

**WALTON BOARD OF ADJUSTMENT
WALTON SENIOR CENTER
BUSINESS MEETING
June 16, 2016
6:00 P.M.**

Mr. Turner, Chairman, called the meeting to order at 6:00 P.M.

BOARD MEMBERS PRESENT:

Mr. Steve Turner, Chairman
Mr. Michael Bryan
Mr. Thomas Luebbe
Mr. Edward Sedor

BOARD MEMBERS NOT PRESENT

Mr. Robin Baker

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

APPROVAL OF MINUTES:

Mr. Turner stated that the Board members received copies of the minutes of the Walton Board of Adjustment meeting of December 7, 2015. Mr. Luebbe moved that they be approved and Mr. Bryan seconded the motion. Mr. Turner asked for a vote and it carried unanimously.

AGENDA ITEMS:

- 1. Request of Quality Signs for a Conditional Use Permit for Walton Christian Church to have an electronic message board on their monument sign. The approximate 1.45 acre lot is located at 50 S. Main Street, Walton, Kentucky and is currently zoned Public Facilities (PF) and Suburban Residential One (SR-1).**

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Luebbe asked if the top sign cabinet that was proposed was internally illuminated? Mr. John Diersing, with Quality Signs, responded the cabinet would be internally illuminated with light emitting diodes.

Mr. Turner asked if the applicant would like to make a presentation?

Mr. Diersing said the sign is a full matrix. You create the message in a text window and the message is made to fit the frame. The smallest the letters can be is 4 inches. Since submitting the application he learned that the manufacturer has reconfigured the boards.

They can now do 4 lines of 5½ inch copy. With 4 inch copy there can be 14 characters per line. These characters would be visible for 3 to 5 seconds when traveling at 30 mph from 200 feet away. With five inch copy there can be 11 characters per line. The characters would be visible for 5 seconds when traveling at 30 mph from 250 feet away. The sign could also show 3 lines of 7½ inch copy. With 7½ inch copy there can be 7 characters per line. The characters would be visible for 8 seconds at 30 miles from 375 feet away. The sign will contain a photocell and will dim and brighten as needed. At night the sign is 7% as bright as it is in the full sun.

Mr. Luebbe asked if the sign has the ability to display still photos? Mr. Diersing responded that it could show pictures and graphics. It could also display video but they are not permitted to do that. Mr. Luebbe asked if the sign could be programmed to be any color combination they wanted it to be? Mr. Diersing responded that was correct. This is a small sign that is located close to the road. He has gone past some large road signs that display white backgrounds at night and they can be blinding. Mr. Luebbe asked if the sign could be setup to limit the options? Mr. Diersing said the user would have to be trained to program the sign.

Mr. Sedor asked what is the area of the current sign ? Mr. Diersing said the proposed sign is about a foot taller than the existing sign. Mr. Morgan reviewed the existing and proposed sign in his PowerPoint show. The existing sign is not dimensioned and the proposed sign is shown at a height of 5'-6".

Mr. Luebbe asked why the church wanted the new sign? Mr. Diersing said the church contacted them after they spoke with an electronic sign manufacturer. The beauty of these signs is the ease of communication. Multiple messages can be displayed throughout the day. The church would no longer have to switch out the letters.

Mr. Turner noted that the Church Pastor was the only other member in the audience that may want to speak.

Mr. Turner said the biggest issue he sees is the sign is located within the historic district. He said there has been a lot of effort to keep the historic flavor of the area. He said the Walton Main Street Strategic Plan says that signage in the area should be modest and have a historic theme to it. He does not see a historical theme with the proposal. However, he does understand the appeal for the electronic sign because it can display multiple messages. The issue is trying to make it fit into a historical district. He did a Google search on historical districts and electronic signs and every place he found discouraged them.

Mr. Luebbe said his concern is that they could pass the Conditional Use Permit with a lot of conditions. Such conditions could limit the sign to blue or black backgrounds with white letters to make it fit in. However, he realizes the sign will have a lot more capabilities than that and who will police it? Mr. Morgan replied it would be a zoning enforcement issue.

Mr. Turner asked how often Staff deals with other electronic signs not complying with their conditions of approval? Mr. Morgan said he realized the Hovnanian Homes electronic sign on Frogtown Connector Road was not in compliance with the conditions as he was driving

to the meeting tonight. Hovnanian Homes went out of business and the sign is now displaying a message to call and rent the sign. Off premises advertising is not permitted on the sign. He said he will be talking with the Zoning Enforcement Officer about that issue tomorrow.

