

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
SEPTEMBER 14, 2020

The meeting was called to order by Chairman Michael Denk at 7:04 p.m. Due to the current state of emergency regarding COVID-19, the meeting was held virtually via Zoom. Present were Commission members Richard Blum, Richard DeMarco, Michael Denk, Rick Loconti and Joseph Vinciguerra.

Also present were Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Service Director Joseph Fornaro, Zoning Inspector Wayne Baumgart and Councilman Joseph Smolic.

MINUTES OF THE AUGUST 10, 2020 MEETING

Mr. Blum moved to approve the minutes as presented, with the second by Mr. Vinciguerra. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

PUBLIC SESSION:

PUBLIC REQUESTS

Ruff Neon & Lighting – Proposed Sign Face Replacement for Down the Block at 9209 Chillicothe Rd.
Jessica Ruff of Ruff Neon & Lighting was present in this regard. Ms. Ruff confirmed that the proposal is to replace the faces on the existing building sign and monument sign. Answering Mr. Denk, Ms. Ruff stated that the monument sign is internally illuminated

There were no public comments or questions regarding the proposal. Mr. Vinciguerra moved to approve the proposed sign face replacement on the building sign and monument sign at 9209 Chillicothe Road, as submitted. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Loconti, Vinciguerra and Denk; Nays – None).

TABLED REQUESTS

Andrew Loncar, Loncar Quality Construction – Application for Conditional Use Permit for Streambank Stabilization at 9199 Chillicothe Road
The matter remains tabled.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

WORK SESSION:

Communications and Bills

1. City Council Meeting Minutes – July 6, 2020 Work Session and Council Meeting; July 13, 2020 Work Session, Council Meeting and Finance Committee Meeting; and August 24, 2020 Work Session, Council Meeting and Finance Committee Meeting
2. Board of Zoning Appeals Notice of Decision – Appeal No. 20-9.
3. Board of Zoning Appeals Minutes of July 8, 2020 and August 11, 2020.
4. Zoning Permits Report – August 1, 2020 to August 31, 2020.

Old Business

1. Sign Ordinance

Using the screen share function of Zoom, Mr. Vinciquerra shared Chapter 1286 relating to signs, and the following topics were discussed:

Multi-Tenant Signs. The Commission reviewed Section 1286.13(b)(3) regarding multi-tenant buildings and 1286.09(e)(5) regarding multi-occupant facilities. It was noted it is the property owner's responsibility to determine how the sign area shall be devoted. It was noted that Section 1286.06(e) addresses building frontage for multi-occupant buildings. There was discussion regarding the Dollar General sign at the shopping center.

Illumination of Signs. It was noted that Section 1286.10 lists specific sign illumination that is prohibited. The Commission reviewed Section 1286.11 relating to illumination of signs, both external and internal. In discussion, Mr. Loconti noted that for the monument sign approved tonight, the sign background is black; only the letters will show up when lit.

Non-conforming Signs. The Commission reviewed Section 1286.12 relating to non-conforming signs. Mr. Lallo stated this would apply to signs that were legal signs when they were erected, but are now non-conforming due to enactment of new laws. He noted that in Section 1286.12(d)(4) there is a sunset provision of five years relating to non-conforming signs. Answering Mr. Loconti, Mr. Lallo stated that if a variance was granted for a sign, it is now a permitted sign based upon the variance.

Discussion ensued regarding the sunset provision in Section 1286.12(d)(4). Mr. Lallo stated that the Zoning Inspector has the authority to enforce this section relating to non-conforming signs, noting that consideration must be given to how it would be implemented, especially with the current pandemic. He noted that the Zoning Inspector is under the purview of the Mayor, and enforcement letters would have to come from the Zoning Inspector or the Mayor's office. Noting that pole signs have been discussed, Mr. Lallo stated that according to this section, all pole signs that are now in existence, except for the one or two that received a variance, are not in conformance and are no longer legal non-conforming signs.

Mr. Baumgart noted that he spoke to the owner of a pole sign, who advised that he has talked with a lawyer and intends to fight any efforts by the City to make him take the sign down.

Mayor Potter stated in past discussions, it was mentioned that all non-conforming signs, both temporary and permanent, should be identified, and a letter can be sent indicating that if plans are submitted by a specified date to erect a conforming sign in place of the non-conforming sign, application fees would be waived. He noted that after a specified date, the sign would have to be removed, but application fees would not be waived. Mayor Potter stated he believes this is a reasonable proposal. Discussion ensued in this regard. Mr. Blum noted that new applicants are required to comply with these standards, but there are many non-conforming signs in existence; he believes it should be implemented across the board.

Mr. Denk referred to a model sign ordinance he obtained, noting that it addresses administration and enforcement; the ordinance is over 100 pages in length. Using the screen sharing function of Zoom, he shared the ordinance and reviewed specific sections relating to non-conforming signs and enforcement. Mr. Denk suggested that photographs of all signs be compiled, with addresses. Mr. Lallo noted that this is something that would be done by the Zoning Inspector or an agent of the Zoning Inspector.

Mr. Loconti stated he believes the City's sign ordinance is comprehensive; he noted that it must be decided if the City has the wherewithal and desire to enforce the ordinance in place before moving forward to make changes. Mr. Loconti stated it is difficult to move forward with new ordinances and require new businesses to be in compliance with the existing ordinances if there are a plethora of signs that are non-conforming that the City does not have the wherewithal or desire to enforce. He noted that the Zoning Inspector and Administration must decide to what degree the existing sign laws will be enforced. Mr. Denk pointed out that the sign ordinance, enacted in 2004, had a five-year sunset rule included, and is now being discussed in 2020. Mr. Denk noted that the Commission will need to determine whether the sunset rule should be revised with a new date or removed.

With regard to multi-tenant buildings, there was discussion regarding building frontages and secondary frontages as referenced in Section 1286.06(d) and Section 1286.09(c). Mr. Lallo noted that the language is vague.

Mr. Denk noted that the Commission can brainstorm with the Mayor and Zoning Inspector regarding enforcement commentary.

Mayor Potter noted that during this discussion he e-mailed Mr. Baumgart to set up a meeting next week to discuss a plan to move forward with some of the recommendations relating to enforcement. The Mayor thanked the Commission members and Mr. Lallo for their diligence and willingness to work through these issues, noting appreciation for the time they have spent and their concern for the City and the applicants.

Mr. Loconti noted that the five-year sunset law is common in other jurisdictions with regard to non-conforming signs.

New Business

None.

Adjournment

There was no further business before the Commission, and Mr. Blum moved to adjourn. Mr. Vinciguerra provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 8:37 p.m.

CHAIRMAN

SECRETARY