

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
CON'T OF PUBLIC HEARING/REGULAR MEETING
JULY 21, 2009**

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:35 p.m. Permanent Board members Overmyer, Szunyog, Jarrett, Erickson and Strogin were in attendance. Alternate Board members Jim Apana and Michelle Kirda were also in attendance.

The Zoning Commission minutes to their June 16, 2009 meeting were approved as amended. The Trustees have scheduled site plan reviews to be heard on August 6, 2009 at 7:00 p.m. A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

Chair Strogin recessed the regular meeting of the Zoning Commission at 7:40 p.m. and opened up the con't of the public hearing at 7:40 p.m.

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

Chair Strogin stated the Commission had a work session on June 30, 2009 with Mr. Thorne from the Pros. Office and discussed various options as they related to this subject matter. She continued that the supplement to Mr. Doraty's original application will be sent to the Medina County Planning Commission for review. The Medina County Planning Commission's deadline for their July meeting has passed and they have no August meeting due to the fair. Therefore, the supplement would be placed on the Medina County Planning Commission September 2, 2009 meeting agenda, and the Zoning Commission would continue with the public hearing on September 15, 2009.

Mr. Overmyer made a motion to continue the public hearing for Mr. Doraty's proposed text amendment on inflatables until the Commission's next regularly scheduled meeting on September 15, 2009 at 7:30 p.m. It was seconded by Mr. Jarrett.

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

The continuation of the public hearing was closed at 7:43 p.m.

REGULAR MEETING

Chair Strogin reconvened the regular meeting of the Zoning Commission at 7:44 p.m.

SITE PLANS

Fenn Crossing-addition of doors & canopies-3823 Pearl Rd.

Mr. Tony Cerny from Architectural Design Studios represented Fenn Center. Mr. Cerny stated he was requesting site plan approval for the inclusion of two canopies and storefront entries as part of the Fenn Crossings renovations. The Fenn Crossings project

was submitted 12/4/2008 and received Zoning Commission approval. Mr. Cerny added that he proceeded with working drawings and received a Medina County Building Department Certificate of Plan Approval (6/12/09). When the contractor/owner attempted to pick up the building permit, a discrepancy was discovered between the zoning submission covered walk area calculation (1,200 sq. ft.) and the Certificate of Plan Approval. The Building Department calculated the new covered walk area to be 2,900sf which is listed on the Certificate of Plan Approval.

At the request of the building department, Mr. Cerny stated he recalculated the area of the new covered walks and the two canopies at the south end of the building. The new covered walks are approximately 1,258sf and the two south end canopies total 128sq. ft. He added that discussions with the Building Department and Zoning Commission have directed us to submit the south canopies for approval.

Mr. Cerny continued that the south end canopies were not shown on the 12/04/08 site plan submission and the areas were not included on the zoning information box. He stated he added this information on the revised drawings submitted. The canopies were indicated on the enlarged plans and elevations of the 12/04/08 submission. The finish material of the canopies has changed from EIFS to a composite metal panel to match the storefront. Mr. Cerny concluded he clouded the canopy areas of work on the drawings for clarity.

Chair Strogin stated the original site plan for Fenn Crossing was approved by the Zoning Commission on 12/4/08. The site plan that was submitted to the County Building Dept. was different enough from what the Zoning Commission approved, that the County Building Dept. wanted the revised plan sent back to the Zoning Commission for review and approval.

Mr. Cerny stated the difference was that there might be two doors added to the plan on the south end of the building with two canopies. Chair Strogin stated if the Commission approves the doors and canopies, the developer can decide whether or not he wants to build them, but at least the approval would be granted.

There was then discussion as to the measurements as calculated by the County Building Dept of 2,900 sq. ft. regarding this site plan. Mr. Cerny stated Mr. Huber from the Building Dept. calculated the entire roofed area but most of that area is existing and not new. ZI Ridgle stated what was shown on the original plan that was approved was the walkway on the north end and the original entrance to Tractor Supply Co. That calculation on the original site plan was 1,200 sq. ft. When the County Building Dept. recalculated the area it came out to 1,258 sq. ft. which was correct. ZI Ridgely added that the revised site plan shows two canopies to be added which totaled 128 sq. ft. She continued that whomever at the County Building Dept. did the calculation, they did it wrong as the entire front of the building was not to be calculated this time just the new canopies that were proposed to be added.

