MEDINA COUNTY DEPARTMENT OF PLANNING SERVICES

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MEDINA COUNTY PLANNING COMMISSION
MEETING MINUTES
WEDNESDAY, JUNE 2, 2021, 6:30 P.M.

Attendees / Representing:
Ryan Balko, Scheetz, in person
Jason Brenner, Lewis Land Professionals, in person
Travis Crane, Davey Resource, Zoom
Adam Esker, Planning Commission Alternate/non-voting member, Zoom
Troy Gerspacher, Scheetz, in person
Alison Hall, Legacy Homes, in person
Paul Jeffers, Montville Township, Zoom
Nils Johnson, Cunningham and Associates, Zoom
Tim Powers, Trillium Creek, in person
Bruce Rinker, Scheetz, in person
Alliss Strogin, Hinckley Township Zoning Commission Chair, in person
John Sumodi, Legacy Homes, in person
Maureen Thayer, property owner, in person
Elayne Ziegfried, Planning Commission Alternate/non-voting member, Zoom

MCDPS Staff:
Cheryl Heinly, Administrative Assistant, in person
Rob Henwood, Senior Planner, in person
Denise Testa, Director, in person

Board President Jeff Brandon called the meeting to order at 6:30 p.m.

I. ROLL CALL

MCPC Members:
Jeff Brandon, in person
Cliff Calaway, Zoom
Steve Hambley, in person
Eric Heffinger, Zoom
Chris Kalina, Zoom
Leslie Miller, Zoom
Pat Ryan, Zoom
Mike Stopa, in person

MCPC Alternates:
Tom James, (alternate for William Hutson), in person
Cliff Nowak, (alternate for Colleen Swedyk), in person
David Williams, (alternate for David Cleckner), in person

II. MINUTES

Board President Brandon asked if there were any questions or comments on the May 5, 2021 minutes as presented. There was none.

Mr. Nowak moved to approve the May 5, 2021 minutes as presented. Mr. Kalina seconded the motion. Mr. Williams abstained. All other members voted AYE and the motion was approved.

III. CORRESPONDENCE

There was no Correspondence.

IV. CONSENT CALENDAR

There were no items on Consent Calendar.

V. OLD BUSINESS

There were no items on Old Business.

VI. OTHER BUSINESS

**Board Chair Brandon recused himself from the following subdivision as he is a Montville Township Trustee. Board Vice Chair Nowak took over as chair for this item.

a. **Trillium Creek Phase II**, Preliminary Plan Extension Request, Montville Township, 042-2021 PP-Ext

Ms. Testa presented the staff report to the Commission regarding the above captioned subdivision located on the east side of Wooster Pike (SR 3) and nearest the termini of Stockbridge and New Haven Drives.

Proposal: The applicant proposes to extend the approval of the Preliminary Plan for the subdivision. The subdivision contains the following on the 21.72-acre site:

- The site has central water and sewer. 21 sublots developed in two phases: 11 in Phase 1 and 10 in Phase 2. The first phase, 7.73-acres, is platted.
- Extend two public permanent cul-de-sac streets with 60-foot right-of-way with associated utility easements.
- Two stormwater basins.

Zoning: The subject property is zoned R-3 Single-Family Urban Residential District. The Montville Township Zoning Resolution Section (§) 410.1(D)(4) indicates that the R-3 District…

… is established to encourage single-family residential dwellings at a density of approximately 2.7 dwelling units per acre in locations that are adjacent to the City of Medina…. This District is to serve as a transitional district between similar or higher density residential neighborhoods in the City and the intended lower density residential neighborhoods in the Township in a manner that will provide for the efficient development and utilization of community facilities such as water and sewers, streets, and schools.

Single-family residential detached dwellings, a permitted use (§ 410.3), with a minimum lot size of 12,000 square feet and a minimum width of 80 feet at the building line. The minimum lot frontage required for lots located on cul-de-sacs is 50 feet (§ 410.4). A portion of the site along the western boundary was rezoned from C-B Community Business District to R-3; the zoning amendment for the subject site has been approved by both the Zoning Commission and the Board of Trustees was effective on March 13, 2018. As indicated above, GIS data indicates a stream on the site. Chapter 570 of the Zoning Resolution indicates a 25-foot riparian setback is required from each side of the stream on the subject site.

Comprehensive Plan: The proposed subdivision is not entirely consistent with the 2016 Montville Township Comprehensive Plan Update. The Proposed Land Use map recommends the subject site for high density residential development with density less than 22,000 square feet per unit and Community Business consistent with existing zoning district boundaries.

History: The Preliminary Plan was originally approved by the Planning Commission in March of 2018. Final Plat Phase I was approved with modifications and the variance denied.

Subdivision Stage	Approval Date
Concept Plan	**December 2017**
Site Plan Review	**March 2018 (ZC)**
Preliminary Plan	**March 2018**
Final Plat Phase 1 (Variance Denied)	**January 2019**
Preliminary Plan Extension	**April 2020**
Preliminary Plan Extension	**June 2021 (pending)**

Discussion:

Jason Brenner, Lewis Land Professionals, stated the developer wants to begin later this year. The Sanitary Engineer have approved it and Highway Engineer have approved the roads.

Board Vice President Nowak asked if there were any comments or questions. There were none.

Mr. James moved to approve the staff recommendation of Approval with Modifications for the Trillium Creek Preliminary Plan Phase II Extension. Mr. Hambley seconded the motion. Ms. Miller, Mr. Stopa, Mr. Williams, Mr. Hambley, Mr. James, Mr. Nowak, Ms. Ryan, Mr. Heffinger, Mr. Kalina, and Mr. Calaway all voted AYE. The motion was approved 11 AYE votes and 0 NAY votes and 0 abstentions.

b. **Sharon Falls**, Preliminary Plan Extension Request, Sharon Township, 043-2021 PP-Ext

Mr. Henwood presented the staff report to the Commission regarding the above captioned subdivision located on the north side of Ridgewood Road between Ridge and Medina Line Roads.

Proposal: The applicant proposes to extend the Preliminary Plan approval for the subject property. The subdivision will contain the following:

- 37 sublots served by central water and sewer to be constructed in four phases.
  - Phase I, 10 sublots
  - Phase II, 7 sublots
  - Phase III, 9 sublots
  - Phase IV, 11 sublots

Phases I and II are platted and 20 sublots remain in Phases III and IV.
Extend Sharon Falls Drive to the southwest and create Falling Water Way to the south.

Zoning: The subject property is zoned R-1 Residential. The Sharon Township Zoning Resolution indicates single family homes are permitted uses (§ 601). The minimum lot size is two acres with a minimum 200-foot lot width or 60 feet of frontage on cul-de-sacs with 200-foot lot width, measured at the building line (§ 601-2(C)).

History: The Preliminary Plan was originally approved by the Planning Commission in July of 2007. The most recent Preliminary Plan was approved February of 2017. The Final Plats for Phase 1 was approved July of 2017 and Phase 2 in August of 2019.

