

Cold Spring Planning & Zoning November 8, 2017

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Chairman Peter Glenn. Pledge to the flag was led by the city clerk. Roll call showed the following present – Mike Foulks, Mark Stoeber, Robin Hahn, Ron Schumacher and Sam Conner. Steve Popovich was excused. Also present were City Clerk Robin Sweeney, City Attorney Brandon Voelker, and Cindy Minter with Campbell County Planning & Zoning.

Peter Glen pointed out the exits from the building, per Fire Department regulations.

The October 11, 2017 regular meeting minutes were reviewed by all. Ron Schumacher made a motion to approve. Robin Hahn seconded the motion. All in favor. **Motion carried.**

Peter Glenn stated there were no subdivision items, public facilities.

Chair Peter Glenn opened public hearing **Case # 183-17-TXA-01 Zoning Ordinance text changes relating to variable message reader boards.** Cindy Minter wanted to thank the city for bringing this item forward, this is an item they get a lot of questions about on the city's behalf. The public hearing was published in the October 26th in the Campbell County Recorder, Mrs. Minter with Campbell County Planning & Zoning addressed the board. Using a PowerPoint presentation, she showed some examples of different signs that are throughout the city of Cold Spring. Cindy Minter explained what a variable message reader board is, a permanent sign that displays in a series of monochromatic lights that can be changed electronically by remote or automatic means. The entire message, text, graphic, display or part thereof may be changed up to twice daily. No part of the sign shall be traveling, scrolling, flashing, scintillating, animating, changing in color, varying light intensity or visibly changing in any other manor. Mrs. Minter then reviewed the different classes of signs and explained the changes of the text she presented. Mark Stoeber asked about signs you see in various stores that say 'OPEN' and flash, he wonders why those are allowed. Mrs. Minter stated it is because they are on the inside, and they have gone inside to check on those signs. She said that the City's code enforcement officer should monitor them when they start flashing and become distracting. They are permitted if they are inside and a certain distance back from the window. The flashing signs that are attached to the inside of the window are not allowed, but they have no way of regulating an indoor display. Class 8 signs have the most changes in respect to the variable message reader boards. These are traditional monument type signs. The text that was added was 'sign may be illuminated, but only from a concealed light source. Flashing and animated signs are not permitted except Variable Message Reader Boards as defined in Article VII. Modification of an existing sign to include a Variable Message Reader Board will be considered a significant alteration to the sign and/or sight.' Mrs. Minter said that if it is a non-conforming sign then it has to come to conformance to be able to put a variable message reader board on it, or it would have to go to the Board of Adjustment for some sort of variance. Staff recommends that the Planning & Zoning Commission recommends to the City of Cold Spring adopt the text amendments per the bases listed in the staff report. Mark Stoeber asked if the Class 8 signs are the signs limited to a variable message board, Mrs. Minter said that is correct. There was some discussion on what static signs are versus signs that can change their messages electronically and what we want to allow in the city. Robin Hahn asked if the Fire Department has a Class 8 sign, Brandon Voelker stated that they do but their sign can change every 8 seconds, and the proposed text change will only allow for changes twice a day. Robin Hahn asked the commission if they want those types of signs, like the library and fire department have, throughout the city where there are class 8 signs. Mark Stoeber asked if it would make more sense to postpone this since they are starting to update the Comprehensive Plan. Brandon Voelker stated they have to take action within 60 days of the receipt of a proposed text amendment, which doesn't leave them much time because it is just about 60 days. Peter Glenn added that he agrees with Mark Stoeber in regards to holding off on this because of the Comprehensive Plan. Brandon Voelker said that they won't be defining signs in the Comprehensive Plan. Cindy Minter gave them the option to approve, change some text, or take no action and any of those options would be taken back to council. Mike Foulks asked if everything that comes before the commission is going to be rejected because they are working on the Comprehensive Plan. Peter Glenn said that would be judged on a case by case basis, he said there doesn't seem to be any urgency with this text amendment. Brandon Voelker said that the reason this is being discussed is because the City wants to get a message reader board but they wanted to take the necessary steps to avoid any arguments or questions asking why the City has a sign but no one else can. Mark Stoeber asked what is another 2 months to fully analyze this when the signs have been the way they are for 20+ years. He doesn't see this as a pressing need right now, he thinks it can be addressed through the Comprehensive Plan. Robin Hahn asked if we accept this text amendment, assuming they meet the dimension requirements, Class 8 signs can become variable message reader boards. Cindy Minter stated that is correct. Robin Hahn said that city council can still approve this even if P&Z does not. **Mark Stoeber stated due to the Comprehensive Plan and to be able to further study this, he makes a motion to disapprove the staff recommendation to change the zoning ordinance text relating to variable message reader board signs.** Ron Schumacher seconded the motion. Roll call vote shows 5 yeses and 1 no – Mike Foulks. **Motion carried.**

