



Call to Order

Chairperson Gillespie called the meeting to order at 6:00 PM.

Roll Call

Chairperson Gillespie	Present	Member Kevin	Present
Vice Chairperson Kiyler	Present	Member Lovett	Present
Member Fisher	Present	Member Smith	Present
Member Gonzales	Present		

Staff Present:

George Gehlert, Community Development Director
Charlie Scully, Planner
Carol Hulse, Planning Technician

Public Present:

Dr. Bob Richards

Consideration of Minutes of March 17, 1008.

Commissioner Kevin moved to approve the minutes of March 17, 2008 as written.
Commissioner Smith seconded and the motion carried unanimously.

UNFINISHED BUSINESS:

ZO 08-011 Discussion and possible action regarding amendments to Section 405.B (Sign Code definitions) including but not limited to those for “sign” and “outdoor advertisement”; to Section 405.G.1 to allow administrative authority to combine sign privileges for two street frontages and a single street location; and to 405.E.9 relieving requirements to replace legal, non-conforming signs with fully compliant signs upon removal of the pre-existing sign.

Director Gehlert read the description of the hearing item and provided history of the proposed Zoning Ordinance change. He talked about the Table of Issues and explained that City Council directed staff to work on the sign definition. Staff also worked on the sign size and nonconforming size issues.

Addressing the sign definition issue, Director Gehlert explained that sign definitions are in two places in the Ordinance (Sections 201 and 405.B) and those definitions are not consistent. Staff believes clarifying definitions would help to regulate signs. The intent of these amendments is to aid in regulating and issuing permits for the various sign types.

The first amendment concerns conventional types of signs already addressed by the code such as freestanding, building mounted, and A-frame signs. The other amendments have to do with the series of signs most often attributed to commercial promotions and special events such as inflatable signs, banners, and flags. The proposal is to allow those as part of special events permits.

Director Gehlert referenced examples in the packets of how other jurisdictions define signs.

Referencing pages 3 and 4 of the staff memo, which talks about additional definitions, he said the last one on the list concerning walking signs was in contention throughout the process. He said it had to do with mascots and sign walkers in general and staff was inclined to call them a temporary sign allowed in a given area for a given time as part of a special event permit. He cautioned, however, that the Governor recently signed legislation regarding sign-walkers that prohibits regulating them except for issues of manner, time, and placement. He said staff plans to come back to that issue later in the year after receiving further clarification on the legislation.

Director Gehlert invited Commission comments on this part of the code revision.

The Commission discussed sign code issues at length. In general, the Commission said the sign code should be simple and enforcement should be strong and consistent. Throughout the discussion, Director Gehlert explained various aspects of the existing and the proposed codes as applicable to the discussion.

Some points discussed were:

- Garage/yard sale signs are currently prohibited but there is no weekend enforcement.
- Vehicles with big signs and parked long term near the roadway are signs.
- Commissioner Smith: there should be two classes of signs – one class for name/identification and everything else is advertising. Staff advised that regulating sign content is difficult and can be unlawful.
- It could be difficult to tell where the name/identification leaves off and advertising begins.
- It would create a situation of having to be interpretive.
- Planner Scully said that regulating content of signs is illegal and offered to have the City Attorney talk about that subject.

In response to various questions the Commission asked relating to the purpose of the code revisions, Planner Scully said his understanding was that there was a lot of contention and fees paid to the city attorneys in the last several months dealing with the aspect of “affixed” or “not affixed.” This was because a local business thought the sign definition was a loophole that would allow them to do whatever they wanted. Staff was instructed to get rid of the unclear language that created the loophole. He said the purpose of the revisions is to simplify the code and make it as straightforward as possible.

Planner Scully explained the evolution of the Sign Ordinance, cited one-sentence definitions from other cities’ ordinances, and talked about streamlining the sign code. Director Gehlert summed up that discussion stating that the other towns’ ordinances simply say that if it attracts attention to a business it is a sign and it can be regulated.

Commission discussion of the following points continued.

- Legal nonconforming signs – Commissioner Lovett said if they want to change anything, the altered sign should conform. Chairperson Gillespie said staff could reword that portion allowing only the lettering to be changed without conforming. Director Gehlert noted that case law allows the face to be changed without conformance.
- Consideration of building size and topography could enter in to sign height and size allowance.
- Ordinance should be worded so the DRB or the director has some discretion.
- Corner properties with two street frontages – the Commission discussed this issue at length. Chairperson Gillespie felt one sign placed on the corner using square footage for both frontages was ok. Doubling signage on one street (because it is busier) would put other businesses (on that street without a corner lot) at a disadvantage. Signs on two streets would be ok.