MCPC Approval	Date
Concept Plan	May 2007
Preliminary Plan	July 2007
Preliminary Plan Extension	July 2009
Preliminary Plan Extension	June 2010
Preliminary Plan (Expired)	November 2013
Preliminary Plan Extension	November 2015
Preliminary Plan Extension	December 2016
Final Plat, Ph. 1	August 2017
Revised Preliminary Plan	February 2017
Preliminary Plan Extension	March 2019
Final Plat, Ph. 2	August 2019
Preliminary Plan Extension	April 2020

Discussion:

Jason Brenner, Lewis Land Professionals, stated that this approval is for another year and nothing has changed.

Board President Brandon asked if there were any comments or questions.

Mr. Williams moved to approve the staff recommendation of Approval with Modifications for the Sharon Falls, Preliminary Plan Extension Request. Mr. Nowak seconded the motion. All members voted AYE and the motion was approved.

VI. NEW BUSINESS

a. **Hickory Hollow**, Preliminary Plan, Liverpool Township, 048-2021 PP

Ms. Testa presented the staff report to the Commission regarding the above captioned subdivision located south of Center Road, east of Columbia Road and west of Metzger Road.

Proposal: The applicant proposes the following on the 24-acre site:

- 20 Sublots
- Two private streets leading to two cul-de-sacs
- 9.63 acres of open space
- Central sewer and water and the net density is .83 lots/acre

Site Conditions: The majority of the planned site includes open fields with trees outlining some of the parcel boundary. One gas well is located on Sublot 19.

Liverpool Township Zoning Resolution: According to the Liverpool Township Zoning Resolution, the purpose of R-R Rural Residential district is to provide for rural residential development at a low density which will promote the continuation of the predominant rural residential character of the Township. Where central sewer and water are available, it is the intention of this district to provide for low density residential development at a density of one (1) acre per dwelling unit. To ensure that existing and planned sewer and water facilities are most efficiently utilized, the one (1) acre per dwelling unit density will not be permitted outside the planned service areas as indicated in the Liverpool Township Development Policy Plan.

The Controlled Density Zoning (CDZ) Overlay District regulations are promulgated to promote the preservation and protection of the rural atmosphere of the Township while providing for anticipated residential development. To accomplish that purpose CDZ encourages the permanent preservation of relatively large tracts of land (consisting of, but not limited to, open natural areas, woodlands, greenway systems, wildlife habitats, flood plains, agricultural lands, wetlands, and waterways) of the Rural Residential District. These provisions and requirements are established as alternatives to a number of the residential lot requirements found elsewhere in the Resolution. Reductions permitted in these requirements are in exchange for the permanent preservation of open space and other natural features that can benefit not only the residents of the development but the general population of the Township. CDZ is structured to be consistent with the principles and intentions of the Liverpool Township Development Policy Plan and the Liverpool Township Zoning Resolution. Under no circumstances will its implementation supersede any relevant provisions in either document.

The proposed subdivision appears to comply with Liverpool Township Zoning Regulations.

Liverpool Township Development Policy Plan: The proposed subdivision is consistent with the 2015 Liverpool Township Development Policy Plan's Goal 2 which seeks to "promote the rural atmosphere of the Township while providing for balanced growth."

The proposed subdivision appears to comply with the 2015 Liverpool Township Development Plan.

Discussion:

Board President Brandon asked if there were any comments or questions. Dave Boettner, Liverpool Township stated that they received the paperwork from Cunningham regarding the gas well located on sublot 19 which meets their approval. He added they still have not received the homeowner association documents which are required to complete the application to submit to the Prosecutor's office for their approval. If not received the applicant would have to reapply and start again. Mr. Boettner said he did leave a message with Bryan Weber and has not heard back.

Board Member Hambley questioned if the hold up with the HOA documents was from

the applicant or from the Prosecutor's office. Mr. Boettner answered it was from the applicant.

Board Member James commented on the east side of the property being "taken over" by the lot owners and perhaps have open space in a block somewhere else. Mr. Boettner said that was the 20-foot required buffer between residential lots and use next door

Mr. James moved to approve the staff recommendation of Approval with Modifications for the Hickory Hollow, Preliminary Plan. Mr. Williams seconded the motion. All members voted AYE and the motion was approved.

b. **Deer Hollow, Final Plat**, Liverpool Township, 049-2021 FP

Mr. Henwood presented the staff report to the Commission regarding the above captioned subdivision located west of Columbia Road (S.R. 252) and Logan Run intersection, south of Neff Road.

Proposal: The applicant proposes the following on the 17.2491-acre site:

- 15 sublots on a little over one acre each.
- One proposed public street with 60' ROW, terminating in a temporary cul-de-sac and a street stub to adjoining property to the west.
- Central sewer and water.
- One retention/water quality pond.
- Sublot 15 will maintain the existing house and service pole, remove existing drive, and construct a new proposed drive to access the proposed public street.

Discussion:

Dave Boettner, Liverpool Township, said he had no objections.

Board President Brandon asked if there were any other comments or questions, there were none.

Mr. Nowak moved to approve the staff recommendation of Approval with Modifications for the Deer Hollow, Final Plat. Mr. Stopa seconded the motion. All members voted AYE and the motion was approved.

**Board Chair Brandon recused himself from the following subdivision as he is a Montville Township Trustee. Board Vice Chair Nowak took over as chair for this item.

c. **Lakeview Pines, Revised Preliminary Plan and Variance Request**, Montville Township, 050-2021 PP-V

Mr. Henwood presented the staff report to the Commission regarding the above captioned subdivision located south of Ridgewood Road and west of Windfall Road.

Proposal: The applicant proposes the following on the 26-acre site:

- 45 sublots
- Block A, Open Space (24.5 acres)
- Two public streets; Streets A and B. Street A terminates in permanent cul-de-sacs and accesses to Ridgewood Road

- One Stormwater Management Pond

Zoning: The subject property is zoned R-2 Single-Family Suburban Residential. The applicant has elected to utilize the Controlled Density PRD zoning option.

§ 414 (2)B of the Montville Township Zoning Resolution states, "Controlled Density PRDs shall be permitted in R-1, R-2, and R-3 Districts, the objective of which is to provide alternative housing types and the preservation of open space through the flexible arrangement of buildings in a unified development."

