



MORGANTOWN BOARD OF ZONING APPEALS

August 21, 2013
6:30 PM
City Council Chambers

Board Members:

Bernie Bossio, Chair
Leanne Cardoso, Vice-Chair
George Papandreas
Jim Shaffer
Tom Shamberger

STAFF REPORT

CASE NO: V13-39 / RE Michel / 1959 Hunters Way

REQUEST and LOCATION:

Request by Robert E. DeRiggi of J.D. Signs, Inc., on behalf of *RE Michel*, for variance relief from Article 1369 as it relates to signage at 1959 Hunters Way.

TAX MAP NUMBER(s) and ZONING DESCRIPTION:

Tax Map 44, Part of Parcel 44; B-2, Service Business District

SURROUNDING ZONING:

B-2, Service Business District

BACKGROUND and ANALYSIS:

The petitioner seeks to erect a post-and-panel sign for *RE Michel* in Sabraton along Earl Core Road. Addendum A of this report illustrates the location of the subject site.

The following table identifies the area and height standards for post-and-panel signs provided in Article 1369.07(F) along with the proposed dimensions and associated variances requested by the petitioner.

Standard	Proposed Dimension	Requisite Variance
Max. Height – 6.0 ft.	22 ft.	16 ft.
Max. Area – 32 sq. ft.	80 sq. ft.	48 sq. ft.

The petitioner has agreed to reduce the area of the sign face from 8 feet by 10 feet to 6.5 feet by 10 feet, which will reduce the extent of the requisite sign area variance from 48 square feet to 33 square feet. Plans for both signs are included in the exhibits submitted by the petitioner.

STAFF RECOMMENDATION:

One of the stated purposes within the Planning and Zoning Code for sign regulations is to:

“...encourage the effective use of signs as a means of communication in the City, to maintain and enhance the pleasing look of the City, which attracts to the City continued economic investment; to preserve Morgantown as a community that is attractive to business, to residents and to visitors...” [Article 1369.01(A)]

Size restrictions are one of several means to accomplish this policy objective.

Development Services

Christopher Fletcher, AICP
Director

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431



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The Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the applicant.

Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined).

The Board has granted similar ground sign area and height variances along the Earl Core Road commercial corridor including:

- V13-01.....MVB Bank ground sign area (64 sq. ft. variance) and height (17.83 ft. variance).
- V11-45.....L.H. Jones ground sign area (82.2 sq. ft. variance) and height (18 ft. variance).
- V11-33.....Walgreens wall ground sign area (43 sq. ft. variance) and height (9 ft. variance).
- V11-15.....Sterling Commons ground sign area (111.5 sq. ft. variance) and height (21 ft. variance).
- V10-29.....Auto Zone ground sign area (41.63 sq. ft. variance) and height (21 ft. variance).

Staff recommends that should the Board grant variance relief for the proposed post-and-panel sign, the variance approval to exceed the related maximum area standard be a 33 square foot variance as agreed to by the petitioner rather than the 48 square foot variance initially requested.

Enclosures: Application and accompanying exhibits

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STAFF REPORT ADDENDUM A
V13-39 / RE Michel / 1959 Hunters Way



STAFF REPORT ADDENDUM B

V13-39 / RE Michel / 1959 Hunters Way

Staff recommended revisions to petitioner's Findings of Fact (deleted matter struck through; new matter underlined).

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The subject property is located near the I-68 Exit and situated along one of the 5 major Morgantown arteries. According to the petitioner's submitted exhibits, the site is exposed to approximately 13,000 daily vehicles vehicular passengers. Several businesses within the corridor appear to have similar signage in comparison to that being proposed. Site to have 12,000 sq/ft Warehouse Facility with reception and loading. Navigation to site will be crucial for deliveries and customers. The site also sits below the grade of Earl Core Road.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Several Ground Signs in the Earl Core Region appear to exceed both height and Sq/footage from the recommended standard. In comparison, the requested post and panel sign would be very similar to those presently in the district. There appears to be a number of ground signs within the Earl Core Road commercial corridor that exceed the maximum area and height standards. Additionally, the BZA has granted similar relief within the immediate area since the sign standards were revised in the 2006 major zoning ordinance amendment.

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The natural design of a typical post and panel on premise sign with adequate grade clearance allows for uninterrupted visibility between columns for passing traffic and should not negate the use of future development of adjacent business sites. With the proposed considered placement outside the existing State ROW, outside traffic flow site patterns and beyond pedestrian normal approach, the sign would therefore not interfere with the public welfare nor negate the use of future adjacent business sites.

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

With the approved business use of the site, along with the comparable requested I.D. sign, anticipating additional traffic congestion would not be expected any more than that presently created by the now commuting and existing adjacent nearby business community.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	113-39
RECEIVED:	7/5/13
COMPLETE:	

(PLEASE TYPE OR PRINT IN BLACK INK)

Fee: \$75

I. APPLICANT		Name:	J. D. Signs			
Mailing Address:	1140 Aviation Drive			Phone:	304-363-3211	
	Street	Fairmont	WV	26554	Mobile:	304-288-0070
	City	State	Zip		Email:	bderiggi@jdsigns.com
II. PROPERTY		Street Address:	1959 Hunters Way, Morgantown, WV			
Owner:	RE Michels			Zoning:	B-2	
Mailing Address:	One R.E. Michels Drive			Tax Map No:	44	
	Street	Glen Burnie	MD	21060-649	Parcel No:	part of Parcel 34
	City	State	Zip		Phone:	
III. NARRATIVE		Please describe the nature and extent of your variance request(s).				
<p>With the recent relocation and new building, RE Michels is now located along the Earl Core Artery and Hunters Way intersection in Sabraton. Business is requesting Variance Relief Consideration (from Article 1369.07 F) for a post and panel sign being 22' tall and 80 sq/ft. The proposed height is 16' above the 6' allowed and 48 sq/ft above the 32 sq/ft allowed. Sign to be the only freestanding sign of its type requested for this single use property. In comparison, requested Variance appears similar to several adjacent signs of similar height/size/and magnitude within the same region.</p>						
V. ATTEST						
<p>I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction. I certify that the information submitted herein and attached hereto is true and accurate and understand that if found otherwise may result in the denial of this request or subsequent revocation of any and all related approvals. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions. I hereby authorize the Planning Department to erect a notification sign on the subject property approximately 15 days prior to the BZA hearing. I further agree to maintain said signage and hereby accept responsibility in case of destruction or removal.</p>						
Robert E. DeRiggi - JDSigns Inc		[Signature]		7/2/13		
Type/Print Name of Applicant/Agent		Signature of Applicant/Agent		Date		

You or a representative **MUST** be present at the scheduled hearing to present the request and answer questions. Failure to appear at the hearing will result in your request being tabled.



City of Morgantown, West Virginia

APPLICATION FOR ZONING VARIANCE

OFFICE USE	
CASE NO.	V13-39
RECEIVED:	
COMPLETE:	

VI. SUPPLEMENTAL INFORMATION

Depending on the type of variance request and the scale and scope of the development proposal, supplemental information may be needed to assist the Board of Zoning Appeals in rendering a variance decision. Staff will check the appropriate boxes below that must be addressed.

Land Use Characteristics (complete only those that apply)

- Residential Single-Family Dwelling Townhouse Dwelling
- Two-Family Dwelling Multi-Family Dwelling
- Non-Residential or Mixed (please explain)

Structure Characteristics (complete only those that apply)

Total number of buildings: _____ Gross floor area of each building: _____

Estimated number of employees: _____ No. of dwelling units: _____ No. of bedrooms: _____

Additional structure-related details:

Additional Information (as required by Staff):

Site Plan A scaled site plan may be required to assist the Board in rendering a variance decision. The following features must be represented, as required by Staff.

- Location, shape, exterior dimensions, and number of stories of each building on the site.
- Standard yard setbacks for the applicable zoning district
- Location, grade, and dimensions of paved surfaces, and all abutting streets
- Existing and proposed contours, at an interval of at least two (2) feet
- Complete traffic circulation plan showing dimensions, entrance/exit drives, planters, and similar improvements
- Location of landscaped areas (to be detailed on landscape plan), fences, walls, and other screen required

For simple variance requests (as determined by Staff), please use the graph area on the following page to illustrate applicable features listed above.



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
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RECEIVED:	_____
COMPLETE:	_____

Suggested Scale: 1 square = 5'

See attached plans.
C.M.F. 15-Aug-2013



City of Morgantown, West Virginia

**APPLICATION FOR
ZONING VARIANCE**

OFFICE USE	
CASE NO.	V13-39
RECEIVED:	
COMPLETE:	

VII. FINDINGS OF FACT

The Board of Zoning Appeals may grant a variance request only if each of the following "Findings of Fact" criteria is determined to be in the positive. Applicants must give their own responses to the following criteria statements.

1. There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

Subject Property is located near the I-68 Exit and situated along one of the 5 Major Morgantown Arteries. Site is exposed to approx. 13,000 daily vehicular passengers. Several businesses within the Corridor appear to have similar signage in comparison to that being proposed.
Site to have 12,000 sq/ft Warehouse Facility with reception and loading. Navigation to site will be crucial for deliveries and customers.

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Several Ground Signs in the Earl Core Region appear to exceed both height and Sq/footage from the recommend standard. In comparison, the requested post and panel sign would be very similar to those presently in the district.

3. The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The Natural Design of a typical post and panel on premise sign with adequate grade clearance, allows for uninterrupted visibility between columns for passing traffic. With the proposed considered placement outside the existing State ROW, outside traffic flow site patterns and beyond pedestrians normal approach, the sign would therefore not interfere with the public welfare nor negate the use of future adjacent business sites.

4. The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

With the approved business use of the site, along with the comparable requested I.D. sign, anticipating additional traffic congestion would not be expected any more that that presently created by the now commuting and existing adjacent nearby business community.

N/F LOT E
FIRST UN TED BANK & TRUST
(DB 1254 / PG 431)
TM 44A / PARCEL 6

MORGANTOWN
TOWER LADDER 3
TRAVEL PATH

VARIABLE W.DTH
HEAVY DUTY
CONC SIDEWALK

STOP SIGN
(TYP.)

LIMITS OF CLEARING
AND/OR GRADING
(TYP.)

N 75°27'50" E - 272.61'

5' SETBACK

LANDSCAPED
OPEN SPACE

NOSE DOWN
CURB

R= 15.00'

12' x 12' CONG.
DUMPSTER PAD W/
MASONRY
ENCLOSURE

RETAIN NG
WALL
(SEE NOTE 6)

ASPHALT
PAVEMENT
(TYP.)

HEADER
CURB
(TYP.)

BOLLARD
(TYP.)

Sign Location Option B
Approximate sign
foundation 12' x 6'-6"
Pending Utility Discovery

MORGANTOWN
ENGINE 1
TRAVEL PATH

R= 25.00'

EX. EDGE OF
PAVEMENT
(HUNTERS WAY)

HUNTERS WAY
(30' ROW)

S 14°32'10" E - 193.60'

15' SETBACK (MIN.)

R= 15.00'

R= 10.00'

FENCE
(SEE NOTE 10)

CONC.
LOADING DOCK
AREA

55.33'

130.00'

33.00'

PROPOSED R.E MICHEL
WAREHOUSE
(ONE STORY)
14,604 SQFT

RETAINING
WALL
(SEE NOTE 6)

22.70'

38.00'

55.33'

30' SETBACK (MAX.)

25.00'

R= 15.00'

R= 40.00'

R= 10.00'

R= 10.00'

R= 15.00'

V13-39

Structural Specifications
This structure was designed in accordance with the International Building Code (IBC), ASCE 7-10 and ASCE 8-02. Minimum design loads for building and structure are:

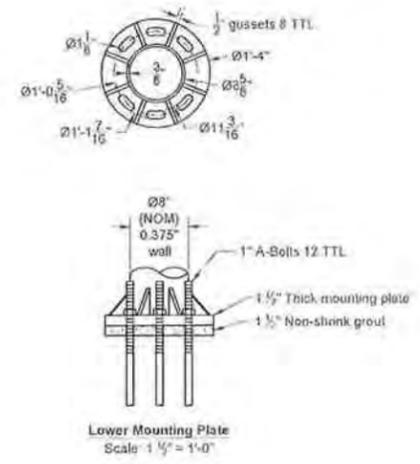
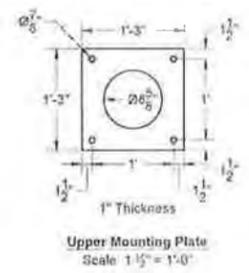
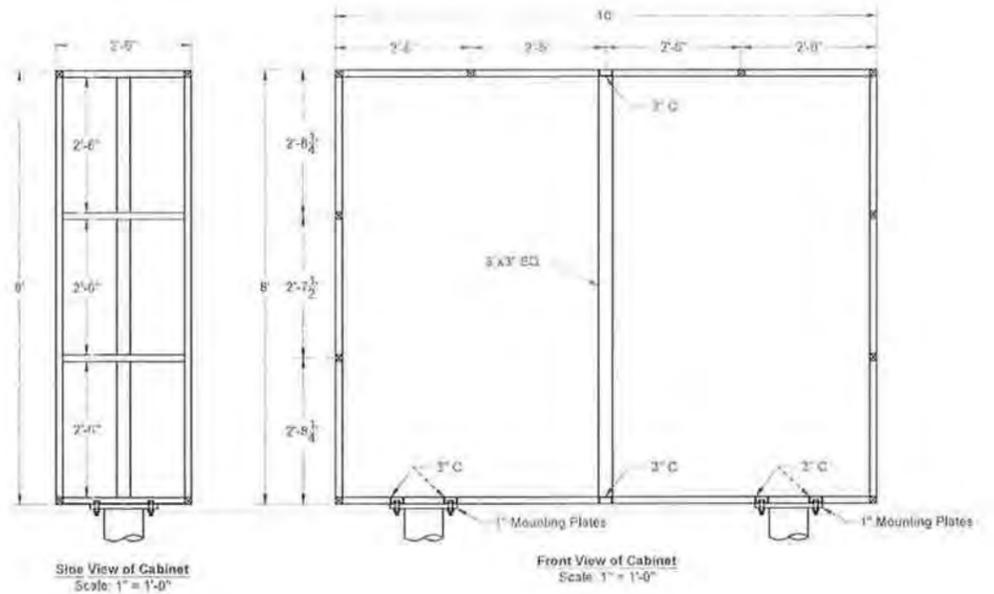
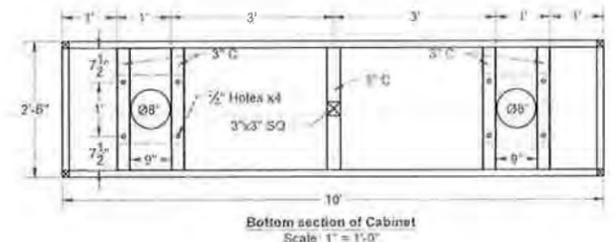
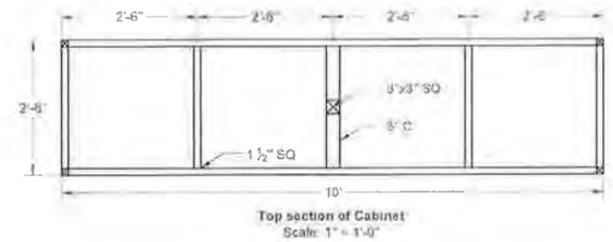
Wind Load Speed	90 MPH
Wind Load Importance Factor (Fp)	1.0
Wind Exposure Category	C
Height to top of sign (H)	27'
Velocity Pressure	26 psf

Contractor Notes
Temporary bracing of the structure and safety during construction is solely the responsibility of the contractor. Contractor shall locate the location of temporary bracing, with all bracing prior to erection. All bracing shall be in place and structure shall be braced. Do not make this sign.

Comments

- A. Shall conform to the following specifications and comment notes:
 1. ACI 308.5R - Specifications for structural concrete for buildings
 2. ACI 308.5R - Recommended practices for hot weather concreting
 3. ACI 308.5R - Recommended practice for cold weather concreting
 4. ACI 308.5R - Standard practice for curing concrete
 5. ACI 308.5R - Details and detailing of concrete reinforcement
 6. ACI 308.5R - Detailing notes (see notes for reinforced concrete)
- B. Concreting materials (PAC) shall consist of concrete (ASTM C150, Type 1) & Extra Fly Ash (ASTM C959, Type C) of 70% to 75% plus or minus 5% (ASTM C959, Grade 100, 150, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1200, 1500, 1800, 2100, 2400, 2800, 3200, 3600, 4000, 4500, 5000, 5500, 6000, 6500, 7000, 7500, 8000, 8500, 9000, 9500, 10000, 11000, 12000, 13000, 14000, 15000, 16000, 17000, 18000, 19000, 20000, 21000, 22000, 23000, 24000, 25000, 26000, 27000, 28000, 29000, 30000, 31000, 32000, 33000, 34000, 35000, 36000, 37000, 38000, 39000, 40000, 41000, 42000, 43000, 44000, 45000, 46000, 47000, 48000, 49000, 50000, 51000, 52000, 53000, 54000, 55000, 56000, 57000, 58000, 59000, 60000, 61000, 62000, 63000, 64000, 65000, 66000, 67000, 68000, 69000, 70000, 71000, 72000, 73000, 74000, 75000, 76000, 77000, 78000, 79000, 80000, 81000, 82000, 83000, 84000, 85000, 86000, 87000, 88000, 89000, 90000, 91000, 92000, 93000, 94000, 95000, 96000, 97000, 98000, 99000, 100000, 101000, 102000, 103000, 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V13-39



Client: Address 1 Address 2 Address 3
 1140 AVIATION DR. FAIRMONT WV 26554 304-363-3211 WV LIC # 008033
Job Title: RE Michels Date: 6/27/2013 Designed By: B. DeRiggi Drawn By: Ryan Gregory Reviewed By:
Scale: As Noted
Revisions:
Sheet # 1-2

Structural General Notes
 This structure was designed in accordance with the International Building Code (IBC) - 2009 and ASCE 7-05: "Minimum Design Loads for buildings and other structures"

Wind Load
 Basic Wind Speed: 90 MPH
 Wind Load Importance Factor (I_w): 1.0
 Wind Exposure Category: C
 Height, to top of Sign (H): 22'
 Velocity Pressure: 26 psf

Contractor Notes
 Temporary bracing of the structure and safety during construction is solely the responsibility of the contractor. Contractor shall coordinate locations of temporary bracing with other contractors. Prior to excavation, all buried utility lines and structures shall be located. Do not locate drawings.

Concrete
 A. Shall conform to the following publications and commentaries:
 1. ACI 301-05: Specifications for structural concrete for buildings
 2. ACI 308R-09: Recommended practice for Hot Weather concreting
 3. ACI 308S-09: Recommended practice for Cold Weather concreting
 4. ACI 308.92: Standard practice for curing concrete
 5. ACI 315-09: Details and detailing of concrete reinforcement
 6. ACI 318-05: Building code requirements for reinforced concrete.

B. Cementitious materials (UNO) shall consist of cement (ASTM C150, Type 1) & Either Fly Ash (ASTM C915, Type C or Type F) 20% Max or GGBFS (ASTM C99) Grade 100 (MIN) 50% Max.
 C. All Reinforcing shall conform to ASTM A615, Grade 60. Except reinforcing to be welded shall conform to ASTM A706, Grade 60.

D. The Table Below provides concrete requirements. The slump is based on water only. Plasticizers, at the contractor's option, may be used to increase the slump. However, it is solely the contractor's responsibility to ensure the proper concrete strength, unit weight, and air content. The W/C noted assumed concrete production facility has test records to establish the standard deviation noted in Chapter 5 of ACI 318 such that the proper strengths will be achieved. Where standard deviations can not be established, concrete design shall comply with the appropriate sections in Chapter 5 of ACI 318.

