

**MEDINA TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
REGULAR MEETING  
OCTOBER 21, 2008**

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:33 p.m. All Permanent Board members were present as well as both the alternates.

The Zoning Commission minutes of their September 16, 2008 meeting were approved as written. The Trustees have scheduled site plan reviews to be heard on October 30, 2008 at 6:00 p.m. A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

**SITE PLANS**

**Bill Board Sign-3105 Medina Rd.**

Mr. David Yale and Ms. Jennifer Wolbert from Clear Channel Outdoor were before the Commission for a request for a billboard to be located on the property currently owned by Denny's Restaurant west of the existing restaurant building. The size of the sign is proposed to be 300 sq. ft. (10'x30'). The setback for the sign would be 100 ft. from the road right of way. The overall height of the billboard would be 30 ft. The sign would face east and west to Rt. 18. Mr. Yale stated they would like for the east face of the billboard to be digital. This is permitted by the State of Ohio and he produced their State permit for this billboard which was issued by ODOT May 29, 2008.

Mr. Yale stated that there was a billboard approved previously for this site but for some reason was never erected. Mr. Yale then passed out copies of the ORC 5501 and an aerial view of the property in question. He added that billboards are a permitted use in an Industrial or Commercial District in the State of Ohio. The proposed site is zoned Commercial. Regarding the east face proposed changeable copy, this too is permitted in the State of Ohio and digital technology is a recognized and approved means for a billboard.

Chair Strogin read Section 605 C. of the Medina Township Zoning Resolution which permits such a sign on industrial, commercial and accepted agricultural zoned land and shall require a zoning certificate... "No such sign shall be located closer than 1,000 ft. to a public park, public or parochial school, library, church, hospital or any such similar situation..." Chair Strogin continued that there was a billboard approved previously at this location. However, since the time the billboard was approved, there has been a school built approximately 721 ft. from the proposed sign location. From that standpoint, the sign would not be permitted. In terms of the digital technology, the Zoning Resolution states there is to be no flashing or otherwise use of motion to attract attention. She added that even under the ORC it states that, "Off-premise

advertising devices shall not contain, include or be illuminated by any flashing, intermittent, or moving light or lights...a multiple message or variable message advertising device shall not be illuminated by flashing, intermittent or moving lights. No multiple message or variable message advertising devices may include any illumination which is flashing, intermittent, or moving when the sign face is in a fixed position."

Chair Strogin continued that since more than a year has passed since the original billboard request was approved and it was not erected the permit is null and void. Second, since the original billboard approval, a school has been built across the street in Montville Township so this proposed sign would not be permitted based on those two facts which have been confirmed with the Medina County Pros. Office.

Mr. Yale stated he was in concurrence of the distance of the sign but in regards to the Goddard School, he stated that it is located in another Township and is not located on Rt. 18 where the billboard sign is proposed to be located, but on another street behind the McDonalds. Mr. Yale added that the Goddard School is not a parochial school it is a pre-school and a commercial business located in a commercial zone. He stated that if one looked at the nature of the businesses on Rt. 18, that part of the code would not apply. Mr. Yale continued that under the ORC the required distance for any such advertising device from any public park or playground is 500 ft. and they would like the Township to consider the stated distance in the ORC.

Regarding the nature of the sign itself, Mr. Yale stated that digital is a static message. They have built several in Cleveland and Akron over the last 5 yrs. The message displayed will be static for period of 8 seconds. There is no movement or flashing of the sign. When that message changes to the next message, it is an instantaneous change (less than 1 second).

Mr. Jarrett asked the distance of the proposed sign to the Interstate (I-71). Mr. Yale and Ms. Wolbert stated they did not have that information. ZI Ridgely stated it had to be at least 660 ft. as that was where the original proposed billboard was going to be placed and this sign would be a bit farther than that. Mr. Jarrett then asked why they were proposing a static sign facing east and a standard face on the billboard facing west. Mr. Yale responded, first of all technology is moving to digital. He added that when they erected such outdoor advertising in Cleveland and Akron, they found that people like them. Such displays are used for Amber Alerts on the billboards and they have had city planners who like this product and see it as the future technology for such signs. They feel it gives the city life and is cutting edge technology. Advertisers who never would have considered using a standard billboard like this technology as well. To the question why one side would be digital versus both, Mr. Yale stated that there is stronger traffic appeal going <sup>west</sup> ~~east~~ bound on Rt. 18. It makes sense from a financial investment to have the ~~east~~ <sup>west</sup> face of the sign be digital because this type of sign is approximately 1/2 million dollars in cost due to the stronger traffic appeal heading east on Rt. 18.

