

Z25-09

**Appeal of the
City of Medina
Planning Commission's
Approval of P25-02**



CITY OF MEDINA
Community Development Department
132 North Elmwood Ave., Medina, OH 44256
Phone: 330-722-9023

MEMORANDUM

DATE: June 3, 2025

TO: City of Medina Board of Zoning Appeals

FROM: Andrew Dutton, Community Development Director

SUBJECT: Application Z25-09, Appeal of the Planning Commission's Approval of P25-02

Application History

On March 13, 2025, the City of Medina Planning Commission reviewed application P25-02: Stephen Berry requesting 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. Based on the testimony of witnesses and exhibits submitted and accepted, the Planning Commission approved application P25-02 with the following conditions:

1. The approval of the requested variances by the Board of Zoning Appeals.
2. The proposed public sidewalk shall connect with the existing curb ramp at the corner of Lafayette Road and Lake Road.
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 Section 1145.09.
5. Semi-trucks shall be prohibited from turning into the property at the Lafayette Road entrance.

On March 25, 2025, an appeal of the Planning Commission's approval of P25-02 was submitted by Majeed Makhoul on behalf of Minit Mart, LLC, a neighboring property owner.

On April 10, 2025, the Planning Commission reviewed and approved the Final Decision and Conclusions of Fact regarding application P25-02.

Documents Provided for Review

The following information has been provided for the Board's review of the subject appeal:

- The appeal request submitted by Majeed Makhoul
- Document provided by Anthony Vacanti representing the applicant of P25-02 and the city's response
- Final Decision and Conclusions of Fact adopted by the Planning Commission on 4/10/25
- Documents submitted to the Planning Commission for their review on 3/13/25
- Transcripts from the 3/13/25 and 4/10/25 Planning Commission meetings
- Meeting minutes from the 3/13/25 and 4/10/25 Planning Commission meetings.

Appeal

The following sections of the City of Medina Codified Ordinances apply to appeals. Please consider Section 1107.08(i)(4) when reviewing application Z25-09.

Section 1107.08(b)(1)

Appeals. Generally, an appeal may be taken to the Board by a person, or by any office, department, board, or bureau aggrieved by a decision of any administrative or enforcement official or body charged with enforcement of this Ordinance. An appeal must be filed within fourteen (14) days of issuance of the applicable written decision, and such appeal shall be made on forms made available by the Planning Director.

Section 1107.08(i)(4)

Criteria applicable to appeals. The Board shall reverse an order of a zoning official only if it finds that the action or decision appealed:

- A. Was arbitrary or capricious; or
- B. Was based on an erroneous finding of a material fact; or
- C. Was based on erroneous interpretation of this Ordinance or zoning law; or
- D. Constituted an abuse of discretion.

Appeal Request



BOARDS & COMMISSIONS APPLICATION

132 North Elmwood Avenue
330-722-9038
www.medinaoh.org

Application Number **Z25-09**

GENERAL	Date of Application <u>3/25/2025</u>
	Property Location <u>999 Lafayette Road</u>
	Description of Project <u>Appealing Planning Commission Decision P25-02 (approval of site plan and conditional zoning certificate for a convenience store, motor vehicle filling station, and drive through).</u>
	A copy of the March 14, 2025 approval letter is attached. Requesting that stay of decision be immediately implemented.
CONTACT INFORMATION	Applicant Name <u>Minit Mart, LLC (through legal counsel Majeed G. Makhoulouf)</u> Address <u>1010 Lafayette Road</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone <u>(216) 346-8433</u> Email <u>mmakhoulouf@bernsackner.com</u>
	Property Owner Name <u>Shetler Leonard F JR & Sandra M</u> Address <u>999 Lafayette Road</u> City <u>Medina</u> State <u>OH</u> Zip <u>44256</u> Phone _____ Email _____
APPLICATION TYPE	Planning Commission Site Plan <input type="checkbox"/> Conditional Zoning Certificate <input type="checkbox"/> Code or Map Amendment <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Conditional Sign (EMC/Shopping Ctr) <input type="checkbox"/> TC-OV <input type="checkbox"/> Other <input type="checkbox"/> Historic Preservation Board Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/> Board of Zoning Appeals Variance <input type="checkbox"/> Appeal <input checked="" type="checkbox"/>
APPLICANT SIGNATURE	By signing this application, I hereby certify that: 1) The information contained in this application is true and accurate to the best of my knowledge; 2) I am authorized to make this application as the property owner of record or I have been authorized to make this application by the property owner of record; 3) I assume sole responsibility for correspondence regarding this application; and 4) I am aware that all application requirements must be submitted prior to the formal acceptance of my application. Signature <u>[Signature]</u> Date <u>3/25/2025</u>
OFFICIAL USE	Zoning District <u>C-3</u> Fee (See Fee Sheet) \$ <u>-</u>
	Meeting Date <u>5/8/25</u> Check Box when Fee Paid <input type="checkbox"/>

BERNS, OCKNER & GREENBERGER, LLC

Douglas V. Bartman
Jordan Berns
Sheldon Berns
Paul M. Greenberger
Majeed G. Makhoulouf*
Benjamin J. Ockner

Attorneys at Law
3201 Enterprise Parkway – Suite 220
Beachwood, Ohio 44122
Telephone (216) 831-8838
Fax (216) 464-4489

www.bernssockner.com

Extension 4
rshell@bernssockner.com

Elizabeth Wells Rothenberg, Of Counsel

*Also admitted in New York and D.C.

March 26, 2025

VIA FEDERAL EXPRESS

AND EMAIL adutton@medinaoh.org

Board of Zoning Appeals

City of Medina, Ohio

132 N. Elmwood Avenue

Medina, Ohio 44256,

Attn: Andrew Dutton, Community

Development Director

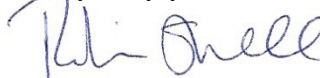
Re: Minit Mart, LLC v. Planning and Zoning Commission, City of Medina, Ohio

Dear Mr. Dutton:

Enclosed is the Boards & Commissions Application for the Planning Commission decision.

Thank you.

Very truly yours,



Robin Shell

Assistant to Majeed G. Makhoulouf

Encl.

The Planning Commission erred in approving the Site Plan and Conditional Use:

1. The Applicant had to prove its case beyond a reasonable doubt, but presented no credible evidence in support of its application.
2. The Commission's decision is contrary to the standards required by the City's Zoning Code.
3. The approval fails to comply with Chapter 1153 of the City's Zoning Code, including failing to meet the criteria established in 1153.03 and 1153.04 of the City's Zoning Code.
4. The approval fails to comply with Sections 1109.02(c) and 1137.09 of the City's Zoning Code.
5. The approval is unconstitutional, illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record.
6. Appellant reserves the right to raise additional grounds for reversal at the hearing.



CITY OF MEDINA
Community Development Department
132 N. Elmwood Ave. Medina, OH 44256
Phone: 330-722-9023

March 14, 2025

Steve Berry
Architectural Design, Inc.
374 Boardman-Poland Rd. Suite 201
Youngstown, OH 44512

Dear Mr. Berry,

At the March 13, 2025 meeting of the Planning Commission, the Commission considered application **P25-02**: Stephen Berry requesting 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.

After discussion, a motion was made to approve the application as presented with the following conditions:

1. The approval of the requested variances by the Board of Zoning Appeals.
2. The proposed public sidewalk shall connect with the existing curb ramp at the corner of Lafayette Road and Lake Road.
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 Section 1145.09.
5. Semi-trucks shall be prohibited from turning into the property at the Lafayette Road entrance.

The motion received the necessary votes of the Commission, and the **application was approved**.

This action of the Planning Commission does not constitute approval of a Zoning Certificate, Variance, Building Permit, Engineering Permit, or other application required by the City of Medina Codified Ordinances.

Site Plan approval shall expire if construction has not commenced within one year of the Commission's approval or completed within two years of the Commission's approval. Conditional Zoning Certificate approval shall expire if the use has not commenced within two years of the Commission's approval.

Please feel free to contact me at (330) 722-9023 or adutton@medinaoh.org if you have any questions or need any further information.

Sincerely,

Andrew Dutton
Community Development Director



BOARDS & COMMISSIONS APPLICATION

132 North Elmwood Avenue
330-722-9038
www.medinaoh.org

Application Number P25-02

GENERAL	Date of Application <u>11/20/2024</u>
	Property Location <u>999 LAFAYETTE RD., MEDINA, OH 44256</u>
	Description of Project <u>DEMOLISH EXISTING BUILDINGS ON SITE, PREPARE SITE FOR CONSTRUCTION OF NEW 4,177 SF CONVENIENCE STORE, VEHICLE FILLING STATION AND ASSOCIATE SITE IMPROVEMENTS. PLEASE REFER TO PRELIMINARY PLANS FOR MORE DETAILS.</u>
CONTACT INFORMATION	Applicant Name <u>STEPHEN BERRY, PRES., ARCHITECTURAL DESIGN INC.</u> Address <u>374 BOARDMAN-POLAND RD., SUITE 201</u> City <u>YOUNGSTOWN</u> State <u>OH</u> Zip <u>44512</u> Phone <u>(330) 726-6390</u> Email _____
	Property Owner Name <u>HARPREET SINGH AULIA, DAVINDER PAUL SINGH</u> Address <u>1155 TOP OF THE HILL ROAD</u> City <u>AKRON</u> State <u>OH</u> Zip <u>44333</u> Phone <u>(917) 428-7633</u> Email <u>singh harry@aol.com, sdavinder74@yahoo.com</u> <u>(419) 790-9036</u>
	APPLICATION TYPE
	APPLICANT SIGNATURE
OFFICIAL USE	APPLICATION TYPE Planning Commission <input checked="" type="checkbox"/> Site Plan <input checked="" type="checkbox"/> Conditional Zoning Certificate <input checked="" type="checkbox"/> Code or Map Amendment <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Conditional Sign (EMC/Shopping Ctr) <input type="checkbox"/> Cert. of Appr. (TCOV) <input type="checkbox"/> Other <input type="checkbox"/> Historic Preservation Board Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/> Board of Zoning Appeals Variance <input checked="" type="checkbox"/> Appeal <input type="checkbox"/>
	APPLICANT SIGNATURE By signing this application, I hereby certify that: 1) The information contained in this application is true and accurate to the best of my knowledge; 2) I am authorized to make this application as the property owner of record or I have been authorized to make this application by the property owner of record; 3) I assume sole responsibility for correspondence regarding this application; and 4) I am aware that all application requirements must be submitted prior to the formal acceptance of my application. Signature <u>[Signature] PRES., A.D.I.</u> Date <u>2/21/25</u>
OFFICIAL USE	Zoning District <u>C-3</u>
	Meeting Date <u>3/13/25</u>
Fee (See Fee Sheet) \$ <u>450</u> Check Box when Fee Paid <input checked="" type="checkbox"/>	

Andrew Dutton

From: Andrew Dutton
Sent: Thursday, March 27, 2025 4:48 PM
Cc: Greg Huber; Sarah Tome
Subject: Appeal of P25-
Attachments: Z25-09 Appeal File 5-8-25.pdf

Board of Zoning Appeals (BZA) Members,

As required by Section 1107.08(e) of our Codified Ordinances, I am required to forward an appeal request to the BZA within 30 days. Attached is an appeal request to the Planning Commission's conditional approval of P25-02: Stephen Berry requesting 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 appeal will be scheduled for your review at the BZA meeting on 5/8/25.

In addition, an appeal to the Court of Common Pleas has been filed regarding your approval of Z24-04: Stephen Berry requesting an area variance to Sections 1145.10(e) and 1153.04(a)(15)(B.) to allow a wider driveway width and more driveways than permitted at 999 Lafayette Road in a C-3 (General Commercial) zoning district.

Please let me know if you have any questions and be aware that any written correspondence regarding a BZA case may be included in a public records request.

Andrew Dutton, AICP
Community Development Director
City of Medina
adutton@medinaoh.org
330-722-9023



**Document from
Anthony Vacanti
(Representing
P25-02 Applicant)
and City Response**

May 5, 2025

DIRECT DIAL 216.696.2093 | tony.vacanti@tuckerellis.com

VIA ELECTRONIC MAIL:

RTHunt@ralaw.com

R. Todd Hunt, Esq.
Roetzel & Andress, LPA
1375 East Ninth Street
One Cleveland Center, 10th Floor
Cleveland, Ohio 44114

VIA ELECTRONIC MAIL:

gghuber@medinaoh.org

Gregory A. Huber, Esq.
Law Director
City of Medina, Ohio
132 North Elmwood Avenue
Medina, Ohio 44256

Re: Medina, Ohio Board of Zoning Appeals Case No. Z25-09 (Appeal of Planning Commission's Approval of Case No. P25-02)

Dear Messrs. Hunt and Huber:

The undersigned and the law firm of Tucker Ellis LLP represent TJ Petroleum LLC, Harpreet Singh Aujla, and Davinder Paul Singh, (collectively, the "Applicants"), who were represented by their architect Steven Berry at the City of Medina, Ohio ("City") Planning Commission ("Commission") hearing on March 13, 2025 concerning Commission Case No. P25-02 for site plan and conditional use approval ("Site Plan and Use Approval"). At the Site Plan and Use Approval hearing, the Commission unanimously approved Applicants' request for conditional use and site plan approval concerning the property located at 999 Lafayette Road, Medina, Ohio ("Property").

It appears that on March 25, 2025, Minit Mart, LLC, though counsel Majeed G. Makhoulf (collectively, "Objecting Business"), attempted to appeal the Commission's Site Plan and Use Approval to the City's Board of Zoning Appeals ("BZA"). That appeal has been given BZA Case No. Z25-09 and appears to be set for hearing on May 8, 2025 ("Appeal").

I am writing concerning three issues concerning the attempted Appeal. First, the Applicants respectfully request that the Appeal be dismissed because the BZA does not have jurisdiction in this matter. Second, in the event the Appeal proceeds (which it should not as discussed below), Applicants respectfully request that the Appeal be continued because I have just recently been engaged in this matter and unfortunately have a conflict the evening of May 8, 2025 given another land use hearing that same evening which was previously continued. Third, in the event the Appeal proceeds (which it should not as discussed below), Applicants respectfully request that the Appeal hearing and the BZA's review be confined to the administrative record that was before the Commission, request clarification from the City concerning the same, and request a continuance in order to adequately prepare based on how the BZA intends to proceed.

1. The Appeal should be dismissed as the BZA lacks jurisdiction.

The BZA does not have jurisdiction to review *quasi-judicial decisions* on site plans and conditional uses rendered by the Commission. Under City Ordinance Sections 156.03(a) and (b), governing the powers and procedures of the BZA, the BZA only has authority to hear non-variance appeals from decisions of the Planning Director (not Commission), which non-variance appeals are to be made *within 10 days* of written notification of such Planning Director (not Commission) decision.

Even if the foregoing provision applied to the Commission (which it does not), the Appeal was filed more than 10 days after written notification of the Commission's decision and was untimely.

Additionally, City Ordinance Section 1107.08(b)(1) indicates that "an appeal may be taken to the [BZA] by a person . . . aggrieved by a decision of any administrative or enforcement official or body **charged with enforcement** of this Ordinance" [emphasis added]. "Enforcement" is "[a]n attempt to make someone else comply with a law, rule, obligation, etc." ENFORCEMENT, Black's Law Dictionary (12th ed. 2024). City Ordinance Section 1107.01, which governs enforcement of the Zoning Ordinance, limits such enforcement authority to "the Planning Director of the City or authorized representative." See, e.g. *Houghtaling v. Medina Bd. Of Zoning Appeals*, 134 Ohio App.3d 541, 543-44 (affirming the trial court's reversal of the Medina City Planning Director and BZA's zoning *enforcement* determinations that property owners were violating the City's Ordinances). The Commission's quasi-judicial decision on the Site Plan and Use Approval was *not* an enforcement activity. The Commission *does not* have enforcement authority. Consequently, the BZA *does not* have jurisdiction over the Appeal of the Commission's Site Plan and Use Approval because the Commission is not a "body charged with enforcement of [the City's Zoning] Ordinance."

Indeed, other statutory provisions support the conclusion that the BZA does not have appeal jurisdiction over the Commission as it relates to site plan and conditional use approval. City Ordinance Section 1107.08(i)(4), governing the criteria applicable to non-variance appeals, limits such appeals to "an order of a zoning official". It does not provide for appeals to the BZA of the Commission's quasi-judicial decision on a site plan and/or conditional use approval. Such quasi-judicial decision making is exclusively within the purview of the Commission under Ordinance Sections 1109.02 (Commission's review authority of site plans) and 1153.02 (Commission's review authority for conditional uses). Consequently, the BZA does not have jurisdiction over the Appeal of the Commission's Site Plan and Use Approval decision because such decision is not "an order of a zoning official" and the subject of such Appeal is explicitly under the authority of the Commission.

Given the foregoing, Applicants respectfully request that the Appeal be dismissed because the Appeal was untimely and the BZA does not have jurisdiction over the Commission's quasi-judicial decision on the Site Plan and Use Approval.

2. In the event the BZA does determine it has authority to proceed in hearing the Appeal (which it should not), Applicants respectfully request that the BZA continue the hearing as undersigned counsel has just been recently engaged and has a conflict for the evening of May 8, 2025 and cannot attend to defend the Appeal and Applicants' rights.

Obviously, the subject matter of the Appeal is the Commission's granting of Applicants' application for Site Plan and Use Approval, which was unanimous. No one has a greater interest in this Appeal than Applicants. The Objecting Business filed this Appeal without coordinating or serving the same on Applicants. In the event this BZA decides to proceed with hearing the Appeal, which it should not do as set forth above, Applicants respectfully request that the hearing on the Appeal be continued. Undersigned counsel for Applicants was recently engaged and has a conflict the evening of May 8, 2025. Undersigned counsel's presence at the hearing on the Appeal is critical to protect Applicants' due process and property rights given Applicants' rights are at stake. Consequently, in the event the BZA determines to proceed with hearing the Appeal, Applicants respectfully request that such hearing be continued from the currently scheduled May 8, 2025 hearing.

- 3. In the event the BZA does determine it has authority to proceed in hearing the Appeal (which it should not), Applicants respectfully request that the City confirm that the Appeal hearing and the BZA’s review will be confined to the administrative record that was before the Commission and request clarification from the City concerning the same, which is another basis for continuance of such hearing.**

In the event this BZA decides to proceed with hearing the Appeal, which it should not do as set forth above, Applicants respectfully request that the City confirm that the hearing on the Appeal will be limited to the administrative record that was before the Commission and request clarification from the City concerning the same. Such confirmation and clarification are necessary for adequate preparation and are additional grounds for the continuance of the hearing.

In addition to the foregoing, City Ordinance Section 1107.08(i)(4) governs the BZA criteria for non-variance appeals to the BZA, like the subject Appeal. Such criteria only apply to orders of a “zoning official,” which the Commission is not, and indicates that the BZA “shall” only reverse such “orders” if “it finds that the action or decision” of such “zoning official”:

- A. Was arbitrary or capricious; or
- B. Was based on an erroneous finding of a material fact; or
- C. Was based on erroneous interpretation of this Ordinance or zoning law; or
- D. Constituted an abuse of discretion

City Ordinance Section 1107.08(i)(4).

Obviously, the determination of the above requires a narrow review of only the evidence and documents submitted to and considered by the Commission at the March 13, 2025 hearing in order to make the above determinations under the criteria in Ordinance Section 1107.08(i)(4). Even if the BZA had jurisdiction to review the Commission’s decision under Ordinance Section 1107.08(i)(4), which it does not because the Commission is not a “zoning official” and the Commission’s Site Plan and Use Approval decision was not an enforcement “order,” allowing additional evidence and testimony at an evidentiary hearing before the BZA would conflict with the provisions of City Ordinance Section 1107.08(i)(4). To allow additional evidence, documents, and testimony on said Commission’s decision would obviate the BZA’s review criteria on this Appeal (if it has such review authority) and simply replace the Commission’s decision with the BZA’s decision on different evidence and testimony in contravention of the City’s Ordinances.

Consequently, in the event the BZA determines to proceed with hearing the Appeal, which it should not, Applicants respectfully request confirmation that the BZA will not be reviewing additional evidence or testimony at the hearing and will only apply the review criteria in Ordinance Section 1107.08(i)(4) based on the administrative record before the Commission. Additionally, Applicants also respectfully request that such BZA hearing be continued from the currently scheduled May 8, 2025 hearing to allow for an adequate defense of the Appeal depending on the scope of such hearing.

CONCLUSION

The City’s Ordinances concerning zoning must be interpreted based on their plain language. *Cleveland Clinic Found. v. Cleveland Bd. of Zoning Appeals*, 2014-Ohio-4809, ¶ 29. To the extent that there is any ambiguity in interpreting the City’s Ordinances concerning zoning, they must be “construed in favor of the property owner because they are in derogation of the common law an deprive the property owner of uses to which the owner would otherwise be entitled.” *Id.* at ¶ 34.

Here, the plain language of the Ordinances concerning the BZA's jurisdiction to review the Commission's quasi-judicial determination that Applicants' Site Plan and Use Approvals were proper clearly indicates that the BZA does not have such jurisdiction and the Commission's determination is final. Even if there was any ambiguity, which there is not, Ohio Supreme Court precedent requires that such ambiguity be resolved in favor of the Applicants and the free use of the Property. Alternatively, in the event it is determined that the BZA does have such jurisdiction (which it does not), Applicants respectfully request a continuance of the Appeal due to a scheduling conflict and the need for clarification that the Appeal hearing will be solely based on the administrative record that was before the Commission.

Respectfully,

TUCKER ELLIS LLP



Anthony R. Vacanti

cc: Harry Singh
David Firestine, Esq.



CITY OF MEDINA
132 N. Elmwood Ave. Medina, OH 44256

May 7, 2025

Via Email: tony.vacanti@tuckerellis.com

Anthony Vacanti, Esq.
Tucker Ellis LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113

Re: City of Medina Board of Zoning Appeals Application Z25-09
Appeal of City of Medina Planning Commission approval of Application P25-02 (999 Lafayette Rd.)

Dear Mr. Vacanti,

On May 5, 2025, you sent a letter to my office and to attorney Todd Hunt of Roetzel and Andress regarding the above-noted application Z25-09, an appeal of the City of Medina Planning Commission's approval of Application P25-02 to the Board of Zoning Appeals (hereafter referred to as the "BZA"). (See attached letter.) In your letter, you asserted three issues regarding application Z25-09, which are noted below in bold italics followed by my responses.

Concern 1. – The Appeal should be dismissed as the BZA lacks jurisdiction.

Response – City of Medina Codified Ordinances (hereafter referred to as the "Code") at Sections 156.03(a) and (b) address specific powers and procedures of the BZA. Code Sections 156.03(a) and (b) are limited to appeals of decisions of Planning Director and the requirement that "Such appeal shall be filed by the aggrieved party within ten days of notification in writing of the decision of the Planning Director" does not apply to the subject appeal of a decision of the Planning Commission.

Code Section 1107.08(b)(1), however, states:

Appeals. Generally, an appeal may be taken to the Board by a person, or by any office, department, board, or bureau aggrieved by a decision of any administrative or enforcement official or body charged with enforcement of this Ordinance. An appeal must be filed within fourteen (14) days of issuance of the applicable written decision, and such appeal shall be made on forms made available by the Planning Director.

The Planning Commission is an administrative body charged with enforcement of the City's zoning Ordinance and an appeal of the Planning Commission's decision may be submitted for review and decision by the BZA. In addition, the appeal was submitted within the required fourteen days of issuance of the applicable written decision of the Planning Commission.

Concern 2. – In the event the BZA does determine it has authority to proceed in hearing the Appeal (which it should not), Applicants respectfully request that the BZA continue the hearing as undersigned counsel has just been recently engaged and has a conflict for the evening of May 8, 2025 and cannot attend to defend the Appeal and Applicants' rights.

Response – The request to continue the hearing due to the reasons you have stated will be granted by the BZA. The City of Medina Community Development Director, Andrew Dutton, will contact you, Attorney Firestine and the Appellant's counsel to arrange an acceptable date to hear the subject appeal.

Concern 3. – In the event the BZA does determine it has authority to proceed in hearing the Appeal (which it should not), Applicants respectfully request that the City confirm that the Appeal hearing and the BZA's review will be confined to the administrative record that was before the Commission and request clarification from the City concerning the same, which is another basis for continuance of such hearing.

Response – The review of the appeal will be confined to the record that was developed before the Planning Commission. The record has been provided to the BZA and includes meeting transcripts and minutes of the testimony given, documents submitted and presented, and the Planning Commission's adopted Final Decision and Conclusions of Fact. If you do not have access to the record, please contact Andrew Dutton, City of Medina Community Development Director at 330-722-9023 or adutton@medinaoh.org, and he will provide the relevant documents.

In addition, the BZA will be advised to review the appeal per Code Section 1107.08(i)(4), which states:

Criteria applicable to appeals. The Board shall reverse an order of a zoning official only if it finds that the action or decision appealed:

- A. Was arbitrary or capricious; or
- B. Was based on an erroneous finding of a material fact; or
- C. Was based on erroneous interpretation of this Ordinance or zoning law; or
- D. Constituted an abuse of discretion.

Please contact me at (330) 722-9070 if you have any questions or need any further information.

Sincerely,



Gregory A. Huber
City of Medina Law Director

CC: Via Email:
Board of Zoning Appeals
Todd Hunt, Esq.
David Firestine, Esq.
Majeed G. Makhoulf, Esq.
Andrew Dutton

**Final Decision and
Conclusions of Fact
Adopted by the
Planning Commission
4/10/25**

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 Makhoul, 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

Documents Submitted to the Planning Commission for Review



BOARDS & COMMISSIONS APPLICATION

132 North Elmwood Avenue
330-722-9038
www.medinaoh.org

Application Number P25-02

GENERAL	Date of Application <u>11/20/2024</u>
	Property Location <u>999 LAFAYETTE RD., MEDINA, OH 44256</u>
	Description of Project <u>DEMOLISH EXISTING BUILDINGS ON SITE, PREPARE SITE FOR CONSTRUCTION OF NEW 4,177 SF CONVENIENCE STORE, VEHICLE FILLING STATION AND ASSOCIATE SITE IMPROVEMENTS. PLEASE REFER TO PRELIMINARY PLANS FOR MORE DETAILS.</u>
CONTACT INFORMATION	Applicant Name <u>STEPHEN BERRY, PRES., ARCHITECTURAL DESIGN INC.</u> Address <u>374 BOARDMAN-POLAND RD., SUITE 201</u> City <u>YOUNGSTOWN</u> State <u>OH</u> Zip <u>44512</u> Phone <u>(330) 726-6390</u> Email _____
	Property Owner Name <u>HARPREET SINGH AULIA, DAVINDER PAUL SINGH</u> Address <u>1155 TOP OF THE HILL ROAD</u> City <u>AKRON</u> State <u>OH</u> Zip <u>44333</u> Phone <u>(917) 428-7633</u> Email <u>singh harry@aol.com, sdavinder74@yahoo.com</u> <u>(419) 790-9036</u>
	APPLICATION TYPE
	APPLICANT SIGNATURE
OFFICIAL USE	APPLICATION TYPE Planning Commission <input checked="" type="checkbox"/> Site Plan <input checked="" type="checkbox"/> Conditional Zoning Certificate <input checked="" type="checkbox"/> Code or Map Amendment <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Conditional Sign (EMC/Shopping Ctr) <input type="checkbox"/> Cert. of Appr. (TCOV) <input type="checkbox"/> Other <input type="checkbox"/> Historic Preservation Board Certificate of Appropriateness <input type="checkbox"/> Conditional Sign <input type="checkbox"/> Board of Zoning Appeals Variance <input checked="" type="checkbox"/> Appeal <input type="checkbox"/>
	APPLICANT SIGNATURE By signing this application, I hereby certify that: 1) The information contained in this application is true and accurate to the best of my knowledge; 2) I am authorized to make this application as the property owner of record or I have been authorized to make this application by the property owner of record; 3) I assume sole responsibility for correspondence regarding this application; and 4) I am aware that all application requirements must be submitted prior to the formal acceptance of my application. Signature <u>[Signature] PRES., A.D.I.</u> Date <u>2/21/25</u>
OFFICIAL USE	Zoning District <u>C-3</u>
	Meeting Date <u>3/13/25</u>
Fee (See Fee Sheet) \$ <u>450</u> Check Box when Fee Paid <input checked="" type="checkbox"/>	

P25-02

Lafayette Road Convenience Store/Gas Station/Drive Through

Property Owner: Leonard and Sandra Shelter
Applicant: Stephen Berry
Location: 999 Lafayette Road
Zoning: C-3 (General Commercial)
Request: Site Plan and Conditional Zoning Certificate approval for a convenience store, motor vehicle filling station, and drive through

LOCATION AND SURROUNDING USES

The subject site is composed of 1.96 acres located on the northeast corner of Lafayette Road and Lake Road. Adjacent properties contain the following uses and zoning:

- **North** – Industrial (I-1)
- **South** – Commercial and Automotive Repair (C-3)
- **East** – Industrial (I-1)
- **West** – Single-Family Residential and Auto Sales (Unincorporated)



BACKGROUND & PROPOSED APPLICATION

The applicant is proposing the construction of a 4,177 sq. ft. convenience store with a food service drive through. The proposal also includes passenger vehicle fueling on the south side of the site and tractor-trailer fueling on the north side of the site. A canopy is located over both passenger vehicle and tractor-trailer fueling areas.

CONDITIONALLY PERMITTED USES

The site is located in the C-3 zoning district. Section 1137.02 allows a convenience store as a Permitted Use and Section 1137.04 allows a “Motor Vehicle Filling Station” and “Restaurant with Drive Through” as Conditionally Permitted Uses.

A Motor Vehicle Filling Station has the following additional Conditionally Permitted Use regulations found in Section 1153.04(a):

- (5) No lighting shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.
- (7) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- (15) Such uses shall be permitted under the following conditions:
 - A. Provided that such facilities are located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district, and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
 - B. 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.
 - C. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
 - D. At least a six (6)-inch high pedestrian safety curb shall be installed along all street right-of-way lines, except at driveway approaches, where parking and/or service areas adjoin any right-of-way lines.
- (21) All activities, except those required to be performed at fuel pumps, shall be carried on inside a building. If work is performed on a vehicle, the vehicle shall be entirely within a building.
- (23) Such uses shall be permitted under the following conditions:
 - A. The premises shall be used for vehicle servicing only. No rental, storage, parking or sales of trailers or vehicles of any type, or tools or other equipment, shall be permitted.
 - B. The sale of seasonal products, such as Christmas trees, landscaping materials, garden materials and equipment, etc. shall not be permitted.
 - C. The rental, leasing or permitting of parking of vehicles, except for servicing and/or emergency purposes, shall not be permitted.

A Restaurant with a Drive Through has the following additional Conditionally Permitted Use regulations found in Section 1153.04(a):

- (2) Loudspeakers which cause a hazard or annoyance shall not be permitted.
- (7) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- (15) Such uses shall be permitted under the following conditions:
 - A. Provided that such facilities are located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district, and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
 - B. 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.
 - C. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.

- D. At least a six (6)-inch high pedestrian safety curb shall be installed along all street right-of-way lines, except at driveway approaches, where parking and/or service areas adjoin any right-of-way lines.

The project meets the applicable development standards with the exception of Section 1153.04(d)(15)(B.), which limits the number of drive approaches to two and the width of drive approaches to 30 ft. at the property line. The proposed plan includes three drive approaches with widths greater than 30 ft., as discussed below. The applicant has submitted a variance application to Section 1153.04(d)(15)(B.), which will be reviewed by the Board of Zoning Appeals.

DEVELOPMENT STANDARDS

The proposed building is located in the C-3 zoning district. The following table indicates general development standard requirements in the zoning district:

	Required	Proposed
Minimum Lot Frontage	40 ft.	538 ft.
Minimum Front Setback	None	44 ft.
Minimum Side Setback	None	36 ft.
Minimum Rear Setback	30 ft.	216 ft.
Maximum Building Height	40 ft.	14 ft.

The project meets the applicable development standards.

PARKING, ACCESS, AND CIRCULATION

Access and Circulation – The site has an access point off of Lafayette Road located on the eastern side of the property, which will be accessed by passenger vehicles. In addition, two access drives are located on Lake Road, which will be accessed by tractor-trailers.

Access points incorporate the following widths at the right-of-way and curb:

Access Point	Width at R/W	Width at Curb
Lafayette Road	44 ft.	67 ft.
North Lake Road	37 ft.	43 ft.
South Lake Road	65 ft.	100 ft.

Section 1145.10(e) limits the maximum commercial driveway width to 24 ft. at the right-of-way and 38 ft. at the curb. The applicant has submitted a variance application to Section 1145.10(e), which will be reviewed by the Board of Zoning Appeals.

In addition, a drive to the east of the convenience store building connects the north and south fueling areas.

Required Off-Street Spaces – A convenience retail business requires a minimum of 1 parking space for every 300 sq. ft. The 4,177 sq. ft. convenience store thus requires 14 spaces, which have been provided. In addition, the northing fueling area includes 5 parking spaces for tractor-trailers.

Parking Location – Section 1109.04(c)(13) states that parking, to the extent feasible, shall be located behind the front wall of the building. The proposed plan incorporates parking in front of the building, which is a common configuration for a convenience store with a fueling station.

Parking Dimensions – Ninety-degree parking spaces must be 9 ft. in width and 19 ft. in length with a 24 ft. wide drive aisle. Parallel parking spaces must be 9 ft. in width and 23 ft. in length with an 18 ft. drive aisle. The proposed site meets these standards.

Sidewalk – A public sidewalk is shown on Lake Road and Lafayette Road, as required. The sidewalk will need to be configured to access the existing crosswalk ramp at the corner. In addition, Section 1130.10 requires a sidewalk connection from the public sidewalk to the convenience store building.

Drive Through – Section 1155.10 requires that drive throughs must be located on an arterial road and have a minimum of 5 stacking spaces. The drive through complies with these requirements.

LANDSCAPING, SCREENING, AND BUFFERING

Parking Setback – Section 1145.09(b) requires that a 10 ft. wide landscaped strip must be located between the parking and the right-of-way. A reduction of the landscape strip to 5 ft. may be permitted by the Planning Commission if there are found to be site constraints.

Though parking is located 10 ft. from the right-of-way, the landscape strip is 5 ft. in width to the south and west of the passenger vehicle fueling area, which requires Planning Commission approval.

Parking Lot Landscaping – Landscape features or other visual barriers are required between parking and the right-of-way. Plans show landscaping between parking and the right-of-way. As there are no trees located to the south of the building, two trees could be located in the area marked “LAWN” adjacent to Lafayette Road.

Interior parking lot landscaping is provided at the required 5 sq. ft. per 100 sq. ft. of parking area.

Buffering and Screening – Residential uses in Lafayette Township are located on the west side of Lake Road, across from the site. Significant landscaping, including Giant Arborvitae, has been incorporated to the west of the convenience store and the tractor-trailer fueling area.

Trash Enclosure – A trash enclosure is shown in the northeast corner of the site, which is compliant with setback and screening requirements.

UTILITIES AND STORMWATER

The site has access to public water and sanitary sewer service. The narrative for the project indicates an underground storm water management system.

ENGINEERING AND FIRE DEPARTMENT COMMENTS

The Engineering Department acknowledges the need for storm water management analysis and the installation of a water quality treatment structure.

At this time, the Fire Department has no comments regarding the project.

BUILDING ELEVATIONS AND LIGHTING

Architectural plans illustrate a flat roofed commercial building predominantly incorporating EIFS in two colors with recessed sections. All building elevations include a lower stone section and the front of the building incorporates a parapet at varying heights.

Section 1109.04(c)(10)(D.) states that a stucco appearance should be discouraged unless it is utilized with bands of accent color, recessed or protruding belt courses, wide reveals, or combinations thereof. Though EIFS, a stucco appearance, is used, it incorporates different colors and recessed panels.

A lighting plan has been submitted with a compliant photometric plan and a maximum lighting height of 22 ft. Light fixtures appear to be full cut-off, as required, though the applicant will need to verify the fixture type.

CONDITIONAL ZONING CERTIFICATE BASIS OF DETERMINATION

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.

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.

SITE PLAN REVIEW STANDARDS

The Planning Commission's review and action shall be based on the following Standards per Section 1109.02(c):

- (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.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF RECOMMENDATION

Staff recommends **approval** of application P25-02 for Conditional Zoning Certificate and Site Plan approval as submitted with parking in the front yard and a 5 ft. parking setback, with the following conditions:

- (1) The project shall comply with 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 of Zoning Appeals.
- (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 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 Section 1145.09(c)(6).

Andrew Dutton

From: Patrick Patton
Sent: Tuesday, March 4, 2025 12:44 PM
To: Andrew Dutton
Subject: FW: Site Plan Review
Attachments: P25-02 File 3-13-25.pdf; Engineering Checklist for Commercial Site Plan.pdf

Andrew-

My comments for the attached:

1. Please refer to the attached engineering checklist for site plan approval.
2. The owner will be required to enter into a Storm Water Operations and Management Agreement with the City. This agreement will be recorded with the property.
3. A stormwater management analysis will be required. It is anticipated that due to the extend of the area to be disturbed by construction that a storm water quality treatment structure will be required.

Patrick Patton, PE
City Engineer
City of Medina, Ohio

Phone: (330) 721-4721
Email: ppatton@medinaoh.org
Website: www.medinaoh.org

Medina City Hall / 132 N. Elmwood Avenue / Medina, Ohio 44256



stephen berry /

ARCHITECTURAL DESIGN INC

February 21, 2025

Planning Commission
Board of Zoning Appeals
Andrew Dutton, Community Development Director
The City of Medina
132 North Elmwood Avenue
Medina, Ohio 44256

Re: **Written Narrative** for
Proposed Convenience Store and Motor Vehicle Filling Station
999 Lafayette Road
Medina, Ohio 44256

Dear Commissioners, Board Members and Director Dutton:

Submitted herewith are an application and plans for a proposed convenience store and motor vehicle filling station (the project) to be located at 999 Lafayette Road in Medina, Ohio. The application is for 1) A Conditional Use Permit, 2) A site Plan Approval and 3) A Variance for the three (3) oversized curb-cuts including one (1) additional curb-cut, that are proposed for the project. The oversized and additional curb-cuts are necessary for the effective routing of automobiles (cars, SUVs and pick-up and light trucks) at the front or southern part of the site and tractor-trailers at the rear or northern part of the site.

The project, as proposed, will consist of demolition of the existing two (2) buildings on-site, a "clean and scrape" of the site; re-grading and paving of the site; construction of a new convenience store; fuel dispensers for automobiles and tractor trailers; two (2) canopies for the fuel dispensers; and an underground storm-water management and water quality control system that will be designed to meet Medina County standards.

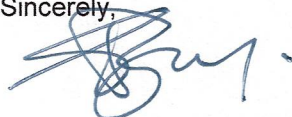
The site has been designed to segregate automobile traffic from tractor-trailer traffic, with automobiles accessing the site from Lafayette Road and tractor trailers accessing the site from Lake Road.

It is acknowledged that only two (2) curb-cuts are allowed per the zoning code and those are required to be no larger than 30 feet wide. In order to accommodate two (2) lanes of automobiles exiting the site on Lafayette Road, one for a left turn and right turn, in addition to one lane entering the site we are requesting a variance that will allow a 36 foot wide curb cut at Lafayette Road.

The variance request also includes a 63 foot wide curb-cut and a 36 foot wide curb-cut along Lake Road placed as far away from the intersection as possible to accommodate an in-only access for tractor-trailers and an exit-only curb-cut for tractor trailers.

On behalf of my clients, Harry Singh and Paul Singh, thank you for your consideration in reviewing this request for A Conditional Use Permit, a site Plan Approval and a Variance for the project.

Sincerely,



Stephen Berry, AIA, NCARB, ICC
President, Principal Architect

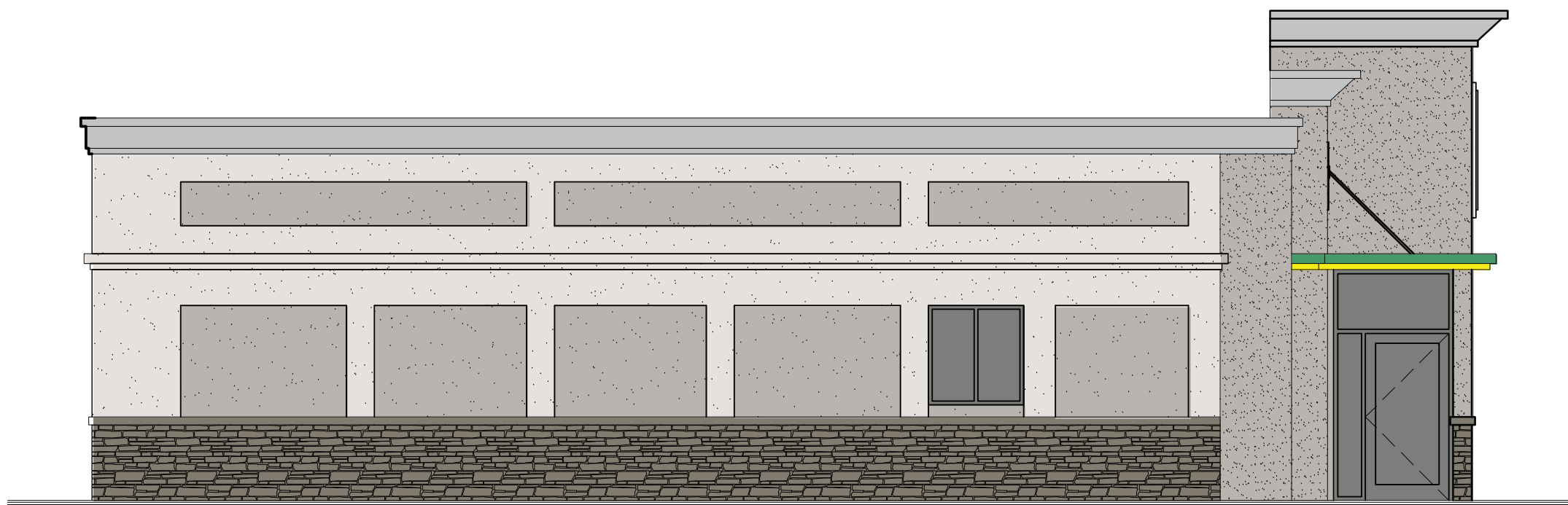
ARCHITECTURE	PLANNING	DESIGN	PHOTOGRAPHY
374 boardman-poland road	suite 201	youngstown, ohio	44512
330 726 6390 studio	374bprd@sbcglobal.net email	www.architecturaldesigninc.com web	

PROPOSED CONVENIENCE STORE & MOTOR VEHICLE FILLING STATION

999 LAFAYETTE RD, MEDINA OH



2 SOUTH ELEVATION
SCALE: NTS

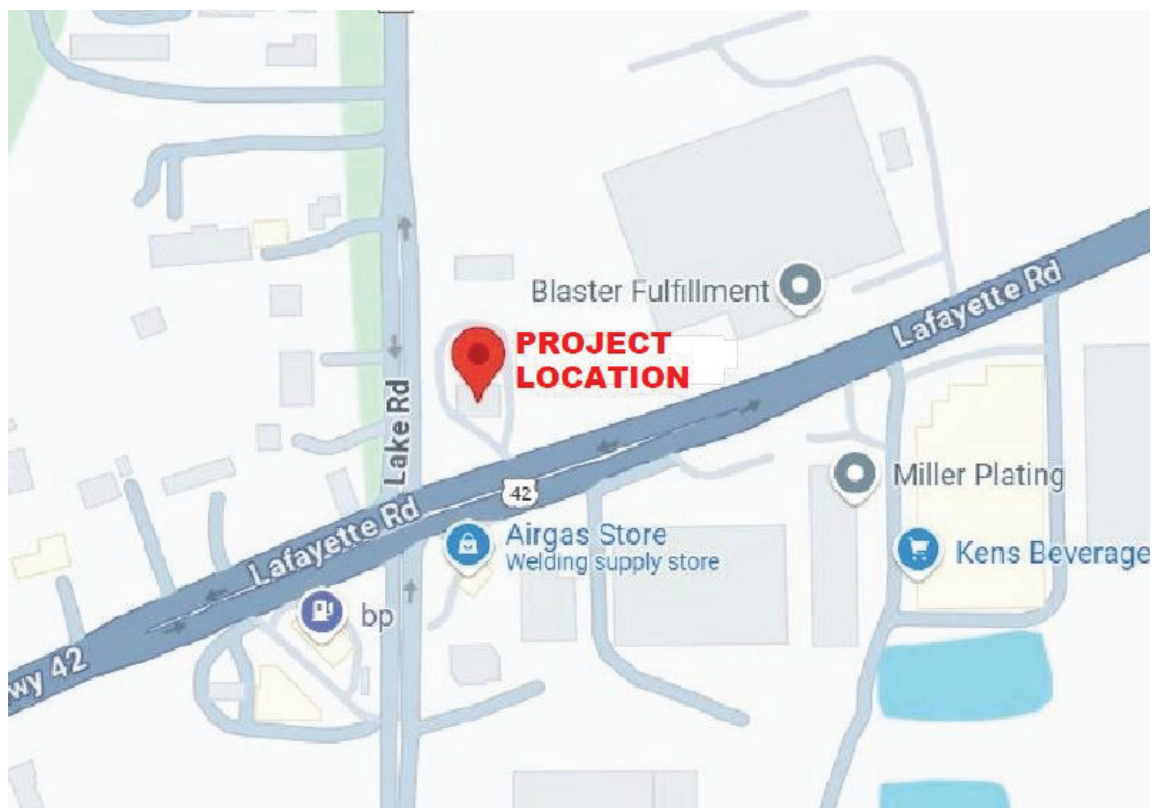


3 WEST ELEVATION
SCALE: NTS

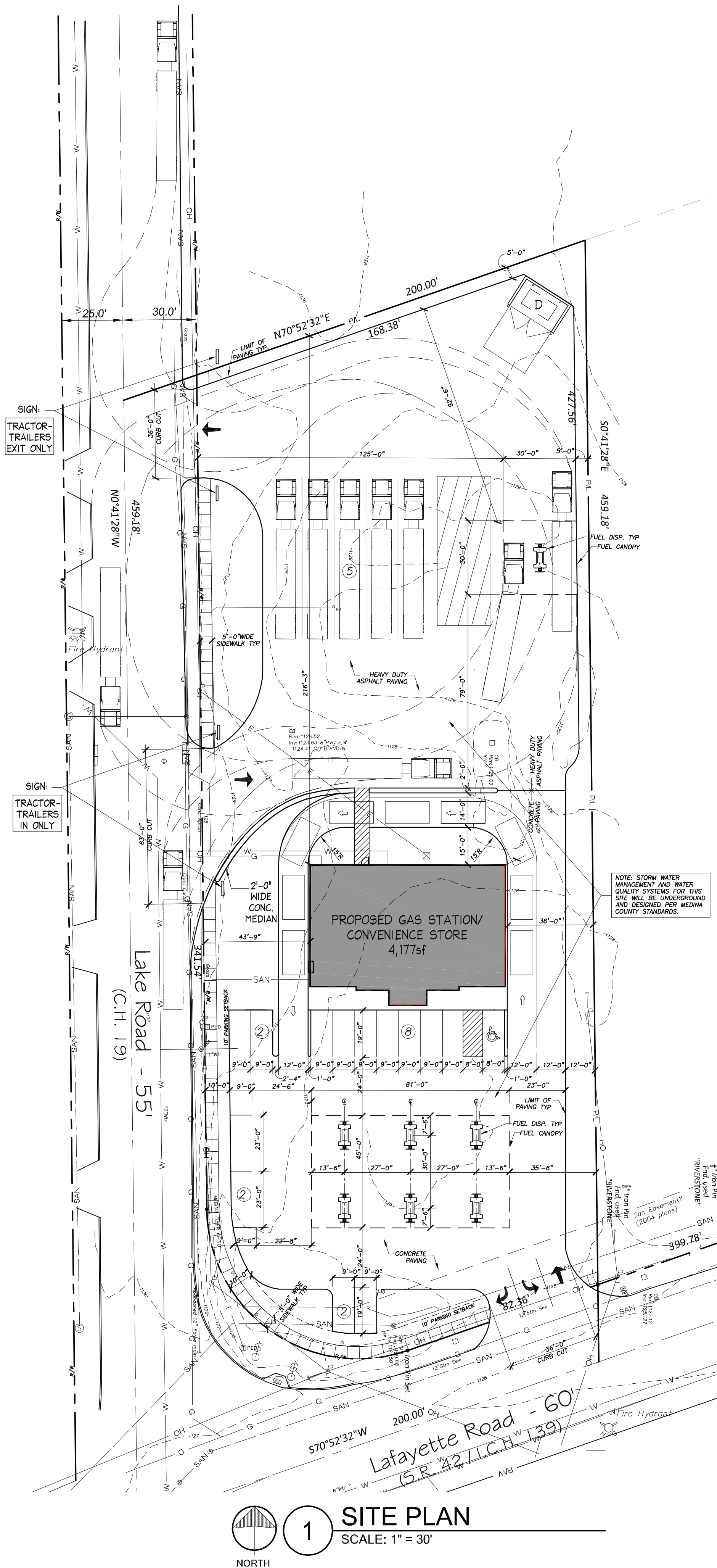
DRAWING INDEX	
•	AS100 LOCATION MAP, CODE DATA, & SITE PLAN
•	AS110 EXIST SITE CONDITION PLAN
•	AS115 LANDSCAPING PLAN
•	AS120 TRASH ENCLOSURE PLAN & DETAILS
•	SE100 SITE LIGHTING PLAN
•	A000 RENDERED ELEVATIONS
•	A100 FLOOR PLAN
•	A110 EQUIPMENT PLAN
•	A200 EXTERIOR ELEVATIONS
•	A210 CANOPY PLANS & ELEVATIONS
•	A210c COLOR EXTERIOR ELEVATIONS
•	SPI00 SPECIFICATIONS
•	SPI10 SPECIFICATIONS

ZONING CLASS: C3 GENERAL COMMERCIAL DISTRICT
PROPOSED CONDITIONAL USE: MOTOR VEHICLE FILLING STATION

PARKING RATIO		
PARKING REQUIRED:		
1 SPACE / 300 S.F.	4,177 / 300 S.F.	= 14 SPACES
1 SPACE / (2) FUEL PUMPS	1/2 PUMPS X 8	= 4 SPACES
TOTAL PARKING SPACES REQUIRED:		18 SPACES
PARKING INDICATED:		
AUTOMOBILES:	14 SPACES	
TRACTOR TRAILERS:	5 SPACES	
TOTAL INDICATED:		19 SPACES



LOCATION MAP
SCALE: NTS



1 SITE PLAN
SCALE: 1" = 30'

REV. 2/21/25
ZONING 11/20/24

stephen berry/
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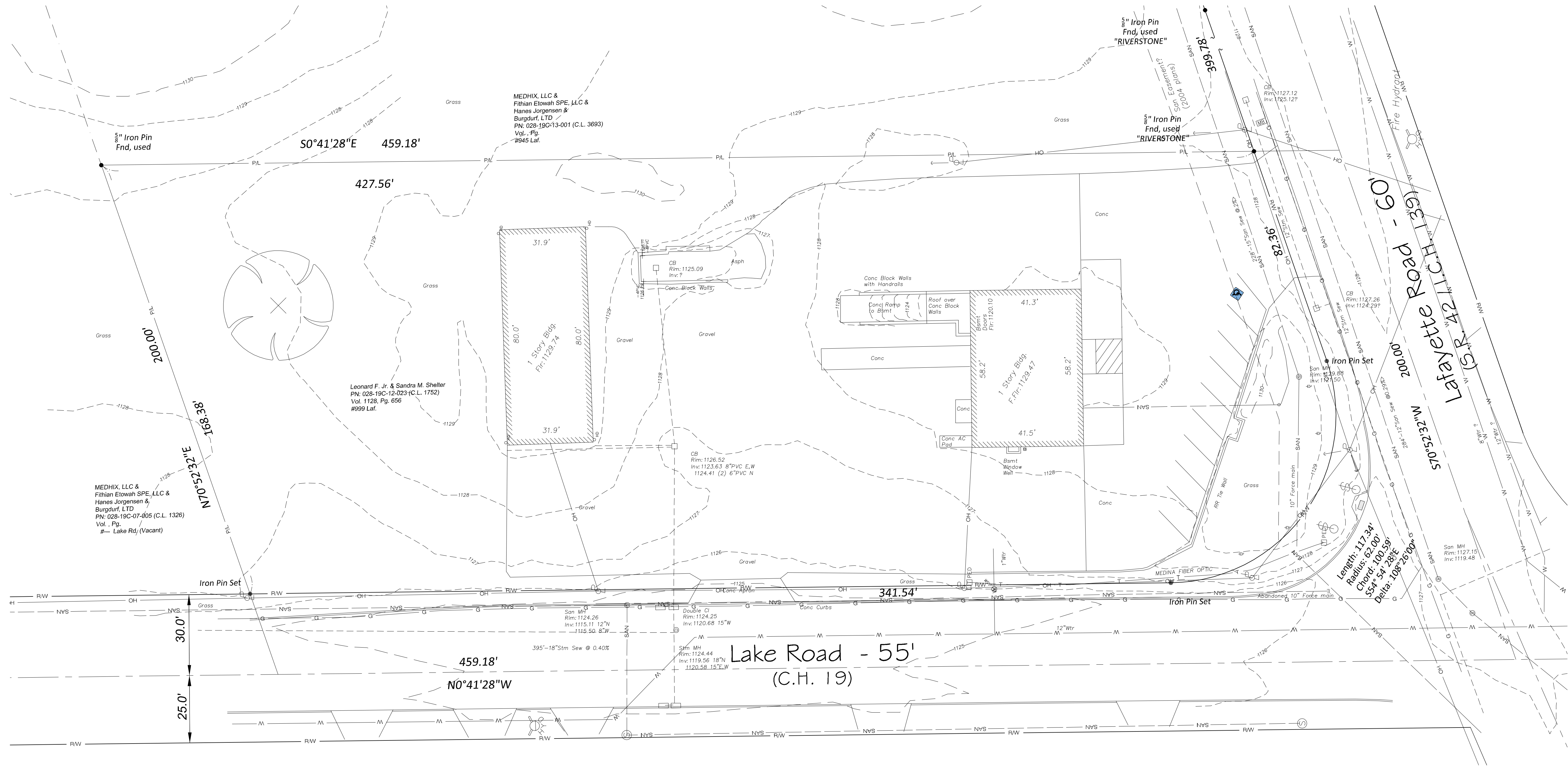
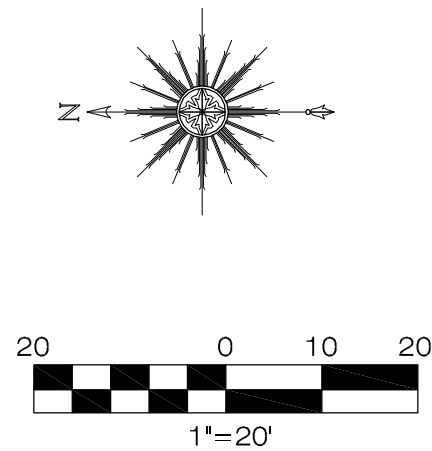


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PROPOSED CONVENIENCE STORE &
MOTOR VEHICLE FILLING STATION
999 LAFAYETTE RD
MEDINA OH 44256

DATE: 02/21/25
PROJECT NUMBER: 507100

AS100



LEGEND

-STM- OR - - - Storm Sewer	Cleanout	→ Guide Wire	GV Gas Valve
-SAN- Sanitary Sewer	Catch Basin	Utility Pole	GM Gas Meter
- W - Water	Curb Inlet	Light Pole	GM Gas Marker
- OH - Overhead Utility Line	Yard Drain	Lighted Utility Pole	GP Guard Post
- C/L - Centerline	Manhole	Traffic Signal Pole	TB Test Bore
- R/W - Right-of-Way	Sanitary Manhole	Traffic Signal Box	MW Monitor Well
- P/L - Property Line	Storm Manhole	Electrical Box	YL Yard Light
- X - Fence	Storm Inlet Manhole	Telephone (SAC) Box	SCA Sprinkler Control Box
- T - Underground Telephone	HD Down Spout to Underground	Tree	Sign
- E - Underground Electric	W Water Marker	Pine Tree	ADA Pad
- G - Gas	W Water Valve	Bush	Flag Pole
- Tree Line	W Water Meter	Power Transformer	PM Parking Meter
- Landscaping	W Fire Hydrant		
	W Well		
	MB Mail Box		

OUPS.ORG
TICKET #A: 501-402-064
Called in 01/14/2025

EXISTING UNDERGROUND UTILITIES NOTE:
The size and location, both horizontal and vertical, of the underground utilities shown herein, have been obtained by a diligent and comprehensive search of available records. Verification by field observation has been conducted where practical. However, LDC, Inc. does not guarantee the completeness nor accuracy thereof.

We have not been authorized to perform an ALTA/NSPS Land Title Survey, therefore, we have not been provided a title commitment or report. There may be easements, setbacks, and record restrictions that affect the property that we are unaware of.

I certify that this plat was prepared from a field survey made under my direct supervision. Monuments were found or set as indicated. Dimensions measured are expressed in feet and decimal parts thereof. Bearings refer to State Plane Ohio North NAD 83 (2011adj) ODOT VRS network. All of which are correct to the best of my knowledge and belief. This plat was prepared in accordance with the provisions of Chapter 4733-37 of the Ohio Administrative Code. This plat was prepared without the benefit of an abstract of title and is subject to any state of facts revealed by an examination of the same.

February 8, 2025
Scott A. Smith, P.S. # 7721
All Iron Pins Set are 5/8" x 30" rebar with yellow plastic cap "LDC INC".
Survey performed in January 2025 with snow cover.



REV. No.		DATE	BY	CHK'D

LAND DESIGN consultants
www.LDCinc.net
ENGINEERS · PLANNERS · SURVEYORS
9025 Osborne Drive Mentor, Ohio 44060
TEL: (440) 255-8463 (440) 951-LAND

999 LAFAYETTE ROAD
CITY OF MEDINA - MEDINA COUNTY - OHIO

DATE	20250208
SCALE: HOR.	1"=20'
VERT.	SCALE
FILENAME	Base-Med.
COMPUTER	S.
TAB NAME	Exist

EXISTING CONDITIONS
028-19C-12-023
2.0001 ACRES (1.5296 ACRES EXCEPTING THE AREA IN RW)
Situated in the City of Medina, County of Medina and State of Ohio;
Known as being the whole of City Lot No. 1752 of said City of Medina.

AS110
CONTRACT No.
SINGH I - 250 I

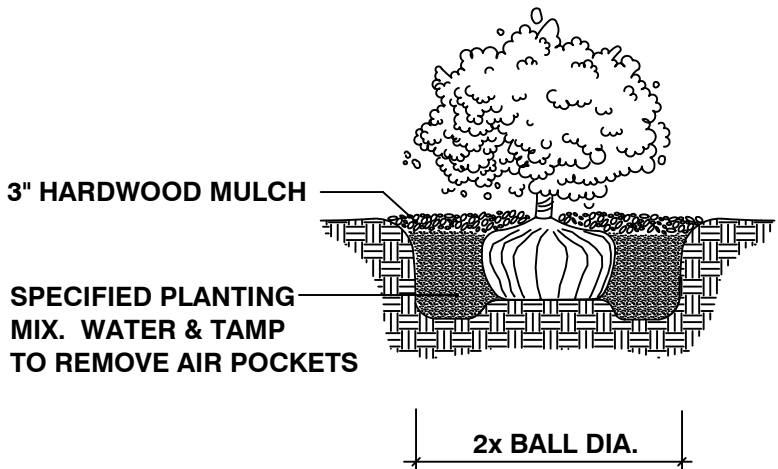
LANDSCAPE INSTALLATION NOTES

- LANDSCAPE CONTRACTOR SHALL KEEP A FIELD SET OF PLANTING AND LANDSCAPE SPECIFICATIONS/NOTES ON SITE AT ALL TIMES DURING LANDSCAPE CONSTRUCTION AND DEVELOPMENT PHASES.
- LANDSCAPE CONTRACTOR SHALL VERIFY ALL QUANTITIES OF MATERIAL SHOWN ON DRAWINGS PRIOR TO SUBMITTING THEIR BID. PLANTING PLAN SHALL TAKE PRECEDENCE OVER PLANT LIST. FINAL QUANTITIES OF SOD, TOPSOIL, STONE, GRAVEL, ETC; TO BE VERIFIED ON SITE BY LANDSCAPE CONTRACTOR WHEN APPLICABLE.
- ANY BUILDING CONSTRUCTION MATERIAL OR FOREIGN MATERIAL SHALL BE REMOVED FROM ALL PLANTING AREAS AND REPLACED WITH APPROVED TOPSOIL.
- ABSOLUTELY NO 'PARK GRADE' PLANT MATERIAL WILL BE ACCEPTED.
- ALL SIZES SHOWN FOR PLANT MATERIAL ON THE PLAN ARE TO BE CONSIDERED MINIMUM. ALL PLANT MATERIAL SHALL MEET OR EXCEED THESE MINIMUM REQUIREMENTS FOR CONTAINER SIZE, HEIGHT, WIDTH, ETC. ANY OTHER REQUIREMENTS FOR SPECIFIC SHAPE OR EFFECT AS NOTED ON THE PLAN SHALL ALSO BE REQUIRED FOR ACCEPTANCE. ALL TREES TO BE SINGLE TRUNK, UNLESS OTHERWISE NOTED ON PLAN.
- ALL TREES 8' HEIGHT AND TALLER SHALL BE STAKED ACCORDING TO THE APPLICABLE PLANTING DETAIL. ALL NON-BIODEGRADABLE WRAPPING SUCH AS WIRE, TWINE, OR NYLON CORD SHALL BE REMOVED FROM THE PLANT AND ROOT AREA BEFORE PLANTING. BURLAP SHALL BE REMOVED AND CUT BACK FROM THE TOP 1/3 OF THE ROOT BALL. TOP OF ROOT BALL SHALL BE PLANTED FLUSH WITH FINISHED GRADE.
- 3" DEPTH DOUBLE SHREDDED HARDWOOD MULCH SHALL BE USED IN ALL LANDSCAPE BEDS AND TREE RINGS UNLESS NOTED OTHERWISE.
- THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL PLANT MATERIAL ON SITE WITH THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. THE LANDSCAPE ARCHITECT SHALL BE GIVEN A 48 HOUR MINIMUM NOTICE PRIOR TO PLANT ARRIVAL ON SITE.
- CARE SHALL BE TAKEN NOT TO DISTURB OR DAMAGE ANY UNDERGROUND CONSTRUCTION OR UTILITIES. ANY DAMAGE TO THESE FACILITIES DURING LANDSCAPE OPERATIONS WILL BE REPAIRED AT THE EXPENSE OF THE LANDSCAPE CONTRACTOR IN A MANNER APPROVED BY THE OWNER, LANDSCAPE ARCHITECT OR UTILITY COMPANY. WHERE UNDERGROUND CONSTRUCTION OR OBSTRUCTIONS WILL NOT PERMIT LANDSCAPE CONSTRUCTION IN ACCORDANCE WITH THE PLANS, NEW LOCATIONS FOR THE MATERIALS WILL BE DESIGNATED BY THE LANDSCAPE ARCHITECT
- THE LANDSCAPE CONTRACTOR SHALL EXERCISE CAUTION TO PROTECT ALL EXISTING SOD AND IRRIGATION, IF APPLICABLE. ANY DAMAGE TO THE SOD OR IRRIGATION SHALL BE REPLACED OR REPAIRED TO ITS ORIGINAL STATE BY THE LANDSCAPE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- THE LANDSCAPE CONTRACTOR SHALL AT ALL TIMES KEEP THE JOB SITE CLEAN AND FREE FROM ACCUMULATED WASTE MATERIAL, DEBRIS, AND RUBBISH.
- THE LANDSCAPE CONTRACTOR SHALL FULLY INSPECT AND FAMILIARIZE THEMSELVES WITH THE SITE AND ALL WORK CONDITIONS SO AS TO INCLUDE IN THEIR BID A COST FOR PLANT REMOVALS, TRANSPLANTS, SOD ADJUSTMENTS, DEBRIS REMOVAL, FINISH GRADING, AND ANY OTHER ITEMS WHICH WILL BE ADDRESSED BEFORE, DURING, AND AFTER THE CONSTRUCTION PROCESS.
- ALL PLANTS SHALL BE LOCATED ON SITE BY THE CENTER OF THE SYMBOL REPRESENTING SAID PLANT ON THE PLANTING PLAN. THE PLANT SYMBOL ON THE PLANTING PLAN REPRESENTS ALL OR A PORTION OF THE FULL MATURE SPREAD OF THE PLANT AND NOT THE INSTALLED SPREAD.
- SITE PREPARATION SHALL INCLUDE REMOVAL OF ANY WEEDS, PATCHES OF GRASS, STICKS, LARGER ROCKS, DEBRIS AND DEAD MATERIAL, AND FINISH GRADING.
- THE LANDSCAPE CONTRACTOR SHALL REVIEW THE EXISTING IRRIGATION SYSTEM (IF APPLICABLE) PRIOR TO SUBMITTING THEIR BID TO COVER ANY COSTS RESULTING FROM ADJUSTMENTS THAT MAY NEED DONE TO ACCOMMODATE THE NEW LANDSCAPE LAYOUT.
- LOCATION OF PLANT MATERIALS, WALKS, AND LANDSCAPE FEATURES MAY BE RELOCATED AT THE DISCRETION OF THE LANDSCAPE ARCHITECT OR OWNER.
- QUANTITIES AND SPECIFICATIONS OF LANDSCAPE MATERIALS MAY BE SUBJECT TO CHANGE DURING THE INSTALLATION AT THE DISCRETION OF THE LANDSCAPE ARCHITECT OR OWNER.
- INSTALL CURLEX BLANKET ON ALL SLOPES GREATER THAN 2:1 AND STRAW NETTING ON ALL SLOPES 3:1. SECURELY STAKE IN PLACE TO PREVENT MOVEMENT. 3:1 SLOPES MAY BE HYDROSEEDDED.
- IT SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. ANY UTILITIES WHICH ARE DAMAGED DURING CONSTRUCTION, SHALL BE REPLACED AND/OR REPAIRED AT NO ADDITIONAL COST TO THE OWNER.
- ALL PLANTING BEDS TO RECEIVE 1" COMPOST/PEAT TO BE TILLED INTO THE EXISTING SOIL BEFORE PLANTING.
- BACKFILL MIX-ALL INDIVIDUAL PLANTING PITS SHALL BE BACKFILLED WITH 50% IMPORTED SCREENED TOPSOIL AND 50% NATIVE SOIL.
- PLANT MAINTENANCE-TRIM AS NEEDED TO REMOVE DEAD/DYING BRANCHES. DO NOT SHEAR.
- PLANT MATERIAL SUBSTITUTIONS ARE STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE LANDSCAPE ARCHITECT. ALL PLANT SUBSTITUTIONS MUST BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR REVIEW PRIOR TO INSTALLATION.

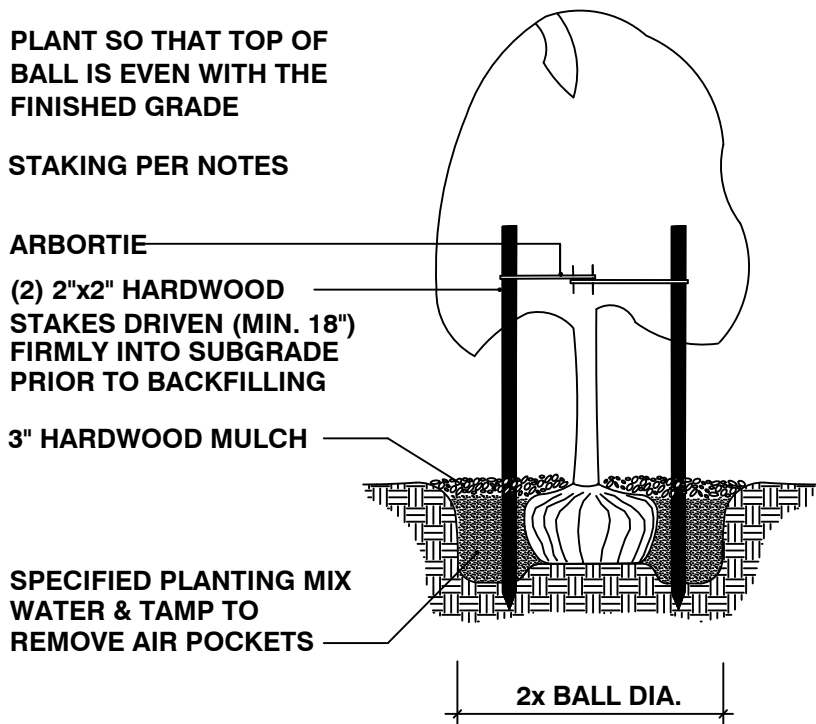
SEED MIX

LAWN SEED MIX
AREAS SHALL RECEIVE A 50/50 BLUEGRASS/RYEGRASS SEED MIX BLEND AT A RATE OF 8 LBS/1000 SF WITH A 12-12-12 STARTER FERTILIZER APPLIED AT A RATE OF 8 LBS/1000 SF.

