



**MEDINA TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
REGULAR MEETING  
October 18, 2016**

Chairperson Alliss Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:02 p.m. Permanent Board members Overmyer, Apana, Borrer and Strogin were in attendance. Jimmy Traynor was absent. Alternate members Richard Marco Sr. and Chuck Johnson were also present. Mr. Marco Sr. sat for a full board.

Mr. Apana made a motion to approve the September 20, 2016 meeting minutes as written. It was seconded by Mr. Overmyer.  
ROLL CALL-Apana-yes, Overmyer-yes, Marco Sr.-yes, Borrer-abstain (not at meeting) Strogin-yes.

Chair Strogin stated for the record, that the Zoning Commission was a recommending board only, and that all site plans before the Commission this evening would need to obtain final approval from the Board of Trustees. The next meeting of the Trustees will take place on November 3, 2016 at 7:00 p.m.

**Tabled Items**

**V's Accessories and Consignment-3794 Pearl Rd.**

Mr. Dave Sterrett from Medina Signs represented V's Accessories and Consignment signage request. The request is for a 7.75 sq. ft. panel to be placed on the existing pylon sign. This business is located in Riverside Center.

Mr. Overmyer made a motion to approve the panel sign request for V's Accessories and Consignment located at 3794 Pearl Rd. not to exceed 7.75 sq. ft. as presented. It was seconded by Mr. Marco Sr.

ROLL CALL-Overmyer-yes, Marco Sr.-yes, Apana-yes, Borrer.-yes, Strogin-yes.

**Edward Jones-4975 Foote Rd. Suite #200**

Mr. James Briola from North Coast Sign and Lighting represented the wall signage request for Edward Jones. Edward Jones is located in Signature Square. The sign would consist of 5.45 sq. ft.

Chair Strogin stated Signature Square was granted a variance by the BZA for signs to be placed on the portico of the building. The size of the signs could not exceed 13 sq. ft.

Mr. Overmyer made a motion to approve the wall signage request for Edward Jones located at 4975 Foote Rd. Suite #200 not to exceed 5.45 sq. ft. as presented. It was seconded by Mr. Apana.

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ROLL CALL-Overmyer-yes, Apana-yes, Marco Sr.-yes, Borrer-yes, Strogin-yes.

**Insurance Centre-3850 Medina Rd.**

Mr. Chip Klinkenberg from Illes Architects represented Insurance Centre. This business would be going into Reserve Commons and would take over the former location of Champlain Cleaners. It was an interior remodel only taking an additional 964 sq. ft.

Mr. Overmyer made a motion to approve the change of use for Insurance Center to be located at 3850 Medina Rd. as presented. It was seconded by Mr. Borrer.

ROLL CALL--Overmyer-yes Borrer-yes, Apana-yes, Marco Sr.-yes, Strogin-yes.

**Weymouth Crossings-subdivision sign corner of Huffman and Crimson Harvest Lane**

Mr. Keith Mitchell from Ryan Homes represented Weymouth Crossings. He stated they were before the Commission requesting approval of ground sign for the entrance to the subdivision off of Huffman Rd. and Crimson Harvest Lane. The sign would be placed 25.5 ft. off the road right of way and would be 5.5 ft. in height.

Chair Strogin stated Mr. Mitchell went before the Board of Zoning Appeals last month to request a variance for this ground sign to be placed 7.5 ft. from the road right of way and was denied.

Chair Strogin asked if one of the wings of the ground sign for the subdivision would be in the storm water easement. Mr. Mitchell stated yes, and they would need to obtain a variance from the County Engineer. Chair Strogin stated she would like a copy of that approval for the record.

Mr. Borrer made a motion to approve a ground sign for Weymouth Crossing at the corner of Huffman Rd. and Crimson Harvest lane not to exceed 24 sq. ft. as presented. It was seconded by Mr. Overmyer.

ROLL CALL-Borrer-yes, Overmyer-yes, Apana-yes, Marco Sr.-yes, Strogin-yes.

**Circle K-3809 Pearl Rd.**

Mr. Jeff Watkins from Watkins Lighting represented Circle K. He stated ODOT has widened Pearl Rd. As a result the Circle K ground sign on Pearl Rd. had to be relocated due to the road widening. ODOT will come out and mark the new right of way and the sign will be located 10 ft. back from the new road right of way. The overall height of the new sign would be 7 ft.

Chair Strogin stated ODOT took an additional 17 ft. of road right of way from where Circle K is located at the intersection of Fenn Rd. and Pearl Rd. Mr. Watkins stated the new right of way for Pearl Rd. runs right in the middle of the existing sign.

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Chair Strogan stated per Township's legal counsel; if ODOT does not take the sign, even though it does not meet the 10 ft. from the road right of way requirement of the Township, the sign can remain where it is located. This is the case for Circle K ground sign located on Fenn Rd. but not the sign on Pearl Rd.

Mr. Borrer made a motion to approve the second ground sign for Circle K located at 3809 Pearl Rd. not to exceed 32 sq. ft. as presented. It was seconded by Mr. Overmyer. ROLL CALL-Borrer-yes, Overmyer-yes, Marco Sr.-yes, Apana-yes, Strogan-yes.

**US Bank-3705 Medina Rd.**

Attorney David Ondrey represented US Bank. He said he was before the Commission this evening to get a favorable recommendation on a ground sign for US Bank located on Rt. 18. For background purposes, Attorney Ondrey stated they made a public records request in an attempt to find any official record of a commitment that everybody in the original commercial development had to be on one sign. The Township records do not demonstrate that there was anything official in that regard that was adopted or passed.

Attorney Ondrey stated it was still their contention there are no deed restrictions prohibiting a ground sign; and the zoning code permits the option of a business going on the main sign of the commercial development or having their own sign. There is no place for US Bank to go on the existing commercial identification sign, so therefore the only option is a ground sign.

Attorney Ondrey concluded they were asserting there was never an official record of action of any kind that would only allow tenants to locate on the identification sign for the development. He added it has been expressed there are concerns about the Township's procedures and are prepared to challenge that; but he believes that under the current zoning there is no commitment or obligation not to have a separate sign for US Bank as well as there are no deed restrictions that US Bank could not locate on the identification sign; however there is no empty space for them to do so. Attorney Ondrey stated they believe there should be a recommendation of the Commission made to approve the ground sign for US Bank.

Chair Strogan stated that a member of Township's legal counsel, Mr. Tom Karris was present this evening. She stated that Signature Square is the name the Township recognizes for the whole development for the record. When Signature Square was approved it was as a campus development. The stores in the "L" of Signature Square were to be on the identification sign. The other stores that were not located in the "L" were allowed to have wall signs so there was signage for them. She added that the issue is your client says that US Bank is an independent lot and therefore is entitled to a ground sign. However the declarations, covenants and deed restrictions state,

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“Now Therefore in consideration of the above premises and of the easements, covenants and conditions herein contained. Declarant hereby declares, reserves, grants, covenants and agrees that Parcel 1, Parcel 2, Parcel 3 and Parcel 4 shall be subject to the following declarations, easements, covenants, and conditions set forth in the Agreements. In the Definitions (e) Parcel. “Parcel” shall mean any parcel shown on the Site Plan attached hereto or any parcel which shall be platted or created by any Owner of any portion of the Entire Parcel.”

Chair Strogin continued that according to the zoning code one ground sign per parcel is permitted. That ground sign can be the traditional 32 sq. ft. ground sign or an identification sign. Initially Signature Square put in a traditional ground sign. Then they realized the stores in the “L” needed to have more visibility because unlike the stores up front which had visibility on Rt. 18 and had wall signs; the stores in the “L” did not, therefore Signature Square decided to change from a normal ground sign to the identification sign. Since the whole complex is considered one parcel (parcels 1, 2, 3 and 4) they have their signage.

Chair Strogin added she met with Mr. Thorne who is the assistant prosecuting attorney in addition to Mr. Karris who is also part of Township’s legal counsel. She stated she provided them the documents regarding Signature Square. Mr. Thorne drafted a letter dated May 18, 2016 to Zoning Inspector Elaine Ridgely which states, “Please be advised that I have reviewed the documentation you and Alliss brought in to the office and would agree with your conclusion that for zoning purposes what is now known as Signature square was to be, and indeed was, treated as one parcel. That being the case, the individual parcels which make up the development cannot now come back and seek to obtain signage as a stand-alone lot.”

Mr. Karris stated he agreed with the statements made by Mr. Thorne.

Chair Strogin stated the argument is not with the Township. The commercial HOA is treating all those parcels as one per the declarations, covenants and deed restrictions and the zoning code states one sign per parcel. Therefore the Township has met its obligation and has no other recourse but to deny the ground sign request.

Mr. Borrer stated he asked previously if there was a bankruptcy filing and whether or not the parcel was split in that filing which might affect the signage. The answer that came back was no. Chair Strogin stated that the declarations, covenants and deed restrictions carry on to every owner and every piece. Mr. Karris concurred.

Mr. Marco Sr. stated he was curious if the proposed sign met the zoning code requirements for size and placement? Chair Strogin stated if the proposed sign was a legal sign there were two right of ways and the signage would need to be back 10 ft. from each road right of way. The proposed sign shows twenty feet and the real dimension was more

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like 40 ft. according to the road right of way on each road. However it's irrelevant because the sign is not permitted.

Attorney Ondrey asked if the proposed location of the sign was ever brought to Mr. Frezel's attention when he submitted application for the sign. Chair Strogin stated it never got to that point because the sign is not permitted. If the sign is not legal there is no arguing if it was located within the requirements of the zoning code. The Township cannot change the declaration of easements, covenants and deed restrictions of the commercial development.

Mr. Borrer made a motion to deny the request for a 30.5 sq. ft. ground sign for US Bank located at 3705 Medina Rd. due to the fact the parcel already has a ground sign and a second sign is not permitted per the Medina Township Zoning Resolution as presented. It was seconded by Mr. Apana.

ROLL CALL: Borrer-yes, Apana-yes, Overmyer-yes, Marco Sr.-yes, Strogin-yes.

Mr. Borrer stated that Rt. 18 is going to be widened. Rt. 18 is going from 3-5 lanes. Therefore the road right of way is going to change. Chair Strogin interjected ODOT will probably take 15-20 ft. of right of way. ODOT wants to cut the main entrance into Signature Square. They originally proposed a raised island going in front of the commercial development and the Township objected to it. The islands were then taken away and ODOT will stripe it. ODOT has also stated they would prohibit left hand turns out of Signature Square. ODOT is creating issues for the whole complex and would make it a right only out of Signature Square. .


Attorney Ondrey asked if the identification sign would be effected with the widening of Rt. 18. Chair Strogin stated probably. There are many issues that are going to affect Signature Square with the widening of Rt. 18. A copy of Mr. Thorne's letter and what Chair Strogin read from the declarations of easements, covenants and deed restrictions were given to Attorney Ondrey.

**Misc.**

Secretary Ferencz reminded the Commission members about the APA workshop to be held Nov. 4, 2016 in Mayfield Village.

Having no further business before the Board, the meeting was officially adjourned at 7:58 p.m.

Respectfully Submitted,  
Kim Ferencz, Zoning Secretary

  
Alliss Strogin Chairperson