

## **Cold Spring Planning & Zoning April 13, 2011**

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

Chairwoman Schmidt pointed out the exits from the building, per Fire Department regulations.

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

There were no subdivision items.

Public hearing #CS-11-03-01 was called to order, on an **approximate 1 acre area located on the north and west side of Plaza Drive, approximately 550 feet west of its intersection with Alexandria Pike at the site of Huntington Bank for a proposed amended Stage II Development Plan for signage and two variance requests for the NC and HC zones; the applicant seeks to install a 90 square foot Class 7 ground sign where 60 square feet is the maximum permitted, and to exceed the maximum height of ten feet with a sign 20 feet tall (this new sign would be installed where the existing pole sign is located); additionally, the applicant seeks to install a 42 square foot Class 8 ground sign where 25 square feet is the maximum permitted (this new sign would be installed at the main entrance to the site). The applicant is Atlantic Sign Company on behalf of Rookwood Properties.**

Martin Scribner, NKAPC, gave the staff review with a slide presentation, including the history, petition review, local ordinance, staff comments and considerations, and staff recommendations, which were to approve the submitted Stage II Development Plan, which does meet the minimum requirements of the zoning regulations subject to the condition that no part of any ground or pole sign shall be located closer than five feet from any property line; and to approve the requested variances, to install a ninety square foot Class 7 ground sign where sixty square feet is the maximum permitted, and to exceed the maximum height of ten feet with a sign 20 feet tall. As listed in Staff report, the variance requests arise from special circumstances that do not generally apply to land in the general vicinity or in the same zone. There is a bit of a hill there and a ten foot tall ground sign could create a visual issue where customers would not be able to see the location of the bank which could cause a traffic hazard. They would not adversely affect the health, welfare, and general safety.

Vince Sticklen verified that the existing pole sign is going to be replaced by a twenty foot tall ground sign. This sign is not on the bank property. There is an easement for this sign. If something were to happen and Huntington Bank would move from that location, who would be responsible for maintaining the sign or taking that sign down. If we approve this sign and the bank moves, Mr. Sticklen doesn't want the sign repainted for someone else without coming back to the board.

Brandon Voelker stated that he does not know what the arrangements are on the easement, which is a private agreement between Huntington Bank and the developer. Once you grant a variance, you can't change it. The approval runs with the land and grandfathered in.

Vince Sticklen questioned if you could put a condition on it. Brandon Voelker stated that even if you put a condition on it, he doesn't know how enforceable that would be. Courts are not inclined to allow restrictions that limit property rights. Martin Scribner stated that K.R.S. says that the variances are to run with the land.

Brandon Voelker questioned if the title applicant is the owner. A non-property owner cannot apply for the variance. Mike Cassidy, Atlantic Signs, stated that he represents Rookwood Properties, who is the owner and the applicant. Huntington Bank does not own the property. Rookwood actually owns the title and is seeking the sign. He questioned if the city had an abandoned sign policy.

Brandon Voelker stated that if you abandon a sign, you can lose your nonconformity use. If Rookwood is the title owner to the property and is the applicant, then this is not really an easement setting anymore. Huntington is just a tenant of Rookwood, and if the tenant pulled out, it is Rookwood's sign and it would be their responsibility to maintain it. They would not want to advertise Huntington Bank if they are not there. They would want another tenant.

Mike Cassedy stated that if Huntington Bank would abandon the location for some reason and the sign still exists, it has to be taken down because then it becomes an off-premise advertising device. It would no longer be for a product or service being sold on the property itself. Rookwood would have it removed. Martin Scribner stated that if no one was taking care of the sign, it would be a code enforcement issue with the city and there are remedies that can take care of this issue.

Applicant Mike Cassedy, on behalf of his son Jesse Cassedy of Atlantic Sign Company, addressed the Board. He stated that the height variance request is to put up a nicer looking sign rather than a box sign up on a pole. From the street elevation on Alexandria Pike to this grade is almost a six foot drop. The word "Huntington" is barely visible from the street. The only thing he added referencing Staff report is the stipulation of the five foot setback from the property line is the same stipulation that was there when the original sign was installed. This sign is 5.6 inches narrower so it will obviously have that five foot setback.

Vince Sticklen made a **motion to approve the requested variances, and to approve the amended Stage II Development Plan, for signage for Huntington Bank as requested by Atlantic Sign Company on behalf of Rookwood Properties, based on staff report and recommendations.** Tom Ross seconded the motion. Roll call vote showed five yeses and no noes. **Motion carried.**

Brandon Voelker stated that a person is interested in purchasing part of an industrial piece of property to have an indoor athletic facility which is not currently permitted in that zone. Under K.R.S. there are two entities that can request a text change, either this body or council. Because of timing issues, Council took action and has requested that this Board have a public hearing and make a recommendation on whether to add that text or not. Andy Videkovich, NKAPC, will write up a report and schedule a public hearing at the next Planning and Zoning Commission meeting.

Sign regulations and reader board review was next on the agenda. Donna Schmidt requested that Andy Videkovich, NKAPC, furnish this board with a list of comments and feedback which were gathered during the previous discussions so we can reach some conclusions and agreements on suggested wording and move forward on this issue.

Vince Sticklen made a motion to adjourn the April 13, 2011 meeting and Tony Ponting seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk