



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: December 11, 2014

Meeting Time: 5:30 pm

Present: Bert Humpal, Jim Bigam, Kris Klink, Mark Pinskey, Jonathan Mendel, (Community Development Director), Justin Benko (Associate Planner), Sandy Davis (Administrative Assistant)

Absent: Mark Williams

Minutes: There were no minutes presented for approval this month due to a lack of a quorum of members that were present at the October and November meeting.

Announcements: There were no announcements.

Old Business: None

New Business:

1. Z14-21 1041 N. Court Street GNC VAR

Justin Benko gave a brief overview of the case. Mr. Benko stated the application is a request for a variance for GNC, 1049 N. Court Street, to Section 1147.17(D) of the Planning and Zoning Code to allow a 27 sq. ft. wall sign instead of the maximum allowed 20 sq. ft.

Mr. Benko stated the building is located on the west side of North Court Street in the Medina Shopping Center. Mr. Benko stated the site is adjacent to commercial zoning to the north, south and east with residential zoning to the west.

Mr. Benko stated the sign is for the GNC store in the Medina Shopping Center. Mr. Benko stated the new sign is more consistent with the current branding of GNC.

Mr. Benko stated the storefront is 20 ft. wide and the proposed sign is 7 sq. ft. larger than what is allowed by code.

Mr. Benko stated the proposed sign is 35% larger than what is allowed by code. Mr. Benko stated the larger sign may be more appropriate in scale because of the cumulative size of the Medina Shopping Center.

Mr. Benko stated the variance should not adversely impact the character of the neighborhood. Mr. Benko stated the plaza is setback off the road; the larger sign may improve visibility of the sign from the outlying parcels of the Medina Shopping Center and N. Court Street.

Mr. Benko stated the variance sought is not the minimum necessary to allow reasonable use, visibility, or readability of the sign.

Present for the case was Bill Bender from K-Lite Sign Company in Akron. Mr. Bender stated he is the contractor for the project. Mr. Bender stated the project is to remove the old GNC neon sign and the bar underneath that states "General Nutrition Center" and install just the GNC logo letters in its place.

Mr. Bender stated the new sign is LED which is brighter and will be more visible. Mr. Bender stated the wall will also be painted to match the adjoining store fronts.

Mr. Bender stated the sign will be one color, red, and LED lit. Mr. Klink asked the height of the existing signage with "General Nutrition Center" underneath. Mr. Bender stated he knows the sign is 9 feet long but he is not sure of the height. Mr. Bender stated he guesses it is around 34" in height. Mr. Klink stated the new sign is 3 feet longer than the existing sign but it is not as tall.

Mr. Klink asked if the new sign is a standard size. Mr. Bender stated it is a standard size. Mr. Klink asked if there is a smaller standard size. Mr. Bender stated there may be but he did not inquire about it since this sign is already made.

Mr. Bender stated he will also paint the raceway to match the building so all that will show is the GNC letters.

Mr. Pinsky asked if there were any photos of the adjoining business signs for comparison. Mr. Benko stated he does not have any photos. Mr. Bigam stated he took some photos and shared them with the board.

Mr. Humpal stated he recalls other sign variances being granted in the shopping center several years ago.

Mr. Pinsky asked if there are any issues with the brightness of the sign. Mr. Mendel stated there are no standards for the brightness. Mr. Mendel stated the only standards in the code are vague in terms of building lighting and electronic message centers. Mr. Mendel stated for normal wall signs that are internally illuminated, there are no specific standards.

Mr. Mendel stated if the sign proves to be excessively bright, staff can address it at that time as a safety hazard.

Mr. Bender stated the old sign will be taken down, the wall will be painted with paint provided by the plaza which matches the adjoining storefronts, and the new sign will be put up.

Mr. Pinsky made a motion to approve a Variance to Section 1147.14(D) of the Planning and Zoning Code to allow a 27 sq. ft. wall sign instead of the 20 sq. ft. that is allowed. Mr. Pinsky stated the approval is based on the finding that the sign is more appropriate in scale because of the large size of the frontage and the variance would not adversely impact the character or appearance of the building or lot or neighborhood.

