

## ARB MINUTES

September 24, 2007

The ARB held a regular meeting on Monday, September 24, 2007 at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order by Chairman Kundla at 6:02 p.m. Roll called.

Members Present: Ed Kundla, Joe Kapitan, Frank Castrovillari and Ray Priest  
Donna Babinec (Secretary)

Members Absent: None

Others Present: Donna Vozar

### **1. New Business:**

#### **A. Mount Royal Villa, Sign Approval.**

Chairman Kundla stated that the Board had been advised that the applicant wished to be tabled at ARB. They are awaiting approval at Planning Commission and not prepared to come before ARB at this time. Mr. Kapitan second. No discussion. Roll taken. Motion carried 3/0.

### **2. Old Business:**

A. **Tonight, Tonight**, Sign Approval. Tabled 9/10/07. Chairman Kundla called for applicant. No one present. No action.

B. **Ohio Catholic Credit Union**, Signs Approval. Tabled 9/10/07. Chairman Kundla called for applicant. No one present. No action.

C. **Salon Pink**, Signs Approval. Tabled 9/10/07. Chairman Kundla called for applicant. No one present. No action.

D. **Royalton Skin Care**, Signs Approval. Tabled 9/10/07. Chairman Kundla called for applicant. No one present. No action.

E. **Robert Witsaman**, Site Plan Approval for Site Improvements. Tabled 9/10/07. Chairman Kundla called for applicant. Owner, Mr. Witsaman, present. Mr.

Witsaman stated that this application is a site plan for lot split consolidation improvements to a new piece of property adjacent to his existing business. He purchased an additional 85 feet frontage. He will use the main access drive and will have a drive off that into a parking area which will be asphalted with curbing. With grade set back there will be a retaining wall along the southern parking area and plant material for landscaping for that area is on the plan. Off that is a series of gravel beds elevated with pea gravel and pots will be put into the gravel with drip irrigation. Walkways made of gravel will go between the bed areas. To the north will be a retention for drainage. He will use wolmanized wood anchored and bolted together and the beds will be stationery. Mr. Witsaman showed where his existing establishment is on the plan. The proposed area is located between his existing establishment and Marco's Pizza. There is a grass slope there. Along the back side and up the side of the parking area is a 6 foot board on board fence to encompass the east and south sides of property. He plans to use cedar board unstained. The retaining wall will be segmented in a buff color. He showed on the plan where they will have an area to display different type of materials such as gravel and mulch. He will put weed fabric underneath. The retaining wall will be at least 2 feet tall, maybe 30 inches. He designed a wall using 8 inch and 4 inch blocks to get a two tone look. He pointed out various plantings on the plan to showing seasonal color. The plantings, mulch and gravel will enhance the wall. He doesn't propose any additional lighting as there is a great deal of lighting already there and it can be easily seen at night. The front landscape will have a couple of islands with border concrete that another gentleman will be doing to display his work. He pointed out the additional plantings on the plan. Mr. Priest stated that he knows the existing landscaping at the establishment and it looks very nice so his likes the plan. He asked Mr. Witsaman if all the neighbors were commercial. He replied that there are residential neighbors to the north of him but that fence was raised from 8 to 10 feet and he has a 10 foot buffer. The asphalt parking will be across from the original parking lot. Delivery is in back. Chairman Kundla asked the other Board members if they needed to see samples of any of the proposed materials. No one wanted to see samples. Mr. Kapitan stated that he like the segmented buff colored wall - he doesn't like gray. Mr. Priest said he liked the unstained cedar fence. Mr. Witsaman said the grade change will be covered in weed fabric and gravel. Chairman Kundla moved to approve the application as submitted. Mr. Castrovillari second. No further discussion. Roll taken. Motion carried 3/0.

F. **Timber Ridge Plaza**, Signs approval. Tabled 9/10/07. Chairman Kundla called for applicant. Rob Milburn of Boyer Signs present. Mr. Milburn stated that the application contains pictures of the current signage. His client wants to replace the signs with the same color scheme using PMS 186 red. They want to reface both sides of the signs at Sprague and York Roads. Mr. Castrovillari asked how many tenants will be on the signs. Mr. Milburn replied four and the sign is flat face polycarbonate. Mr. Kapitan asked what will be happening to the signs that were formerly for Tops. Mr. Milburn

replied that he did not know. Mr. Castrovillari states that last year Realty One had moved from the corner of the plaza to the back and wanted a street sign but Planning Commission denied the application because there were too many street signs. Now Realty One will have the street sign as they are an insert on the monument sign. Mr. Kapitan stated that he is concerned that there will still be too many ground signs because another tenant can use the old Tops sign. Mr. Kapitan asked why Realty One has such a prominent section of the sign. Mr. Milburn did not know. Mr. Kapitan stated that he wants to see a proposal for the center signs that has to show what will be done with the Tops signs and that the Board wants to know what their intention is with all the various monument signs on the site. He further stated that, if the Board goes ahead and approves their submission, the tenant who takes Tops' place will want to use their ground sign and the center will continue to have to many signs instead of consolidating them. Mr. Castrovillari stated that the pictures included with the application show the Tops signs and he knows if he drove by them now he would see the same signs whited out. He further stated that he wouldn't even consider approving the application without a complete sign package for the center. Chairman Kundla asked Mrs. Vozar if it is incumbent upon the Board, or the applicant, to do some research to know the history of the signs or should the ARB have the information. Mrs. Vozar said that both the Board and applicant should have the information available to them and it should be presented at the time of the meeting. Mr. Castrovillari stated that he personally has a problem with the plaza waiting a year after their tenant had a sign rejected to come back to the ARB hoping it was forgotten. Mr. Priest asked Mrs. Vozar if the ARB can make the Tops signs be removed. Mrs. Vozar, playing devil's advocate, stated that the applicant can argue that they were hoping for a tenant to come into the vacant building so they could present a sign package. She went on to state that they have a period of time to rehab and reuse signs so long as the business is ongoing. Once there is discontinuation of usage, the City can prohibit them from using the sign. If the Board approves the Timber Ridge signs tonight, a new tenant can say that they can't use that sign and will ask for approval on the existing sign. She went on to say that, if the plaza gets another tenant for the Tops space and they want to use the existing sign they would have to apply to Planning Commission and Planning Commission would tell them that there is discontinued use and they would need a variance. If they can't get a variance, the sign would have to be removed. Mr. Castrovillari again stated that it was already turned down once and it should be rejected again. Mr. Kapitan stated that the Board must have an entire signage plan. By approving this sign with Realty One as an anchor, when there is still an unknown anchor that could come in, where would they go for a sign. Mr. Priest stated that they could use that for leverage. There's no where else but the Tops sign. Mr. Milburn stated that he believes his client thinks they will be able to use the Tops sign. Mr. Castrovillari stated that the proposed sign is now a tenant sign and the current Tops sign is also a tenant sign and they can't have two tenant signs. Mr. Kapitan said that it sounds like they are setting up for that. Chairman Kundla asked Mr. Milburn who the property owner is. Mr. Milburn stated that he only knows it as Timber Ridge, LLC, he doesn't know an individual's name.

Mr. Priest asked if it could still be Petros. Mr. Milburn replied that he did not know. Chairman Kundla stated that they should return with a representative for the property owner. Mr. Vozar asked if the Board knew if a variance had already been granted as to the signage as that may be an issue when they return. Chairman Kundla stated that he will move to table the application and would like a representative of the property owner to be present when they return. The Board will check to see if Planning Commission or the ARB allowed multiple signs and will search to see if a variance exists for that sign. He suggested that Mr. Milburn impress upon his client that a master signage site plan should be presented to the ARB. He further stated that, since Mr. Castrovillari recalls the issue of multiple signs was previously addressed, it appears that this is an attempt to get around a previous ruling. He suggested to the applicant that they also research the issue before reappearing. Mr. Castrovillari second. No further discussion. Roll taken. Motion carried 3/0.

Chairman Kundla stated there are no further applicants present and listed each one that is pending: Tonight Tonight; Ohio Catholic Credit Union; Salon Pink and Royalton Skin Care. He then stated that they shall remain tabled and asked for further discussion. Mr. Kapitan stated that this is the second meeting at which Royalton Skin Care failed to appear. Mr. Castrovillari stated that he looked at the application and wondered if they even had to appear for the Board to rule if the application is complete. Mr. Kapitan stated that they had questions. It is the Donut Shop monument sign at the main intersection of Rt 82 and Ridge Road. They are the only tenant proposing a dark background and all the other tenants have a white background. Mr. Castrovillari stated that the Cleats sign has a green background. Mr. Kapitan replied that it is the plaza sign. Mrs. Vozar reminded the Board that they are discussing something that is tabled. Mr. Kapitan said his comments were in response to Chairman Kundla's request for further discussion but he got carried away. Chairman Kundla stated that it can remain tabled or he will remove it for further discussion. Mrs. Vozar stated that they can go forward on the application even if the applicant is not present. Mrs. Babinec stated that she had left a message for Becker Signs that the application had been put on the agenda before the September 10<sup>th</sup> meeting but had not made another call before this meeting. Mr. Priest stated that, if they would appear, the Board could suggest they change the dark background to white to get approval or give an extension for appearance. Chairman Kundla moved to give the applicant an extension of two meetings to reappear and to notify them of same, and if they do not appear the Board will take action.

G. **Sportstown.** Chairman Kundla stated that Sportstown was tabled 7/23/07 and was not present tonight. He asked if they had appeared at the last meeting. Mr. Kapitan stated that they had appeared at the last meeting but were tabled because they had no landscape plan. The sign is already up and they had no information as to landscaping as they are not the property owner. Mr. Priest stated that Mr. O'Donnell got tough with the

applicant because he stated that he was unaware that he had to appear at ARB. Mrs. Babinec stated that Mr. O'Donnell also stated that he had a problem with rejecting an existing sign if getting cooperation from the landlord as to landscaping was a problem. Mr. Priest stated that he was confused by Mr. O'Donnell's comments since, later in the meeting he stated that, if the landlord is holding up the sign, don't reject the application and he will handle forcing the landlord to comply through the court system. Mr. Kapitan stated that the Board should probably improve the language in the Code and he had offered to write something up but had gone on vacation and hadn't started on it yet. Mr. Castrovillari stated that, when a tenant comes in for an application, they should be advised that if it is for an existing monument sign they must contact their landlord for a landscape plan and that the landscaping must be brought up to current standards. Mr. Castrovillari said it should be made crystal clear on the application. He further stated that it shouldn't be necessary for the landlord to appear as long as a landscape plan is submitted that has been approved by the landlord. Mrs. Vozar stated that, on the application for the Planning Commission and ARB, they must list the name of the applicant and property owner and that the application goes on to state in the last paragraph that, if an agent or representative applies, written, notarized consent from the property owner must be presented with the application so you know that the property owner is aware that the application is being submitted. The property owner is then obligated to comply with the requirements. Once you approve a plan that they submit, they are obligated. If the property owner doesn't comply, the applicant is acting as an agent. If they don't do it, the law department can get involved. They can't come before either Board without the property owner's permission. Mr. Priest stated that the Sportstown sign is up, they didn't reappear so they can be denied. Chairman Kundla moved to remove Sportstown from the table. Mr. Kapitan second. No further discussion. Motion carried 3/0. Chairman Kundla then moved to approve the application as submitted. Mr. Kapitan second. No further discussion. Roll taken. Chairman Kundla, nay; Mr. Kapitan, nay; Mr. Castrovillari, nay. Application denied. Mrs. Babinec asked if she should just notify the applicant that the application is denied and turn it over to the Building Department. The Board agreed that is all that is necessary. If they want to find out why, the minutes of the meeting will be available.

H. Update from Legal. None.

3. **Miscellaneous.** Mr. Kapitan asked if anyone had heard anything about the downtown project. He recalled that a site plan was to be submitted after May. Mr. Castrovillari stated that they probably won't hear anything until after the elections.

4. **Approval of Minutes of 9/10/07 meeting.** Chairman Kundla stated that, since he and Mr. Castrovillari were not present at the last meeting, Mr. Kapitan should handle approval of the minutes. Mr. Kapitan asked Mr. Priest if he had any comments on the minutes. Mr. Priest replied that they were okay. Mr. Kapitan moved to approve the

minutes of the September 10<sup>th</sup> meeting as submitted. Mr. Priest second. No further discussion. Roll taken. Motion carried 2/0.

5. **Adjournment.** Chairman Kundla moved to adjourn at 6:40 p.m. Mr. Castrovillari second. Roll called. Motion carried 3/0.

Approved: \_\_\_\_\_  
Chairman - Architectural Review Board

Attest: \_\_\_\_\_  
Secretary - Architectural Review Board

Date: \_\_\_\_\_