Mr. Jarrett then asked, based on the submitted aerial map were there any other signs on the Denny's parcel? Ms. Wolbert stated yes. Mr. Jarrett asked how close the proposed sign to the existing sign is. Ms. Wolbert stated she did not see it indicated on the aerial. Chair Strogan stated there is a high-rise sign for Denny's and asked how far away was the proposed sign to the high-rise sign? Ms. Wolbert did not respond. Mr. Jarrett stated he was looking at the position of the proposed sign and its distance to other signs on the adjoining parcel and/or activity of other businesses where this particular sign is proposed to locate.

Mr. Yale stated the two closest businesses would be the Denny's Restaurant to the east and the Pizza Hut to the west. Those businesses' signs do not show up on the aerial. Mr. Jarrett asked how does this sign relate to the business that the proposed sign is to be placed on. Mr. Yale stated this proposal is for an off-premise advertising sign, so it would not have any direct relationship with Denny's.

Mr. Jarrett asked if the current business on this parcel already has an existing sign is the proposed sign even permitted based on that fact? Chair Strogan stated she could not recall the motion for the original billboard but added that was a mute point because the code does not permit such a sign to be located closer than a 1,000 ft. of a parochial or public school. The code does not state that the school must be located in Medina Township or that the school must be directly across from the proposed site. Chair Strogan also produced and read a letter from the Goddard School (see file) which in sum stated the Goddard School is a State licensed school.

Ms. Gardner stated that though the ORC allows for the distance for an off-site premise advertising sign to be 500 ft., the Township is allowed to have more stringent regulations but the Township cannot go below the minimum regulations of the ORC.

Mr. Overmyer asked how the 8 second display time was determined? Mr. Yale stated the Federal Highways, working with the various states, determined that was the time period for traffic safety in regards to these types of signs. He added there were actual regulations, which specify the 8-second time frame. The State of Ohio would not allow them to go under the 8 seconds. Mr. Overmyer stated he felt that even the 8 seconds constitutes a distraction regardless of what the State says. Ms. Gardner concurred with her experience driving and seeing the traffic reaction with such a sign on I-271. Mr. Yale responded there have been two studies done (see file) on digital billboards and traffic safety and both studies found the same result that digital signs do not produce any traffic safety hazard. Mr. Overmyer asked if they were published? Mr. Yale stated yes they were and handed them out.

Mr. Jarrett asked if the studies differentiated colors. He added that there is one such sign in Medina County that when it does flash it flashes red and blue and his first instinct is a

police car with flashing lights and it is a distraction. Chair Strogin stated looking at the two studies it does not indicate who or what date they were published. Mr. Yale stated he could produce the full studies. Mr. Overmyer stated he too would like to see the citations of publication. Mr. Yale stated he could get that information to the Commission.

Chair Strogin stated that even something changing every 8 seconds is movement. The zoning code states that, "No sign shall employ any parts or elements which revolve, rotate...or otherwise make motion to attract attention..." The code also requires a billboard sign to be located 1,000 ft. from any school; and the Township has a document from the Goddard School that they are a licensed school. She continued there was also a common opinion between the Commission and the statement made by the applicant that the proposed sign is 721 ft. from the Goddard School and is a substantial difference from the requirement of 1,000 ft. The rest of the Commission members agreed with Chair Strogin that the proposed billboard did not meet the requirements of the Zoning Resolution.