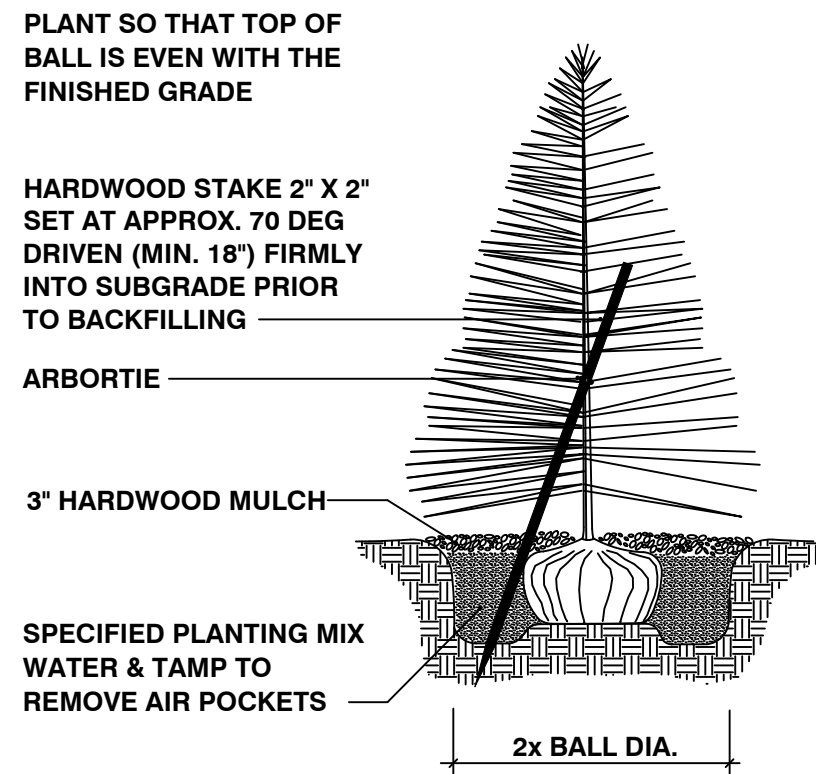
PLANT LIST QTY.	SCIENTIFIC NAME	COMMON NAME	DESCRIPTION
4	ACER RUBRUM 'BOWHALL'	BOWHALL MAPLE	1.5" CAL, B&B
4	GINKGO BILOBA 'JN9'	SKY TOWER GINKGO	1.5" CAL, B&B
24	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	2 GAL
28	LIRIOPE MUSCARI 'VARIEGATA'	VARIEGATED LIRIOPE	1 GAL
14	THUJA 'GREEN GIANT'	GREEN GIANT ARBORVITAE	6' HT, B&B
40	VIBURNUM PLICATUM 'NEWZAM'	NEWPORT VIBURNUM	24" HT



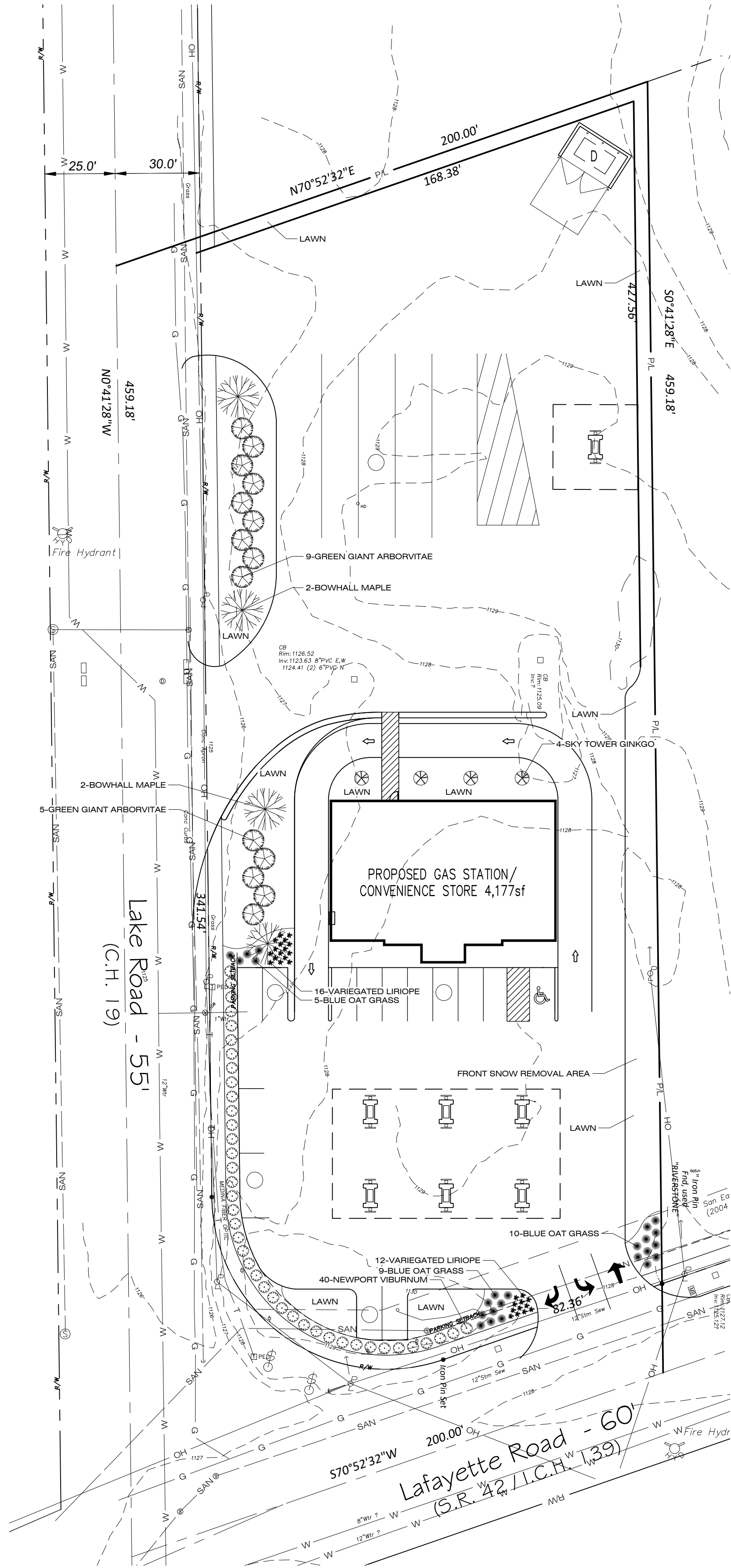
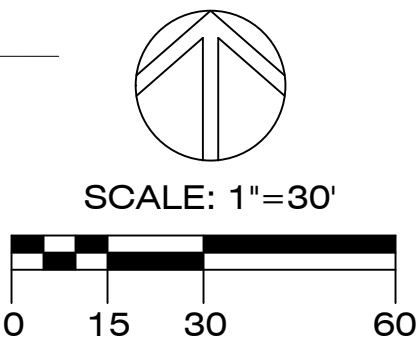
SHRUB PLANTING
SCALE: NOT TO SCALE



TREE PLANTING
SCALE: NOT TO SCALE



EVERGREEN PLANTING - ANGLE STAKE
SCALE: NOT TO SCALE



DATE: 2-19-25

REVISIONS:



2-19-25

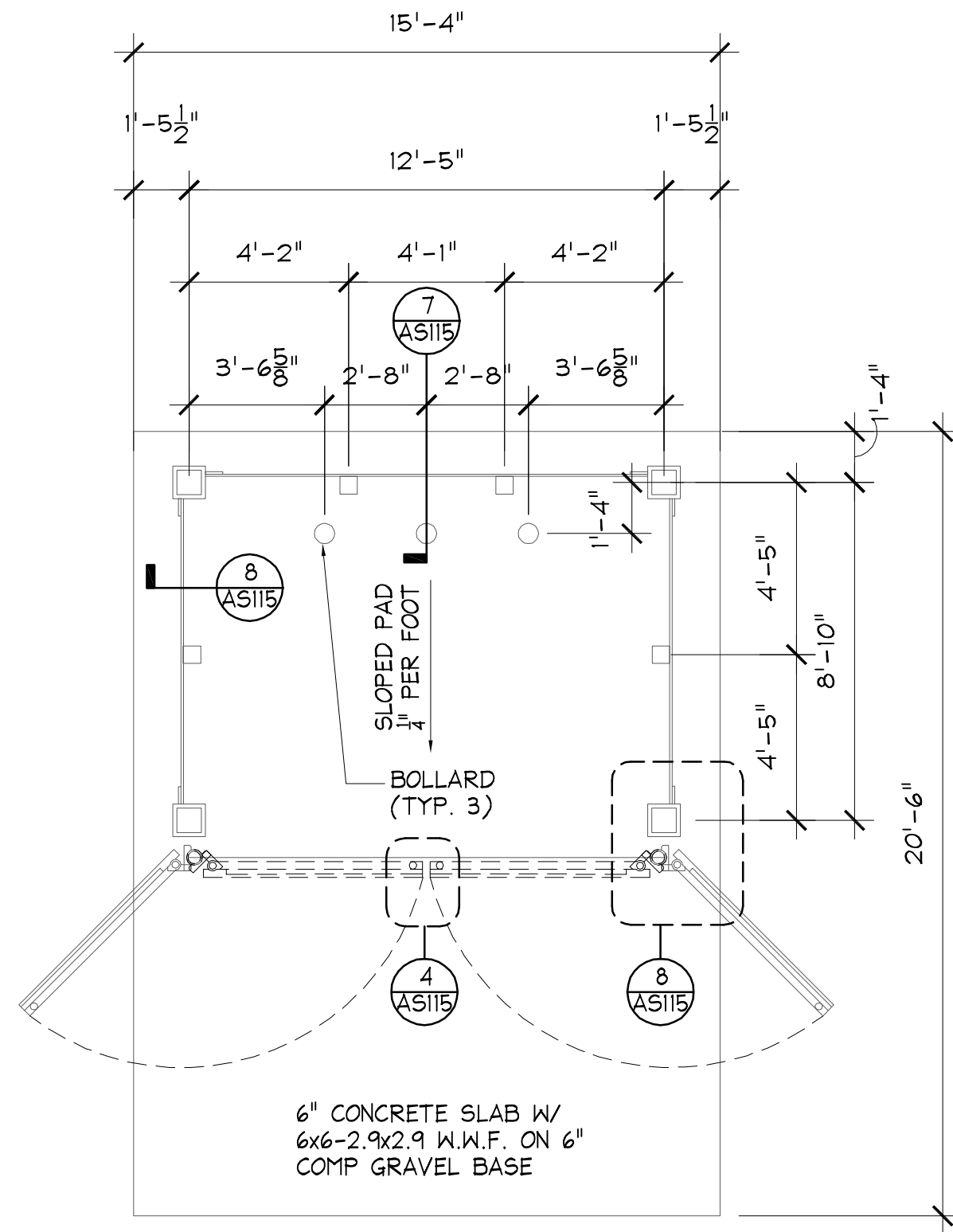


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LANDSCAPE PLAN
PROPOSED CONVENIENCE STORE &
MOTOR VEHICLE FILLING STATION
999 LAFAYETTE RD. MEDINA, OH 44256

JOB NO.
25-0201

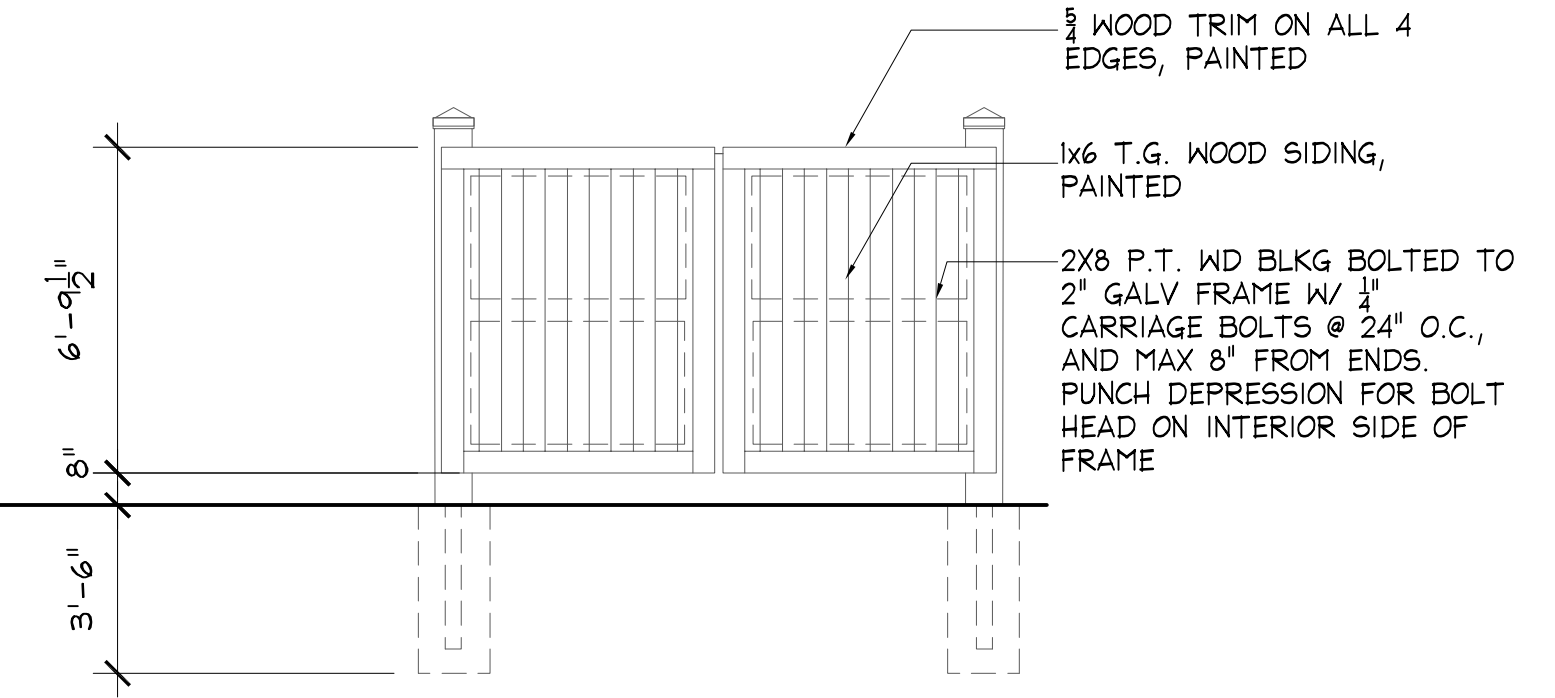
AS115



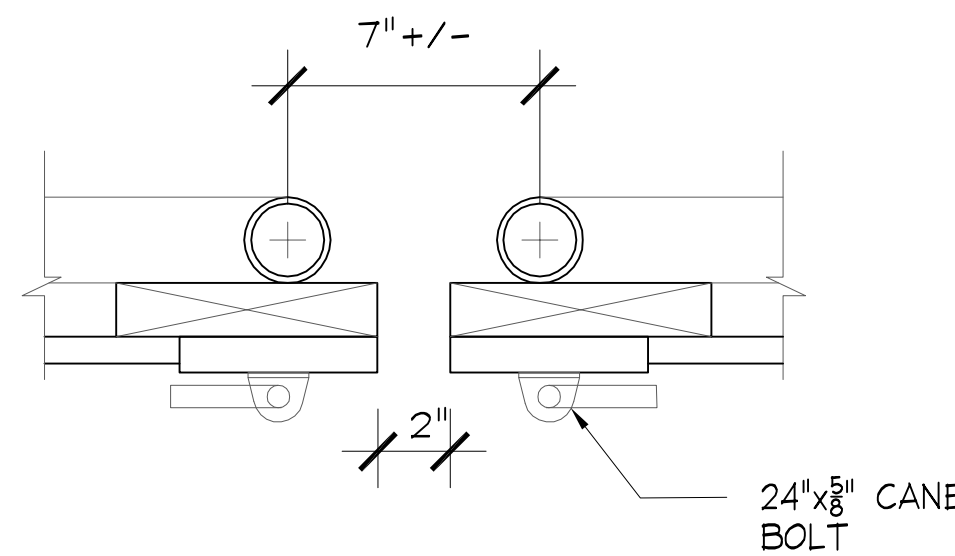
1 TRASH ENCLOSURE PLAN
SCALE: 1/4"=1'-0"

PITCHED METAL POST CAP
METAL COPING
POST CAP
8x8 WOOD POST WRAPPED W/
WOOD TRIM, PAINTED
1x6 WOOD TRIM PAINTED
1x6 T.G. WOOD SIDING,
PAINTED
1x6 WOOD TRIM PAINTED

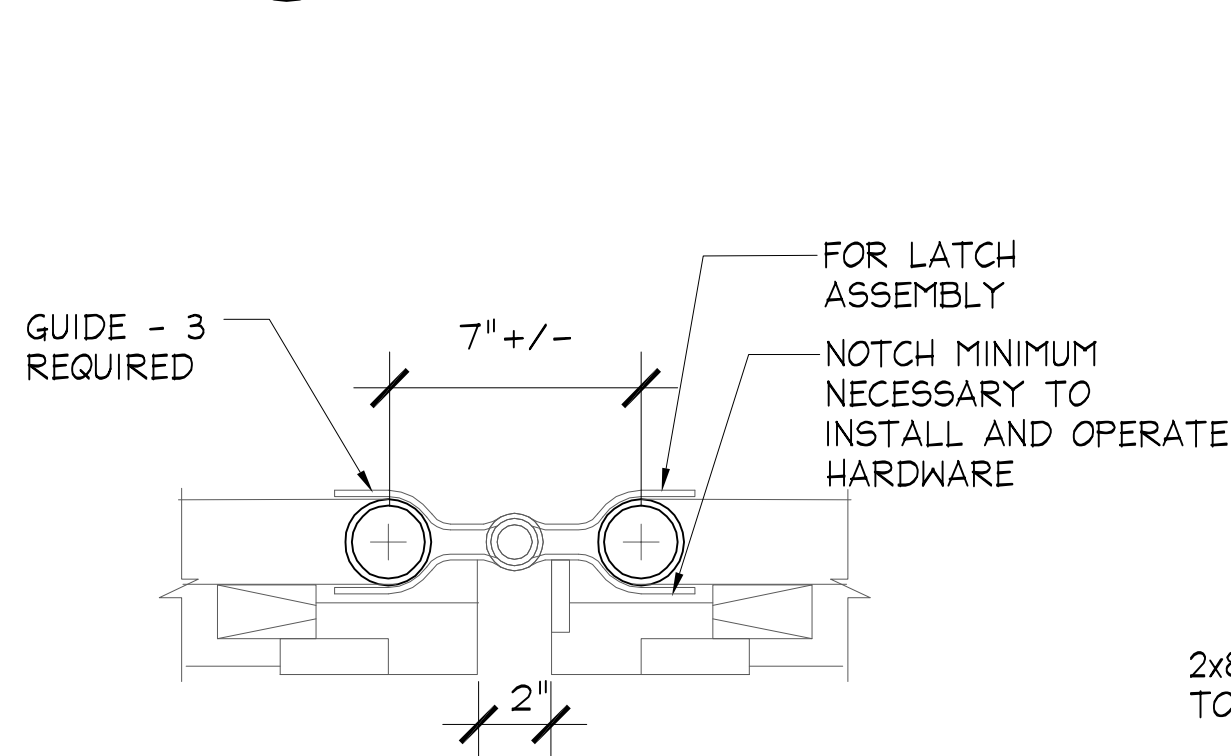
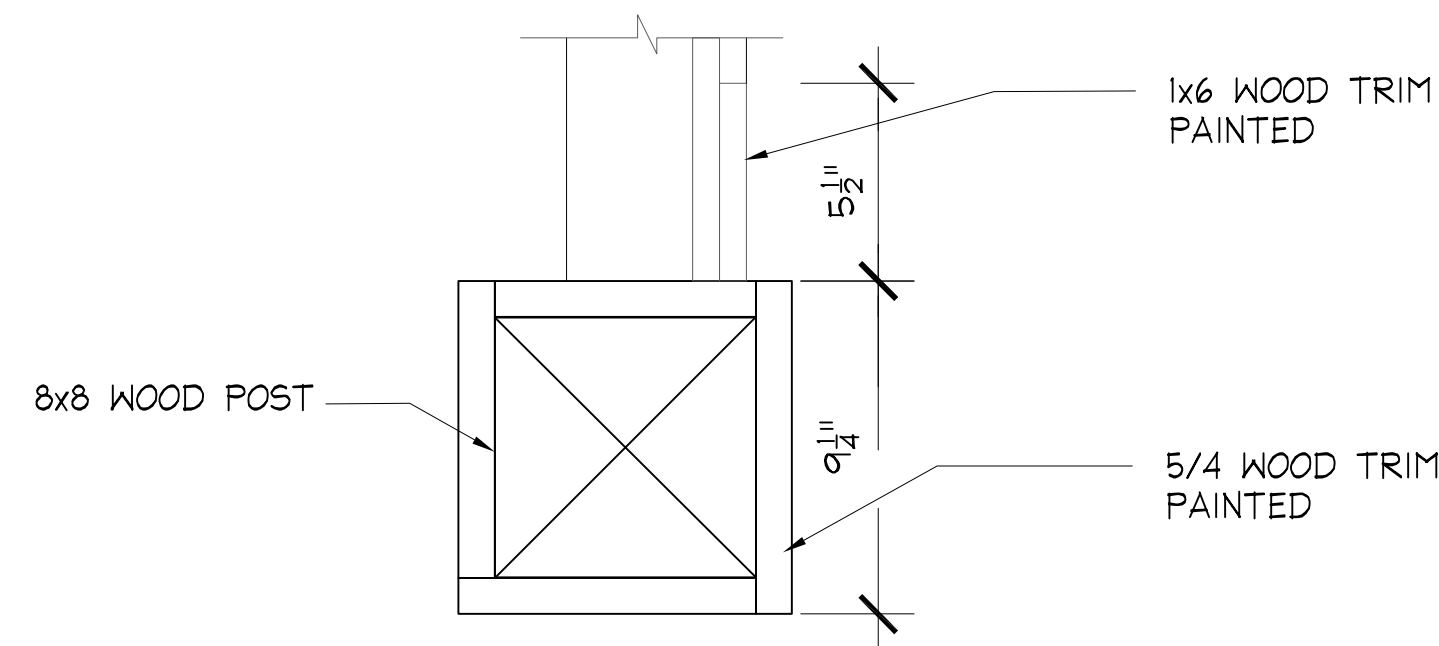
2 SIDE ELEVATION
SCALE: 1/4"=1'-0"



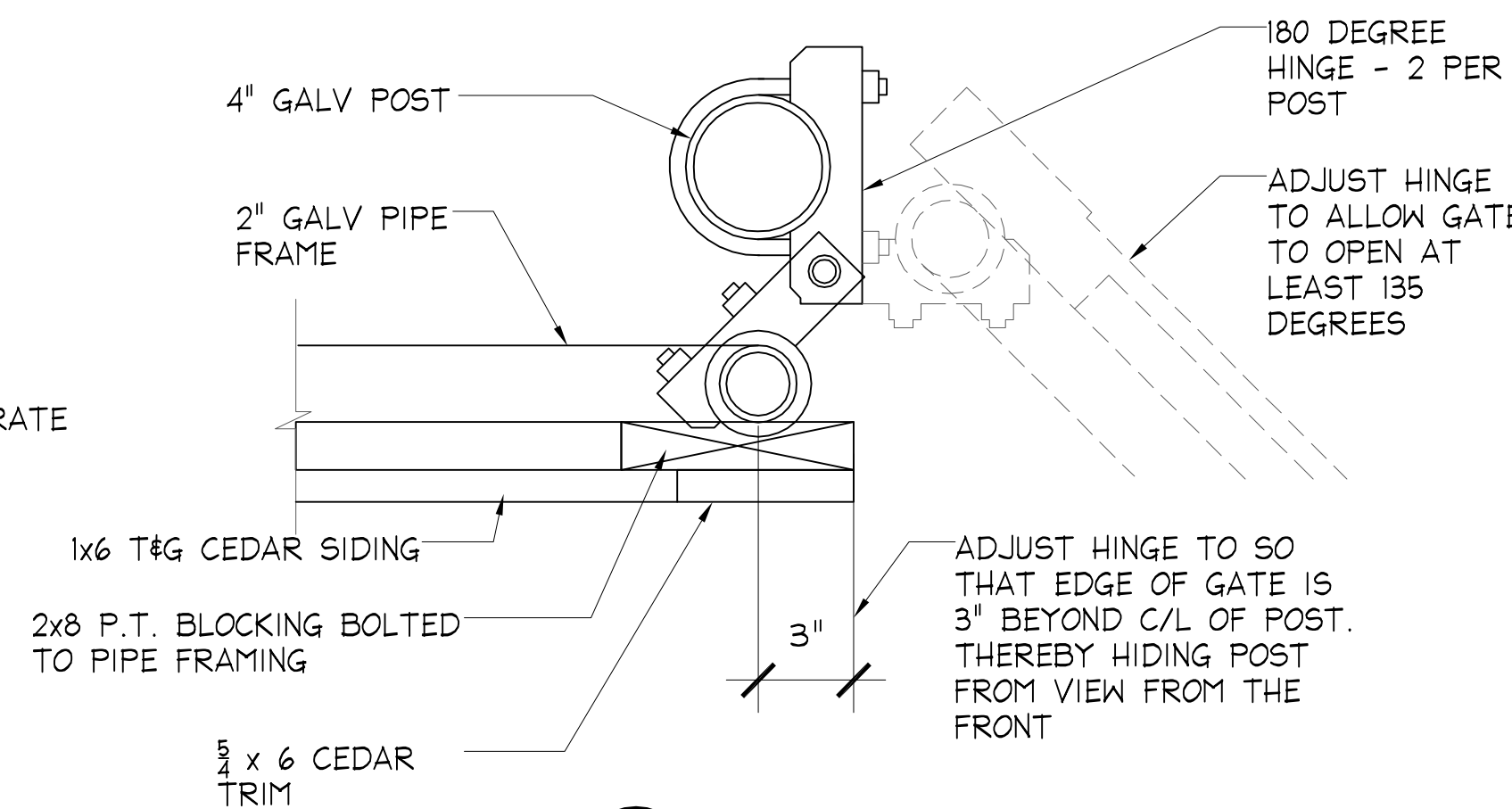
3 FRONT ELEVATION
SCALE: 1/4"=1'-0"



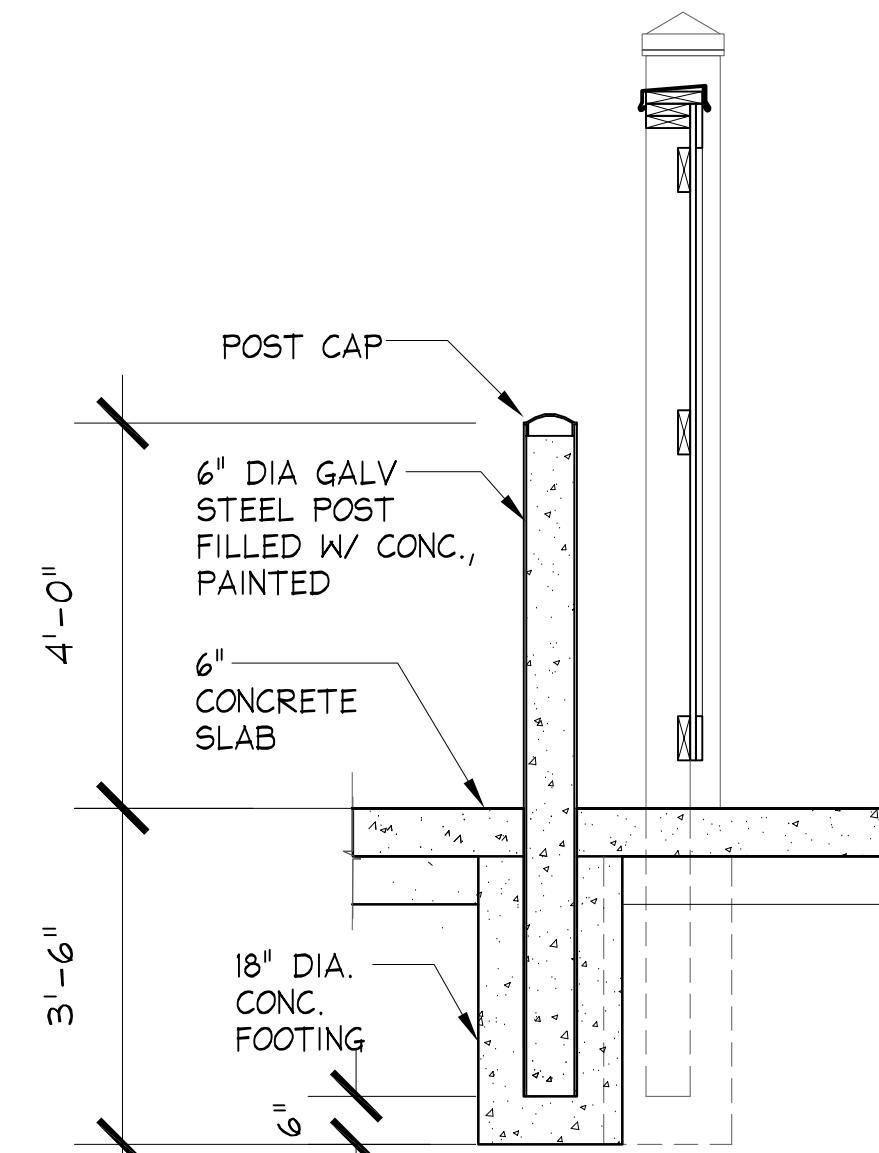
4 DETAIL
N.T.S.



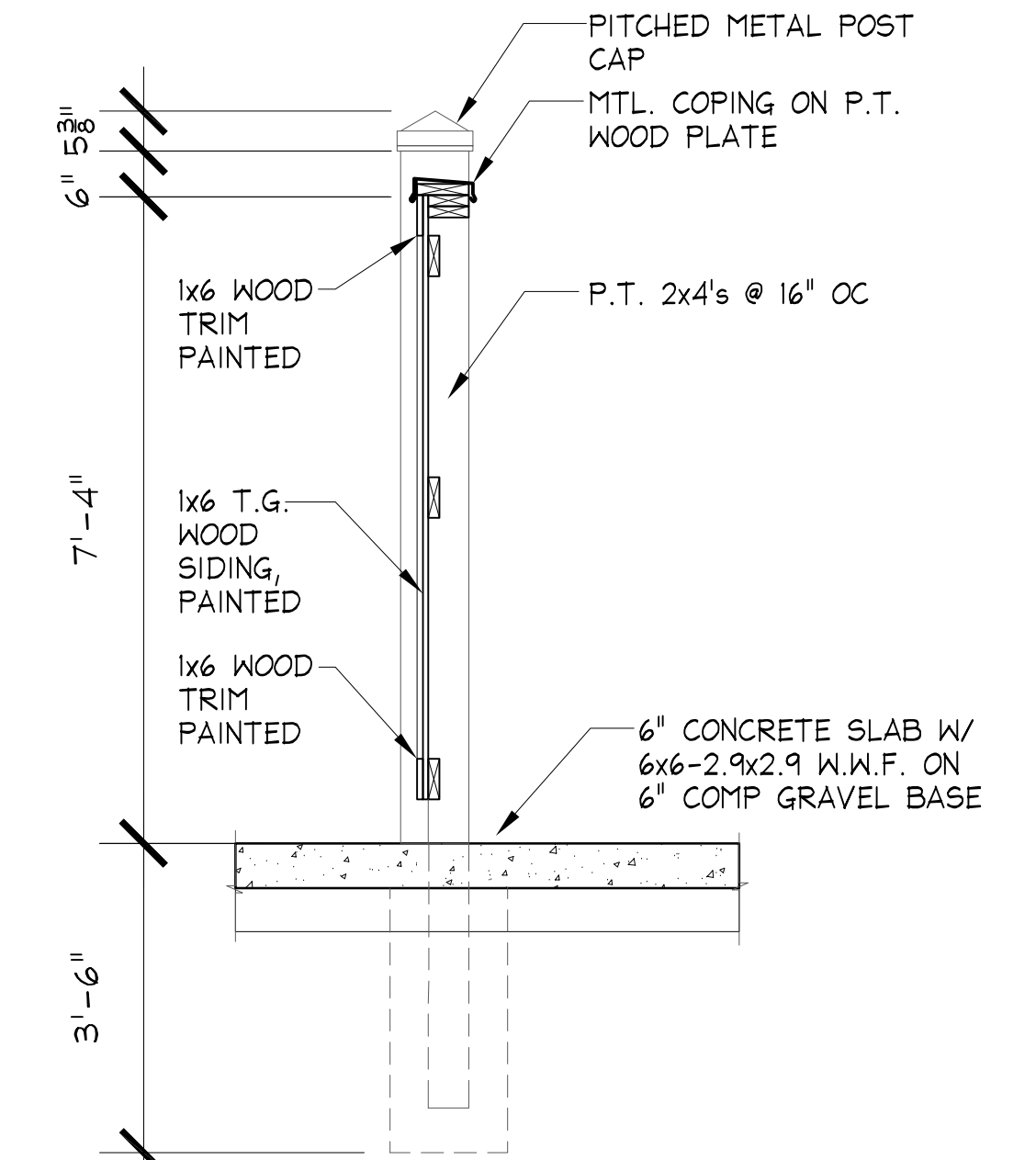
5 DETAIL
N.T.S.



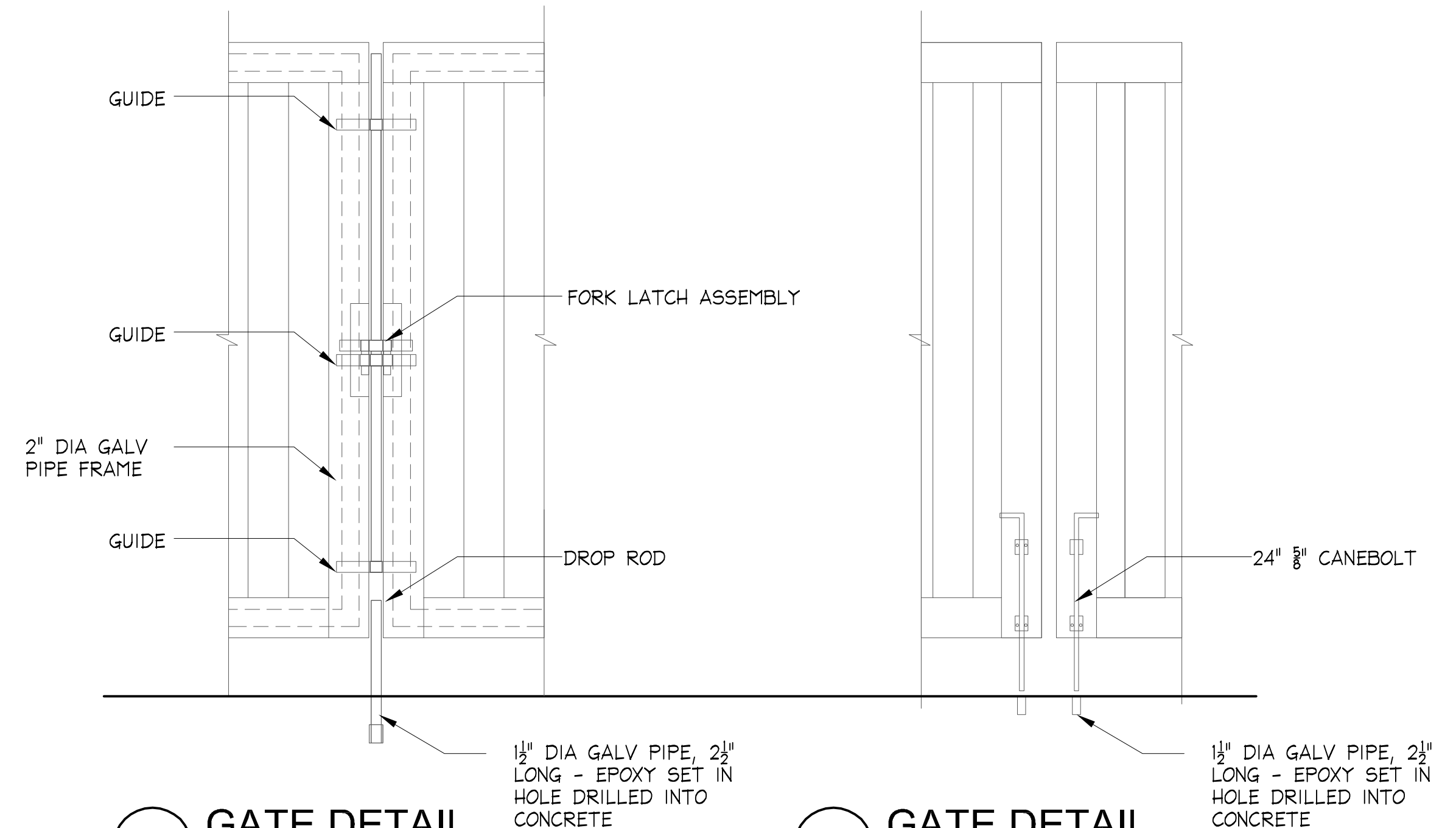
6 HINGE
N.T.S.



7 SECTION
SCALE: 1/2"=1'-0"



8 SECTION
SCALE: 1/2"=1'-0"



9 GATE DETAIL
SCALE: 1/2"=1'-0"

10 GATE DETAIL
SCALE: 1/2"=1'-0"

REV. 2/21/25
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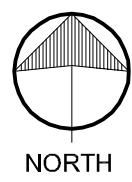
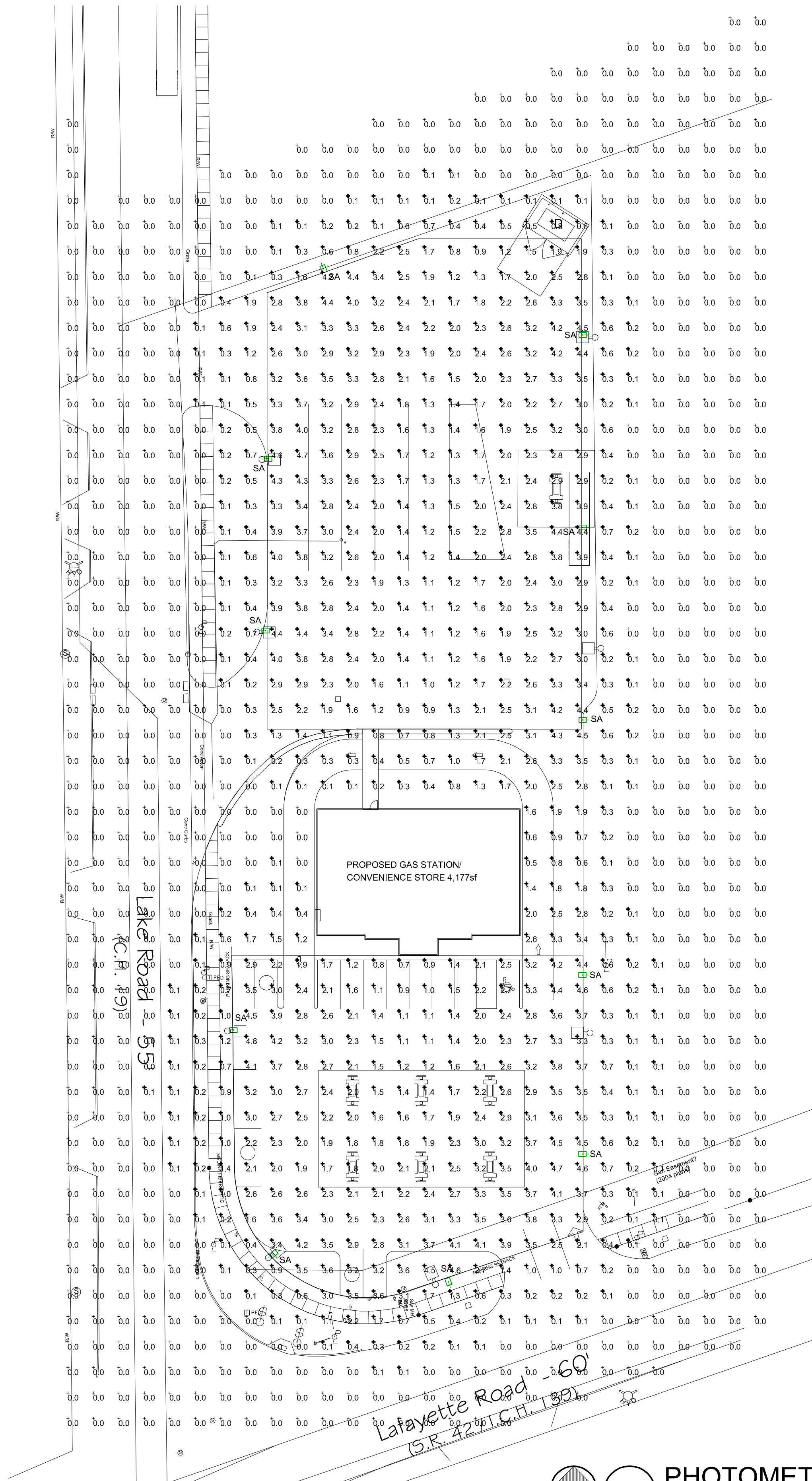
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**PROPOSED CONVENIENCE STORE &
MOTOR VEHICLE FILLING STATION**
999 LAFAYETTE RD
MEDINA OH 44266

DATE: 02/21/25

PROJECT NUMBER:
507100

AS120



1

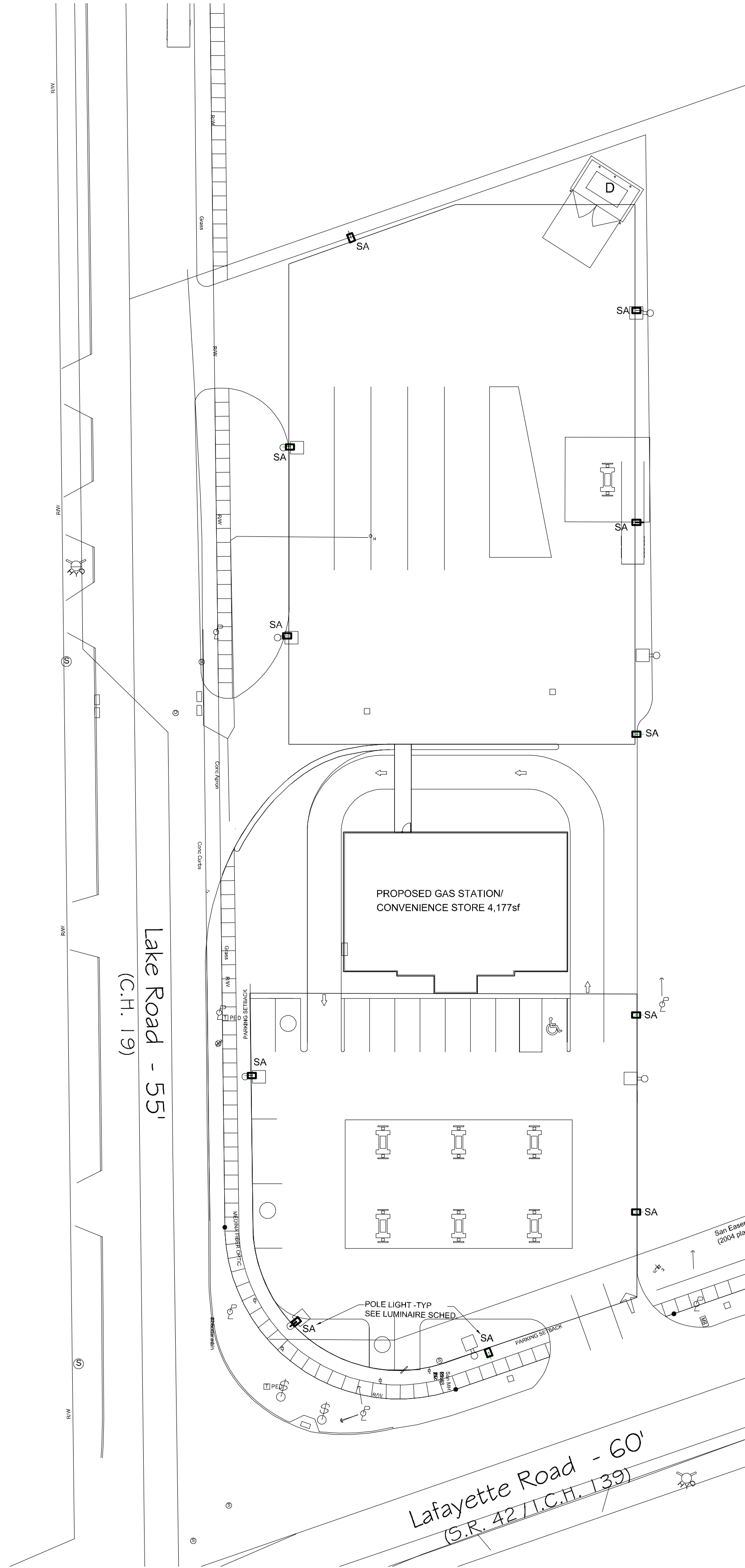
PHOTOMETRIC STUDY

SCALE: 1" = 30'

Luminaire Schedule								
Symbol	Qty	Label	LLF	Luminaire Lumens	[MANUFAC]	Description	Filename	Luminaire Watts
	11	SA	0.900	13182	BEACON	VP-ST-2-72L-115-4K7-4F-UNV-A-DBT-BC-(MOUNT TO 20' POLE)	VP-ST-2-72L-115-4K7-4F-BC.ies	115
Mounting Height								
								22

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
front parking and pedestrian area	Illuminance	Fc	2.71	4.8	0.7	3.87	6.86
rear parking and pedestrian area	Illuminance	Fc	2.51	4.7	0.8	3.14	5.88

- NOTES:
- ILLUMINANCE LEVELS TAKEN ON THE PAVEMENT
 - DARK BRONZE FINISH
 - TYPE-SA OVERALL MOUNTING HEIGHT:
20' POLE + 2' CONCRETE BASE = 22' A.F.G.



2

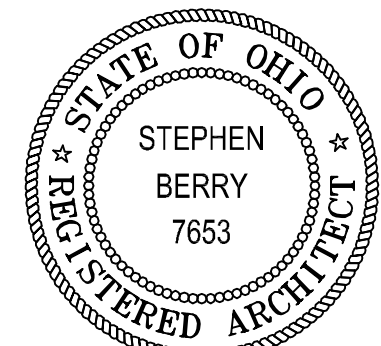
ELECTRICAL SITE PLAN

SCALE: 1" = 30'

REV. 2/21/25
ZONING 11/20/24

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PROPOSED CONVENIENCE STORE &
MOTOR VEHICLE FILLING STATION

999 LAFAYETTE RD
MEDINA OH 44256

DATE: 02/21/25

PROJECT NUMBER:
507100

SE100

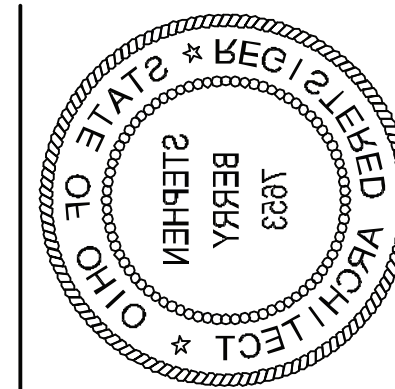


RENDERING

REV 2/21/25
ZONING 11/20/24

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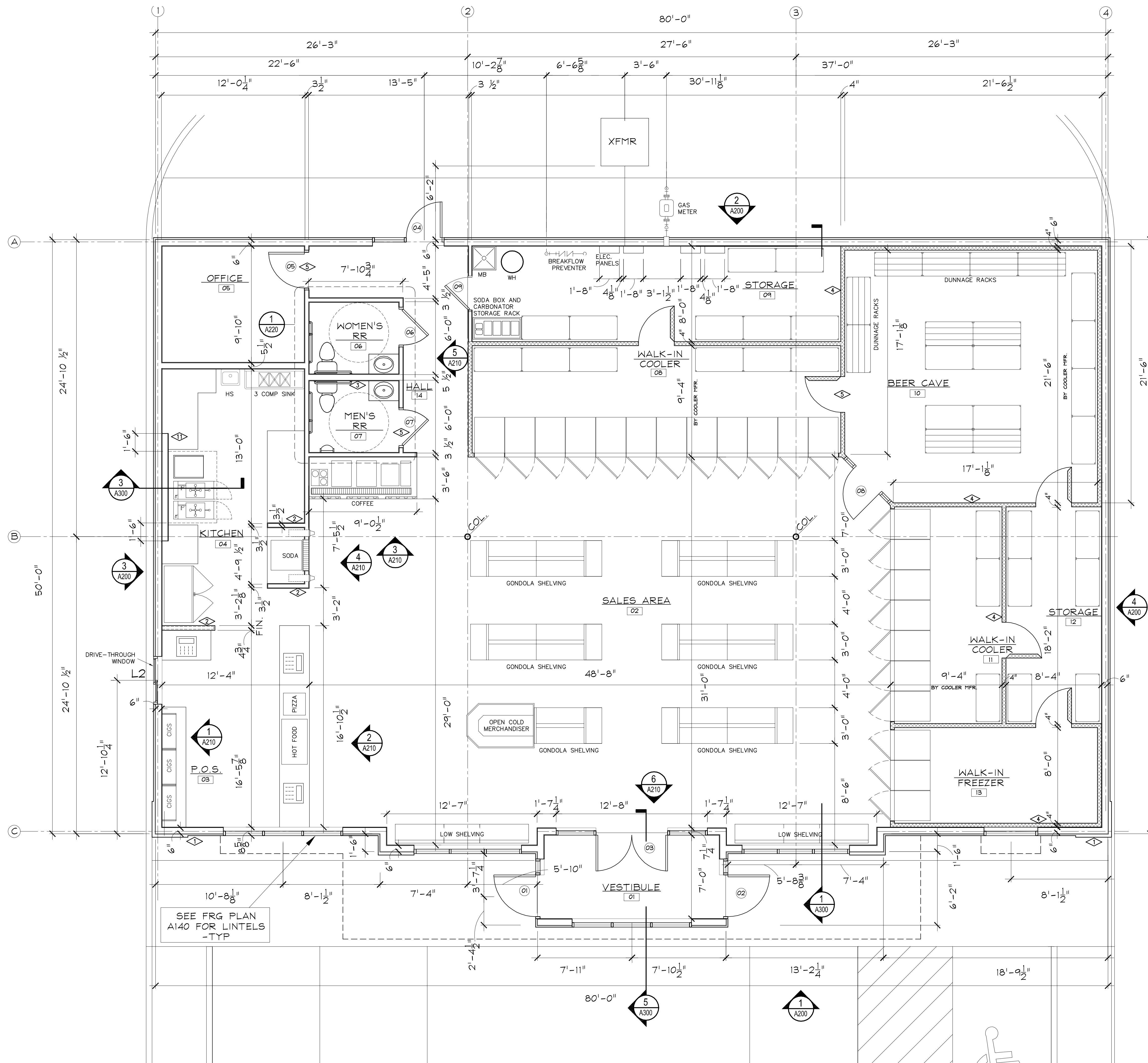
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**PROPOSED CONVENIENCE STORE &
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999 LAFAYETTE RD
MEDINA OH 44256

507100
PROJECT NUMBER
DATE 02/21/25

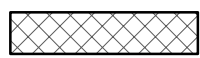

A000



CONSTRUCTION NOTES:

- 1 1/2"x11 VERTICAL E.I.F.S BUMP OUT
- 2 INTERIOR PARTITION: 2x4 STUDS @ 16 O.C w/ 5/8" GYP BOARD EACH SIDE. UNO.
- 3 PLUMBING WALL w/ 2x6 STUDS @ 16 OC w/ 5/8" GYP BOARD EACH SIDE EXTEND STUDS AND GYP BOAD TO BOTTOM OF ROOF JOIST, FILL STUD w/ SOUND BATT INSULATION FOR FULL HEIGHT.
- 4 COOLER DESIGNED BY MANUFACTURE- SEE A110
- 5 3'-0" INTERIOR DOOR- TYP
- 6 PER OMC 306.5, A PERMANENT MEANS OF ROOF ACCESS IS NOT REQUIRED TO SERVICE THE ROOFTOP UNIT WHIC IS LESS THAN 16 FEET ABOVE THE GRADE PLANE.
- 7 PER OMC 306.5.1 A LEVEL PLATFORM IS NOT REQUIRED TO SERVICE THE ROOFTOP UNIT WHICH IS MOUNTED ON A SLOPING ROOF THAT IS SHALLOWER THAN 3 UNITS VERTICAL IN 12 UNITS HORIZONTAL. ALSO ACCESS DOES NOT REQUIRE WALKING ON ANY ROOF SURFACE HAVING A SLOPE GREATER THAN 4 UNITS VERTICAL AND 12 UNITS HORIZONTAL.
- 8 ERECT SIDE WALLS TO MATCH SLOPING ELEV. OF TOP OF TRUSSES - SEE 3/A300 TYP.
- 9 ROOF TRUSS MANF SHALL DESIGN TRUSSES TO SUPPORT ALL ROOF TOP MECHANICAL EQUIPMENT.
- 10 A WEATHERPROOF RECEPTACLE SHALL BE PROVIDED ADJACENT TO THE ROOFTOP UNIT IN ACCORDANCE WITH OMC 306.5.2, NFPA 70 AND REQUIREMENTS.
- 11 PROVIDE SECTION OF 6" METAL STUD WALL @ 16" O.C DIRECTLY ADJACENT TO WOOD FRAMED WALL & COVERED IN 24 GAUGE MIN. GALVANIZED SHEET STEEL AS REQUIRED TO REDUCE 18" MIN REQUIRED CLEARANCE TO COMBUSTIBLES PER OMC 507.2.6 TO 6" AS INDICATED IN TABLE 308.4.2 CLEARANCE REDUCTION METHODS. - SEE 3/A300

WALL TYPES

- | | |
|---|--|
|  | — INSULATED COOLER WALLS DESIGNED BY MANUFACTURE |
|  | — DRYWALL AND WOOD STUDS |

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PROPOSED CONVENIENCE STORE &
MOTOR VEHICLE FILLING STATION

999 LAFAYETTE RD
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DATE: 02/21/25

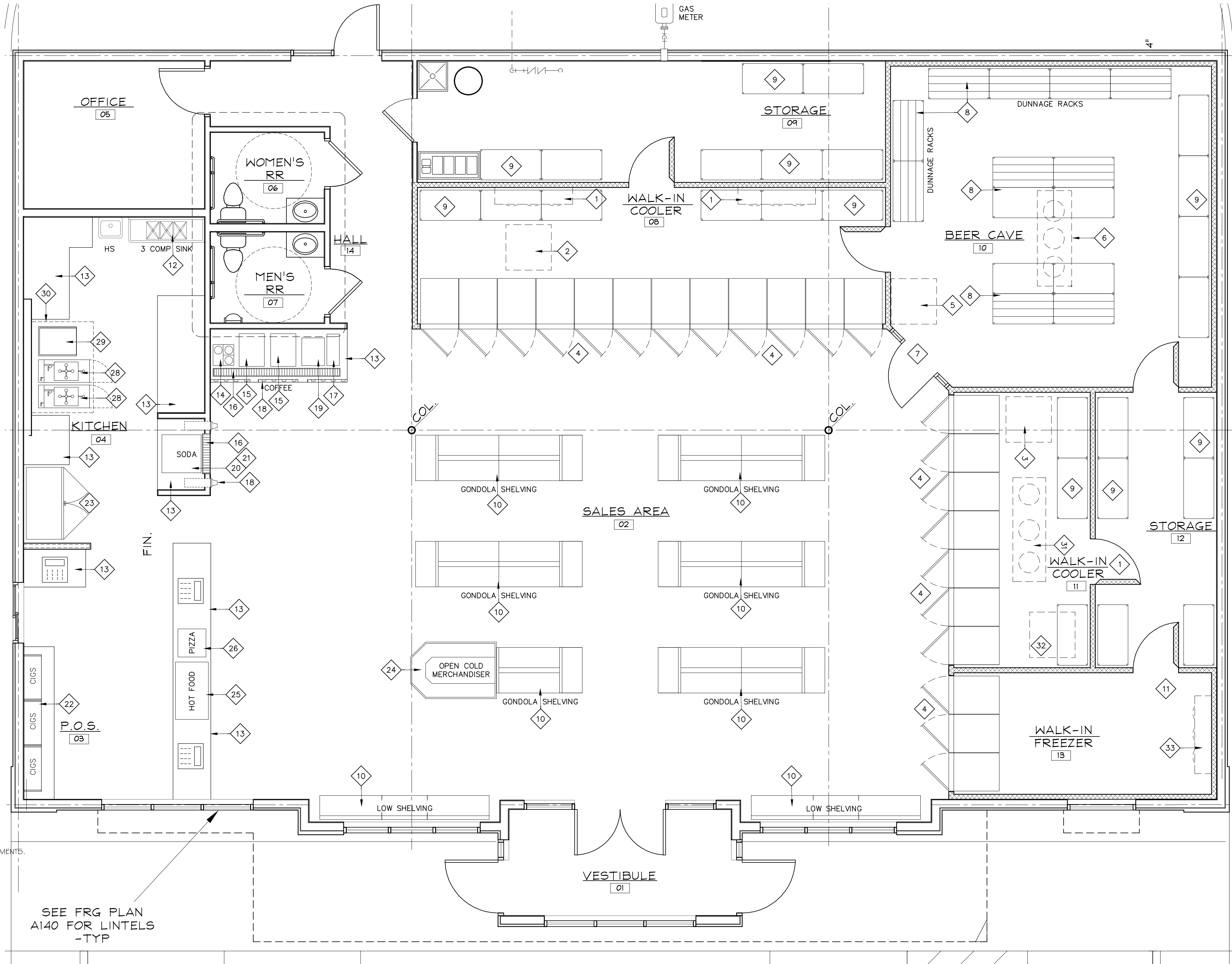
PROJECT NUMBER:
507100

A100

CONVENIENCE STORE EQUIPMENT SCHEDULE:

ITEM	DESCRIPTION MANUFACTURER	MODEL #	DIMENSIONS			WASTE	WATER	GAS	ELECTRICAL		REMARKS
			D	W	H				VOLTS	AMPS	
1	WALK-IN COOLER COIL FAN CLIMATE CONTROL	#CELO190AS6AMA	61.5"	13.25"	16.5"	-	-	-	115/60/1		
2	WALK-IN COOLER CONDENSING UNIT COPELAND	#ZS38K4E-TF5-230	44"	23.5"	29.25"	-	-	-	208-230/60/3		ON ROOF
3	WALK-IN COOLER CONDENSING UNIT COPELAND	#ZS19KAE-TF5-118	39"	23.5"	9.75"	-	-	-	208-230/60/3		ON ROOF
4	WALK-IN COOLER DOORS ANTHONY	#ELM2				-	-	-	----		
5	WALK-IN BEER COOLER CONDENSING UNIT BOHN OR EQUAL	#ZS15KAE-TF5-118	39"	23.5"	19.75"	-	-	-	115/60/1		ON ROOF
6	WALK-IN BEER COOLER COIL FAN CLIMATE CONTROL	#CECO200AS7AMAB0404	75.5"	27"	8"	-	-	-	115/60/1		
7	WALK-IN ENTRY DOOR ANTHONY	#ELM2				-	-	-	----		
8	DUNNAGE RACKS ISS OR EQUAL	#DUN2448	24"	48"	12"	-	-	-	----		
9	STORAGE SHELVING ISS OR EQUAL	#S2448	24"	48"	60"	-	-	-	----		
10	WALL & GONDOLA SHELVING ROYSTON OR EQUAL					-	-	-	----		
11	STEP-IN FREEZER KYSOR / NEEDHAM OR EQUAL					-	-	-	115/60/1	1	
12	3 COMPARTMENT SINK ADVANCE	#9-3-54-18RL	60"	20"	43"	-	-	-	----		
13	COUNTERS - WOOD OR METAL					-	-	-	----		
14	COFFEE BREWER BUNN	#CWT15-3	16.8"	16.3"	22"	-	1/4"	-	120/60/1	14	
15	DUAL SERVER COFFEE (3 EA) BUNN	#DUAL SH	36"	18"	23"	-	1/4"	-	120/240/60/1	30	
16	DRIP TRAY					-	-	-	----		
17	ICED COFFEE (2 EA) GOODWEST	#GW-2 DUAL	22"	10"	25"	-	-	-	115/60/1	2	
18	CUPS					-	-	-	----		
19	CAPPUCCINO (2 EA) CECILWARE	#3K-GB-LD	23"	10"	34"	-	1/4"	-	120/60/1	15	
20	ICE AND POST MIX (2 EA) SERVEND	#FRP-250	31"	30"	41"	3/4"	-	-	120/60/3	15	
21	ICE MAKER (2 EA) FOLLETT	#MC400HT				3/4"	-	-	115/60/1	20	
22	CIGARETTE DISPLAY IMAGEWORKS OR EQUAL	PER PLAN				-	-	-	----		
23	2 DOOR COOLER (2 EA) TRUE	#TS-49G				-	-	-	115/60/1	10	
24	OPEN DELI CASE SOUTHERN STORE FIXTURES	#MDI-02-N-2-48-SC				-	-	-	115/60/1	24	
25	HOT FOOD MERCHANDISER HATCO	#GRHD-3PD				-	-	-	120/60/1	11	
26	PIZZA MERCHANDISER NEMCO	#6452				-	-	-	120/60/1	13	
27	NOT USED					-	-	-			
28	ELECTRIC FRYER Henny Penny	PF6600.03				-	-	-	120/60/1	9.6	
29	2 BURNER FLAT TOP Imperial Range	IR-2-G24	36"	31"	57"	-	-	3/4"			
30	Kitchen Hood LoRin Hoods	#SC	72"	48"	18"	-	-	-			
31	WALK-IN COOLER COIL FAN CLIMATE CONTROL	#CECO200AS7AMAB0404	75.5"	27"	8"	-	-	-	208-230/60/1		
32	WALK-IN FREEZER CONDENSING UNIT COPLAND	#ZF15K4E-TF5-251	44"	29.25"	30.5"	-	-	-	208-230/60/1		ON ROOF
33	WALK-IN FREEZER COIL FAN CLIMATE CONTROL	#CELO155BS6EEAB0404	61.5"	18"	13.25"	-	-	-	208-230/60/1		

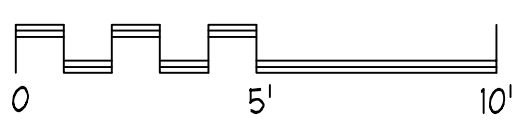
NOTE: EQUIPMENT VENDORS RESPONSIBILITY TO NOTIFY THE ELECTRICAL ENGINEER OF ANY CHANGES OR MODIFICATIONS OF THE EQUIPMENT FOR PROPER ELECTRICAL REQUIREMENTS.



1

EQUIPMENT PLAN

SCALE: 1/4" = 1'-0"



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374 boardman . poland road . suite 201 . youngstown, ohio . 44512
330 726 6390 studio . 374bprd@sbcglobal.net . www.architecturalsigninc.com



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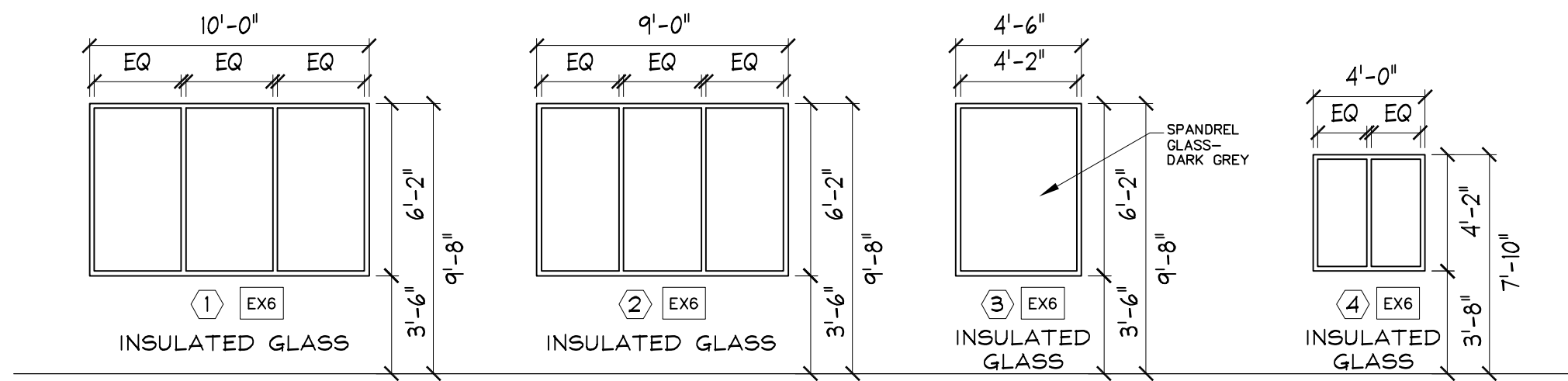
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A110



5 WINDOW TYPES

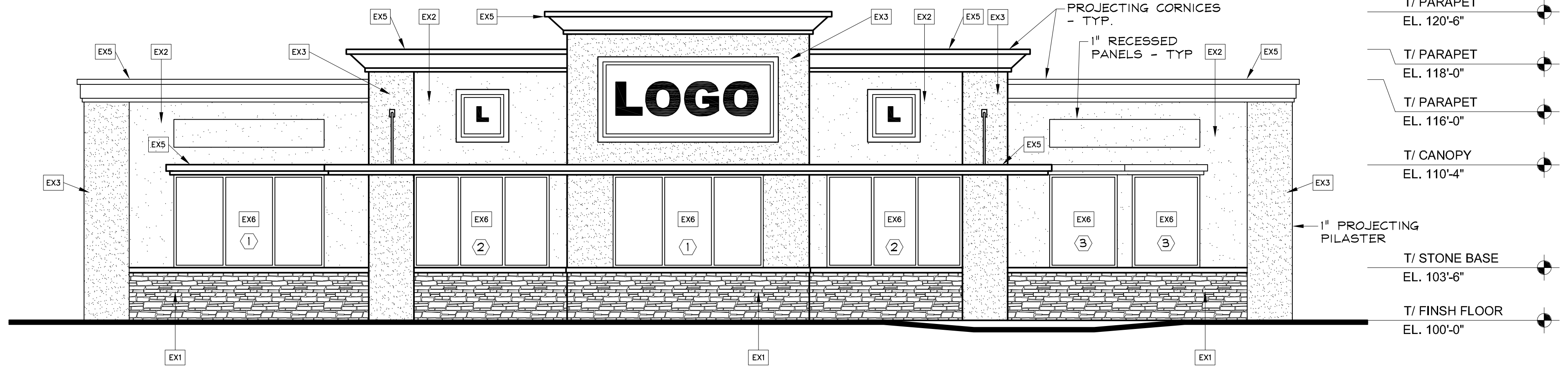
SCALE: 3/16" = 1'-0"

EXTERIOR FINISH SCHEDULE

CODE	DESCRIPTION	COLOR	MANUFACTURER CONTACT
EX1	EXTERIOR STONE	---	---
EX2	E.I.F.S.	---	DRYVIT
EX3	E.I.F.S.	---	DRYVIT
EX4	CORRUGATED ROOF PANELS	GRAY	---
EX5	METAL CANOPY & TRIM	---	ARCHITECTURAL SHADE PRODUCTS
EX6	ALUMINUM STOREFRONT	ALUMINUM	---

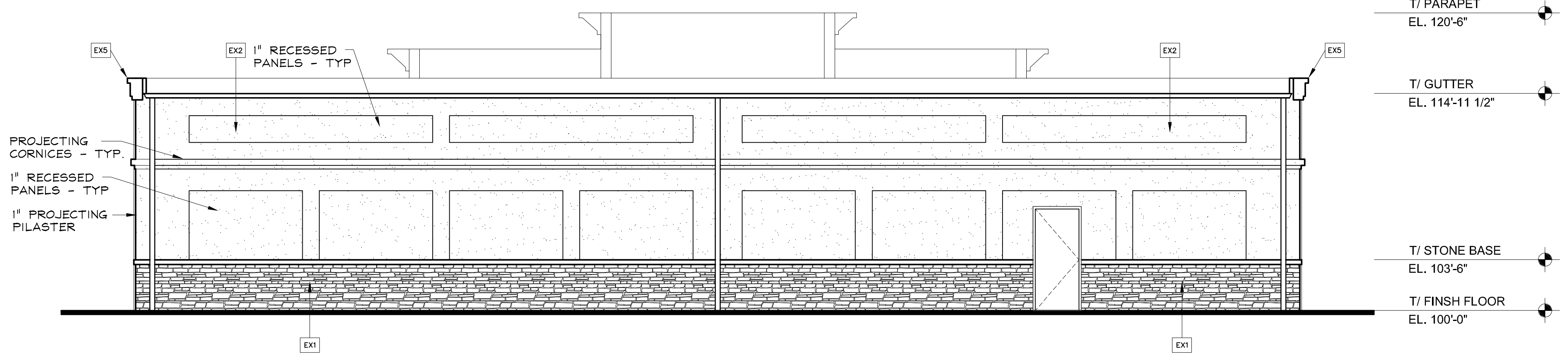
EXTERIOR GENERAL NOTES

- 1.) CONSULT LOCAL CONTRACTOR FOR STANDARD MATERIALS.
- 2.) MATERIALS MAY NOT BE SUBSTITUTED WITHOUT PERMISSION FROM OWNER.



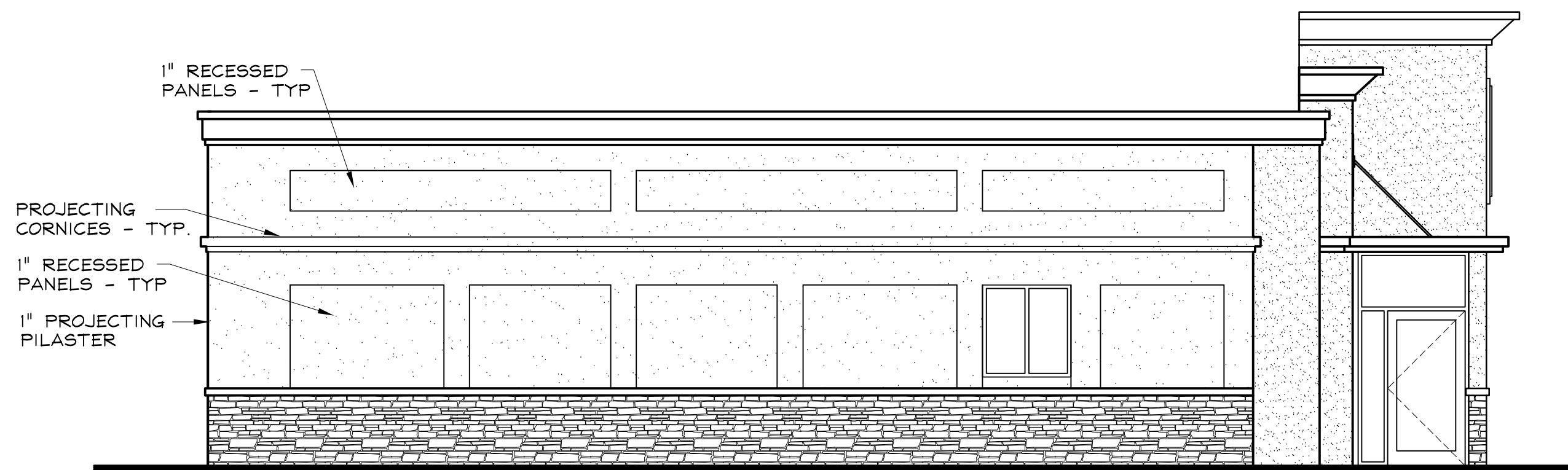
1 SOUTH ELEVATION

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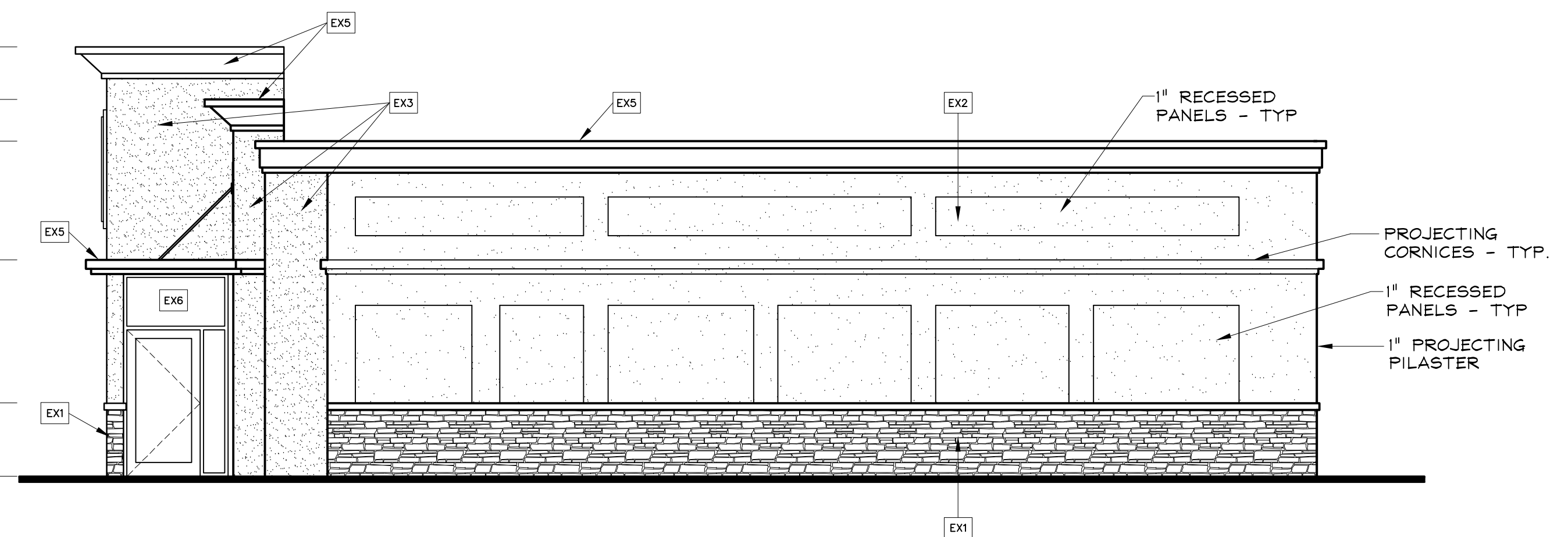
2 NORTH ELEVATION

SCALE: 3/16" = 1'-0"



3 WEST ELEVATION

SCALE: 3/16" = 1'-0"



4 EAST ELEVATION

SCALE: 3/16" = 1'-0"

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ARCHITECTURE, PLANNING, DESIGN, PHOTOGRAPHY
2740 Peachtree Road, Suite 201, Atlanta, GA 30329
330.726.6390 studio • 374.494.4411 fax • www.stephenberryarchitect.com



