



CLEVELAND HEIGHTS

PUBLIC HEARING ON THE PROPOSED ZONING CHANGE IN ORDINANCE NO. 54-2003(PD) MONDAY, MAY 12, 2003

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 6:16 p.m.

Edward Kelley, presiding

Council Members present: Caplan, Dietrich, Hicks, Kelley, Montlack, Wilcox

Council Members absent: Evans

Staff present: Carter, Czaga, Downey, Gibbon, Malone, Niermann O'Neil, Reddy, Ruane, Wagner, Wong, Zins

Mayor Kelley excused the absence of Council Member Evans.

Topic of discussion included general information pertaining to the City Manager's weekly memo.

Council Member Wilcox moved to adjourn into Executive Session at 6:45 p.m. Second by Council Member Caplan.

Edward Kelley, presiding

Council Members present: Caplan, Dietrich, Hicks, Kelley, Montlack, Wilcox

Council Members absent: Evans

Staff present: Carter, Czaga, Downey, Gibbon, Malone, Niermann O'Neil, Reddy, Ruane, Wagner, Wong, Zins

Mayor Kelley excused the absence of Council Member Evans.

Topic of discussion included real estate acquisition.

Executive Session concluded at 6:55 p.m.

The Council met for a public hearing and following the conclusion of the hearing, Council reconvened the Committee of the Whole at 7:35 p.m. Discussion continued in reference to the City Manager's memo. Council Member Wilcox moved to adjourn into a second Executive Session at 8:22 p.m. and a second was made by Vice Mayor Montlack.

Topic of discussion included negotiations.

Executive Session concluded at 8:38 and reconvened into Committee of the Whole, adjourning at 9:02 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 7:10 p.m.

Kenneth Montlack, presiding

Council Members present: Caplan, Dietrich, Hicks, Kelley, Montlack, Wilcox

Council Members absent: Evans

Staff present: Carter, Czaga, Downey, Gibbon, Malone, Niermann O'Neil, Reddy, Ruane, Ryan, Wagner, Wong, Zins

Vice Mayor Montlack excused the absence of Council Member Evans.

Vice Mayor Montlack stated, "Good evening, folks. We are hear tonight for the Public Hearing on the proposed zoning change in Ordinance No. 54-2003(PD). At this point we will begin the hearing by asking the staff to make a presentation with regard to this zoning change. I understand Mr. Reddy is going to do that. Vince Reddy, please."

Mr. Reddy stated, "The proposed zoning code change, which was introduced a few weeks ago by City Council and which would go from here to Planning Commission this Wednesday night on whether to pass the proposed amendment or not, is really quite simple. It involves just a change to the definition of a 'residential identification sign' and currently a residential identification sign is the sign that identifies the name and address of a completed residential subdivision, or a multiple-family development which contains no commercial message. The change would be that it could add a phone number if it is identifying a multi-family development. There is actually a slight history here. Until about a year or so ago, our residential identification signs on multi-family developments could only be building-mounted and were limited to 10 square feet in area and could not contain a phone number. About a year or so ago, there was a change made to the zoning code which allowed for freestanding signs for multi-family buildings with four or more units in multi-family or commercial districts, but still they were not permitted to have phone numbers. With this change, the only difference is that it will allow these freestanding signs, which can be up to 12 square feet in area now to have a name of the building, its address and a phone number. The signs that would be allowed would be permanent. They would have to be approved by the Architectural Board of Review. They would not be permitted to have changeable copy on them - 'suite available' or messages like that would not be permitted. As I mentioned, the building would have to have a minimum of four units to qualify for this type of signage and it would have to be in either a multi-family residential district, a commercial district, or a special district. The residential identification signs are not permitted in single- and two-family districts. That's all that I have, Mr. Chair."

Vice Mayor Montlack asked for any other comments from staff, being none, he thanked Mr. Reddy and continued. He opened the public portion of the public hearing and requested that anyone who wished to comment, may do so by raising their hand and be recognized, go to the podium and state their name and address.

"Thank you, your Honor, Members of Council. I'm Helen Hertz. I live at 3023 East Derbyshire Road and I'm currently serving as chairman of the Cedar-Lee Landlords Association. All of you were at the City Council meeting last Monday when this was discussed by one of our members who asked that

you consider, in this ordinance, to expand the allowance of 'For Rent' signs in the multi-family areas with less than four units as well. I would like to reiterate that tonight. We're not looking for permanent signs as what you're describing in your four-units-or-larger properties; we're looking for temporary signs. We're looking for a 'For Rent' identification with a phone number and we would like the city to give us guidance. We know that different signs appear in different communities. We would look to the city to help us standardize the sign so that it's the most attractive, enticing message to attract the kind of tenants that we are hoping to have in our higher vacancies than we've had in the past two years. So tonight I'm here to ask you on behalf of our organization and other landlords to allow these signs. I know if you have had the opportunity to drive around the city you are seeing more 'For Rent' signs and I think that's kind of a sign of the times. We've been meeting and discussing this need for a different and a more creative way to address our vacancy situation - with relocation business down and the greater vacancies and competition for our good tenants to other areas - downtown, for instance. It's a serious time and this is a serious need of our multi-family owners, both owner-occupied and those who have properties as investments. So we would ask you to consider temporary 'For Rent' signs. For rent signs with our phone numbers to be used when we have vacancies which will probably be pretty much from the March to June market when we see our greatest vacancies and our greatest market to attract the quality tenants. Thank you."

"My name is Richard Schwartz. I'm at 5180 Richmond Road in Bedford Heights. I happen to be an owner of a sign company called Sign Concepts and I hope my message is not thought of as too self-serving. I can understand the reluctance to have phone numbers on signs and from an esthetics standpoint I have long been in disfavor of having phone numbers on signs. However, from a practical standpoint, I think, over the years as more and more people have cell phones, I think it makes more sense to have phone numbers on signs as people are sitting outside of a property and can easily access the telephone number. However, I really think that the point that I wanted to bring up and point out was that there actually was a landmark court case as far as the sign industry is concerned that actually involved the City of North Olmsted and it involved the Chamber of Commerce versus the City of North Olmsted that actually went all the way to the Supreme Court. The ruling that came down was that cities are not allowed to have what is called 'content-based sign codes', meaning that, cities can not dictate to companies or commercial outfits what is allowed to be on a sign. Cities can dictate how big a sign can be. It can dictate how far back a sign can be, how high it can be, but they can't dictate what is on the sign. That came down to a matter of free speech and first amendment rights. There have been a number of cases that have come before the courts and they have all ruled against the cities. We run into this all the time and it's a difficult situation because unless somebody actually takes the city to court, there is really nothing that the city really is bound to do and if somebody did take them to court they would lose because of the precedence that has been set. But what we have found, and what we believe, is that cities want to do the right thing and at an opportunity where they can do the right thing, this could be a starting point. Again, the issue being that technically it's a first amendment right that people can put anything they want on the sign and the city can't dictate what exactly that is. Thank you."

"My name is Jeffrey Fisher. I live at 2872 Washington Boulevard. I own a number of multi-family and four-family and larger apartment buildings in the city. I think probably the vast majority here were also in the same position when I tried to erect a freestanding sign about five years ago and was roundly defeated in this same chamber here. However, I am here to voice my appreciation that Council has looked towards the ability to erect freestanding signs for apartment buildings and I appreciate them also looking at the ability to add phone numbers to these signs. I know that it's not all that I wanted or all that a number of other multi-family and multi-apartment building unit owners desired. We think it is a step in the right direction and that we also believe that it will be a benefit to the good landlords in this city and that we appreciate your revisiting the situation. Thank you."

"Good evening. My name is John Deutsch. I live at 2209 Oakdale Road, Cleveland Heights, obviously, owner of a two-family there. I'd also like to encourage you to vote in a positive action towards this viable industry that really needs some help right now. We seem to be helping every other industry in this town that comes in with development, with tax abatement, with bringing in new businesses into Severance Center. And certainly if I was coming into this town as a stranger and I saw a lot of 'For Lease' signs in a neighborhood, specifically in businesses, I would question that a lot more than I would question if I saw 'For Rent' signs, of course in residential - of course, the two coupled together is not a great sign. My question and concern - - and I don't know how interactive this situation is, is that why is commercial allowed to do this and residential is not? Why is there this line between different parts of the industry? Is it a sign or perception or something that you're trying to prevent or control or keep under the rug or - - that's my concern. Why does one part of this rental industry get to do it and the other one doesn't? If Wal-Mart would want to do something like this, I think you guys would bend over backwards to work with them and try and accommodate their needs - whatever the need would be. I think that the rental properties are certainly a great industry in this town. It's not going to go away. We're loaded with two-families and I think the more encouraging and helpful and cooperative you are with the landlords, I think that may come back to help you in the long run. I'm not going to say that every landlord is going to take care of their property perfectly, but certainly they are going to be encouraged that they're giving some support and cooperation from you, the people that run the city in the whole gist of things."

Vice Mayor Montlack responded, "Thank you very much. Actually, this is our opportunity on Council to really - - to listen, to hear your comments, rather than use the public hearing to engage in dialogue. Actually, as you know there is the opportunity for more question-and-answer dialogue- type discussion when the matter comes before the Planning Commission in the sense that sometimes members of the Planning Commission will ask a question or so. But, at this point I think our mode is to listen to your comments."

Mr. Deutsch thanked the Vice Mayor.

Vice Mayor Montlack asked for any other comments from the public. "Is there anything from my council colleagues? At this point then the - -"

Mr. Gibbon added, "I think I would like to make one comment in light of what was just said."

Vice Mayor Montlack interjected, "Well, I assumed that since Mr. Schwartz was giving some legal advice, you have some advice on how to do signs."

Mr. Gibbon continued, "No. What I wanted to say, that when this ordinance goes to Planning Commission, the only thing they are going to have in front of them for decision is this ordinance and this ordinance pertains only to multi-family - larger building signs. I suspect that I will be asked at some point at Planning Commission whether it's appropriate for Planning Commission to start considering broadening the ordinance for two-family houses and it seems to me that, that would be inappropriate - that is the request for an expansion of the ordinance or request that City Council think about also, including two-family signs, really is probably not the appropriate discussion in front of the Planning Commission. It's only going to have this ordinance in front of them. I just wanted to make that clear."

Vice Mayor Montlack continued, "Thank you. With that having been said and having received public comment, this Public Hearing is closed at 7:25 p.m. Thank you very much."

Respectfully submitted,

Kenneth Montlack, Vice Mayor
Chair, Planning and Development Committee

Thomas K. Malone
Clerk of Council

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