

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING-AUGUST 18, 2009**

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:34 p.m. Permanent Board members Overmyer, Szunyog, Jarrett, Erickson and Strogin were in attendance. Alternate Board members Michelle Kirda and Jim Apana were also present.

General Information

- Workshop Series (Sign Seminar) hosted by Dept. of Planning Services-Sept. 16, 2009 @ 6:30 p.m. at the University of Akron Campus in Lafayette Twp.
- Windmill Seminar by the Dept. of Planning Services-August 25, 2009 @ 6:30 p.m.
- American Planning Association Seminar-September 23, 24 and 25th. Sheraton Suites-Cuyahoga Falls.
- Workshop Certification Series sponsored by the Dept. of Planning Services for 6 wks. starting October 13th and running through November 24th @ 6:30 p.m. If 15 people or more from the OTA want to attend the price will drop down to \$89.00 instead of \$119.00.

Any board member interested in attending a seminar that requires a fee, would have to obtain the permission of the Township Trustees to attend.

The Zoning Commission minutes to the July 21, 2009 meeting were approved as amended. The Trustees have scheduled site plan reviews to be heard on September 3, 2009 at 7:00 p.m. A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

SITE PLANS

Legacy Hair Studio-3723 Stonegate Dr.

Mr. James Briola from Northcoast Sign and Lighting represented Legacy Hair Studio signage request. Mr. Briola stated Legacy Hair Studio would be locating in the former location of Hair Max. The existing signage would be replaced with new signage reflecting the new business and name. Mr. Briola stated he was also before the Commission this evening to request a 19.25 sq. ft. wall sign. The business has 20 ft. of linear frontage.

Mr. Overmyer made a motion to approve the wall sign for Legacy Hair Studio located at 3723 Stonegate Dr. not to exceed 19.25 sq. ft. as presented. It was seconded by Mr. Jarrett.

ROLL CALL-Overmyer-yes, Jarrett-yes, Erickson-yes, Szunyog-yes, Strogin-yes.

Mr. Briola stated he was before the Commission to request a panel on the existing ground sign for Legacy Hair Studio not to exceed 8.25 sq. ft. They would remove the existing sign panel and replace it with the new business name.

Ms. Szunyog made a motion to approve a panel on the existing pylon ground sign for Legacy Hair Studio located at 3723 Stonegate Dr. not to exceed 8.25 sq. ft. as presented. It was seconded by Mr. Erickson.

ROLL CALL-Szunyog, Erickson-yes, Overmyer-yes, Jarrett-yes, Strogin-yes.

ID Creative Group Ltd.-4081 N. Jefferson St.

Ms. Susan Romine represented ID Creative Group Ltd. Ms. Romine stated the name of original business was Advantage Design Services Inc. This was just a name change of the company. Ms. Romine stated that she was requesting a panel change on the existing ground sign consisting of 1.72 sq. ft. to reflect the new name-ID Creative Group Ltd.

Mr. Erickson made a motion for a panel to be placed on the existing pylon sign for ID Creative Group Ltd. located at 4081 N. Jefferson St. not to exceed 1.72 sq. ft. as presented. It was seconded by Mr. Jarrett.

ROLL CALL-Erickson-yes, Jarrett-yes, Overmyer-yes, Szunyog-yes, Strogin-yes.

Medina Vision and Laser Center-4463 Weymouth Rd.

Mr. David Maison from Wolf Maison represented Medina Vision and Laser Center. This business would be locating in the former location of Rabbit's Foot/Grace Bros. ~~Gardner~~ Garden Center. Mr. Maison added that the former Rabbits Foot went to sheriff's auction and the transfer to the new owner, Dr. Christine Beiling was still in process. Mr. Maison stated they would be making modifications to the garden center to convert it into an office building. In doing so they would clean up the existing grounds and adding landscaping. The parking lot would be resurfaced and stripped accordingly. Mr. Maison stated in doing the resurfacing, they would also be putting in two (2) ADA ramps. Mr. Maison continued that there were existing light poles but as part of phase 1 of this project, they would be adding three (3) decorative light fixtures. Chair Strogin stated the height of the light poles could be no higher than 20 ft. and the light could not bleed onto another's property.

Chair Strogin asked if they would be conducting laser surgery at this location? Mr. Maison stated not at this time. That would be a future use and development of this practice. Right now it would consist of offices and exam rooms plus the boutique where the eyeglass frames are sold. Dr. Tim stated at their existing location, also in Medina Twp. there is a laser facility. Due to the economy Lasik surgery is down quite significantly. Therefore they would not be making the investment in the laser surgery portion of the business at this time but there was enough square footage to add that operation to this business at a future date. The plan before the Board this evening was for the vision center portion of the business only. Dr. Tim added their existing location would be closing once the modifications are completed to the new building.

Mr. Erickson asked about the dumpster? Mr. Maison stated there was a dumpster in the rear which was enclosed, but it was not shown on the site plan.

ZI Ridgely asked what would be done with the two existing buildings on the property? Mr. Maison stated the existing pole barn would be painted to match the building and would remain as a buffer from the residences on Granger Rd. Regarding the existing 24'x 36' shop it too would remain, as currently there is a photography studio operating in it. ZI Ridgely stated the photography shop was an accessory use to Rabbit's Foot. Mr. Maison stated they would like the tenant to remain or to lease the space to a new tenant.

Dr. Beiling stated she has considered removing the existing pole building and having somebody haul it away. The decision would be either to paint the existing pole building the same as the main building or tear it down. Mr. Maison stated the pole building, if it remains, would be used for the storage of lawn care items, etc.

There was then discussion by the Board as to how the photography business could be considered an accessory use to the principal use and remain in operation. ZI Ridgely asked if the photography business was planning on remaining? Dr. Beiling stated they were trying to work this all out during the transfer of the property. Chair Strogin stated the code allows for one business per parcel. Regarding accessory uses, such uses could be operated in the other buildings as long as the use was accessory to the principal use on the property.

Mr. Maison then asked what could be done to make this a multiple use parcel? Mr. Maison stated the property consisted of approximately 400 ft. of frontage and 4 acres. Chair Strogin stated the property was zoned LB (Limited Business). The minimum lot width is 100 ft. at the building line. She added multiple businesses could go in the main building but if you have multiple buildings on the property with different business being run in them then the property would need to be split. Chair Strogin stated if you have the required frontage and can meet the setback requirements, the property could be subdivided and different buildings and businesses could locate and operate.

Dr. Beiling stated there was a large area in the main building that they were not planning on utilizing and they wanted to possibly secure a tenant. Chair Strogin stated that would be permitted inside the building. Regarding the house, Dr. Beiling stated asked if it could be used as a house and rented out? Chair Strogin stated that would not be permitted because the house has not been used as a residence for over 2 yrs. She added she could never remember the house being used for anything else but a commercial accessory use to the main building. Chair Strogin suggested the applicant/architect speak with the zoning inspectors if they want to move forward with multiple businesses on the property.

Chair Strogin read the comments of the Medina Twp. Fire Chief:
"In order to remodel this building, permits would need to be obtained from the Medina County Building Dept. I will be working with the Building Dept. during this

transformation, to bring the building up to current fire code.” Mr. Maison stated he was aware of those requirements.

Mr. Overmyer made a motion to approve the change of use for Medina Vision and Laser Center to be located at 4463 Weymouth Rd. as presented. It was seconded by Mr. Erickson.

ROLL CALL-Overmyer-yes, Erickson-yes, Jarrett-yes, Szunyog-yes, Strogin-yes. The applicant has been made aware that any additional pole lighting can not exceed 20 ft. in height.

Autos Buy Owner-4160 Pearl Rd.

Mr. Eric Sonnie represented Autos Buy Owner. Mr. Sonnie stated they wanted to relocate their existing business to the property next door, which was formerly Bill Doraty’s. The nature of the business is a display lot for private owners to market their vehicles.

