

**RECORD OF PROCEEDINGS
MEDINA TOWNSHIP PUBLIC HEARING CONTINUANCE
JANUARY 2, 2015
6:30 PM**

The Medina Township Board of Trustees held a Public Hearing continuation on January 2nd, 2015. Chairman DeMichael called the meeting to order at 6:33 pm with the following Trustees in attendance: Ken DeMichael, Bill Ostmann and Ray Jarrett. Mr. Ostmann seconded the call to order. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett. Also in attendance were Fiscal Officer Linda DeHoff, Zoning Inspector Elaine Ridgley and the general public.

Zoning Text Amendments Public Comment

Mr. DeMichael motioned to open the floor for public comment. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

Sally Gardner (3333 Foskett Road) wanted to remind Trustees of the safety concerns she brought to their attention previously regarding accidents with inflatables. She said bouncy houses, which are also inflatables, have taken off and people are getting hurt. She is concerned about the safety of the residents and motorists. Mr. Ostmann said he was not a Trustee when the public hearings were going on but he reviewed the entire file.

Mrs. Strogin told Mr. Ostmann to read the motion that is to be voted on for the public. There were no other comments.

Zoning Text Amendments

Resolution No. 01022015-006

Mr. Ostmann said the first one is removing the definition of portable signs in its entirety and adding the definition of "Sign, Inflatable" as a static air or gas filled structure. Mr. Ostmann asked if he should read the whole thing. Mr. Jarrett and Mrs. Strogin said yes, for the record.

Motion #1 - Modify the Existing Definition of Sign, Temporary

Mr. Ostmann read the motion made by Mr. Overmyer to approve the proposed definition changes. Remove the definition of portable signs in its entirety and to add the definition "Sign Temporary" to now read "Sign, Temporary" is a sign affixed to a building, structure or placed on the ground constructed of cloth, canvas, fabric, plywood or other material designed or intended to be displayed for a limited period of time (see figure A);" and to add definition of inflatable sign to read – "Sign, Inflatable" is a static air or gas filled structure." Mr. Overmyers motion was seconded and unanimously approved.

Mr. Ostmann made a motion to accept that recommendation of the Zoning Commission for that. Mr. Jarrett seconded the motion. Mr. DeMichael wanted to clarify that there were no other public comments.

Mac Overmyer, Zoning Commission Vice Chairman, said he believes there is a motion in front of the Trustees to strike inflatables altogether. Mrs. Strogin told him this is the first of three motions. Mr. Overmyer questions the necessity of even defining what an inflatable is like should the Trustees decide to eliminate..... Mrs. Strogin said since we don't know, she would rather have it there then..... Mr. Overmyer said it was just more of an observation. Mr. Ostmann said we needed the definition in there. Mrs. Strogin said we needed the definition for clarity more than anything else. Mr. Overmyer said he had no other remarks. Roll call vote: Mr. Ostmann aye, Mr. Jarrett aye and Mr. DeMichael abstain.

Mr. Jarrett said there were four (4) text amendment changes but Trustees took care of one (1) in 2014.

Motion #2 – Delete Section 605 K- Portable Signs in its Entirety

Mr. Ostmann said the Zoning Commission went on to consider deleting "Section 605-K Portable Signs" in its entirety and replace it with the following:

"Section 605-K - Temporary Signs" – shall be limited to one temporary sign per property, not to exceed thirty-two (32) square feet including a sign placed on vehicles for advertising purposes, which may be placed on a building or on any premises for not more than fourteen (14) days, three (3) times per calendar year (January 1st through December 31st). The sign shall be at least 10 feet from any road right-of-way except as otherwise specified in this code. The fourteen (14) day periods may be contiguous if the property owner so desires.

Mr. Ostmann made a motion that we do that. Mr. DeMichael seconded the motion. Mr. DeMichael asked for discussion. There was none. Roll call vote: Mr. Ostmann aye, Mr. Jarrett aye and Mr. DeMichael abstain.

Zoning Text Amendments Con't

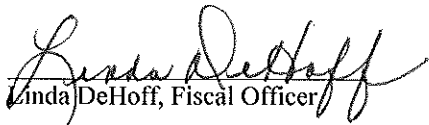
Motion #3 – To Add the Following Section Under 605 Accessory Signs Requiring a Permit


Mr. Ostmann said he reviewed the amendment and this is the meat of the amendments. The meat of this is whether or not we are going to allow inflatables or not. Mr. Ostmann said of course this has been quite an issue. He reviewed the entire file and there were a couple of things he read that were most important. One was that the Zoning Board, after doing all this work and I was present at a lot of them, decided that they really shouldn't have it and recommended it for disapproval. There is a very lengthy explanation as to why (Z.C. disapproved) and rather than read it I will incorporate the document by reference, page 13, 14 and 15 of the (Zoning Commission) Public Hearing 6/18/2013 and Mr. Ostmann also read for the record a letter from Greg Huber, Law Director for the City of Medina (see attached). Mr. Ostmann said in his opinion it was not about Bill Doraty versus the Township but he feels it was about allowing inflatables in the entire district. Mr. Jarrett said it is also opening up our zoning for signage on all roofs in the commercial district and that is why he didn't want to support signs on roofs along with safety issues. Mr. Ostmann said it was never about Bill Doraty. Mr. Jarrett said Montville Township does not allow inflatables in their township. Mrs. Strogin said no township allows inflatables except the City of Brunswick.

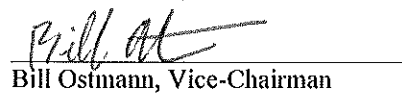
Mr. Ostmann motioned that we accept the recommendation of the Zoning Commission and disapprove the proposed zoning amendments on "Section 605 N Inflatable Signs." Mr. DeMichael seconded the motion. Roll call vote: Mr. Ostmann aye, Mr. Jarrett aye and Mr. DeMichael abstain.

Mr. Ostmann said this has been a contentious issue. Mr. Overmyer said no confetti? Mrs. Strogin said the champagne is at her house.

Mr. DeMichael motioned to end our public hearing at 6:47 pm. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.


Linda DeHoff, Fiscal Officer


Ken DeMichael, Chairman


Bill Ostmann, Vice-Chairman


Ray Jarrett, Trustee

3. Inflatable signs shall require a permit secured by a deposit with the zoning inspector in the amount shown on the "schedule of fees" appendix V. Failure to remove the inflatable sign within 24 hrs. of the expiration of the permit shall result in the forfeiture of the deposit to the Township.

4. Location:

- a. All inflatable signs are to be ground-mounted. They are prohibited from rooftops.
- b. Inflatable signs shall be set back from any road right of way and property lines a minimum of 10 ft. plus the height of the sign. (Ex. A 14 ft. tall inflatable would be set back 24 feet).
- c. Inflatable signs and their components placed in parking lots shall not reduce the number of available parking spaces below the required minimum.
- d. Inflatable signs shall not be placed so as to hinder access by emergency vehicles or services.
- e. Placement of an inflatable sign within 660 feet of a Federal or State Highway must comply with Federal/State Regulations.

5. Size:

- a. Height shall be measured vertically from the ground to the inflatable sign's highest point; width shall be measured horizontally as the distance between the inflatable sign's widest points. Area shall be determined by multiplying the inflatable sign's height times its width.
- b. Inflatable signs shall not exceed 14 feet in height, nor shall they exceed 75 square feet in area.

Mr. Overmyer made a motion to recommend the denial of the proposed amendments on Section 605 N. Inflatable Signs. The reasons for disapproval are as follows:

We have given much thought to this decision because of the importance, interest, and notoriety of this issue, and I have considered the following items:

In a questionnaire circulated in 1981 local residents stated the need for better sign control, fewer signs, smaller signs. (61) The Medina Township Comprehensive Plans of 1983 and 2002 both included mention of sign controls to insure the safety of auto travelers and to maintain the aesthetic quality of the community (63) Mobile signs, A-

frame signs, and other miscellaneous signs should not be allowed on commercial property. This is presently one of the principal sign problems along 42 and 18 in Medina Township. (64)

Although the 2008 Comprehensive Plan revision was not approved due to a legal technicality. However, regarding the I-71 Gateway commercial district, the Plan states that because this is a highly visible gateway into Medina Township, this area must serve as a well planned commercial corridor with respect to design and visual quality. Consider cohesive design standards for signage along this corridor to encourage better-designed signage which serves to reduce the visual clutter. (3-43)

At the February 25, 2013, open house sponsored by the current Comprehensive Plan Steering Committee we heard many residents voice their concerns about the possible proliferation of signs in the Township. they wanted the township that they first moved into. The results of the surveys mailed to the homes of residents seem to indicate that they too wish to retain the rural and park-like atmosphere of the township.

All but one of the municipalities in Medina County have prohibitions on inflatable signs and Brunswick is considering new regulations on pole signs because they are concerned about the aesthetics and appearance of the I-71 and Center Road corridor.

Since January 2012, more than 35 businesses have requested permits to locate or expand their current businesses in our township.

MC Sporting Goods and Lighthouse Pools have relocated from Medina to Medina Township. Fenn Crossings has gone from nearly deserted to practically full. O'Brien Chevrolet and Medina Auto Mall are currently working on major expansions to their dealerships.

We do not view this Township, and its regulations, as being unfriendly to business. ^{We} have heard nothing but wonderful comments from business owners about the help they have received from the zoning inspector. Most recently the V.P. of Quaker State and Lube (Dave Miller) is quoted in the March 23rd issue of the Medina Post, "The one thing about the Township was that they were extremely fair and were extremely reasonable in working with us."

It is also our understanding that the surrounding townships have agreed to have similar zoning requirements to avoid competition for businesses.

Mr. Sherba, the businessman who rents the inflatables, stated at the April 17 public hearing that he does not recommend mounting inflatables on the ground for various safety reasons.

Page 15 ZC Regular Meeting/Public Hearing-6/18/2013

Lastly, as we consider this zoning change, the lyrics of an old song keep reoccurring in my mind, "Don't it always seem to go that you don't know what you got till its gone. They paved paradise and put up a parking lot."

When we consider all that we have stated, we are compelled to vote no on this proposed change in the zoning regulations.

It was seconded by Mr. Apana.

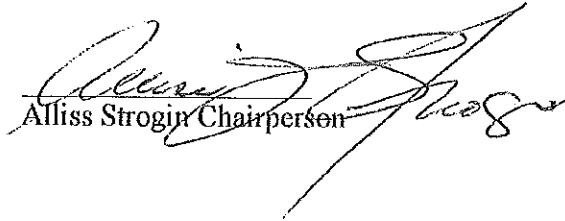
ROLL CALL- Overmyer-yes, Apana-yes, Kuenzer-yes, Szunyog-yes, Strogin-yes.

The public hearing was adjourned at 10:00 p.m.

The regular meeting of the Zoning Commission was reconvened at 10:00 p.m.
Having no further business before the Board, the meeting was officially adjourned at 10:00 pm.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary


Alliss Strogin Chairperson



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October 3, 2013

RECEIVED

OCT 04 2013

MEDINA TOWNSHIP

Ms. Laurie Shoemaker
Administrative Assistant to
the Board of Trustees
Medina Township
3799 Huffman Road
Medina, OH 44256

Re: Inflatable Signs

Dear Laurie:

You wrote to Mayor Hanwell and Planning Director Greg Hannan in connection with a request for feedback on proposed text amendments that would permit inflatable signs in Medina Township in the Medina Township Commercial Districts. My understanding is that these inflatable signs will be permitted at a rate of one per property. This legislation is obviously in response to the legal proceedings involving Bill Doraty.

Most municipalities and most zoning ordinances in the State of Ohio prohibit inflatable signs. The City of Medina prohibits inflatable signs. The reason for the generalized prohibition has to do with the fact that inflatable signs are quite noticeable to the extent that they can be considered intrusive. Most business enterprises like inflatable signs as they attract attention. The problem with government has to do with the fact that no good deed goes unpunished. If one entity is permitted an inflatable sign, the government essentially has to allow inflatable signs for every other similarly situated entity.

