

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION
SPECIAL WORK SESSION MEETING

MINUTES OF THE MEETING
June 24, 2020

The meeting commenced at 6:40 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 Law Director Matthew Lallo, Zoning Inspector Wayne Baumgart and Economic Development Manager Monica Drake.

Chairman Denk stated the purpose of the special meeting is to discuss the Sign Ordinance, Codified Ordinance Chapter 1286, noting that he will follow the order of the agenda for discussion.

Sign Inventory Spreadsheet

Mr. Denk noted he created a spreadsheet in an effort to inventory the signs. The spreadsheet indicates the sign type and the number of signs of each type, along with the address. Mr. Denk noted the spreadsheet shows a total of 46 monument signs, 28 building signs, and 9 pole signs. He noted that his main observation was condition and maintenance of a handful of the signs. Mr. Denk noted this spreadsheet provides a starting point and can be updated for accuracy; he noted the last column is for remarks.

Mr. Denk noted that the ordinance addresses maintenance and removal in Section 1286.11 Illumination, Construction and Maintenance Standards, paragraph (c). He noted that this section should be cited when owners are notified of signs that need to be repaired or removed. Mr. Denk noted that several signs appear to be in an abandoned situation.

Permit Fees

It was noted that the fee for a sign permit is \$50.00.

Compliance Recommendations/Enforcement

Mr. Denk reviewed Section 1286.12 Non-Conforming Signs, noting that the Commission may be able to assist in the enforcement strategy and process. Mr. Baumgart noted that he has informally spoken with some business owners who have non-conforming signs. Mr. Denk stated that he believes it would make sense to have a time frame for compliance, noting that signs that are damaged or blank could be addressed first. With regard to signs that are blank and not serving an active business, Mr. DeMarco asked if the owner would be required to remove the entire sign structure, or if the frame would be left for a future sign. Mr. Lallo noted that if the business has been vacant for 6 months, it would need to be brought into conformance with the zoning code.

Discussion ensued regarding a blank pole sign on Route 6. The building is used by “Barns and Noses”, but the business owner is not the property owner. Mr. Blum stated the sign should be removed before any attempts are made to re-use it. Mr. Baumgart advised he sent a letter to the property owner.

Mr. Blum noted that another sign that should be removed immediately is the abandoned sign at the Yesteryear Shop on Route 6. He stated that the building is in disrepair and the sign is falling apart, noting that the building has been empty for years. Mr. DeMarco noted this may fall under the exterior property

maintenance code. Mr. Lallo advised that written notice should be sent to the business owner/property owner, and the City can take action if nothing is done within 30 days. Mr. Lallo stated that according to the Zoning Code, all enforcement notices are to be signed by the Zoning Inspector.

Mr. Blum stated that the notices should state the Ordinance sections that are in violation.

Mr. Lallo inquired if there is any idea of the number of violations. Mr. Baumgart stated that of the nine pole signs mentioned by Mr. Denk, two have variances (Tavern Six and Sunoco) and are legal due to the variances granted. He noted that only one pole sign is blank. Mr. Baumgart noted he talked to the owner of a non-conforming pole sign, who indicated he talked to his attorney and will fight the City if he receives a notice that the sign must be removed. Mr. Baumgart suggested grandfathering the existing pole signs, and give no further permits for pole signs in the future. He noted that for many of the pole signs, replacing them with ground signs will cause problems for traffic exiting those businesses.

If the pole signs are grandfathered, Mr. DeMarco inquired what would need to occur to allow the City to require the sign be removed. It was noted it could be addressed when the business changes and a new sign is requested.

Mr. Lallo recommended that if the sign ordinance is going to be enforced, it must be done uniformly across the City. He noted they can be grouped by the type of violation, so that everyone with the same violation receives the same letter from the City with the same incentives to come into compliance. Discussion ensued regarding enforcement of violations. Mr. Lallo suggested that the violation be explained when a letter is sent, and that the relevant Code provision be included with the letter.

Mr. Vinciguerra expressed concern that addressing all sign violations at one time will be too large of a task, and he stated that he does not believe the Commission needs to be involved in enforcement. Mr. Lallo advised that it is the Zoning Inspector that provides the enforcement; the Planning and Zoning Commission should address potential amendments to the sign ordinance. Mr. Lallo noted that the sign inventory is valuable, noting that the Zoning Inspector can check each of these; once that is done, the enforcement letters can be sent out.

Ms. Drake stated that she and Mayor Potter met yesterday and discussed some of the issues, along with potentially looking at flag signs, such as those indicating a business is open. She noted that especially with the COVID-19 situation, people do not know whether businesses are open. She stated they discussed a potential annual flag sign permit for up to two flag signs, based on the amount of frontage. Ms. Drake noted it would provide control, and as an annual permit it could be refused if the business is not properly maintaining them. Mr. Vinciguerra stated that he believes this is a great idea, noting that he likes being able to see that a business is open. Mr. Blum stated he believes “open” signs are good, as long as they are done properly. He noted the ordinance currently prohibits flag signs and states each sign shall have a maximum height of six feet. Mr. Blum noted that the flag signs at the Creamery are in the right-of-way.

Referring to the section on prohibited signs, Mr. Denk suggested that the Commission should revisit the types of signs listed in this section every couple years. Mr. Blum stated he would like to know the reason that pole signs and flag signs were listed as prohibited. Mr. Loconti stated that he believes the ordinance should be enforced regarding the pole signs, and that the two that were granted a variance should be revisited with regard to legality and a time limit on the variance. Noting the ordinance prohibits flag signs, Mr. Loconti stated that flag signs are prohibited in almost every other community because they are a

distraction to drivers, as are moving/flashing signs, and digital and graphic moving signs. Mr. Loconti stated he has no problem setting the boundaries for the Zoning Inspector to follow, and the Administration has to be willing to pay the Zoning Inspector for the time needed to go out and enforce these issues. Mr. Loconti stated he believes the Commission should do the work on the inventory to give the Zoning Inspector the tools he needs. Mr. Loconti stated he does not believe pole signs should be grandfathered. He noted that every community is having signs removed and made smaller and less distracting, and they are cleaning up the appearance of signs in their communities. Mr. Loconti stated that the City has to be willing to fight those battles.

Responding to Ms. Drake regarding protocol, Mr. Lallo stated that it is the Mayor that would ask the Zoning Inspector to perform any actions. Ms. Drake said that while driving in, she noticed that the telephone poles have flags on them, which could also be a distraction to drivers.

David Fulton of 9327 Chillicothe Road stated that he sells flag poles, noting that the smallest available is 7 ft. If flag poles will be allowed, a 6 ft. maximum height would not be sufficient.

With regard to amending the sign ordinance, Mr. Denk stated he does not believe major changes are needed. Mr. DeMarco agreed, noting that there are a few minor issues that could be addressed to enhance clarity.

Pole Signs

With regard to the sunset clause in the ordinance, Mr. Denk stated that it appears to apply to all signs, not pole signs only. Mr. Lallo agreed, noting that it applies to all signs.

Artwork - Definition

With regard to artwork, Mr. Denk noted that it is not defined. Mr. Lallo cautioned against defining artwork, because it would be content based. Mr. DeMarco noted that the intent was to define whether artwork is considered signage, with regard to enforcing the amount of signage on a building and whether the artwork needs to be included in the calculation of square footage of signs.

Mr. Lallo referred to Section 1286.03, noting that paragraph (d) states that architectural features that are part of a building or freestanding structure are not considered signs, but shall conform to 1286.09(c). Section 1286.03(d)(2) states that architectural features include graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose or to a building when they do not include lettering, logos or pictures. Therefore, lettering, logos or pictures are not architectural features and sign regulations would apply.

Ms. Drake asked whether the “hornet” would be considered a logo of the school, and whether it would be exempt because the school is an institution. Mr. Lallo stated that he can look further in the code to see if there are exemptions for institutions. Mr. Blum noted that Section 1286.02(ee) states that the word “sign” does not include flag, pennant, badge or insignia of any government or governmental agency. Mr. Loconti pointed out that it is not on the school building; it is on another enterprise and being used to attract business. Mr. Lallo cautioned that this ordinance section does not state it must be on the governmental agency’s property. Mr. Lallo advised that the Commission must determine if any changes are needed to the language in the ordinance, or if the Commission believes it needs to be clarified.

Multi-Tenant Signage

Mr. Denk noted that there are a few multi-tenant signs on Route 6, along with one at the Kirtlander. He noted that he does not believe the Commission should be involved in whether an owner changes the sign to include all tenants. Mr. Vinciguerra suggested the possibility of allowing two monument signs for properties with large frontages. Discussion ensued in this regard.

Proposed Ordinance Changes

Residential vs. Commercial Inconsistency – Mr. Denk noted that Section 1286.08 relating to signs in residential districts requires that ground signs exceeding 4 sq. ft. in area be erected with a minimum of two supporting posts or on a solid base; that requirement is not included in Section 1286.09 relating to signs in business and industrial districts. He noted that side yard setbacks are addressed in Section 1286.09, but they are not addressed in Section 1286.08; and the front yard setback is addressed differently in these two sections.

Construction Sign Size and Duration – Mr. Denk noted that a paragraph should be added to Section 1286.09(f) to address temporary construction signs, including a suggested maximum area of 32 sq. ft., for a time limit from the start of construction until issuance of an occupancy permit. There was discussion regarding proposed language to address this situation.

Temporary Definition – Mr. Denk noted that the ordinance has a narrow definition of temporary signs. He briefly reviewed some of the temporary sign regulations.

Canopy vs. Monument – Mr. DeMarco noted this issue came up in discussion when Dr. Bailey visited the Commission regarding the signage at the shopping center. There was discussion regarding what constitutes a canopy sign. Mr. Denk referred to Section 1286.09(a), “Table 2 Building Signs”; he read the definition for “awning or canopy sign”.

Combining Residential and Business/Industrial District Matrix – Mr. Denk noted that he put together a spreadsheet combining these two tables. Mr. Blum noted that combining the tables would not change any of the regulations, but it would be easier to work with.

Banners – Mr. Denk read the definition of a banner sign; he noted that they are not prohibited. Mr. Denk stated that the concerns previously mentioned in discussion related to the “open” flag signs. Mr. Vinciguerra stated that he is in favor of the “open” flag signs, but he does understand the concerns. Mr. Loconti stated that all of the communities he is involved with are moving toward limiting, downsizing and creating less distraction with signage than the 50’s and 60’s era. He noted that other communities have had discussion regarding distraction to drivers, and they are looking to enhance traffic safety.

Draft Letter to Council on Proposed Changes

Mr. Denk noted potential changes include addressing the three inconsistencies mentioned earlier and adding language regarding temporary construction signs. Mr. Denk noted that he will document those items.

There was further discussion regarding flag signs. Mr. Lallo noted that the Commission can determine whether to propose changes to the ordinance to allow limited flag signs, as suggested by Ms. Drake.

Minutes of the Meeting, Planning and Zoning Commission

Special Meeting

June 24, 2020 – Page 5

It was noted that a special meeting is scheduled for July 7, 2020 at 7:00 p.m. with regard to the Cocca final development plan for 9327 Chillicothe Road. Mr. Denk noted that the reason for the special meeting is to consider the final development plan so the applicant can potentially proceed to the City Council agenda before Council goes on summer recess. Answering Mr. Blum, Mr. Lallo stated he does not believe there is a fee charged for special meetings. Mr. Blum stated that he believes there should be a fee to the applicant, since the Commission is accommodating their timeline. Mr. Lallo suggested that he bring this up at the next regular meeting.

Upon completion of discussion, Mr. DeMarco moved to adjourn, with the second by Mr. Vinciguerra. The motion passed 5-0, and the meeting adjourned at 8:50 p.m.

CHAIRMAN

SECRETARY