

Cold Spring Planning & Zoning March 9, 2011

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Vice Chairman Christopher Vaught. Pledge to the flag was recited. The roll call showed the following present – Alan McCullough, Tony Ponting, Vince Sticklen, Tami Trunick, and Christopher Vaught, and excused – Tom Ross and Donna Schmidt. Also present were City Clerk Rita Seger, City Attorney Brandon Voelker, and NKAPC staff member Andrew Videkovich.

Christopher Vaught pointed out the exits from the building, per Fire Department regulations.

The February 9, 2011 regular meeting minutes were reviewed by all. Vince Sticklen made a motion to approve the minutes and Alan McCullough seconded motion. All were in favor. Motion carried.

There were no public hearings scheduled for tonight's meeting.

The next item on the agenda was continuing discussion on sign regulations and reader boards. Andy Videkovich, NKAPC stated that, as agreed upon at the February 9th meeting, tonight's review will be about signs in commercial zones and industrial zones, along with procedures and legal issues. He gave Board Members the Staff review, pages 17 thru 40 of Attachment C. Mr. Videkovich reviewed the following sections:

Section 14.9, pages 17, 18 and 19, refers to signage in the PO Zone. **Window and wall sign** regulations currently permit signs with twenty percent of the window area, two square feet for cabinet signs, and one square foot for individual letters or combination signs. Proposed is twenty-five percent of the window area and the total of all window and wall signs are two square feet per linear foot. This is not a significant difference or out of character with current regulations. **Ground sign** regulations currently allow twenty-five square feet and seven feet tall, and proposed is twenty-five square feet and eight feet tall, only a difference of one foot. **Institutional signs** have the same language in every zone. The question was brought up during review of the residential zone signage about whether or not changeable copy or automatic changeable copy should be allowed for these type signs. In the residential zones the feeling was to not allow the automatic changeable copy because it could have a negative impact on the surrounding residences. Mr. Videkovich questioned if this Board would want to allow this type of signage in the PO zone for institutional uses such as a church.

Brandon Voelker stated that a church is allowed in any zone as freedom of religion, but we do have the ability to regulate the building. We as a city have always felt that the first amendment trumps any zoning. It doesn't matter what kind of church, but the respect of religion allows them to build wherever they want to in the city.

Andy Videkovich stated that question stills stands on whether they would be allowed to have an automatic changeable copy sign. Vince Sticklen stated that if we allow these signs, he would like to see some wording limiting them to the US 27 or AA Highway corridor, because they can be so distracting. We need to put some good regulations on these. Tony Ponting verified that we are referring to the scrolling marquee type LED signs.

Andy Videkovich pointed out that regulating signs along a corridor obviously would be very difficult to do since the corridor is a conglomeration of different zones, and the sign regulations are set up by zones. At the first signage review meeting, we talked about regulations that would prevent the scrolling type of animations, the message would have to change instantaneously, they would not be allowed to flash, and they would only be allowed to display a message every eight seconds. This is the way it is proposed in the PO zone. If this Board thinks that is not desirable, then you can either disallow the automatic changeable only, or not allow changeable copy signs at all. In some of the highly oriented commercial signs, like gas stations, the LED changeable copy signs look much better. Unfortunately you can't say that only gas stations are allowed to have these. You have to apply this usage to any use in that zone.

Brandon Voelker questioned if NKAPC has seen any regulations that describe stagnant LED signs. These type signs would change or allow you to put up print only once daily. Andy Videkovich stated that he has not seen regulations on stagnant LED signs. He did reference two Board of Adjustment cases from other cities where they set conditions on sign changes to be only once or twice a day, but these were conditions set by a Board of Adjustment and not in the actual regulations. If this Board is more concerned about the eight second time frame, which is typically standard, then you could make it longer, but the question arises if that would make the sign ineffective.

Tami Trunick stated that in Alexandria a business has such a sign and can't use it appropriately because of the timing, so it is not working out well for them. She stated that the school system doesn't have to adhere to the eight second rule, nor the coloring codes so theirs change faster and are actually easier for her to read when driving past. Andy Videkovich stated that he is not sure if there would be a legal issue in extending that time frame by a minute or two, but then you get into the usability of that sign. We have to consider whether or not to allow these changeable copy signs in the zone and if allowed, should it be automatic or just manual. We don't have to decide this tonight but from a policy standpoint should be thought about because it could have an impact on the way signs look in a certain area.

Section 14.10, pages 19, 20 and 21 refers to signage in the General Business and Commercial Districts, NC and NSC zones, and HC zones. **Window and wall signs** have exactly the same comments as signage in the PO zone, with the same proposals. These type signs in the HC zone are also relatively similar. There are some deviations between the current and proposed **pole and ground signs** in the NC and NSC zones. Current regulations allow a ground sign twenty-five square feet but if there is a pole sign in one of these zones, NC permits up to sixty square feet and NSC permits up to 150 square feet. The proposed regulations are for a twenty-five square foot pole or ground sign, at a maximum height of twenty feet, which is a considerable difference. The height in the NSC zone is currently allowed to go up to thirty feet, whereas the proposed height is only twenty feet. In the HC zone, pole and ground signs can currently be only twenty-five square feet, and seven to twenty feet high, but the proposed regulations allow a sixty square foot sign with a maximum height of twenty feet.

Section 14.11 page 22 refers to signs allowed in a downtown district, SDA zone, which is the majority of Cold Spring zoning along US 27. **Wall and window signs** are again very similar to what is currently permitted. Because this section refers to additional wall signs on tall buildings which are over fifty feet tall and our current regulations only permit buildings up to forty feet tall, NKAPC has deleted this section because it does not apply to Cold Spring. **Projection signs** are pedestrian oriented signs or signs for a building located right outside of a sidewalk or signs hanging off the wall. Our regulations currently allow a sign of two square feet with no regulated height to the bottom of the sign but it can't extend over the top of the building. Proposed is a thirty six square foot sign, and the height to the bottom of the sign would be at least seven feet but no more than nine feet. The proposed maximum height of the top of the sign can't extend more than sixteen feet off of the sidewalk. The current maximum projection from the building allowed is eighteen inches. The proposed projection is up to six feet or 2/3rds the distance from the façade of the building to the street right of way. With the way that current developments are in the SDA zone, these signs are not practical, but in keeping with the vision of making it more of a downtown pedestrian area with buildings being constructed potentially closer to the street, these projection signs would be more feasible. We just haven't seen that type of new development occur yet.

Alan McCullough verified that this sign that would be allowed to extend over a sidewalk. Andy Videkovich stated that the applicant would be required to get an encroachment permit from the city or state, whichever would be applicable.

Under the current regulations, a **pole or ground sign** that is permitted within the SDA zone is a sixty square foot sign, seven feet high. Twenty-five percent of that sign could be a reader board which does include automatic changeable copy. Under the proposed regulations, it would be just twelve square feet and reader boards would be prohibited. **Sidewalk signs** are currently not permitted, but proposed regulations do allow them subject to a number of standards and limitations.

Alan McCullough questioned the kids who stand on the street corners and flip the signs such as the ones working for Fischer Homes. Mr. Videkovich stated that these are called "human directional signs". They are very hard to regulate because they are in the public right of way, not private property, and if you write the person or company a violation, by law they have thirty days to rectify it. The flipper just goes away for a day, and pops up in another location.

Section 14.12 page 26, 27 and 28 refers to signs in the Industrial zones. Again the **window and wall signs** regulations, current and proposed, are very similar. Currently, only twenty-five square feet, seven feet high **pole and ground signs** are permitted. Proposed is a forty square foot sign, ten feet high maximum.

Section 14.13 refers to the **Master Signage Plans**. These are only required when there is a site with more than one tenant and they are also proposing a ground sign, at which point they would then have to submit a master signage plan that would show all of the ground signs, wall signs, etcetera. It would show the color schemes and criteria, in an attempt to make sure that there is some sort of continuity on an overall site between the signs and the individual tenants, so you don't wind up with different looking signs that can end up detracting from the visual appeal of an area. It would be considered a Stage II Development Plan. Currently NKAPC staff is not authorized to act as the city's duly authorized representative by the Planning Commission. All Stage II plans would have to come before this Board, for the public hearing, review and approval. While staff would like to be able to approve things administratively because it speeds things up for an applicant and saves the time of coming to a public hearing where the outcome is not always certain, the flip side is that it has always been the stance

of this Planning Commission to review Stage II plans. With that in mind, if these were approached or treated differently, it might set a bad precedence on how you would treat other Stage II plans. This is just a policy issue to think about.

Mr. Videkovich reviewed the application contents, which sets the criteria for what should reviewed for approval. You want to hold anyone who applies for a permit, especially for signs, to the same standards and make sure they are required to transact the same information.

This review includes information about appeals and includes some other legal issues. It explains concisely how the size of a sign is computed. We have to make sure that someone applying for a sign permit is treated exactly the same and that their permit will be reviewed in exactly the same way as someone else's is reviewed. By explaining and spelling it out, it ensures from an administrative standpoint that one person will not be treated differently from another person.

On page 38 of this review, it refers to the billboard policy. Our current policy doesn't allow billboards anywhere in Cold Spring. This is proposing the same policy, just re-wording and updating it, so it is more clear and concise.

Vince Sticklen referred to the automatic changeable copy signs, and stated his concerns that if you have a couple of office buildings in a row and each wants a changeable copy sign, that may not be desirable. He questioned how you can tell one person they can have one and the other that they cannot. There should be something in place to regulate a distance from one sign that changes to the next one. He questioned if we can put restrictions on this without creating a problem. Tony Ponting agreed that if you have several automatic changeable copy signs in a row, each changing every eight seconds, this would be very distracting. Andy Videkovich stated that this is something that should be considered.

Mr. Videkovich stated that this concludes the sign and reader board regulation review. He has made notations on all concerns voiced by this Board, and suggested that, with the volume of information given, the Board take time to look over and consider all of the information submitted.

Since last month's meeting, Vince Sticklen received 1 hour of continuing education credits, Alan McCullough received 5 hours, and Tom Ross received 1 hour. Vince Sticklen made a motion for approval and Alan McCullough seconded the motion. All were in favor. Motion carried.

Vince Sticklen made a motion to adjourn the March 9, 2011 meeting and Tony Ponting seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk