

ARB MINUTES

APRIL 28, 2008

The ARB held a work session on Monday, April 28, 2008 at North Royalton City Hall, 13834 Ridge Road. The session was called to order by Chairman Castrovillari at 5:00 p.m. Roll called.

Board Members Present: Frank Castrovillari, Ed Kundla, Joe Kapitan and Ray Priest

Members Absent: None

Others Present: Tom Jordan, Rito Alvarez, Donna Vozar, Greg Harris and Donna Babinec, Secretary

Mrs. Vozar thanked the Board for allowing the department members to meet with them in this work session to ascertain what the ARB needs to operate the best way possible.

Mr. Jordan stated that certain city processes have been changed regarding signage applications. He wants to discuss how additional changes to the application can provide more information to the applicant to assure the speediest, fairest and best outcome possible.

He went on to say that he had spoken to the Mayor and they expect to hire a CSU intern this summer to look at all Boards, and each application, and to make recommendations based on the practices in other cities and to consider policies and procedures. With that information, they will try to improve on the handling of all applications. He is looking to the ARB board members to identify some issues that they have with how the applications come to the Board. He said Mr. Alvarez has revamped the application with the new ordinance and they will continue with the process.

Chairman Castrovillari began by saying that he has not communicated with the other Board members prior to the work session. He has his own questions and hopes that will spur the other members to ask their questions. He went on to say that he does not know what the City wants at this point. If they just want the Board to take a sign which has been up for twenty years, change the face and just put it back up again, it's a waste of his and their time and money. He was hoping that the City would want the ARB to look at them and make them better. He feels that a major problem is the applicants coming before ARB with a sign that is already up and he feels pressure from the administration to approve it because it is already up and is a cost to the owner. He went on to say that they should not have been allowed to put it up. They should have come to the City to pull a permit to do construction and they should have been advised that they need a sign permit. Mr. Jordan stated that this happens in every city. Chairman Castrovillari replied that he disagreed and cited Pepper Pike as an example. Mr. Jordan asked how much commercial space they have in Pepper Pike. He has come from two larger communities and it is his experience that there is a lot of this going on. The City doesn't encourage or promote it and they should be cited. Chairman Castrovillari stated that the ARB is then forced to approve it. Mr. Jordan replied that the ARB is not being forced to approve anything. Mr. Priest said that

pressured is the word. Chairman Castrovillari said that the councilman came to the meeting where Rego's appeared and advised the Board that they had to approve it because their ward needs it. Mr. Jordan said it is very rare for a councilperson to appear at ARB on a sign issue. He went on to say that another example could be Italgranite. In his opinion it's an awful sign but it is already up without approval. He is now trying to get them to improve the sign but has been unsuccessful. If they come back with the next sign, he fully expects the ARB not to improve it unless it has been revised and improved. If they don't have landscaping, proper lighting, etc., the Board is entitled to say no and they will be forced to take it down. He added that there are people that bootleg improvements on home and businesses in every city in the county.

Mr. Priest said that, in some cities, if a sign is erected without a permit, the sign must be taken down before they can apply for a sign permit. He went on to say that he had spoken with Greg Harris from Global Signs and had asked Mr. Jordan if he could attend the work session to discuss what other cities are doing on this issue. Mr. Harris said that there are some cities that would make the sign come down before they can come before the Board such as North Olmsted and Westlake. Chairman Castrovillari said that he would like to cite Salon Pink as an example. The sign was put up in September 2007 and the same people who told him that they hated the sign and wanted it taken down, after the change in administration, told ARB members to approve the sign because the City needs the business. He went on to say that he doesn't mind the sign being up before they come to the Board but the ARB should feel free to reject the sign if they feel it isn't an acceptable sign. Mr. Jordan said that they will look into the issue of starting a policy that ARB will not consider a sign that is up until it has been taken down. Chairman Castrovillari stated that is extreme. Mr. Priest said that he would be more inclined to approve a sign that business owner has spent \$2,000 on. An example is Firehouse Bar, he believes that the sign has been made, he's a small business owner and he doesn't feel it's right to tell the owner to change the sign because the Board wants a black border or the red on the sign should be burgundy. Chairman Castrovillari said, if the owner is forced to take down an existing sign before it can be reviewed, they have still spent the money. Mr. Priest replied that, word will get out for someone not to put a sign up without approval because it will have to come down. Mrs. Vozar asked Mr. Harris what the cost is to remove a sign that has been put up. Mr. Harris replied that it depends on the sign - if there is masonry, it could be \$1,000. Mr. Kapitan stated that the Board doesn't usually have a problem with masonry - it's what is in the masonry. Mr. Harris asked if there isn't a way that a new business can be advised of what the City's requirements are for a sign. Mr. Alvarez said they can issue temporary occupancy or conditional occupancy anyway. He offered the example of Golubic - they were going to erect a ground sign but the City stopped them because they had not applied for a sign. Mr. Jordan asked Mr. Alvarez if they come for a temporary occupancy, does the Building Department let them know that they need a sign permit. Mr. Alvarez replied that they look at the site plan to see if it shows a ground sign. Chairman Castrovillari said he believes they should be given that information when they come to the City for any permit - it should be on the list. Mr. Jordan said it isn't always the owner who comes in, or it's a first time business owner who is ignorant of procedure. He went on to say that the owner of Italgranite was shocked to find out a permit was needed - she did have a prior business but it was a trucking company which probably didn't have a sign. She had already purchased a banner and she was advised that it could never be put up. If you have a ground sign that is already up and has some small changes needed, are the Board

members willing to tell the owner to take it down? Chairman Castrovillari said that an example would be an application that the Board will be reviewing that has two signs, side by side and one should be changed but they are using the existing boxes.

Mrs. Vozar said that the Board should look at each application as a unique situation. If someone comes to the City for a permit and has not complied with the Code, they are charged a double fee. They are penalized for not getting a permit in the first place. She feels it is unfair to tell them to expend a significant amount of money to take down a sign when the Board can take into consideration, based on the facts of each case, why they are in the position they are in and then follow the Code, using the board members' expertise. She also said, for the record, this administration is not putting any pressure on this Board to approve anything. The City does want to encourage business - every city does- but they have their Code and it must be adhered to, and within reason. Obviously, if it was clear and black and white, they wouldn't need the Board. The Board should hear the applicant's position and take it into consideration.

Chairman Castrovillari said, so if there are two signs next to each other and one is one height and one is another height and he wants them to look more uniform to look 100% better, he can't say that because they are existing and the boxes have been there for fifteen years. Mrs. Vozar replied that signs do have a life and the point of sign grandfathering is to allow the sign to live its life because of the expense to the business owner. If there is a way that the Board can come to an agreement without having to redo the sign, that's the goal. Mr. Priest said, so if they want to change the box, you can have it match but if it's just a face change, no. Mrs. Vozar said that it is when the life of the sign expires you can have more control. Chairman Castrovillari and Mr. Kundla both asked when that is - who has that call, Mr. Alvarez, the sign maker? Mrs. Vozar asked Mr. Harris, there are sign life numbers, correct? Mr. Harris said it has more to do with the quality and design of the sign. The conflict is that the businessman is trying to keep expenditures to a minimum and, unfortunately, the last thing they address is the sign. He cited MacDonald's as an example stating that it is their corporate policy that thirty days after ground breaks, the road sign goes up to have recognition and get people used to seeing it. Small business people don't know the expenses involved and they don't have a lot of money when the sign issue comes up so they try to get it done cheaply instead of thinking that this sign will be there for 10-15 years 24/7 and works for them - they only look at the outset cost.

Mr. Kundla said he fully agrees with Chairman Castrovillari's initial remarks. The Board members were appointed for their expertise and background and he feels pressure, and sometimes, in his opinion the politics to approve the sign for reasons other than design aesthetics. If that is the case, the City can just get someone off the street because these Board members are overqualified. He went on to say that, when the Board was first formed, they got together for work sessions to write design standards for the City, building standards and signs and they try to uphold that but are told that it has been rewritten. That takes away the Board's power and changes the process. Mr. Jordan said that when he first came to the City, the applicant had to go before Planning Commission, ARB and BZA and one-third to one-half of the signs require a variance. It is difficult for the business owner to meet all the deadlines through three meetings to get one sign which the business owner considers a very small aspect of his business as well as filing all the paperwork and paying the fees. He is trying to understand the City's process. With the new Town Center District rezoning, the City is trying to do something

