECTION 1270.05 – TABLE B, AS POLE SIGNS ARE PROHIBITED, PURSUANT TO SECTION 1270.11(m).
11. SECTION 1282.08(b)(1) AND (2) REQUIRES A MINIMUM OF 180 SQ. FT. OF INTERIOR LANDSCAPING THAT SHALL INCLUDE ONE TREE FROM PLANT LIST “A” AND EIGHT SHRUBS FROM PLANT LISTS “D” OR “E”, WHICH SHALL BE ACHIEVED BY REMOVING A PORTION OF THE PAVEMENT STRIPING NEAR THE NORTHEAST CORNER OF THE BUILDING, SUBJECT TO ADMINISTRATION APPROVAL.
12. SECTION 1282.06(g) REQUIRES A 10' WIDE PERIMETER SCREENING STRIP ADJACENT TO THE CENTER ROAD RIGHT-OF-WAY WHICH SHALL BE INSTALLED WITH EITHER TREES FROM PLANT LIST “A”, 25' TO 35' ON-CENTER WITH A ROW OF SHRUBS FROM PLANT LISTS “D” OR “E”, 3' TO 4' ON-CENTER; OR TREES FROM PLANT LIST “B”, 20' TO 30' ON-CENTER WITH A ROW OF SHRUBS FROM PLANT LISTS “D” OR “E”, 3' TO 4' ON-CENTER (1 TREE MINIMUM). AS THERE IS SUFFICIENT ROOM FOR ONLY A 5' WIDE SCREENING STRIP, THE PLANNING COMMISSION, PURSUANT TO SECTION 1282.10(a), MAY APPROVE A LESS RESTRICTIVE LANDSCAPING OR SCREENING IMPROVEMENT IN INDIVIDUAL, UNIQUE SITUATIONS WHERE THE REQUIREMENTS OF THIS CHAPTER ARE CLEARLY INAPPLICABLE. BASED ON THE RESTRICTIVE CONDITIONS ON THE SITE, AND THAT THE APPLICANT HAS AGREED TO IMPROVE THE APPEARANCE OF THE NORTH AND EAST FACADES BY PAINTING THE BUILDING AND ADDING OTHER ENHANCEMENTS, THE COMMISSION HAS FOUND THAT THE PURPOSE OF THIS CHAPTER, AS STATED IN SECTION 1282.01, HAS BEEN MET, THAT THE INTENT OF THE SPECIFIC REQUIREMENT WILL BE MAINTAINED, AND THAT THE PUBLIC INTEREST WILL BE SERVED.

Mr. Rocha seconded the motion. The vote was 5 Ayes 0 Nays.

Item 4(c)

Concerning the discussion plan for the Creek Run conventional single family cluster development, north side of Sleepy Hollow Road, Mr. Jim Freet, developer; and Mr. Keith Mitchell, of Ryan Homes, were present.

Mr. Freet explained they reduced the number of lots on the cul-de-sac to 43 and provided background information on the development.

Mr. Freet addressed the Staff Review Comments as follows:

1. The entrance to the subdivision on the north side of Sleepy Hollow Road and a portion of the 10' wide multi-purpose trail encroach into the 75' riparian zone. Additionally, Street "A" will encroach on the 100-year floodplain as designated by FEMA. Subject to Section 1222.07(a) through (f) of the Subdivision Regulations, the Planning Commission may grant a variance to allow the above encroachment, provided certain findings are met. Ms. Plavecski noted the Planning Commission voted to grant a variance to allow the above encroachments at their meeting on September 1, 2016 for the proposed SPD; however, since this is a new application, approval of a variance will be required based on certain findings as described in the Staff Report. Mr. Shirilla stated this is the best plan submitted thus far and he is okay with approving a variance as described above.
2. Sublots 22, 23, 28, and 29 encroach into the riparian setback. Pursuant to Section 1222.07(a) through (f) of the Subdivision Regulations, the Planning Commission may grant variances where unusual or exceptional factors or conditions require such modification. Mr. Jones explained the lot lines are following the top of the slope, instead of the 75' riparian setback. Mr. Freet said Plum Creek is 75' below the grade of Sublots 25 and 26. Mr. Arona inquired about erosion of the stream bank; Mr. Jones said the actual homes are outside of the riparian setback, so it would be of minimal concern. Mr. Arona asked if the building setback lines should be modified to align with the riparian setbacks, to which Mr. Jones responded yes, as construction is not permitted within a riparian zone. Mr. Freet agreed to make the revision.
3. The cul-de-sac length exceeds the maximum 600' permitted by Section 1228.02(d); however, the Planning Commission may approve a greater length. Mr. Shirilla asked Mr. Jones how the figure of 600' was established; Mr. Jones said he didn't know, but it was probably based on residential density at the time and for access of safety forces. Mr. Jones commented Medina County allows a cul-de-sac length of 2,500 with a maximum of 50 lots on the street. Mr. Greg Crane, former Safety-Service Director for the City of Brunswick, stated the 600' length was established before his employment with the City, but in addition to the reasons stated above by Mr. Jones, it was probably also for looping of the water lines. Mr. Freet said the length of the cul-de-sac for Creek Run is 2,100' with 43 homes on the street.

Mr. Hanek inquired if there are any similar developments in Medina County that have an entrance in the riparian setback with this long of a cul-de-sac in an area for potential flooding? Mr. Jones responded he would need to check into that. Mr. Incorvaia stated this is an unusual circumstance and flooding is a major concern. He noted there is only one entrance into the proposed subdivision which could be problematic for safety forces.

Mr. Shirilla commented the Commission voted to approve the entrance location in the riparian setback at their meeting on September 1, 2016 and said he doesn't understand why this is an issue now. Mr. Hanek said this is a different application and there are four homes located in the R-R District. He said there is only one entrance to the subdivision which could be a problem for safety forces. Mr. Jones explained the applicant is going to elevate the entrance road so it is above the flood plain elevation

and level with Sleepy Hollow Road. Mr. Shirilla asked if the four houses were removed near the entrance, would that hinder or help with the flooding; Mr. Jones replied he needs to have further calculations on storm water management.

4. Sublots 1 through 4 are located in the R-R District; single family cluster developments are a conditionally permitted use only in the R-L District, pursuant to Section 1252.04(j), subject to Section 1274.03 and Chapter 1284. Mr. Incorvaia explained the Board of Zoning Appeals cannot grant a use variance in a residential zone, pursuant to Section 1246.07(c)(1). He said there would need to be a rezoning to R-L of those four lots. Mr. Freet said they already reduced the number of lots substantially, but they will look into removing the four lots in the R-R District.
5. No stormwater management is shown for the front (south) portion of the development near Sleepy Hollow Road. The developer shall verify that post-construction Stormwater Control Measures (SCM) can and will be provided for the south end of the project (the area between Sleepy Hollow Road and Open Space "B"). Verify that Phase 2 stormwater quality requirements have been met and explain how they will be implemented for the southern half of Street "A". Mr. Mitchell explained they will do compensatory storm water storage in larger basins on the north end of the site and will do small water quality basins in the small open spaces on the east side of the road.
6. There is an existing 36" sanitary sewer that runs through Sublots 8, 28, 29, 34, 35, 36, 38, 39, 40, and 42; written permission must be granted by the Medina County Sanitary Engineer's Office. Mr. Jones said the City has not received any formal letter from them; Mr. Freet said they will provide a letter from MCSE.
7. Section 1284.05(e) requires within groups of single family cluster units, additional guest parking shall be provided at a ratio of one space for each 5 units (4 parking spaces required); only two spaces are shown by the mail kiosk near the entrance to the subdivision. Mr. Freet stated they will add two additional parking spaces.
8. Cluster units shall be designed in accordance with Section 1284.06, including a minimum 100 sq. ft. of private open space per cluster dwelling unit, pursuant to Section 1284.06(h). Additionally, garages shall be designed and located so they are not the dominant visual element of the building or streetscape. All attached garages shall comply with one of the following: (1) The garage door shall be a maximum of 2' forward (towards the primary access street) of either the front wall of the main living area, if there is no covered porch, or the front porch line, provided the porch is both covered with a roof and has a concrete frost depth foundation. In no instance shall the garage door be more than six (6) feet in front of the main living area. (2) The garage door shall be oriented perpendicular, or mainly perpendicular, to the access street. Mr. Shirilla commented as these are building issues, the other items listed above need to be addressed first.
9. Provide trail connectivity with the Plum Creek trail system in conjunction with the Medina County Park District. Mr. Freet said they spoke with Tom James from the Park

District and said they will put in an easement for the trail, but it is a large expense to install the trail.

Mr. Shirilla declared the public comment period open.

Mr. Neil Corrigan, 3364 Timber Ridge Circle, stated between 2001 and 2016, there have been eight flooding events. He said none of the Commission members have visited the site. He asked the Commission members to listen carefully to the flooding stories that the residents will be telling tonight.

Ms. Rachel Novak, 3353 Sleepy Hollow Road, said she bought the house in 2014 and it flooded twice within five days. She noted there is a large amount of impervious surface proposed with this subdivision and is concerned that residents may be trapped if there is a flood. She showed pictures of flooding that occurred by her house in 2014. She said there are too many houses proposed for this area where flooding already exists.

Mr. Brian Ottinger, 3420 Laurel Road, showed pictures to the Commission of the large hole in the foundation of his home caused by flooding. He said he had to take out a \$106,000 loan to repair his home from the flooding damage.

Mr. Matthew Sherwood, 3321 Timber Ridge Circle, said half of Sublot 45 is eroded and can't even be built on.

Mr. Greg Crane, 3523 Sleepy Hollow Road, explained if a comparison is made between the City's 600' maximum cul-de-sac length and Medina County's 2,500' maximum length, that the county lots usually have 4,000 sq. ft. houses that are probably on 200' wide lots, thus, affecting a smaller number of people. He noted the proposed subdivision has smaller lots that would affect a larger number of people. Regarding Plum Creek trail connectivity, he said the developer stated he would provide an easement, but not the trail, as requested in Item 9 of the Staff Review Comments. Mr. Crane said he is also concerned about sight distance on Sleepy Hollow Road; Mr. Jones said the study was reviewed and it did meet the 40 m.ph. stopping distance on Sleepy Hollow Road.

Mr. John Moson, 3374 Sliding Rock Trail, stated Ryan Homes never turned the common area over to the Homeowners Association and it was turned over to the City of Brunswick. He said the common area is not being properly maintained.

Mr. John Savarin, 3446 Sleepy Hollow Road, asked how many more people will be put in danger when these houses flood. He commented he is concerned about more flooding when these new houses are built and that his house will flood. He stated after Brunswick Town Center was constructed, there has been more flooding. He said Damian Dolney and his wife were rescued by boat when their house flooded.

Mr. Jay Watkins, 3329 Sleepy Hollow Road, said his basement has flooded twice; once in 2011 and again in 2014. He stated he is concerned about additional water run-off that will cause flooding.

Mr. Mark Modie, 3490 Sleepy Hollow Road, commented he is concerned about inadequate sight distance on Sleepy Hollow Road. He said two houses were destroyed on Sleepy Hollow Road in the 2014 flood and Plum Creek Park flooded, which was closed for one week.

Mr. Walt Combs, 2200 Plum Creek Drive, stated during the flood, water has covered the top of the bridge.

Mr. Shirilla declared the public comment period closed.

Mr. Shirilla explained the Commission cannot come out to the site due to State of Ohio Sunshine Laws.

Mr. Freet noted not all of these flooding events are associated with Plum Creek. Regarding the homeowners association, he explained Ryan Homes never owned the land, it was owned by the previous developer. Mr. Freet stated they are providing connectivity for the Plum Creek trail system.

Ms. Plavecski asked Mr. Jones if any residential development can occur on this property; Mr. Jones responded yes, it has to be designed correctly so that houses are built on high ground and not in areas that currently are flooding.

Mr. Hasan commented most of these homes for the proposed development are out of the 100-year flood plain. He inquired, since there is so much flooding occurring in the area, if the FEMA flood zone map has been updated. Mr. Jones answered the map was updated in 2013 and the flood occurred in 2014. Mr. Hasan questioned if the retention basins are sized to contain a 100-year flood. Mr. Jones replied the term "100-year flood" is deceiving; a more accurate term is that there is a 1% annual chance of flooding. He explained there is additional storage capacity built into the ponds, usually one to two feet above the 100-year flood elevation, before it spills out. Mr. Hasan asked if the Commission can request a more stringent requirement; Mr. Incorvaia said it would have to be agreed upon by the developer. He said it is a give and take situation.

Mr. Shirilla commented it would be difficult for him to move the discussion plan forward to a preliminary subdivision plan due to all the flooding problems. He said he is not prepared to vote on this yet and suggested the application should be tabled. He noted that Mr. Jones stated the higher elevations on the property can be developed. Mr. Hasan stated the retention areas should exceed code requirements. Mr. Arona said due to the length of the cul-de-sac, flooding issues, and the entrance of the subdivision in the riparian zone, that the risk increases proportionately. He stated he is concerned about Sublots 38 through 43, that aren't on higher elevations, which could be under water in a flood. Mr. Arona commented he has been to the site several times. Mr. Hasan suggested the developer may not have the right information.

Mr. Freet said grades are shot with an instrument which gives precise grade levels. He said a lot of these flooding issues have nothing to do with the proposed development; they are

due to bad sump pumps or irregular grading. Mr. Freet said they could do an engineering storm water study; Mr. Jones noted the burden of proof is on the developer to prove there will not be a negative impact on the subdivision. Mr. Hanek said the applicant has to show extraordinary hardship or exceptional physical conditions. Mr. Incorvaia said the applicant is asking for something that typically doesn't have to be approved by the Planning Commission, such as the entrance in the riparian zone and the length of the cul-de-sac. He stated without those approvals, the subdivision cannot be built, but the Commission is under no obligation to grant these approvals.

Mr. Shirilla suggested tabling the discussion plan, to which Mr. Freet agreed. Mr. Jones said a storm water study would help. Mr. Hasan commented the testimony given tonight from the surrounding residents will affect the Planning Commission's decision. He said he would like to see some proof that this development will not have a negative impact on the existing flooding. Mr. Jones noted it would be helpful to see what flooding areas are attributed to Plum Creek and where the road and houses will be set in comparison to the flood elevations.

MR. SAEGER MOTIONED TO TABLE, AT THE APPLICANT'S REQUEST, THE CREEK RUN SINGLE FAMILY CLUSTER DEVELOPMENT, NORTH SIDE OF SLEEPY HOLLOW ROAD.

Mr. Hasan seconded the motion. The vote was 5 Ayes 0 Nays.

Item 5

There was no old business. Mr. Incorvaia stated the Board of Zoning Appeals, at their meeting on October 17, 2017, granted McDonald's Restaurant a variance to allow two additional wall signs contingent upon the existing pole sign being removed and a ground sign installed in its place.

Item 6

There was no new business.

Item 7

No one appeared at the public comment period.

Item 8

Mr. Hanek gave the Council Representative's Report. He stated City Council is working on legislation to establish payday lenders, "vape shops" and tattoo parlors as a conditionally permitted use in the C-G District.

Mr. Shirilla and Mr. Arona stated they both have previous commitments and cannot attend the November 16, 2017 Planning Commission meeting.

MR. ROCHA MOTIONED TO ADJOURN THE MEETING.

Mr. Shirilla seconded the motion. The vote was 5 Ayes 0 Nays.

The meeting was adjourned at 10:35 p.m.

Respectfully,

Pamela Plavecski

PLANNING COMMISSION STAFF REPORT

October 19, 2017

Medical marijuana text amendments

(Public hearing – Ordinance Nos. 77-17 & 78-17)

Proposed Use & Background:

A text amendment has been submitted for Section 1280.01(h) of the Zoning Code regarding prohibited uses. The following sentence shall be added: “Additionally, medical marijuana cultivators and retail dispensaries, as licensed under Ohio Revised Code Chapter 3796, are prohibited in all Zoning Districts of the City.”

Furthermore, Section 1266.04(g) of the Zoning Code, pertaining to conditionally permitted uses in the I-L Light Industrial District, is being established to read as follows: “Medical marijuana processors, as licensed under Ohio Revised Code Chapter 3796.”

City Council held their first reading on the above legislation on September 11, 2017.

Staff Recommendations:

Staff recommends approval to City Council of Ordinance Nos. 77-17 and 78-17.

Tire Express Discount

(Site plan review and conditional zoning certificate)

Location: 4248 Center Road
C-G District

Proposed Use & Background:

At the applicant's request, the site plan and conditional zoning certificate application were tabled at the Planning Commission's meeting on September 21, 2017, as additional information was needed. A public hearing was held for the conditional zoning certificate, as required by Section 1274.04(a) of the Zoning Code. Automobile repair facilities are a conditionally permitted use, pursuant to Section 1260.04(k).

A revised site plan has been submitted indicating there are nine striped parking spaces on-site, including one van-accessible handicap space, which meets the minimum eight spaces required by Table 1276-1(d)(7) of the Zoning Code and Section 1106.5 of the 2011 Ohio Building Code. The seven 60° angled parking spaces measure 9' wide x 21' long, pursuant to Table 1276-3, and the two parallel spaces on the north side of the lot near Center Road measure 9' wide x 26' long.

A new 6' high, split-face concrete block dumpster enclosure is indicated at the southeast corner of the site near the existing gravel drive.