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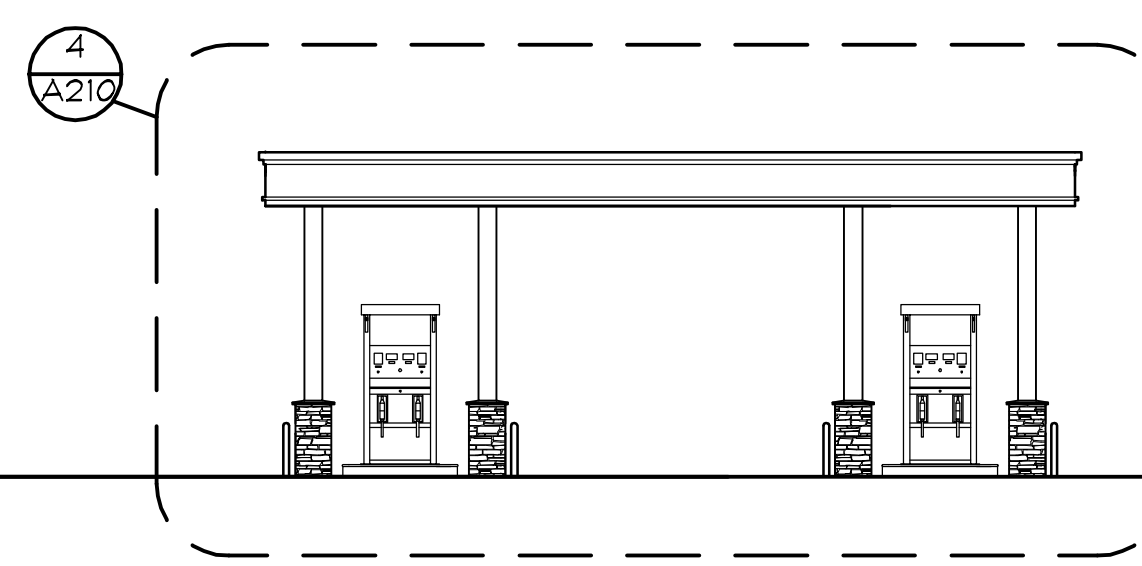
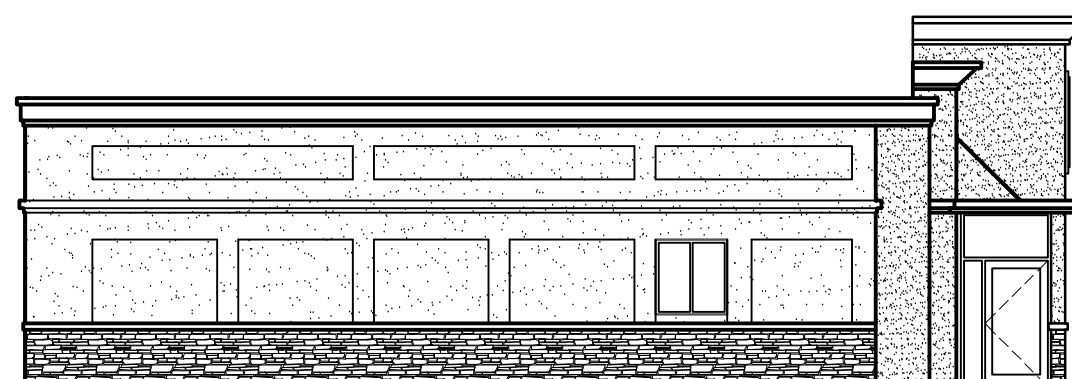
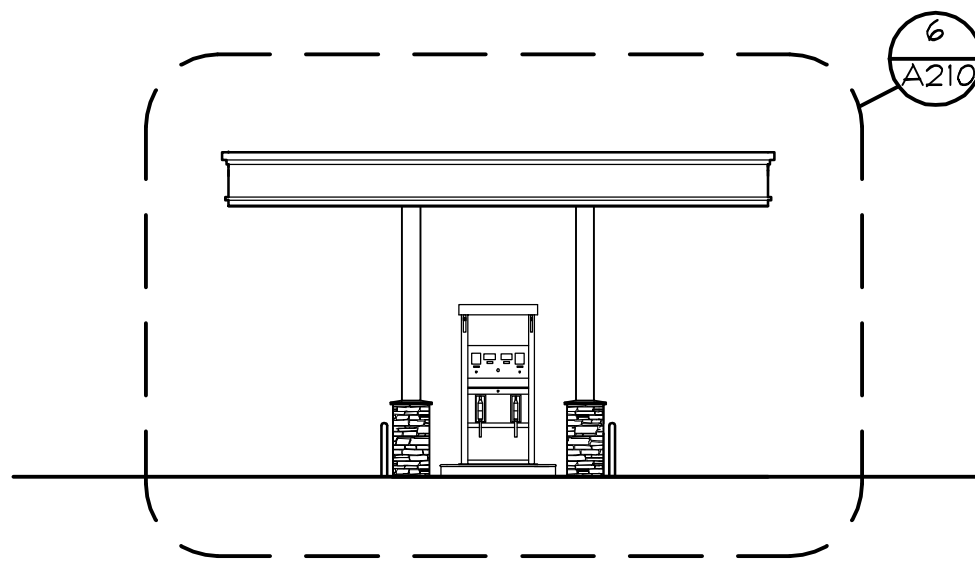
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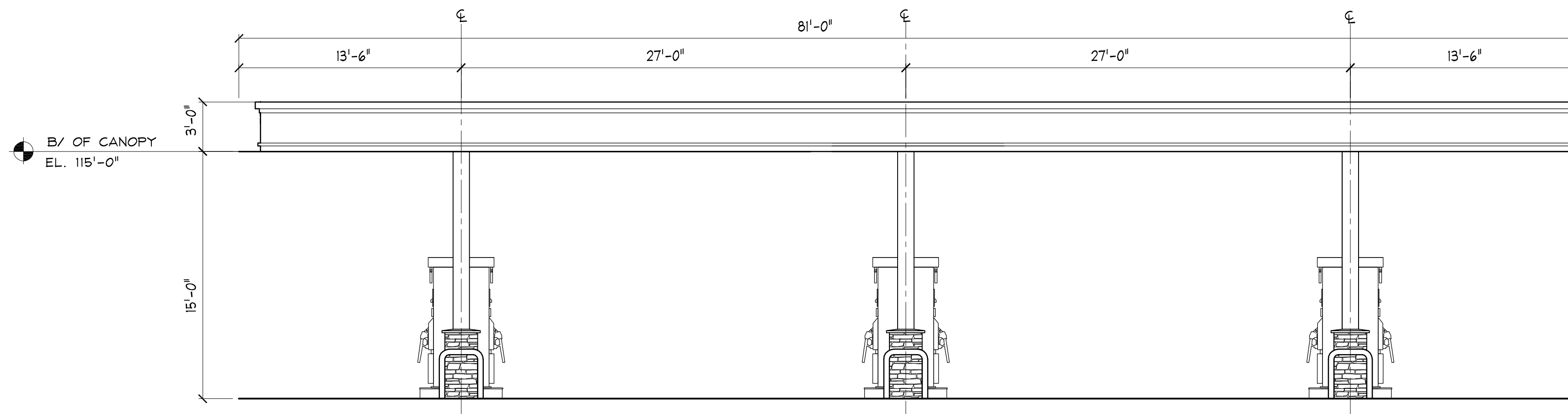
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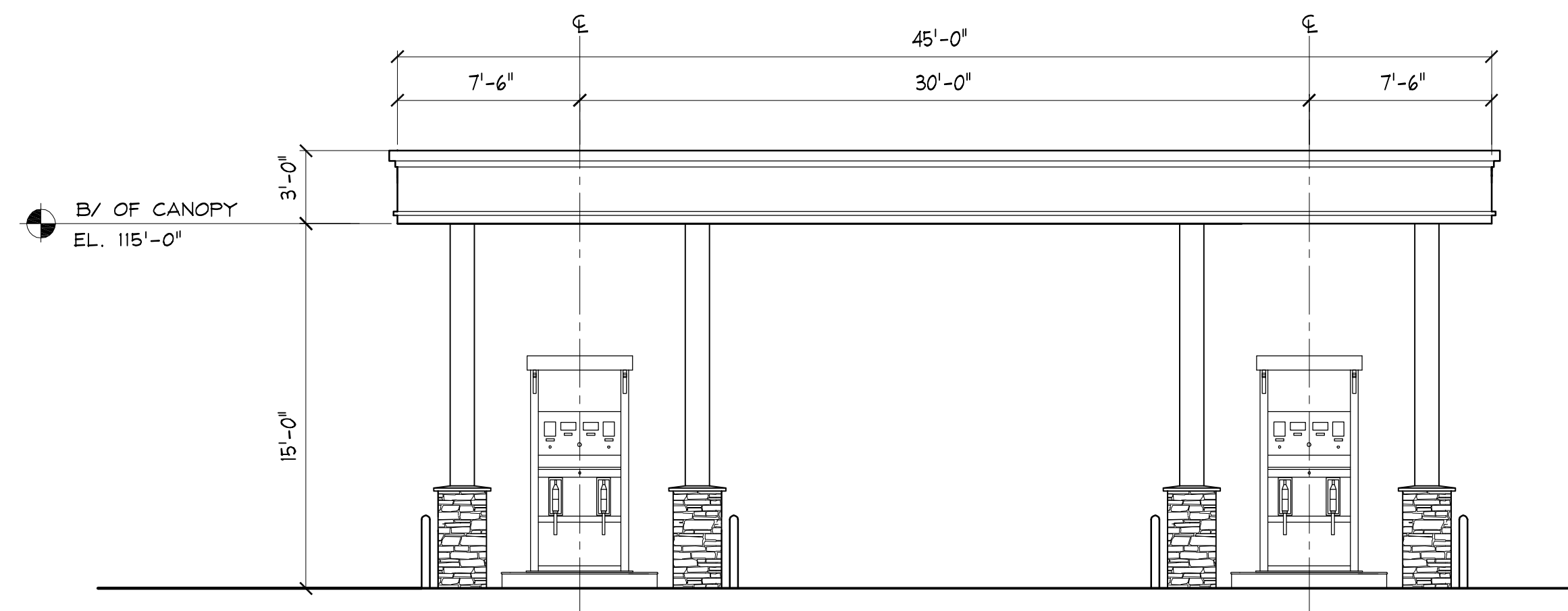
1 SITE ELEVATION
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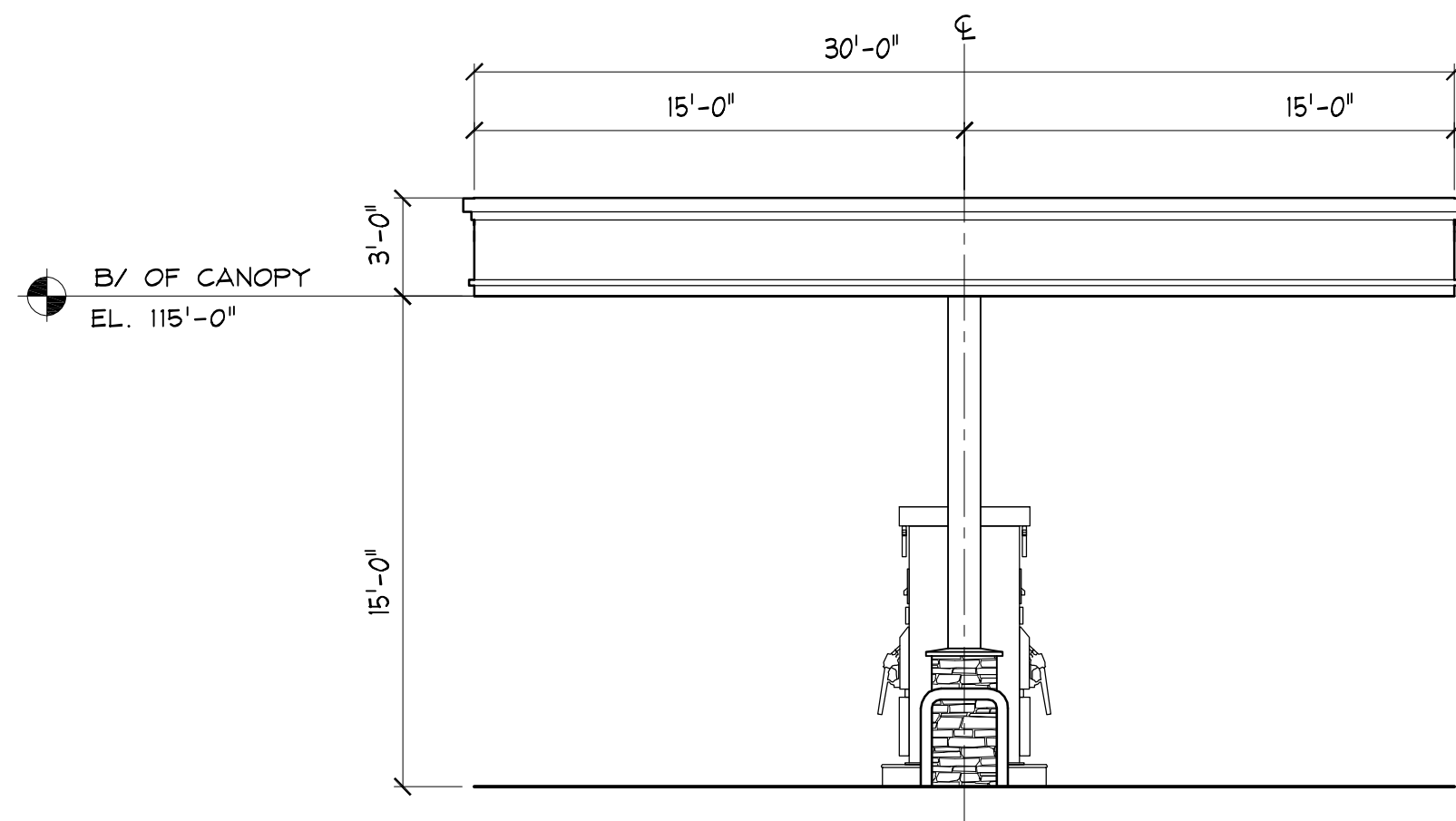
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SCALE: 3/32" = 1'-0"



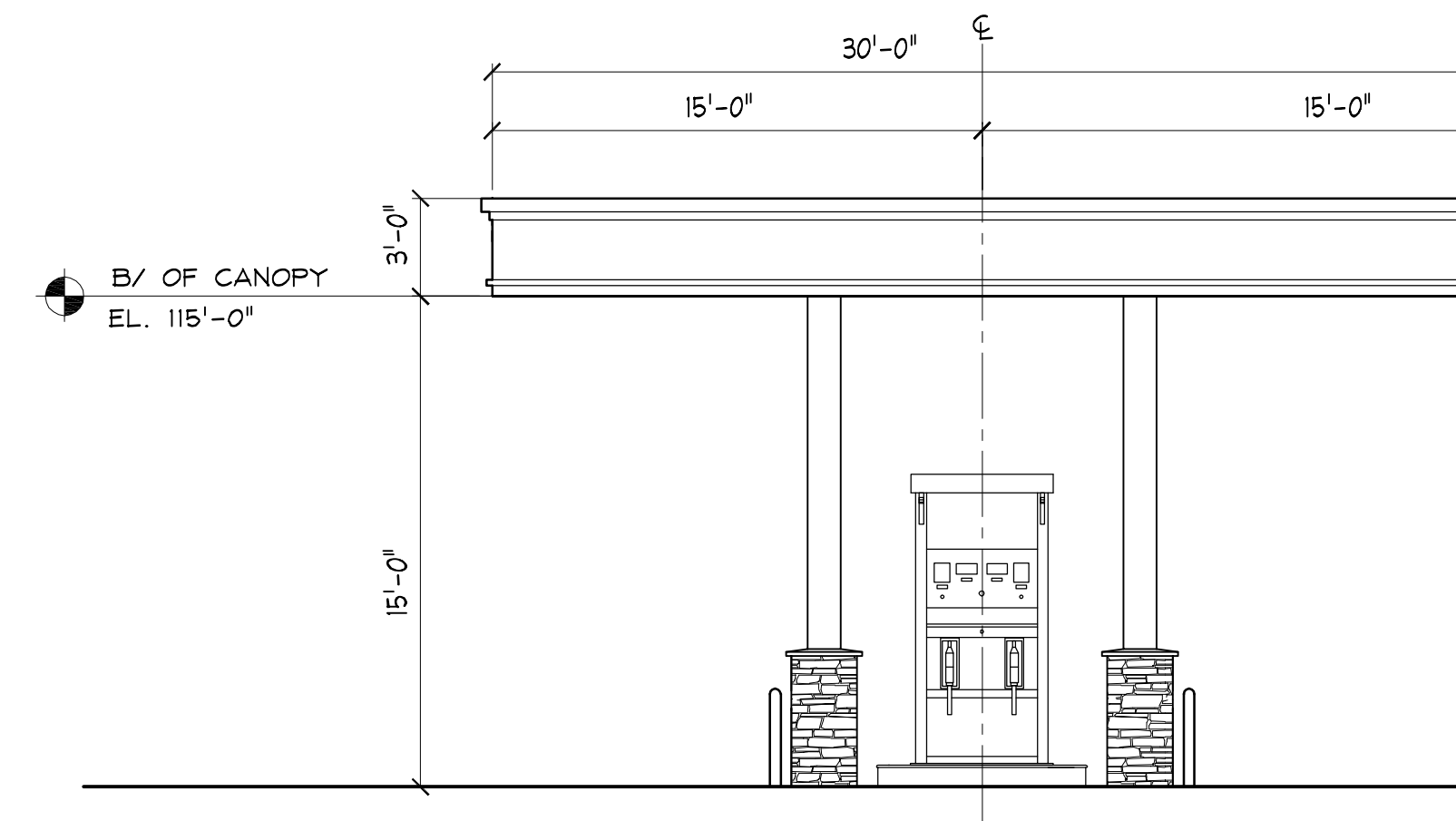
3 AUTOMOBILE CANOPY ELEVATION
SCALE: 3/16" = 1'-0"



4 AUTOMOBILE CANOPY ELEVATION
SCALE: 3/16" = 1'-0"



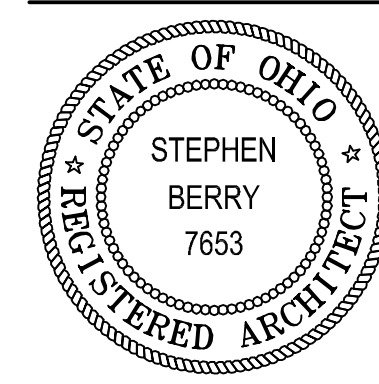
5 TRACTOR TRAILER CANOPY ELEVATION
SCALE: 3/16" = 1'-0"



6 TRACTOR TRAILER CANOPY ELEVATION
SCALE: 3/16" = 1'-0"

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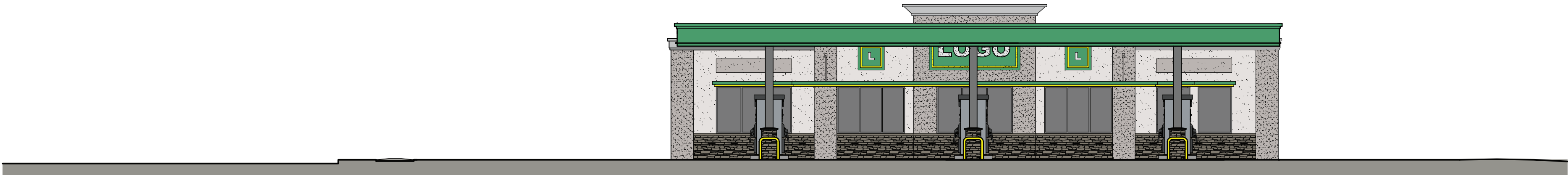
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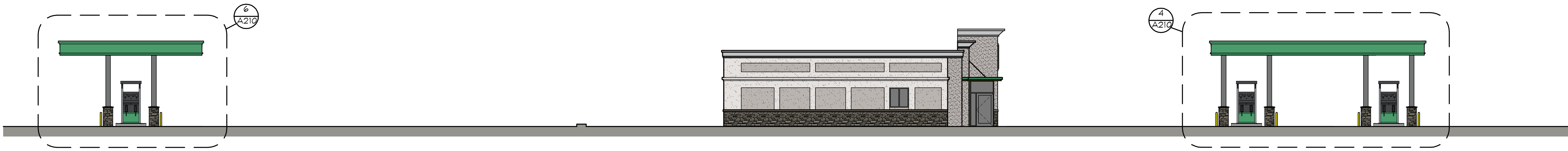
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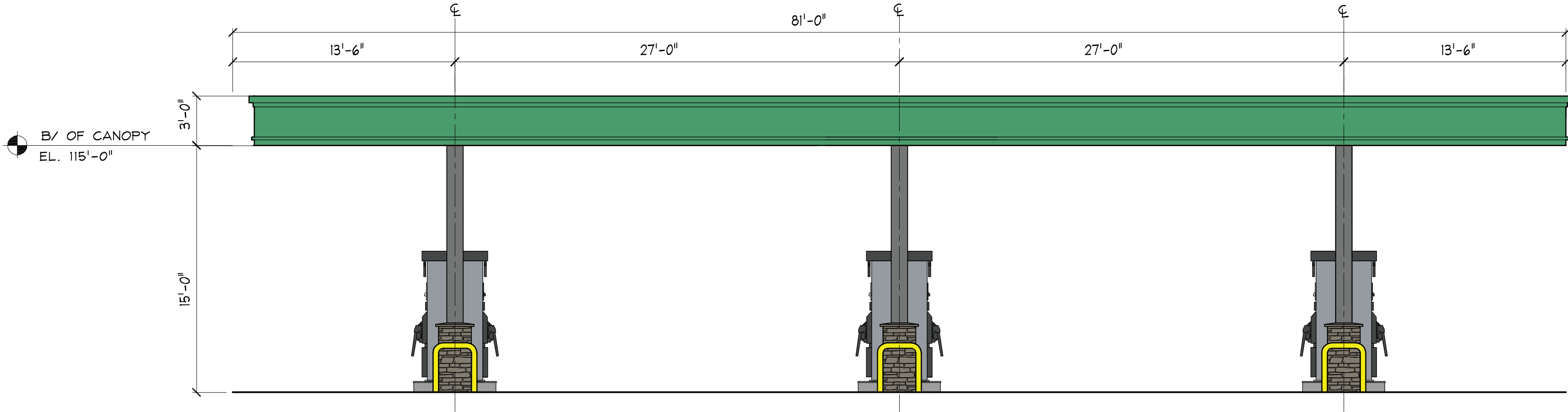
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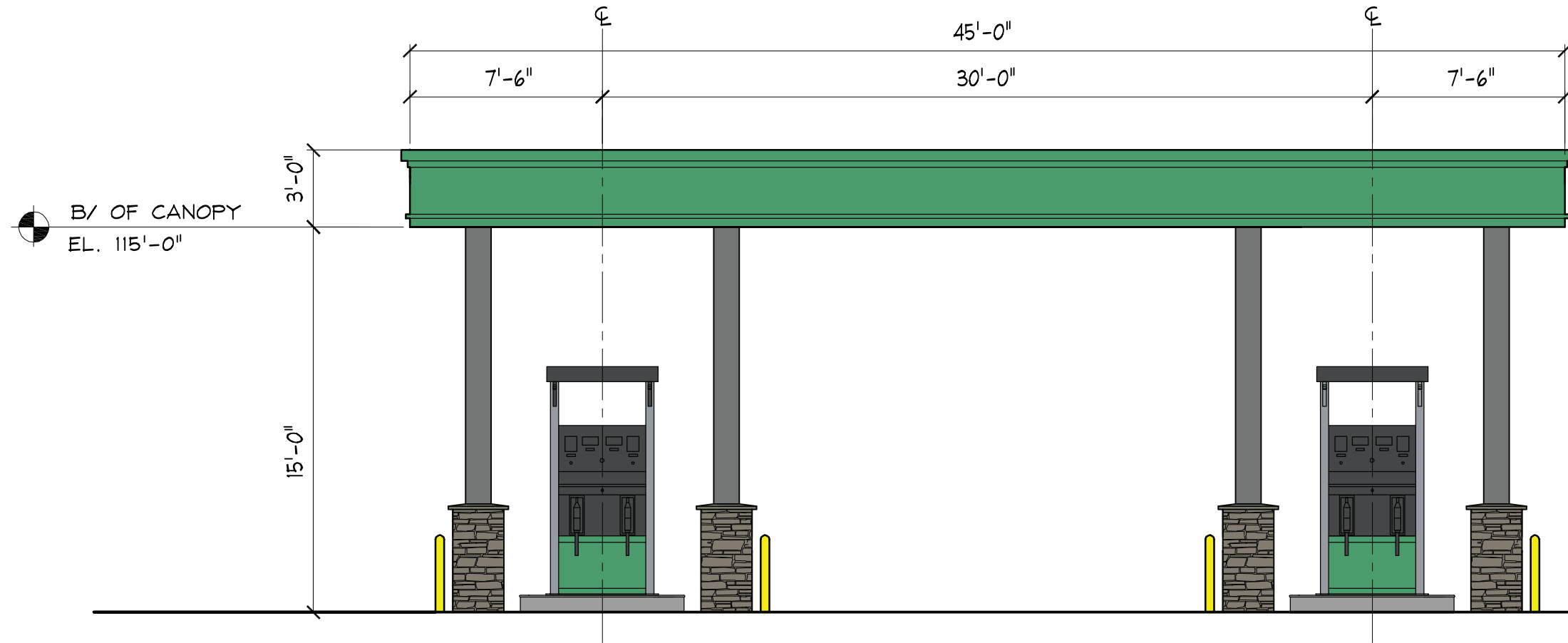
1 SITE ELEVATION
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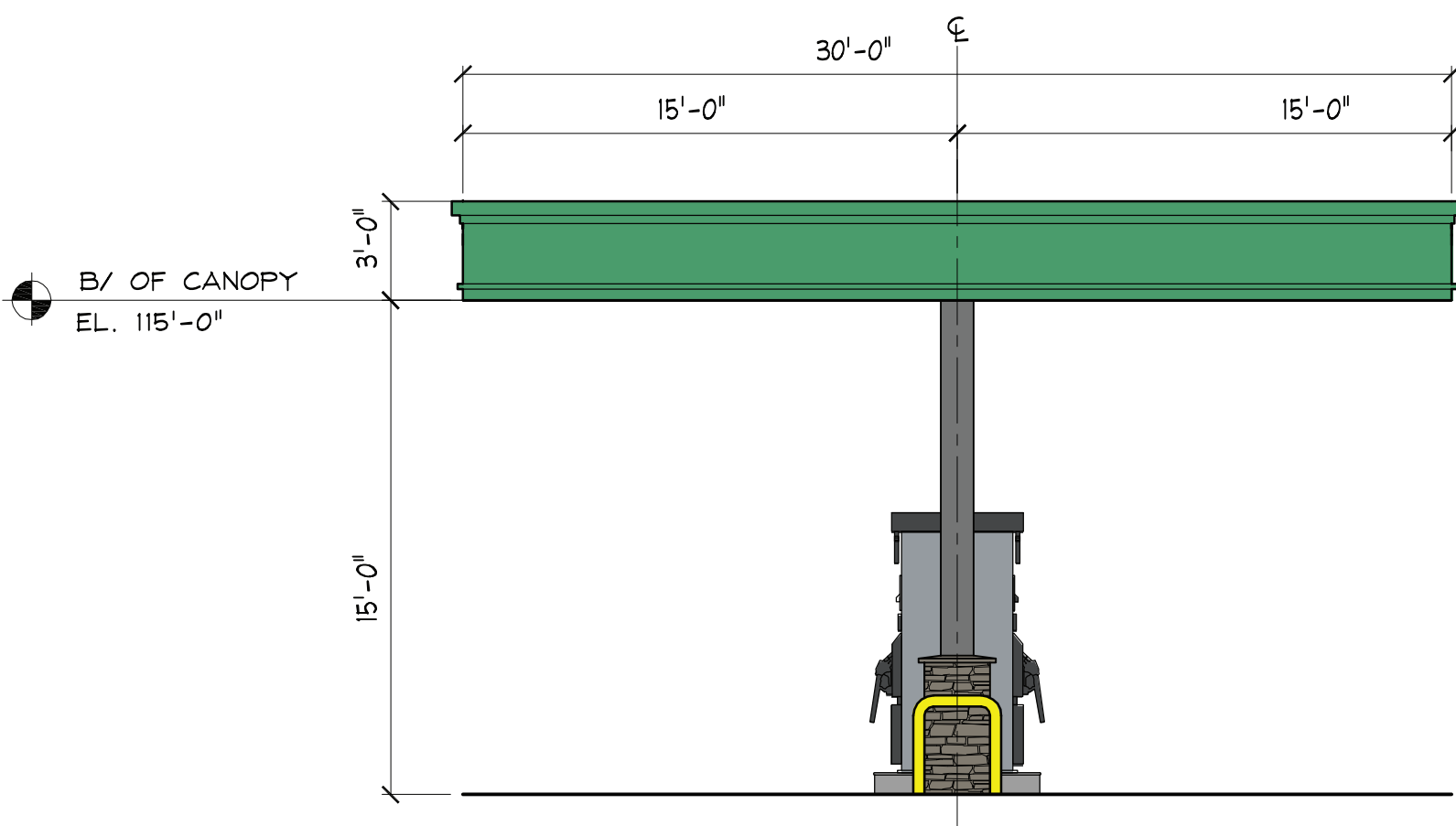
2 SITE ELEVATION
SCALE: 3/32" = 1'-0"



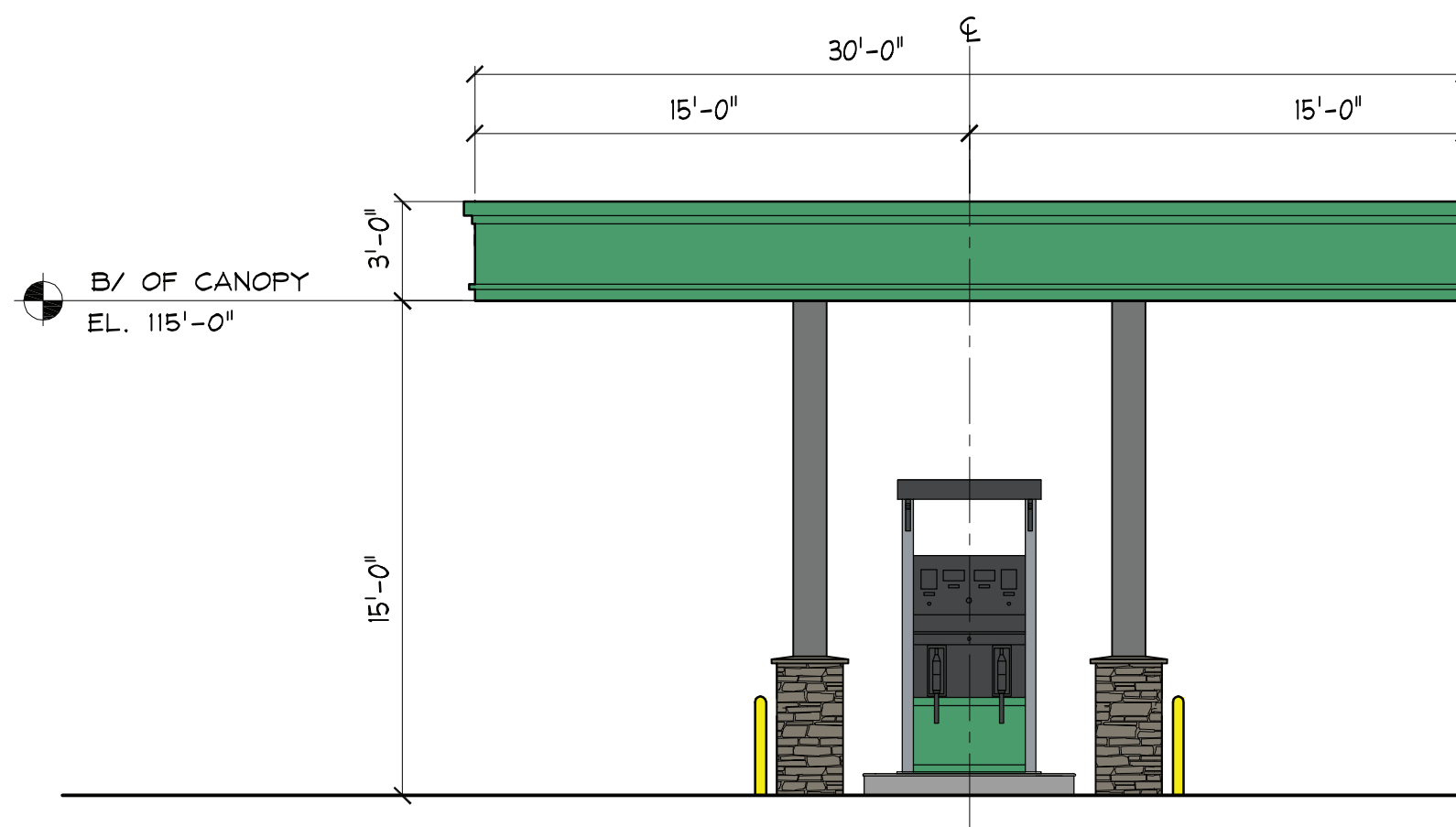
3 AUTOMOBILE CANOPY ELEVATION
SCALE: 3/16" = 1'-0"



4 AUTOMOBILE CANOPY ELEVATION
SCALE: 3/16" = 1'-0"



5 TRACTOR TRAILER CANOPY ELEVATION
SCALE: 3/16" = 1'-0"



6 TRACTOR TRAILER CANOPY ELEVATION
SCALE: 3/16" = 1'-0"

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DIVISION 1 GENERAL REQUIREMENTS

1. THIS CONTRACTOR SHALL APPLY FOR AND PAY FOR ALL INSPECTIONS, PERMITS AND LICENSE FEES IN CONNECTION WITH ALL WORK ON THE CONTRACT DOCUMENTS. THIS CONTRACTOR SHALL SUBMIT, UPON COMPLETION OF THIS CONTRACT, ALL CERTIFICATES OF INSPECTION AND APPROVAL THAT MAY BE REQUIRED BY STATE AND LOCAL LAWS, ORDINANCES AND REGULATIONS.
2. DIMENSIONS SHOWN SHALL BE VERIFIED BY THE CONTRACTOR IN THE FIELD. DO NOT RELY ON SCALING, ARCHITECTURAL DIMENSIONS GOVERN.
3. COORDINATE LOCATION, CONSTRUCTION & MATERIALS OF WALLS, PARTITIONS, ROOFS, FLOORS, OPENINGS, THICKENED SLABS, MISCELLANEOUS METAL ETC. WITH ARCHITECTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS.
4. THE CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIALS TO PROPERLY EXECUTE ALL WORK SHOWN ON THESE DRAWINGS, STATED IN NOTES OR REASONABLY IMPLIED IN THE SPECIFICATIONS. ALL WORKMANSHIP AND DETAILS SHALL CONFORM TO THE HIGHEST STANDARDS OF THE TRADE. ALL WORK SHALL BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S DIRECTIONS.
5. THE CONTRACTOR SHALL VISIT THE SITE AND DETERMINE FOR HIMSELF ALL CONDITIONS AFFECTING THE WORK.
6. PROVIDE TEMPORARY PROTECTION FOR EXISTING STRUCTURES AND SURFACES AS REQUIRED TO COMPLETE THE WORK SHOWN. TEMPORARY PROTECTION SHALL BE IN PLACE BEFORE DEMOLITION WORK BEGINS
7. EXECUTE THE WORK IN A MANNER TO INSURE ADJACENT AREAS AND THE PUBLIC AGAINST DAMAGES AND INJURIES INCURRED BY DEBRIS OR OTHER CAUSES.
8. RESPONSIBILITY: THIS CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING SURFACES OR FACILITIES CAUSED BY HIM WHICH ARE DUE DIRECTLY OR INDIRECTLY TO THE WORK OPERATIONS. USE EVERY POSSIBLE PRECAUTION TO PREVENT DAMAGE TO THE EXISTING BUILDINGS, SHRUBBERY, LAWNS, DRIVES, CURBS, AND WALKS ON OR ADJACENT TO THE SITE OF THE WORK AND REPLACE, AT NO EXPENSE TO THE OWNER ANY OF SUCH ITEMS DESTROYED. ALL DAMAGES SHALL BE REPAIRED BY SKILLED CRAFTSMEN AND SHALL MATCH THE ADJACENT SURFACES.
9. CONDUCT OPERATIONS WITH MINIMUM, INTERFERENCE WITH ROADS, STREETS, DRIVEWAYS, ALLEYS, SIDEWALKS AND OTHER FACILITIES.
10. DO NOT PERMIT DEBRIS TO ACCUMULATE ON THE PREMISES. LEAVE THE WORK AREAS BROOM CLEAN AT THE END OF EACH WORK DAY.
11. BURNING OF MATERIALS AND DEBRIS WILL NOT BE PERMITTED ON THE PREMISES.
12. REMOVE ALL TEMPORARY PROTECTION AND STRUCTURES WHEN THEY ARE NO LONGER REQUIRED.
13. PROVIDE SHORING, BRACING OR SUPPORT TO PREVENT MOVEMENT, SETTLEMENT OR COLLAPSE OF STRUCTURES.
14. USE TEMPORARY DUST PROOF ENCLOSURES INCLUDING COMPLETE VISQUEEN BARRIERS AS REQUIRED AND OTHER SUITABLE METHODS TO LIMIT DUST AND DIRT RISING AND SCATTERING IN AIR TO LOWEST PRACTICAL LEVEL. COMPLY WITH GOVERNING REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION.

DIVISION 2 SITE WORK

1. DISPOSITION OF EARTH:
SUBSOIL: ALL OTHER EXCAVATED EARTH NOT SUITABLE FOR FILL SHALL BE HAULED AWAY BY THIS CONTRACTOR.
2. COMPACTING AND FILLING:
FILL MATERIAL SHALL BE AS OBTAINED FROM NORMAL EXCAVATION AT THE SITE, OR HAULED IN FROM OTHER SOURCES IF REQUIRED, AT THE EXPENSE OF THE CONTRACTOR. ALL FILL MATERIAL UNDER PAVEMENT OR BUILDING AREAS SHALL BE COMPACTED AS FOLLOWS:
3. ALL FILL SHALL BE CLEAN EARTH FREE OF DEBRIS, OR APPROVED BANK-RUN SAND AND GRAVEL, AND SHALL BE COMPACTED IN HORIZONTAL LAYERS NOT EXCEEDING 9" IN DEPTH BY MEANS OF SHEEPSFOOT ROLLERS OR OTHER APPROVED EQUIPMENT, TO 95% DENSITY AT OPTIMUM MOISTURE CONTENT AS DETERMINED BY THE STANDARD PROCTOR TEST. IN PLACE DENSITY SHALL BE NOT LESS THAN 115 LBS.
4. THE CONTRACTOR SHALL OBTAIN AND PAY FOR THE SERVICES OF AN APPROVED INDEPENDENT LABORATORY QUALIFIED IN SOILS WORK. TESTING FOR COMPACTION AND DENSITIES SHALL BE REQUIRED FOR EACH LAYER DURING THE ENTIRE COMPACTION PHASE OF THE WORK. ALL REPORTS OF SUCH TESTING SHALL BE FILED DAILY DIRECTLY TO THE OWNER AND EXCAVATING SUBCONTRACTOR.
5. THE METHOD FOR ATTAINING THIS COMPACTION AS SPECIFIED IS A SUGGESTED MINIMUM. THE CONTRACTOR IS FINALLY RESPONSIBLE FOR THE REQUIRED 95% COMPACTION BEING ATTAINED, IN ALL PARTS OF THE FILL. DISC OR HARROW THE COMPACTED SURFACE, IF REQUIRED, TO BOND TO SUCCEEDING LAYERS. CONTROL THE MOISTURE CONTENT BY DAMPENING OR DRYING AS REQUIRED TO MEET THIS SPECIFICATION. TURN OR BLADE MIX THE SOIL TO DRY IT IF REQUIRED IN ORDER TO OBTAIN THE OPTIMUM MOISTURE CONTENT.
6. ASPHALTIC PAVING: MIXTURES SHALL CONFORM TO APPLICABLE PROVISIONS OF ASTM D1663
BASE COURSE SHALL BE TWO 4-1/2" LAYERS OF COMPACTED POROUS FILL COMPACTED TO 98% MAXIMUM DENSITY. APPLY PRIME COAT PER ODOT STANDARDS.
LEVELING COURSE SHALL BE 2-1/2" THICK LAYER PER ODOT STANDARDS ROLLED AND TAMPED. SURFACE COURSE SHALL BE 1-1/2" THICK LAYER PER ODOT STANDARDS ROLLED AND TAMPED TO CONFORM TO LINES AND FINISH GRADES SHOWN.
THE PROVISIONS OF THE PRESENT EDITION OF ODOT SPECIFICATIONS SHALL GOVERN.

DIVISION 3 CONCRETE

1. FOUNDATIONS SHALL BE BUILT ACCORDING TO ELEVATIONS AND SIZES SHOWN ON DRAWINGS. THESE FOOTING ELEVATIONS ARE TAKEN FROM FINISH FLOOR UNDER IDEAL CONDITIONS AND DO NOT RELIEVE THIS CONTRACTOR OF THE RESPONSIBILITY OF BEARING ON UNDISTURBED SOIL OR COMPACTED FILL. UNDER NO CIRCUMSTANCES SHALL THESE DRAWINGS BE CONSTRUED AS TO RELIEVE THIS CONTRACTOR OF PROVIDING THE CORRECT WIDTH AND DEPTH AND A MAXIMUM OF 1/4" OUT OF LEVEL TOLERANCE AT THE TOP OF WALL FOOTINGS. WALL FOOTINGS ARE TO WORK 8" INCREMENTS WITH FINISH FLOOR. THIS CONTRACTOR SHALL BE HELD RESPONSIBLE AND ANY AND ALL CORRECTIONS SHALL BE AT HIS EXPENSE.
2. CONCRETE DATA:
F'C = 3000 P.S.I.
FC = 1350 P.S.I.
FS = 20,000 P.S.I.
N = 9.2
3. CONCRETE WORK AND REINFORCING SHALL CONFORM TO ACI 301 (SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS) UNLESS NOTED OTHERWISE. MINIMUM YIELD POINT FOR ALL DEFORMED BARS SHALL BE 60,000 P.S.I., GRADE 60
4. USE PORTLAND CEMENT CONCRETE WITH NO LESS THAN 3000 P.S.I. ULTIMATE COMPRESSIVE STRENGTH AT 28 DAYS.

DIVISION 4: MASONRY

1. CONCRETE BLOCK WORK SHALL CONFORM TO CHAPTERS 1.2, & 4 OF "SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF LOAD BEARING CONCRETE MASONRY" OF THE NATIONAL CONCRETE MASONRY ASSOCIATION (LATEST EDITION).
CONCRETE MASONRY UNITS SHALL BE STANDARD SIZE UNITS, 16" LONG X 8" HIGH, BED DEPTH AS SHOWN. PROVIDE WHERE SHOWN AND REQUIRED SOLIDS, CORNERS, STARTER UNITS, CONTROL JOINTS, ETC. WHERE REQUIRED. BLOCK SHALL BE CLASSIFICATION D-2 FOR 2 HOUR FIRE RATING.
SOLID LOAD BEARING CONCRETE MASONRY UNITS ASTM-C145-71, GRADE "N", TYPE I.
2. MORTAR FOR MASONRY UNITS SHALL BE TYPE 'S', (GRAY NON-COLORED), ONE PART PORTLAND CEMENT, 1/4 PART HYDRATED LIME AND THREE PARTS SAND BY VOLUME.
3. FACE BRICK SHALL BE GRADE SW, TYPE FBX, SIZE AS SELECTED BY OWNER, USE FOR ALL EXPOSED APPLICATIONS. COMPLY WITH ASTM C216, C67 (8,000 PSI AVERAGE COMPRESSIVE STRENGTH). PROVIDE CORED AND SOLID UNITS AS REQUIRED.

DIVISION 5 METALS

1. STRUCTURAL STEEL SHALL CONFORM TO THE LATEST EDITION OF A.S.T.M. STANDARD SPECIFICATIONS FOR STRUCTURAL STEEL FOR BUILDINGS AS ADOPTED BY THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION. (A-36 UNLESS OTHERWISE NOTED)
2. ANY SECTIONS SUBSTITUTED MUST HAVE PHYSICAL PROPERTIES AT LEAST EQUAL TO THAT SPECIFIED. BEFORE SUBSTITUTING, SECURE APPROVAL.
3. ALL CONNECTIONS, UNLESS NOTED OTHERWISE, SHALL BE IN ACCORDANCE WITH A.I.S.C. SPECIFICATIONS FOR FRAMED BEAM CONNECTIONS. ALL BOLTED CONNECTIONS SHALL BE BEARING - TYPE W/ ASTM A 325 H.S. BOLTS. BOLTS SHALL BE LONG ENOUGH SO THAT NO THREADS ARE IN THE SHEAR PLANE.
4. ALL WELDING SHALL BE IN STRICT ACCORDANCE WITH THE AMERICAN WELDING SOCIETY SPECIFICATIONS.
5. SUBMIT SHOP DRAWINGS FOR REVIEW SHOWING ALL STEEL MEMBERS AND CONNECTIONS.

DIVISION 6 WOOD AND PLASTICS

1. ROUGH CARPENTRY:
LUMBER STANDARD: COMPLY W/ PS-20-70 UNLESS OTHERWISE NOTED.
TREATED LUMBER AND TIMBER: YELLOW PINE W/ CELLON PRESSURE TREATMENT AS PRODUCED BY THE KOPPERS CO. INC.
MISCELLANEOUS MATERIALS, FASTENERS, AND ANCHORAGE:
NAILS, SCREWS, BOLTS, WASHERS, CLIPS, SHIELDS, AND OTHER ROUGH HARDWARE SHALL BE OF SIZE AND TYPE INDICATED ON THE DRAWINGS OR AS REQUIRED TO SECURELY ANCHOR ALL MEMBERS. ANCHORS FOR NAILING STRIPS, SILLS AND BLOCKING SHALL HAVE NUTS, WASHERS, AND BOLTS. USE GALVANIZED MATERIALS AT EXTERIOR AREAS.
2. FABRICATED WOOD TRUSSES:
WOOD TRUSSES SHALL BE ENGINEERED BY A STATE APPROVED TRUSS FABRICATOR. CONTRACTOR IS TO SUBMIT SHOP DRAWINGS SIGNED AND STAMPED BY A STRUCTURAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF OHIO. WOOD TRUSSES SHALL BE ERECTED, BRACED, AND INSTALLED IN STRICT ACCORDANCE WITH THE APPROVED SHOP DRAWINGS AND FABRICATOR'S RECOMMENDATIONS.
3. PRIOR TO INSTALLATION, SUBMIT TRUSS DESIGN DRAWINGS SIGNED AND STAMPED BY STRUCTURAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF OHIO TO THE BUILDING DEPARTMENTS FOR REVIEW

DIVISION 7 THERMAL AND MOISTURE PROTECTION

1. BATT. OR BLANKET INSULATION FOR ROOFS AND WALLS SHALL BE FIBERGLASS ROLLS AS MANUFACTURED BY THE OWENS-CORNING FIBERGLASS CORPORATION OR APPROVED EQUAL. INSULATION SHALL BE VAPOR BARRIER FACED: KRAFT FACED FOR WALLS, FSK FACED FOR ATTIC. ALL INSULATION SHALL HAVE A FLAME SPREAD RATING OF 25 OR LESS AND A SMOKE DEVELOPED RATING OF 450 OR LESS WHEN TESTED IN ACCORDANCE W/ ASTM E84.
2. RIGID THERMAL INSULATION FOR FOUNDATIONS AND EXTERIOR WALLS WHERE INDICATED SHALL BE "STYROFOAM SM" AS MANUFACTURED BY THE DOW CHEMICAL CO., OR APPROVED EQUAL.

DIVISION 7: EXTERIOR INSULATION AND FINISH SYSTEM (EIFS)

DESIGN REQUIREMENTS:

- A. ACCEPTABLE SUBSTRATES FOR THE SYSTEM SHALL BE:
 - EXTERIOR GRADE GYPSUM SHEATHING MEETING ASTM C 1396 (FORMERLY C 79) REQUIREMENTS FOR WATER RESISTANT CORE OR TYPE X CORE AT THE TIME OF APPLICATION OF THE SYSTEM.
 - EXTERIOR SHEATHING HAVING A WATER-RESISTANT CORE WITH FIBERGLASS MAT FACERS MEETING ASTM C 1177.
 - EXTERIOR FIBER REINFORCED CEMENT OR CALCIUM SILICATE BOARDS.
 - APA EXTERIOR OR EXPOSURE 1 RATED PLYWOOD, GRADE C-D OR BETTER, NOMINAL 1/2 IN (12.7 MM), MINIMUM, INSTALLED WITH THE C FACE OUT.
 - APA EXTERIOR OR EXPOSURE 1 FIRE RETARDANT TREATED (FRT) PLYWOOD, GRADE C-D OR BETTER, NOMINAL 1/2 IN (12.7 MM), MINIMUM, INSTALLED WITH THE C FACE OUT.
 - APA EXPOSURE 1 RATED ORIENTED STRAND BOARD (OSB) NOMINAL 1/2 IN (12.7 MM), MINIMUM.
 - UNGLAZED BRICK, CEMENT PLASTER, CONCRETE OR MASONRY.
- B. DEFLECTION OF SUBSTRATE SYSTEMS SHALL NOT EXCEED 1/240 TIMES THE SPAN.
- C. THE SUBSTRATE SHALL BE FLAT WITHIN 1/4 IN (6.4 MM) IN A 4 FT (1.2 M) RADIUS.
- D. THE SLOPE OF INCLINED SURFACES SHALL NOT BE LESS THAN 6:12. THE LENGTH OF INCLINED SURFACES SHALL NOT EXCEED 12 IN (305 MM).
- E. EXPANSION JOINTS:AS A MINIMUM, EXPANSION JOINTS SHALL BE PLACED AT THE FOLLOWING LOCATIONS:
 - WHERE EXPANSION JOINTS OCCUR IN THE SUBSTRATE SYSTEM.
 - WHERE BUILDING EXPANSION JOINTS OCCUR.
 - AT FLOOR LINES IN WOOD FRAME CONSTRUCTION.
 - AT FLOOR LINES OF NON-WOOD FRAMED BUILDINGS WHERE SIGNIFICANT MOVEMENT IS EXPECTED.
 - WHERE THE SYSTEM ABUTS DISSIMILAR MATERIALS.
 - WHERE THE SUBSTRATE TYPE CHANGES.
 - WHERE PREFABRICATED PANELS ABUT ONE ANOTHER.
 - IN CONTINUOUS ELEVATIONS AT INTERVALS NOT EXCEEDING 75 FT (23 M).
 - WHERE SIGNIFICANT STRUCTURAL MOVEMENT OCCURS SUCH AS CHANGES IN ROOFLINE, BUILDING SHAPE OR STRUCTURAL SYSTEM
2. PRIOR TO THE INSTALLATION OF THE SYSTEM THE CONTRACTOR SHALL ENSURE THAT ALL NEEDED FLASHINGS AND OTHER WATERPROOFING DETAILS HAVE BEEN COMPLETED. ADDITIONALLY THE CONTRACTOR SHALL ENSURE THAT:
 - A. METAL ROOF FLASHING HAS BEEN INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S REQUIREMENTS STANDARDS AND DRYVIT OUTSULATION LCMD INSTALLATION DETAILS, OR AS OTHERWISE NECESSARY TO MAINTAIN A WATERTIGHT ENVELOPE.
 - B. OPENINGS ARE FLASHED IN ACCORDANCE WITH THE OUTSULATION LCMD SYSTEMS INSTALLATION DETAILS, OR AS OTHERWISE NECESSARY TO PREVENT WATER PENETRATION.
 - C. WINDOWS, DOORS, ETC. ARE INSTALLED AND FLASHED PER MANUFACTURER'S REQUIREMENTS AND THE OUTSULATION LCMD INSTALLATION DETAILS.
 - D. FLUID MEMBRANE WATER-RESISTIVE BARRIERS HAVE BEEN INSTALLED IN ACCORDANCE WITH BUILDING CODE AND MANUFACTURER'S REQUIREMENTS.
3. PRIOR TO THE INSTALLATION OF THE SYSTEM, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT AND/OR OWNER OF ALL DISCREPANCIES.
4. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE E.I.F.S. MANUFACTURER'S APPLICATION INSTRUCTIONS.
5. THE OVERALL MINIMUM BASE COAT THICKNESS SHALL BE SUFFICIENT TO FULLY EMBED THE MESH. THE RECOMMENDED METHOD IS TO APPLY THE BASE COAT IN TWO (2) PASSES. SEALANT SHALL NOT BE APPLIED DIRECTLY TO TEXTURED FINISHES OR BASE COAT SURFACES.
6. HIGH IMPACT MESHES SHALL BE INSTALLED AT THE PORTE COCHERE COLUMNS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER APPLICATION OF MATERIALS. THE CONTRACTOR SHALL CERTIFY IN WRITING:
 - A. THE QUALITY OF WORK PERFORMED RELATIVE TO THE SUBSTRATE SYSTEM, DETAILS, INSTALLATION PROCEDURES, WORKMANSHIP AND THE SPECIFIC PRODUCTS USED.
 - B. THE EPS USED MEETS E.I.F.S. MANUFACTURER'S SPECIFICATIONS.
 - C. THE SEALANT APPLICATION USED ARE IN ACCORDANCE WITH THE SEALANT MANUFACTURER'S AND E.I.F.S. MANUFACTURER'S RECOMMENDATIONS.
8. ALL EXCESS MATERIALS SHALL BE REMOVED FROM THE JOB SITE BY THE CONTRACTOR IN ACCORDANCE WITH CONTRACT PROVISIONS AND AS REQUIRED BY APPLICABLE LAW.
10. ALL SURROUNDING AREAS, WHERE THE SYSTEM HAS BEEN APPLIED, SHALL BE LEFT FREE OF DEBRIS AND FOREIGN SUBSTANCES RESULTING FROM THE CONTRACTOR'S WORK.
11. THE E.I.F.S. SYSTEM SHALL BE PROTECTED FROM INCLEMENT WEATHER AND OTHER SOURCES OF DAMAGE UNTIL DRY AND PERMANENT PROTECTION IN THE FORM OF FLASHINGS, SEALANTS, ETC. ARE INSTALLED.

DIVISION 8 DOORS AND WINDOWS

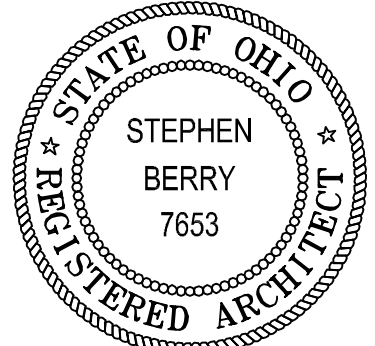
1. HOLLOW METAL DOORS AND FRAMES SHALL BE MANUFACTURED BY REPUBLIC, STEELCRAFT, AMWELD, OR APPROVED EQUAL. MINIMUM STEEL GAUGES: DOOR FACES - 18 GA, FRAMES 16 GA. INTERIOR HOLLOW METAL WORK SHALL BE BONDERIZED AND FACTORY FINISHED WITH ONE COAT OF BAKED-ON PRIMER. EXTERIOR DOORS SHALL BE FULLY INSULATED WITH FOAMED-IN-PLACE SOLID URETHANE CORE. FIRE-RATED DOORS SHALL HAVE SOLID MINERAL FIBER CORE. ALL FIRE RATED HOLLOW METAL WORK SHALL BE LABELED CONSTRUCTION AND SHALL BE CORRESPONDING U.L. OR F.M. LABEL.
2. CLEAR FLOAT GLASS: Q3 (GLAZING SELECT) QUALITY, ANNEALED, HEAT STRENGTHENED OR TEMPERED AS INDICATED. PROVIDE DOUBLE STRENGTH (DS) GLASS, 1/4-INCH THICK.
3. TEMPERED GLASS: ASTM C1048, KIND FT, CONDITION A, TYPE I, CLASS 1 OR 2. QUALITY Q3, LOF TUF-FLEX, PPG HERCULITE OR EQUAL, CLASS 1, 1/4-INCH THICK UNLESS OTHERWISE NOTED. TEMPER GLASS BY HORIZONTAL (ROLLER HEARTH, "TONGLESS") PROCESS, TO BE FREE OF TONG MARKS OR AS INDICATED ON THE DRAWINGS.
4. INSULATING GLASS: EACH INSULATING GLASS UNIT SHALL COMPLY WITH SEALED INSULATING GLASS MANUFACTURERS ASSOCIATION (SIGMA) STANDARDS FOR CONSTRUCTION AND INSULATING VALUE AND SHALL HAVE PASSED CLASS CBA TEST IN ACCORDANCE WITH ASTM E774. LABEL EACH INSULATING GLASS UNIT. DO NOT START FIELD GLAZING WORK UNTIL THE OUTDOOR TEMPERATURE IS ABOVE 40 DEGREES F AND RISING, UNLESS APPROVED PROVISIONS ARE MADE TO WARM THE GLASS AND RABBIT SURFACES. CREATE AN ENVIRONMENT SUFFICIENTLY DUST FREE FOR SEALANT AND GLAZING WORK. DO NOT PERFORM GLAZING WORK DURING DAMP OR RAINY WEATHER.
COMPLY WITH GLASS MANUFACTURER'S TECHNICAL REFERENCES AS APPLICABLE TO GLASS PRODUCTS PROVIDED AND TO INSTRUCTIONS AND RECOMMENDATIONS OF GLASS AND GLAZING PRODUCTS MANUFACTURERS AS APPLICABLE TO PROJECT CONDITIONS.
INSTALLERS WARRANTY: GLASS PRODUCTS AND INSTALLATION SHALL BE FREE FROM DEFECTS FOR NOT LESS THAN TWO YEARS FROM DATE ESTABLISHED IN CERTIFICATE OF COMPLETION.
PROVIDE FABRICATOR'S WARRANTY FOR INSULATING GLASS UNITS, WARRANTING SEAL FOR 5 YEARS FROM DATE ESTABLISHED IN CERTIFICATE OF COMPLETION. PROVIDE PRIMARY GLASS WHICH COMPLIES WITH ASTM C1036 REQUIREMENTS. PROVIDE HEAT-TREATED GLASS WHICH COMPLIES WITH ASTM C1048 REQUIREMENTS.
SEALED INSULATING GLASS UNITS, GENERAL: PRE-ASSEMBLED UNITS CONSISTING OF ORGANICALLY SEALED LITES OF GLASS SEPARATED BY DEHYDRATED AIR SPACES COMPLYING WITH ASTM E774 AND WITH OTHER REQUIREMENTS INDICATED. GLASS SETTING BLOCKS, EDGE BLOCKS, SPACERS AND GASKETS: CHLOROPRENE (NEOPRENE), EPDM OR SILICONE
SHIMS AND SPACERS FOR LEVELING AND SECURING FRAMING MEMBERS: ALUMINUM, COMPATIBLE STAINLESS STEEL, OR OTHER PLATED OR CORROSION RESISTANT NON-RESILIENT MATERIAL. DO NOT USE WOOD FOR SHIMS.
SHOP PREPARE ALL GLASS TO BE FIELD INSTALLED, UNLESS OTHERWISE SPECIFIED OR APPROVED, CONFORM TO APPLICABLE RECOMMENDATIONS IN THE FGMA GLAZING MANUAL AND GLAZING SEALING SYSTEMS MANUAL.
CONFORM TO APPLICABLE RECOMMENDATIONS IN THE FGMA GLAZING MANUAL AND GLAZING SEALING SYSTEMS MANUAL. INSTALL GLAZING SYSTEMS IN ACCORDANCE WITH MANUFACTURERS' INSTRUCTIONS AND RECOMMENDATIONS.

DIVISION 9 FINISHES

1. GYPSUM WALLBOARD SHALL BE "USG" OR APPROVED EQUAL, REGULAR TYPE AND TYPE "X" AS REQUIRED, 4'-0" WIDE W/ TAPERED EDGES. SCREWS SHALL BE TYPE 'S' BUGLE HEAD, SELF DRILLING FOR APPLICATION TO METAL OR WOOD STUDS AS REQUIRED. JOINT TAPE AND COMPOUND SHALL BE AS RECOMMENDED BY THE GYPSUM WALLBOARD MANUFACTURER. PROVIDE CONTINUOUS CORNER, BEADS, CASINGS, AND TRIM BEADS AS REQUIRED.
2. PAINTING:
WALLS SHALL BE PAINTED W/ TWO COATS OF SEMI-GLOSS ACRYLIC. ALL FERROUS METAL, INCLUDING DOORS AND FRAMES SHALL HAVE FACTORY APPLIED PRIMER AND THEN RECEIVE TWO COATS OF ALKYO ENAMEL WOOD DOORS, FRAMES AND TRIM SHALL RECEIVE STAIN, COLOR TO BE SELECTED BY ARCHITECT. CONTRACTOR SHALL PROVIDE SAMPLES FOR APPROVAL PRIOR TO PERFORMING WORK. FINISH SHALL BE 2 COATS CLEAR URETHANE SATIN.
3. PROVIDE ONE GALLON MAINTENANCE STOCK OF EACH COLOR USED.
4. ACOUSTICAL CEILINGS:
SUSPENSION SYSTEM SHALL BE CHICAGO METALIC CORP. NO. 500 "SNAP GRID" SYSTEM OR APPROVED EQUAL. EXPOSED TEES SHALL BE FACTORY APPLIED WHITE, BAKED ON ENAMEL FINISH. ACOUSTICAL TILE SHALL BE ARMSTRONG OR APPROVED EQUAL, NONDIRECTIONAL. LAY-IN PANEL SHALL BE 5/8" THICK WITH PANEL SIZE, STYLE AND EDGE DETAIL AS SELECTED BY OWNER. FINISH SHALL BE WASHABLE WHITE VINYL LATEX PAINT. PANELS SHALL MEET FEDERAL SPECIFICATION SS-S-118A, CLASS A, 25 FLAMESPREAD AND CARRY A U.L. LABEL.

REV. 2/21/25
ZONING 11/20/24

stephen berry/
ARCHITECTURAL DESIGN INC



Stephen Berry, License #7653
Expiration Date 12.31.25

PROPOSED CONVENIENCE STORE &
MOTOR VEHICLE FILLING STATION

999 LAFAYETTE RD
MEDINA OH 44266

DATE: 02/21/25

PROJECT NUMBER: 507100

SP100

DIVISION 15 MECHANICAL

1. FURNISH ALL LABOR, MATERIALS, TOOLS AND INCIDENTALS AND DETAILS NECESSARY FOR A COMPLETE JOB. INCLUDE ANY LABOR AND MATERIAL NOT SPECIFICALLY MENTIONED, BUT NECESSARY TO PROVIDE A COMPLETE AND OPERATING SYSTEM. ALL WORK SHALL MEET ALL THE REQUIREMENTS OF THE STATE BUILDING CODE, SAFETY AND HEALTH CODES, CITY BUILDING CODE, NEPA CODES AND ALL OTHER APPLICABLE CODES AND REQUIREMENTS.
2. THE SUBCONTRACTOR SHALL SECURE AND PAY FOR ALL REQUIRED PERMITS AND INSPECTIONS AND PERFORM ALL TESTS CALLED FOR OR REQUIRED AS A PART OF HIS WORK.
3. ITEMS SPECIFIED BY MANUFACTURER'S NAME AND/OR MODEL NUMBER INDICATES THE MINIMUM QUALITY, SIZE, AND CAPACITY REQUIRED. OTHER MANUFACTURER'S PRODUCTS OF EQUAL SPECIFICATION WILL BE CONSIDERED ONLY WITH THE WRITTEN CONSENT OF THE ARCHITECT.
4. MECHANICAL PLANS ARE PARTIALLY DIAGRAMMATIC, NOT SHOWING EVERY ITEM IN EXACT LOCATION OR DETAIL. MEASUREMENTS AND LOCATIONS MUST BE COORDINATED WITH ARCHITECTURAL, PLUMBING, HVAC, STRUCTURAL, ELECTRICAL, AND OTHER BUILDING DRAWINGS.
5. ALL SHEET METAL WORK SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE LATEST EDITION OF THE DUCT MANUAL AND SHEET METAL CONSTRUCTION FOR VENTILATING AND AIR CONDITIONING SYSTEMS. PUBLISHED BY SMACNA. DUCTS SHALL BE SECURELY SUPPORTED AND ANCHORED TO THE BUILDING CONSTRUCTION WITH DOUBLE STRAP HANGERS NOT EXCEEDING FOUR FEET SPACING.
6. TESTS AND ADJUSTMENTS OF ALL WORK SHALL BE MADE BY THE MECHANICAL SUBCONTRACTOR, INCLUDING THE PAYMENT OF ALL COSTS RELATED TO SUCH TESTS. CERTIFICATE OF INSPECTION SHALL BE TURNED OVER TO THE OWNER AT COMPLETION OF WORK.
7. BALANCE AIR QUANTITIES TO BE WITHIN THOSE NOTED ON THE DRAWINGS AND LOCK VOLUME REGULATORS.
8. THIS SUBCONTRACTOR SHALL GUARANTEE ALL MATERIALS AND WORKMANSHIP TO BE IN PERFECT CONDITION AT COMPLETION OF WORK AND TO REMAIN SO FOR A PERIOD OF ONE YEAR AFTER FINAL ACCEPTANCE. THIS SUBCONTRACTOR SHALL AGREE TO MAKE GOOD ANY DEFECT WHICH MAY OCCUR WITHIN THAT TIME.
9. EVERY GAS OUTLET SHALL HAVE AN INDIVIDUAL SHUTOFF VALVE.
10. ALL BRANCH DUCTS TO INDIVIDUAL SUPPLY DIFFUSERS TO HAVE BALANCING DAMPERS.
11. THE LOCATION OF THE OUTLETS AND EQUIPMENT SHOWN ON DRAWINGS ARE APPROXIMATE AND THE ARCHITECT SHALL HAVE THE RIGHT TO RELOCATE ANY OUTLETS AND EQUIPMENT BEFORE THEY ARE INSTALLED, WITHOUT ADDITIONAL COST.
12. GAS APPLIANCES AND EQUIPMENT SHALL BE CONNECTED BY RIGID PIPE, TUBING, OR FLEXIBLE CONNECTORS. A UNION SHALL BE INSTALLED BETWEEN THE APPLIANCE AND THE EQUIPMENT SHUTOFF VALVE.
13. THE GAS PIPING SHALL BE TESTED. PORTIONS OF THE GAS PIPING SYSTEM INSTALLED IN CONCEALED LOCATIONS SHALL BE TESTED BEFORE INSTALLATION IS CONCEALED.
14. THE HVAC CONTRACTOR SHALL FURNISH AND INSTALL SMOKE DETECTORS IN RETURN AIR DUCTS OF AIR HANDLING UNITS OF 2000 CFM OR MORE. DETECTORS SHALL BE WIRED TO SHUT DOWN FANS.
15. COMPLY WITH ASHRAE AND SMACNA STANDARDS.
16. USE EXTREME CARE IN THE INSTALLATION OF EQUIPMENT TO INSURE THAT NOISE AND VIBRATION ARE HELD TO AN ABSOLUTE MINIMUM. CORRECT OBJECTIONABLE NOISE AND VIBRATION. PROVIDE VIBRATION ELIMINATORS REQUIRED FOR PROPER RESULTS.
17. MAKE KNOWN ARRANGEMENT OF WORK AND CHECK ARRANGEMENT OF OTHER TRADES TO AVOID CONFLICTS. EXAMINE DRAWINGS OF OTHER TRADES TO DETERMINE EXACT EQUIPMENT LOCATIONS FOR ROUGH IN.
18. THE MECHANICAL CONTRACTOR SHALL DO CUTTING AND PATCHING REQUIRED FOR INSTALLATION OF WORK. DO NO MORE CUTTING THAN IS NECESSARY. CUTTING OF STRUCTURAL MEMBERS WILL NOT BE PERMITTED.
19. GRILLES, REGISTERS, AND DIFFUSERS SHALL BE MANUFACTURED OF EXTRUDED ALUMINIUM AND SHALL BE MANUFACTURED BY HART & COOLY, OR APPROVED EQUAL.
20. ALL PLUMBING FIXTURES SHALL BE FURNISHED AS SHOWN. FIXTURES SELECTED BY OWNER.
21. ALL PLUMBING FIXTURES TO BE VENTED AS PER CODE.
22. ALL WATER LINES SHALL HAVE SHUTOFF VALVES, OR ANGLE STOPS AT FIXTURE LOCATIONS.
23. PIPE HANGERS TO BE SPACED PER INDUSTRY STANDARDS OR GOVERNING CODES.
24. SANITARY LINES TO HAVE A MIN. 1/8 INCH/FOOT SLOPE. WATERLINES IN CEILING TO BE ADJUSTED TO CLEAR DUCTWORK OR OTHER OBSTACLES.
25. PLUMBING CONTRACTOR SHALL FURNISH AND INSTALL ALL PIPE, FITTINGS, VALVES, FIXTURES OR ANY OTHER MATERIAL AND LABOR NECESSARY TO COMPLETE SYSTEM.
26. PLUMBING CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY PERMITS AND FEES.
27. PLUMBING CONTRACTOR SHALL INSTALL GAS LINES TO ALL GAS FIRED EQUIPMENT. HVAC CONTRACTOR TO MAKE FINAL CONNECTION.
28. PLUMBING CONTRACTOR SHALL VISIT PROJECT SITE AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS INHERENT WITH THIS PROJECT. THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR PROBLEMS NOT INCORPORATED ON DRAWINGS. THE OWNER WILL NOT ALLOW EXTRA FEES FOR ANY CONDITION OVERLOOKED, OR OBSTACLES IN WAY OF COMPLETION OF THIS PROJECT THAT ARE NOT PRESENTED TO THE ENGINEER PRIOR TO SUBMITTING BID.
29. PLUMBING CONTRACTOR SHALL CONSULT UTILITY COMPANIES REGARDING EXISTING AND PROPOSED LOCATIONS OF ALL UTILITY LINES SERVING SITE PRIOR TO COMMENCING CONSTRUCTION, AND SHALL PROTECT ALL UTILITY LINES DURING CONSTRUCTION.
30. ALL WORK SHOWN ON DRAWINGS PERTAINING TO SANITARY SYSTEM, AND INTERIOR DOMESTIC WATER SERVICE BY PLUMBING CONTRACTOR.

DIVISION 16 ELECTRICAL

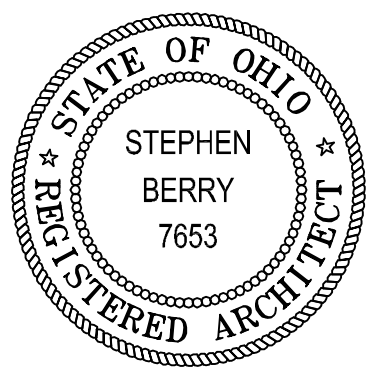
1. THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE WORK OF OTHER TRADES AND MAKE REASONABLE MODIFICATIONS REQUIRED TO PREVENT CONFLICT AND FOR PROPER EXECUTION OF THE WORK AS DIRECTED BY THE ARCHITECT OR ENGINEER, WITHOUT EXTRA COST TO THE OWNER.
2. ALL WORK SHALL BE INSPECTED BY THE AUTHORITY HAVING JURISDICTION.
3. UPON COMPLETION OF THE WORK, THIS CONTRACTOR SHALL FURNISH TO THE ARCHITECT A CERTIFICATE OF INSPECTION AND APPROVAL FROM SAID AUTHORITY BEFORE FINAL PAYMENT ON CONTRACT WILL BE ALLOWED.
4. FEE FOR THE INSPECTION SHALL BE A PART OF THE CONTRACT, THE COST OF WHICH SHALL BE INCLUDED IN THE CONTRACTOR'S BID
5. PERFORM ALL WORK IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRIC CODE, NATIONAL ELECTRICAL SAFETY CODE, STANDARDS OF THE NATIONAL BUREAU OF FIRE UNDERWRITERS, BOCA CODE, AND ANY STATE AND LOCAL CODES OR ORDINANCES.
6. ALL MATERIAL AND EQUIPMENT SHALL BE NEW AND OF THE TYPE LISTED BY UNDERWRITERS LABORATORIES, INC. AND SHALL BE IN STRICT CONFORMITY WITH THE LATEST APPLICABLE STANDARDS:
A. UNDERWRITER'S LABORATORIES, INC.
B. NATIONAL FIRE PROTECTION ASSOCIATION
C. ILLUMINATION ENGINEERS ASSOCIATION
7. WHERE MATERIALS, EQUIPMENT, APPARATUS OR OTHER PRODUCTS ARE SPECIFIED BY BRAND NAMES, TYPE OR CATALOG NUMBER, SUCH DESIGNATION IS TO ESTABLISH STANDARDS OF DESIRED QUALITY AND STYLE.
8. ALL PENETRATIONS OF FIRE RATED WALLS OR CEILINGS SHALL BE SEALED ADEQUATELY AND SHALL MAINTAIN THE INTEGRITY OF THE RATED WALL OR CEILINGS.
9. THE ELECTRICAL CONTRACTOR SHALL DO ALL CUTTING, PATCHING, TRENCHING AND BACK FILLING REQUIRED TO PERFORM HIS WORK.
10. THE ELECTRICAL CONTRACTOR SHALL INCLUDE ALL LABOR, MATERIALS, SUPERVISION, TOOLS AND EQUIPMENT NECESSARY TO PERFORM THE ELECTRICAL WORK AS SHOWN ON THE DRAWINGS OR AS NECESSARY TO THE COMPLETE THE PROJECT.
11. THE ELECTRICAL CONTRACTOR SHALL GUARANTEE HIS WORKMANSHIP AND MATERIAL FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL ACCEPTANCE.
12. IT IS THE INTENT THAT THE FOREGOING WORK SHALL BE COMPLETE IN EVERY RESPECT AND THAT ANY MATERIAL OR WORK NOT SPECIFICALLY MENTIONED OR SHOWN ON DRAWINGS BUT NECESSARY TO FULLY COMPLETE THE WORK SHALL BE FURNISHED.
13. THE LOCATION OF OUTLETS AND EQUIPMENT SHOWN ON DRAWINGS ARE APPROXIMATE AND SHALL BE VERIFIED WITH THE OWNER BEFORE INSTALLATION.

REV. 2/21/25
ZONING 11/20/24

stephen berry/
ARCHITECTURAL DESIGN INC

ARCHITECTURE . PLANNING . DESIGN . PHOTOGRAPHY
374 boardman - poland road . suite 201 . youngstown, ohio . 44512
330 726 6390 studio . 374bpr@sbgglobal.net . www.architecturaldesigninc.com

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Expiration Date 12.31.25

PROPOSED CONVENIENCE STORE &
MOTOR VEHICLE FILLING STATION

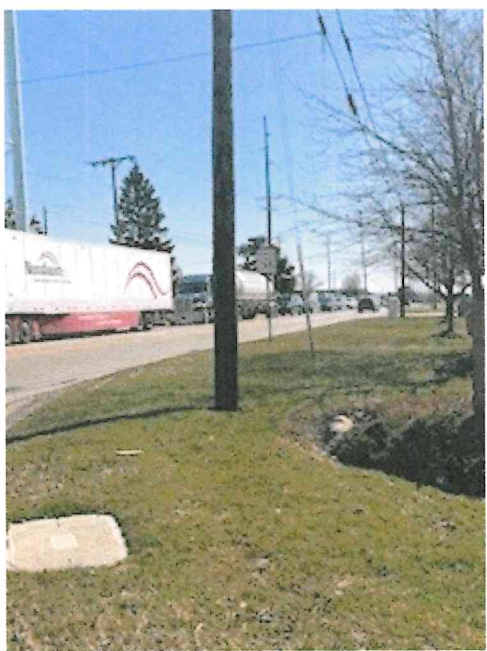
999 LAFAYETTE RD
MEDINA OH 44266

DATE: 02/21/25
PROJECT NUMBER: 507100

SP110

Submitted by M. Deluca 3-13-25









Transcripts

3/13/25 - Planning Commision Review of P25-02

4/10/25 - Planning Commission Adoption of Final
Decision and Conclusions of Fact

1
2
3 - - -
4 CITY OF MEDINA PLANNING COMMISSION

5 CASE P25-02

6 999 LAFAYETTE ROAD
7 - - -
8
9

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
18 - - -
19
20
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.

19

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

4 - - -

5 PROCEEDINGS

6 - - -

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 Makhoulf.
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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1 STATE OF OHIO)
) ss:
2 COUNTY OF MEDINA.)

3 CERTIFICATE

4 I, Makenzie J. Sabo, RPR, Notary Public within
5 and for the State of Ohio, duly commissioned and
6 qualified, hereby certify that before the giving of
7 their testimony, all persons were first duly sworn
8 to testify to the truth, the whole truth, and
9 nothing but the truth in this case aforesaid.

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

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and affixed my seal of office at Medina, Ohio this
15 28th day of March, 2025.

16
17 *Makenzie J. Sabo*

18 -----
19 Makenzie J. Sabo, RPR
20 and Notary Public within and for
21 the State of Ohio.
22 My commission expires 09/19/28.
23
24
25

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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 10th day of April, 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
18 - - -
19
20
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.

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PROCEEDINGS

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CHAIRMAN: And the last item we have on our agenda tonight is Case 25-02. This is the adoption of the Final Decision and Conclusions of Facts for the applicant that we had at 999 West Lafayette Road.

Andrew.

