

**CITY OF MEDINA**  
Planning Commission Special Meeting

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September 13, 2016  
6:00 p.m.

Medina City Hall Council Chambers  
501 Evergreen Point Road

**CALL TO ORDER**

The Planning Commission Special Meeting of September 13, 2016, was called to order at 6:01 PM by Chair Reeves.

**ROLL CALL**

Present: Jeanne Carlson, David Doud (exited 7:12 PM,) Jen Garone, Mark Nelson, Vice-Chair Shawn Schubring and Chair Randy Reeves.

Absent: Steven Jackson

Staff Present: Robert Grumbach, Development Services Director  
Kristin McKenna, Development Services Coordinator  
Cristina Haworth, City Planning Consultant

**ANNOUNCEMENTS (6:02 PM)**

Grumbach made the following announcements:

- Council approved the Grading and Drainage Code Amendment Ordinance.
- Council will hold a study session on Monday September 26 at 5:30 PM to begin review of the city budget. The meeting is open to the public.
- Staff has assembled a draft of the Tree Management and Stewardship Plan. An open house is tentative for October or November.
- There are several improvement projects taking place around the city. Any questions or comments can be directed to Public Works Director, Ryan Osada or City Manager, Michael Sauerwein.

MOTION NELSON / SECOND GARONE TO EXCUSE COMMISSIONER JACKSON FROM THE SEPTEMBER 13, 2016, SPECIAL MEETING AND EXCUSE COMMISSIONER DOUD FOR EARLY DEPARTURE FROM THE SEPTEMBER 13, 2016, SPECIAL MEETING. APPROVED 6 - 0. (6:05 PM)

**AUDIENCE PARTICIPATION (6:06 PM)**

Ann Woodliff commented on the Accessory Recreational Facilities Code Amendment in support of reducing or eliminating setbacks and allowing enclosures for swimming pools within setbacks.

Stuart Mandel commented on the Accessory Recreational Facilities Code Amendment expressing his concerns on amending the existing code, saying that setback limitations are very important to the community as a whole, affecting things such as sound, visual and tree line issues. He also expressed concerns on amending the code for just one resident. Mandel provided a written summary of his comments.

Peter Lucas commented on the Accessory Recreational Facilities Code Amendment stating he echo's Mr. Mendel's comments. He also commented on his support of the special use permit process and disapproval of amending the existing code for one resident.

Martyna Mandel commented on the Accessory Recreational Facilities Code Amendment expressing her concerns on what could result if the existing code is amended and the effects it could have on neighboring lots when it comes to noise levels, fence heights and lighting.

Ian Morrison commented on the Accessory Recreational Facilities Code Amendment. He stated he represents the Simonyi family and provided a hand out to the Commissioners. Morrison gave a brief summary of why they were requesting the amendment. He confirmed a text amendment was generated after a discussion with the Simonyi family and City staff about a desire for the Simonyi's to develop a tennis court. Morrison stated he believes this is a public policy issue.

David Cooper is an architect and responded to questions from the Commissioners on the proposed tennis court location, lighting and fencing.

#### **PUBLIC HEARINGS (6:49 PM)**

##### QUASI-JUDICIAL:

- 1) Level 2 Tailored CMP. File No. CMP 16-002  
Site Address: 3225 Evergreen Point Road  
Applicant: Zelly White (Agent)  
Proposal: Construct a new 7,715 square foot single-family residence. Work includes importing up to 200 cubic yards of earth with work occurring within geologically hazard areas.

Chair Reeves asked if Planning Commission members had any disclosures related to the Appearance of Fairness Doctrine. There were none.

Chair Reeves asked if there were any challenges to any Planning Commission members participating in the hearing. There were no challenges.

Chair Reeves explained how the hearing would be conducted.

Grumbach gave the oath to Cristina Haworth, City Planning Consultant.

Haworth presented a summary of her staff report including explanation of the site plan. Haworth provided the staff's recommended to approve the Construction Mitigation Plan subject to the conditions proposed in the staff report.

Haworth responded to questions from the Commissioners.

Grumbach gave the oath to Oleg Ponomar, representative for the applicant, Artem Yaschenko, assistant to the representative, and Zach Logan, geo technical engineer for the applicant. Ponomar and Logan answered questions from the Commissioners. Yaschenko acted as a translator for Ponomar.

Chair Reeves opened the hearing to public testimony.

There was no public testimony.

After a brief discussion a motion was made.

MOTION SCHUBRING / SECOND NELSON TO APPROVE TAILORED CONSTRUCTION MITIGATION PLAN CMP-16-002 SUBJECT TO THE CONDITIONS IN THE STAFF REPORT WITH AN ADDITIONAL CONDITION ADDED THAT THE APPLICANT REPAIR ANY DAMAGE TO PRIVATE PROPERTY DUE TO CONSTRUCTION ACTIVITY ASSOCIATED WITH THIS PROJECT.  
APPROVED 5 – 0 (7:29 PM)

#### **OTHER BUSINESS (7:31 PM)**

- 1) Discussion on policy direction for Accessory Recreational Facilities Code Amendment

Grumbach provided the Commissioners a list of options to consider on policy direction. A very lengthy discussion ensued. Grumbach responded to questions from the Commissioners including questions on setbacks, variances, administrative special use permits, original grade, and the option of not amending the existing code. There was consensus among the Commissioners to consider amendments to the rear and side property line setbacks.

Commissioner Doud had exited the meeting at 7:12 PM but left his written statement for Chair Reeves to read.

Chair Reeves allowed public comment.

Martyna Mandel commented again confirming her earlier statements and requesting the existing codes not be amended at all. She also encouraged the Commissioners to come up with a solution that would only affect the individual property owner and not the community as a whole.

Ann Woodliff commented again saying she had a much better understanding of what the process entails and expressed support of coming up with a resolution that was between individual property owners and their direct neighbors.

Cynthia Atkins commented on the challenges with land use codes and individual property rights.

Ian Morrision commented again stating this issue is city wide and saying he would continue to reach out to the community to try to find consensus on a code that works for everyone.

Stuart Mandel commented again expressing his disapproval of changing the existing code for an individual property owner and the affect it would have on the community. He asked the Commissioners to work on a solution that would only affect the individual property owners and not the whole community.

Grumbach stated he would bring a draft of alternative options to the next meeting that may help narrow down the discussion. He will incorporate some of the standards, suggestions and comments that were discussed during tonight's meeting.

Due to the hour, the Commissioners agreed to table the discussion on both Noise Control regulation and Sign Code updates until the next meeting.

#### **ADJOURNMENT**

MOTION SCHUBRING / SECOND GARONE TO ADJOURN THE SEPTEMBER 13, 2016 SPECIAL PLANNING COMMISSION MEETING. APPROVED 5 – 0. (9:02 PM)

The next regular Planning Commission meeting is scheduled for Tuesday, September 27, 2016 at 6:00 PM.

Minutes taken by:



Kristin McKenna

Development Services Coordinator