VARIANCE REQUEST

1. The applicant has requested a variance to § 604(B)(9) Street Stubs and Cul-de-sacs of the Medina County Subdivision Regulations (Regulations) which states that "permanent cul-de-sac streets shall not serve in excess of 40 dwelling units…"
2. The applicant requests 45 dwelling units be permitted; this is 5 units over the permitted maximum of 40 dwelling units or an increase of 12.5%.
3. The applicant provided the following justification for the variance:
   Lakeview Pines Subdivision Preliminary Plan shows 45 lots per one egress. Due to the environmental and existing conditions constraints: wetlands, streams to the south and west, site distance on Ridgewood to the north, existing lots on western border and existing homestead to the east. We ask that five additional lots be approved per egress = 45.
4. § 203(A)(2) of the Regulations stipulates the criteria for granting variances. The criteria are as follows (Staff comments regarding compliance with the criteria are shown in *italics*):
   a. In order to approve a variance, the MCPC must find that an unnecessary hardship may result from the strict application of the Regulations due to exceptional topographic or other conditions. *A strict application of the regulation could create an unnecessary hardship because the applicant is unable to provide a second means of access; if such access were possible the applicant would not be limited to 40 sublots.*
   b. The MCPC may vary the Regulations so as to relieve an established hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and the community. *The Subdivision Regulations states that the "40 lot rule" is intended to provide for "greater convenience to traffic, more effective police and fire protection, and efficiency of road maintenance." Adding five additional sublots will not materially impact the ability to provide access or to deliver these services. Granting the variance will not impair the intent and purposes of the regulation nor will it impact the desirable development of the neighborhood and community.*
   c. While the regulations provide guidance about establishing if a hardship exists and relieving the hardship, the regulations provide little guidance regarding how much of a variance to grant or how much of a variance is too much. *In the past 14 years the MCPC has granted five variances for the number of sublots on a cul-de-sac. The range of percentage granted over the limit for these types of variances range from 5.00% to 20.00% (see the table above). The average variance granted for all these variances is 17.50%. Granting the variance to allow 45 sublots on a cul-de-sac is well within the range of variances granted by the MCPC in the past.*

MCPC Date	Sub. Reg. §	Variance Description	Limit	Proposal	Variance %
4/4/2018	604(B)(9)	Units on cul-de-sac	40	42	5.00%
1/3/2018	604(B)(9)	Units on cul-de-sac	40	47	17.50%
1/8/2014	604(B)(9)	Units on cul-de-sac	40	50	25.00%
7/3/2013	604(B)(9)	Units on cul-de-sac	40	48	20.00%
12/7/2011	604(B)(9)	Units on cul-de-sac	40	48	20.00%
			200	**235**	**17.50%**

Discussion:

Paul Jeffers, Montville Township Zoning, said this was conditionally approved as a preliminary plan back in 2019 along with the neighboring subdivisions they are working on. Since that approval the code has changed. Mr. Jeffers let the Board know that the applicant has let the plan surpass the 18 months that the Township requires a Final Plat to be brought in, approved and platted. He stated that the previous plan has become null and void. The variances that were granted for that plan in 2019 were subject to that plan and with the plan changing from 26 to 45 sublots that is significant so those variances would be null and void as well. Mr. Jeffers informed the Board that the Township is at a starting point with a new code and possible multiple variance situations that may need to be obtained prior to moving forward. He added that the variances for 45 sublots this would be for density, riparian, wetlands, gas wells; multiple different areas of variance requests.

Board Member Williams questioned if 12.5% was over the normal allowance was something the Board had been granted in the past. He did not recall any when he was on this Board. Mr. Henwood answered included in the staff report was discussion (chart) regarding past variances on cul-de-sacs in regards to number of units. He said it has gone as high as 25 and as low as 5 percent. This is in the (percentage) range of variances that have been approved previously.

Board Member Heffinger asked about why the number was set to 40 on a cul-de-sac. Mr. Henwood answered it is to limit the amount of traffic on a single cul-de-sac assuming it only has one access.

Board Member Pat Ryan stated that she would be abstaining from voting as she is on the Montville BZA.

Board Member Hambley questioned if there would be two motions, one being approving the Variance and second, approving the Revised Preliminary Plan with modifications.

Mr. Hambley moved to approve the staff recommendation of Approval for the Variance Request of 5 extra lots on a cul-de-sac in the Lakeview Pines, Revised Preliminary Plan. Mr. Stopa seconded the motion. All members voted AYE and the motion was approved.

Mr. Hambley moved to approve the staff recommendation of Approval with Modifications for the Lakeview Pines, Revised Preliminary Plan. Mr. Williams seconded the motion. All members voted AYE and the motion was approved

**Board Vice Chair Nowak turned the meeting back over to Board President Brandon.

d. **Homer Township Map Amendment**, 038-2021 MA

Ms. Testa informed the Board that the Homer Township Map Amendment was withdrawn so it would not be presented. She said the Planning Commission members received that notice but wanted to let everyone know since it remained on the agenda.

**Board Chair Brandon recused himself from the following map amendment as he had a conflict of interest and would be abstaining. Board Vice Chair Nowak took over as chair for this item.

e. **Medina Township Map Amendment**, 047-2021 MA

Ms. Testa presented the staff report to the Commission regarding the above captioned amendment located in the southwest quadrant of the I-71 interchange with State Route 3 (SR3).

Proposal:

- The applicant proposes to change the zoning district on Permanent Parcel #026-06B-12-013, approximately 7.04 acres, from BL Limited Business to GB General Business.
- If approved, the applicant plans to build a Scheetz gas station/convenience store on the east side of the parcel as outlined in the attached documents submitted to the Township. The applicant indicated that approximately 50% of the southern portion of the parcel will be preserved and restricted from additional development.

Current Zoning: The purpose of the BL Limited Business District is to "provide for those commercial land uses which can be compatible in a predominately residential area with or without central sewer and water service. The range of commercial uses permitted in the District and the limitations on the scale of uses are designed to prevent a commercial strip." (Medina Township Zoning Resolution Section (§) 404.1).

Proposed Zoning: The purpose of the BG General Business District is to "provide for a variety of office, retail and service activities in areas with central sewer and water service. Uses permitted in this District are those compatible with a shopping center or with other typical uses in a suburban shopping area. BG Districts are intended to be compatible and harmonious with adjacent residential uses and to minimize disruptions to traffic flow on major arterial highways." § 405.1

Comprehensive Plan: The 2015 Medina Township Comprehensive Plan Update (Plan) established two primary goals as follows:

1. Natural Environment. Preserve, protect and improve the quality of the natural environment.

2. Man-Made Environment. To preserve the existing character of the Township, future development will be directed to areas served by, or can easily access, existing infrastructure (including water, sewer, and transportation).

In support of these goals the Plan outlines development policies to address the primary goals as follows:

1. Natural Environment
    a. Encourage new development to respect the natural characteristics of the land.
    b. Ensure that the location and design of all structures and related facilities in new development will not cause undesirable environmental, health or safety consequences.
    c. Ensure that the location and design of all structures and related facilities in new development will preserve natural water courses… and that downstream areas are not damaged due to increased stormwater runoff.
    d. Encourage the preservation and protection of our current groundwater and aquifers.
    e. Review new development for its effect on water quality, particularly in terms of erosion and sedimentation.
    f. Work with Medina County to minimize the impact new development has on air quality.
2. Commercial Policies
    a. Encourage locating commercial development along established commercial corridors.
    b. Encourage the use of vacant commercial properties.
    c. Encourage economic development opportunities.

Based on a further review of the Plan, the information listed below highlights resident input related to the zoning amendment application:

1. The Plan received a total of 878 survey responses indicating the three things residents like most about Medina Township include rural/country feel but close to big cities, close and easy access to interstates and close and convenient restaurants and shopping.
2. Based on 878 resident responses, 58% indicated they would like to see additional business development. More specifically, the survey respondents listed a gas station/convenience store located at SR3/I-71 as one of the preferred business development options.
3. The process of creating the Plan included two public meetings in order to introduce the plan to the Township residents. The Plan does not indicate the number of participants for each meeting; however, 17 residents submitted exit surveys at the public meetings. The exit survey respondents and meeting comments indicate no support for development at SR3/I-71. These individuals support maintaining SR3/I-71 as a green area.
4. The subject site falls within the Plan's Policy Area Four: I-71/Weymouth Road (SR3). Located in the northeastern corner of the Township, this Policy Area is comprised of the properties surrounding the I-71/Weymouth Road interchange, and serves as a gateway into Medina Township. The area is characterized by significant amounts of woodland and undeveloped land at the northeast and southeast sections. Plum Creek bisects the northwest quadrant of this area, and it along with Granger Ditch and the Rocky River join in the southeast quadrant to exit as the North Branch of the Rocky River. The largest developed property is the Holy Martyrs Church. There are scattered residential dwellings of various sizes throughout the Policy Area (primarily on the western side of the interstate). The land immediately surrounding the interchange is currently undeveloped, has access to public water, but no access to public sewer. This area has been identified by the Ohio Soil and Water Conservation District as an important water resource and

environmentally sensitive area, and is also included in the Lake Erie balanced growth initiative program.
This program seeks to protect natural resource areas in the Lake Erie watershed to protect water and quality of life. The scenic Buckeye Trail also travels through this Policy Area. Current zoning in this Policy Area consists of Rural Residential and Limited Business Districts. The business zoning areas are located in the southeast quadrant between Weymouth Road and I-71 and the northeast quadrant between 130th Street and Weymouth Road.

Discussion:

Board Member Williams questioned what part of the Comprehensive Plan states that this is not a good use for the property. Planning Director Testa answered it was the area of policy on page 4 which the Township has indicated this serves as a gateway to their communities. She said the Township believes this area should remain undeveloped for commercial purposes for general business. She added given the fact that there are two other parcels in policy area four that are zoned as business limited and there are no other general business parcels zoned in policy area four that was the other reason.

Board Member Hambley asked for clarification on question ten as the chart said 58%. He was still trying to understand from how it was different than what was presented at number four. He wondered if the 58% graphic does not match the breakdown by age. Planning Director Testa answered looking at the data on page 86 the yeses tallied to 42% and the noes tallied to 58%. Board Member Hambley thought that was for people who answered questions about their age. Planning Director Testa clarified that the breakdown was by age. Board Member Hambley said the graphic was prepared wrong. Planning Director Testa said that was correct, the number was wrong as well as the graphic.

Board Member Heffinger questioned what other uses could the land be used for because it is in an awkward position next to the on ramp next to the interstate. He asked what other things could the Board propose for this land use. Planning Director Testa questioned if there were other proposals for land use for this area. Board Member Heffinger asked what else could be done with the land.

Board Member Williams questioned if this would be under their Comprehensive Plan. Planning Director Testa stated the current zoning was Limited Business and permitted uses would be retail shops such as antique, gift, beauty, barber, office building, government, professional offices, churches, schools, drive-in or drive-up facilities, and auxiliary retail or service use that is directly related to the main use such as cafeterias, service employees of the building or pharmacy or the medical building. She said this is an executive summary of what the Limited District is for Medina Township. Board Member Heffinger said this is more of traffic usage and asked if she took into account for the gas station and to solve the additional volume. Ms. Testa did not factor in traffic and said the Township could speak to that.

Board Member Hambley questioned how they came up with the list of permitted uses for the Limited Business District in the Township in terms of was traffic the criteria, was it adjoining land use and so forth as to how they (the Township) determined it. He said in the Comprehensive Plan it very clearly does have a commercial policy that encourages the use of vacant commercial property. The question is how is that list derived and while

other types of their general business districts list of permitted uses fit that category, was it traffic, water, sewer, etc.

Board Member Ryan said this area does not have sewer and wondered if that was the difference in the uses and asked where is the closest sewer connection would be. Director Testa connected with Steve Mazak of the Health Department and he communicated that the applicant would have to get in touch with Ohio EPA to complete a soil test and site review to determine if the site was buildable. She said the site has central water but it would be on site septic.

Board Member Ryan asked where the nearest sewer connection was located. Board Member Kalina thought it was Fenn Road. Troy Gerspacher stated it was about a mile away and could be either in Hinckley or North Carpenter Road.

Alliss Strogin, Medina Township Zoning Commission Chair, addressed the staff report and noted that when they saw the percentage, they realized it was not correct. She said they caught the error at the time the Comprehensive Plan was done and it was supposed to have been changed and "shame on all of us that did not check to make sure it was changed" but the numbers clearly satisfy the fact that the "yeses" and "noes" are reversed. Ms. Strogin said they were going to investigate why it was not changed and what steps they needed to do to make the change, but they just received this on Tuesday or Wednesday. She did not feel this was critical before the meeting as it did not change the Planning staff's recommendation back, in fact, it supports the recommendation more than what it was.

Ms. Strogin stated she was not going to make any specific comments for or against the zoning change as the Zoning Commission will be voting on it so she would only be making general comments. She stated they have three business districts in the Township and they are judged on the intensity and type of businesses they are. B-I, Business Intensive, which is meant to give a lot of flexibility to the higher intense or larger businesses. B-G, Business General, is designed for the middle grade businesses. B-L, Business Limited, is the least intensive district, including the gravel pit on the other side of SR 3.

Ms. Strogin informed the Board at one time on that property there was a two pump gas station and the Township made it B-L so it could stay there and not be a pre-existing nonconforming use. She said that designation has been gone since 1989 so this has to comply with current zoning. She added the intent is to phase in the commercial just like they phased in the residential. The higher density where they allow multi-family and small lots to the medium density where they allow half acre lots and the rural residential where they allow three acre lots.

Ms. Strogin expressed this has been a very sensitive area and as stated in the Comprehensive Plan, that is not only the gateway to Medina Township but to the City as it is the only intersection within 100 miles that has not been commercialized. She felt their Comprehensive Plan speaks for itself and they will fix the errors and supports the Planning staff report.

Board Member Hambley asked what the criteria was for Limited Business, for those businesses that fit in those categories. Ms. Strogin answered they are very less intensive commercial, light commercial that would not cause a problem. Mr. Hambley asked what

problems, traffic, additional development. He added in the current zoning it states it is designed to prevent a commercial strip so that would be one of the limiting factors. Less intense so they would not have further development. Ms. Strogin stated that that is basically correct, limited to the items that are available in the zoning.

Bruce Rinker, attorney for Scheetz, stated they looked at the (staff) report and were trying to understand what the reasoning was behind the non-recommendation. He was trying to understand the criteria involved and the ways analyzing the Scheetz proposal to come up with the disapproval recommendation. Planning Director Testa said the criteria they essentially look at the Comprehensive Plan and view that as the voice of the Township. She stated this was a very strong application with a lot of good points however, given the fact that the Comprehensive Plan does not support this kind of amendment that is why it was recommended for disapproval. She added that this is subjective, not objective because in every Comprehensive Plan there is some room for flexibility. Ms. Testa reminded them that this is just one recommendation that the Planning Commission would consider. The Planning Commission could listen to what all parties have to say and they can either approve this recommendation or not. She said this is just one subjective point of view. Planning Director Testa stated that the Comprehensive Plan is what carries the most weight when the Planning Staff reviews a map amendment. Mr. Rinker wanted to discuss some of the points as he still had some questions. Ms. Testa welcomed the dialogue as this is a very important map amendment and why this process works.

Mr. Rinker commented the first point he wanted to make was about the chart misstating the data, it is 42-58 the other way. He said they were copied in a letter from a resident which he felt there were points of clarification worth noting. His understanding of the survey was it was a general question about economic development within the Township as a whole. Mr. Rinker said this resident is very focused, understandably as many are, on this particular location, SR 3 and Old Weymouth Road at I-71.

Mr. Rinker felt a closer review of the chart, even though it is only 42-4, then the question would be if you are for economic development, identify what you are interested in, in general terms, not a particular corridor just for the township. He would suggest that there, the Scheetz proposal, convenient store, fuel services would at least fall in line with a minority, but none the less one expressed. He also believed the surveys were initiated in 2013 and the plan was finalized in 2015 with a draft in 2014. He felt since they are already six years out from the publication and eight years out from the time some (survey takers) were under 30 years old and now older since they took the survey and was not sure if their vote counted anymore.

Mr. Rinker went on to say that the fact remains that ODOT, to his knowledge, was significantly widening and doing about the longest stretch one could perceive of widening SR 3 at the interchange. He did not see any discussion with ODOT and he thought staff did not consult with ODOT regarding that. Mr. Rinker stated that the engineer did indicate that a traffic impact study would have to be undertaken for Old Weymouth Road. Planning Director Testa commented that she did consult with ODOT and they indicated since this proposal is not accessing a state highway that he had no comments and there was no mention of a widening of that area.

Mr. Rinker informed the Board that 20,000 trips a day go through there. One of the reasons Scheetz looks at a site like this is that they are proud of the fact that this is an

interchange that has not been developed. Apart from the Comprehensive Plan, the zoning has remained for retail development and he thought that needed to be reconciled in some way. He did not see that in the report and he was not sure how a property owner is supposed to acknowledge that the Comprehensive Plan and the popular sentiment is they want to see green space. He knows how much people love park lands but the fact of the matter is when land is zoned for commercial development and the Comprehensive Plan does say they want to encourage commercial development of vacant property as Mr. Hambley pointed out, this would seem to fit that. This is a seven-acre site under the zoning resolution and has a 150-foot minimum frontage, subdividing this property into five retail lots.

Mr. Rinker wanted to avoid a commercial strip would be outflanked by simple subdivision of property. All the agencies, EPA, Corp of Engineers, soils, all of these Scheetz has dealt with and regardless of the zoning, Scheetz would be prepared to address. He added that this is over a five million dollar investment with about three dozen jobs split 50/50 between fulltime and parttime so that is economic development. Mr. Rinker thought Sheetz might create 500 extra trips so when you look at 20,000 vehicles passing through there a day is an insignificant amount of traffic impact.

Mr. Rinker said if the Township wanted to keep this and create green space it could acquire it (the parcel). He did not think anyone would want to engage an appraiser for seven acres at I-71 and SR 3 in this location with 20,000 vehicles passing through per day and not put a high price tag on it. He said the people at the church are scared from some adverse impact. Scheetz would commit to a deed restriction/conservation easement on basically half the property and given the location and potential for future development under the existing zoning resolution the Scheetz proposal creates less impact. Mr. Rinker said Scheetz is not a trip generator it is a trip capturer. He felt that many of the people who go to the church and the Old Weymouth neighborhood would probably find this to be a very convenient location.

Mr. Rinker said the plan, which has not been changed for six to eight years, the zoning resolution, which still contains commercial zoning label even though they are talking General Business as opposed to Limited, they are disappointed that the recommendation is a "no recommendation." He felt if they looked at objective factors everything about this would endure to the benefit of the Township. With all due respect, Mr. Rinker said as they look at the Township goals, the plan goals, probably the overarching sentiment it seems to be expressed in the Comprehensive Plan is, they really want to keep it green, open space as a recreational area. He wondered if that was something a community wants it to convert it to public or private use then that would be the appropriate step, otherwise what they are asking is to recognize this is a quality development and all the regulatory requirements would be met. Mr. Rinker knew that there were always changes that have to bear upon a site development but at the end of the day there is space there sufficient to set this back and the engineer suggested that they move their driveway down to correlate with the churches driveway which puts it further south into the site. Mr. Rinker said they are trying to put it as far away as possible, in the northeast corner, as close to the interstate as possible, which is good for advertising but it also helps adjacent property by lessoning the impact. He said all they are asking is to recognize there is a lot of good objectively bases to support it.

Board Vice Chair Nowak asked if the three and a half acres would be deeded to the Park District. Mr. Rinker answered it would be subject to how the Township and County

would want to handle it and who would oversee that is often a question of preference for local government. He said once that conservation easement is in place, that is what stays. Mr. Nowak asked if there were wetlands on the parcel. Ryan Balko, Scheetz, said there are a few small areas that would be under the threshold that the EPA would consider required mitigation. Mr. Rinker stated they have not done a full wetlands delineation which would be required. Mr. Balko added that two of the wetland areas are within the areas they are looking to preserve and not develop. The third area is by the corner, the onramp to I-71 it is marginal in a sense of a wetland area. Mr. Nowak asked if that amount of acreage would allow for a septic system if they cannot tie into the sewer. Mr. Balko answered that they have done the "perk" tests and continued discussions with the Health Department to see what systems they would permit based on the information.

Mr. Nowak questioned if this was a 24/7 station. Mr. Balko answered yes. Mr. Nowak was concerned about the lighting of the parking lot and if it could be a hazard to the residents in the area. Mr. Balko answered that they use a vendor for their lighting designs which did a lighting study/plan for this site. He said they always use full cutoff fixtures and downlighting and the lighting plan itself showed there is zero spill over of light outside of the property line, meaning it does not cause any glare outside of their property line.

Mr. Balko added that the church did pose a concern regarding the lighting as the parking lot of the church sits 25 feet above where the finished floor of the Scheetz facility would be. In actuality nothing on the site would be at elevation of where the church parking lot is located.

Board Member Hambley asked if they knew what the appraised value of the property was based on what the Auditor's office site has based on commercial. Troy Gerspacher said it was being advertised for 1.450 million for the seven acres so it is under contract for less than that. Mr. Hambley said they would have to look on the Auditor's site to see what the taxable value would be. Mr. Gerspacher stated the Fabrizi has owned it for over 31 years. Mr. Hambley said they have been paying the taxes on it if that was correct. Mr. Gerspacher said yes and it has never transferred. He said typically you don't see the true value until it transfers. Mr. Hambley questioned if all the taxes were current and it has been paid as commercial use. Mr. Gerspacher answered yes.

Ms. Strogin said she would like to make a correction and there are houses all down Old Weymouth, a house next to the property line on the south and so their statement of not next to residential is incorrect just because they may or may not leave the wetlands in the part they cannot build on for open space or for an easement does not take away that it is adjacent to a residential house and all the way down the street and through the Township there are homes on Old Weymouth and across the street there are many homes.

Board Member Hambley questioned if this property were to be used under the current zoning like a retail shop would they be required to have the same restrictions as a development. Ms. Strogin answered they would have to comply to what is allowed in that zone. Mr. Balko stated their site plan as shown meets all the setbacks of the General Business and even the Limited Business. He said the site is a lot further off Old Weymouth Road than they typically develop a site.

Board Vice President Nowak questioned which way the pumps would face, the interstate, or the residential area. Ryan Balko, Scheetz, answered that the pumps would be facing

the church, Old Weymouth Road. He said that Mr. Gerspacher had overlaid the site plan on a larger aerial which shows they are across the wooded area that is on the north side of the church. Mr. Nowak asked how do they propose to remedy when Holy Martyrs Church dismisses people from service and they are making a right hand turn on the road and stacking up in front of the station. Mr. Balko answered they would go through an extensive traffic study, the timing of the signalization and the queuing requirements. He also pointed out their (Scheetz) least busy days are on Saturdays and Sundays and their busiest days are Monday through Friday at peak times in the morning and afternoon. Mr. Balko pointed out that the entrance across the street from the Scheetz site to Holy Martyrs church is an entrance only. They all have to exit out the southern entrance which is well south of the Scheetz site. Mr. Nowak asked if he felt the widening of the roadway in front of the site and allowing a turn lane onto I-71 would help traffic flow. Mr. Balko said yes, if the traffic study comes back and says they need to have a dedicated turn lane to allow traffic to get to the interstate they would put it in.

Mr. Balko did request ODOT records for the work that is being done there and they are creating two dedicated through lanes just north of the site and extending the left turn lane the full distance of the grass island that is out there now and creating a full dedicated right turn lane to turn onto Hamilton Road. He added that if the traffic study came back requiring any adjustments to the intersection it would require ODOTs approval.

Ms. Strogin commented it was her understanding that ODOT is not widening SR 3 but addressing some of the entrances and exits. Meaning they are repaving because the concrete is failing and not widening it to pour lanes. She said while they are repaving, they are making changes to the entrances.

Troy Gerspacher stated one of the things they try to do before they take down a property is look at the zoning code and try to figure out who would most likely purchase it and they would not be able to bring them if they were not focused on the zoning code. He then read from the Medina Township zoning code, B-L district. He felt the "gateway" of allowing all the commercial uses was never going to happen unless the Township decides to make it happen. Mr. Gerspacher thought zoning uses have changed and some of the zoning code has uses that was created 30, 40 and 50 years ago and these uses have to be at an interchange or on a main corridor and this is far from that especially if they do not allow high density residential development around it. He said it would never be that and people would not take the risk. He added it would take advantage and serve a local convenient store and the cars going by and it is a small, conservative use that would supply everyone for that interchange.

Board Member Nowak questioned if the tanks from the prior Sohio gas station were removed. Ms. Strogin answered those were all removed as per the lease with the owner and everything was to return to the condition it was before the station was built.

Mr. Gerspacher pointed out that anyone living in Medina Township needing gas has to drive through neighborhoods the other way. He said if a gas station was put in everyone is on SR 3 going there instead of going through cross traffic on Pearl Road or to SR 18. He felt to lessen being able to go down a state route where it is out in the open it does not get any more ideal than that.

Board Member Hambley asked if that was meant by the trip capture. Mr. Balko answered yes. Mr. Hambley said rather than have to go into Brunswick or Medina to get

bread or milk, they could just stop here in route. Mr. Balko added to that saying part of the traffic studies is a trip generation. A gas station is one of the uses that ODOT specifically allows them to consider as certain percentages pass by. He said gas stations are usually chosen on the path on the way to work in the morning or the way home. Mr. Balko stated that a majority of the traffic is already taking the path on SR 3 so if something else that is more of a destination was put there, it creates additional traffic than what a gas station would.

Board Member Hambley questioned if they intended to put a high-rise sign above and light up to catch the traffic on I-71. Mr. Balko thought in both Limited Business and General Business it was a permitted sign but they are taking this a step at a time.

Board Member Nowak questioned if there would be a drive through to pick up food. Mr. Balko answered yes, there is a similar touchscreen for the drive through lane and order anything in the store. He added there is also curbside pickup. Mr. Nowak commented that he was familiar with the Scheetz in Brunswick (city) and, "if they got into Brunswick (city) they are hard to deal with, I don't know how hard the township is, but I grew up in a township and I happen to love land so I can see both sides."

Ms. Strogin commented that Medina Township is very easy to work with especially with clients who are trying to put in facilities in properly zoned areas. She said they have between 400-450 businesses in their township so they are not anti-business. She added that the question is not Scheetz, Scheetz is a fine company, the question would be, does the township want to change in a sense spot zone land for higher commercial level than what they have now. Ms. Strogin stated that the Comprehensive Plan is a document that represents what the people of the township want and that is a very strong deciding factor pro or con.

Board Member Hambley commented that there are conflicts in the Comprehensive Plan and he looked into some court cases that he references in zoning issues like these. He said when it comes down to it, it is not arbitrary and unreasonable and there is a substantial relationship to public health, safety, morals, and general welfare. He stated that is the case with the Comprehensive Plan and the issue comes down to applying to a specific property. He thought that is what the courts have overall have looked at is 'how does this in a very good plan that otherwise you defend', how does it then apply, is it unreasonable. Mr. Hambley thought given the prior commercial use and the continuing commercial classification was criteria developed over the years zoning district criteria and trying to prevent certain things such as development of a commercial strip which does have a legitimate use. He said that has to be balanced with the individual property owner and it was pointed out that this has always been historically commercial and business use. He thought as the Comprehensive Plan does say, they need to use vacant commercial properties as this limits the impact and hopefully helps resolve the conflict. He understood that the township does not want to encourage along that corridor and that is exactly why they are very defensive about this. Mr. Hambley had to respect the property rights and eventually a court that might review this and determine that in fact if you apply the criteria specifically under these circumstances, that it is arbitrary, that this is unreasonable, to prevent any further development. He understood the sentiment to not (develop), he supported the Park District and there are mechanisms in place to have a conservation easement placed upon it and a good benefit or solution for the adjoining neighbor as well.

At this point, Mr. Hambley was inclined to not agree with the staff recommendation and with that there still should be a lot of conditions put on it and a number of issues that need to be addressed should this go forward. He felt they needed to balance the likely outcome and the legitimacy of the property owner to have a reasonable use of the property. He felt current zoning uses were not reasonable as was pointed out in expert testimony and everything he has looked at. Mr. Hambley pointed out as Ms. Strogin has submitted, this has been "spot zoning" not by intent but by history. He felt the most impact would be on SR 3 from the Heartland Community church, which requires a Sheriff's deputy and ODOT was supposed to have gotten an agreement as the church expanded with them to be putting in a turn lane as well as a deacceleration lane and that was never put in.

Board Member Williams commented that as he learned early on the Comprehensive Plan is a guide and is not the law. He felt you have to use best judgement as to what is the best use for the property.

Board Member Kalina said they were talking about two different things, the zoning resolution and the comprehensive plan. First off, he complimented Mr. Gerspacher as from the beginning of the proposal this has probably been one of the most transparent plans that he has seen presented. He said that Mr. Gerspacher has been upfront from the beginning and it has been on Facebook and he has really tried to engage the community and have a dialogue. Mr. Kalina found that to be very refreshing and complimented Mr. Gerspacher for taking that approach. He saw that Mr. Gerspacher even responded to some of the posts on Facebook that were not in favor of the proposal. Mr. Gerspacher responded that facts can be twisted. Mr. Kalina said the fact that they are saving some of the property is a benefit, 50% open space. He looks at the worse case scenario and if this does not happen what could. They are talking about a zoning change and once that is done and if Scheetz decides this did not work out for them now Medina Township has a whole different zone and what could go in. Mr. Kalina wanted to point out that when discussing a rezoning and all the potential uses that could happen and the changes in the future.

Board Member Kalina went on to say he thought Planning Director Testa was correct in her interpretation of both the Resolution and the Comprehensive Plan and found it to be very accurate. He did not disagree with Ms. Testa's assessment on this nor that of the Township necessarily. He added the applicant made a great presentation and have been upfront with this from the beginning so that makes his thoughts on this very torn especially with the open space because that could come closer to the residential uses and the applicant is working to stay away from that.

Maureen Funfgeld, one of the property owners, said her father and another gentleman bought this years ago for an investment and over the years they have been propositioned for many other things like Mr. Gerspacher brought to their attention. She could go put five different companies on there but she did not want to do that and make this what is best for the community and for the township. Ms. Funfgeld said they are not bringing in anything trashy, they are bringing in class. They do not want to ruin any of the township and want to do what is right for the township and the community. She felt that Scheetz would not steer them or the township wrong.

Mr. Rinker commented that theoretically when you change the zoning it is not the use but typically this is something where the conditions could be put on there, the zoning itself

could be dependent on the fact that Scheetz would go in there. He said Scheetz is a family run business and they look at investments closely, they are there to stay. He added they are a sound and long-term investment.

Mr. Balko did not have the figures on hand but the figures are very low for the number of stores that end up closing. The stores in Twinsburg and Green they are looking to rebuild and the store in Streetsboro was rebuilt. He wanted to add they are not ignoring the environment and looking at the rendering that is a new fuel island canopy design that they rolled out in the Columbus market. Mr. Balko felt this was more appropriate for the undeveloped interchange, a little less intense, not the red backlit canopy that is at the Brunswick store or down on SR 18.

Sandra Bilek, Medina Township resident, 3414 Hamlin Road, felt there were three agendas going on, the Funfgelds, Scheetz, and Gerspacher. Ms. Bilek said the Funfgelds bought the property many years ago knowing at the time that the zoning was restricted and maybe they had a vision for some time in the future that it would change. She said Mr. Gerspacher has an agenda because he is going to make a lot more money if the zoning is changed. She appreciated how he (Mr. Gerspacher) tried to talk with the township residents. Ms. Bilek stated that Scheetz has an agenda because this is a good location for them. She said the Medina County Planning Commission has an agenda and a job as they are to look for an oversite over the township to kind of correct their mistakes and looks towards a vision of what would be better meant for the County and the surrounding townships. She said speaking for the bulk of the residents who responded to the survey and she felt they did have to go back to the Comprehensive plan which cost her tax dollars $60,000 to upgrade the Comprehensive Plan, so she takes the Comprehensive Plan very seriously and the results which reflected a majority of the residents what they thought was best for their township.

Ms. Bilek stated even though she was not on the steering committee, she attended every meeting and there was a lot of time and effort with arguing back and forth, which was well represented. She said a majority of the residents felt they had so much open space off SR 18 and Pearl that they did not want to add another area with other commercial development. They felt it should be kept where it was and that was a better vision for the township to keep the commercial where it was and there is a vision that that is the gateway. She stated there is many people who move to Medina Township, herself included, specifically for that exit, because of the ease of getting on and off, because it was not SR 18 or SR 303. She felt that Ms. Testa's recommendation is the correct one to honor what the result of the Comprehensive Plan (showed). Ms. Bilek said 3,500 surveys went out and 878 were returned with a majority of the residents did not want the area developed or any zoning change. They wanted the commercial to remain where it was on SR 18. Ms. Bilek stated she has nothing against Sheetz and would love if they would open something on SR 18 and Pearl. She wished the Planning Board would follow the recommendation of Ms. Testa and honor the Comprehensive Plan which was the resident's vision. She was not saying the next time the Comprehensive Plan was updated perhaps it might change with an influx of people that more people would want that convenience there, but at this point most people get off at SR 18 or 303 if they need gas and prefer the ease of getting on and off that interchange (SR 3).

Ms. Strogin stated that most surveys are thrilled if they get 1 or 2% responding so 25% is a large percentage.

Mr. Balko wanted to say he agrees with the fact that the graphic is incorrect and it should say 58%. What he does not agree with in Ms. Bilek's letter is the last sentence in the fourth paragraph, "We are all assured that the change would be made to this question 10 to reflect the proper response that 58% no we do not want to see specifically a gas station at route 3 and 71." Mr. Balko said that was not the question. The question was, "Do you want to see..." numerous interruptions. Ms. Bilek asked if they would look at question 10 on the survey. Mr. Balko asked if it says, "if yes". Ms. Bilek said no, that was included in the, "if yes, what type". Ms. Bilek said yes, but the only reason she mentioned it was of his...inaudible...he is not a retail chef. Mr. Balko said she is leading the Planning Commission to believe that all of the 'no' answers specifically, do not want to see a gas station at SR 3 and I-71. Ms. Bilek preferred that SR 3 and I-71 be isolated out by itself but they proposed to include it in with the other uses.

Jim Bilek, 25-year Medina Township resident, 3414 Hamlin Road, said he is also a 25-year member of Holy Martyrs Church. He said that question 20, 85% of the township residents wanted undeveloped areas to remain rural and he felt that dovetails with question ten.

Mr. Bilek questioned how many people in the room were a resident of Medina Township. No hands raised. He felt that maybe more residents should be heard from. He heard Mr. Hambley make his comment to Ms. Testa's recommendation without hearing any residents. He said the pastor lives on-site (Holy Martyrs church). He said there was a comment made that this might cut down traffic leading to other gas stations in the corridor to US 42. Mr. Gerspacher clarified his statement that persons would cut through neighborhoods to get to Pearl Road and SR 18. Mr. Bilek commented that when people are getting gas up there, they are going to Wal-Mart. Mr. Gerspacher replied not if they are going to Cleveland. Ms. Bilek said that is when they get off at 303. Mr. Bilek felt the lion share of GetGo members were going to go GetGo to get gas, the Circle K members will go to Circle K stations because they are getting discounts. He was not convinced that would change buying habits. He then asked for an explanation of "extra" trips. Ryan Balko, Scheetz, answered that generally gas stations are required to do a trip generation as part of the traffic study. He said it is typically based on the number of pumps and for a site with six to seven pumps with fueling positions on each side that results in a trip generation of 2,000 trips. Mr. Balko explained a trip is in and out so that would be 1,000 per day. He added that the number given of 20,000 trips is already on SR 3. Mr. Bilek clarified that Scheetz's plan was only allowing for two extra cars per minute in the other 20 hours. Mr. Balko explained they are expecting 2,000 trips per day primarily in the peak morning and afternoon hours and dividing that by 20 would not be a correct assumption. Mr. Bilek said with 500 extra trips divided by 20 hours...Mr. Balko interjected saying it would not be divided by 20 hours, it would be four hours because of the couple peak hours in the morning and afternoon hours. He added that SR 3 already exhibits 20,000 trips per day and Scheetz increase would only be about 2 ½ to 3%. Mr. Bilek said the real impact would be as everyone right turning off SR 3 heading into Cleveland coming back out of Scheetz or getting off I-71 moving into the far left lane turning left onto Old Weymouth, turning left into Scheetz and coming back out to the light. He said it would be a change to the flow of the traffic.

Mr. Bilek commented on what he heard earlier about Scheetz being a benefit to the township. He stated that he and his wife would not be here if there was not a significant benefit for Scheetz and the real estate component. He felt very confident in saying he represented nearly 60% of the township that would like to maintain greenspace and in his

nearly 30 years here he hoped they could maintain that. He added he hoped the (Planning) Commission would acknowledge Ms. Testa's recommendation.

Mr. Gerspacher asked Mr. Hambley how much it would cost to put in an interchange. Mr. Hambley answered brand new would be 30 plus million dollars for a full interchange. He said there has to be a federal highway benefit to it and not just a local benefit. He added that is why there is a high threshold to get one but once you have one there is an immense economic value. Mr. Gerspacher commented that probably three out of the seven acres would remain preserved because of the topography which is a win for the township on top of a 6,000 square foot building on seven acres. He felt the overall interchange was in line with the goals of the township in preserving that, in his opinion.

Ryan Balko, Scheetz, stated that they have only closed 3% of the stores and a majority of the closings were a result of Legacy stores that might have been 2,000 square feet at the time on a much smaller site that could not support the reinvestment into a large scale building.

Mr. Bilek could not remember a Scheetz station starting up as far up to Cleveland as 150th to as far down south to SR 83 that is on the 71 interchange. He wondered if he was correct in his assessment and wondered what drove them to open space in Medina township as opposed to maybe securing, if they are desperate for a spot along I-71, fitting in along SR 18. He wondered if it was competition or cost or truly an economic benefit at SR 3. Henry Fauz, Real Estate Title for Scheetz, answered in hindsight regarding the station on SR94 if they would be better off further east or west, possibly, but those are decisions that are made at the time. He said Scheetz feels they can do more convenient stores in the Cleveland market and felt there was a lot of opportunity.

Board Member James questioned if the conservation easement would be donated to a third party to hold in essence locking up the 3.5 acres. Mr. Rinker answered that yes, it would be a third-party control and subject to EPA regulation ultimately. Mr. James said the conservation easement would prevent any further development and even though the zoning might change in that location, 3.5 acres has been taken away of potential development. Mr. Rinker answered yes, that is why it was proposed.

Board Member Heffinger explained about a year ago there was a controversial topic and someone voted to approve the recommendation for disapproval and then the Board declined that vote. The question was, did the Board actually approve it or not approve it. He wanted to make clear what they are voting for, approving or not approving. Planning Director Testa said the Board would be voting to accept the recommendation of disapproval or not accept the recommendation of disapproval. Mr. Heffinger said if they do not accept the recommendation for disapproval, he asked if that meant they were recommending approval or did that mean the Board was "shooting down" the disapproval. Ms. Testa answered they are "shooting down" the disapproval. Board Member Hambley said the next step procedurally would be another vote in favor of with conditions that would be required. Mr. Heffinger said that would require a secondary vote. Mr. Hambley said that would be correct and dealing with whatever issue that did not pass. The motion as he understood was, they were going along with staff recommendations to recommend not approval of the rezoning. Mr. Heffinger said to make it easier, if they recommended approval and voted and it got disapproved or approved, they would have a clear answer than one vote, correct. Mr. Hambley said no.

Board Member James stated the motion needs to be to accept the recommendation and then the yes and no votes would determine whether that passes. Board Member Hambley felt the problem is also the conditions, normally they would add "approval with conditions" and those conditions have not been outlined. When he reviewed the ORC the Planning Commission is obligated to approve, disapprove or suggest modifications. Board Member Miller questioned if they (Planning Commission) went along with the recommendation of disapproval they still have to go back to Medina Township. Mr. Hambley answered that the Planning Commission is advisory.

Mr. Kalina moved to approve the staff recommendation of disapproval for the Medina Township Map Amendment rezoning from BL to GB. Mr. Nowak seconded the motion. Roll call vote was taken. Ms. Miller, Mr. Williams, Mr. Hambley, Mr. James, Mr. Nowak, Ms. Ryan, and Mr. Heffinger voted NAY. Mr. Kalina and Mr. Calaway voted AYE. Mr. Brandon and Mr. Stopa abstained. The motion does not pass with 7 NAYS and 2 AYES and 2 abstentions.

Board Member Hambley explained under ORC the motion would be either approve, disapprove or suggest modifications.

Mr. Heffinger moved to approve the Medina Township Map Amendment rezoning from BL to GB. Ms. Miller seconded the motion.

Board Member Hambley clarified if that (motion) addressed some of the concerns that were raised by the staff. He said there were a number of concerns that included sewer which are included in the staff report. Mr. Heffinger said this has been a very long conversation, about an hour and a half so he asked for clarification. Mr. Hambley answered that the Highway Engineer has discussed a highway study being done and approvals based on those conditions being complied with. Ms. Testa agreed saying the Board can propose approval with modifications that would include agency comments.

Mr. Heffinger amended his motion subject to agency comments included in the planning staff report. Ms. Miller seconded the motion. Roll call vote was taken. Ms. Miller, Mr. Williams, Mr. Hambley, Mr. James, Mr. Nowak, Ms. Ryan, and Mr. Heffinger voted AYE. Mr. Kalina and Mr. Calaway voted NAY. Mr. Brandon and Mr. Stopa abstained. The motion passes with 7 AYES and 2 NAYS and 2 abstentions.

**Board Vice Chair Nowak turned the meeting back over to Board President Brandon.

VII. PLANNING DIRECTOR'S REPORT

Planning Director Testa informed the Board that she would email the Planning Commission members her report as this was a long meeting.

VIII. PUBLIC PARTICIPATION

There was no Public Participation.

X. ADJOURNMENT

Board President Brandon asked for a motion to adjourn.

Mr. Williams moved to adjourn the June 2, 2021 MCPC meeting at 8:48 p.m. Mr. Stopa seconded the motion. All voted AYE and the motion was approved.

Jeff Brandon, President

Cheryl Heinly, Administrative Assistant