

# BOARD OF ZONING APPEALS

## Minutes of Meeting

March 15th, 2022

4:30 pm

**Attendance:** Members Mike Aeling, Brent Barnes, Vice Chair , Dave Lundgren, Chairman; Billy Ray; Eddie Williams; Zoning Inspector Shane Howard, Assistant Law Director William Morris, Engineering Clerk Candice Martin

**Meeting held in person in the second floor conference room of the City Administration Building:** The meeting was called to order by Dave Lundgren at 4:30 pm. Mike Aeling, Brent Barnes, Billy Ray and Eddie Williams were present.

### 1. Minutes from the February 15th, 2022 meeting:

Williams moves approval. Barnes seconds. Roll call vote. All agree. Minutes approved.

\*\*\*Chairman Lundgren reads the Board of Zoning Appeals procedures including appellant recourse\*\*\*

### 2. Hutton (Ian McManamon) – Parcel 7701240 West State St. - - Appeal #22-004

**A. Automatic car wash 51 ft. frontage variance Sec. 1162.27**

**B. 30 ft. Pole Sign 93.8 sq. ft. Sec. 1134.06 (e)**

Shane Howard is sworn in. Zoning Inspector: 504 E. Main St. Alliance, OH 44601. Howard explains a carwash needs 150 ft. of frontage along State St. They are short on their frontage and will need a variance for 51 ft. They have 99.82 ft. They would also like a pole sign which is not permitted.

Lundgren confirms that the location of the lot is the empty lot next to Sherwin Williams.  
Howard replies correct.

Lundgren mentions that the lot goes back and has lots of depth.  
Howard replies that it is almost shaped like a flag.

Williams says that looking at the code, a self-service carwash only requires 100 ft. Williams asks Howard the reason why an automatic would require more.  
Howard answers he does not know why that is.

Ray asks if there is anything other than zoning rules that say they cannot have a pole sign  
Howard replies no.

Lundgren asks if anyone is to speak on behalf of appeal.

Michael Vale is sworn in. Morris Knowles and Associates: 443 Athena Drive., Delmont, PA. Mr. Vale explains they are proposing a single conveyor carwash. Typically, their preferred design has vacuum spaces along both sides of the entrance drive but because the lot is narrow and flag-shaped they took advantage of the space in the rear and placed vacuum stations there along with their pay stations. They have maximized the space as much as they could to make it work for them.

Mr. Vale mentions that the reason they want a pole sign is because their neighbors have pole signs which are in the 20 - 30 ft. range. Also, he mentions with the number of drives in the area it will help with sight distance to have it up off of State St.

Ray asks if they will be developing the back part of the lot.

Mr. Vale explains that the lot goes completely behind the Sherwin Williams and about .35 acres of woods will remain.

Ian McManamon is sworn in. Regional project manager for Hutton. Mr. McManamon explains that regarding signage, there are many drives close together in the area and a monument sign may block visibility. They are also further back than the other businesses on State St. and they are a lot skinnier. It would help them to have a pilon sign for presentation purposes.

Ray asks what the cycle time is for the car wash.

Mr. McManamon replies under 2 minutes. The vehicles go 3 or 4 feet apart. They try to plan for 10 at peak times but is probably more than what is needed.

Lundgren asks what determines peak times.

Mr. McManamon answers Saturdays, Sundays, lunch time, nice days: whenever people are available. The concept has only been around for a year and a half, and they are still gathering data on it.

Williams asks what the capacity of the drive and the three pay lanes and the conveyor system is since we are looking at a smaller frontage area. Traffic will be shoehorned into a smaller area than zoning code requires.

Mr. McManamon replies that a car is complete every 2 minutes, and they can have about 5 cars in a 100 ft. building. The conveyor is about 120 ft. long. This is one of the reasons that they pushed the building back a little so they could allow 3 or 4 cars stacked to get out. Getting in is not the problem. They could probably have 30 cars by the configuration of the longer lot. They are limited in getting out but as long as they can clear one car every two minutes they will be fine before it would back up.

Williams asks what happens if a car needs to make a left turn on a Saturday and they are being pushed out every two minutes.

Mr. McManamon states that there are a lot of sensors. If there is a car that is not moving it will not continue to move cars forward. He explains how the car wash will work. Most people will probably opt for a membership subscription. There are three lanes. One lane will be for membership holders, and it has a license plate reader and people will cruise right through. The other lanes will stack. Mr. McManamon states that most people will have a subscription and it will be a quick in and out. After the wash, there are free shammies and vacuums for use so they will probably not be leaving right away and wanting to turn.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward.

Declares this public portion of the meeting now closed.

### Board Members Begin Discussion

Aeling states that even if they had twice the size lot, they will still have the same amount of cars exiting.

Lundgren mentions that people will probably do what he does on busy days and turn right even though they want to turn left because people don't want to wait forever to turn left.

Lundgren mentions depth wise there is a lot of land there.

Aeling moves to approve the 51 ft. frontage variance Sec. 1162.27. Williams seconds. Roll call vote. All agree. Motion passes.

Ray says that a pole sign opens up views up and down State St. (line of sight).

Lundgren states that we have been trying to bring businesses into compliance with the new code. There are plenty of monument signs in the area as well and doesn't think they are blocking the view.

The wave of the future is monument signs. Lundgren mentions the Sherwin Williams sign and says it would not pass any code these days. He believes that it predated zoning. He also mentions there is always the argument that someone should have a pole sign because someone else has a pole sign, Lundgren says that they did not write the code. Council is how the code gets changed.

Williams agrees that if council wants to change how businesses display signs that is council's job.

Lundgren says that there are plenty of monument signs on State St. as well.

Aeling states that typically if it is new construction, it is a monument sign.

Lundgren agrees. Sometimes he says if a pole sign is pre-existing, a pole sign has been allowed to stay. But for new construction, if we aren't doing a "monument" now, we are never going to do it.

Mr. McManamon requests permission to address the board. He mentions that they do not have a storefront and they have very little room for a building sign. This is their opportunity to have visible signage from a couple lots down in each direction.

Aeling moves to deny the 30 ft. Pole Sign. 93.8 sq. ft. Sec. 1134.06 (e) Williams seconds. Roll call vote. Aeling, Barnes, Lundgren, Williams - Yes. Ray - No. Motion to deny passes: 4:1.

**3. Fairmount Properties LLC – 2500 West State St. – Appeal #22-005**

- A. Two 30 ft. Pole Signs Sec. 1134.06 (e)
- B. Number of building wall signs Sec. 1134.06 (a)
- C. Size of wall sign 512 sq. ft. variance 1134.06 (a)

Howard explains there are several parts to the appeal. They would like two pole signs which are not permitted. Also, the number of building wall signs. If you are on a corner lot or have two entrances to the building one at the side one at the front it is permitted to have two signs. The second is to be 40 % of the primary permitted sign. The max is 300 sq. ft. They are over the number of wall signs allowable and will be over the maximum square footage as well.

Barnes asks about the number of signs.

Howard replies that they would be approving what the package shows.

Williams asks if for example Home, the Meijer's logo, Pharmacy etc. are all being considered building signs.

Howard replies yes.

Howard explains that there is a provision in our code for instructional signs when it comes to some of the smaller ones. One example being a Drive-up service sign. Howard says he does not require anything for an instructional sign such as that.

Williams asks if the gas station is requesting only two or are they requesting more too.

Howard explains that they are requesting more. This will be treated similar to Circle K. They were on a corner lot. Circle K was permitted two, but they wanted an additional: one on the face of the building and one on the face of the canopy. They also wanted one on the side of the canopy.

Williams asks if we count the canopy and building as one.

Howard replies yes.

Williams asks the total number of signs.

Howard says some are instructional but there are 14 altogether. He explains that one needs to subtract 2 that would be permitted on the main building and 3 on the service station that would be permitted there.

Williams asks if the variance would be for 12 on the main bldg. and 3 on the gas station.

Howard replies yes.

Chris Jones is sworn in. Meijer real estate department 2350 3-mile Rd. Grand Rapids, MI.

Mr. Jones explains that Meijer has 264 locations and 220 gas stations. He says not every store has a gas station for different reasons. They have been considering Alliance for 6 or 7 years. He explains when a mall is what he called de-malled there are a lot of complications. There are still tenants in the mall for example. The mall is located on 43 acres, Meijer will be taking the eastern half - approximately 160,000 sq. ft. There will be a drive thru pharmacy. Mr. Jones further explains that the public can come in the eastern entrance off State St. and use the pharmacy. The main entrance has a signal and there is an existing sign there. It sits in the concrete median. Their plan is to update and modernize that sign. They will maintain the current height of 30 ft.

Fairmount is working with Dunham's to relocate them to the old JC Penney's Bldg. Fairmount is proposing 4 bldgs. That will go in the westerly direction. It will be a shared sign so there will be six tenant panels. They will be blank panels until tenants go in. The sign will be eternally lit. Dimensions are 200 sq. ft.

The second sign will be located in the grass near the Ford Dealership and will be the same height but will show the price of gas as well. There will be no tenant panels.

Barnes asks the reasoning of two signs.

Mr. Jones states the signs are roughly 500 ft apart. There is a lot of east bound traffic and Meijer wants to make sure that the sign is seen as people exit 62. The sign at the traffic signal Mr. Jones feels is the most important one for height if he had to choose. He has some alternatives that can be discussed if need be.

Lundgren explains that the main sign is pre-existing and that has been done in the past.

Barnes mentions that Sarchione's has use of the frontage. Barnes asks if it were to be changed to a monument sign have, they done an analysis on whether the trucks parked there would interfere with the view.

Mr. Jones explains that they have done some sight line studies. They have looked at alternatives if the sign does need to be lowered. They have looked from a sightline perspective to see what height still works.

Brian Smallwood is sworn in. Woolpert Engineers: Civil Engineers for Meijer. 1203 Walnut St., Cincinnati, OH. Mr. Smallwood explains that they have done a sight line study. The driving factors for the height of the sign coming from the east is the trucks parked there and the existing signage. The problem they run into is where the pricer is located. They have a decent size set back off State St. that they are dealing with as well as utilities in the area which prevent them from pushing the sign out further. Part of the height and size is that it is hard for people to see them from that direction.

Mr. Jones asks Mr. Smallwood to present a sketch of versions to the BZA.

Mr. Smallwood explains that the simplest is downsizing the size of the sign. There are monument sign options too but the problem is where they can place it. The grades, the cars, and the existing signs out there make it hard. The pricer is critical and it is blocked from the east.

Williams mentions that last month when the variances were granted, he recalled being told that the east entrance would not be a primary drive. It had to do with the frontage variance.

Aeling states that Vanessa with Sarchione's (adjoining property owner) was concerned that this would be a primary drive with signage.

Lundgren adds that he agrees that a drive-thru pharmacy and gas station will add more traffic through there.

Mr. Jones says that he suspects that there will be less traffic at the east entrance because there is no light. Going westbound, most people will want to take the protected left. Less lefts in and less left outs at this location will probably occur. Mr. Jones also adds that the dealership has benefited from a dead mall for over a decade. They are concerned about traffic, yet they bought property in front of a mall. Mr. Jones says that the reality is if you own property in front of a mall there is going to be some traffic.

Lundgren is comfortable with the preexisting sign at the main entrance. The second entrance will be new. Lundgren mentions that the Get Go gas station sign is a monument sign.

Mr. Smallwood presents a sign that is just over 100 sq. ft. and just over 13 ft. high. It has the Meijer sign on top, a slight base on the bottom to place some plantings to dress it up and the pricer.

Lundgren states that he is comfortable with that.

Mr. Jones replies that they are as well.

Aeling says that a 13 ft. height will still need a variance.

Howard replies yes it will need a 3 ft variance.

Howard mentions that the requirement of a monument sign is 5 ft off the City's right-of-way. The right-of-way jogs at that site. The cars at the dealership are at the City's right-of-way. Then the right-of-way comes back more than 20 ft. Sarchione's vehicles are going to be sitting ahead by 25 ft. to the east and at a higher elevation.

Ray agrees there is an incline that goes off there as well.

Barnes says that is where this may differ from Get Go.

Ray asks if they considered putting the fuel price on the main entrance sign.

Mr. Jones said that he felt it may be misleading because people may be wondering where the gas station is when they turn in there. He is not saying they wouldn't see it eventually. Mr. Jones adds that people like to make right, rights into gas stations. If they must make a right, left, and then another right that is not ideal. The fewer movements customers must make the more likelihood of capturing a customer.

Aeling mentions that truck deliveries are what we were told were going to go through there and that it was not going to be a primary entrance. Now we are directing the public to the gas station with the sign.

Mr. Harley Cohen is sworn in. Owners Representative for Fairmount properties. 30699 Sterncrest Drive, Orange, OH. Mr. Cohen recalls the conversation and the amount of traffic that will be there. Delivery traffic at big box stores is scheduled in advance he says. Mr. Cohen also states he does not feel it is fair to say there can't be any traffic going to Meijer or the gas station. If you are coming from the right, they will make a right at the first sign. The vast majority are. Left lefts are not going to happen there too often.

Mr. Jones explains their deliveries are overnight. Midnight and 5 am. The fresh deliveries are in the wee hours of the night.

Lundgren asks about the hours of the gas station.

Mr. Jones replies 6 am to midnight. They are considering taking some locations back to 24 hours though.

Mr. Jones feels there is a half a million square foot mall that is empty and to say that this cannot be an access point for vehicles seems heavy handed to limit vehicular access.

Williams says that is not what he means. He is just remembering the concern from Sarchione last month and the ingress / egress easement across their property. Williams remembers the representative being told this wouldn't be a problem based on the information provided about how much traffic was going to be directed through that drive. But Williams says placing a sign there will add more traffic. Williams also states that they are not at this meeting to know that Meijer is going to place a sign to direct more traffic that way.

Mr. Jones mentions that Sarchione's has a sign there already.

Mr. Cohen says that it is a shared entrance. Sarchione's has an easement to get over through there but that should not stop anything.

Aeling says he knows Sarchione's doesn't get to dictate, but he says that they showed up and had some concerns there.

Mr. Cohen states that there is not a design they can come up with that can eliminate that entrance.

Ray says that most Meijer's he has visited have multiple access points to the parking area. He says this is probably one of the most limited he has seen to get into the parking area.

Mr. Jones states that dispersing the traffic through multiple entrances is a benefit to all parties: McDonalds, Sarchione's, Meijer's and tenants. The more one can disperse the traffic out of multiple entrances in the parking area the better and some entrances will be used more than others.

Mr. Smallwood adds that he truly believes that the main sign will serve as the primary entrance. It is the signalized entrance and the easy out. Left out of the other entrance isn't going to happen. For all intents and purposes, it will become a right in and right out. Also, Mr. Smallwood mentions that the drive by traffic for the gas station is a smaller percentage than the capture from the main store because of the rewards program. There will be some pass by traffic, and they will right in and right out there. But most folks will go through the main entrance because of the signalization and traffic patterns. It will not become the main entrance they (Sarchione's) were worried it would be.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward. Declares this public portion of the meeting now closed.

#### Board Members Begin Discussion

Williams makes the motion to approve a pole sign at the existing pole sign location to be repurposed. Aeling seconds. Roll call vote. All agree. Motion passes.

Williams asks for drawing detail information for oversized monument sign.

Mr. Smallwood replies that it is C-501A detail C1.2. Mr. Smallwood turns in drawing detail to the BZA.

Aeling moves to deny 30 ft. pole sign request and moves to approve a variance for an oversized monument sign according to detail drawing C-501A to be rendered to Howard. Barnes Seconds. Roll call vote. All agree. Motion passes.

#### *B. Size of Wall sign 512 sq. ft. variance Sec. 1134.06 (a)*

Mr. Jones explains that Meijer views all but two of the signs to be way finding signs. Home is Directional (soft goods, clothes, shoes, etc.)

Fresh is Directional (groceries, deli, bakery, meat, etc.)

Pharmacy is Directional (drive up area)

Meijer sign is their branding sign.

They also typically have two spaces in their store for licensees such as a local coffee shop, pretzel store, bank etc. There would be two signs that would be branding for them.

The Meijer express pick up sign and Pharmacy sign are new additions to the way finding package. The symbols help people know where they are located.

Smallwood also explains that they are about 700 ft. off of the road and the size of the Meijer sign is what it is because scale plays into the size of the Meijer sign. It is based on a scale of proportionality of the letters and the building. Playing around with the size of the letters makes it not look right.

Mr. Jones asks what the size of the Meijer sign is on the building.

Howard replies 900 sq. ft.

Lundgren says that the store is set back so far and there is a lot of width to the store. He explains we have dealt with this issue before with Marc's. Lundgren remarks that Marc's signage does not look inappropriate due to the size of their building. Lundgren doesn't see a problem with the amount of signs Meijer is requesting. He feels it looks appropriate.

Aeling agrees.

Mr. Jones asks about the gas station building signage.

Aeling doesn't see it being out of line.

Williams says we have done three canopy signs in necessary instances. He believes it was done with Circle K.

Lundgren mentions it was done with Get Go as well.

Williams feels that the gas station request is very consistent with what we have done in the past.

Williams moves to approve the number of building wall signs submitted. Aeling seconds. Roll call vote. All agree. Motion passes.

*C. Size of wall sign 512 sq. ft. variance Sec. 1134.06 (a) (mentioned in above discussion)*

Williams moves to approve the additional 512 sq. ft. size of wall sign variance. Aeling seconds. Roll call vote. All agree. Motion passes.

#### **4. Other Business**

None

Roll call vote. All in favor. Meeting adjourned at 6:12 pm.

Respectfully Submitted by:

Candice Martin

Engineering Clerk