

City of Medina

Planning Commission

Case No. P25-02

Applicant: Stephen Berry

Subject Property: 999 Lafayette Road, Medina, Ohio

Final Decision and Conclusions of Fact

The Planning Commission (hereinafter the "Commission") of the City of Medina, Ohio (hereinafter the "City"), makes the following conclusions of fact in support of its final decision in the above-referenced case.

After the hearing of all evidence and arguments of the interested parties in this matter at a quasi-judicial administrative hearing held at a public meeting of the Commission on March 13, 2025 (hereinafter the "Commission Hearing"), and considering the standards set forth in the City of Medina Codified Ordinances (hereinafter the "Code"), the Commission granted Site Plan and Conditional Zoning Certificate approval for a convenience store, motor vehicle filling station, and drive through at 999 Lafayette Road in a C-3 (General Commercial) zoning district.

The Commission's conclusions of fact supporting its decision are:

1. The Subject Property is known as 999 Lafayette Road in the City of Medina, Ohio, with Medina County PID#: 028-19C-12-023, and is comprised of approximately 1.96 acres (hereinafter the "Property").
2. The Property is located in the "C-3 General Commercial" zoning district as described in the City of Medina Planning and Zoning Code and Zoning Districts Map, adopted pursuant to Chapter 1113 of the Code.
3. The Property is currently owned by Leonard and Sandra Shetler and contains two buildings, parking, one access point on Lake Road, and one access point on Lafayette Road.
4. Stephen Berry of Architectural Design, Inc. (hereinafter the "Applicant") requested development of the Property for a convenience store, motor vehicle filling station, and drive through.
5. The Applicant submitted a Site Plan application as required per Code Section 1109.01 for the demolition of the existing site and the construction of a building, two canopies, parking, access drives, site lighting, landscaping, and related items. The application was reviewed by the Commission.

6. The Applicant submitted a Conditional Zoning Certificate application as required per Code Section 1153.02 for a motor vehicle filling station and a restaurant with drive through. The application was reviewed by the Commission.
7. The Applicant submitted an area or size type variance to Code Sections 1145.10(e) and 1153.04(a)(15)(B.) to allow a wider driveway width and more driveways than permitted. The application would be reviewed by the City of Medina Board of Zoning Appeals (hereinafter the "Board").
8. The Commission was provided relevant information regarding the request including, but not limited to:
 - a. An existing conditions plan, site plan, landscaping plan, lighting plan, exterior building elevations, and a floor plan submitted by the Applicant.
 - b. A staff report submitted by Andrew Dutton, Community Development Director.
 - c. Comments submitted by Patrick Patton, City of Medina Engineer.
 - d. Photographs of traffic in the area submitted by William Deluca.
9. Code Chapter 1109, "Site Plan Review", includes Code Section 1109.02(c), "Review and Action by the Planning Commission". Code Section 1109.02(c) was reviewed by the Commission and states:

The Planning Commission's review and action shall be based on the following standards:

1. *The site plan shows that a proper relationship does exist between thoroughfares, service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.*
2. *All the development features including the principal buildings, open spaces, service roads, driveways and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.*
3. *The site plan includes adequate provision for the screening of parking areas, service areas and active recreation areas from surrounding properties by landscaping and/or ornamental walls or fences. All trees planted shall be as found in specifications approved by the Shade Tree Commission.*
4. *Grading and surface drainage provisions are reviewed and approved by the City Engineer.*
5. *The design and construction standards of all private streets, driveways and parking areas are to be built following approval of plans by the City Engineer according to construction standards specified in the Codified Ordinances.*
6. *Maximum possible privacy for multi-family dwellings and surrounding residential properties shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy in multi-family dwellings should be provided through soundproofing. All trees planted shall be as found in specifications approved by the Shade Tree Commission.*
7. *The architectural design of buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, line and pattern and character.*
8. *Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography. Any trees to be removed which*

are planted in a public right-of-way or on municipal property shall be reviewed by the Shade Tree Commission.

