

ARB MINUTES

February 25, 2008

The ARB held a regular meeting on Monday, February 25, 2008 at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order by acting Chairman Kundla at 6:02 p.m. Roll called.

Members Present: Ed Kundla, Joseph Kapitan and Ray Priest
Donna Babinec (Secretary)

Members Absent: Frank Castrovillari

Others Present: Donna Vozar, Mayor Stefanik and Tom Jordan

1. **Approval of Minutes of February 11, 2008 meeting:**

Mr. Kundla asked the Board if they had an opportunity to review the minutes from February 11th meeting. The Board members replied they had. He then asked for comments. No comments. He then moved to approve the minutes of the February 11, 2007 ARB meeting as submitted. Mr. Kapitan second. Roll called. Motion carried 3/0.

2. **Old Business:**

Fahim Gemayel, Platinum Park Plaza. Mr. Gemayel present. He showed the Board a picture on his cell phone of the existing columns on the building. He also presented revised pictures of the ground sign with all red columns, white in the center with zinc lettering, a revised landscape plan, copy sheet for the proposed ground lighting fixtures, elevations and floor plans. Mr. Kundla gave the landscape plan to Mr. Priest for review. Mr. Kundla asked Mr. Gemayel about the picture showing lighting under the cap on the ground sign. Mr. Gemayel stated that he had thought about putting florescent lighting under the cap to shine on the sign but decided against it. The Board agreed that the ground lighting is preferred. Mr. Kundla asked about a black line on the picture of the sign at the base. Mr. Gemayel said the base is red and the black line is below grade. Mr. Kundla asked if the zinc color is currently used on the building. Mr. Gemayel stated that there is coping with strips of zinc on the building. Mr. Kundla asked the other Board members if they were okay with the revised plans and they replied that they were. He then moved to remove the application from the table and put back on agenda. Mr. Kapitan second. Roll called. Motion carried 3/0. Mr. Kapitan stated that it should be noted that there are no light fixtures on the sign itself. Mr. Kundla stated that the colors from the original application are the same, only the

configuration is changed and that any color on the sign matches colors already on the building. Mr. Kundla moved to approve the application as submitted. Mr. Kapitan second. Roll called. Motion carried 3/0.

3. **New Business.**

A **Buckeye Super Wash.** Mr. Kundla called for applicant. Mr. Greg Harris from Global Signs & Graphics present. Mr. Harris stated that the application is for face replacement of a ground sign and a building sign. His client wants to retain the changeable copy portion of the sign. Mr. Kundla moved to approve the application as submitted. Mr. Kapitan second. Discussion: Mr. Harris said that, with regard to the building sign, they want to replace it with a slightly smaller sign. Mr. Kundla asked how far the sign projects off the building. Mr. Harris replied only the thickness of the material. Mrs. Vozar asked if changeable copy was approved by Planning Commission. She said she seemed to recall some discussion about it. Mr. Kundla stated that the Board feels that this is a permitted sign of a non-conforming use in TCD2 and, therefore, changeable copy is not allowed. Mr. Harris stated that it was approved at Planning Commission subject to approval by the ARB. Mr. Jordan asked if the copy actually changes or does it just flash the current owner's name. Mr. Kapitan stated that it is manual changeable. Mr. Jordan stated that most zoning doesn't like flashing signs. Mrs. Vozar stated that she believes the reason is that it is in TCD. Mr. Harris asked what about gas prices? Mr. Jordan stated that he thought the prohibition is for electronic flashing signs like in most communities. Mr. Priest commented that he believed this is not the place to discuss whether the Code is right or wrong or what other communities do, the Code is what it is and you can't have changeable copy whether it's manually put on or electronic and, as far as with gas prices, the Board would say no and the applicant would have to get a variance. He added, advertising prices or sales it's not allowed. Mr. Jordan stated that it's not really before this Board except for design - they'll have to interpret Planning Commission approval separately. Mrs. Vozar stated that usually when applicants come to ARB, there has been a determination by Planning Commission whether it is approved or not approved. She went on to say that the ARB is saying that there is a blank space on the sign and they want to know what is going in there. She referred to the Code under 1284.05(1) electronic changeable copy is strictly prohibited and manual copy is permitted in size to not more than 25% of permitted area on ground or pylon sign. Mr. Kapitan stated that the key word is "permitted." Mr. Kundla stated that this is a precedent that the Board set when they talked about Kentucky Fried Chicken's ground sign and the Board feels that this is the same exact issue. Mr. Harris said then it is permitted. Mrs. Vozar said it is as long as it is no more than 25% of the area of the sign. Mr. Kapitan stated that we are discussing permitted signs when this is actually a non-conforming sign. Mrs. Vozar said because it is in TCD. Mr. Kapitan said that the key word in the Code that she is referring to is "permitted." He further stated that this is a problem the Board has with signs that, in

former years were permitted and conforming, are now non-conforming and, as they are being changed, the ARB looks at them as a non-conforming signs and the restrictions apply in the signage ordinance. Mr. Harris said that the ordinance that Mrs. Vozar just read said it is permitted. Mr. Kundla said that they are permitted unless it comes up before the Board for a change, then you need to look in another section for non-conforming signs and in TCD 2 it is not permitted. Mr. Harris stated then in the Town Center District they aren't permitted. Mr. Kapitan stated that the new regulations for ground signs in the TCDs are much stricter. Mr. Kundla said that the sign in question would not be permitted since it has multiple tenants. Mrs. Vozar said that she seems to recall that the Building Commissioner raised the issue of changeable copy and thinks it was left open but there are no minutes yet or even a summary of what happened at Planning Commission. Mr. Priest asked if the sign for the building can be approved since it doesn't have changeable copy. Mr. Harris stated that, if the sign isn't legal, it's not legal. Mr. Kapitan asked Mr. Harris if he had authority to speak for the owner as to whether they would be amenable to losing changeable copy. Mr. Harris replied that they would not be happy about that since that is important to them. They only tried to replicate what was there - not to increase anything. That's how they get out their message for special pricing. He then asked if the sign is legal or not legal. Mr. Kundla replied that, in his opinion, he would vote as submitted based on his interpretation of the Code on the books and he would vote no. Mr. Kapitan said that the building sign would be okay. Mr. Kundla said that the Board isn't splitting applications anymore - it is judged as a whole. Mr. Priest asked if they would consider putting the website on the ground sign as it is on the building sign. Mr. Harris said if he did not agree the Board would either table or reject the sign - neither of which is acceptable since the business is open now. Mr. Priest said he has no problem with the ground sign having the website on it permanently. Mr. Kundla asked Mr. Harris if he wants to amend his application. Mr. Harris replied yes. Mrs. Vozar referred to TCD 1281.12. Signs. which says individual businesses located in TCD shall comport with sign criteria in 1284.09 which is what she read previously. She asked if when KFC came before the Board, were they electronic or manual. Mr. Kapitan replied that they had a strip at the bottom which was manual. Mr. Kundla referred Mrs. Vozar to 1284.15 - Non-Conforming Signs at (2). Mrs. Vozar read that section. Under 1284.15 Non-Conforming Signs - Additions and Enlargements. Non-confirming signs shall not be added to or enlarged in any manner. Mrs. Vozar went on to say, this is a sign that is being refaced and has to be in compliance but she is not sure what the violation is regarding changeable copy. It's manual changing copy and, unless is specifically prohibited - and she's not sure that it is ... She then said she's looking at TCD 1281.12. Signs. which refers you to 1284.09 and, once you do, obviously changeable copy is prohibited if it's electronic and prohibited if its ... is that 25% of the sign? Mr. Harris replied that they will stipulate that it is. Mr. Kapitan then referred Mrs. Vozar to 1284.17 Prohibited Signs. Ground signs in TCDs 1-5, except for multi-tenant shopping center or multi-tenant residential complexes. 1284.17 Section (s) Mr. Kapitan went on to say that, if this was coming before ARB as a new sign, it would not

be permitted so it's a non-conforming sign. Mrs. Vozar said, let's assume it is non-conforming, why is the Board prohibiting changeable copy but not other aspects of the sign? Mr. Kundla stated that this may be a catch-22 between one section of the Code versus another. Mrs. Vozar stated that if that is the case, unfortunately it is construed against the City if the Code is written improperly. You cannot prohibit someone from doing something unless it's properly prohibited. So if it falls within the criteria, i.e., falls within the 25%, if it is not electronic, if it was approved by Planning Commission, then it falls within the Code and the ARB looks to see if it meets their criteria. Mr. Harris read the comments of Mr. Alvarez which stated "name plate change only 24 square feet existing ground sign, section 1284.10(d) recommend approval." Mrs. Vozar asked to see the comments. It was the memo to Planning Commission. Mrs. Vozar asked if the space could have been construed for something else - like a phone number. Mr. Harris said no. He then went on to read the application saying that it said 2 flat lexan replacement face with track for one row changeable copy. Mrs. Vozar said she has no other comment. Mr. Kundla asked Mr. Harris if he would give the Board a few moments to further review the Code. He agreed. After a short discussion among the Board members Mr. Kundla asked Mrs. Vozar if there are other sections that seem to support Mr. Harris. She replied that the Board has discretionary powers to reject a sign if it is not in keeping with the rest of their decisions and the architectural quality of a sign. She went on to say that the Board has criteria to consider signage but, if it meets with the Code, unless there is a valid reason under ARB design standards, the Board must refer to that standard to not approve the application. Mr. Priest stated that the ground sign, as it appears in the application, does not meet the new criteria. Mr. Harris asked for chapter and verse of how it doesn't meet Code. Mr. Kundla referred to 1284.17(s). Mr. Harris stated that it is neither a shopping center or multi-tenant residential area so it doesn't apply. Mrs. Vozar stated that this sign is a refacing right? It is a non-conforming sign being replaced so section (s) does not apply. They were legally conforming signs at the time the Code was rewritten. After reading the minutes from the KFC issue (read at the meeting) she stated that the issue then was the changeable copy being more than 25%. Mr. Kapitan stated that he seemed to recall that he raised the issue of a non-conforming sign not to be added to - they were proposing to add changeable copy where it didn't exist. Mrs. Vozar then stated, that was different than this issue. Mr. Kundla said, then the sign is okay. Mr. Kapitan stated that Mr. Harris had already agreed on behalf of the owner to use the internet address. Mr. Harris replied that he agreed to that when he thought the sign was illegal. Mr. Priest stated, if this was a new sign, there's no changeable copy allowed. Mrs. Vozar stated that changeable copy less than 25% is allowed but this is a ground sign so it wouldn't be allowed in TCD2 anyway. Mr. Priest asked Mr. Harris if he is just changing the color from blue to red. Mr. Harris replied that Ultimate Wash is a registered trademark so that have to get rid of it. Mr. Kundla asked Mr. Harris if the size of the white box underneath Buckeye Superwash was 8 ½ inches by 7 foot 4 ½ inches. Mr. Harris replied that was correct and it is definitely under 25%. Mr. Kundla said he just wanted to put the dimensions on the

record. Mr. Priest asked what the color of the changeable copy will be. Mr. Harris said that it would be red which is what it is now. Mr. Priest asked if the red will match the red on the background. Mr. Harris said that the panels are existing and he will try to match the red. It will be separated by white so it should look okay. Mr. Kundla then asked Mrs. Babinec to call the roll. Roll called. Motion to approve as submitted carried 3/0.

B. **BP.** Signs approval. Rich Dennan present from Sign-a-rama. Mr. Kundla moved to approve the application as submitted. Mr. Kapitan second. Discussion: Mr. Dennan stated that they are changing from Wild Bean to AMPM on the existing ground sign. They will be removing the two signs that say Wild Bean from the building. The one on the side will not be replaced. The one on the front will be a new sign box, not illuminated and the sign above the entrance will be channel letters. The pictures in the application are a true representation of the colors being used. Mr. Kapitan asked if the new wall sign is permanent. Mr. Dennan replied that he thinks they will be looking to changing it out. It's a changing thematic sign with an aluminum frame. Mr. Priest asked if this will be the new colors for BP in Ohio. Mr. Dennan replied that he did not know but knew there are some others. Mr. Kundla asked Mr. Dennan if he had an samples to show the Board. He did not. Mr. Kapitan asked what a changing thematic sign is. Mr. Priest stated that it is safe to say that BP will put in something tasteful. Mr. Kapitan wondered how it would be classified in the Code since, if it's not permanent, it is changeable. Mrs. Vozar asked how it is changed. Mr. Dennan replied that it is a retainer system that you slide things in and out. Mrs. Vozar said then it is not lighted - electric or flashing. She went on to say that, by definition, it sounds like manual changeable copy. Mr. Kapitan asked can this be a sign with manual changeable copy that has a limitation of 25% when they replace the entire sign. He went on to say that the Wild Bean signs never changed. Mrs. Vozar said that, since it's so new, the building commissioner probably didn't think it was anything other than signage as it is not noted as "changeable." Mr. Priest asked Mr. Dennan if he knew whether or not the client intended to change it. He replied that it is possible to be changed but he can't say for certain that it will be changed. Mrs. Vozar stated that the Code for changeable copy says that the 25% limitation is for a ground sign or pylon sign. A pylon is seven feet and this sign isn't exceeding seven feet so the 25% limitation wouldn't apply. Mr. Kundla asked Mr. Dennan what the colors are on the sign. Mr. Dennan said he was a late addition to this and he didn't have that information. Mr. Kundla then said that, by counting bricks, it appears that the letters are about 8 inches high. He then asked about the dimensions of the sign above the entrance. Mr. Dennan said it is 4 foot 3 inches by 10 foot 6 inches wide. Mr. Kapitan told Mr. Dennan if he would stipulate that the thematic sign will have a permanent image he would be okay with it but he would hate to see it turn into a banner box. Mr. Dennan said that he cannot say that they won't use it to advertise. Mr. Kapitan said it would be a burden on the building commissioner to enforce. Mr. Dennan asked if they could table the application for the thematic sign as it is a separate application and go ahead with the other

signage. Mr. Kundla said the Board should table the entire thing. Mr. Dennon said that BP told him if it was a problem, they would like them to go ahead on the other signage. Mr. Priest said he understands that the Board is concerned that they'll put something trashy there and he would vote yes but Mr. Kapitan will probably vote no. Mrs. Vozar said it is up to the applicant how he wants to proceed. Mr. Dennon said he would prefer to withdraw the thematic wall sign. Mr. Kundla stated that the applicant has elected to withdraw the thematic sign and keep the bullnose decals, sign above entrance and removal of the oval signs on the building. He then amended his motion to approve with that stipulation. Mr. Kapitan second. Roll called. Motion carried 3/0.

C. Mr. Kundla called for Intalgranite. No one present.

4. **Miscellaneous.**

Mr. Jordan addressed the Board and stated that there is something before Council that only the ARB will be approving permanent signs and Planning Commission will be approving temporary signs. If the Board has any suggestions to improve the applications, please relay it to his office so the Board can get everything they need to make good decisions. He went on to say that, whenever he gets a call about the TCD districts, it is very confusing. He has asked Building and Housing what has been the biggest construction in TCD and they said the house expansion on Bennett Road. In the future small changes on Royalton Road will probably be what happens first instead of a large project. Mr. Priest said the Board just wants to get some of the signs more current and the ARB can do that. Mr. Jordan also asked the Board to let him know if there are conflicting sections of the Code.

Mr. Kundla moved to adjourn at 7:03 p.m. Mr. Kapitan second. Roll called. Meeting adjourned.

Approved: _____
Chairman - Architectural Review Board

Attest: _____
Secretary - Architectural Review Board

Date: _____