MR. DUTTON: Thank you. Yes. You heard P25-02 at your last meeting regarding a convenience store with fueling stations and a drive-through. At this time that has been appealed to our Board of Zoning Appeals. That's our process for Planning Commission appeals, and that decision has been appealed to the Court of Common Pleas. The law director has requested that we -- that the Commission adopt these Final Decision and Conclusions of Fact. Basically just memorializes the documents you receive, the testimony at the meeting, and your decision.

So we're not opening up for any new information, this is basically just adopting a record of which you did at the previous meeting, and it's recommended that the member

1 making the motion acknowledge that the document
2 was received and reviewed.

3 Thank you.

4 CHAIRMAN: Thank you.

5 Members of the Commission.

6 MR. GOLD: Mr. Chairman, I
7 would like to -- with the case study and the
8 additional information submitted to us prior
9 to this meeting, that we approve with the
10 Final Decision and Conclusion of Fact for
11 Case Number P25-02.

12 THE COURT: We have a motion.
13 Is there a second?

14 MR. ROSE: Just did I hear
15 in your words that we've reviewed this, per
16 your request?

17 Is that what you requested, Andrew?

18 MR. DUTTON: Yeah.

19 MR. GOLD: Yes.

20 You're getting old.

21 MR. ROSE: I'm getting old.

22 I just wanted to make sure.

23 All right. I'll second.

24 CHAIRMAN: We have a motion
25 and a second. Is there any other discussion?

1 (No response.)

2 CHAIRMAN: Roll call.

3 MS. TOME: Case?

4 MR. CASE: Yes.

5 MS. TOME: Gold?

6 MR. GOLD: Yes.

7 MS. TOME: Grice?

8 CHAIRMAN: Yes.

9 MS. TOME: Rose?

10 MR. ROSE: Yes.

11 MS. TOME: Russell?

12 MS. RUSSELL: Yes.

13 MS. TOME: Motion carried.

14 THE COURT: Thank you very

15 much.

16 If there's nothing else to come before the

17 Commission this evening, we are adjourned.

18 (Meeting concluded.)

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1 STATE OF OHIO)
) ss:
2 COUNTY OF MEDINA.)

3 CERTIFICATE

4 I, Makenzie J. Sabo, RPR, Notary Public within
5 and for the State of Ohio, hereby certify that the
6 above and foregoing is a true and correct
7 transcription of my stenographic notes as taken by
8 me on the 10th day of April, 2025.

9 I further certify that this is a full and
10 complete transcription of the above-entitled cause.

11 IN WITNESS WHEREOF, I have hereunto set my hand
12 and affixed my seal of office at Medina, Ohio this
13 11th day of April, 2025.

14
15
16 *Makenzie J. Sabo*

17 Makenzie J. Sabo, RPR
18 and Notary Public within and for
19 the State of Ohio.
20 My commission expires 09/19/28.
21
22
23
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25

Meeting Minutes

3/13/25 - Planning Commission Review of P25-02

4/10/25 - Planning Commission Adoption of Final
Decision and Conclusions of Fact



CITY of MEDINA

Planning Commission

Regular Meeting Minutes

March 13, 2025

Meeting Date: March 13, 2025

Meeting Time: 6:30 PM

Present: Nathan Case, Bruce Gold, Rick Grice, Paul Rose, Monica Russell, Andrew Dutton (Community Development Director), and Sarah Tome (Administrative Assistant). As stated below, prior to the motion to approve the Final Decision and Conclusions of Fact for the February 2025 meeting, Mr. Rose recused himself from the Planning Commission and Jeremy Sack joined the Planning Commission.

Approval of Minutes

Mr. Gold made a motion to approve the minutes from February 13, 2025 as submitted.

Mr. Case seconded the motion.

Vote:

Case	<u>Y</u>	Gold	<u>Y</u>
Grice	<u>Y</u>	Rose	<u>Abstain</u>
Russell	<u>Y</u>		
Approved	<u>4-0</u>	with Mr. Rose abstaining	

The Court Reporter swore in all attendees.

Applications

1. P25-01 Katelyn Friedl 818 E Washington Street TC-OV

Mr. Dutton stated that the applicant was proposing a new single-story 1,914 sq. ft. home with an attached two-car garage. Mr. Dutton stated that the proposed home met the required setbacks. He noted that the setback from the right-of-way was 168 ft. and was in line with adjacent homes. He added that the home had a front porch with a metal roof and a front elevation primarily clad with board and batten siding and stone. Mr. Dutton stated that the section of East Washington Street contained a variety styles including single-story homes and split-level homes.

Mr. Dutton stated that staff recommended approval of application P25-01 as submitted.

Present for the case was Karen Friedl, 818 East Washington Street. Ms. Friedl stated that the pillars would not have the lateral braces shown on the submitted plans. She added that the house would be white, have a black roof, and would have red brick accents.

Mr. Gold made a motion to approve the application P25-01, as submitted.

Mr. Rose seconded the motion.

Vote:

Gold	<u>Y</u>	Grice	<u>Y</u>
Rose	<u>Y</u>	Russell	<u>Y</u>
Case	<u>Y</u>		
Approved	<u>5-0</u>		

2.	P25-02	Steve Berry	999 Lafayette Road	CZC/SPA
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Mr. Dutton stated that the applicant was proposing a convenience store in the center of the lot with a counterclockwise drive through. He noted that the proposal also included passenger vehicle fueling on the south side of the site and tractor-trailer fueling on the north side of the site. He added that the site plan met most of the required development standards, such as setbacks, building height, and lot coverage.

Mr. Dutton continued that the site plan included three access points with one located on Lafayette Road for passenger vehicles and two located on Lake Road for truck traffic. He noted that the widths of the drives were between 37 ft. and 67 ft. at the right-of-way and 43 ft. and 100 ft. at the curb. Mr. Dutton stated that Section 1153.04(d)(15)(B.) limited the width of an access drive to 30 ft. at the right-of-way and only permitted two access drives. He continued that Section 1145.10(e) limited the maximum commercial driveway width to 24 ft. at the right-of-way and 38 ft. at the curb. He noted that the application had submitted a variance application to the two code sections, which would be reviewed by the Board of Zoning Appeals later in the evening.

Mr. Dutton stated that the passenger vehicle parking located on the south side of the lot met the minimum number required. He noted that the code stated that parking, to the extent feasible, shall be located behind the front wall of the building. He added that the proposed plan incorporated parking in front of the building, which was a common configuration for a convenience store with a filling station.

Mr. Dutton stated that the applicant had provided a revision to the sidewalks shown on the plan. He noted that the originally submitted plans showed sidewalks located on the subject property without a connection to the corner curb ramp. He added that the revised version showed the sidewalks in the public right-of-way, which was the typical location, and connected them to the curb ramp. Mr. Dutton continued that locating the sidewalk in the right-of-way on

Lake Road would place the sidewalk adjacent to the roadway. He stated that the City Engineering preferred the plan with the sidewalks located on the subject property and would execute an easement with the property owner for the sidewalk. Mr. Dutton added that a sidewalk would also need to connect the public sidewalk to the convenience store.

Mr. Dutton stated that the landscaping plan provided by the applicant included sufficient landscape buffering to the west side of the truck fueling area and the convenience store, where residential properties were located. He noted that the zoning code required a 10 ft. wide landscaping strip between the passenger parking area and the right-of-way. He stated that in the original plan, parking is shown at the 10 ft. setback, but with only a 5 ft. landscaping strip. Mr. Dutton stated that the Planning Commission would need to waive the 10 ft. requirement, which they were permitted to do.

Mr. Dutton stated that the applicant had noted that storm water management would be located underground, which was generally acceptable to the City Engineer.

Mr. Dutton stated that building elevations indicated a flat roof with varying roof lines, walls of predominantly two colors with recessed sections, and stone lower sections. Mr. Dutton stated that stucco, of which EIFS was a synthetic version, was permitted in bands of accent color or recessions. He added that the proposed structure incorporated these elements.

Mr. Dutton stated that staff recommended approval of application P25-02 for Conditional Zoning Certificate and Site Plan approval as submitted with parking in the front yard and a 5 ft. parking setback, with the following conditions:

1. The project shall comply with 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 of Zoning Appeals.
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 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 Section 1145.09(c)(6).

Present for the case was Stephen Berry of Architectural Design Inc., 374 Boardman-Poland Road, Suite 201 in Youngstown, representing Harpreet Singh Aujla and Davinder Paul Singh. Mr. Berry stated the plan aimed to segregate truck traffic from automobile traffic. He added that access points were located as far away from the intersection as possible to prevent stacking issues.

Mr. Grice opened the public hearing.

Majeed Makhoul of Berns, Ockner & Greenberger, 3201 Enterprise Parkway, Suite 220, in Beachwood, representing Minute Mart LLC, the property owner of 1010 Lafayette Road, stated that his client requested the Planning Commission to reject the application, or at a minimum

table it, as he felt approval would be premature. He noted that the applicant was asking for substantial variances and the Planning Commission should not grant approval without knowing if the variances would be granted. Mr. Makhoulf stated that the applicant bore the burden to prove his case beyond a reasonable doubt. He contended that the applicant had made no case for approval to the Planning Commission.

Mr. Makhoulf continued that the proposed project would have impacts on surrounding properties. He stated that the project would devalue his client's property, result in safety issues for their customers, and create significantly more traffic than the property's previous use. Mr. Makhoulf indicated that no information had been provided regarding the amount of traffic that would be generated by the project.

Mr. Gold noted that the Board of Zoning Appeals met right after the Planning Commission, and that approval from the Commission would be contingent on the Board's approval of the variances. He noted that Mr. Makhoulf had not presented a case as to how the traffic implications would affect the surrounding properties. Mr. Makhoulf indicated that the variances were substantial and the proposal would result in additional traffic.

William Deluca, Regional Manager for Minit Mart, 1010 Lafayette Road, presented the Commission with a picture of traffic on West Smith Road. Mr. Rose noted that West Smith was a different road which did not cross either Lake Road or Lafayette Road. Mr. Deluca also presented the Commission with pictures of traffic on Lafayette Road. He noted that he had been overseeing the Minit Mart for seven years and stated that the proposal would create more traffic. There was a discussion as to traffic.

Ms. Russell stated that she would not expect more traffic to be generated by the proposed project and there would likely be less traffic going to Mr. Deluca's business with the introduction of a similar business across the street. Mr. Makhoulf responded that the gravitational model would occur which contends that when similar uses are located next to one another, they generate more traffic to the area.

Mr. Dutton stated that Site Plan applications were always sent to the City Engineer for review prior to the Planning Commission meeting and the City Engineer did not request a traffic impact study or traffic analysis. Mr. Dutton added that the application was willing to meet the 10 ft. setback for the landscaping, but that the city would prefer a reduced amount of landscaping so the sidewalk would not be directly adjacent to the roadway.

Cammie Reust, 580 North Harmony Street, stated that she believed the proposed convenience store would generate more traffic in the area.

Troy Gerspacher, 5734 Trystin Tree Drive, was present representing the property's seller. He supported the approval of the application and stated that the project would be positive for industrial users in the surrounding area.

Mr. Gold inquired as to the staff's requirement for a lighting plan. Mr. Dutton stated that the applicant had submitted a compliant lighting plan and staff only needed a light fixture detail.

Mr. Case inquired as to the possibility of requiring a sign at the Lafayette Road entrance prohibiting truck access to the site from that road. After conferring with the business owners, Mr. Berry stated that they had no objection to including the sign.

Mr. Berry noted that the business across the street with the same use had parking in the front yard and appeared to have oversized curb cuts.

Mr. Gold made a motion to approve the application P25-02, as submitted, with the following conditions:

1. The approval of the requested variances by the Board of Zoning Appeals.
2. The proposed public sidewalk shall connect with the existing curb ramp at the corner of Lafayette Road and Lake Road.
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 Section 1145.09.
5. Semi-trucks shall be prohibited from turning into the property at the Lafayette Road entrance.

Mr. Case seconded the motion.

Mr. Makhoulf stated that he was obligated to put on the record that his client intended to appeal to the Court of Common Pleas if the case was approved.

Vote:

Grice	<u>Y</u>	Rose	<u>Y</u>
Russell	<u>Y</u>	Case	<u>Y</u>
Gold	<u>Y</u>		
Approved	<u>5-0</u>		

3. P24-16 David Myers 028-19C-17-041 & 028-19C-17-040 Revised CZC/SPA

Mr. Dutton stated that the project had previously been approved by the Planning Commission for 55 manufactured home lots. Mr. Dutton noted that, following the approval, the gas easement located on the subject site was found to be 75 ft. wide rather than 50 ft. wide. He added that the easement width resulted in a necessary reconfiguration of the site's layout.

Mr. Dutton stated that the current Conditional Zoning Certificate and Site Plan applications proposed two drives connecting at a single cul-de-sac for 54 manufactured home lots. He noted that the proposal met the required setbacks from adjacent property lines.

Mr. Dutton stated that there was industrial zoning to the east and residential uses to the west. He noted that the landscaping plan provided by the applicant provided partial screening to the east, though it was limited by the gas easement. He added that the recommendation was to

add more screening to the east and fill in the gaps in the screening for the residential homes to the west.

Mr. Dutton stated that Staff recommended approval of application P24-16 with the following conditions:

1. Improvements to Lafayette Road at the entrance/exit to the Brookdale Mobile Home Park shall be installed as required by the City Engineer.
2. Year round screening shall be provided from all industrial properties to the east of the Brookdale Mobile Home expansion and residential properties to the west of the Brookdale Mobile Home expansion that currently have insufficient screening as required by the Planning Director.

Present for the case was Jim Huach, 217 East Main Street in Kent. Mr. Hauch stated that the gas company had initially verbally indicated the easement width was 50 ft. He continued that after the project had gone out to bid, the gas company presented a document stating that the easement was actually 75 ft. wide. He noted that plans were reconfigured to accommodate for the larger easement.

Mr. Grice opened the public hearing.

Dori Nelson, 5807 Deerview Lane, stated that her biggest concern was screening. She noted that all of the trees to the rear of her lot were dying and she was concerned about sufficient screening. Mr. Hauch stated that they had been working with a Lafayette Township Trustee to contact property owners. He added that screening would be planted on neighboring properties as requested by the property owners. Mr. Huach noted that the subject property would be regraded, which should improve water runoff. There was a discussion as to the placement of the trees.

David Myers of Thorson Baker Engineering, 3030 West Streetsboro Road in Richfield, stated that there was a sanitary sewer easement adjacent to the western property line. He added that the original approval had been to install trees on neighboring properties, as the Medina County Sanitary Engineers would not allow trees to be planted within the easement.

John Emory, 5901 Deerview Lane, inquired if the size of the retention pond was still being increased. Mr. Myers stated that the retention pond size had not changed from the original proposal, which was an increase from its existing size. There was an additional discussion as to trees and drainage.

Mr. Gold made a motion to approve the application P24-16, as submitted with the following conditions:

1. Improvements to Lafayette Road at the entrance/exit to the Brookdale Mobile Home Park shall be installed as required by the City Engineer.
2. Year round screening shall be provided from all industrial properties to the east of the Brookdale Mobile Home expansion and residential properties to the west of the Brookdale Mobile Home expansion that currently have insufficient screening as required by the Planning Director.

Ms. Russell seconded the motion.

Vote:

Rose	<u>Y</u>	Russell	<u>Y</u>
Case	<u>Y</u>	Gold	<u>Y</u>
Grice	<u>Y</u>		
Approved	<u>4-0</u>		

Adoption of Final Decision and Conclusions of Fact

Mr. Dutton stated that there were two Final Decision and Conclusions of Fact documents regarding the Planning Commission's TCOV review for a two-family dwelling at 322 West Smith Road. He stated that the documents memorialized what was presented to the Commission at the meeting, testimony given, and the decision of the Planning Commission. Mr. Dutton noted that the first document was for the November 2024 meeting, when Mr. Rose was present, and the second document was for the February 2025 meeting, when Mr. Sack was present.

Having received the documents and reviewed them, Mr. Gold made a motion to accept the first Final Decision and Conclusions of Fact for the November 2024 meeting as submitted.

Mr. Rose seconded the motion.

Vote:

Russell	<u>Y</u>	Case	<u>Y</u>
Gold	<u>Y</u>	Grice	<u>Y</u>
Rose	<u>Y</u>		
Approved	<u>5-0</u>		

At this time, Mr. Rose recused himself from the Planning Commission and Mr. Sack joined the Planning Commission.

Mr. Gold made a motion to accept the second Final Decision and Conclusions of Fact for the February 2025 meeting as submitted.

Ms. Russell seconded the motion.

Vote:

Case	<u>Y</u>	Gold	<u>Y</u>
Grice	<u>Y</u>	Russell	<u>Y</u>
Sack	<u>Y</u>		
Approved	<u>5-0</u>		


Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sarah Tome



Rick Grice, Chairman



CITY of MEDINA

Planning Commission

Regular Meeting Minutes

April 10, 2025

Meeting Date: April 10, 2025

Meeting Time: 6:00 PM

Present: Nathan Case, Bruce Gold, Rick Grice, Paul Rose, Monica Russell, Andrew Dutton (Community Development Director), and Sarah Tome (Administrative Assistant)

Approval of Minutes

Mr. Gold made a motion to approve the minutes from March 13, 2025, as submitted.

The motion was seconded by Mr. Rose.

Vote:

Case	<u>Y</u>	Gold	<u>Y</u>
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Grice	<u>Y</u>	Rose	<u>Y</u>
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Russell	<u>Y</u>		
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Approved	<u>5-0</u>		
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The Court Reporter swore in all attendees.

Applications

1.	P25-03	Tim Pelton	129 North Broadway Street	SPA
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Mr. Dutton stated that on September 12, 2024, the applicant received Historic Preservation Board approval to demolish the building on the site, which had experienced significant fire damage. He continued that the applicant proposed to construct a four-space parking lot with a single access drive off of North Broadway Street. Mr. Dutton noted that a portion of the parking lot was located between the building and the street, which required a variance to Section 1135.08(a)

Mr. Dutton indicated that Section 1145.08 required ninety-degree parking spaces to be 9 ft. in width by 19 ft. in length, with a 24 ft. wide drive aisle. Mr. Dutton stated that the proposed parking spaces were 9 ft. in width and 16 ft. 10 in. in length, with a 21.7 ft. wide drive aisle. He added that the applicant had submitted a variance application to Section 1145.08.

Mr. Dutton stated that Section 1145.09(b) required a 10 ft. wide landscaping strip to be located between parking spaces and the right-of-way, which may be reduced to 5 ft. by the Planning Commission. He noted that the site included a 10 ft. wide landscape strip, however, it was approximately 1 ft. away from the right-of-way. He added that the applicant had also submitted a variance to Section 1145.09(b).

Mr. Dutton stated that staff recommended the approval of application P25-03 with the condition that the project shall comply with Section 1135.08(a) to allow parking in the front yard, Section 1145.08 to allow parking and drive less than the minimum size, and Section 1145.09(b) to allow parking within the required landscaped strip or receive variance approval from the Board of Zoning Appeals.

He noted that the Historic Preservation Board had reviewed the project earlier in the evening and had approved the revision.

Present for the case was Tim Pelton, 125 North Broadway Street.

Mr. Rose inquired if the proposed parking spaces would only be used by the applicant. Mr. Pelton stated that Landmark Homes intended to use the spaces for their staff and clients. He noted that a temporary sign would be placed at the entrance to let people know that the drive would no longer access Cups Café. Mr. Pelton stated that eliminating the cut through would improve the safety of both their lot and Cup's Café's lot to the west.

Gold made a motion to approve application P25-03 with the condition that the project shall receive approval of the requested variances from the Board of Zoning Appeals.

Mr. Case seconded the motion.

Vote:

Gold	<u>Y</u>	Grice	<u>Y</u>
Rose	<u>Y</u>	Russell	<u>Y</u>
Case	<u>Y</u>		
Approved	<u>5-0</u>		

2.	P25-04	William Adams	665 Lafayette Road	TC-OV
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Mr. Dutton stated that the building had previously incorporated an uncovered front deck used for outdoor dining, located 16 ft. 5 in. from the right-of-way. He noted that, recently, the uncovered deck had been roofed and enclosed without the necessary permits.

Mr. Dutton stated that the Section 1141.05 required a minimum front setback of 25 ft. for principal buildings. He noted that Section 1113.04(k)(3) provided an exception allowing unenclosed porches to project into the front setback up to 10 ft. Mr. Dutton stated that the previously uncovered deck had a required minimum front setback of 15 ft. from the right-of-way. He noted that the enclosed deck did not qualify for the exception and required a minimum front setback of 25 ft. He added that, as the enclosed deck was located 16 ft. 10.5 in. from the right-of-way, it did not meet the requirement. Mr. Dutton stated that the applicant had submitted an area variance to Section 1141.05 to allow a principal structure in the front setback.

Mr. Dutton stated that the enclosed deck included a dark metal roof, unfinished wood siding, and windows on the side facing Lafayette Road. He noted that the area incorporated a mixture of zoning and uses. He stated that adjacent buildings on the north side of the road were

commercial and industrial, with setbacks of around thirty to thirty-five feet from the right of way. Mr. Dutton stated that the residences across the street were set back around 20 ft. from the right-of-way.

Mr. Dutton stated that staff recommended the approval of application P25-04 as submitted with the condition that the project shall comply with Section 1141.05 to allow a principal structure in the front setback or receive variance approval from the Board of Zoning Appeals.

Present for the case was Reed Richins of Windfall Architects Ltd., 5189 Park Drive, representing Bill Adams, the owner of 665 Lafayette Road. Mr. Richins stated that the property had previously been a tavern. He noted that Mr. Adams had purchased the property in 2017 and had opened Diner 42. Mr. Richins stated that Mr. Adams had received approval in 2018 to extend the dining deck, provide an accessible entrance, and allow for outdoor dining. He noted that Mr. Adams had recently enclosed the deck without approval and had been unaware that it required Planning Commission review. He added that Mr. Adams was seeking approval of the enclosed deck as he felt it was critical to the running of his business.

Mr. Grice asked if there were any other permits the applicant needed besides Planning Commission approval. Mr. Dutton stated that the applicant was proceeding through the Building Permit approval process. Mr. Case asked if the structure had been inspected to ensure it was safe for public use. Mr. Dutton stated that, as no permits were pulled prior to construction, the Building Department was working with the applicant and his architect to ensure that the structure met code requirements. Mr. Richins stated that plans had been submitted to the Building Department.

Mr. Rose asked if customers were currently using the deck. Mr. Dutton responded that the applicant had addressed an issue with egress and the Building Official was comfortable allowing the use of the structure while the applicant worked through the approval process.

Mr. Gold made a motion to approve the application as presented with the condition that the project shall receive approval of the requested variance from the Board of Zoning Appeals. He added that the approval was also conditional on the final approval of the structure by Chief Building Official Dan Gladish and its conformity to the City of Medina Building Code.

Ms. Russell seconded the motion.

Vote:

Grice	<u>Y</u>	Rose	<u>N</u>
Russell	<u>Y</u>	Case	<u>Y</u>
Gold	<u>Y</u>		
Approved	<u>4-1</u>		

Mr. Dutton stated that the site was located in Special Planning District #1 (SPD-1), which required a three step approval process:

1. Conceptual Plan and Development Guidelines – In January of 1999, Special Planning District #1 (SPD-1) was established by Ordinance 249-98. The Ordinance included a Conceptual Plan of the approximately 42-acre site and Development Guidelines, which supersede the underlying C-3 district standards.
2. Preliminary Plan –The Planning Commission granted Preliminary Plan approval for the grocery store, future expansion, and outlot in November of 2023.
3. Final Site Plan – The current Final Site Plan application requested the development of 0.89 acres of the site for a 2,460 sq. ft. restaurant with a drive through.

Mr. Dutton stated that the applicant was proposing a restaurant with a drive through, which was a permitted use in Subdistrict "A" of SPD-1. He noted that the proposal located the building in the center of the lot with parking to the north. He added that the building met all development standards, including setbacks and lot coverage. Mr. Dutton stated that access to the site was provided through an access drive shared with the future Chipotle to the north. He noted that circulation on the site included two-way on the north side, with the west, south, and east sides having one-way circulation to accommodate the drive through.

Mr. Dutton stated that one parking space was required for every two seats, with the proposed restaurant requiring a minimum of 15 spaces. He added that the code also allowed the minimum to be exceeded by twenty percent, or 18 spaces, which could be waived by the Planning Commission. Mr. Dutton noted that the site plan incorporated 24 spaces, which exceeded the maximum. He continued that the proposed parking appeared to be appropriate for the use, which could experience a higher than average parking demand at peak times.

Mr. Dutton stated that the building would be clad in brick with wood panel accents. He noted that the brick used would be similar to that on the Acme building, as the SPD-1 required that all commercial buildings must have a similar look. Mr. Dutton stated that staff recommended the approval of application P25-05 as submitted.

Present for the case were Erick Allen of Alber and Rice, 31913 Cook Road in North Ridgeville, and Joe Albrecht of Albrecht Inc., 17 South Main Street in Akron.

Mr. Grice asked if the Chipotle on the township property would also be complimentary. Mr. Dutton stated that it would. He noted that Montville Township had sent the plans to the city for review and had incorporated his comment to change the brick to be similar to the Acme building.

Ms. Russell made a motion to approve the application as submitted.

Mr. Rose seconded the motion.

Vote:

Rose	<u>Y</u>	Russell	<u>Y</u>
Case	<u>Y</u>	Gold	<u>Y</u>
Grice	<u>Y</u>		
Approved	<u>5-0</u>		

4.	P25-06	Lisa Reau	028-19A-21-265	SPA
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Mr. Dutton stated that the existing parking lot contained approximately 40 parking spaces. He noted that the lot was in poor condition and had an inefficient design. Mr. Dutton stated that the applicant was proposing to remove the existing lot and construct a parking lot with 81 parking spaces. He noted that the proposal would include storm water management, landscaping, and hard wired lighting, which the current parking lot lacked.

Mr. Dutton stated that the site would have a single access point on South Elmwood Avenue, located across from a future parking lot for the Hotel/Event Center. He noted that the access point complied with width requirements and that circulation on the site was two way in a circular pattern with ninety-degree parking.

Mr. Dutton stated that the proposed lot coverage was 73 percent. He noted that, per Section 1130.05, the maximum lot coverage for a property in the P-F district was 60 percent. He added that the applicant had filed a variance to Section 1130.05 regarding lot coverage.

Mr. Dutton stated that the site plan included the required landscaping strip between the parking lot and the right-of-way. He continued that Section 1145.09(b) stated that 5 sq. ft. of interior parking lot landscaping shall be provided per 100 sq. ft. of parking area. He noted that the proposed parking lot provided 3.4 sq. ft. of interior parking lot landscaping per 100 sq. ft. of parking area, which was less than required. He added that the applicant had filed a variance to Section 1145.09(b) regarding interior parking lot landscaping.

Mr. Dutton stated that Section 1149.05(c)(4) required screening between an institutional or commercial land use and a single-family residential zoning district. He noted that screening could be accomplished by a 5 ft. or 6 ft. wall or a 10 ft. wide open space with 6 ft. tall landscaping. Mr. Dutton stated that, though no building was located on the proposed site with a specific use, the parking lot should contain a buffer from adjacent single-family residences. He noted that the proposed site included:

- North Side – Conifers providing screening from an adjacent single-family residence with a minimum open space width of 6 ft.
- South Side – Conifers providing screening from an adjacent single-family residence with a minimum open space width of 8 ft.
- West Side – No screening from an undeveloped portion of a single-family residential with a minimum open space width of 3 ft.

Mr. Dutton stated that the applicant had filed a variance to Section 1149.05(c)(4) regarding screening requirements. He noted that the northwest corner of the side abutted a wooded section of a residential property.

Mr. Dutton stated that a lighting plan had been submitted. He noted that the lighting height was proposed at 25 ft., which was over the maximum 20 ft. permitted in the P-F district. He added that the Planning Commission had the ability to approve the greater height per Section 1145.09(c)(4)(B.).

Mr. Dutton stated that staff recommended the approval of application P25-06 as submitted, including a lighting height of 25 ft., with the condition that the project shall comply with Section 1130.05 to exceed the maximum lot coverage, Section 1145.09(b) to allow reduced interior parking lot landscaping, and Section 1149.05(c)(4) to allow reduced screening for a property or receive variance approval from the Board of Zoning Appeals.

Present for the case was Nils Johnson of Cunningham and Associates, 203 West Liberty Street. Mr. Johnson stated that the project was a joint venture between the city and the applicant. He noted that the plan aimed to maximize the lot and provide adequate parking.

Kimberly Marshall, representing the Medina City Development Corporation, 132 North Elmwood Avenue, stated that the Corporation had met with the developer to review the proposed site plan. She stated that once the project was approved by the Commission and the Board of Zoning Appeals, the applicant would bid the project to determine its cost. She added that the current parking lot was underutilized and in bad shape and the redeveloped parking lot would benefit the hotel project and downtown.

Mr. Grice opened the public hearing.

Chet Simmons, 431 West Washington Street, asked if the increased lighting height would affect residents in the area. Mr. Johnson stated that the additional height would provide uniformity and better coverage on the lot. He noted that all of the fixtures around the perimeter of the lot were equipped with backlight control, which would ensure that the lighting at the property line would meet city standards. Mr. Dutton stated that the lighting plan submitted by the applicant was compliant, with the exception of the lighting height.

David Loomis, 224 West Washington Street, stated that he owned the R-3 zoned property to the west of the subject site. He stated that he supported the hotel and he thought the parking lot was important. However, Mr. Loomis expressed concern regarding lighting from the parking lot onto his property. He suggested that the Commission include the additional screening on the northwest corner of the lot.

Mr. Case inquired about the possibility of moving the curb cut as he felt the proposed entrance would be congested. Mr. Johnson stated that he had looked into the option of having two curb cuts, but that it was discouraged by the city. He added that he would like to have the entrance line up with that of the hotel parking lot to the east. Mr. Case asked if it was possible to have one-way traffic on the site. There was further discussion as to traffic patterns and parking within the proposed parking lot.

Ms. Russell stated that she felt the lighting should be kept to 20 ft. in height. There was an additional discussion on lighting.

Mr. Rose stated that he was a non-voting member of the Medina City Development Corporation. He noted that he had conferred with the City Law Director and that it was appropriate for him to vote on the application.

Mr. Loomis stated that he was not as worried about the height of the light poles as his concerns were regarding car headlights from the lot.

Mr. Gold made a motion to approve the application as submitted with the following conditions:

1. The project shall receive approval of the requested variances from the Board of Zoning Appeals.
2. The northwest corner of the parking lot shall incorporate low growth landscaping.
3. Traffic flow within the parking lot shall be one-way counterclockwise.

Mr. Case seconded the motion.

Vote:

Russell	<u>Y</u>	Case	<u>Y</u>
Gold	<u>Y</u>	Grice	<u>Y</u>
Rose	<u>Y</u>		
Approved	<u>5-0</u>		

Adoption of Final Decision and Conclusions of Fact

Mr. Dutton stated that the Planning Commission had reviewed application P25-02 at their previous meeting regarding a convenience store with a fueling station and drive through. He continued that the approval of the application had been appealed to the Board of Zoning Appeals. Mr. Dutton added that the City Law Director had requested that the Planning Commission adopt a Final Decision and Conclusion of Fact for the case, which memorialized what was presented to the Commission at the meeting, testimony given, and the decision of the Planning Commission.

Mr. Gold, made a motion to accept the Final Decision and Conclusions of Fact for application P25-02 noting that the Planning Commission had received and reviewed the submitted document.

Mr. Rose seconded the motion.

Vote:

Case	<u>Y</u>	Gold	<u>Y</u>
Grice	<u>Y</u>	Rose	<u>Y</u>
Russell	<u>Y</u>		
Approved	<u>5-0</u>		


Adjournment

Having no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sarah Tome", written over a horizontal line.

Sarah Tome

A handwritten signature in cursive script, appearing to read "Rick Grice", written over a horizontal line.

Rick Grice, Chairman

Emails and Documents to BZA 6/12/25

Andrew Dutton

From: Majeed G. Makhlouf <MMakhlouf@bernsockner.com>
Sent: Thursday, June 12, 2025 10:44 AM
To: Hunt, Todd
Cc: Greg Huber; Vacanti, Anthony R.; David Firestine; Andrew Dutton
Subject: Re: Appeal to Medina BZA - 999 Lafayette Rd - Hearing of June 12

In addition, the Zoning Code treats the "procedure" for variances and appeals as the same—i.e., involving an evidentiary hearing before the Board. Section 1107.08(i) specifically addresses the "burden of proof for variances and appeals" at the BZA hearing.

Again, a denial of our right to have a hearing is arbitrary and against the express language of the Code.

You have not cited any legal authority for the denial of this right.

Sincerely,

Majeed G. Makhlouf
Berns, Ockner & Greenberger, LLC
Member
+1 (216) 831-8838; 6 Main
+1(216) 346-8733 Mobile
MMakhlouf@bernsockner.com
3201 Enterprise Parkway, Suite 220
Beachwood, OH 44122
www.bernsockner.com



Metropolitan Tier 1 – Cleveland
Land Use & Zoning Law
Litigation - Real Estate
Real Estate Law

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Andrew Dutton

From: Majeed G. Makhoulf <MMakhoulf@bernsockner.com>
Sent: Wednesday, June 11, 2025 9:27 PM
To: Hunt, Todd
Cc: Greg Huber; Vacanti, Anthony R.; David Firestine; Andrew Dutton
Subject: RE: Appeal to Medina BZA - 999 Lafayette Rd - Hearing of June 12

Todd: Thank you for reaching out. We have objected and continue to object to the City's arbitrary denial of our ability to present our case before the BZA. Section 1107.08(b)(1) makes no distinction between an appeal from an "official" or a "body." It treats both equally the same. There is nothing in the Zoning Code that restricts an appeal to the transcript before the "official" or "body" from which the appeal is made. I am sure the BZA allows for a full de novo hearing on any appeal from officials from the City. This distinction between an appeal from an official versus a body is being drawn arbitrarily against my client's appellate rights without any basis in Ohio law or the City Code for such decision.

A party can only appeal a "final" decision from the City to court under R.C. Chapter 2506. The Planning Commission's decision is not the City's final decision because the Code provides for an internal appeal to the BZA. The City's final decision is the decision of the BZA, which can only then be appealed to court. We could not have appealed from the Planning Commission to court even if we wanted to do so. We had to go before the BZA to get to a final, appealable decision.

R.C. 2506.03 expressly provides that we are entitled to a de novo hearing of a "**final** order, adjudication, or decision" if any of the criteria in R.C. 2506.03 are met. If the BZA denies my client its right to present evidence tomorrow and to cross-examine witnesses, it will violate R.C. 2506.03, entitling my client to a de novo hearing in court.

I request that this objection be included in the record.

Thank you.

Sincerely,

Majeed G. Makhoulf
Berns, Ockner & Greenberger, LLC
Member
+1 (216) 831-8838; 6 Main
+1(216) 346-8733 Mobile
MMakhoulf@bernsockner.com
3201 Enterprise Parkway, Suite 220
Beachwood, OH 44122
www.bernsockner.com



Metropolitan Tier 1 – Cleveland
Land Use & Zoning Law
Litigation - Real Estate
Real Estate Law

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Andrew Dutton

From: Hunt, Todd <RTHunt@ralaw.com>
Sent: Wednesday, June 11, 2025 8:43 PM
To: MMakhlouf@bernsockner.com
Cc: Greg Huber; Vacanti, Anthony R.; David Firestine; Andrew Dutton
Subject: RE: Appeal to Medina BZA - 999 Lafayette Rd - Hearing of June 12

Majeed, Tony and David:

In addition to my opinion below. I am advising the BZA to apply the following criteria to guide its decision in this appeal, as set forth in Medina Codified Ordinance No. 1107.08 (i)(4):

Criteria applicable to appeals. The Board shall reverse an order of a zoning official only if it finds that the action or decision appealed:

- A. Was arbitrary or capricious; or
- B. Was based on an erroneous finding of a material fact; or
- C. Was based on erroneous interpretation of this Ordinance or zoning law; or
- D. Constituted an abuse of discretion.

Todd Hunt

From: Hunt, Todd
Sent: Wednesday, June 11, 2025 8:25 PM
To: MMakhlouf@bernsockner.com
Cc: ghuber@medinaoh.org; Vacanti, Anthony R. <tony.vacanti@tuckerellis.com>; David Firestine <dlf@witscheylaw.com>; Andrew Dutton <adutton@medinaoh.org>
Subject: Appeal to Medina BZA - 999 Lafayette Rd - Hearing of June 12

Majeed:

Pursuant to your email below, I have not heard back from you regarding the parameters of the appeal hearing tomorrow night in the above-referenced matter, so I am following up with you on this issue.

As counsel to the Medina BZA, I am advising the Board that the appeal of the Planning Commission ("PC") decision is to be heard on the record made before the PC and the oral arguments of the parties. Appeals from one decision making body to a reviewing body are always handled in this manner, unless there is a provision in the law governing the matter that provides for an evidentiary hearing *de novo*. There is no such provision in the City of Medina Charter or Codified Ordinances.

The transcript of the hearing before the PC in this matter reveals that your client had a full opportunity to present evidence in opposition to the application, to present arguments of its counsel, and not denied an opportunity to cross-examine witnesses in opposition for your client's position.