Director Gehlert reviewed with the Commission the proposed Ordinance revision regarding sign size noting that the revision provides clarification in proposed Section 405.G.1.a & b. He read subsection c.3 audibly and noted that subsection c.4 was an addition. Director Gehlert emphasized that subsection d creates a multiplier for larger or further set back buildings but the specific sizes and distances were left blank. Chairperson Gillespie asked that staff fill in the blanks.

Commissioner Smith was concerned that wording in the existing Ordinance, which requires conformance if a legal non-conforming sign changes by fifty percent or more, was left out of the revision. Chairperson Gillespie agreed saying option 2 subsection 9 of the proposed Ordinance (nonconforming signs) leaves too much leeway.

Chairperson Gillespie invited comments from the public. Dr. Bob Richards spoke. He inquired as to their definition of a sign and referenced page 2 of the staff memo “Existing Definition Section 201.1 Definitions” and “Existing Definition Section 405.Signs.” He noted they are the same except for one part and illustrated how removing a part of Section 405 would make it identical to Section 201.1. He told of his history with the sign code revision process noting that what came out of the committee was essentially that mascots were bad. Then, when it came to P&Z, they were even more against mascots. However, when it came to City Council at a work session, the mascot people said the lack of mascots was economically hurting their businesses and the City Manager said he thought they could help them. Dr. Richards felt that was the only direction City Council gave staff. He said the original sign code was not bad once enforcement began. He read the definition of a sign from the existing Ordinance and said it is about as simple as it gets. However, the proposed definition opens it up making almost anything a sign. He recommended that the sign definition should say a sign is permanently affixed to the ground or a structure. Anything else is a form of advertising that could be restricted under a separate section. He reiterated and emphasized that with the proposed definition everything is a sign. He said that if he was walking around with a sweatshirt saying Mama’s Pizza, that would be a walking sign and they had better regulate him. His recommendation was to revise the current Section 405.B.4 to read, “SIGN – Any identification, description, illustration or device which is affixed directly upon a building, structure or land which directs attention to a place, institution or business and which is visible from any public street, alley or public place. Flags of political subdivisions shall not be construed as signs.”

Commissioner Smith thanked Dr. Richards for his volunteer effort and the time he devoted to this issue.

Planner Scully pointed out that the first sentence of the existing sign definition does not make sense. He said the second sentence about vehicle-mounted signs is in another section so that whole sentence should be removed. He said they were not getting rid of the regulation but were simply putting it where it belongs and that leaves them with the issue of “fixed directly or indirectly.” He offered, again, to bring the city attorneys in to describe how they had gone round and round with somebody over whether it is “affixed” or not. Chairperson Gillespie said he is not concerned with arguments but wants to know if there is case law. If there is not, then he wants “affixed” left in the Ordinance. Mr. Scully referred to the new state law regarding sign walkers. He said the rest of it would be addressed in the standards and this would simplify the definition.

The Commission took no legal action. The Commission directed staff to make revisions as discussed and come back for review with blanks filled in and a format that shows where proposed deletions are addressed in other places.

ZO 08-012 Discussion and possible action regarding proposed amendments to the Zoning Ordinance, Section 424, “PAD” Planned Area Development Zone, pertaining to revised procedures, criteria, and submittal format for Planned Area Developments.

Planner Scully briefly provided history of the amendment’s process to date and reviewed the purpose of the PAD Ordinance and the proposed amendments. He said the Ordinance permits flexibility in the development standards with an expectation of superior design, variety, improved amenities, and creative approaches providing a higher quality development. He posed the question, “What does ‘higher quality’ mean? He said the current Ordinance does not go into detail and we need a little help to get people going in that direction. Planner Scully said changing the format of how the Ordinance is presented and asking applicants to provide more details in their master development plans (MDP) – getting more information up front - is the key. MDPs are required now but the amendment would require those to be in ring-binder format.

Planner Scully said some sections seem new but they are there to bring the Ordinance into conformance with the General Plan.

Regarding detail, Planner Scully noted that the Ordinance states a flat 30% of open space. Open space requirements should be considered on a case by case basis rather than stating a flat 30%. Small and large PADS have different issues regarding open space. This initiated discussion about whether the 30% is a guideline or part of the Ordinance. Director Gehlert clarified that it is in the Ordinance and not flexible unless flexibility is added.