Mr. Overmyer made a motion to approve the revised site plan for Fenn Crossing dated 6/30/09 for a proposed covered walkway consisting of 1258 sq. ft. and two canopies on the south side of the building consisting of 60 sq. ft. and 68 ft. (total 128 sq. ft.) respectively. The total square footage of this new construction to consist of 1,386 sq. ft. It was seconded by Mr. Jarrett.

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

QDRO-3071 Pearl Rd.

Ms. Chic Kelley from C & C of Ohio represented QDRO Consultants. Ms. Kelley stated C & C of Ohio are co-owners of this building located on Pearl Rd. that is being purchased from Mr. John Montali. Ms. Kelley stated the building QDRO is currently operating from is located in is the City of Medina, but they have outgrown that location.

Ms. Kelley stated QDRO Consultants consists of processing orders to ^{be} placed on a pension that will be divided usually in the case of a divorce. No signage was being requested at this time. Mr. Jarrett stated that the square footage on the drawing presented shows 7,260-sq. ft. ZI Ridgely stated the Zoning Dept. is going with the Auditor's calculation of 7,667 sq. ft.

Mr. Jarrett made a motion to approve the change of use for QDRO Consultants LLC to be located at 3071 Pearl Rd. as presented. It was seconded by Mr. Overmyer.

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

DES Equities LLC-signage-3745 Medina Rd.

Mr. Mark Strouse from Décor Design Construction represented the owner of the building, Mr. Oddo and the company that wanted to locate there that being Deversified Employees Solution (DES) and their request for signage. Chair Strogin stated this is an office building behind Signature Square shopping complex and the applicant was requesting a sign, however the configuration of the lot made it difficult configuration for a ground sign to be located on the lot. The zoning code requires a ground sign to be 10 ft. from the property line. Chair Strogin added if the sign was located 10 ft. from the property line it would look like it belonged to another building. Mr. Strouse stated the existing sign was erected without approval and that individual just walked away from the project. Chair Strogin stated whatever sign gets approved the fee would be doubled since the sign was erected with out obtaining the necessary permits.

Chair Strogin continued that the Zoning Commission did not have the authority to permit the sign to be constructed in non-compliance with the front and side yard setbacks requirements of the zoning code. Therefore a variance would need to be applied for. Mr. Strouse stated they did file a variance request with the Board of Zoning Appeals for next month. Secretary Ferencz stated the BZA would hear the variance request at their August hearing.

Mr. Erickson made a motion to deny the ground sign for DE'S Equities LLC as presented as it is not in compliance with Section 605 H. and Section 405.3.d.1 (a) 1. of the Medina Township Zoning Resolution regarding front and side yard setback requirements. It was seconded by Ms. Szunyog.

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

MISC.

Chair Strogin passed out to the Commission members the existing language from the City of Medina on electronic/digital signs she received from Mr. Greg Hamon the Planning Director for the City of Medina.

The City's language read as follows:

Electronic Message Center Signs permitted for ground signs only, excluding pole signs shall be conditionally permitted shall be permitted in all districts except the MU District, Historic and TCOB Districts where such signs shall be prohibited. Electronic Message Center Signs shall meet the following requirements:

1. Frequency. Copy change shall not be more frequently than once per 60 seconds;
2. Color. Color should be limited to one single color to be determined by the Planning Commission;
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.

Chair Strogin then passed out the proposal language she drafted for consideration which read 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
2. Color. Color should be limited to one single color to be determined by the Zoning Commission
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.

Chair Strogin asked the Commission members their opinion about addressing this type of sign in the zoning code. Regarding time and temperature on such a sign, Mr. Overmyer stated he personally did not feel time was needed as everybody has a watch or a phone and/or this information was provided for digitally in most cars. He added he also did not have an issue the copy being changed not more frequently than every 60 seconds.

There was then discussion on the electronic message sign approved by the Commission for Nova Animal Hospital. ZI Ridgely stated the blue lighting was extremely hard to read. Ms.Szunyog stated the message per day does not change but it is being alternated between

the time and temperature which appeared to change every 6 seconds. This made the sign difficult if not impossible to read with the flashing of the time and temperature between the message being displayed.

Secretary Ferencz stated the message was to only change once a day per the Commission's approval. Ms. Szunyog stated the content of the message was only changing once a day, but the actual message seems to appear every 6-8 seconds between the time and temperature. Ms. Szunyog reiterated that the message was hard to read if able to be read at all. Mrs. Sally Gardner (Foskett Rd.) agreed and added the color also makes the sign unreadable.

Mr. Jarrett stated there were two different messages on each side of the electronic sign for Nova Animal Hospital. Chair Strogin stated that was permitted, as the applicant stated she wanted to do that to catch traffic from both directions on Rt. 3. ZI Ridgely stated there were two different colors on the sign. On one side of the sign the message was red and on the other the message was blue.

Mr. Overmyer asked how the colors for such a sign would be determined? ZI Ridgely stated colors for such signs are to be limited so as not to resemble or confuse for traffic signals or signs as then they become a safety issue. Mr. Overmyer added that there was also a safety issue if one has to strain to read an electronic message sign.

Alternate Commission member Jim Apana stated that he and his wife were driving past Nova's sign and his wife immediately shifted her eyes to the color of the sign and said, "Look at that." He added thankfully he was the one who was driving and had prior knowledge of the sign, which his wife did not have. Chair Strogin stated she did send Ass't County Pros. Thorne an e-mail with the proposed language and he had some comments but has not had the opportunity to speak with Mr. Thorne about them.

The discussion again returned to the time and temperature being allowed on a sign. Mr. Jarrett stated that Section 603 G. Public Service Signs-states that "Subsection A and D. of this section shall not apply to any sign performing a public service function indicating time temperature or similar devices." Chair Strogin stated personally she did not know why somebody would want to waste their message center area on time and temperature as it could be put smaller somewhere on the sign. Mr. Jarrett stated that was to skirt the issue of the revolving 8 seconds, 10 seconds, 60 seconds. Ms. Szunyog asked if this Section of the code could be removed since everybody has a radio, a watch, a cell phone for that information.

Mr. Overmyer stated another option would be to consider the time the temperature and any other "messages" all the same and that they could only change once every 60 seconds. ZI Ridgely stated she did discuss time and temperature with Mr. Thorne, and he said the Township could not allow time and temperature to be displayed and exclude other "messages" as that was unconstitutional.

Ms. Szunyog stated the colors of Nova's sign were garish and appeared to be calling attention to the sign and not the particular business. She added that it would be nice if the color of the sign blended but did not know if that could be controlled. Mr. Overmyer interjected that his concern is that the illegibility of the sign was a distraction. He added he would like to know from Bill Thorne if the Township could control the contrast between the background and the text. Chair Strogin stated that might come under Architectural Review, which the Township did not have authority over but would ask Mr. Thorne his opinion.

Dianna Huffman stated she did not think temperature could be controlled on such a sign because she thought the temperature changed automatically as it was thermostatically controlled. Chair Strogin stated that was probably true, but the sign could control the display of the temperature message.

It was also discussed that if electronic message signs were written in the code, there would then be the potential for all the businesses to have a sign with all different colors and the message changing at all different times which the Commission did not think was in the best interest of Medina Twp.

The Commission members stated they would consider the City's language and Chair Strogin's proposed language for electronic message center signs. The Commission stated they would also like to hear what the Pros. Office had to say regarding this subject but timing needed to be considered as to other such sign requests that might come before the Commission.

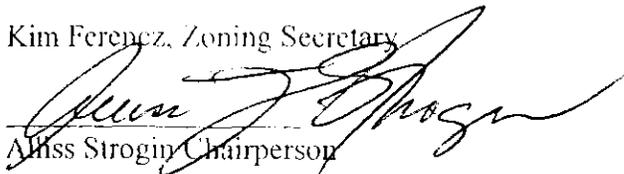
Secretary Ferencz gave the Commission members information on the American Planning Association Ohio 2009 conference to be held in Cuyahoga Falls on September 23-25 2009.

Chair Strogin stated that the Medina County Planning Commission was going to hold a zoning certification workshop series on Tuesday evenings. Contact the Medina County Planning Commission at www.planning.co.medina.oh.us for more information.

Having no further business before the Board, the meeting was officially adjourned at 8:37 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary


Ailiss Strogin Chairperson