

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Planning & Zoning Committee Meeting

July 7, 2014

- Call to Order                                      The meeting was called to order by Mr. Mader, Chair, at 6:30 p.m. A quorum was present.
- Approval of the Minutes                      Without objection, the minutes of the committee meetings of April 21, 2014 and May 19, 2014 were approved as submitted.
- Agenda Items
- Temp. Ord. A-61                                  An ordinance authorizing the Director of Public Service to issue an encroachment permit to McDonalds Real Estate Co. for the purpose of constructing and maintaining a business identification sign in a portion of Graham Road Circle right of way and declaring an emergency.
- Proponent testimony was offered by Planning Director Fred Guerra. McDonald's has requested a monument sign at the intersection of Graham Road and Graham Road Circle. The sign will be 10 feet tall with a brick base, movable copy, and golden arches. The location is on the strip of public way between Graham Road and Graham Road Circle, close to that intersection. It is hoped the sign will help with traffic congestion by having it near a traffic signal where customers coming off the freeway will likely seek to turn.
- The Chair recognized Mr. Colavecchio, who asked whether the other McDonald's sign will be coming down. Mr. Guerra stated the other McDonald's sign will not be coming down. Mr. Colavecchio asked why McDonald's needs two signs. Mr. Guerra stated he could not speak for McDonald's. Mr. Colavecchio stated that having two business identification signs would simply cause confusion. Mr. Guerra stated the tall sign is designed to be seen from the highway. The additional sign now requested is to be seen by

Graham Road traffic. Mr. Colavecchio asked the height of the tall sign. Mr. Guerra stated that it is over 30 feet tall.

The Chair recognized Mrs. Pyke, who asked if the white face of the sign depicted on the handout would be an electronic message board. Mr. Guerra stated the depiction is of a "reader board," but an electronic sign would not be prohibited. Mrs. Pyke asked if the City is being compensated for the encroachment. Mr. Guerra stated the City has never received compensation for such encroachments. Mrs. Pyke asked if there would be any landscaping around the sign. Mr. Guerra stated he did not know the answer to this, but would need to refer to the plans.

The Chair recognized Mr. Weinhardt, who asked if the sign would be at the intersection of Hudson Drive or closer to the freeway exit. Mr. Guerra stated the sign will be at the entrance intersection of Red Lobster. Mr. Weinhardt asked if the widening of the entrance ramp onto Rout 8 south would be affected. The City Engineer stated that the entrance ramp is not being widened.

The Chair recognized Mrs. Pyke, who asked if drivers at the intersection will be able to see around the sign. Mr. Guerra stated he will double-check this before the final permit is issued, but the Planning Department is comfortable with the size of the sign.

The Chair recognized Mrs. Klinger, who asked if McDonald's has already reached their sign limitation without this sign. Mr. Guerra stated that he would need to review the sign calculations. Mrs. Klinger stated that if McDonald's is over its signage limitation, it is not addressed in this ordinance. Mr. Guerra stated that the ordinance does not address it because the sign code calculations are linked to the sign owner's property. This sign is not on McDonald's property. Mrs. Klinger asked if other businesses on Graham Road could ask for a sign on this property.

Mr. Guerra stated that if Council allows it, there could be additional signs. Mrs. Klinger asked if it would not be a mess if other businesses all had signs at that location. Mr. Guerra stated that a sign plan should have been adopted for this parcel when Graham Road Circle was created 20 years ago. Mrs. Klinger stated that having directional signage is good, but it should be done in a more organized manner, so that other businesses would have an opportunity to participate. Mr. Guerra stated that adjacent businesses have been given variances and encroachments, and if another business requested a sign there, the City would have to consider it.

The Chair recognized Mrs. Pyke, who asked how the City could deny another sign request after approving McDonald's. Mr. Guerra stated that the City has granted several other encroachments for signs, and the City has not experienced a "run" of signs in the public right-of-way, but further requests for signs at this location could happen.

The Chair recognized Mr. Colavecchio, who asked what the incentive is for the City to grant this sign request without getting anything in return, such as removal of the other sign or payment for allowing McDonald's to put the sign there. Mr. Guerra stated that the City has never required compensation. While it would be nice to remove the old sign, it is very important to McDonald's and subject to another agreement.

The Chair recognized Mrs. Snyder, who asked the duration of the agreement. Mr. Guerra stated it is 20 years. Mrs. Snyder asked if in the event other businesses request signs there and it becomes desirable to have some coordination, whether the City could terminate the agreement. Mr. Guerra stated that there are some "out" clauses, but the agreement may be modified only by consent of both parties.

The Chair stated that the sign will be a help to motorists who are unfamiliar with the area. If other businesses request signs at that location, the City should look at moving to a sign with multiple participants.

The Chair recognized a member of the public, Edward Davidian (address not given), who stated that if the Council continues make exceptions to the sign ordinance for large businesses, the entire thing should be thrown out.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp. Ord. A-61 with a favorable recommendation. Seconded by Mr. Rubino. Motion adopted by acclamation.

Temp. Ord. A-62

An ordinance authorizing the vacation plat for sections of Portage Trail and Second Street associated with building encroachments at 140 Portage Trail and an amendment to an access agreement for Parcel 02-07052 and declaring an emergency.

Proponent testimony was offered by Planning Director Fred Guerra. The sale of Valley Savings to Westfield Bank caused the survey of the Valley Savings property to occur. Four encroachments were found. In three cases a portion of the building encroaches on the public right-of-way, and in the fourth, a bank driveway encroaches on a pedestrian easement. Portions of the northwest and northeast corners of the building encroach into the public right-of-way, and the Planning Commission's recommendation is to vacate these portions of the right-of-way. A curved wall and a fence associated with a drive-through encroaches onto a pedestrian easement from Portage Trail. The Planning Commission determined at its June 17<sup>th</sup> meeting that the encroachments were inconsequential and recommended vacation of that portion of right-of-

way subject to the building encroachments, and to grant a perpetual easement for the presence of the concrete wall and fence within the pedestrian easement. An existing access agreement will be modified to reflect this.

The Chair recognized David Hunter, 3141 Silver lake Blvd., on behalf of Valley Savings who stated that the metal fence provides a measure of safety to pedestrians, inasmuch as it directs motorists to avoid driving over the pedestrian easement.

The Chair recognized Mr. Weinhardt, who asked if the pedestrian easement is exclusively for pedestrian use. Mr. Guerra stated that no vehicles other than perhaps a golf cart could drive on the easement.

There was no opponent testimony. There was no public comment.


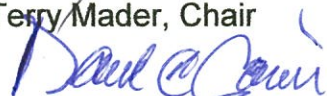
Motion by Mr. Rubino to release Temp. Ord. A-62 with a favorable recommendation. Seconded by Mr. Weinhardt. Motion adopted by acclamation.

Non-Agenda Items

None.

Adjournment

Without objection, Chairman Mader adjourned the meeting at 7:08 p.m.

  
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Terry Mader, Chair  
  
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Paul A. Janis, Clerk of Council