Mr. Jarrett stated he knew there were some issues of the vehicles being parked in the right of way at the existing location. He asked if there would be any problems with that at the new location? Mr. Sonnie stated he was unaware of that situation. Mr. Jarrett added there were vehicles parked in the grass area out in the right of way and even close to the curve of the street on several occasions. Mr. Sonnie responded the property line is very close at this location. Chair Strogin produced an aerial view of the property and added the grass was the road right of way and there are to be no vehicles in the road right of way. ZI Ridgely stated she has spoken to Mr. Sonnie’s son who was the operator of the business about moving vehicles out of the right of way and he has complied when contacted. ZI Ridgely stated that a lawn maintenance truck was parked at the former Doraty location and that was not permitted and needed to be moved as well.

Mr. Jarrett made a motion to approve the change of use for Autos Buy Owner to be located at 4160 Pearl Rd. as presented. It was seconded by Ms. Szynog.

ROLL CALL-Jarrett-yes, Szunyog-yes, Overmyer-yes, Erickson-yes, Strogin-yes.

Mr. Sonnie stated he was also before the Commission to request a 22.75 sq. ft. ground sign. He stated he would just be moving the existing ground sign at the current location to the new location. Chair Strogin asked what landscaping would be incorporated around the sign? Mr. Sonnie stated a planter box under the sign filled with decorative rocks.

Mr. Overmyer made a motion to approve a ground sign for Autos Buy Owner not to exceed 22.75 sq. ft. and to be located 10 ft. from the road right of way as presented. It was seconded by Mr. Erickson.

ROLL CALL- Overmyer-yes, Erickson-yes, Szunyog-yes, Jarrett-yes, Strogin-yes.

All State Kirk Hirschfelder Agency-3443 Medina Rd.

There was no one present to represent the applications.

Ms. Szunyog made a motion to table the site plans and signage applications for All State until the Commission's next monthly meeting scheduled for September 15, 2009 at 7:30 p.m. due to non-representation. It was seconded by Mr. Jarrett.

ROLL CALL-Szunyog-yes, Jarrett-yes, Overmyer-yes, Erickson-yes, Strogin-yes.

MISC.

The Commission then discussed the proposed digital sign language. ZI Ridgley stated that regarding the digital sign previously approved for NOVA Animal Hospital she spoke with Ms. Devanney from the Pros. Office about it. Ms. Devanney stated as long as there was one message time and the temperature was permitted as they were addressed in the signage language in the Zoning Resolution. Chair Strogin stated the Commission did not approve the time and temperature on the digital sign.

Mr. Dave Sterrett from Medina Signs stated the time and temperature on NOVA Animal Hospital's digital sign was probably his fault. As the person who made the application he thought because time and temperature was addressed in the zoning code it was permitted. Chair Strogin stated though time and temperature was addressed it needed to be requested and approved by the Commission for a sign. Chair Strogin stated the signage as displayed by NOVA totally defeats what they said they were going to do. The owner stated she was only going to change the message once a day, which is what she is doing, but in between the message is the flashing of the time and temperature. Chair Strogin asked Mr. Sterrett if the time and temperature could be removed from the sign? Mr. Sterrett stated yes it probably could. Again Mr. Sterrett stated he did not think he needed to seek approval for time and temperature on the digital sign because he thought that was permitted per the zoning code. Chair Strogin reiterated that it still needed to be approved by the Commission. She added that if the time and temperature would have been discussed at the time NOVA came in for their digital sign approval the decision may have gone differently.

Mr. Sterrett stated in his opinion, the way NOVA's sign is functioning besides the time and temperature was unsatisfactory and provided for a dangerous situation. The letter characters being used were too small and could not be read. He added if the Township was going to send NOVA a letter about the sign to send it to him as he was the applicant for NOVA and of the understanding that the time and temperature was permitted. Chair Strogin stated time and temperature is permitted but with approval by the Commission.

Chair Strogin asked if the time and temperature could be put somewhere up in the corner of the text message area? Mr. Sterrett stated the time and temperature could be incorporated in the message, but that would leave NOVA less characters for their message which was an issue now. Some Commission members interjected they could not even read the message on the digital sign.

Mr. Sterrett stated the reason the message could not be read was due to the characters being too small and there were too many characters being used. If the message consists of 10 words and there can only be 3 words on the sign on at one time, it would require a minimum of 3 frames to get the message out. Chair Strogin stated by the time one frame goes by and it changes to the second frame the motorist is long gone.

Mr. Sterrett continued that he was at the City of Medina the other evening, and they were going to review and revamp their digital sign code. They would require digital signage to have automatic means of lowering the intensity of the lighting as it turns from day to night and decreasing the time permitted between messages. That meant the time between messages would be shorter than 1 minute.

Mr. Sterrett stated he meant to bring his laptop before the Commission this evening so he could show the board how such digital signs are programmed and work but was unable to do so. He added he would be taking his laptop over to the City of Medina so they could see how such signs operate and how they can be programmed. Mr. Sterrett offered the same option to Medina Township as well.

Mr. Overmyer stated he felt NOVA could do more with their sign if they increased the character height. Chair Strogin stated the message also changes too quickly to the time and temperature to be read. Mr. Sterrett agreed. He stated that possibly this situation was beneficial as the Township could see first hand how a digital sign should not operate or be programmed. Chair Strogin stated a brief message was better than a long one that could not be read or impossible for somebody in an automobile to read and not become a safety factor.

Mr. Overmyer stated he spent 10 years of his career as a newspaper editor writing headlines for one-column stories. It was not infrequent to be limited to 7 characters dependent on the type. It takes some creativity and insight to be able to do that and in turn that would apply to NOVA's digital sign as well. ZC member Szunyog stated if the time and temperature were not incorporated maybe the message could be read.

Chair Strogin stated those on the Commission know that NOVA Community Animal Hospital is a veterinarian clinic but the average person driving by probably does not. Though the Commission cannot control content, the name i.e. Community Animal Hospital could not be read unless somebody got out of their car to do so. If NOVA was trying to solicit new business, it would be in their best interest to have the permanent header in print large enough to read and understand what the nature of their business is.

Mr. Sterrett asked if the Township would entertain a test to be conducted over a two-day period on proper messaging on that digital sign? Chair Strogin asked if NOVA would permit that? Mr. Sterrett responded he did not think that would be a problem but he would have to change frames i.e. he could not put a whole message on one frame. The

size of the sign would not change it would be the number of frames displayed because the character size would increase. Mr. Sterrett stated this would get into the movement portion of the signage code but he would like to conduct this experiment in order for the Commission members to make an informed decision on such signs.

Chair Strogin stated what this conversation brought up is that digital signs aren't always the best signs especially for certain businesses. Mr. Sterrett stated if NOVA would be permitted to have a much larger size sign than what is currently required in the code i.e. 32 sq. ft. then maybe NOVA could get all their messages out. Mr. Overmyer stated there are limitations and if NOVA invested in a digital sign that was not adequate to carry the message the way they wanted to, that was their issue.

Chair Strogin stated there were two existing signs in the Township that displayed the time and temperature and they were not obnoxious nor did they draw attention away from the road. She added that she believed NOVA's sign was changing quicker than every 8 seconds from the message to the time or temperature and then back to the message again. Mr. Sterrett stated there are studies that say that 8 seconds at a certain speed was enough time to see a complete message.

Mr. Sterrett again stated he wanted to set up a test on NOVA's sign for a certain time period of maybe 2-days and program a series of frames. He would have the Commission members drive by and see if they could read the message in a safe manner while driving their vehicles. Mr. Overmyer stated he would be amenable to the test because if the Commission is ever challenged on what they decide the code on such signs should be, the Commission could state that it had first hand knowledge of how these types of signs function, what character size works and can be programmed as a result of this experiment. Chair Strogin stated she just wanted to make sure the "test" did not become permanent.

Chair Strogin stated the name NOVA Animal Hospital on the static sign above the digital message board could hardly be read. The aqua blue lettering on the message board was barely legible driving by. She added if NOVA was trying to attract new customers this was not the way to do it. Mr. Sterrett interjected he did bring up some of those concerns to NOVA but ultimately it is the client's decision and the vet is doing her own programming of the sign. Chair Strogin stated the wordy messages could not be read. Just using keywords like Heartworm Season or Rabies Shots would get the message across and pet owners know what those issues are. Mr. Sterrett stated at 2'10" you could get two lines of characters at 12" each. At 12" the sign would display approximately 6 characters per line.

The Commission stated they would be receptive to a "test" being conducted with the NOVA Animal Hospital digital sign. Mr. Sterrett stated he would remove the time and temperature from the sign and replace it with just a message. Chair Strogin asked Mr.

Sterrett to set it up and have the zoning office contact all the Commission members as to the days the test would take place. She also asked Mr. Sterrett to speak with the owner of NOVA Animal Hospital to see if the time and temperature would be removed from the sign as that really was not approved. Chair Strogin stated the time and temperature was being displayed so briefly and was probably not even necessary due to that information being on one's cell phone or in one's car. She added that if the reasoning for the digital sign was to attract more customers to the business, it did not appear the sign was being utilized correctly to do that.

Regarding the proposed digital signage language Chair Strogin presented at last month's meeting, she added she did contact Mr. Thorne and he was o.k. with the language except for 2. Color. Color should be limited to one single color to be determined by the Zoning Commission. Mr. Thorne said to either leave the color out or reference the color to what was already in the zoning code per Section 603 D.2, which read, "Any illuminated business sign (including those illuminated by neon or other gaseous type tubes, or by incandescent lamps) erected within one hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic shall not be duplicated in the electric light of such sign in any colors appearing in the traffic control signal."

Chair Strogin continued that Mr. Thorne also suggested that time and temperature be taken out of the zoning code completely. Mr. Thorne's interpretation is that time and temperature is the same as a message. Per that legal opinion, NOVA Animal Hospital was permitted one message a day and there are three messages being displayed with the inclusion of time and temperature.

Mr. Overmyer stated that it has been the practice of the Township to try to mimic the signage of the City but he was not particularly interested in doing that. He added the Commission should come up with the code that will be the most beneficial to the Township. ZC member Szunyog stated the City was making changes to their code and felt it should be paid attention to as well

Mr. Sterrett also suggested bringing in a projector for the Commission members to play with the program that shows all the functions these digital signs can perform. The Commission stated they would table the proposed language until the sign "test" has been completed and would move forward with any further discussion as well.

Chair Strogin introduced Trustee Mr. Mike Stopa who was named to take former Trustee Holt's place on the Board due to her unfortunate and untimely death in July.

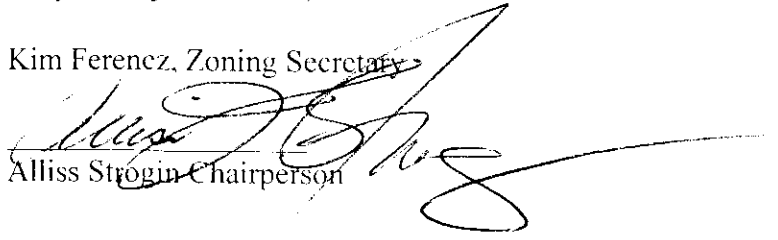
Having no further business before the Board, the meeting was officially adjourned at 9:17 p.m.

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Respectfully Submitted,

Kim Ferencz, Zoning Secretary

Alliss Strogin Chairperson

A large, stylized handwritten signature in black ink, which appears to be "Alliss Strogin", is written over the typed name and extends across the page.