Staff Review Comments:

13. The applicant is proposing two-way traffic on the east side of the building adjacent to the 60° angle parking; a 20' aisle width is indicated. Table 1276-3 permits only one-way traffic for 60° angle parking, which shall have a minimum aisle width of 18'.
14. The 22' wide gravel drive to the east of the building that extends to Manhattan Avenue will be paved in asphalt, in accordance with Section 1276.10(c). Provide the drive width at the curb and at the right-of-way; Table 1276-4 requires a minimum width of 30' at the curb and 20' at the right-of-way. In order to facilitate one-way traffic, suggest narrowing the Manhattan Avenue drive width to 18'.
15. A new concrete sidewalk will be installed on Manhattan Avenue to connect with the existing portion, pursuant to Section 1278.09(d). Verify it will have a minimum 4' width, in compliance with Section 1278.09(d)(3).
16. Verify there is a minimum 0.6 footcandle lighting level for parking and pedestrian areas, pursuant to Section 1276.14(a).
17. Per the Fire Department's request, provide information regarding on-site storage of tires.
18. All items of the conditional zoning certificate shall be strictly adhered to.
19. Rotate the dumpster 90° in order for the gate to face Manhattan Avenue for easier accessibility.
20. To assist with the one-way traffic pattern, proper signage shall be installed to include a "Do Not Enter" sign near the Manhattan Avenue Drive and an "Entrance Only" sign near the Center Road Drive.
21. Provide a color rendering of the building with the new overhead 10' x 12' garage doors on the north and south elevations.
22. If a free-standing sign is proposed, it shall be a ground sign in compliance with Section 1270.05 – Table B, as pole signs are prohibited, pursuant to Section 1270.11(m).
23. Section 1282.08(b)(1) and (2) requires a minimum of 180 sq. ft. of interior landscaping that shall include one tree from Plant List "A" and eight shrubs from Plant Lists "D" or "E".
24. Section 1282.06(g) requires a 10' wide perimeter screening strip adjacent to the Center Road right-of-way which shall be installed with either trees from Plant List "A", 25' to 35' on-center with a row of shrubs from Plant Lists "D" or "E", 3' to 4' on-center; or trees from Plant List "B", 20' to 30' on-center with a row of shrubs from Plant Lists "D" or "E", 3' to 4' on-center (1 tree minimum). As there appears to be insufficient room on the site for a 10' wide screening strip, the Planning Commission, pursuant to Section 1282.10(a), may approve a less restrictive landscaping or screening improvement in individual, unique situations where the requirements of this Chapter are clearly inapplicable. In approving less restrictive requirements, the Commission shall find that the purpose of this Chapter, as stated in Section 1282.01, will be met, that the intent of the specific requirement will be maintained, and that the public interest will be served. The concurring vote of three members of the Planning Commission shall be required to modify any of the specific requirements of this Chapter.

Staff Recommendations:

Staff withholds recommendation of the site plan and conditional zoning certificate until the above items are addressed.

Creek Run conventional single family cluster development

(Discussion plan)

Location: north side of Sleepy Hollow Road
R-L District

Proposed Use & Background:

A new discussion plan has been submitted to develop the approximate 41.97 acres of the site as a **conventional single family cluster development**, in accordance with Chapter 1284 of the Zoning Code, instead of the previously proposed Special Planning District-5. The Planning Commission, at the applicant's request, tabled the Special Planning District proposal at their meeting on September 1, 2016.

Forty-seven (47) lots are planned as follows: 43 lots on Street "A" (which is a reduction from the 55 lots originally shown on the September 1, 2016 plan); one lot located east of Street "A"; and three lots on the Creek Run Drive extension. The density will be 1.11 units per gross acre, in compliance with the maximum 2.2 units permitted by Section 1284.04(a)(2) of the Zoning Code.

Regarding the conventional single family dwellings, as required by Section 1284.04(b)(1), (2), and (3), respectively, Sheet C-1 indicates the minimum lot area will be 13,600 sq. ft.; the minimum lot width will be 85'; and the minimum front yard setback, which may vary between 35' and 45', will average 40' for each phase of the subdivision. Not more than three adjacent yards shall have the same front yard setback. The minimum side yard setback will be 5', and the minimum rear yard setback will be 35', pursuant to Section 1284.04(b)(4) and (5), respectively.

Concerning the single family cluster units, Section 1284.05(c) states not more than 35% (17 units) of the total number of dwelling units (47 units) within any single family cluster development shall be allocated to single family cluster units; 16 clusters units are proposed. The balance of the units (31) shall be allocated to conventional single family detached dwellings. For the cluster units, as indicated on Sheet C-1, a minimum front yard setback of 15' to the right-of-way or street pavement edge, whichever is greater, will be provided, along with a minimum 5' side yard setback and minimum 15' rear yard setback, pursuant to Sections 1284.05(d)(1)(E), and 1284.05(d)(2) and (3), respectively.