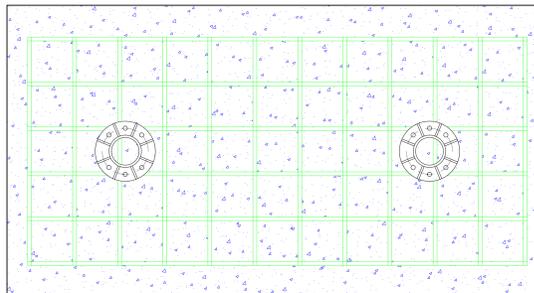
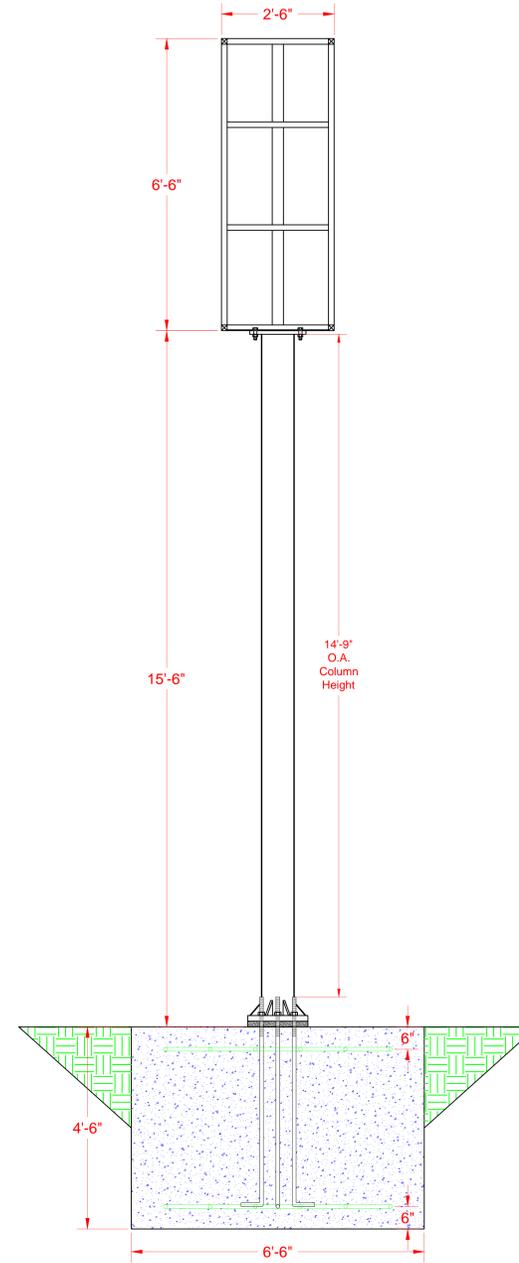
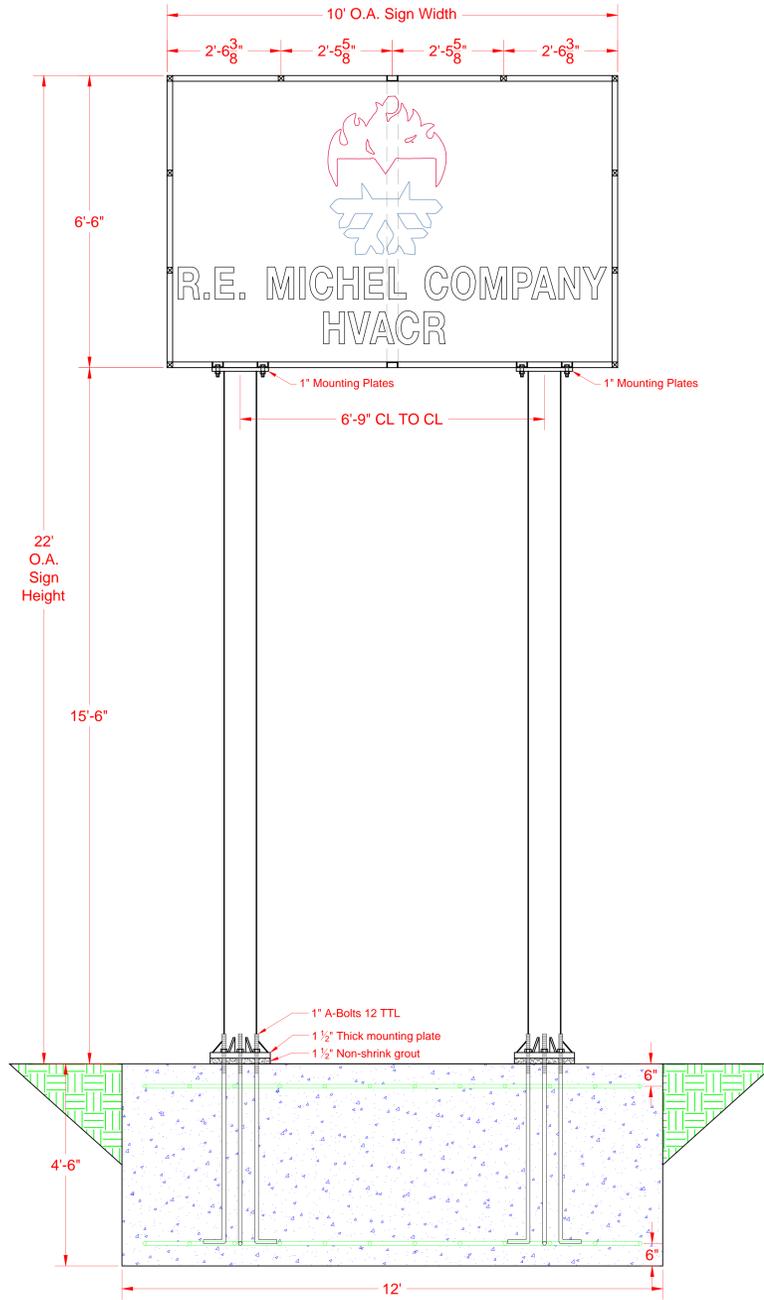
Item	Concrete Type	Cure 28 Day Strength (MIN)	Air Entrainment	W/C (MAX)	Slump
Exterior Concrete	MWC	4,000 PSI	6% +/- 1.12%	0.45	3' to 5"
Buried Concrete	MWC	3,500 PSI	-	0.5500	3' to 5"

Structural Steel

A. Structural Steel channels shall conform to ASTM A36, Grade 36
 B. Hollow structural sections ("HSS") including all large diameter pipes shall conform to ASTM A500, Grade B.
 C. Structural steel plates and angles shall conform to ASTM A36, Grade 36.
 D. Paint/ Finish Acrylic Polyurethane Enamel

Connections

A. Connections, except for those completely designed and shown on the contract drawings, shall be developed by the contractor.
 B. Shop connections shall be high strength bolted or welded.
 C. Field connections shall be high strength bolted unless welding is specified on the contract drawings unless specifically approved.
 D. All structural bolted connections shall be made with ASTM A325-N High strength bolts (UNO). Use 1/2" or 3/4" diameter bolts (minimum). Hole diameter shall be 1/8" larger than the bolt diameter (UNO).
 E. All welding shall conform to the 2004 edition of the American Welding Society requirements for structural welding code.



Note: 2 TTL Horizontal mats

Note: #7 R/B spaced 12" O.C.

Client:
 Address 1
 Address 2
 Address 3

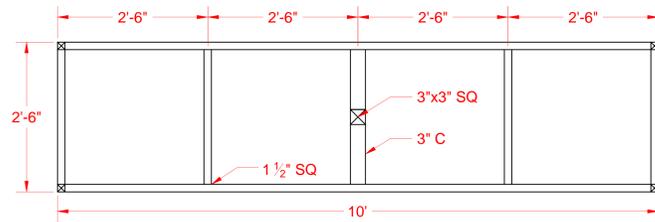
J.D. SIGNS
 1140 AVIATION DR. FAIRMONT WV 26554
 304-363-3211
 WV LIC # 008033

Job Title: RE Michels
 Date: 6/27/2013
 Designed By: B.DeRiggi
 Drawn By: Ryan Gregory
 Reviewed By:

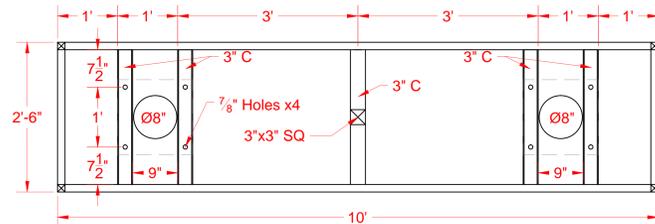
Scale:
 3/4" = 1'-0"

Revisions:

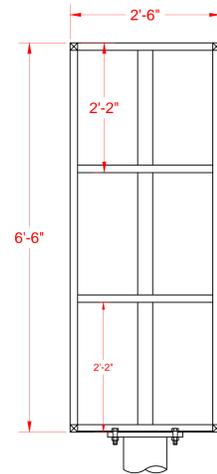
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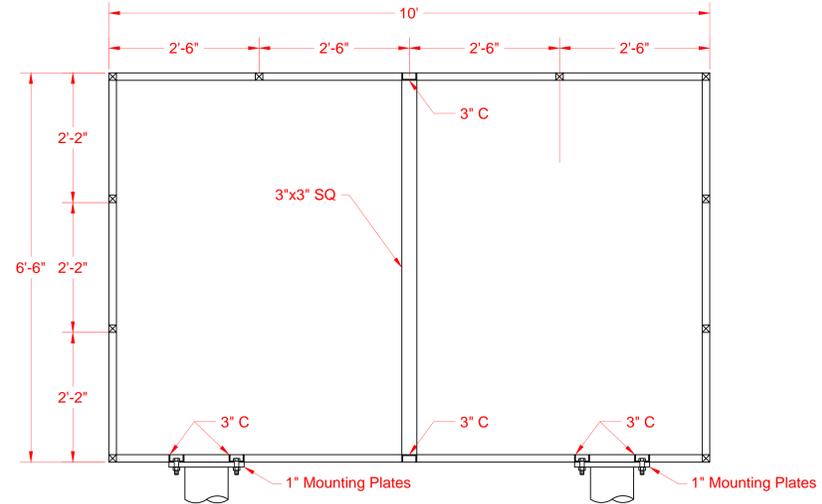
Top section of Cabinet
Scale: 1" = 1'-0"



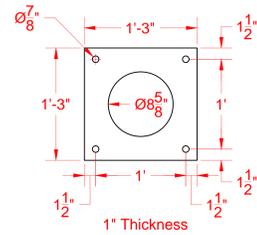
Bottom section of Cabinet
Scale: 1" = 1'-0"



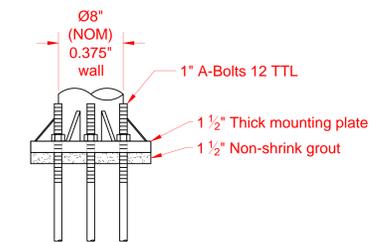
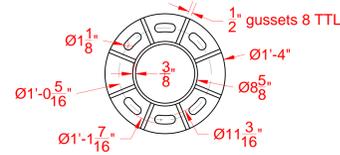
Side View of Cabinet
Scale: 1" = 1'-0"



Front View of Cabinet
Scale: 1" = 1'-0"



Upper Mounting Plate
Scale: 1 1/2" = 1'-0"



Lower Mounting Plate
Scale: 1 1/2" = 1'-0"

Client:
Address 1
Address 2
Address 3



1140 AVIATION DR. FAIRMONT WV 26554
304-363-3211
WV LIC # 008033

Job Title: RE Michels
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Designed By: B.DeRiggi
Drawn By: Ryan Gregory
Reviewed By:

Scale:
As Noted

Revisions:

Sheet #
1-2

V13-39



Drivers passing by your business are your potential customers. That's why Watchfire provides you with a free traffic analysis of your location – because the best way to know the impact an LED sign can have is to know who will be seeing it every day.

WATCHFIRE CUSTOMIZED TRAFFIC ANALYSIS

Prepared For: RE Michels
Date: 6/24/2013

Prepared By: Erik King (kas)

Address: Hunters Way & Earl Core Rd., Morgantown, WV 26505
Intersection: **count on Earl Core Rd.

ROAD TRAFFIC

The two-way average daily traffic for your location is 13,000 vehicles. That is 390,000 vehicles per month and 4,745,000 per year. That totals approximately 7,117,500 exposures annually.

DEMOGRAPHICS

AGE AND INCOME

- 38.6 Median age of people who live within a one-mile radius of your area
- \$ 42,089 Median household income of people within a one-mile radius
- \$ 50,913 Projected median income in five years

FAMILIES

- 62.8 % of the households in your area are families
- 37.2 % are singles
- 26.8 % Overall percentage of homes with children

EDUCATION

- 0.0 % People in your area, age 25 and over, that possess a high school degree
- 0.0 % People that have a bachelors degree

HOME VALUE

\$ 141,412 Median home value in your area

RECOMMENDATIONS

2-sided electronic message center for most applications

1-sided electronic message center may be advised if on limited one-way street or wall mounted

Recommended Viewing Distances

12mm	85 - 115 ft
16mm	120 - 150 ft
19mm	150 - 185 ft
25mm	200 - 245 ft
35mm	290 - 350 ft

Your local Watchfire dealer partner:
Company: JD Signs Inc.
Contact Name: Bob DeRiggi
Phone: 304-363-3211
Fax: 304-363-3256
E-mail: bderiggi@jdsigns.com

*Watchfire Signs makes no representation concerning the accuracy of data obtained from state or national geodatabase websites.

1015 Maple Street, Danville, IL 61832 - Phone 800-637-2645 - Fax 217-442-1020 - watchfiresigns.com

DID YOU KNOW?	The SBA points out that an LED sign almost immediately becomes a landmark in its community. Passing viewers look forward to reading new messages and may even come to rely on your business sign for public service announcements, civic event information, personal holiday greetings, and current time and temperature.
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V13-39



* NEARBY SIGN COMPARISONS *

V13-39



Nearby Sign Comparisons



700' P2

Hunter's Way

7

400' P6

V13-39

200' P5

P1 Directly across

P2 200'

Lincova Ave

P3 400'

V8

Eugenia Ave

P4 620'

Lincova Ave

Earle Core Rd

7

Loub Ave

V13-39

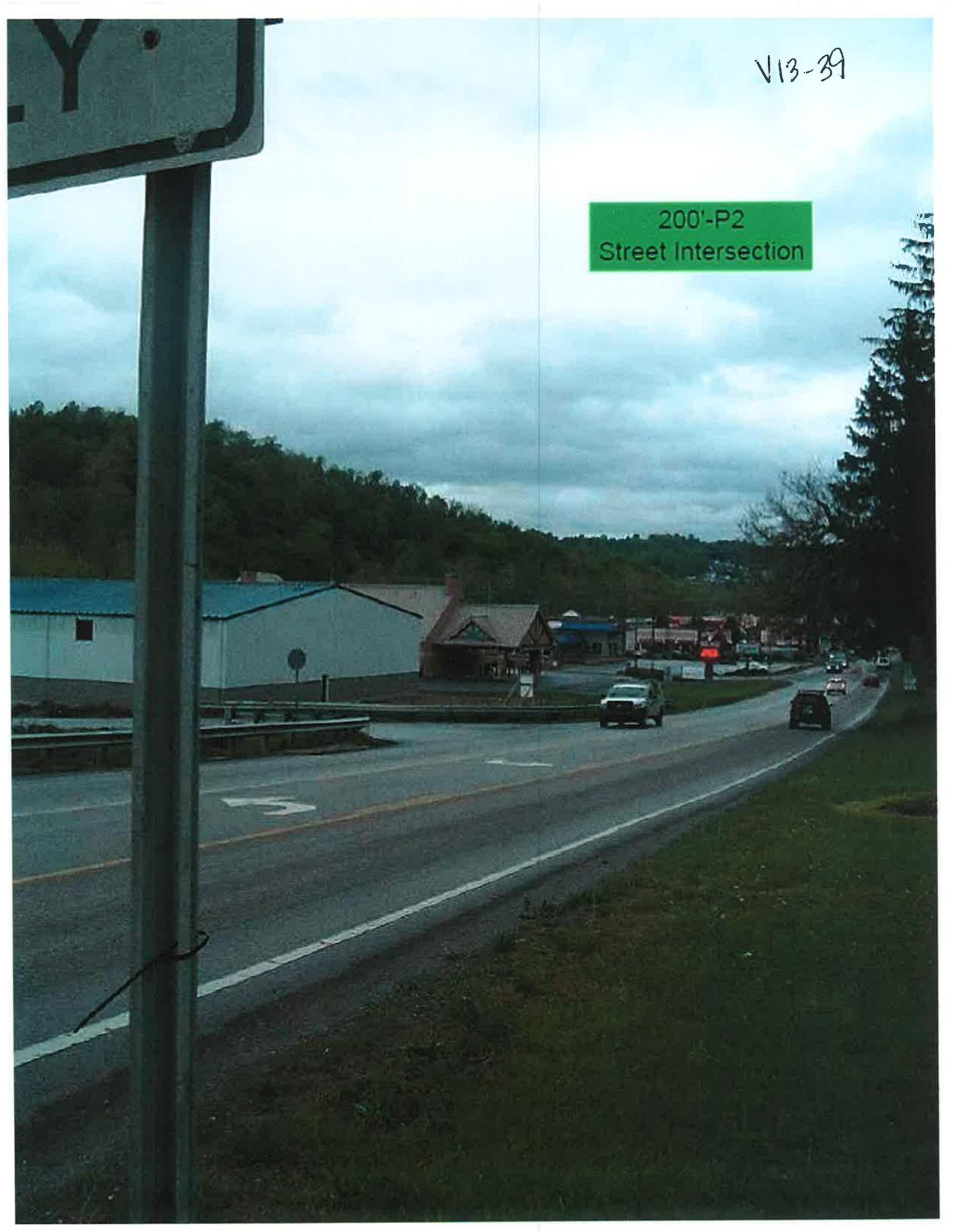
P1-Directly across

WORLDWIDE
TULSA
RECYCLING & DISPOSAL
304-281-1071



V13-39

200'-P2
Street Intersection



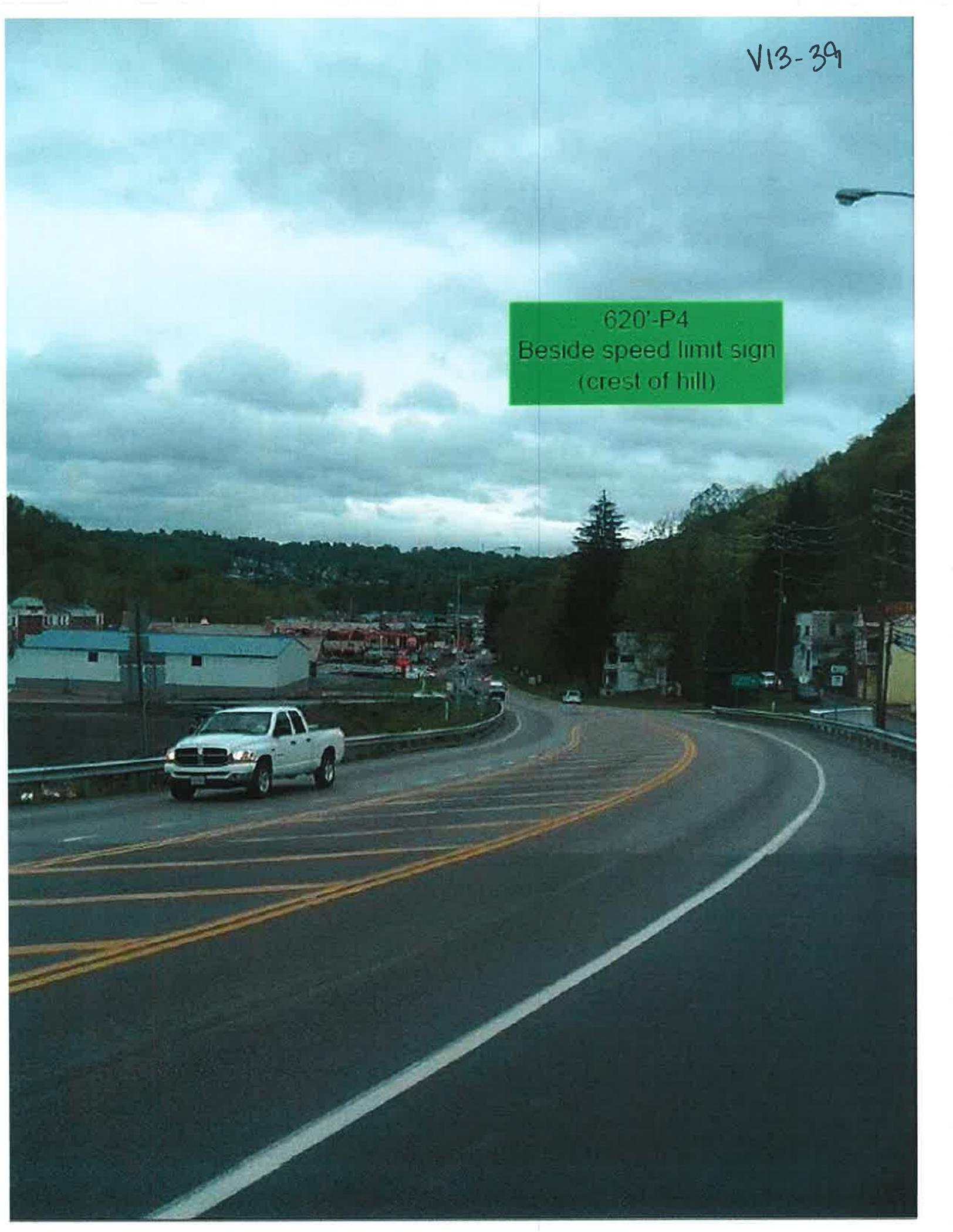
V13-39

400'-P3
West 7 sign



V13-39

620'-P4
Beside speed limit sign
(crest of hill)



V13-39

200'-P5
In line w/Bank Curb



V13-39

430'-P6
Inline w/Burger King Sign



V13-39

700'-P7
Inline w/Arby's sign

