

**CITY OF MUNROE FALLS
PLANNING COMMISSION MEETING MINUTES
TUESDAY, AUGUST 25, 2015**

Call to Order:

Mr. Bush called the meeting to order at 7:01 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.

Approval of Minutes:

Mr. Toth moved and Mr. Halpin seconded the motion to approve the Minutes from the July 28, 2015 Planning Commission Meeting. Roll call was taken and the motion passed unanimously.

Mayor's Report:

- The Mayor reported Mr. Ederer has decided to put his property up for sale on the corner of Route 91 and Munroe Falls Avenue.

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

- Mr. Toth mentioned the City of Tallmadge had their Circle Festival which was very well attended. Mr. Toth reported he and Councilman Iona were approached by a few Munroe Falls residents who expressed interest in having such an event in the City of Munroe Falls.
- The City of Stow will hold their Summer Sunset Blast on September 4, 2015 – September 5, 2015 at Silver Springs Park.
- Mr. Toth reported the Cleveland Sight Center, with Lisa Cellura, will host a special presentation, sponsored by the Gables of Hudson, on Wednesday, September 2, 2015, at the Lehner Community Center. He noted lunch will be provided at noon with the program immediately following.

Items for Consideration:

1. PC2015-12:	Applicant:	Jim Armbrust
	Applicant Address:	500 N. River Road Munroe Falls, Ohio 44262
	Property Owner:	Jim Armbrust
	Prop. Owner Address:	500 N. River Road Munroe Falls, Ohio 44262
	Property In Review:	500 N. River Road Munroe Falls, Ohio 44262
	Zoning District:	R-3

- **Applicant seeks approval for: (a) New Business – Conditionally Permitted Uses 1125.03(f)
(b) Signs**

FOR ALL PERSONS WITH DISABILITIES:

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- Mr. Armbrust said he and his wife are looking to start a haunted hayride at their residence beginning September 25, 2015 and ending on October 31, 2015. This event will be held on the weekends; Fridays (5:00-11:00 p.m.); Saturdays (4:00-11:00 p.m.) and Sundays (3:00-7:00 p.m.).
- Mr. Armbrust acknowledged they have 27 acres between their two lots; 414 and 500 N. River Road.
- He explained the hayride would be approximately 20 minutes long and those who are first to arrive will be the first to be waited on. Currently, they have one tractor and one trailer that would take 20 customers through the property on trails they have established over the past several years. He further explained there are some wide roads on his property that are accessible via trucks if necessary and there is emergency access throughout the entire property.
- Jim Armbrust asserted at the front of the property patrons can gather around small campfires; campfires would be within the regulations of the local fire codes.
- Mr. Armbrust explained, at this time, they are not planning on serving any food.
- He remarked they are pursuing parking with Kimpton Middle School and would ask for a donation of \$5.00 per car to park in their lot. He expressed this fee would then be donated back to the school.
 - Mr. Armbrust explained they have not met with officials from Kimpton Middle School yet to discuss the parking situation; however, he anticipates meeting with them within the next week.
- Jim Armbrust asserted the entrance for the hayride would be right off of North River Road, their property located at 414 N. River Road, which is right next to the middle school.
- They are requesting the approval of two signs; one sign they would put over the present Kimpton school sign which is approximately 41” tall x 92” wide. The second sign would be a 3’ tall x 10’ wide banner located over the gated entrance off the sidewalk (10’ back) at 414 N. River Road reading “Hayride Entrance”.
 - He affirmed the signage would go up the Friday (afternoon) of the weekend during the event and would be taken down the Sunday (evening) of each weekend or the very next morning (Monday).
- Mr. Armbrust acknowledged they would be employing ten people from the community, including himself and other family members (costumed personnel).
 - There are a few outbuildings on the property that they are going to use as props and there are approximately eight different scare points planned for the evening haunted hayride.
 - During the daylight hours, families can come with their children and have a nice, leisurely ride through the woods.
- Jim Armbrust asserted they will have general liability insurance (special event insurance) through the Scottsdale Surplus Lines Insurance Company.
- Mr. Armbrust mentioned they are in the process of pursuing the LLC (limited liability company) for Creekside Farms; he affirmed no other company is called Creekside Farms, LLC.
- Mr. Bush asked Service Director Bowery for his review of this application and he stated it should depend on whether or not Mr. Armbrust gets the approval from the school board to allow parking at the Kimpton Middle School parking lot.
- Planning Commission asked Mr. Armbrust if he was going to have any lights on his property or set up a speaker for this special event.
 - Mr. Armbrust said they have no plans to use any speakers at this time and there will be a portable tent erected in the front of the property that will be utilized for staff to handle money. He confirmed there will be lighting in the back of the property but most of the lighting will be used for prop locations.
 - Mr. Armbrust affirmed the airport is adjacent to the rear of their property, Callahan’s are adjacent to the east side, and Kimpton Middle School is adjacent to the west side of their property.
- Mr. Bush asked Mr. Armbrust if they spoke to the neighbors about the hayride event taking place in their neighborhood.
 - He professed the neighbor right next door is willing to help and the neighbor directly across the street is extremely excited for this event. He confessed they have not spoken with the other two neighbors as of yet.

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- Mr. Bush confirmed according to City Ordinance 1141.05(c)(2), lighting shall not shine on adjacent property and shall not pose a hazard to traffic movement. He said what is being discussed this evening, Mr. Armbrust will have some lighting on his property; however, it does not appear that it will cause any traffic issues.
 - Mr. Armbrust agreed, stating any lighting will be well back, 100' to 300', and further into the property.
- Mr. Halpin asked Mr. Armbrust if he was going to have security for this event.
 - Service Director Bowery affirmed as this is a private event and is being held on private property, it would be up to Mr. Armbrust to provide security for the hayride event.

Motion:

Mr. Halpin moved and Mr. Hymnick seconded the motion to approve PC2015-12, contingent on the parking arrangements being approved by the Stow-Munroe Falls City School District (Kimpton Middle School). A roll call vote was taken and the motion passed unanimously.

2. PC2015-13:	Applicant:	Aboosh LLC (dba: Munroe Falls Drive Thru)
	Applicant Address:	90 S. Main Street Munroe Falls, Ohio 44262
	Property Owner:	William Hale
	Prop. Owner Address:	P.O. Box 1371 Edwards, CO 81632
	Property In Review:	90 S. Main Street Munroe Falls, Ohio 44262
	Zoning District:	T-C

- **Applicant seeks approval for: (a) New Business
(b) Sign**
- Moe Rawahneh indicated he came to the Planning meeting on behalf of his brother. Mr. Rawahneh stated they are just changing the facing on the sign to the business. He confirmed the sign is going to be in the same location.
- Mr. Rawahneh explained the business is going to be the same as well; selling beer, wine, beverages, cigarettes, et cetera.
- Service Director Bowery explained the sign is a nonconforming sign under City Ordinance 1145.12(a)(1), when the existing use has new ownership which results only in a change of the name of the use or business on the property.

Motion:

Mr. Halpin moved and Mr. Toth seconded the motion to approve PC2015-13 as submitted. A roll call vote was taken and the motion passed unanimously.

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3. PC2015-14:

Applicant:	Cornerstone Market & Deli, LLC
Applicant Address:	301 S. Main Street Munroe Falls, Ohio 44262
Property Owner:	Lawrence Bartolone
Prop. Owner Address:	7269 Pettibone Road Chagrin Falls, Ohio 44023
Property In Review:	301 S. Main Street Munroe Falls, Ohio 44262
Zoning District:	C-1

- **Applicant seeks approval for: Site Plan Review (Cornerstone Market & Deli)**
- Nick Bartolone, owner and operator of the Cornerstone Market & Deli, indicated he is excited to attend the meeting this evening and to submit the site plans to rebuild the market.
- Chris Trotta, head architect, revealed the footprint for the new Cornerstone Market is bigger. He said the main footprint of the market is the same; however, there is a couple thousand square foot addition off the backside for shipping/receiving and the cooler. He said the market was approximately 5,500 square foot before and with the plans submitted, the new Cornerstone Market & Deli will be approximately 8,500 square foot.
- Mr. Trotta indicated there will be two Porticos in the front of the building. Then there are overhead garage doors to close up the Porticos after hours.
- Mr. Bush asked if Cornerstone Market & Deli was requesting a new sign.
 - Mr. Trotta stated they will, at a later time, come back to the Planning Commission and request approval for the sign to the building.
- Service Director Bowery explained the Police Chief and Fire Chief reviewed the Site Plan for the Cornerstone Market and they had no issues with the plans.
- Mr. Bush asked about the loading space; indicating it appears the Cornerstone Market has accommodated for loading/unloading. There are two garage doors to the rear of the building with plenty of room in front of the area.
 - Mr. Bartolone said the market has been there for four years so they are trying to make their lives a little easier and are trying to make the business work not only better for them but for the community. He said they were trying to make this area accommodating for the trucks and truck drivers.
- Mr. Trotta reported they made two additional handicap parking spaces in the parking lot so now there are a total of three handicap parking spaces.
- Mr. Trotta mentioned the roof will be similar to the old roof; however, there will be a large gable in front that will be much more pronounced and a hearty plank will be used all around the building. He noted they are still considering some samples of vinyl siding along with stone veneer for the outside of the building.

Motion:

Mr. Halpin moved and Mr. Toth seconded the motion to approve PC2015-14 as submitted. A roll call vote was taken and the motion passed unanimously.

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4. PC2015-15:

Applicant:	Michael Rose (Stow Munroe Barber Shop)
Applicant Address:	726 E. State Street Barberton, Ohio 44203
Property Owner:	Summit Properties (Dean Corpas)
Prop. Owner Address:	250 W. Market Street Akron, Ohio 44303
Property In Review:	10 N. Main Street, Suite B Munroe Falls, Ohio 44262
Zoning District:	T-C

- **Applicant seeks approval for: (a) New Business
(b) Signs**
- Mr. Bush confirmed no one from Stow Munroe Barber Shop appeared before the Planning Commission this evening.
- Mayor Larson mentioned the previous owner, Ray, is retiring and Michael Rose, who is currently employed by Ray, is taking over the business.
- The Planning Commission questioned Mr. Bowery on the signs submitted by Mr. Rose.
 - Service Director Bowery indicated that the black in the sign may indicate the window because the square footage listed on the documentation submitted is smaller than the size of the window.
 - Service Director Bowery said as far as the coloring of the sign, it was not indicated on the information presented to the City; other than the black and white copies submitted by Mr. Rose.
 - Mr. Bowery confirmed per his reviews, all sign dimensions are within City code.
 - He confirmed the outside sign will be existing; will be repainted with Mr. Rose's information on it.

Motion:

Mr. Hyrnick moved and Mr. Toth seconded the motion to approve PC2015-15 as submitted. A roll call vote was taken and the motion passed unanimously.

Old Business:

- Mr. Bush indicated he came across a document from the Supreme Court of the United States talking about the case that he was briefly discussing at the last Planning Commission meeting (Reed v. Town of Gilbert, Arizona), dealing with cities, towns, and their sign codes.
 - He indicated the Town of Gilbert has three categories of exempt signs; ideological signs, political signs (this includes any temporary sign designed to influence the outcome of an election called by a public body), and a temporary directional sign relating to a qualifying event (assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization).
 - In this case, Mr. Bush said the church services are held at different locations in and near the Town of Gilbert, and the church posted signs early each Saturday with the time and location of the next service and did not remove the signs until around midday Sunday. They were cited for exceeding the time limits (12 hours before the qualifying event and no more than 1 hour afterward) for displaying temporary directional signs. However, a political sign may be displayed up to 60 days before a primary election and up to 15 days following a general election.
 - Mr. Bush expressed if you look at the City of Munroe Falls Ordinances, there are some echoes of that, like there is across the country.

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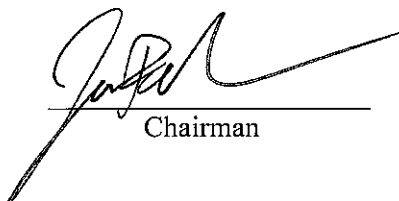
- According to the opinion of the Court, it is against the First Amendment; they are restricting speech based on content of the sign.
- Mr. Bush is requesting the Law Director review our Sign Ordinances; specifically Supplemental Regulations where builder signs, political signs, size, illumination, non-illuminated, temporary, how long signs can be up, et cetera are discussed.
- Mr. Bush said under Chapter 1145 (Sign Regulations) under Purpose, we talk about aesthetics and he believes this is something the City should think about removing.
- Mr. Bush indicated temporary signs, in general, have no limit of time under definition.
- Mr. Bush noted Section 1145.07(m) of the Munroe Falls Ordinances needs to be reviewed by the Law Director as well.
- Mr. Halpin indicated he is concerned with Section 1145.09 (Prohibited Signs) and the church on Northmoreland Avenue and believes possibly the City allowed what may be construed as a prohibited sign. (It should be noted the City approved this sign with the condition it not be animated or flash). He said as the City moves forward, other businesses may desire a sign like that (electronic, computerized sign) and perhaps the City needs to review that section of the Ordinance and update accordingly.
- Mayor Larson expressed to the Planning Commission members if they have any suggestions, remarks, or would like to have any other sections of the Sign Regulations updated to let him, Mr. Toth, or Mr. Steinwedel know and they will get that information to Council for review.
- Mr. Hrynich said free speech is one thing. Notice of information does not necessarily constitute a right of free speech. He explained a temporary sign that states "the governor was here" is not exactly in the classification of a free speech issue and if a city asks for the sign to come down, he does not believe that is in violation of any constitutional amendment rights. However, that is where we need the Law Director to weigh in.
- Mr. Bush is requesting, at this point, to have the Law Director review the Sign Regulations and advise the Planning Commission members next month.

New Business:

- Mr. Hrynich mentioned it was brought to his attention by a business owner in the City of Munroe Falls that the City has an Ordinance that states freestanding signs must have their address listed on the sign; however, there are some signs in the City that do not (Peoples Bank).
 - Service Director Bowery informed the Commission Peoples Bank was notified they must have their address listed on their sign.

Adjournment:

Mr. Hrynich motioned and Mr. Halpin seconded the motion to adjourn the meeting at 8:02 p.m. Voice vote was taken and passed unanimously.


Chairman

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