

**CITY OF MUNROE FALLS
PLANNING COMMISSION MEETING MINUTES
TUESDAY, MAY 26, 2015**

Call to Order:

Mr. Bush called the meeting to order at 7:00 p.m.

Roll Call:

Members of Planning Commission present: Jake Bush, Joseph Halpin, Mike Hyrnick, Gary Toth, and Brian Steinwedel. Mr. Hyrnick moved and Mr. Halpin seconded the motion to excuse Mr. Miller. A roll call vote was taken and passed unanimously.

Also Present: Mayor Frank Larson; Service Director Bowery; Councilman Steve Stahl; Councilman John Hegnauer; Councilman Mike Barnes.

Approval of Minutes:

- Mr. Hyrnick moved and Mr. Halpin seconded the motion to approve the Minutes from the April 28, 2015 Planning Commission Meeting. Hearing no objections, Mr. Bush asserted the Minutes from the April 28, 2015 Planning Commission Meeting stand approved as submitted.

Mayor's Report:

- Mayor Larson stated Lemongrass Grill has opened for business; however, they are waiting to have a grand opening until they receive their liquor license.

Community Development Committee Report (as reported by Chairman Toth):

- Mr. Toth announced River Day will be held on Saturday, May 30, 2015 between 10:00 a.m. and 4:00 p.m. at Brust Park. He reported 50 vendors/presenters have been confirmed for this event.
- Mr. Toth reported Farmers Market will also be held this year at Brust Park; begins on July 7, 2015 and runs through the end of September.

Items for Consideration:

1. PC2015-05:	Applicant:	Lucille Hendren
	Applicant Address:	1243 Treasch Drive Cuyahoga Falls, Ohio 44221
	Property Owner:	Lucille Hendren
	Prop. Owner Address:	1243 Treasch Drive Cuyahoga Falls, Ohio 44221
	Property In Review:	191 Game Drive Munroe Falls, Ohio 44262
	Zoning District:	R-3

Applicant seeks approval for: New Home

Please Note: On April 22, 2015 Ms. Hendren was approved by Board of Zoning Appeals (BZA2015-03) to build a 1,274 square foot home with a setback of 30 feet.

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- Bill Beatty, contractor for Mrs. Hendren, indicated the plans are exactly the same as the plans approved by the Planning Commission in 2014 for the home built at 188 Hunter Avenue in Munroe Falls.
- Mr. Beatty indicated the garage at 191 Game Drive measures 480' (20' x 24').

Motion:

Mr. Hymnick moved and Mr. Halpin seconded the motion to approve PC2015-05 as submitted. A roll call vote was taken and the motion passed unanimously.

2. PC2015-08:	Applicant:	Techties Services, LLC. (David Gershom)
	Applicant Address:	P.O. Box 373 Tallmadge, Ohio 44278
	Property Owner:	Mark Goehler
	Prop. Owner Address:	6015 Wooster Pike Medina, Ohio 44256
	Property In Review:	42 ½ Munroe Falls Avenue Munroe Falls, Ohio 44262
	Zoning District:	Town Center

Applicant seeks approval for: New Business

- David Gershom, majority owner of Techties, asserted they have been in business for over 14 years in Tallmadge, Ohio. Mr. Gershom noted they have outgrown their space in Tallmadge and he is hoping to move into his friend's space at 42 ½ Munroe Falls Avenue and conduct business in the City of Munroe Falls.
- Mr. Gershom explained Techties is a software development business; has a number of clients in the Cleveland area (business-to-business and conducted off-site).
- Mr. Gershom indicated he is not a retail business and does not advertise for business. He confirmed some of his clients include the Cleveland Clinic, Key Bank, Roadway, BP, and Applied Industrial Technologies is his biggest client who has been with his company for the past 25 years.

Motion:

Mr. Halpin moved and Mr. Toth seconded the motion to approve PC2015-08 as submitted. A roll call vote was taken and the motion passed unanimously.

3. PC2015-09:	Applicant:	ES Sign Group (Nate Milstein)
	Applicant Address:	9478 Ravenna Road Twinsburg, Ohio 44087
	Property Owner:	Nicole Sanate
	Prop. Owner Address:	21 N. Main Street Munroe Falls, Ohio 44262

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Property In Review: 21 N. Main Street (The Scissor Room/NeoSkin)
Munroe Falls, Ohio 44262
Zoning District: Town Center

Applicant seeks approval for: New Business & Sign

- Mike Behm acknowledged they created the original sign for The Scissor Room several years back and now they have a new tenant. The owner of The Scissor Room wanted a new sign that worked for both The Scissor Room and the new tenant, NeoSkin.
- Mr. Behm noted they would like to keep the same posts, just raise the original sign to 6' high. He reported the current sign is approximately 4' high.
- Service Director Bowery confirmed ES Sign Group will be using the existing location of the monument sign and raising it up to 73".

Motion:

Mr. Halpin moved and Mr. Toth seconded the motion to approve PC2015-09 as submitted. A roll call vote was taken and the motion passed unanimously.

Old Business:

- Proposed changes to Section 1145.10(a)(1)(F) of the Munroe Falls Codified Ordinances (to add an exemption to the review procedures for certain modifications and/or replacement of sign facing, lettering, or color of an existing erected signage).
 - According to Mr. Toth, the way the proposed Ordinance (Ord. #2015-02) is written, it will not be handled by Mr. Bowery (or the Zoning Inspector) at all. Therefore, Mr. Toth explained the information Mr. Hyrnick wanted addressed in the Ordinance (to include a provision that would allow the Planning Commission to receive advanced information regarding a sign change with the obligation that members of the Planning Commission, if they object, respond to that within a 5-day period and absent any objections received from members of the Planning Commission, the process shall proceed as presently defined), will not work in amending Ordinance 1145.10(a)(1)(F) of the Munroe Falls Codified Ordinances.
 - Mr. Hyrnick noted the Planning Commission has an obligation and a right to review sign applications. He affirmed he understands the interest in trying to be more efficient in trying to expedite the process and he is certainly not opposed to that; however, somewhere in that revised process the Planning Commission should at least be notified of what is happening with the right to become involved, only if there is an objection, after they are notified of the fact that this process was engaged.
 - Mr. Hyrnick declared he is trying to preserve what the Planning Commission had before while still trying to promote an efficient process.
 - Mr. Stahl reported City Council was notified by Law Director Morrison that the City cannot deny an applicant a sign permit based on color, content, et cetera. However, if there is something objectionable on a sign, the City could file a nuisance abatement complaint against the owner but keep in mind what the City finds objectionable, a court may not. Mr. Stahl commented he is also concerned with the \$65.00 Planning Commission application fee.

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- Mr. Hyrnick explained he legally understands the Planning Commission cannot do anything to prohibit this change; however, they (the Planning Commission) can engage in discussion, they can present an alternative point of view, and they can encourage someone to reconsider something that the Planning Commission members do not feel is appropriate for the community. Mr. Hyrnick asserted without that interim step, Planning Commission members lose all of that opportunity.
- Mr. Bowery noted this change would only affect an existing business, not a new business. A new sign has to fit exactly where an existing sign has already been approved by the Commission. The business owner cannot change the size of the sign; however, they can change the color of the background, the lettering, the wording, graphics, et cetera.
- Mr. Bush indicated sign facing is not defined anywhere in the proposed sign ordinance or the Munroe Falls Zoning Codes so the City needs to remove that wording (sign facing/signage facing) in order for him to be happy with it.
- Mr. Bush said the Planning Commission asked the Law Director for a legal opinion of Section 1145.07(m): “all signs shall be designed, constructed, and erected in a professional and workmanlike manner” and “with materials which are durable for the intended life of the sign”; however, they have not received a response from him. They are again asking for a legal opinion from the Law Director.
- Discussion followed on Section 1145.01 Sign Regulations - Purpose (the purpose of this chapter is to protect the general health, safety and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective graphics for purposes of navigation, information and identification).
 - Service Director Bowery remarked an owner of a business could put up a window sign that is temporary, with any graphics that they want, without coming to the Planning Commission or Zoning Department as they are not required to obtain a permit.
 - Mr. Bowery explained temporary sign description under Section 1145.02(a)(3) is not defined for a specific period of time.
 - Mr. Bush requested the City update the code definition to include what period of time “temporary” is.
 - Service Director Bowery confirmed if the owner of a business adds lighting to a sign, they must appear before the Planning Commission; if they change the size of the sign in anyway, they must appear before the Commission; and if they change the location of the sign, they must appear before the Commission.
- Mr. Barnes declared the Planning Commission needs to operate under the premise that it is not what they want but it is what the community needs. They may not like the color purple or they may not like a sign with a person getting his head lopped off but it doesn't matter what the Commission wants. He asserted when personal opinions guide a decision, that is wrong and currently we have a City Council that will not support something that could be subjective.
- Mr. Hyrnick indicated the Planning Commission and City Council clearly have a difference of opinion.
 - Service Director Bowery explained with the proposed changes, (to add an exemption to the review procedures for certain modifications and/or replacement of sign facing, lettering, or color of an existing erected signage), the review process will not be reviewed by any member of the City as a zoning certificate will not be required.
 - Service Director Bowery suggested if Planning Commission members want a change, the proposed amendment be added to Section 2 of 1145.10 as a Zoning Inspector shall have the responsibility to review and approve (or disapprove) of any changes.

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- Service Director Bowery declared it is his opinion to leave the proposed Ordinance (Ord. #2015-02) the way it was written. He professed he does not like adding language that there has to be a period of time where Planning Commission is going to review the application and then get back to the City and then Mr. Bowery has to go to that applicant to tell him/her that they have been singled out and need to appear before the Planning Commission for their sign.
- Mr. Bowery affirmed if the Planning Commission is going to put conditions on who or who does not appear before the Commission, that makes it very hard for the Zoning Inspector to do their job. He acknowledged the City either has all applicants appear before the Planning Commission or do what City Council has recommended in the proposed Ordinance.
- Mr. Hegnauer confirmed that an existing sign has already been approved by the Planning Commission and City Council; the City has no legal right to deny any changes for certain modifications and/or replacement of sign facing, lettering, or color of an existing erected sign.
- Mr. Halpin asked if the City created new sign regulations or if we benchmarked what other cities were doing with signage.
 - Mayor Larson said Councilman Stahl had a committee a few years back who reviewed and updated sign regulations.
 - Mr. Stahl confirmed some cities in Summit County do next to no regulations while other cities regulate the height, letters, et cetera of a sign. Mr. Stahl and Mr. Hegnauer said they will reach out to other communities in Summit County to see how they handle replacement signs in their cities. He announced he will send an e-mail to members of the Planning Commission with his findings.
- Mr. Toth reiterated the City wants to be as business friendly as we can.
- Mr. Stahl asserted he will agree to continue to table the Ordinance (Ord. #2015-02), which is a change in his position, until some of the questions presented this evening are answered.

New Business:

- None

Adjournment:

Mr. Hyrnick motioned and Mr. Halpin seconded the motion to adjourn the meeting at 8:15 p.m. Voice vote was taken and passed unanimously.


Chairman

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