

**MEDINA TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
ORGANIZATIONAL/ CONTINUATION OF PUBLIC HEARING-  
DORATY TEXT AMENDMENT/REGULAR MEETING  
JANUARY 19, 2010**

Acting Chairperson Alliss Strogin called the organizational meeting of the Medina Township Board of Zoning Commissioners to order at 7:35 p.m. Permanent Board members Overmyer, Apana, Szunyog, and Strogin were in attendance. Alternate Board member Matt Payne sat in for a full Board due to the absence of permanent Board member Erickson.

**ORGANIZATIONAL MEETING**

**Election of Officers**

Secretary Ferencz called for nominations for Chairperson.

Mr. Overmyer made a motion to nominate Alliss Strogin as Chairperson of the Zoning Commission for the calendar year 2010. It was second by Mr. Apana. The nominations were closed.

ROLL CALL-Overmyer-yes, Apana-yes, Szunyog-yes, Payne-yes, Strogin-yes.

The meeting was turned over to Chair Strogin. Chair Strogin then called for nominations for Vice Chairperson.

Chair Strogin made a motion to nominate Mr. Overmyer as Vice Chairperson of the Zoning Commission for the calendar year 2010. It was second by Mrs. Szunyog. The nominations were closed.

ROLL CALL- Strogin-yes, Szunyog-yes, Overmyer-yes, Payne-yes, Apana-yes.

**Set hearing dates/Confirm hearing posting**

The Commission stated they would continue to meet on the 3<sup>rd</sup> Tuesday of the month at 7:30. Posting of the meeting would be placed on the Townhall marquee and The Gazette accordingly. The organizational meeting was closed at 7:35 p.m.

**REGULAR MEETING**

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:33 p.m. Permanent Board members Overmyer, Apana, Szunyog and Strogin were in attendance. Alternate Board Matt Payne sat in for a full board.

The Zoning Commission minutes from their December 15, 2009 meeting were approved as amended. The Trustees have scheduled site plan reviews to be heard on February 4, 2010 at 7:00 p.m. A letter would be sent to the applicants when the Trustees would hear site plan/signage requests.

Secretary Ferencz handed out a complete meeting date list for the Zoning Commission, BZA hearings and Trustee monthly meetings. The color-coded zoning submittal calendar was handed out the Commission members as well.

### **SITE PLANS**

#### **Mattress Matters-3823 Pearl Rd. (Fenn Crossings)**

Mr. Jim Gowe (620 Construction) represented Mattress Matters. He stated Mattress Matters would be moving from their current location on Grande Blvd. into Fenn Crossings. Fenn Crossings, formerly known as Fenn Plaza, is currently being renovated. Mr. Gowe stated the reason Mattress Matters is moving was to attract more customers and have more visibility.

The Commission thanked Mr. Gowe for renovating Fenn Plaza at the corner of Pearl and Fenn Rds. The Commission added they felt this is a viable shopping complex that was now being given its due to thrive in the Township.

Mrs. Szunyog made a motion to approve the change of use for Mattress Matters to be located at 3823 Pearl Rd. Fenn Crossings as presented. It was seconded by Mr. Overmyer. ROLL CALL- Szunyog-yes, Overmyer-yes, Apana-yes, Payne-yes, Strogin-yes.

Mr. Joel Frazel from JF Signs represented Mattress Matters signage requests. He stated he was requesting a wall sign for Mattress Matters on the front of the building facing Pearl Rd. The size of the sign is 42.25 sq. ft.

Mr. Overmyer made a motion to approve the wall sign for Mattress Matters to be located at 3823 Pearl Rd. Fenn Crossings not to exceed 42.25 sq. ft. as presented. It was seconded by Mr. Payne.

ROLL CALL-Overmyer-yes, Payne-yes, Szunyog-yes, Apana-yes, Strogin-yes.

Mr. Frazel stated he was also requesting an additional wall sign consisting of 32 sq. ft. to be placed on the building facing Fenn Rd. Mr. Frazel stated he knew the Commission was obligated to deny the request for a second wall sign as it was not in compliance with the Zoning Resolution, but he and his client believe that since this is a corner property that a second sign would be warranted to draw more traffic. Mr. Frazel added that the reason his client was moving to this location was the lack of volume at the current location. His client wants to stay in this area so he has decided to move into Fenn Crossings.

Chair Strogin stated at one time the Township did allow two wall signs for corner businesses but the code was changed by the leadership in charge at the time and the language was removed. Chair Strogin stated she did question why an identification sign for the entire complex has not been applied for. Mr. Gowe stated Mr. Cerny from Architectural Studios was working on that item but has not had the opportunity to present

a sign at this time. Mr. Gowe stated the new sign would probably be in the same location as the existing identification sign but the facing of the sign would be upgraded. Mr. Frazel interjected that since the sign would be upgraded they did not see the need financially to reface the sign with new panels until the new design had been completed.

ZI Ridgely stated 20% of the window space could be used for signage as well. Ms. Szunyog felt additional signage for corner lots/business should be allowed and asked if it was possible to make a comment to the Board of Zoning Appeals if and when this variance request came before them, as she felt that a second sign was warranted. Chair Strogan stated Ms. Szunyog could attend the BZA hearing and make her comments known to the BZA.

Mr. Apana made a motion to deny the second wall sign request for Mattress Matters to be located at 3823 Pearl Rd. Fenn Crossings as it is not in compliance Section 605 of the Medina Township Zoning Resolution. It was seconded by Mr. Overmyer.  
ROLL CALL-Apana-yes, Overmyer-yes, Payne-yes, Szunyog-yes, Strogan-yes.

Mr. Frazel then asked if the front sign is in the process of being replaced changed, was it possible to have a banner up longer than 14 days (at a cost of \$250 for a banner) due to these special circumstances? ZI Ridgely stated she could grant an extension if she could formally verify the sign was being worked on.

Chair Strogan then recessed the regular meeting of the Medina Township Zoning Commission and opened up the continuation of the public hearing at 8:00 p.m.

CON'T OF PUBLIC HEARING-Proposed Text Amendment by Bill Doraty Article VI.  
Sign Regulations Section 605 1. Holiday Inflatables

Chair Strogan asked if there was anyone present this evening representing these proposed text amendments. For the record there was no one representing Mr. Doraty. Chair Strogan stated Mr. Laribee, the attorney for Mr. Doraty, was sent a letter stating that the Commission was continuing Mr. Doraty's public hearing this evening. She added Secretary Ferencz received a fax that Mr. Laribee was no longer Mr. Doraty's attorney on this matter and to forward any further correspondence to Mr. Doraty directly. Secretary Ferencz stated she did cc Mr. Doraty the letter she sent Mr. Laribee about the zoning submittal and continuation of the public hearing. Chair Strogan stated the last submission from Mr. Laribee on behalf of Mr. Doraty was sent to the CPC for their review. The Commission did receive that document and Chair Strogan had Secretary Ferencz once again read the staff comments and recommendations. (See file). Chair Strogan stated four months ago when Mr. Laribee was before the Commission he asked to be able to submit additional verbiage. As of this date Mr. Laribee has not submitted any additional or amended verbiage and now it has been made known that Mr. Laribee no longer represents Mr. Doraty. Chair Strogan stated she would like to discuss this among the Commission members to see if a vote can be taken this evening on Mr. Doraty's request. Chair Strogan

commented that if Mr. Doraty wants to pursue a different approach, he could then submit another application.

Chair Strogan then produced a picture of the current business district on Rt. 18 under the current zoning regulations. She then produced a picture of the business district on Rt. 18 if inflatables were permitted under what Mr. Doraty proposed. Chair Strogan stated it was probably illegal if not impractical to limit the number of inflatables as Mr. Doraty proposed.

Chair Strogan then opened up the hearing for discussion by the Commission. Mr. Overmyer stated there have been previous discussions by the Commission about preserving the character of the community i.e. the rural character and the cleanliness of the business districts. He stated he saw no reason either aesthetically or of a promotional value to alter the signage language to permit inflatables. He continued that such signs are temporary and carry no other message other than, "look at me." Mr. Overmyer stated he felt it was in the best interest of the Township to deny Mr. Doraty's request.

Chair Strogan stated as a point of information, no other Township in Medina County permits inflatables. She added she also re-read the Medina Township Comprehensive Plan and in chapter 2 commercial development policy and standards, in which those polled stated, "...there needs to be better sign control..." Chair Strogan stated Rt. 18 was in disarray at that time and it took many years and much effort on the Township's part to remove or limit those elements that caused it to be developed in that manner.

Mr. Apana stated he looked inflatables up on the internet, and what communities permit and do not permit regarding these devices. In general some of the regulations were that inflatables were permitted for any business with a certificate of occupancy no taller than 25 ft., one per business, and for a duration of 7 days twice a year. Another community stated there are reasons, "we don't permit 60 ft. inflatables of gorillas or live action video billboards. Our standards, while often berated by those going through the approval process, are meant to protect us from becoming a flashing neon jungle. The genius of the regulations is to keep any business from having an advantage and to keep the look and feel of the community authentic. The intention of signs is not to stand out. Signs are seen as a work of art and a signature of the building or company."

Mr. Apana stated in those communities he looked at, inflatables were temporary signs and not intended to be up all year long. Also any such regulations of inflatables or electronic signs were for the purpose of enhancing the economic value of the landscape by avoiding visual clutter which was potentially harmful to property values and business opportunities and also to protect adjacent properties from the impact of height, lighting, and location of signs.

Mrs. Szunyog stated she agreed with Mr. Overmyer's comments that inflatables are basically saying, "look at me." When you have a row of "look at me" they cancel out each other. She added the economic value of the landscape was also worthy of consideration as well.

Chair Strogin stated the 4 Townships that meet at the corners of Windfall Rd. and Rt. 18 i.e. Granger, Sharon, Montville and Medina had created a task force whose sole purpose was to unify the commercial signage in that area so no business would have an advantage over another. Regarding Rt. 42, Medina Twp. unified that signage to match the City of Medina so again there would be no advantage of locating in one community or another based on that criteria.

Chair Strogin then opened up the meeting to the public for comment. ZI Ridgely stated she has spoken to some of the zoning inspectors in the 4 communities that border Windfall Rd. and Rt. 18 and they are counting on Medina Twp. to not allow inflatables.

Mrs. Szunyog asked if anyone knew why there was not an inflatable on Mr. Doraty's building currently? Chair Strogin stated she could not answer if Mr. Doraty has permanently removed his inflatables or if they were just in transition, but added she was glad that there were Trustees now on board to support the zoning of the Township.

Mr. Ostmann (Hamilton Rd.) stated he has seen Mr. Doraty not have an inflatable on his roof but that usually was only for a few days until a different inflatable was erected.

Having no further public comment, Chair Strogin closed the hearing to public comment.

Mr. Overmyer made a motion deny the proposed text amendments by Mr. Doraty of Article VI. Sign Regulations to added Section 605 1. Holiday Inflatables as submitted and reviewed by the County Planning Commission and Medina Township Zoning Commission. It was seconded by Mr. Payne.

ROLL-Overmyer-yes, Payne-yes, Szunyog-yes, Apana-yes, Strogin-yes.

The continuation of the public hearing was adjourned and the regular meeting reconvened at 8:26 p.m.

## **DISCUSSION**

### **Electronic Message Signs**

Chair Strogin stated there was additional information in the Commission member's packets this month on some proposed wording to address Electronic Message Signs. She stated she modified the City of Medina's wording and proposed the following language for electronic message center signs as follows:

Electronic Message Center Signs permitted for ground signs only, shall be permitted in all business districts. An Electronic Message Center Sign shall meet the following:

1. Frequency. Copy change shall not be more frequently than once per 60 seconds.

It was discussed that it has been stated that the industry standard for a change of the message of a digital sign is 8 seconds. The Commission questioned the safety of such frequency traveling on Rt. 18 in terms of speed and number of businesses along that commercial district. Mr. Thorne commented that there are studies that say at what speed such signs can be read and effective, as well as how large signs should be to be read per the speed on the road as to not cause a safety concern.

2. Color. 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 stated the wording for color was already in the Zoning Resolution, but Mr. Thorne from the Pros. Office suggested that wording be addressed in these section as well. It was also stated by some of the Commission members that the digital sign on Rt. 3 was very close to the traffic signal and was distracting to traffic coming to or waiting at the traffic signal at the corner of Rt. 3 and Foote Rd. Mr. Thorne stated there may be a study stating the 100 ft. was accurate as he believed that was an original belief, but maybe there is a more recent study stating the distance should be further. Chair Strogin stated the colors of red, yellow and green would be an issue on Pearl Rd. because of all the traffic lights located on along that roadway.

3. Illumination. An applicant shall provide a photometric plan outlining proposed illumination levels and foot candles. Illumination level shall not exceed one foot candle as measured from the adjacent right of ways of residential uses and districts.

Mrs. Szunyog questioned if illumination should be defined in the regulations or in the definition section of the zoning code? Mr. Thorne stated a definition for an electronic message sign should be drafted and then the regulations for such a sign addressed in the section on signage. He also suggested that the requirement of a photometric plan be removed if the code is going to state "the illumination not exceed one foot candle..." as that information would have to be confirmed to permit such a sign.

Mr. Thorne stated he also questioned if any sign that changed more frequently than 60 seconds would be considered a flashing sign and therefore prohibited in the Township. If

that was going to be the case, then anything that changes more frequently would have to be defined as a flashing sign.

The Commission used the reference materials on electronic signs that were given out at the Ohio Planning Workshop held in Westlake, Ohio. Regarding a definition, the Commission decided to refer to such signs as Digital Message Signs. The definition shall read as follows, "A sign on which the copy changes through electrical or electronic means at intervals."

The Commission decided that to address such signs in the Zoning Resolution to add a new section to 605. It would be letter M. and read:

Digital Message Signs are permitted for ground signs only, and shall be permitted in all business districts. A Digital Message Sign shall meet the following:

1. Frequency. Copy change shall not be more frequent than once per 60 seconds, and both text and color shall remain static between intervals.  
Mr. Overmyer stated by adding the wording both text and color shall remain static between intervals would prevent animation and motion during the frequency of change i.e. words from running all over the signs or colors floating around or fading in and out, etc.
2. Color. Any Digital Message Signs erected within one-hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic shall not duplicate in the electric light of such sign in any colors appearing in the traffic control signal.
3. Illumination. Illumination level shall not exceed one foot candle as measured from the adjacent right of ways.

Chair Strogan stated that some of the other items brought up at the workshop in Westlake were: Should animated, video and rapidly changing digital signs be prohibited on all streets with a speed limit greater than 25 mph? Should digital signs be limited to commercial districts and not permitted in industrial districts? Mr. Thorne stated once this proposal was sent to the CPC, hopefully they will have some studies that would be pertinent to these signs and their regulations.

Chair Strogan stated that legal counsel has also suggested removing the reference to time and temperature currently in the Zoning Resolution under Section 603 G. Public Service Signs. The reason for this section being removed from the code is that time and temperature would then be covered under the new proposed language for Digital Message Signs. It would also make the regulation content neutral. The Commission agreed.

Mr. Overmyer made a motion to set a public hearing for February 16, 2010 at 7:30 p.m. for the purpose of amending the Medina Township Zoning Resolution as follows:

**Addition of Definition**

**Signs, Digital Message-**"A sign on which the copy changes through electrical or electronic means at intervals."

Letter M. to be added to Section 605 and to read as follows:

M. Digital Message Signs are permitted for ground signs only and shall be permitted in all business districts. A Digital Message Sign shall meet the following:

1. Frequency. Copy change shall not be more frequent than once per 60 seconds, and both text and color shall remain static between intervals.
2. Color. Any Digital Message Signs erected within one-hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic shall not duplicate in the electric light of such sign in any colors appearing in the traffic control signal.
3. Illumination. Illumination level shall not exceed one foot candle as measured from the adjacent right of ways

The removal of 603 G. Public Service Signs in its entirety. All renumbering and re-lettering would follow accordingly. It was seconded by Mr. Payne.

ROLL CALL-Overmyer-yes, Payne-yes, Szunyog-yes, Apana-yes, Strogan-yes.

Due to the time constraints of the deadline date to be placed on the CPC agenda (February deadline has passed) the CPC would not review these proposed zoning text amendments until their March monthly meeting. As a result of that fact and in conjunction with the legal requirements of the ORC, the Commission will open up their public hearing on February 16, 2010 at 7:30 p.m. but would continue the hearing until March 16, 2010 until the recommendation of the CPC is received and read into the public record.

**Announcements**

Workshop-Basics of Zoning-January 28, 2010 from 6:30-8:30 p.m. at the Medina District Library.

Secretary Ferencz handed out color coded zoning deadline calendars as well as the list of meeting dates for the Trustees for 2010.

Trustee Gardner stated she was looking into using the Smart board at the Fire Dept. to possibly hold some training workshops for the Board members especially if there is a short agenda before the board that evening. She added Fire Chief Crumley was also going



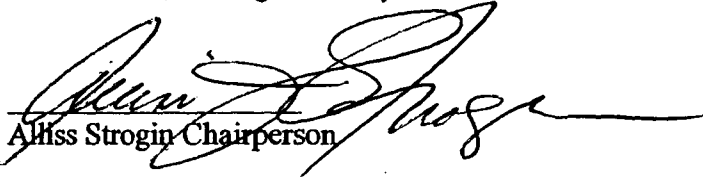
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to put together a presentation to show what the Fire Dept. looks at when reviewing site plans and approving businesses for operation in the Township.

Having no further business before the Board, the meeting was officially adjourned at 9:30 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary

  
Alliss Strogan Chairperson

MEETING HELD 1-19-10

ADDRESS

[illegible]