Ms. Gardner made a motion to deny the proposed billboard sign by Clear Channel Outdoor to be located at 3105 Medina Rd. as presented as it does not meet the Medina Township Zoning Resolution Section 605 G. which states, "no such sign cannot be located any closer than 1,000 ft. to a public or parochial school..." The proposed sign is only 721 ft. (+/-) from a school. It was seconded by Mr. Jarrett.  
ROLL CALL-Gardner-yes, Jarrett-yes Overmyer-yes, Williams-yes, Strogin-yes.

Mr. Yale asked about the appeals process before the Township Board of Appeals. It was explained to him and the deadline for submittal of an appeal is October 31, 2008 at noon. The hearing if an application is received by the deadline would be November 19, 2008 at 7:30 p.m.

Mr. Yale asked if the Trustees could overturn the recommendation of the Zoning Commission. Chair Strogin stated that the Trustees could not approve something that was not in compliance with the Zoning Resolution. Therefore, the applicant still needed to go before the Trustees and then apply to the BZA if the intent is to request a variance.

**Text Amendment-Bill Doraty 2925 Medina Rd.**

Mr. Bill Doraty from Bill Doraty KIA was before the Commission with a text amendment application. The text amendment is of Section 605 E. Movement to allow inflatables without any time frame or restrictions.

Chair Strogin stated that the only thing the Commission is to do this evening per legal counsel is to set the public hearing. All evidence, testimony and questions will be taken at that time. By law, this amendment has to be sent to the Medina County Planning Commission for review and their response has to be read into the public record. Chair Strogin continued that the Zoning Commission was legally obligated by law to follow

that procedure but did not have to follow the recommendation of the Medina County Planning Commission.

The Commission explained the procedure to the applicant, Mr. Doraty, for a public hearing. The public hearing needed to be set no less than 20 no more than 40 days after the application was officially received by the Zoning Commission. By law, the application would then need to be forwarded to Medina County Planning within 5 days of its receipt. It was stated that because it was past the filing deadline for the Medina County Planning Commission's next monthly meeting (November 5 2008) this text amendment would not be revived by the Medina County Planning Commission until December 3, 2008 at 6:30 p.m. However, due to the legal time constraints the Zoning Commission would open up their public hearing on their regularly scheduled monthly meeting date of November 18, 2008 at 7:30 p.m. but it would have to be continued until the Zoning Commission's December meeting date (December 16, 2008) because the recommendation of the Planning Commission would not be received by the November meeting date.

Mr. Overmyer made a motion to set a public hearing on the proposed text amendment by the applicant, Mr. Bill Doraty of Section 603 E. Movement to permit inflatable devices with no time limitations or restrictions for November 18, 2008 at 7:30 p.m. with the regular meeting of the Zoning Commission to follow immediately after. It was seconded by Mr. Williams.

ROLL CALL-Overmyer-yes, Williams-yes, Jarrett-yes, Gardner-yes, Strogin-yes.

**E. H. Roberts Company-5000 Foote Rd.**

Mr. Brian Russell from the Hoffman Group represented E.H. Roberts Company. Mr. Roberts stated this business is a call center for HVAC. They would be going in on the second floor of the Hoffman Group building.

Mrs. Gardner made a motion to approve the change of use for E.H. Roberts Company located at 5000 Foote Rd. as presented. No signage is approved at this time. It was seconded by Mr. Overmyer.

ROLL CALL-Gardner-yes, Overmyer-yes Williams-yes, Jarrett-yes, Strogin-yes.

**MISC.**

Mr. Jarrett thanked the Trustees for being allowed to attend the Medina County Workshop Series in August. The speaker was Gregory Dale who has extensive experience in Planning at the local and national level. Some of the topics he discussed was decision making and the procedure process, finding of facts etc. Mr. Jarrett stated the main message was that the Township zoning board members need to know procedures and make arguments that are legally defensible.

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Secretary Ferencz thanked everyone for their prayers, support and donations regarding the fire that took place at her home and the injury of her husband.

Mr. Williams stated there was a sight distance issue at the top of Cynthia and Windfall Rd. due to a tree. Trustee Wilkins stated he would ask the Road Dept. to investigate.

Having no further business before the Board, the meeting was officially adjourned at 8:50 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary

  
Alliss Strogia Chairperson