with a higher and better standard. The City wants the businesses on Rt. 82 to match that quality. He is trying to get this to a process where someone has a reasonable expectation of the outcome and they invest, proportionately, the right amount of time into what they feel is a very small aspect of this process. He stated that Donna is a part-time employee and is not sitting in Service waiting to get applications. Mr. Alvarez, because of the way it was structured in the past, did not conduct reviews until it went to Planning but is now trying to provide comments to let ARB know about various issues or whatever. If there is an issue with the number of signs, they should probably go to BZA first instead of ARB having to redesign a sign which may never go up. Chairman Castrovillari stated that sometimes the Board has to approve or disapprove a sign that isn't even legal. Mr. Jordan stated that some cities allow ARB to grant variances. It is the nature of signs to need variances so they will already have to go before two Boards but if you change the size of a sign, it will change the design.

Mr. Priest stated that all the Board members are successful architects and, whenever they go to another city the first thing they do is find out the process. So when they hear that they need to cut the process because it's taking too long, it's because of someone's incompetence, that's not the Board's problem. If the sign person doesn't read the Code and has to come back two or three times, too bad - get a sign person who knows what he's doing and that goes for architects as well. He went on to say that he understands that they want to cut the process but you can do that by letting the reputation of this City be that, if you want to come here you better have your ducks in a row. Don't come here and ask for a break because you don't know what you're doing. Mrs. Vozar said a big part of that is having the information available when they come in. The City wants everything this Board will possibly need to be requested from the applicant and Mr. Alvarez is revising the paperwork so they can see to that. She knows that this Board wants a landscape plan but, what else - other renderings - more than one submittal? Mr. Priest said they should be given a checklist. Mr. Jordan said you will then debate whether the checklist is too short or too long - are you giving them so much information that they will never get through it? They're already providing that entire list when they are given the application. Chairman Castrovillari stated that he knows they're given that information but if they don't read it, it's not the Board's problem. He asked Mr. Alvarez if he was driving down the street and saw a contractor pulling out doors and windows and they don't have a permit in the window, he would shut them down. It should be the same for all types of construction, including signs. Mr. Jordan said if you see an illegal sign, what happens? Mr. Alvarez replied that they try to bring them into the process. Chairman Castrovillari said he can think of a few - State Farm on 82 has a banner that's been there for nine months and there's a new building, a salon that is next to Kim's Karate School that has a sign that's never been to ARB. The sign has the same font and shape as the other signs in the center, style wise, but the other signs are small and this one is huge. Mr. Alvarez said that his inspector doesn't go out to check every business and, if it looks like the other signs, he'll just drive by it. Mr. Jordan said that ARB is welcome to turn in any address with illegal signs and they'll look into it. Mr. Priest said Denn Too came in with a sign application and landscape plan and then paved right up to the sign. Do they inspect the sign once it's done to see if it's built the way it is supposed to? Mr. Alvarez said that they are supposed to call to say it's installed and ready to be inspected. Chairman Castrovillari said that the sign is inspected, but who follows up on landscaping - the place in front of Avalon still isn't landscaped and it's a year and a half later. Mr. Jordan said, if the Board members see something like that, notify Building and copy him on it.

Chairman Castrovillari said he lives in Royalton and wants to be proud of the City. Some of the signs coming to ARB wouldn't fly in any other city. Mr. Jordan said, as to existing signs, he is familiar with the Italgranite sign as an example. Chairman Castrovillari said, in his opinion ARB shouldn't even be talking about that sign. Mr. Jordan said that they were trying to give the applicant the opportunity to come back and ask if what has been put up is okay. Chairman Castrovillari stated that's a tenant sign - there should be a building sign with tenants. Mr. Jordan said that not all parcels are the same - sometimes there are major tenants that take up a larger portion of the sign. From what he understands, there was a building sign and it was taken down. The owner then let a tenant put up a sign and Italgranite put up a small sign on a post when the owner should have just left the building sign up.

Mr. Kundla stated that he thinks the ARB is perceived as a paper tiger. The applicant thinks it's just procedure - he'll put the application in, and if it doesn't pass, he'll get his councilperson to complain and he'll get it past them because his sign has been there, etc. Mr. Priest said if it comes down to what the City wants - do they want good signs? Mr. Jordan said, yes, but they want a fair process so they don't have to go through three meetings to get there. So if something is insufficient to consider the application properly and that can be improved, they want to do so - they've already eliminated Planning Commission as part of this process. The ARB doesn't have ten signs each meeting. ARB is meeting twice a month. That's something he will explore - possibly reducing the number of meetings and having a work session before each meeting, having a staff member go through the applications beforehand and then afterward go back to make sure the sign is properly implemented but he has to look at budgets. He doesn't see that the volume of applications mandate twice a month. Chairman Castrovillari said that he thought it was twice a month so the applicants don't have to wait so long. Mr. Jordan said you could have it once a month if it has the information needed to make the right decision. Also the cut off dates are well in advance so you can publish an agenda.

Mr. Kundla asked for an update on the Town Center Project. Mr. Jordan said that the development agreement was signed in December 2005 and the developer hasn't purchased any properties in the area during this or the prior administration. He contacted the prior administration in writing indicating that he wanted to use Walmart as an anchor tenant and needed a sizable variance. She indicated she would support that. He then went out and signed a number of retail tenants based on that anchor tenant. When the administration changed, and during the prior administration, he approached then council president Stefanik as well as his mayoral opponent and they both indicated that they would not support that so he didn't make any further progress. They have asked him to go back to the original concept without such a large big box and find appropriate tenants. He is trying to do that now. They will probably enter into a new development agreement. The development agreement at that time had been entered into because there was a TIF change and there was a change in State code going to take effect January 1st and the agreement was entered into on December 31st as they were trying to take advantage of it. But, because of the change in State law and how you can use public funds and when, that plays into having to enter into a new agreement - it's been too long. So the main issue was that he had a development that was centered around a large big box and there are certain types of tenants that will locate with them, and how much the land will be purchased at is dependent on those retail tenants, so he has had to go back to the drawing board and he has done

so since January and has been communicating with them on a bi-weekly basis. He would like all Boards to be fully functioning in a productive manner as there will be one and one-half million square feet going through the boards in a very short time span with tenants moving in and out. Chairman Castrovillari said meetings two times a month for the current applications isn't justified but once the project comes along meeting twice a week won't work. Mr. Jordan said you'll probably have separate meetings just for Town Center. Mr. Kapitan said he agrees with what has been said about getting the vibe of pressure. On the procedural side, he agrees with the concept that it doesn't have to go to Planning if it's gotten a sufficient staff review and Rito's comments and we have better gate keepers regarding the requirements of the submission. Mr. Jordan suggested that the Board members email him suggestions as to the few things which are usually missing. Chairman Castrovillari suggests a picture of the rest of the center or surrounding area.

Mr. Jordan asked Mr. Harris if he had any other comments. Mr. Harris asked if banners are legal. He was concerned that, with the new Timber Ridge changes, there will be construction and the business owners will need temporary signs. Chairman Castrovillari said a temporary sign is like a real estate sign, construction signs are different, they are for safety. Mr. Jordan said that they are looking into the banner issue. Mr. Harris said it is very difficult for a sign company to address a landscape issue - he thinks the tenant or building owner should be addressing that issue. Chairman Castrovillari said that, when he submits a building, he indicates where the sign will go and he uses a landscape architect for the landscape design which includes that which is around the sign. Mr. Harris asked what parameters the ARB has if a sign meets Code. Chairman Castrovillari said that he looks at ARB's decision as part of the Code. Mrs. Vozar stated that there is some subjectivity, however keep in mind that when a Code speaks to numbers, there is a presumption that if they comply with that the ARB has to have specific reason, architecturally, why it doesn't meet with their approval. Mr. Priest said if someone is allowed a three by five foot sign, and comes in with a three by five foot sign, does ARB have the ability to change that? Mrs. Vozar said, as long as they are within Code, the presumption is that they will be approved, unless the ARB can come up with some factors within the Code that allow ARB to deviate from that. The applicant will always have the right to appeal. Chairman Castrovillari says that the ARB looks at it proportionately. Mrs. Vozar said, perhaps you should look at a change to the Code. Mr. Harris said that some cities have had their Code overturned due to trying to regulate content too much - it's a free speech issue such as in North Olmsted and Broadview Heights.

Chairman Castrovillari moved to adjourn the work session at 6:00 p.m. Mr. Kundla second. Meeting adjourned.

Approved: _____
Chairman - Architectural Review Board

Attest: _____
Secretary - Architectural Review Board

Date: _____