After extensive discussion, Chairperson Gillespie suggested the addition of language that would allow the DRB or the Director to approve variations when it would make a better development.

Planner Scully said it includes phrasing “unless offsetting community benefits are demonstrated” and several commission members felt that would offer the desired flexibility. He said this could be tied into the landscaping section. We want open space and natural environment as part of the development. Some preservation issues will end up in the Landscaping Ordinance.

Planner Scully said there is a new step in the process. A proposal would go to the DRB before it goes to Council. DRB would not approve the final buildings at this stage but would look at the project and its design components such as an architectural theme and landscaping. DRB would provide advisory comments on the design components. This would get projects into the process sooner. The steps would be P&Z Commission, DRB, Council, and back to DRB.

Commissioner Lovett noted that the Family Dollar project went through DRB twice and she felt that was good.

The Commission took no legal action. The Commission directed staff to make revisions as discussed and come back to the Commission for review.

ZO 08-013 Discussion and possible action regarding amendments to Section 404.G.6 (General Provisions “Swimming Pools and Detached Accessory Buildings,” Section 201 (Definitions - Guest House), and Section 413 (R-1, Single Family Residential) of the Cottonwood Zoning Ordinance pertaining to standards and requirements for guest homes.

Planner Scully introduced the proposal and summarized it as follows.

The only standards described for a Guest House are included in the Definition section. The proposed amendments add a new section with standards that clarify the intent of the Guest House and place it in the General Provisions section. They describe it as a 750 square foot structure rather than the current 1,000 square foot. Possible locations and zonings remain unchanged except for an addition allowing the use in the R-1 district if the lot is a minimum of 15,000 square feet and meets some other standards.

The guest house is intended for non-rental purposes for guests and family members. It could end up being more of an extended stay for family members. He noted that cooking facilities are not addressed because that would be difficult to regulate.

Chairperson Gillespie said this was nearly ready the last time it was before P&Z and it has not changed much. He queried staff about what questions they would ask someone proposing a guest house to determine if the intention is to make it a rental. Director Gehlert responded that performance standards are written in the code. Whether the applicant abides by the rental issue is their option. If they do not, it would be a violation but they have the same option with any other code.

Commissioner Kevin suggested a change to proposed Section 404.G.6.d.6 to clarify the wording. He said the current wording implies the guest house should not have separate meters but it could have one big meter for all the different utilities. His correction is noted in the following motion.

Member Smith motioned to approve ZO 08-013 with one correction: Section 404.G.6.d.6 shall read, “The guest house shall not have a separate set of utility meters for water, electricity or natural gas; or have separate sewer connections.” Member Gonzales seconded and the motion carried unanimously.

NEW BUSINESS:

Discussion regarding the joint session with the City Council scheduled for May 8, 2008 pertaining to implementation of the Open Space and Recreation and the Environmental Planning elements of the General Plan.

Director Gehlert invited Commission members to attend a joint session with the Council on Thursday, May 8, 6:00 p.m., at the Public Safety Building. The topic will be the General Plan and they will cover the Open Space, Recreation, and Environmental elements. Packets will be distributed next week.

Discussion of possible future work sessions.

No discussion.

Informational Reports and Updates.

Director Gehlert announced the following:

- The May 19 P&Z agenda would probably include a proposed zoning change for the Recreation Center property from R-3 to CF (Community Facilities) to accommodate the development of the Rec Center. There is a height issue and it eliminates the set back standards.
- Also included would be the sign code, special event permits, and the PAD code.
- There was a request for appeal of the Planning and Zoning stipulations regarding hours, truck route, and review period on the Slag Pile. However, they withdrew. They may have found a more direct access to 6th Street through the water company property. However, Taylor Waste built a building on the access easement so that might return to the Commission.
- Council agenda for May 6 probably will include
 - Guest Home Ordinance
 - PAD update
 - Bridgeport annexation
 - Zoning change for Country Bank property
 - Consideration of a separate Board of Adjustment
- There will be a Regional Land Use Symposium April 29, 8:30 a.m., at Cliff Castle.

Possible discussion of monthly Building Department and/or Code Enforcement reports.

There was miscellaneous discussion about the contract post office station item on the zoning violation report and the status of the Recreation Center.

Call to the Public

No response.

Adjournment

Chairperson Gillespie adjourned the meeting at 8:10 p.m.

Minutes prepared by: Carol Hulse

Date Approved: May 19, 2008