- 9. In multi-family developments, television and other antennas shall be centralized.*
 - 10. On-site circulation shall be designed to make possible adequate fire and police protection.*
 - 11. Off-street parking facilities shall be provided in accordance with Chapter 1145. In large parking areas, visual relief shall be provided through the use of tree planted and landscaped dividers, islands and walkways. In multi-family developments no parking or service areas shall be permitted between any street and the main building. All trees planted shall be as found in specifications approved by the Shade Tree Commission.*
 - 12. Signs shall be provided in accordance with these Codified Ordinances.*
 - 13. Any trees planted on site shall be on approved list of Shade Tree Commission and planted in accordance with Commission standards.*
10. Code Chapter 1153, “Conditional Zoning Certificates”, includes Code Section 1153.03, “Basis of Determination”. Code Section 1153.03 was reviewed by the Commission and states:
- (a) Planning Commission Duties. The Planning Commission shall establish beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein are satisfied by the completion and operation of the proposed development. The Planning Commission may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for the insuring that the intent and objectives of this Zoning Ordinance will be observed.*
 - (b) General Standards. The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:*
 - 1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Land Use and Thoroughfare Plan of current adoption;*
 - 2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;*
 - 3. Will not be hazardous or disturbing to existing or future neighboring uses;*
 - 4. Will not be detrimental to property in the immediate vicinity or to the community as a whole;*
 - 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such service adequately;*
 - 6. Will be in compliance with State, County and City regulations;*
 - 7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic or surrounding public streets or roads.*

11. Code Section 1145.10(e) states:

Driveway Width. The width of driveways at the curb line and at the right-of-way line shall comply with the requirements in Table 2. The Commission may permit wider driveways for three or more entrance/exit lanes for those drives with a high volume of traffic. In the case of a four-lane drive, the lanes shall be designed as two adjacent entrance and exit lanes divided by a minimum six-foot wide barrier.

**TABLE 2
WIDTH OF DRIVEWAYS**

	<i>Maximum Width at Curb Line (feet)</i>	<i>Width at R.O.W. Line (feet)</i>	
		<i>Minimum</i>	<i>Maximum</i>
<i>Residential</i>	22	10	20
<i>Commercial or Public Facility</i>	38	12	24
<i>Industrial</i>	120	24	75

12. Code Section 1153.04(a)(15)(B.) applies to the proposed motor vehicle filling station use and states:

No more than two (2) driveway approaches shall be permitted directly from any thoroughfares and shall not exceed thirty (30) feet in width at the property line.

13. The Applicant proposed three access drives with the following widths:

Access Drive	Width at Curb Line	Width at Right-of-Way*
Lafayette Road	67 ft.	44 ft.
North Lake Road	43 ft.	37 ft.
South Lake Road	100 ft.	65 ft.
*Width at Right-of-Way is the same as Width at Property Line		

14. Andrew Dutton, City of Medina Community Development Director, testified under oath at the Commission Hearing that:

- The proposal was for a convenience store with a counterclockwise drive through in the center of the Property, passenger vehicle filling on the south side of the Property, and tractor-trailer filling on the north side of the Property.
- The site plan met most general development standards, such as setbacks, building height, and lot coverage.
- The site plan incorporated three access drives with widths between 37 ft. and 65 ft. at the right-of-way and 43 ft. and 100 ft. at the curb. The number and widths of access drives did not comply with Code Section 1153.04(d)(15)(B.) and Code Section 1145.10(e). An area variance was submitted to the Board and would be reviewed later in the evening.

- d. The Code stated that parking, to the extent feasible, shall be located behind the front wall of the building. The application incorporated passenger vehicle parking in front of the front wall of the building, which was a common configuration for a convenience store with a filling station.
 - e. The Code required a 10 ft. wide landscaping strip between a parking area and the right-of-way, though a 5 ft. wide landscaping strip may be permitted by the Commission. The proposed parking was setback 10 ft. from the right-of-way with a 5 ft. landscaped strip to accommodate a public sidewalk. The City Engineer preferred to locate the public sidewalk on the Property, which was not a typical configuration, in order to provide a buffer between the public sidewalk and the roadway.
 - f. The Community Development Department recommended approval of application P25-02, as submitted with the following conditions:
 - 1. The project shall comply with Code Sections 1145.10(e) and 1153.04(d)(15)(B.) regarding the number and width of access points or receive variance approval from the Board.
 - 2. The proposed public sidewalk shall connect with the existing curb ramp at the corner of Lafayette Road and Lake Road and a private sidewalk shall connect from the public sidewalk to the convenience store building per Code Section 1130.10.
 - 3. Two trees shall be located adjacent to Lafayette Road in the area marked “LAWN” on the Landscaping Plan.
 - 4. A light fixture detail shall be submitted in compliance with Code Section 1145.09(c)(6).
15. The Applicant testified under oath at the Commission Hearing that:
- a. The site layout intended to segregate truck traffic from automobile traffic.
 - b. Access points were located as far away as possible from the intersection to prevent stacking issues.
 - c. A sign could be installed prohibiting trucks from entering the site from Lafayette Road.
16. Majeed Makhoulf, representing Minit Mart LLC, the property owner of 1010 Lafayette Road, stated at the Commission Hearing that:
- a. His client requested that the Commission reject the application, or at the minimum, table the application.
 - b. The Commission should know the outcome of the requested variance prior to deciding on the application.
 - c. The application would devalue his client’s property and create safety issues for their customers.

- d. The application would produce more traffic than the previous use and no information on traffic generated or traffic impacts had been provided.
17. William Deluca, Regional Manager for Minit Mart, testified under oath at the Commission Hearing that the proposed application would create additional traffic.
18. Cammie Reust testified under oath at the Commission Hearing that the proposed application would create additional traffic.
19. Troy Gerspacher testified under oath at the Commission Hearing that the application would benefit industrial users in the area.
20. Based on all of the forgoing Paragraphs 1 through 19, the testimony of the witnesses, and the exhibit submitted and accepted at the Commission Hearing, the Commission found the application complied with Code Section 1109.02(c), *“Review and Action by the Planning Commission”* and Code Section 1153.03, *“Basis of Determination”* and approved the application with the following conditions:
 - a. The approval of the requested variances by the Board of Zoning Appeals.
 - b. The proposed public sidewalk shall connect with the existing curb ramp at the corner of Lafayette Road and Lake Road.
 - c. Two trees shall be located adjacent to Lafayette Road in the area marked “LAWN” on the Landscaping Plan.
 - d. A light fixture detail shall be submitted in compliance with Code Section 1145.09.
 - e. Semi-trucks shall be prohibited from turning into the property at the Lafayette Road entrance.
21. The adoption of these Conclusions of Fact constitutes the final decision of the Commission in this case.

APPROVED BY:

Motion of the City of Medina Planning Commission on April 10, 2025.

Confirmed: _____

Rick Grice,
Chair of the Planning Commission

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4 CITY OF MEDINA PLANNING COMMISSION

5 CASE P25-02

6 999 LAFAYETTE ROAD
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10 Transcript of Proceedings held on Thursday,
11 the 13th day of March, 2025, before the
12 City of Medina Planning Commission, commencing
13 at approximately 6:00 p.m., as taken by
14 Makenzie J. Sabo, RPR, Notary Public within and for
15 the State of Ohio, and held in Medina City Hall,
16 132 North Elmwood Avenue, Medina, Ohio 44256.
17

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21
22

23 MEDINA COURT REPORTERS
24 209 North Broadway Street
25 Medina, Ohio 44256
(330) 723-2482
office@crmedina.com

1 APPEARANCES:

2 Rick Grice, Chairman,
3 Nathan Case, Member,
4 Bruce Gold, Member,
5 Monica Russell, Member,
6 Paul Rose, Member.

7 City of Medina Planning and Community
8 Development Department,
9 Andrew Dutton, Community Development Director,
10 Sarah Tome, Administrative Assistant.

11 Applicant:

12 Stephen Berry, President, Architectural Design Inc.
13 Harry Singh, Property Owner.
14 Paul Singh, Property Owner.

15 Also present:

16 Berns, Ockner & Greenberger, LLC
17 by Majeed G. Makhlouf, Esq.
18 on behalf of Minit Mart, LLC.

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1 (Whereupon, all persons in attendance
2 were previously placed under oath by the
3 notary.)

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5 PROCEEDINGS

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7 CHAIRMAN: Next item on the
8 agenda is Case 25-02. This is for the property
9 at 999 West Lafayette Road. This is a
10 conditional zoning certificate and site plan
11 approval.

12 Andrew.

13 MR. DUTTON: (Displaying case
14 packet.)

15 Here we have the property on the northeast
16 corner of Lake Road and Lafayette Road. As
17 shown on the map, we have industrial uses to
18 the north east and southeast, commercial to the
19 south and southwest, and to the west, on the
20 other side of Lake Road, we have single-family
21 homes and then an automobile sales lot a little
22 bit further to the north there.

23 Here we have the site plan for the project,
24 the convenience store in the center of the lot
25 with a counterclockwise drive-through. On the

1 south side of the lot is a passenger vehicle
2 fueling area, and the north side is a truck
3 fueling area. They're connected on the -- to
4 the east of the convenience store with a drive
5 connecting them.

6 This site meets most of our typical
7 development standards, such as setbacks and
8 building height, lot coverage. We'll note
9 there's three access points here. We've got
10 one on Lafayette Road pushed as far east as
11 possible with three lanes - that will be for
12 passenger vehicle traffic - and then there's
13 two access points on Lake Road for the truck
14 traffic.

15 So the widths of the drives are between
16 thirty-seven and sixty-five feet at the
17 right-of-way and forty-three feet and a hundred
18 feet at the curb. So there are a couple of
19 sections that restrict the right-of-way width.
20 One is 1153.04, which is specific to fueling
21 stations or gas stations, limits the maximum
22 drive width to thirty feet, and you're only
23 allowed to have two, so we have three and
24 they're wider here; and then 1145.10(e) also
25 limits the width to twenty-four feet at the

1 right-of-way and thirty-eight feet at the curb.
2 So the applicant has requested a variance to
3 those two code sections which will be heard
4 later tonight.

5 The parking -- the passenger vehicle
6 parking on the south side of the lot meets the
7 number requirements. I'll note that the code
8 states that parking, to the extent feasible,
9 shall be located behind the front wall of the
10 building. Obviously here it's all in the front
11 of the building, between the building and
12 Lafayette Road; however, that is a common setup
13 for a gas station in this kind of instance.

14 We have sidewalks shown on the plan here,
15 and the applicant has provided a revision as
16 well, so the -- as shown here, they're on the
17 property and they don't connect to a curb ramp
18 in the southeast corner. A revised version
19 shows them in the right-of-way, which is where
20 they usually are. It connects them to the curb
21 ramp there.

22 The issue is, on Lake Road - you can see a
23 little bit on the map there - that puts the
24 sidewalk right onto the curb if you put it in
25 the right-of-way, so the City Engineer would

1 prefer this plan where the sidewalk's actually
2 on the property to provide a little bit of a
3 buffer for pedestrians from the street. So
4 that's not the typical setup. We can get an
5 easement to make that all straightforward and
6 above board.

7 The second part is that a sidewalk should
8 connect the public sidewalk to the convenience
9 store, which will need to be included.

10 Next is the landscaping. So I know that we
11 have some homes to the west on the other side
12 of Lake Road. They've provided some buffering
13 from the west side of the truck area and to the
14 west side of the convenience store. Also a
15 ten-foot-wide strip is required between the
16 passenger parking area and the right-of-way.
17 So here on the original plan we're showing that
18 ten-foot setback but only a five-foot strip, so
19 the Planning Commission would need to basically
20 waive that requirement, which they're permitted
21 to do, to incorporate that sidewalk onto the
22 property, which is, as I said, the preference
23 of the Engineer.

24 The applicant's also noted stormwater,
25 which is not shown on the plans. Certainly

1 would be underground. The City Engineer has
2 reviewed as well as accepted that as he will
3 need to review the underground storage rather
4 than a detention or retention pond.

5 So here we have some -- the front and west
6 building elevations, so these will be the ones
7 facing the street. We've got a flat roof with
8 varying roof lines. It's predominantly EIFS
9 with two colors and recessed sections, and then
10 we've got a lower stone section. And I know
11 we've talked about use of EIFS. The code
12 actually states it's permitted -- or stucco is
13 permitted, which basically EIFS is a synthetic
14 stucco, with bands of accent color or
15 recessions, which it includes, so in this case
16 the EIFS would be permitted.

17 And here is just a rendering of -- a 3D
18 rendering of what the building would look like.

19 So staff recommends approval of the
20 application as submitted with parking in the
21 front yard and a five-foot parking setback,
22 with the following conditions:

23 The project shall comply with Sections
24 1145.01(e) and 1153.04(d)(15)(B) regarding the
25 number and width of access points or receive a

1 variance from the Board of Zoning Appeals;

2 The proposed public sidewalk shall connect
3 with the curb -- existing curb ramp at the
4 corner of Lafayette Road and Lake Road and a
5 private sidewalk shall connect from the public
6 sidewalk to the convenience store building per
7 Section 1130.10;

8 And a light fixture detail shall be
9 submitted in compliance with Section
10 1145.09(c)(6).

11 Thank you.

12 CHAIRMAN: Okay. Thank you.

13 For the applicant, if you'd give us your
14 name and address and anything you'd like to add
15 to what Mr. Dutton said.

16 MR. BERRY: Yes. My name
17 is -- am I on? Push. Okay, I'm sorry.

18 My name is Stephen Berry. I'm the
19 project architect for the owners. I have
20 Mr. Harry Singh and Mr. Paul Singh here beside
21 me. And my address is 374 Boardman Poland
22 Road, Youngstown, Ohio.

23 CHAIRMAN: Anything you'd
24 like to add?

25 MR. BERRY: Well, Mr. Dutton

1 did a great job of explaining the project to
2 you. I would add that, you know, we try to
3 segregate the semitruck traffic from the
4 automobile traffic and keep the curb accesses
5 furthest away from the intersection as possible
6 because of the stacking issues and -- but
7 again, I think he's explained it pretty well.
8 I guess I would just, you know, throw it back
9 to you and say if you have any questions about
10 the project, we'd be happy to answer them for
11 you.

12 CHAIRMAN: Okay. Good
13 enough. Thank you.

14 This is a conditional zoning certificate,
15 so at this time I'll open a public hearing and
16 ask if anyone has any comments regarding this
17 application, for or against; and if so, if
18 you'd find an open mic and give us your name
19 and address.

20 MR. MAKHLOUF: Good evening,
21 Mr. Chairman. My name is Majeed Makhlof.
22 I'm a partner with the law firm of
23 Berns, Ockner & Greenberger in Beachwood,
24 Ohio, and I represent Minit Mart, LLC and the
25 property owner at 1010 Lafayette Road, right

1 across the street, an impacted property owner
2 with respect to this proposed development.

3 We plead with you to reject this
4 application or, at a bare minimum, table it
5 today because it's premature, at a bare
6 minimum. They are asking for very, very
7 substantial variances that will go before
8 the Board of Zoning Appeals, and for the
9 Planning Commission to jump and grant approval
10 of the conditional use and of a site plan
11 without knowing whether the variances will be
12 granted or not would be a big undertaking.

13 But I think, even putting that aside, on
14 the merits of the application - and this is a
15 conditional use - the applicant bears the
16 burden to prove its case to you beyond a
17 reasonable doubt. That's the standard in your
18 code, and that's almost like the criminal
19 standard. It's not just sort of the regular
20 standard. The applicant, respectfully, made no
21 case to the Planning Commission.

22 A couple of issues. One of the primary
23 issues, why my client is up here, is one of the
24 primary criteria that this Commission has to
25 consider is the impact on the surrounding

1 properties and if there's a detriment to the
2 surrounding properties, and this development
3 will directly devalue my client's property and
4 create safety issues for our customers.

5 I have with me here Mr. William Deluca,
6 who's the regional operations manager, and
7 he'll talk a little bit more about the existing
8 site conditions and the traffic issues that are
9 there and how this will exacerbate it.

10 But I will just point to the Board, we're
11 talking about a site that was used effectively
12 for a used car, you know, operation. That does
13 generate some traffic, but it's not continuous
14 operational traffic. We're changing it with
15 two, or three for that matter, uses that are
16 continuously generating a significant amount of
17 traffic; a drive-through for food, a gas
18 station.

19 We've heard zero testimony before this
20 Board about the number of trips that this is
21 expected to generate, the impact on this
22 two-lane road, what will happen with all this
23 amount of traffic. There is no traffic impact
24 study in front of the Commission, and I would
25 submit that the traffic issues that are -- that

1 will be caused by this operation will cause
2 safety concerns to our customers who will
3 access our site and make it more dangerous for
4 them to use our site, and that's a direct
5 impact on us that will cause a significant harm
6 with this operation.

7 I think if the Commission just listened to
8 the number -- and I do have a history with
9 Mr. Dutton from history, and I have the utmost
10 respect for him. If you listen to the number
11 of times in presenting the case to you where he
12 talked about "This is not the typical setup for
13 an operation like this, we need to deviate for
14 this or that," it very much feels like we're
15 trying very hard to sandwich a use on a site
16 that doesn't make sense for it, and we're
17 saying "We're going to turn a blind eye to all
18 these issues."

19 "Ten-foot landscaping strip, we'll cut it
20 back to five to make the site work. There --
21 our code has limitations on curb cuts, how many
22 curb cuts can be in, we'll add another one to
23 make it work. The width of the curb cuts,
24 we'll expand them to make it work."

25 The curb cut on Lafayette is going to be

1 three lanes; one going in, one coming out --
2 one coming out left turn, right turn, and one
3 going in. We have absolutely nothing before
4 the Commission tonight when it wants to rule on
5 this application as to visibility, as to safety
6 issues. When you have three lanes and with
7 this amount of traffic that we're talking
8 about, gas station and food, how safe is this
9 kind of operation going to work?

10 None of that is before the Planning
11 Commission. I very much ask the Commission to
12 deny the application, but at a bare minimum I
13 would ask you to table it. It just was
14 submitted on February 21. The Commission at
15 least has forty-five days under its rules.
16 Give us the chance - because we just learned of
17 this - to bring you the traffic experts who
18 would testify as to the impact of this.

19 Right now you will have the pictures
20 presented to the Board and submitted into the
21 record, that Mr. Deluca will put into the
22 record, but we submit that we need, ourselves,
23 the opportunity to make an opposition to you.
24 But nonetheless, the burden rests with the
25 applicant and it's a burden beyond a reasonable

1 doubt, and they presented pretty much nothing.

2 And with that I'll turn it to Mr. Deluca.

3 Thank you.

4 MR. GOLD: Excuse me.

5 MR. MAKHLOUF: Sure.

6 MR. GOLD: You made the
7 claim that we shouldn't do the -- we should
8 table the applicant due to the fact that he
9 does not have an approval from the BZA.

10 MR. MAKHLOUF: Correct.

11 MR. GOLD: BZA meets after
12 us. Our approval would be on the condition
13 that the BZA passes it, and that is acceptable
14 per our code, so we can do that.

15 Secondly, you haven't brought any case as
16 to how the traffic implications are going to
17 affect the surrounding area. You have just
18 claimed that the applicant hasn't provided
19 enough information. In your counterclaim you
20 have provided no evidence that there's going to
21 be a detrimental effect to the traffic pattern.

22 I pass your client's place of business
23 every day, including stopping in there several
24 times during the week before work. I see the
25 traffic pattern. I don't understand how you're

1 making this claim and you're not providing any
2 evidence for that.

3 MR. MAKHLOUF: So a number of
4 issues. And I understand that the Commission
5 can always grant conditional approvals. I
6 submit, though, with the substantial variances
7 that we're talking about here and the -- that
8 that would not make sense here to rush --

9 MR. GOLD: What substantial
10 variances are you referring to? The fact
11 that they want a seventy-five-foot curb cut?
12 Which is allowed and which should be in the
13 industrial area, especially when semis are
14 turning into the property.

15 MR. MAKHLOUF: What is -- and I
16 don't want to get into an argument, but the --
17 it's a substantial variation from what the code
18 allows. The difference is pretty substantial.
19 It's not a one-percent or two-percent variance,
20 it's a pretty substantial variance from what
21 the code allows.

22 There's another driveway altogether that's
23 not allowed for by the code. The distance
24 between the intersection and the driveway on
25 Lafayette, none of that -- I mean -- and again,

1 I understand in terms of we do not have a
2 counterclaim before the Board. The -- this is
3 not a sort of a complaint and a counterclaim
4 situation. This is an application for a
5 conditional -- conditional approval that the
6 applicant bears the burden, and we have the
7 ability to identify the issues where they
8 failed to meet their burden.

9 And Mr. Deluca will show you the pictures
10 of the traffic as it exists today. We're
11 talking about being near a train line, and when
12 the traffic is stopped, the amount -- I'm
13 trying not to -- I'm not the person who lives
14 at the property, who knows the traffic. I'm
15 trying to wait for Mr. Deluca to address that,
16 but --

17 MR. GOLD: What train
18 crossing are you talking about?

19 MR. DELUCA: On Smith Road.

20 MR. GOLD: Two miles away.

21 (Whereupon, a discussion amongst the
22 board members was then had out of the hearing
23 of the notary.)

24 MR. MAKHLOUF: We're putting in
25 the record the pictures of --

1 MR. DELUCA: These are
2 pictures of Smith Road today right at the
3 entrance of the Medina Fairgrounds at roughly
4 two o'clock (providing).

5 MR. ROSE: Okay, yeah, all
6 right, but that's a totally different road.
7 Smith Road does not cross Lake and Lafayette.
8 Smith Road is the next road north.

9 MR. DELUCA: Yep.

10 MR. ROSE: Okay?

11 MR. DELUCA: Here's pictures
12 at roughly five or ten minutes to 3:00 right on
13 Lafayette (providing).

14 MR. ROSE: One truck.

15 MR. DELUCA: This here is the
16 corner of the store, and you can see all the
17 cars going back (indicating). There's roughly
18 ten cars.

19 MR. GOLD: But that occurs
20 at your property as well.

21 MR. DELUCA: Correct.

22 MR. GOLD: So then
23 theoretically, to your point, we shouldn't have
24 allowed your property the permit to put a
25 gas/convenience store because of the traffic.

1 Your property blocks -- you're -- going in and
2 entering into your store, there's plenty of
3 times when I am going down Lafayette and I go
4 through the intersection, go to turn left, and
5 have to wait until traffic clears so I can make
6 a left into your facility.

7 MR. DELUCA: Correct. I'm not
8 sure --

9 MR. GOLD: So --

10 MR. DELUCA: -- of the year
11 that that property was approved of. I've been
12 overseeing that property for seven years, and I
13 know that if this is allowed the amount of
14 traffic that is going to get created in that
15 two-lane highway.

16 MR. MAKHLOUF: And I think
17 that's the point, what's there is there, but
18 with what's there, that's there. To come and
19 add another use that is very traffic-intensive
20 without any traffic study, without -- literally
21 we don't even have any testimony before the
22 Commission on the number of trips that would be
23 generated on the -- you know, just sort of -- I
24 think the Commission correctly identifies that
25 there's a traffic issue today, and to just add

1 to it without the requisite studies and expert
2 testimony in the record is not proper.

3 MS. RUSSELL: I guess my
4 question here would be, why would there be more
5 traffic? I think the issue is that there would
6 be less traffic going to your business and some
7 going to the competitor across the street
8 because it's a similar business. So I don't
9 know why there would be more traffic. It's
10 just it's a similar business that's across the
11 street, so I don't see why there would be more
12 people coming down to service the businesses.

13 MR. MAKHLOUF: This is not a
14 case of competition, and I think it's almost
15 the -- it's called the gravitational model that
16 always happens, which is why you have fast food
17 restaurants locate next to each other, or you
18 have gas station -- you know, it's when -- when
19 you have a number of similar uses next to each
20 other, they often generate more people coming
21 to the area because of the power to compare and
22 it does very much increase traffic as opposed
23 to take from one to the other.

24 MR. DUTTON: And I'd just like
25 to add, so our site plans are always sent to

1 the City Engineer for his review prior to the
2 Planning Commission getting them. He has the
3 ability to request a traffic impact study or a
4 traffic analysis. He did not require those in
5 this case. Usually site developments this size
6 he would not require it. Something like Acme,
7 that required a traffic impact study. So he
8 did not require that. He is qualified to make
9 that decision.

10 And just -- and I know it's kind of
11 ancillary, but with the ten-foot setback for
12 the landscaping, the applicant is willing to
13 meet it. We prefer they didn't so we keep the
14 sidewalk further from the road. So that's
15 actually -- we'd rather them not meet -- well,
16 it's not actually a variance, it's something
17 you can waive, but we prefer it be five foot
18 rather than ten foot for safety of the
19 residents.

20 CHAIRMAN: Thank you.

21 Anything else?

22 MR. MAKHLOUF: No, I think
23 that's it for now. We very much ask you to
24 deny it or, at a bare minimum, table it to give
25 us the opportunity to come back with -- we

1 literally just got notice of this very
2 recently.

3 And again, the other issue is where the
4 parking is, you know, being in the front as
5 opposed to being in the back for this area,
6 what your code expects, but would leave it at
7 that for now.

8 Thank you.

9 CHAIRMAN: Thank you.

10 MR. MAKHLOUF: I understand
11 there are other individuals who wish to speak,
12 but at least on behalf of this property owner
13 that's it.

14 CHAIRMAN: Okay. Got it.
15 Thank you.

16 Anyone else with us this evening have any
17 comments regarding this application?

18 MR. BERRY: May I make an
19 observation?

20 MS. REUST: (Indicating.)

21 CHAIRMAN: Find an open mic,
22 give us your name and address and anything
23 you'd like to add.

24 NOTARY: Ma'am, before you
25 speak, can you raise your right hand so I can

1 swear you in.

2 (Whereupon, CAMMIE REUST was then
3 placed under oath by the notary.)

4 MS. REUST: I'm Cammie Reust.
5 I live in Medina.

6 I travel that way every day, same as you do
7 as well. What I see from -- as a resident, I
8 have to agree with the fact that it is probably
9 going to generate more traffic to that area.
10 With the factories and stuff that are over
11 there now, I think it's just -- for me, it's
12 like -- that intersection right there I think
13 is what's going to be the issue because it's
14 going to be a buildup of traffic of people
15 trying to get to work, people trying to get out
16 of work and stuff, and the back and forth.

17 My biggest concern is the extra traffic
18 that it's going to generate to the area as far
19 as, you know, what that's going to do for us
20 sitting there waiting in line, trying to get
21 through that light and everything else, to get
22 in and out of town.

23 So that's the big issue right there.

24 CHAIRMAN: Okay. Thank you.

25 Anyone else?

1 MS. TOME: Excuse me, ma'am.

2 Ma'am, we need your address for the record.

3 MS. REUST: Oh. I live at

4 580 North Harmony Street.

5 MS. TOME: Thank you.

6 MR. Gerspacher: Troy Gerspacher,

7 5734 Trystin Tree Drive, Medina, Ohio. I am

8 with Gerspacher Real Estate Group. I represent

9 the seller in the transaction. The seller is

10 not here tonight, and I just want to, I guess,

11 recommend to the Board that I encourage you to

12 pass this. I think it's a commercially zoned

13 property, it's a good use, economic development

14 use of the property.

15 There's tons of industrial buildings that

16 surround the areas. They do need to fill up

17 for gas. I really think that the in-and-out

18 access with the trucks not being on the main

19 road of Lafayette and being on Lake is a very

20 good use of the property, so I'm recommending

21 that you pass it, and I think it will be a

22 positive thing for the users that -- the

23 industrial users that are around the park.

24 Thank you.

25 CHAIRMAN: Thank you.

1 Anyone else?

2 (No response.)

3 CHAIRMAN: Okay. I will
4 close the public hearing at this time and ask
5 the Commission if they have any other
6 questions, comments, et cetera.

7 MR. GOLD: Andrew, do we
8 need to have a lighting plan submitted with it?

9 MR. DUTTON: There was a
10 lighting plan in the packet that was compliant.
11 The only thing I needed was just the light
12 fixture.

13 MR. GOLD: Okay.

14 (Whereupon, a discussion amongst the
15 board members was then had out of the hearing
16 of the notary.)

17 MR. CASE: Could we add a
18 required sign to Lafayette saying that no truck
19 traffic can enter in that way?

20 CHAIRMAN: Sure.

21 MR. DUTTON: I guess I would
22 ask the applicant what the plan is for that
23 access point for the truck traffic.

24 (Whereupon, a discussion amongst
25 Stephen Berry, Harry Singh, and Paul Singh was

1 then had out of the hearing of the notary.)

2 MR. BERRY: The owners say
3 that's not a problem to have a sign for that,
4 for the trucks at the Lafayette Road access.

5 And if I -- may I make just an observation?
6 Just quickly hearing this, I mean, the business
7 across the street catty-corner also has parking
8 out front. It is the same use as our project
9 and, also, appears to have both sides curb cuts
10 bigger than thirty feet, so that's just an
11 observation that might be relevant.

12 CHAIRMAN: Thank you.

13 Ms. Russell, do you have anything?

14 MS. RUSSELL: (Nodding
15 negatively.)

16 MR. ROSE: Mr. Chairman, I
17 just --

18 CHAIRMAN: Mr. Rose.

19 MR. ROSE: I drive this
20 every day around noon-ish, between 11:00 and
21 1:00 every day, so I see a different flavor of
22 the traffic, and there's times where I breeze
23 right through and there's other times where
24 I'm sitting there waiting for a truck to either
25 pull in or pull out of the gas station there on

1 42. Okay? So --

2 In looking at an aerial photograph of this,
3 there's a turn lane at each aspect, each street
4 it has a turn lane, so I don't think we're
5 going to be backing up traffic all the way to
6 Smith Road and the railroad track for this
7 here.

8 CHAIRMAN: Okay. Any other
9 questions? Comments?

10 MR. GOLD: Mr. Chairman,
11 I'd like to put forth a motion to approve the
12 application as submitted with the caveat of
13 the passage of the requested approvals to the
14 Board of Zoning Appeals, that the proposed
15 sidewalk shall not connect with the existing --
16 or shall connect with the existing curb ramp
17 at the corner of Lafayette and Lake, that
18 two trees shall be located adjacent to
19 Lafayette Road in the marked "LAWN" on the
20 landscape plan, and the lighting fixture
21 detail shall be submitted in compliance with
22 Section 1145.09, and that -- also that the --
23 there be prohibited turning into the property
24 off of Lafayette by trucks. And "by trucks,"
25 that would be semis.

1 Good enough?

2 CHAIRMAN: We have a motion.

3 MR. CASE: Second.

4 CHAIRMAN: We have a motion
5 and a second. Is there any other discussion?

6 MR. MAKHLOUF: Mr. Chairman?

7 CHAIRMAN: Roll call.

8 I'm sorry, there was a --

9 MR. MAKHLOUF: I just -- I
10 apologize for having to do this, but it's a
11 legal requirement that I just have to do it.

12 I need to put on the record that my client,
13 if there's approval, intends to appeal to the
14 Court of Common Pleas. It's a requirement by
15 law that I have to say this.

16 So thank you.

17 CHAIRMAN: Anything else?

18 (No response.)

19 CHAIRMAN: Roll call.

20 MS. TOME: Grice?

21 CHAIRMAN: Yes.

22 MS. TOME: Rose?

23 MR. ROSE: Yes.

24 MS. TOME: Russell?

25 MS. RUSSELL: Yes.

1 MS. TOME: Case?
2 MR. CASE: Yes.
3 MS. TOME: Gold?
4 MR. GOLD: Yes.
5 MS. TOME: Motion carried.
6 CHAIRMAN: Thank you,
7 everyone.
8 MR. BERRY: Thank you.

9 (Case concluded.)

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CERTIFICATE

I further certify that said hearing was held at the time and place specified in the above case and was concluded on the 13th day of March, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my seal of office at Medina, Ohio this
28th day of March, 2025.

Makenzie J. Sabo, RPR
and Notary Public within and for
the State of Ohio.
My commission expires 09/19/28.

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