

Cold Spring Planning & Zoning February 9, 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 recited. The roll call showed the following present – Tony Ponting, Tom Ross, Donna Schmidt, Vince Sticklen, and Christopher Vaught, excused – Alan McCullough and Tami Trunick. Also present were City Clerk Rita Seger, and NKAPC staff member Andrew Videkovich. New member Tony Ponting was issued the Oath of Office by the City Clerk prior to the opening of this meeting.

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

The January 12, 2011 regular meeting minutes were reviewed by all. Vince Sticklen made a motion to approve the minutes and Christopher Vaught seconded motion. All were in favor with the exception of new member Tony Ponting who was recused from this vote. 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 January 12th meeting, pages 11 thru 16 of Attachment C were reviewed by Staff. He distributed proposed additions or deletions to these regulations to the Board.

Andy Videkovich stated that Section 14.6 (beginning at page 11) refers to signs allowed in conservation, agricultural and rural districts. Since the City of Cold Spring has none of these districts, Staff has proposed that they be removed from the text. Councilman Lou Gerding was present in the audience and stated that it was possible that the city might annex property that may be in these districts. Mr. Videkovich stated that while it is possible, they would have a Campbell County zoning designation on it, so the Campbell County zoning regulations including signs would still apply. If the area was re-zoned, then it would have to be re-zoned to a current Cold Spring zoning designation. If these are ever added as zoning districts in Cold Spring, then we would have to add the sign regulations for those as well. Vince Sticklen questioned what the disadvantages would be if we just kept it in there. Mr. Videkovich stated that it wouldn't affect anything, and that this is just a policy decision. Donna Schmidt stated that we can make a decision on this after we complete the review.

Section 14.7 A. (page 13) refers to signs allowed in single family and two family residential districts. Wall signs such as addresses and nameplates are allowed, but they are limited in area to one square foot, not something seen from the right of way. Section B refers to detached signs, and allows only four per lot. It allows one permanent sign which shall not contain a commercial message, and two temporary signs which may contain commercial messages. Most residential detached signs are temporary political signs, but some may be real estate signs, church festival signs, personal message signs and the like. Mr. Videkovich stated that there has been much debate in other jurisdictions about what the appropriate number of allowable detached signs would be. Only three jurisdictions have actually allowed more than four signs. Edgewood and Covington have an unlimited number of signs and Independence allows a maximum of 12 signs. The number of detached signs is a policy decision for this Board to consider. You don't want to unreasonably limit someone's ability of free speech, but you don't want someone to put an exorbitant number of signs in a yard that detracts from the neighborhood. Regulations say these signs must be removed seven days following the conclusion of the election, sale or event.

Donna Schmidt questioned the reasoning on why Edgewood, Covington and Independence had a greater number of allowable detached signs. Mr. Videkovich stated that they felt it was too restrictive. Covington originally adopted the four sign regulations, but at election time, people became upset so they changed it to an unlimited number of signs. He doesn't know if this was based on any legal opinion that they received. Christopher Vaught verified that a limit of four detached signs doesn't make a difference whether the frontage is 100 or 200 feet. He questioned if we could make an exception just during political season. Mr. Videkovich stated that when you start making exceptions to the regulations, you run down a slippery slope and it is not a good idea.

Vince Sticklen stated that four signs are reasonable. If someone is in violation, by the time we send a letter the signs are down. Andy Videkovich stated that we have to give them a certain period of time to correct the violation, which is typically seven to fourteen days. By the time you get to the point that you can do something about it, it has already been a month. The number of signs allowed is something for the city to consider and feel comfortable with, upon the advice of counsel. We should have something in writing.

Vince Sticklen stated that last month an audience member stated that he had four signs up for ADT and a warning sign. Mr. Videkovich said that this is covered under incidental signs in Section 14.7 C. These are not commercial signs. These incidental signs are meant to be less than four feet. Under these regulations they aren't limited in number but certainly in size.

Section 14.7 D (page 16) refers to temporary subdivision signs. Developers may want to put up signs advertising lots available and things like that. The question came up last month as to why this is in residential zones and not in commercial zones. These type temporary signs are permitted in commercial zones and that is where this comes into play.

Section 14.7 E (page 16) refers to permanent entrance signs which are strictly for residential subdivisions signs. Section 14.7 F (page 17) refers to institutional signs and would apply to conditional uses to make sure that they are allowed some signage. It allows changeable copy signs, but since it doesn't specifically say automatic changeable copy signs, then it is only for the manual reader boards. Automatic changeable copy signs look better and convey a lot more information. If that is something desired in residential, then we need to work in language for that. Tony Ponting verified that this is like the lighted marquee signs. Andy Videkovich stated that it is like the LED message boards. These are regulated in the manner and how fast they could change. Changes must be instantaneous and with no scrolling affect, animation or flashing.

Vince Sticklen questioned if we could limit automatic changing signs to just institutions versus residential. It would be great for churches, but we don't want all of our neighbors having them. Mr. Videkovich stated that institutional uses would basically be all conditional uses so you don't run the risk of a single family resident putting up a moving LED just because you allow it for a church. They would have to meet all other sign regulations. Window signs are not allowed in a residential zone. They can have a wall sign such an address or name plate but nothing in their window.

Lou Gerding questioned what other uses besides churches, schools, or recreation facilities are intended as institutional uses. If a neighbor is running a child care facility in his residence would he be able to have an automatic changeable copy signage in the front yard that may flash all night long. Some uses are more intrusive than others. Mr. Videkovich stated that since it is a conditional use they would have to get approval from our Board of Adjustment to do the child care business and also to get a sign. If it is a neighbor, the Board of Adjustment has the purview to allow a sign but not an electronic changeable copy sign. Larger day cares have more space and it would be more appropriate. It is a possibility but through the public hearing process this could be addressed.

Andy Videkovich stated that the wall sign regulations are pretty much the same between residential and multi-family zones, except for buildings that have three or more dwelling units with common entrance. One additional sign may be allowed for each public entrance showing addresses or units. A detached permanent sign would be the sign at the road or directory signs and allows one sign per vehicle entrance. Additional signs would be for signs within the complex itself like address signs, or a clubhouse sign and things of that nature. Detached signs have the same language as single family zones. Over an entire apartment complex they are allowed to have four detached signs, such as "for sale" signs which are limited under these regulations.

Mr. Videkovich stated that he has made notations on the comments that the Board would like to look at again after this review. Many of these are policy issues that just need to be worked out.

Discussion followed on which sections should be reviewed at the next meeting. Andy Videkovich stated that the next section is for commercial signs, which is a lengthier section and may take more time. Two Board members are unable to attend next month, and he questioned whether the Board would wish to delay this until the April meeting. Chair Schmidt stated that she doesn't want this to drag on. She verified that it will probably take two more meetings to get through all of the sections of Attachment C. She stated that she is comfortable with having these discussions continue at next month's meeting. The Board agreed to review pages 16 thru 27 of Attachment C at the March meeting, covering commercial signs.

Councilman Gerding requested that we ensure that city attorney, Brandon Voelker be present for the discussions regarding the commercial signage.

Tom Ross received 1.5 hours of continuing education credits. Christopher Vaught made a motion for approval and Vince Sticklen seconded the motion. All were in favor. Motion carried.

Tom Ross made a motion to adjourn the February 9, 2011 meeting and Vince Sticklen seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk