



**OAK RIDGE HISTORIC PRESERVATION COMMISSION
AUGUST 21, 2019 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Caroline Ruch, Vice Chair
Kristin Kubly
Brian Hall
Paul Woolf

Staff Present

Sean Taylor, Planning Director
Sandra Smith, Town Clerk

Members Absent

Debbie Shoenfeld, Chair
Barbara Engel, Alternate

1. CALL MEETING TO ORDER

Vice Chair Caroline Ruch called the meeting to order at 7:01 p.m. She welcomed meeting attendees, then explained the purpose of the Commission, which is to promote restoration and preservation of historic structures in Oak Ridge. The review is to ensure that any proposed changes are compatible with the special character of the Historic District.

2. APPROVE AGENDA

Kristin Kubly made a motion to approve the meeting agenda. Paul Woolf seconded the motion, and it was passed unanimously (4-0).

3. APPROVE MINUTES

Kristin Kubly moved to approve the minutes of the July 17, 2019 regular meeting. Paul Woolf seconded the motion, and it was passed unanimously (4-0).

4. OLD BUSINESS

A. Town Council report.

Ruch said Shoenfeld gave the report at the August Town Council meeting, but Ruch said neither she nor Shoenfeld would be available for the September meeting. Kubly said she believed she could handle, and Hall said he would be a back up.

B. COAs reviewed/ approved at staff level.

None, but Planning Director Sean Taylor said he would like to discuss a possible staff-level approval at the end of the meeting before Citizen Comments.

C. COAs approved but not completed.

COAs outstanding are:

- COA-19-03 for Philip Cooke/Rio Grande's building elevation changes
- COA-19-03A for Philip Cooke/Rio Grande's outdoor patio and front doors
- COA-19-05 for Gary and Myra Blackburn's fencing
- COA-19-06 Matt and Brooke Kuzmick's new front porch
- COA-19-07 for Drew Donnell's project to replace the roof and repair the skylight
- COA-19-08 for Stanley and Denise Sacks' house

D. Design review meetings.

None

E. Historic District violations.

None

5. NEW BUSINESS

Ruch explained that the Commission would be following quasi-judicial procedures based on admitted evidence and sworn testimony. The suitability of a Certificate of Appropriateness (COA) is based on conformance with the Design Guidelines and compatibility with the Historic District.

Ruch said the Commission can only consider the size, scale, materials and other criteria described in the Design Guidelines. The Guidelines are intentionally broad to allow applicants a broad pathway toward compliance; the goal is to ensure that approved projects are compatible with the District and surrounding buildings. The Commission may approve, deny or continue consideration of a COA request, but a decision must be made within 180 days of the date the application was submitted. Appeals are heard by Oak Ridge Board of Adjustment; appeals from the Board of Adjustment are heard by Guilford County Superior Court.

Ruch explained that Commission members should not engage in discussions with applicants regarding past or current COA applications and should not discuss the Commission's proceedings except with the Chair or Town staff.

Ruch then explained what constituted a conflict of interest:

- A fixed opinion;
- Undisclosed *ex parte* communications with anyone about the case;
- A close familial, business or other relationship with an affected person; or
- A financial interest in the outcome of the case.

She asked if any Commission members had such a conflict with either of the COAs to be discussed. Paul Woolf, Kristin Kubly, Brian Hall and Ruch each individually indicated that they had no conflicts of interest. Ruch reported that she had conversations with staff and Chair Debbie Shoenfeld about the COA.

COA-19-03B: Philip Cooke requests a COA for signage at 2213 Oak Ridge Road, Oak Ridge, NC. The property is Guilford County Tax Parcel 166226, Oak Ridge Township, zoned CU-SC (Conditional Use-Shopping Center), SC (Scenic Corridor Overlay Zone), Historic District Overlay Zone. It is owned by Cooke Outparcel E, LLC.

Ruch read the property description into the record and asked Commission members if they felt the project falls within the Design Guidelines and whether sufficient information has been submitted for the Commission to make a decision. Commission members Woolf, Kubly, Hall and Ruch each individually answered yes to the questions.

Ruch said Commission members had all received the staff report. Planning Director Sean Taylor said the staff report, which is hereby incorporated by reference and made a part of the minutes, is as submitted and that he was willing to answer any questions. Hall asked whether the Commission should be considering the Design Guidelines or the Oak Ridge Commons Guidelines in making its decision. Taylor said the Commission should look at both. Ruch said that the staff report is incorporated and will be made a part of the minutes. She then invited the applicants to the podium.

Philip Cooke, 1692 NC 68 North, and Pepe Silva, 7600 Calmeria Court, Kernersville, were sworn in by Town Clerk Sandra Smith.

Cooke said he was there to try to get the signage approved for the new location of Rio Grande. He said Silva had submitted something for the July Commission meeting (which was not heard because the applicants were not present), but Silva has now resubmitted a design that he thought the Commission would like better. He said he would let Silva speak to the Commission about that.

Woolf asked how many total signs there would be, and Silva said seven on the building and one at the road.

Cooke asked to discuss the monument sign at the road first. He said it would utilize the same color scheme as is used in Oak Ridge Commons. He said they would use the existing base installed by the previous tenant and add the Rio Grande signage.

Woolf asked if the existing lighting would be used, and Cooke said yes. Woolf asked if there were any stand-alone signs that had a design element rising above the remainder of the signage. Cooke said he thought so, and said he thought there was an oak leaf on the Oak Ridge Commons signage.

Kubly asked if the monument sign would be in the exact location as the previous tenant's signage, and Cooke said yes. Taylor explained that the original signage was being replaced but the existing base would be used.

Ruch asked Cooke to explain the proposed front elevation signage. Cooke said he had no real comments on what had been submitted, but he asked if the Commission thought the application was too much signage or was this amount allowable. Taylor said that his report reflected what is allowed in the Town's development ordinance. In the shopping center district, he said a total of 10 percent of the total front facade is allowed for signage and what has been submitted is about 5.4 percent. Cooke said what had been submitted was OK based on the development ordinance, but it was up to the Commission to determine if it fits within the Historic District Guidelines. Ruch said that had been reflected in the staff report.

Woolf said he thought the contention had more to do with the building signage guidelines. In the Oak Ridge Commons Design Guidelines, he said that it says that one wall of the individual building may have one sign identifying the business, and on a corner lot, two building mounted signs are permitted. He said he was referencing the section regarding signage on page 4, item 2 of the Oak Ridge Commons guidelines.

Ruch asked if the building being discussed was technically considered a corner lot, and Cooke said yes. Ruch said that then applicant could have two building-mounted signs. She said the Commission also overlays the Historic District Design Guidelines on that, and said as a rule, one sign per parcel is allowed but said the Commission also takes into consideration the size and location of the building. She also referred to pages 33-35 in the section under general guidelines for signage. She said one of those Guidelines says to avoid visual clutter, and it has been a big goal for the Commission to keep things as simple as possible in the Historic District. She said there is quite a bit more signage in terms of the numbers allowed that the Commission likes to see, based on its Guidelines, although it may not be more than allowed in terms of square footage allowed in the development ordinance.

Ruch asked Cooke and Silva to continue discussion on the other signs and where they will be located. She said one photo showed signage on the side of the building facing the shopping center on the building's "towers" and another one showed it between the windows. Taylor said those were possible alternative options submitted by the applicant. Taylor said he had spoken with Silva, and Silva said he did not like the signage that was mounted on aluminum backing. Silva agreed, and said there was the side of the building facing into the shopping center, the side facing NC 68, and also on the front elevation. Woolf clarified that the five signs were intended for the front elevation, and Silva said yes. Taylor said he had mainly included the signage shown between the windows so Commission members would know that he had discussed various options with the sign company.

Ruch summarized that the applicant was requesting approval on the front building elevation with five signs, two tower signs – one facing Oak Ridge Commons and one facing NC 68 – and the monument sign. Silva said yes.

Kubly asked Silva to verify which photos were not being considered. Silva approached the dais and pointed out what he asked to be approved.

Hall asked Silva how long he had operated a restaurant in Oak Ridge Commons. Silva said almost 17 years.

Ruch said the Commission wanted to understand what the applicants' real preferences were since there were so many illustrations included in the packet. She said based on the Design Guidelines, restraint should be exercised in the number of signs used and visual clutter is greatly discouraged. She said five primary design concepts come into play, in the Guidelines on pages 47-48, which are scale, balance, rhythm, proportion and order. She said she thought balance, proportion and order should really be considered in this case and that they each make a difference. She said in considering the amount of signage, the Commission has to consider those concepts when it comes to a conclusion.

Ruch asked the applicants to be seated so discussion could be held among Commission members.

Regarding the monument sign, Hall said the Oak Ridge Commons Guidelines on page 3, item 1.A., specify a sign shall be no more than 6 feet tall and 10 feet wide, and it should use the predominant brick on the structure. He said the application is for a sign 5 feet tall by 5 feet wide; the existing brick is also to be used. Taylor pointed the Commission to page 3 of the staff report where it is said the existing free-standing sign is less than 6 feet in height. Woolf and Ruch agreed that the request was within the limits, and Ruch said the Commission had established that the request was within the Guidelines.

Hall said he was internally wrestling with what was proposed and what the Design Guidelines say. He said as he read over the Guidelines, he thought about the shopping center and other retail spaces, specially where Domino's and Verizon will be located. He said most of the buildings had one obvious face. Hall said he wanted Silva to have another 17 years operating in Oak Ridge and he understood that signage is important, yet the Design Guidelines don't seem to allow for buildings that front several different rights of way from different sides.

Woolf said the existing Rio Grande location within the shopping center has a relatively small fascia. He said this building might technically be one plot, but it is a large plot.

Ruch said she felt the Commission had some flexibility. She said in her interpretation specifically of the Oak Ridge Commons Design Guidelines on building-mounted signage, she said she thought it was not necessarily directed toward the individual buildings when written and approved, but instead it seemed they were directed more toward the spaces within the strip shopping center. She also pointed out that in the Historic District Design Guidelines on page 35, item a., it said as a rule, signage should be limited to one per parcel. She said she thought the wording "as a rule" allowed the Commission flexibility to bend.

Woolf said if this building were subdivided to serve more than one tenant, each tenant would have separate signs. Hall agreed.

Ruch said that if the building's mass and design are considered, she thought there was the ability in the Guidelines to find some accommodation within reason.

Kubly pointed out that in the second paragraph of the Oak Ridge Commons Design Guidelines, it says those Guidelines are applicable to in-line shops and outparcels.

Hall asked Taylor about the percentage of signage allowed. Taylor said in a shopping center district, signage is allowed on 10 percent of the façade. He said that is interpreted in North Carolina to be calculated by taking the entire front façade of a building and allowing 10 percent of that for the amount of total signage. He said in this case, the signage requested is about 5.4 percent on the front of the building. Taylor said this was some holdover from when the Town adopted the County's ordinance.

Woolf asked what if the applicants were requesting was still within the Design Guidelines. Taylor said that wording comes from the development ordinance.

Kubly asked which should take precedence – the percentage or the actual number of sign – since a request could be within the percentage allowed but way over on the number. Taylor said that was up to the Commission to determine. Kubly said the application meets the percentage but not the number. Taylor said in his training on quasi-judicial, historic preservation review boards, the biggest task for the board and what is addressed in the mandated legislation is the determination of congruency. He said the Commission needs to determine if the request is congruent with the rest of the district. Ruch said with that in mind, the decision is not just about the number of signs or the percentage because it is also about the remaining Design Guidelines, which also play a part, because it is in the Historic District. Ruch said the shopping center is directly across from Oak Ridge Military Academy and the Oak Ridge Commons Design Guidelines say that it is extremely important to note that one of the guidelines is to ensure compatibility with ORMA. She also pointed out page 33, item e. in the Historic District Design Guidelines, which says to keep a sign's size to the minimum needed to identify the building.

Cooke asked if he could show the Commission a photo on his cell phone of the signage the previous tenant had. Ruch said he could show the Board, but that no precedence was set because that had been approved by a previous Commission. Cooke approached the dais and showed the Commission cell phone photo and explained what was approved on the building previously. Cooke said that Silva was just replacing signage that was already on the building. Ruch again said there may be a few examples in Oak Ridge that could be pointed out, but that did not set a precedence.

Woolf asked what was considered a sign in broader terms. He said "Rio Grande" was obviously a sign, but asked if the cacti were considered signs. Ruch said it was up to the Commission to decide. Woolf said to him the cacti almost felt more like a design element. Ruch said that was also her interpretation. She said they were logos, but if you saw them alone they would not mean anything.

Hall said in the Oak Ridge Commons Design Guidelines, it says one wall of the building may have signage identifying the business name and on a corner lot, there can be two building-mounted signs. He said he could only see one sign on the front elevation that identifies the business name.

Ruch said she thought the larger signage with the words “kitchen” and “cantina” were repetitive of what was already on the center building signage and were probably not necessary. Ruch said she thought the Commission could agree by consensus that the cacti were considered logos, pointing out that there is a Guideline regarding logos and keeping them secondary to the message, which is on page 33, item c. She also cited the Guideline on page 35, item b., which says to limit trademarks to 25 percent of a sign area. Taylor said that was up to the Commission to determine, due to the phrase about being secondary to the message. Regarding the conversation about the façade, Ruch said she believe the Commission had reached consensus. She asked Commission members to correct her if she was wrong.

Ruch then said it seemed the Commission had also reached a consensus that the cacti would be considered as logos, but asked if they would be considered in the number of signs. Woolf said no. Ruch continued that the signs saying “kitchen” and “cantina” are repetitive, and she said she thought they do begin to add visual clutter. She said she thought it was very important in the Design Guidelines to restrict the number of signage so as to not overwhelm the building, but also so it does not overwhelm the neighbors. Woolf asked what businesses were located beside the building, and Ruch said the Bank of Oak Ridge and Allen Tate Realty.

Hall asked what their signs look like, and Taylor and Cooke described the signs and their locations.

Ruch said she felt that based on the Guidelines stated and in keeping with the design concepts of proportion, order and balance, that the cactus logo signs and the words “Kitchen & Cantina” under “Rio Grande” could be kept, but that the words “kitchen” and “cantina” located on either side of the entrance would be the most obvious thing to eliminate. Kubly said she agreed and the requested signage over the entrance already says that. Ruch said she felt that would fit the mass of the building and balance, and that it would avoid visual clutter.

Silva asked if the words “kitchen” and “cantina” could remain on either side of the front elevation entrance and that the signage over the entrance just say “Rio Grande.” Ruch said the Commission had some flexibility, but that would still mean five signs on that side. She said even if something similar had been approved before, that does not necessarily mean this Commission would approve it. She said she was trying to find a compromise to work with Silva but also fit within the Design Guidelines. She said if Silva wanted, the Commission could continue the COA discussion and Silva could request a design review meeting. Silva and Cooke stepped back from the microphone to discuss the matter privately. Cooke then returned and asked for a continuance so they could step back and discuss the issue during a design review meeting.

Kristin Kubly made a motion to continue the COA consideration to allow for a design review meeting to include Taylor, Ruch and one other Commission member prior to the Commission’s September meeting. Brian Hall seconded the motion, and it was passed unanimously (4-0).

6. COMMITTEE REPORTS/UPDATES

- A. **2019-20 budget.** The 2019-20 budget year began July 1; no funds had been spent yet.
- B. **Grant program.** Ruch said none of the current year's recipients had begun work so there was nothing to report.
- C. **Historic inventory/Markers.** Town Clerk Sandra Smith gave an update on the historic inventory project being done on properties outside the Historic District.
- D. **Training.** Information was forwarded to the Commission about training being held in Morehead City.
- E. **Communications outreach.** No report
- F. **Display case.** No report
- G. **Coffee table book.** No report
- H. **Heritage Day.** Ruch said the Commission had signed up for a booth at the event on September 28. She said she was looking for something a bit different than was done in past years and asked for suggestions. She said she was thinking about a possible raffle for a tour of a historic home.

7. COA DISCUSSION

Taylor reported that Kyle and Anna Smythe, who live in the historic Charles Benbow house, emailed the Town regarding work they wanted to have done on the home's windows. He said that would fall under maintenance, but that one window needs to be replaced. They found what they believe to be an original window in the park and have asked to have it recreated. Work would be done by David Hoggard of Double Hung. Taylor asked the Commission whether he could approve the entire project under maintenance or if the Board wanted to hear the case.

Hall said he felt the project was considered routine maintenance, including recreating the window. Ruch said the Commission was knowledgeable of David Hoggard's work, and that he was highly recommended and trusted. The Commission agreed by consensus to consider the case routine maintenance and allow staff approval.

8. CITIZEN COMMENTS

- Martha Pittman, 8018 Fogleman Road, introduced herself as a Town Council candidate. She was it was a pleasure watching the Commission, its attention to detail and knowledge.
- Councilman George McClellan, 2806 Oak Ridge Road, commended the Commission for its work, saying he knew the decisions made were not easy.

9. ADJOURNMENT

Kristin Kubly moved to adjourn the meeting at 8:00 p.m. Paul Woof seconded the motion, and it was passed unanimously (4-0).

Respectfully Submitted:

Sandra B. Smith, CMC, NCCMC
Town Clerk/HPC Staff

Deborah D. Shoenfeld
Chair