I have already been asked by a couple of commercial enterprises as to whether the City of Medina will permit inflatable signs given the fact that Bill Doraty has one. In speaking with other law directors, the general consensus is that inflatable signs, once permitted, can spread across areas so as to cause an unacceptable level of distraction.

The City of Medina in the downtown area was confronted with the situation in the 60s and 70s where the signage was not too well regulated, and it got to a point where it was considered to be ugly. Efforts were made by City Council members and concerned citizens to try to control the more distracting elements of signage. Currently, the City of Medina does not permit inflatable signs. In general, inflatable signs are a distraction, and, at times, intrusive. The

Preserving the Past. Forging the Future.

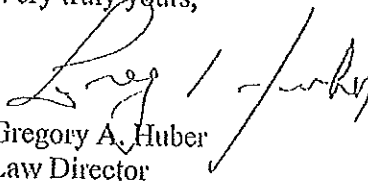
Ms. Laurie Shoemaker
Page 2
October 3, 2013



Bill Doraty situation has been portrayed as local government imposing unfair restrictions on a local entrepreneur who is providing jobs in a time of economic distress. This argument misses the fact these signs can be pretty ugly and a distraction if they proliferate. It may be that Bill Doraty will be the only commercial enterprise to continue with an inflatable sign. It may be that every commercial enterprise will want an inflatable sign.

Given the fact that inflatable signs are generally considered to be a bit over the top in terms of distraction, if there are many of these signs put up, they cannot be considered a good end result. This does not result in a very positive impact on the City of Medina. The City of Medina administration does not consider the proposed Medina Township zoning amendment allowing inflatable signs to be a good end result.

Very truly yours,



Gregory A. Huber
Law Director

GAH/sjs

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
PUBLIC HEARING/REGULAR MEETING
MARCH 19, 2013**

PUBLIC HEARING

Chairperson Strogin called the public hearing of the Medina Township Board of Zoning Commissioners to order at 7:34 p.m. Board members Overmyer, Kuenzer, Apana, Szunyog and Strogin were in attendance. Alternate Commission members Borrer and Johnson were also in attendance.

Chair Strogin stated because the Dept. of Planning Services will not review the proposed text amendments until their April meeting date, this public hearing would have to be continued, as by law the recommendation of the Dept. of Planning Services had to be read into the public record.

The proposed zoning text amendments are as follows:

Motion #1: To delete the current wording of Section 706 Non-Conforming Lots in its entirety:

~~Non-Conforming Lots~~

~~The lot area, width and frontage requirements established in each of the zoning districts shall apply to all lots, unless such lot was separately owned and was either a parcel of record or included in a recorded land contract at the time this Resolution took effect and cannot practicably be enlarged to comply with the current requirements. Such lots may be used for any activity permitted in that zoning district, provided the lot and buildings comply with all required front, side and rear yard requirements and all other requirements of the applicable zoning district and this Zoning Resolution. Lots which cannot comply with the front, side and rear yard requirements of the applicable district may be considered for a variance by the Board of Zoning Appeals.~~

and replace with the following wording:

Section 706 Non-conforming Lots of Record

A. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any legal lot of record at the effective date of the adoption or amendment of this Resolution, notwithstanding limitation imposed by other provisions of this Resolution, provided all such lots are approved by the Medina County Health Department for on-site sewer and water facilities if applicable. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other

than those applying to area or width, or both, of the lot shall conform to the current regulations for the district in which such lot is located. Variances of requirements listed in this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Appendix I.

B. A nonconforming lot or lots of record which do not comply with the area or width or both of the current Medina Township Zoning Resolution may be considered for replat or combination so long as any change in the area, width or both of new nonconforming lots or lots resulting from said replat or combination does not create any lot less compliant with the current legal lot regulations. Any new nonconforming lot or lots created as a result of this section must also comply with conditions as set forth in Section 706 A.

✕ Motion #1: Modify the existing definition of Sign, Temporary, which currently reads:

~~“Sign, Temporary” is a sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed, for a short period of time.”~~

To now read, **“Sign, Temporary” is a sign affixed to a building, structure or placed on the ground constructed of cloth, canvas, fabric, plywood or other material and designed or intended to be displayed for a limited period of time;”**

To add a definition- **“Sign, Inflatable” is a static air or gas filled structure.**

Motion #2 To delete Section 605 K-Portable Signs in its entirety:

~~K. Portable Signs No portable or temporary sign, including a sign on a temporarily placed vehicle for advertising purposes, shall be placed on the front or face of a building or on any premises, except in the following instances for no more than 14 days and shall be at least ten (10) feet from any road right of way.~~

- ~~1. Going out of business sale or grand closings.~~
- ~~2. Grand Openings.~~
- ~~3. Public or institutional events.~~

~~Such signs shall require a deposit in the amount as shown on the schedule of fees, Appendix V, given to the Zoning Inspector by the business advertising the event or the director in the case of a public or institutional event. Failure to remove the portable sign on the 15th day results in forfeiture of deposit to the Township.~~

and replace with the following:

Section 605

K. Temporary Signs-Shall be limited to one temporary sign per property, not to exceed 32 sq. ft. including a sign placed on vehicles for advertising purposes, which may be placed on a building or on any premises for not more than 14 days, three (3) times per calendar year (Jan.1st-Dec. 31st). The sign shall be at least 10 ft. from any road right of way except as otherwise specified in this code. The 14-day periods may be contiguous if the property owner so desires.

Motion#4 To add the following Section under 605 Accessory Signs Requiring A Permit

N. Inflatable Signs

1. Inflatable signage shall only be permitted in commercial districts. Movement of all or any part of an inflatable sign is prohibited.

2. Frequency:

Inflatable signs shall be limited to one per property and limited to maximum of 28 days per calendar year (Jan. 1st-Dec.31st).

3. Inflatable signs shall require a permit secured by a deposit with the zoning inspector in the amount shown on the "schedule of fees" appendix V. Failure to remove the inflatable sign within 24 hrs. of the expiration of the permit shall result in the forfeiture of the deposit to the Township.

4. Location:

a. All inflatable signs are to be ground-mounted. They are prohibited from rooftops.

b. Inflatable signs shall be set back from any road right of way and property lines a minimum of 10 ft. plus the height of the sign. (Ex. A 14 ft. tall inflatable would be set back 24 feet).

c. Inflatable signs and their components placed in parking lots shall not reduce the number of available parking spaces below the required minimum.

d. Inflatable signs shall not be placed so as to hinder access by emergency vehicles or services.

e. No inflatable sign shall be placed within 660 feet of a Federal Interstate.

5. Size:

- a. Height shall be measured vertically from the ground to the inflatable sign's highest point; width shall be measured horizontally as the distance between the inflatable sign's widest points. Area shall be determined by multiplying the inflatable sign's height times its width.**
- b. Inflatable signs shall not exceed 14 feet in height, nor shall they exceed 75 square feet in area.**

The majority of the Commission members felt that a 7:00 p.m. start time for the public hearing would be appropriate not knowing how many items may potentially be on the agenda for the Commission's April monthly meeting or the response that will be forthcoming by the Dept. of Planning Services which has to be read into the public record.

Mr. Overmyer made a motion to continue the public hearing on the proposed text amendments until April 16, 2013 at 7:00 p.m. with regular meeting to follow. It was seconded by Mr. Kuenzer.

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

Mr. Kuenzer made a motion to come out of the public hearing and open up the regular meeting of the Zoning Commission at 7:40 p.m.

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

REGULAR MEETING

The Zoning Commission minutes from their February 19, 2013 meeting were approved as written.

The Township Trustees would hear site plans/signage reviews on March 28, 2013 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

Fiesta Jalapenas-4136 Pearl Rd.

Mr. Steve Runyon represented Fiesta Jalapenas on behalf of the property owner. He stated Fiesta Jalapenas was requesting a second sign to be placed on the north side of the building which would read "Mexican Grill". The proposed size of the sign is 12' in height and 10'2" in length.