Section 1284.04(a)(3) requires a minimum 30% of common open space; 60.94% (25.58 acres) has been provided. A four ft. (4') wide sidewalk is indicated along both sides of Street "A", as required by Section 1230.01(b)(3) of the Subdivision Regulations.

Single family cluster developments are a conditionally permitted use in the R-L District, pursuant to Section 1252.04(j), subject to Section 1274.03 and Chapter 1284.

Staff Review Comments:

10. The entrance to the subdivision on the north side of Sleepy Hollow Road and a portion of the 10' wide multi-purpose trail encroach into the 75' riparian zone. Additionally, Street "A" will encroach on the 100-year floodplain as designated by FEMA. Compensatory flood storage is shown on the plan, but the City Engineer requests verification that the compensatory storage being provided will be adequate so as not to negatively impact the upstream hydrology of Plum Creek. Subject to Section 1222.07(a) through (f) of the Subdivision Regulations, the Planning Commission may grant a variance to allow the above encroachment, provided the following findings are met:
 - (a) Finds that unusual topographical or exceptional physical conditions exist;
 - (b) Finds that strict compliance with these regulations would create an extraordinary hardship as a result of exceptional conditions;
 - (c) Permits any modification of these regulations only to the extent necessary to remove the extraordinary hardship;
 - (d) Finds that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these regulations;
 - (e) Requires such other conditions to be met by the proposed plan or plat as the commission may find necessary to accomplish the purpose of these regulations when modified; and
 - (f) Records such modification on the plat to be submitted to Council.

The Planning Commission voted to grant a variance to allow the above encroachments at their meeting on September 1, 2016 for the proposed SPD; however, since this is a new application, approval of a variance will be required based on the above findings.

11. Sublots 22, 23, 28, and 29 encroach into the riparian setback. Pursuant to Section 1222.07(a) through (f) of the Subdivision Regulations, as stated above, the Planning Commission may grant variances where unusual or exceptional factors or conditions require such modification.
12. The cul-de-sac length exceeds the maximum 600' permitted by Section 1228.02(d); however, the Planning Commission may approve a greater length. As shown on Sheet C-1, a sub-divider shall be required to dedicate to the public use a strip of land five feet in width at the end of all dead-end streets created (Creek Run Drive bulb). Such five-foot strip shall be vacated upon extension of the street dedication.
13. Sublots 1 through 4 are located in the R-R District; single family cluster developments are a conditionally permitted use only in the R-L District, pursuant to Section 1252.04(j), subject to Section 1274.03 and Chapter 1284.
14. No stormwater management is shown for the front (south) portion of the development near Sleepy Hollow Road. The developer shall verify that post-construction Stormwater Control Measures (SCM) can and will be provided for the south end of the project (the area between Sleepy Hollow Road and

Open Space "B"). Verify that Phase 2 stormwater quality requirements have been met and explain how they will be implemented for the southern half of Street "A".

15. There is an existing 36" sanitary sewer that runs through Sublots 8, 28, 29, 34, 35, 36, 38, 39, 40, and 42; written permission must be granted by the Medina County Sanitary Engineer's Office.
16. Section 1284.05(e) requires within groups of single family cluster units, additional guest parking shall be provided at a ratio of one space for each 5 units (4 parking spaces required); only two spaces are shown by the mail kiosk near the entrance to the subdivision.
17. Cluster units shall be designed in accordance with Section 1284.06, including a minimum 100 sq. ft. of private open space per cluster dwelling unit, pursuant to Section 1284.06(h). Additionally, garages shall be designed and located so they are not the dominant visual element of the building or streetscape. All attached garages shall comply with one of the following: (1) The garage door shall be a maximum of 2' forward (towards the primary access street) of either the front wall of the main living area, if there is no covered porch, or the front porch line, provided the porch is both covered with a roof and has a concrete frost depth foundation. In no instance shall the garage door be more than six (6) feet in front of the main living area. (2) The garage door shall be oriented perpendicular, or mainly perpendicular, to the access street.
18. Provide trail connectivity with the Plum Creek trail system in conjunction with the Medina County Park District.

Staff Recommendations:

Staff withholds recommendation pending the Planning Commission's ruling on the variances required for encroachments into the riparian setback, as stated above.