Under unfinished business, Peter Glenn made sure that everyone received the memo from Wendy that outlined their two options in proceeding with the Comprehensive Plan. Peter Glenn summarized the discussion of the last meeting. Option 1, that is the typical procedure that has been used in the past for the city. The commission would come up with the goals and objectives and then present them to council for approval. Option 2, the commission would go through the process of the whole Comprehensive Plan, develop thoughts and philosophies along the way, then decide on the goals and objectives and send to council for approval. The pro of option 1 is to get council on board with philosophies from the beginning and everyone is on the same page. The con to option 1, is that maybe the commission isn't sure of what philosophies they all agree on yet, therefore making it hard to have a defined goals and objectives. The pro for option 2 is that they will have a better vision and understanding of what they want after going through all of the pieces of it. The con for option 2, it is a possibility that they could come up with the whole plan and present goals and objectives to council, and council could reject it. Robin Hahn stated option 1 is the traditional way to do it. Mark Stoeber said Cold Spring is one of the rare cites to put the goals and objectives first. Mike Foulks asked if Wendy has everything she needs to move in either direction, and how long will it take to get to completion. Brandon Voelker read the statute 100.193 "Statement of goals and objectives -- Action on statement by legislative bodies and fiscal courts -- Notice -- Hearing. (1) The planning commission of each planning unit shall prepare and adopt the statement of goals and objectives to act as a guide for the preparation of the remaining elements and the aids to implementing the plans. The statement shall be presented for consideration, amendment, and adoption by each legislative body and fiscal court in the planning unit. The legislative bodies and fiscal courts shall take action upon the proposed statement of goals and objectives within ninety (90) days of the date upon which the legislative body or fiscal court receives the planning commission's final action upon such proposal. If no action is taken within the ninety (90) day period, the statement of goals and objectives shall be deemed to have been approved by operation of law." Robin Hahn asked if they present the goals and objectives to council, they are obligated to make sure that the plan has been enacted. Brandon Voelker said council doesn't have jurisdiction over the plan, but they have 90 days to act when presented with the goals and objectives. Sam Conner asked if Wendy Moeller with Compass Point Planning traditionally does planning and development then goals and objectives, Robin Hahn responded and said she has done it both ways. Mr. Hahn said that he feels the only way to do the goals and objectives up front is to thoroughly read the current Comprehensive Plan and decide whether or not to accept all or some of those objectives and then add to them as needed, he thinks it just boils down to personal preference. Mike Foulks made a motion to proceed with option 2 – Goals and Objectives after Plan Development. Sam Conner seconded the motion. Roll call vote shows 6 yeses and 0 noes. **Motion carried.**

Brandon Voelker stated that if there was not an updated plan and a property owner questioned the plan, the Circuit court would say you have 9 months to get it done.

There were no commission items.

There was no correspondence, or comments/requests to the commission.

Mike Foulks made motion to adjourn the November 8, 2017 Planning & Zoning Commission meeting at 8:50 pm and Mark Stoeber seconded the motion. All were in favor. **Motion carried.**

Respectfully submitted,

Robin Sweeney, City Clerk

Approved: 12/13/17