The motion was seconded by Mr. Klink.

Vote:

Klink	<u>Y</u>
Bigam	<u>Y</u>
Humpal	<u>Y</u>
Pinsky	<u>Y</u>
Approved	4-0

2. Z14-22 111 W. Reagan Pkwy. Dr. Luan O'Connor VAR

Mr. Benko gave a brief overview of the case. Mr. Benko stated this is a variance request to Section 1147.07(J)(2) of the Planning and Zoning Code to allow a full color LED Electronic Message Center Sign when single color LED signs are allowed by code.

Mr. Benko stated the site is located on the north side of W. Reagan Pkwy. N. Huntington Street is located to the west and N. Court Street is located to the east. Mr. Benko stated the property is adjacent to commercial zoning on all sides.

Mr. Benko stated the applicant is proposing the installation of a full color LED electronic message center sign into an existing structure. Mr. Benko stated electronic message center signs are conditionally permitted within the city; the applicant is seeking conditional sign approval for the electronic message center sign at the December 11, 2014 Planning Commission meeting.

Mr. Benko stated the proposed sign complies with size and height regulations. Mr. Benko stated the proposed sign would be installed into an existing sign structure.

Mr. Benko stated the essential character of the neighborhood may be altered by the variance. Mr. Benko stated although code section 1147.07(J) also details the frequency of Electronic Message Center sign changes, a full LED sign may create a visual distraction to motorists. Mr. Benko stated this would be the first full color LED sign within the city.

Mr. Benko stated the variance sought is not the minimum necessary to allow reasonable use, visibility, or readability of the sign. Mr. Benko stated the applicant could reduce the color of the LED sign to a single color.

Mr. Benko stated sign regulations are established in the Planning and Zoning Code to promote clarity in sign communications; to balance sign communications; to promote a harmonious relationship between sign types, sign locations and land uses; and to protect the public health, safety and welfare from the hazards resulting from indiscriminate placement.

Present for the case was Buddy Swisshelm, Swiss Eagle Marketing, 4099 William Penn Highway, Suite 203, Monroeville, PA. Mr. Swisshelm stated Dr. O'Connor is interested in placing an electronic message center in front of her office. Mr. Swisshelm stated the sign has an existing structure and Dr. O'Connor has no desire to have a flashing or moving sign. Mr. Swisshelm stated the purpose of the sign is to talk about services that they provide and also for community messages. Mr. Swisshelm stated the sign is not in an area that would cause a distraction.

Mr. Swisshelm stated there has never been any studies that he knows of, that prove a digital sign causes accidents or the color of a digital sign causes accidents or concerns. Mr. Swisshelm stated he understands the Board's concern however. Mr. Swisshelm stated there is a logical reason as to why full color is being requested. Mr. Swisshelm stated a picture tells a thousand words. Mr. Swisshelm passed out photos of full color digital signs in other communities. Mr. Swisshelm stated it is safer for the drivers going by, easier to be read, and more noticeable for the business and a much more professional appearance. Mr. Swisshelm stated instead of trying to tell the story in text, a picture with no movement can give a quick visual sign of what the business is about.

Mr. Swisshelm stated the purpose of the full color sign is to tell the story in a very simple, easy to read picture.

Mr. Pinsky asked how a color LED sign would be safer than a monochrome sign. Mr. Pinsky stated he feels it is still trying to communicate a message whether it is done with a picture, color, or monochrome, he does not understand how safety places a part in that.

Mr. Swisshelm stated if a red LED text sign were to be put in place with four lines of text, a driver going by has to read the four lines of text while driving. Mr. Swisshelm stated if he takes a picture of the staff and puts it on the sign with text saying "meet the staff", it is easy and quick. Mr. Swisshelm stated it is safer. Mr. Swisshelm stated a stationary sign cannot serve the purpose for the business.

Mr. Pinsky stated current regulations in the zoning code permit a monochrome LED sign. Mr. Benko stated it is a conditionally permitted sign that needs to be approved by the Planning Commission.

Mr. Bigam stated he interprets Mr. Swisshelm explanation of the objective of the full color sign is to grab the attention of the driver. Mr. Swisshelm stated every sign on the street has the purpose of getting someone's attention. Mr. Swisshelm stated he wants to create a sign that can project the message in a split second.

Mr. Bigam stated if this sign is different from the others and more color, it would grab more attention.

Also present for the case was business owner, Dr. Luan O'Connor. Ms. O'Connor stated she has been in town for 25 years and is just now getting around to putting up a more permanent sign. Ms. O'Connor stated with the changes she is making in her business over the next year, she will be moving towards health, wellness, and prevention. Ms. O'Connor stated she drives past the sign on Granger Road for Dr. Weeks which is a multi-colored LED sign. Ms. O'Connor stated the thing she loves about the sign is that it will show a picture of a spine and shows exactly what the business is about. Ms. O'Connor stated the sign displays pictures of healthy foods. Ms. O'Connor stated it is about wanting to display something important and positive for the community. Ms. O'Connor stated is it not just about her business, she has plenty of business. Ms. O'Connor stated she wants to start promoting change and she has worked hard over the last year with pilot projects with patients for health and wellness. Ms. O'Connor stated she would like that to be the message that is sent. Ms. O'Connor stated the road has a 25 mph speed limit with no other signs except Medina Creative Housing. Ms. O'Connor stated the road is built out and has no land for sale. Ms. O'Connor stated there will not be businesses asking for more signs on that road. Ms. O'Connor stated the only other sign is Regal Cinema who asked for a variance years ago to put massive letters and multi-colors up. Ms. O'Connor stated she had no objections to their request. Ms. O'Connor stated to her knowledge there have been no accidents due to their multi-color sign. Ms. O'Connor stated her goal is not to put words on the sign to tell something, but to sell a message of what she is attempting to do. Ms. O'Connor stated she doesn't have to have the sign but she really wants this sign. Ms. O'Connor stated she would be willing to use the sign for emergencies in the city if they wish. Ms. O'Connor stated the sign would have no moving text.

Mr. Humpal asked if this section of the code is new. Mr. Mendel stated the section regarding digital LED signs is essentially the same as it was prior to the recent code update.

Mr. Pinsky stated the city codes and regulations are there for a purpose. Mr. Pinsky stated the board has been approached with other requests for LED signage and the code was heavily considered during those proceedings. Mr. Pinsky stated he would like to keep an objective eye towards what is in the code now and if it is required in the future, the code can be adjusted to accommodate color LED signs.

Mr. Humpal stated it was approximately one month ago that the Board of Zoning Appeals declined a similar request from the Medina County Fair Board on Smith and

Lafayette Roads. Mr. Humpal stated the board approved only single color LED for that sign.

Ms. O'Connor asked what the objection is to multi-colored signs. Mr. Humpal stated he cannot directly answer that question but he can say that the zoning code went through an extensive review over two years and went through City Council, Planning Commission, and various Economic Development entities within the city. Mr. Humpal stated it was probably the conclusion that was arrived at during that review. Ms. O'Connor asked if the existing sign regulations for digital LED signs was continued or was it researched and discussed before it was continued. Ms. O'Connor asked if it was researched to see if it was a danger or risk.

Mr. Humpal stated he cannot answer that. Mr. Mendel stated in looking at the history of the zoning code update, he does not believe there was any discussion about changing the regulations. Mr. Mendel stated by implication it states that is how the community continues to want to regulate electronic message signs. Mr. Mendel stated typically, full color has been considered by other communities and may have been by the City of Medina and was thought to pose a traffic hazard.

Ms. O'Connor asked if studies were done to prove this. Mr. Bigam stated that is a question for City Council and the people that sat on the Planning Committee for the revision of the code. Mr. Bigam stated the Board of Zoning Appeals is charged with hearing appeals of what has been given to them and approved by City Council.

Mr. Pinsky stated he feels safety is a secondary factor. Mr. Pinsky stated what happens is that once the full color is allowed, more requests will come in from other businesses for electronic LED message centers with full color. Mr. Pinsky stated the city tries to keep the signs from getting out of control.

Mr. Swisshelm asked if it is possible to go before Council to address the issue. Mr. Mendel stated the zoning code allows for anyone with a business interest or resident of the City of Medina to request text amendments to the zoning code to the Planning Commission who ultimately makes a recommendation to City Council.

Mr. Mendel stated that is a whole separate process and is a formal process to express that you do not agree with the current text and make suggestions for new text. Mr. Mendel stated that is a process outside of the Board of Zoning Appeals process tonight. Mr. Mendel stated the applicant can request a postponement to submit additional information to the board. Mr. Mendel stated the applicant can also allow the board to render a decision this evening and then the applicant could take the next step to propose a text amendment to the Planning Commission at a later date.

Ms. O'Connor stated maybe density is an issue but the board has the power to grant variances without knowing why the code was not changed to allow the full color LED message centers. Ms. O'Connor stated it does not appear that the board is clear on why the full color is not permitted.

Mr. Bigam explained that the board enforces the code that was approved by council. Mr. Bigam stated it is a big leap to go from single color to full color. Mr. Bigam stated he has been in law enforcement for years and feels it is a distraction to have full color. Mr. Bigam stated his personal opinion based on his law enforcement background is that full color signs are a danger.

Mr. Klink stated the entire Planning and Zoning Code was reviewed, changed, and passed just this past summer. Mr. Klink stated it was a two year process to complete and the ink is barely dry on the legislation.

Ms. O'Connor stated she would like to understand the specific reason for not allowing full color LED signs in the city.

Mr. Humpal stated the Fair board was recently denied a variance for a full color sign; however, each variance stands on its own merits.

Mr. Mendel stated when the board renders a motion, there will be a finding stating why the variance was approved or denied based on the criteria for sign variances which are listed in the staff report and zoning code. Mr. Mendel stated the applicant must meet or not meet one or all of those items which is what the board bases its decision on.

Ms. O'Connor suggested the approval could be made conditional for six months or a year and if the sign proves to cause a danger, the sign could be changed to a monochrome sign. Mr. Mendel stated the board may do that if they choose to.

Mr. Swisshelm stated he feels the color should be turned down in the evening.

Mr. Pinsky stated he does not feel pictures communicate more than text would communicate and he feels the regulations stand on their own merit.

Mr. Bigam stated he needs to have just cause to make the leap to allow full color.

Mr. Pinsky suggested trying to promote this change outside of this meeting and not by trying to drive change with a variance. Mr. Pinsky stated other businesses in the community will start to piggyback on a variance if granted.

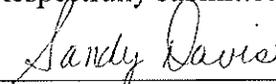
Mr. Humpal stated it will require three yes votes or three no votes to approve or deny a variance and Mr. Humpal stated he senses the board is not inclined to approve a variance. Mr. Mendel stated the motion must be in the affirmative.

Mr. Bigam made a motion to approve a variance to Section 1147.07(J)(2) of the Planning and Zoning Code to allow a full color LED Electronic Message Center Sign at 111 W. Reagan Parkway. Mr. Bigam stated the motion is based on the finding that the variance would be consistent with the general spirit and intent of the ordinance. Mr. Klink seconded the motion.

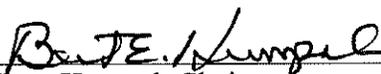
Vote:
Humpal N
Klink N
Bigam N
Pinskey N
Denied 4-0

Having no further business, the meeting was adjourned.

Respectfully submitted,



Sandy Davis



Bert Humpal, Chairman