Of course, the BZA will permit you to enter any objections to the foregoing on its record of the appeal and I will so counsel it in that regard.

I will see you tomorrow evening.

Todd Hunt, Special Counsel to the Medina BZA

R. Todd Hunt

Shareholder



1375 East Ninth Street
One Cleveland Center, 10th Floor
Cleveland, OH 44114
Direct Phone No.: 216.290.6062
Main Phone No: 216.623.0150
Mobile Phone No: 216.440.0251
Fax No.: 216.623.0134

Email: RTHunt@ralaw.com

www.ralaw.com

Roetzel & Andress, A Legal Professional Association

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From: Majeed G. Makhoulf <MMakhoulf@bernsockner.com>

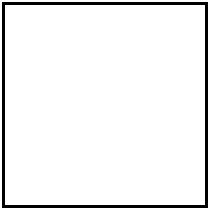
Sent: Thursday, May 8, 2025 9:42 AM

To: adutton@medinaoh.org

Cc: ghuber@medinaoh.org; Hunt, Todd <RTHunt@ralaw.com>; RShell@bernsockner.com; stome@medinaoh.org

Subject: Re: Appeal to Medina BZA - 999 Lafayette Rd - MM

EXTERNAL SENDER:



Andrew: We are agreeable to a continuance of the hearing date provided that the City does not grant any building permits or let the project proceed while it is on appeal. I believe the City Code provides an automatic stay, but I want to make sure that we are all on the same page. I am checking with my client and would get back to you regarding the proposed alternate dates ASAP.

Also, we strenuously disagree and object to the idea that the BZA is restricted to the transcript before the Planning Commission. There is no basis for such restriction in the Zoning Code and it is a denial of our rights. I we would be restricted from introducing evidence before the BZA, it would entitle us to a de novo hearing under R.C. 2506.03 before the common pleas court.

Please confirm that it will be simply continued today and that we do no need to show up. I will follow up with Greg and Todd regarding the scope of the evidence at the appeal hearing.

Thank you.

Sincerely,

Majeed G. Makhoulf

Berns, Ockner & Greenberger, LLC

Member

+1 (216) 831-8838;6 Main

+1(216) 346-8733 Mobile

MMakhlouf@bernsockner.com

3201 Enterprise Parkway, Suite 220

Beachwood, OH 44122

www.bernsockner.com



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From: Andrew Dutton <adutton@medinaoh.org>

Sent: Wednesday, May 7, 2025 2:27 PM

To: Majeed G. Makhoulf <MMakhoulf@bernsackner.com>

Cc: Greg Huber <ghuber@medinaoh.org>; Todd Hunt <rthunt@ralaw.com>; Robin Shell <RShell@bernsackner.com>; Sarah Tome <stome@medinaoh.org>

Subject: Appeal to Medina BZA - 999 Lafayette Rd - MM

Majeed,

Earlier this week, the city received a letter from attorney Anthony Vacanti of Tucker Ellis LLP representing the applicants for P25-02 at 999 Lafayette Rd. Mr. Vacanti cited a number of concerns regarding your appeal (Z25-09) and has requested a continuance of the review to a later date due to a scheduling conflict. I've attached the letter from Mr. Vacanti and a response from City of Median Law Director, Greg Huber.

As noted in Mr. Huber's letter, the BZA will review the appeal and a continuance of the review of Z25-09 is appropriate.

We are working to schedule a meeting of the BZA to review the appeal where all parties are available to attend. Please let me know your availability on the following dates, the meeting time would be in the evening: 5/21, 5/22, 5/29, 6/12 (Next Regular BZA Meeting), 6/16, 6/17

Please let me know if you have any questions.

Andrew Dutton, AICP

Community Development Director

City of Medina

adutton@medinaoh.org

330-722-9023



June 12, 2025

DIRECT DIAL 216.696.2093 | tony.vacanti@tuckerellis.com

VIA ELECTRONIC MAIL:

adutton@medinaoh.org

Board of Zoning Appeals
City of Medina, Ohio
c/o Andrew Dutton, AICP
132 North Elmwood Avenue
Medina, Ohio 44256

Re: Medina, Ohio Board of Zoning Appeals Case No. Z25-09 (Appeal of Planning Commission's Approval of Case No. P25-02)

Dear Members of the Board of Zoning Appeals:

The undersigned and the law firm of Tucker Ellis LLP represent TJ Petroleum LLC, Harpreet Singh Aujla, and Davinder Paul Singh, (collectively, the "Applicants"), who were represented by their architect Steven Berry at the City of Medina, Ohio ("City") Planning Commission ("Commission") hearing on March 13, 2025 concerning Commission Case No. P25-02 for site plan and conditional use approval ("Site Plan and Use Approval"). At the Site Plan and Use Approval hearing, the Commission unanimously approved Applicants' request for conditional use and site plan approval concerning the property located at 999 Lafayette Road, Medina, Ohio ("Property").

It appears that on March 25, 2025, Minit Mart, LLC, though counsel Majeed G. Makhoulf (collectively, "Objecting Business"), attempted to appeal the Commission's Site Plan and Use Approval to the City's Board of Zoning Appeals ("BZA"). That appeal has been given BZA Case No. Z25-09 and is being considered by the BZA at this evening's meeting ("Attempted Appeal"). The Objecting Business is a vehicle fueling center that is seeking to hijack these proceedings to avoid business competition.

Applicants hereby respectfully request this BZA to either: (1) dismiss the Attempted Appeal; or alternatively, (2) affirm the Commission's unanimous Site Plan and Use Approval based on the record before the Commission because the Commission's unanimous Site Plan and Use Approval was not arbitrary or capricious, was based on correct findings of material fact based on the record before the Commission, was based on a correct interpretation of the City's Ordinances and zoning law, and did not constitute an abuse of discretion.

Before turning to the merits based on the record before the Commission, it is necessary to highlight two fundamental legal principles concerning land use and zoning, which principles should guide your decision before you. First, Ohio courts have reiterated that zoning regulations are not designed to regulate business competition but to regulate the use of land. *Automotive Supermarkets, Inc. v. City of Willoughby*, 27 Ohio App.3d 238, 240 (11th Dist. 1986); *Kayo Oil Co. v. City of Dayton Bd. of Zoning Appeals*, 1988 WL 131892, *6 (2nd Dist. Dec. 8, 1988); *Meeks v. City of Dayton*, 1981 WL 2535, *4 (2nd Dist. Sept. 9, 1981). Second, the Ohio Supreme Court requires that the City's Ordinances concerning zoning must be interpreted based on their plain language. *Cleveland Clinic Found. v. Cleveland Bd. of Zoning Appeals*, 2014-Ohio-4809, ¶ 29. To the extent that there is any

ambiguity in interpreting the City's Ordinances concerning zoning, they must be "construed in favor of the property owner because they are in derogation of the common law and deprive the property owner of uses to which the owner would otherwise be entitled." *Id.* at ¶ 34.

A. The Attempted Appeal should be dismissed as it is improper and the Objecting Business lacks standing.

There are at least two reasons the Attempted Appeal should be dismissed.¹ First, the plain language of City Ordinance Section 1107.08, which governs appeals and variances to the BZA, treats appeals of decisions of administrative or enforcement officials and bodies charged with enforcement of the zoning regulations differently than variances. Ordinance Section 1107.08(c) provides that appeals may be taken by any person "aggrieved" by such a decision within 14 days of such decision. Ordinance Section 1107.08(d) outlines the procedure to perfect such an appeal and requires that applications for appeal "shall contain a notarized signature of the property owner or owner's agent." Here, as reflected in the record before the Commission, the Objecting Business hired an experienced attorney to complete the application for the appeal on behalf of the Objecting Business. However, the attorney for the Objecting Business, the only person signing the application, did not have his signature notarized as required by the plain language of Ordinance Section 1107.08(d). Consequently, the Objecting Business has failed to perfect the Attempted Appeal and it should be dismissed.

Second, even if the BZA finds that the Objecting Business properly perfected the Attempted Appeal, the Attempted Appeal should nevertheless be dismissed. The plain language of Ordinance Section 1107.08(b)(1) governing appeals to the BZA states that "an appeal may be taken to the Board by a person, or by any office, department, board, or bureau **aggrieved by a decision** of any administrative or enforcement official or body charged with enforcement of this Ordinance [emphasis added]." The evidence in the record before the Commission and Ohio law establish that the Objecting Business is not a "person aggrieved" by Site Plan and Use Approval.

The "aggrieved" party language in Ordinance Section 1107.08(b)(1) is a term of art that governs standing of such party to pursue an appeal of quasi-judicial zoning decision such as the Commission's Site Plan and Use Approval and the Attempted Appeal thereof to this BZA. And Ohio courts have extensively interpreted it. The Ohio Supreme Court has explained that an "aggrieved party" is one whose interest is:

immediate and pecuniary, and not a remote consequence of the judgment. A future, contingent, or speculative interest is not sufficient to confer standing to appeal. Thus, in order to have standing to appeal, a person must be able to demonstrate a present interest in the subject matter of the litigation which has been prejudiced by the judgment appealed from.

Midwest Fireworks Mfg. Co. v. Deerfield Twp. Bd. Of Zoning Appeals, 2001-Ohio-24, 91 Ohio St.3d 174, 177 (2001) (internal citations omitted), citing *Ohio Contract Carriers Assn., Inc. v. Pub. Util. Comm.*, 140 Ohio St. 160 (1942) and *Willoughby Hills v. C.C. Bar's Sahara, Inc.*, 64 Ohio St.3d 24, 26 (1992). Thus, a "future, contingent, or speculative interest is not sufficient to confer standing on

¹ In addition to the two objections concerning the Attempted Appeal set forth therein, Applicants also previously objected to the review authority of the BZA over the Commission's Site Plan and Use Approval by way of letter dated May 5, 2025. While the City's Law Director disagreed with such position as set forth in his letter dated May 7, 2025, Applicants are proceeding subject to its objections they set forth in their May 5, 2025 letter.

appeal.” *Midwest Fireworks*, 91 Ohio St.3d at 177. Consequently, for a third party, like the Objecting Business, to establish they have standing as an “aggrieved” person to appeal to the BZA, such third party only has such standing if they “complain of harm which is unique to himself, as distinguished from the public at large.” *Meziane v. Munson Twp. Bd. of Trs.*, 2020-Ohio-5142, ¶ 13 (11th Dist.), citing *Willoughby Hills*, 64 Ohio St.3d at 26.

Under Ohio law, unsubstantiated opinion testimony is not reliable and probative evidence unless facts are included in the opinion. *Hindu Soc. of Greater Cincinnati v. Union Twp. Bd. of Zoning Appeals*, 2019-Ohio-2494, ¶ 28 (12th Dist.), quoting *Adelman v. Real Estate Co. v. Gabanic*, 109 Ohio App.3d 689 (11th Dist.1996); *OMNI Prop. Companies v. Sylvania Twp. Bd. of Zoning Appeals*, 2022-Ohio-3083, ¶ 34 (6th Dist.). Such unsubstantiated opinion testimony “is not evidence which may be considered when a [board of zoning appeals] is deciding whether to grant a conditional use permit.” *Hindu Soc. of Greater Cincinnati*, 2019-Ohio-2494, citing *Angels for Animals, Inc. v. Beaver Twp. Bd. of Zoning Appeals*, 2004-Ohio-7209, ¶ 16 (7th Dist.).

Moreover, while counsel for the Objecting Business stated that the conditional use would “devalue” the Objecting Business, such “statements of [legal] counsel are not evidence.” *Corp. Exchange Bldgs. IV & V, L.P. v. Franklin Cty. Bd. of Revision*, 82 Ohio St.3d 297, 299 (1998). Additionally, the allowance of a business in a zoning district containing similar operations cannot be prohibited on the basis of possible decreases in property value attributable to the quantity of such uses. *Kayo Oil Co.*, 1988 WL 131892, *6.

There is no question the Objecting Business appeared through counsel at the Commission hearing, along with the store manager of the Objecting Business, and they had the opportunity to present evidence and testimony and to cross-examine anyone present at such hearing to establish the Objecting Business actually was an aggrieved party because it was uniquely damaged. In fact, counsel for the Objecting Business argued that the Site Plan and Use Approval would “devalue” the Objecting Business and would increase traffic (despite the fact that counsel for the Objecting Business indicated he has no personal knowledge of the traffic in the area). There were no facts or evidence to back those two claims up. While the store manager did present some pictures of trucks stacking up, the testimony in the record showed those pictures were taken approximately two miles away, on a different street (Smith), and where a rail line is located.

The remarks of counsel for the Objecting Business and the Objecting Business’ store manager were simply unsupported speculative statements expressing vague remote concerns and were not based on facts. Under Ohio law, they should not be considered. Even if they were to be considered, such statements failed to establish any unique injury or impact on the property of the Objecting Business separate from the public at large. Consequently, the evidence and testimony in the record before the Commission establish that the Objecting Business is not an “aggrieved” person under Ohio law and lacked standing to appeal the Commission’s unanimous Site Plan and Use Approval to the BZA. Applicants respectfully request that the Attempted Appeal be dismissed due to lack of standing.

B. Even if the Attempted Appeal is not dismissed, which it should be, the BZA should affirm the Commission’s unanimous Site Plan and Use Approval based on the evidence and testimony in the record before the Commission.

1. The applicable criteria and review of the record before the Commission.

The BZA is to apply the following criteria in reviewing the Commission’s unanimous Site Plan and Use Approval:

The Board shall reverse an order of a zoning official only if it finds that the action or decision appealed:

- A. Was arbitrary or capricious; or
- B. Was based on an erroneous finding of a material fact; or
- C. Was based on erroneous interpretation of this Ordinance or zoning law; or
- D. Constituted an abuse of discretion.

Media Ordinance Section 1107.08(i)(4). Given the criteria above, the BZA's review is limited to the transcript of testimony and evidence that was presented at the Commission hearing to determine if the Commission erred in reaching the unanimous Site Plan and Use Approval.

This interpretation and conclusion was unambiguously confirmed by the Law Director in a letter dated May 7, 2025 ("Decision Letter"), which concluded that the above criteria are to be used and that the BZA's review is limited to the evidence and testimony that was before the Commission and not any new evidence and testimony (which makes logical sense given the BZA's narrow scope of review above to determine error – allowing new evidence and testimony would be outside the narrow scope of review). The Decision Letter was provided to Applicants through undersigned counsel and was also provided to the Objecting Business through its counsel on May 7, 2025. On May 8, 2025, counsel for the Objecting Business indicated that he disagreed with and objected to the foregoing interpretation and conclusion in the Decision Letter.

As set forth above, Ordinance Section 1107.08(b)(1) allows a person aggrieved from a decision of any administrative or enforcement official or body charged with enforcement" of the zoning regulations to file an appeal to the BZA "within fourteen (14) days of issuance of the applicable written decision." Therefore, the Objecting Business had until May 21, 2025 to file an appeal of the Decision Letter to the BZA. While counsel for the Objecting Business was obviously aware of that provision given he filed the Attempted Appeal under such provision, he nevertheless failed to file an appeal on behalf of the Objecting Business. Consequently, the correct interpretation and conclusions in the Decision Letter concerning the applicability of the above BZA review criteria based on the evidence and testimony in the record before the Commission is final and binding and cannot be revisited due to the failure to timely file an appeal.

2. A simple review of the record demonstrates the Commission's unanimous Site Plan and Use Approval was fully supported and should be upheld.

The Attempted Appeal cites two separate decisions rendered by the Commission: site plan approval and conditional use approval. The record before the Commission and a review of the applicable criteria demonstrate this BZA should affirm the Commission's unanimous Site Plan and Use Approval.

a. The Objecting Business' objections regarding conditioning the Site Plan and Use Approval on obtaining variances (which were obtained) have no basis in law.

At the Commission's hearing, counsel for the Objecting Business objected to the Commission's consideration of the site plan and conditional use applications because variances were needed for the access points and widths. However, as noted in the record and admitted to by counsel for the Objecting Business, the Commission has the power to add conditions on approvals. In this case, the Commission conditioned the Site Plan and Use Approval on the Applicants either satisfying the access point requirements or obtaining variances therefrom. There is no dispute that is proper under law. And there is no dispute that Applicants received the variances from this BZA that same evening.

b. The Objecting Business failed to make additional objections to the site plan before the Commission, which constitutes a waiver of such objections.

The Objecting Business did not raise any other concerns regarding the site plan at the hearing before the Commission. Consequently, any objections the Objecting Business has concerning the approval of the site plan have been waived and cannot be considered by this BZA. *Concerned Richfield Homeowners v. Richfield Plan. & Zoning Comm.*, 2010-Ohio-4095, ¶ 8 (9th Dist.), citing *Stores Realty Co. v. City of Cleveland, Bd. of Bldg. Appeals Standards and Bldg.*, 41 Ohio St.2d 41, 43 (1975).

c. The evidence in the record before the Commission overwhelmingly supported approval of the site plan.

Even if additional objections to the site plan were raised and not waived, which is not the case here, the evidence in the record before the Commission overwhelmingly supported approval of the site plan. Contrary to the Objecting Business' assertions, Ordinance Section 1109.02(c), governing the Commission's obligations to review and act on site plans, *does not require Applicants to prove beyond a reasonable doubt* satisfaction of the site plan criteria. That said, the only comments made against the application were the unsupported comments from counsel for the Objecting Business, which under law does not constitute "evidence," the unsupported comments regarding current traffic conditions by the Objecting Business store manager and an individual who does not live in the vicinity, which are likewise not proper evidence to consider under Ohio law as set forth above.

A simple review of the relevant site plan approval criteria and the evidence and testimony in the record before the Commission establish the Commission's approval of the site plan was not arbitrary or capricious, was based on correct findings of material fact based on the record before the Commission, was based on a correct interpretation of the City's Ordinances and zoning law, and did not constitute an abuse of discretion. "An abuse-of-discretion connotes more than an error of law or judgment; it implies that the action of the court is unreasonable, arbitrary, or unconscionable." *Nichols v. Hinckley Twp. Bd. of Zoning Appeals*, 145 Ohio App. 3d 417, 421 (9th Dist. 2001). This means that this BZA cannot substitute its judgment for that of the Commission absent an abuse of discretion. *Id.*

The record before the Commission is before this BZA for the review. However, attached hereto and incorporated herein by reference as **Exhibit A** is a demonstrative exhibit of all of the site plan criteria the Commission was to review, the overwhelming evidence and testimony that demonstrated satisfaction of such site plan criteria, and the complete lack of contrary evidence to support denial of the site plan based on the criteria. Consequently, Applicants respectfully request that the BZA affirm the Commission's approval of the site plan.

d. The evidence in the record before the Commission overwhelmingly supported approval of the conditional use.

Ordinance Section 1153.03(a) indicates that the Commission "shall establish beyond reasonable doubt that the general standards and the specific standards pertinent to each [conditional] use herein are satisfied." The record before the Commission is before this BZA for the review. However, attached hereto and incorporated herein by reference as **Exhibit B** is a demonstrative exhibit of the conditional use criteria and the overwhelming evidence and testimony that demonstrated satisfaction of such conditional use criteria. It is beyond a reasonable doubt that the evidence and testimony before the Commission concerning the conditional use criteria have been satisfied.

As mentioned above, the Objecting Business only raised two speculative, unsupported, and remote concerns concerning its property being “devalued” and that the conditional use will unreasonably increase traffic. But the Objecting Business failed to provide any sufficient factual evidence backing up such concerns. These concerns should not be considered because statements of counsel for the Objecting Business is not considered evidence and unsubstantiated opinion testimony is similarly not considered evidence. *Corp. Exchange Bldgs. IV & V, L.P.*, 82 Ohio St.3d at 299 and *Hindu Soc. of Greater Cincinnati*, 2019-Ohio-2494, ¶ 28. Regardless, even if they are considered, a simple review of **Exhibit B**, which does contain such unsupported statements, demonstrates the evidence and testimony in support of satisfaction of the conditional use criteria overwhelmingly exceeded any contrary evidence to the extent considered and established the Commission’s approval of the conditional use was beyond a reasonable doubt. Consequently, Applicants respectfully request that the BZA affirm the Commission’s approval of the site plan.

CONCLUSION

Given the foregoing, Applicants hereby respectfully request this BZA to either: (1) dismiss the Attempted Appeal; or alternatively, (2) affirm the Commission’s unanimous Site Plan and Use Approval based on the record before the Commission because the Commission’s unanimous Site Plan and Use Approval was not arbitrary or capricious, was based on correct findings of material fact based on the record before the Commission, was based on a correct interpretation of the City’s Ordinances and zoning law, and did not constitute an abuse of discretion.

Respectfully,

TUCKER ELLIS LLP



Anthony R. Vacanti

cc: Gregory A. Huber, Esq., Law Director (via email gghuber@medinaoh.org)
R. Todd Hunt, Esq., Special counsel (via email rthunt@ralaw.com)
David L. Firestine, Esq. (via email dlf@witscheylaw.com)
Harry Singh

Application Z25-09, Appeal to BZA of Planning Commission's Approval of P25-02 (Conditional Use and Site Plan)

Site Plan Criteria

EXHIBIT A

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>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 and shows 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. Sections 1109.02(c)(1)-(2).</p>	<ul style="list-style-type: none"> • Application narrative describing site plan and how it is designed to segregate automobile traffic from tractor-trailer traffic and to allow full access to rights of way. • Agreement to add tractor trailer access only sign. • Architecturally designed and surveyed stamped site plans and renderings showing vehicular approaches, streets, parking areas, and providing for sidewalk on property itself, not along ROW, to ensure safety. • Planning Staff report and testimony concerning the project and applicable criteria and recommending approval. • Testimony concerning how this use will serve the existing traffic. • Broker testimony concerning benefit to commercial and industrial properties in the vicinity. • Testimony concerning City Engineer and Fire Department review and approval / no concern / no need for traffic study. • Comments from Planning Commission Member Rose that traffic is fine and that there are turning lanes that will avoid a traffic backup. 	<ul style="list-style-type: none"> • Conclusory statements by Appellant's attorney concerning the access points, use creating an increase in traffic, devalue property, and potential visibility issues (NOTE: not factual testimony – attorney even indicated he was not familiar with this location - and other testimony shows Appellant's curb cut sizes are similar). • Unsupported conclusory testimony of Appellant's competing gas station manager based on photographs taken on different road (Smith Road) by railroad almost 2 miles away. • Unsupported conclusory testimony by resident who lives nowhere near the property that traffic will increase.

Application Z25-09, Appeal to BZA of Planning Commission's Approval of P25-02 (Conditional Use and Site Plan)

Site Plan Criteria

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
	<ul style="list-style-type: none">• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	

Application Z25-09, Appeal to BZA of Planning Commission's Approval of P25-02 (Conditional Use and Site Plan)

Site Plan Criteria

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>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 [and] 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. Sections 1109.02(c)(3) & (6).</p>	<ul style="list-style-type: none">• Application narrative describing demolition and redevelopment.• Architecturally designed and surveyed stamped site plans and renderings showing landscaping along streetscape, “substantial” screening adjacent to some of the single family homes, and redevelopment of commercial infill site.• Planning Staff report identifying the re-development of the site, describing the adjacent properties, recommending the addition of two more trees added along Lafayette Road, and recommending approval with conditions.• Planning Staff testimony identifying the re-development of the site, recommending the addition of two more trees added along Lafayette Road, and recommending approval with conditions.• Testimony from Mr. Berry that Appellant has similarly sized curb cuts across the street and similar front parking.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof conditioned on two more trees be added along Lafayette Road.	<ul style="list-style-type: none">• None.

Application Z25-09, Appeal to BZA of Planning Commission's Approval of P25-02 (Conditional Use and Site Plan)

Site Plan Criteria

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>Grading and surface drainage provisions are reviewed and approved by the City Engineer [and] 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. Section 1109.02(c)(4).</p>	<ul style="list-style-type: none">• Architecturally designed and surveyed stamped site plans and renderings showing construction notes based on applicable laws and confirming that all existing laws will be followed.• Planning Staff report recommending approval.• Planning Staff report confirming refuse area is compliant and confirmation that Engineering would have to approve a stormwater management plan.• Planning Staff testimony concerning the project and applicable criteria and recommending approval.• Testimony concerning City Engineer review and approval / no concern.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.

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<p>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. Section 1109.02(c)(7).</p>	<ul style="list-style-type: none">• Architecturally designed and surveyed stamped site plans and renderings showing commercial redevelopment of commercial infill site in a commercially zoned district.• Planning Staff report and testimony identifying the re-development of the site and describing the industrial properties to the north, commercial and auto repair properties to the south, industrial properties to the east, and single family residential and auto sales properties to the west (in Township) and recommending approval.• Planning Staff and Broker testimony identifying the re-development of the site and character of surrounding properties.• Planning Staff report and testimony that proposed elevation with stucco is acceptable because it incorporates different colors and recessed panels.• Testimony from Mr. Berry and comments from Appellant's attorney and Commission Member Russell about how Appellant has a similar business across the street.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.

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Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography. Section 1109.02(c)(8).	<ul style="list-style-type: none">• Architecturally designed and surveyed stamped site plans and renderings showing redevelopment of already cleared / used space with the addition of more landscaping / trees.• Planning Staff report recommending approval.• Planning Staff testimony concerning the project and applicable criteria and recommending approval.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.

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On-site circulation shall be designed to make possible adequate fire and police protection. Section 1109.02(c)(10).	<ul style="list-style-type: none">• Application narrative and testimony describing site plan and how it is designed to segregate automobile traffic from tractor-trailer traffic and to allow full access to rights of way.• Agreement to add tractor trailer access only sign.• Architecturally designed and surveyed stamped site plans and renderings showing vehicular approaches.• Planning Staff report and testimony concerning the project and applicable criteria and recommending approval.• Testimony concerning City Engineer / Fire Department review and approval.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.

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Site Plan Criteria

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<p>The following styles and materials are inappropriate and shall be discouraged from use: Stucco appearance, unless it is utilized with bands of accent color, recessed or protruding belt courses, wide reveals, or combinations thereof. Section 1109.04(c)(10)(D).</p>	<ul style="list-style-type: none">• Architecturally designed and surveyed stamped site plans and renderings.• Staff report and testimony that exterior, while stucco-like, incorporates different colors and recessed panels and is acceptable.• Planning Staff report and testimony concerning the project and applicable criteria and recommending approval.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.

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Site Plan Criteria

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>In all commercial, multi-family, industrial and public facilities district areas, open off-street parking may be located in a required front yard provided a minimum ten (10) foot wide landscaped strip is located between the parking area and the street right-of-way line unless a lesser depth is permitted by the Planning Commission due to site constraints. In no case shall the landscape strip be less than five (5) feet. Section 1145.09(b).</p>	<ul style="list-style-type: none">• Architecturally designed and surveyed stamped site plans and renderings showing a 10 foot parking setback but a 5 foot landscaping strip, per the Engineer's request, to allow for sidewalk to be on property and not adjacent to ROW for safety purposes due to site conditions.• Planning Staff report and testimony concerning the project and applicable criteria and recommending approval and explaining site conditions and need for 5 foot landscaping strip.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof, including approval of the 5 foot landscaping strip.	<ul style="list-style-type: none">• None.

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Conditional Use Criteria

EXHIBIT B

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>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. Section 1153.03(b)(1).</p> <ul style="list-style-type: none"> • Plan p. 32 – Industry should be expanded to grow the economy. • Plan p. 32 – Many commercial uses are aging and in need of new investment to improve conditions and market competitiveness. • Plan p. 49 – Economic development should focus on existing commercial and industrial centers. • Plan pp. 66-67 – Expand sidewalk network and landscaping along streetscapes. • Plan p. 72 – Promote infill growth / development and support of industrial commerce and business development. 	<ul style="list-style-type: none"> • Application narrative describing demolition and redevelopment. • Architecturally designed and surveyed stamped site plans and renderings showing landscaping along streetscape and redevelopment of commercial infill site. • Planning Staff report identifying the re-development of the site, recommending the addition of two more trees added along Lafayette Road, and recommending approval with conditions. • Planning Staff testimony identifying the re-development of the site, recommending the addition of two more trees added along Lafayette Road, and recommending approval with conditions. • Planning Commission review of application, site plan, testimony, and criteria, and approval thereof conditioned on two more trees be added along Lafayette Road. • Testimony of Troy Gerspacher, Broker, that it is good economic development of the property and will serve existing industrial uses. 	<ul style="list-style-type: none"> • Testimony that the proposed development will compete with the Appellant gas station (NOTE: contrary to Plan goal of new investment and improving market competitiveness).

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Conditional Use Criteria

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>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. Section 1153.03(b)(2).</p>	<ul style="list-style-type: none"> • Application narrative describing demolition and redevelopment. • Architecturally designed and surveyed stamped site plans and renderings showing commercial redevelopment of commercial infill site in a commercially zoned district. • Planning Staff report and testimony identifying the re-development of the site and describing the industrial properties to the north, commercial and auto repair properties to the south, industrial properties to the east, and single family residential and auto sales properties to the west (in Township) and recommending approval. • Planning Staff and Broker testimony identifying the re-development of the site and character of surrounding properties. • Testimony from Mr. Berry and comments from Appellant's attorney and Commission Member Russell about how Appellant has a similar business across the street. • Testimony from Mr. Berry that Appellant has similarly sized curb cuts across the street and similar front parking. • Testimony concerning the existing commercial and industrial traffic and how this use will serve the existing traffic. 	<ul style="list-style-type: none"> • Argument by Appellant's attorney concerning the access points (NOTE: not factual testimony – attorney even indicated he was not familiar with site – and other testimony shows Appellant's curb cut sizes are similar).

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	<ul style="list-style-type: none">• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	

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Conditional Use Criteria

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>Will not be hazardous or disturbing to existing or future neighboring uses and will not be detrimental to property in the immediate vicinity or to the community as a whole. Sections 1153.03(b)(3)-(4).</p>	<ul style="list-style-type: none"> • Application narrative describing demolition and redevelopment. • Architecturally designed and surveyed stamped site plans and renderings showing commercial redevelopment of commercial infill site in a commercially zoned district and providing for sidewalk on property itself, not along ROW, to ensure safety. • Broker testimony concerning benefit to commercial and industrial properties in the vicinity. • Planning Staff report and testimony concerning the project and applicable criteria and recommending approval. • Testimony concerning the existing commercial and industrial traffic and how this use will serve the existing traffic. • Testimony concerning City Engineer review and approval / no concern / no need for traffic study. • Comments from Planning Commission Member Rose that there are times when traffic is fine and that there are turning lanes that will avoid a traffic backup. • Planning Commission review of application, site plan, testimony, and criteria, and approval thereof. 	<ul style="list-style-type: none"> • Conclusory statements by Appellant's attorney concerning the use creating an increase in traffic (NOTE: not factual testimony – attorney even indicated he was not familiar with traffic at this location). • Unsupported conclusory testimony of Appellant's competing gas station manager based on photographs taken on different road (Smith Road) by railroad almost 2 miles away. • Unsupported conclusory testimony by resident who lives nowhere near the property that traffic will increase.

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Conditional Use Criteria

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>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. Section 1153.03(b)(5).</p>	<ul style="list-style-type: none"> • Architecturally designed and surveyed stamped site plans and renderings showing site features, public facilities, streets, utilities, lighting, refuse area, construction notes based on applicable laws, and confirmation that all existing laws will be followed.. • Planning Staff report concerning the project and applicable criteria and recommending approval. • Planning Staff report confirming refuse area is compliant and access to public water and sanitary, and confirmation that Engineering would have to approve a stormwater management plan. • Planning Staff testimony concerning the project and applicable criteria and recommending approval. • Testimony concerning City Engineer review and approval / no concern / no need for traffic study. • Testimony concerning no Fire Department concern / comment. • Planning Commission review of application, site plan, testimony, and criteria, and approval thereof. 	<ul style="list-style-type: none"> • None.

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Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
Will be in compliance with State, County and City regulations. Section 1153.03(b)(6).	<ul style="list-style-type: none">• Architecturally designed and surveyed stamped site plans and renderings showing construction notes based on applicable laws and confirming that all existing laws will be followed.• Planning Staff report recommending approval.• Planning Staff report confirming compliance with parking regulations, sidewalk regulations (as a condition), drive-through regulations, refuse regulations, elevation regulations, lighting regulations (as a condition), development standards except for the number of drive approaches and width thereof, from which variances have been granted in compliance with law.• Planning Staff testimony concerning the project and applicable criteria and recommending approval.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.

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Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>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. Section 1153.03(b)(7).</p>	<ul style="list-style-type: none"> • Application narrative describing site plan and how it is designed to segregate automobile traffic from tractor-trailer traffic and to allow full access to rights of way. • Agreement to add tractor trailer access only sign. • Architecturally designed and surveyed stamped site plans and renderings showing vehicular approaches. • Planning Staff report and testimony concerning the project and applicable criteria and recommending approval. • Testimony concerning the existing commercial and industrial traffic and how this use will serve the existing traffic. • Testimony concerning City Engineer review and approval / no concern / no need for traffic study. • Comments from Planning Commission Member Rose that there are times when traffic is fine and that there are turning lanes that will avoid a traffic backup. • Planning Commission review of application, site plan, testimony, and criteria, and approval thereof. 	<ul style="list-style-type: none"> • Conclusory statements by Appellant's attorney concerning the use creating an increase in traffic and potential visibility issues (NOTE: not factual testimony – attorney even indicated he was not familiar with traffic at this location). • Unsupported conclusory testimony of Appellant's competing gas station manager based on photographs taken on different road (Smith Road) by railroad almost 2 miles away. • Unsupported conclusory testimony by resident who lives nowhere near the property that traffic will increase.

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Conditional Use Criteria

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For drive-through, loudspeakers which cause a hazard or annoyance shall not be permitted. Section 1153.04(a)(2).	<ul style="list-style-type: none">• Planning Staff report and testimony concerning the project and applicable criteria and recommending approval.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.

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Conditional Use Criteria

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
For filling station, no lighting shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties. Section 1153.04(a)(5).	<ul style="list-style-type: none">• Lighting Plan submitted.• Planning Staff report and testimony concerning the project and applicable criteria and recommending approval, including compliant lighting plan (subject to confirmation on fixtures).• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.

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Conditional Use Criteria

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>For drive-through and filling station, such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares. Section 1153.04(a)(7).</p>	<ul style="list-style-type: none">• Architecturally designed and surveyed stamped site plans and renderings showing location at intersection of Lafayette Road and Lake Road.• Testimony concerning commercial traffic on roads.• Planning Staff report and testimony concerning the project and applicable criteria and recommending approval.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.

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<p>For drive-through and filling stations:</p> <p>A. Provided that such facilities are located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district, and provided further, that it would not limit expansion of the pedestrian-oriented facilities.</p> <p>B. 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.</p> <p>C. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.</p> <p>D. At least a six (6)-inch high pedestrian safety curb shall be installed along all street right-of-way lines, except at driveway approaches, where parking and/or service areas adjoin any right-of-way lines. Section 1153.04(a)(15).</p>	<ul style="list-style-type: none"> • Architecturally designed and surveyed stamped site plans and renderings showing location, sidewalks, access points, and curbing. • Zoning map showing location is at extremity of business district. • Testimony from Mr. Berry that the driveway approaches were located as far from the intersection as practicable. • Planning Staff report and testimony concerning the project and applicable criteria and recommending approval and request to move sidewalk to protect pedestrians due to site constraints. • Planning Commission review of application, site plan, testimony, and criteria, and approval thereof. • Testimony concerning City Engineer and Fire Department review and approval / no concern / comment. 	<ul style="list-style-type: none"> • Argument by Appellant's lawyer that site plan shows three access points, some of which are larger than 30 feet (NOTE: variances were obtained under the City's Ordinances). • Conclusory statement by Appellant's attorney concerning potential visibility issues (NOTE: not factual testimony – attorney even indicated he was not familiar with traffic at this location).

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<p>For filling facilities, all activities, except those required to be performed at fuel pumps, shall be carried on inside a building. If work is performed on a vehicle, the vehicle shall be entirely within a building. Section 1153.04(a)(21).</p>	<ul style="list-style-type: none">• Architecturally designed and surveyed stamped site plans and renderings showing use areas and site layout – no outdoor work except filling stations.• Planning Staff report and testimony concerning the project and applicable criteria and recommending approval.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.

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Conditional Use Criteria

Specific Criteria	Support in Record Establishing Satisfaction of Criteria and Granting of Conditional Use	Purported Contrary Support in Record
<p>For filling stations:</p> <p>A. The premises shall be used for vehicle servicing only. No rental, storage, parking or sales of trailers or vehicles of any type, or tools or other equipment, shall be permitted.</p> <p>B. The sale of seasonal products, such as Christmas trees, landscaping materials, garden materials and equipment, etc. shall not be permitted.</p> <p>C. The rental, leasing or permitting of parking of vehicles, except for servicing and/or emergency purposes, shall not be permitted.</p>	<ul style="list-style-type: none">• Architecturally designed and surveyed stamped site plans and renderings showing use areas and site layout.• Planning Staff report and testimony concerning the project and applicable criteria and recommending approval.• Planning Commission review of application, site plan, testimony, and criteria, and approval thereof.	<ul style="list-style-type: none">• None.