Mr. Luebbe said the electronic sign at the high school scrolls. Mr. Morgan replied that public school and state signs are exempt from zoning. He added that there are many electronic signs in the county that do not meet the rules in the zoning regulations because they are exempt from zoning.

Mr. Turner said the only way he could see the sign fitting in with the area is to make it look more like the original sign. This would limit the sign to a black background only and white copy only. Mr. Luebbe said that's why he asked if the sign could be manufactured that way. If not, you are relying on someone from the church to properly program the sign each day.

Mr. Morgan asked Mr. Diersing if the church would consider a monochrome board? The monochrome boards typically displays red or amber messages on black backgrounds. Mr. Diersing said he believes amber color letters would be appropriate. Pastor Kevin Russell said they designed the new sign to meet code. The electronic sign could only be 50% or less of the overall sign area so they had to make the overall sign a little larger. He questioned the recommended condition regarding the sign only being able to advertise church business. He said the church is involved in many community ministries, such as the food pantry, Wake up Walton, Pig Fest, etc. Mr. Morgan said he considers all those church business if the church is involved in the event. They could not advertise McDonald's in Walton Town Center.

Mr. Luebbe said he believes the Board needs to look at this closely because they will not be able to do anything about it once it is constructed. Mr. Morgan said it would be a zoning enforcement issue. The Board could look at revoking the Conditional Use Permit if it became a constant enforcement issue. Mr. Luebbe asked how often that occurs. Mr. Morgan said it hasn't happened in the 17 years he has worked for the Planning Commission. Mr. Wilson said this Board could seek revocation but it could only occur after a public hearing occurred. Normally, the Zoning Enforcement Officer tries to resolve the issue without having to cite someone to District Court. If they cannot resolve it this way, it ends up in District Court and is prosecuted by the County Attorney. Mr. Luebbe said the majority of residents that go by these signs have no idea what the rules are. He would personally like to see a sign that doesn't have all the capabilities (display bright backgrounds, videos, animation, etc.). This would prohibit the programmer from displaying these type of messages.

Mr. Morgan said he believes Mr. Luebbe is asking for a monochrome board. Mr. Turner asked if there was a sign that has the flavor that they were looking for and could fit in within the historical district? Mr. Diersing said there isn't such a sign that is produced. They do make monochrome units and the animation can be eliminated from the programming. The monochrome boards always display messages on a black background. Mr. Diersing asked Pastor Russell if he would like to stay with the full color board? He said that he would.

Mr. Turner said the sign is proposed in a historical district and they are trying to abide by the Walton Main Street Strategic Plan. As a result, they want the sign to have more of a historical look and accommodate an electronic sign at the same time. Mr. Sedor said they are not opposed to change but the Walton Strategic Plan was just approved last year. A lot of work was put into it. He has read the report many times and he believes the proposed sign is outside what was sought. Mr. Luebbe said the issue is the sign is being proposed in the historical district. Mr. Diersing said he understood their concerns but at the same time he is aware that zoning enforcement action does occur.

Mr. Turner said he believes a monochrome board would be better if colored messages are prohibited. It would also be cheaper for the church. Mr. Luebbe said he would like to see a monochrome display and determine if it fits in to the historical area. Mr. Turner said he would like to see it look like the existing sign as much as possible (black and white). Mr. Luebbe said he agrees. Mr. Diersing said they would have to go with a full color board to display white letters. He added there are monochrome boards that display amber letters. He said the color units are not all that much more. Mr. Turner said he would be okay with a condition that allowed only black backgrounds with white or amber text only.

Mr. Luebbe said the upper sign cabinet will be glowing blue at night. Mr. Turner asked Mr. Morgan if the top sign cabinet would be approved administratively if the electronic sign was not being proposed? Mr. Morgan said it would. Mr. Luebbe said the fact that the upper sign cabinet will be glowing blue and white concerns him because it is not historic looking. He questioned if having an electronic sign with a black background and blue letters would look that much different than the top cabinet. Mr. Turner said they can only address what is in front of them. They should make the sign look as appealing to a historic district as they can.

Mr. Luebbe asked if they should trust the programmers to abide by the conditions? If they don't, county zoning enforcement will need to deal with it. He feels that the entire sign doesn't fit in with the historic district but they don't have control over it. He believes the existing sign is what fits with the historic district.

Mr. Sedor said the proposal section of the report calls out that the request is to alter the existing monument sign and include an electronic message center. Mr. Morgan agreed but added that the alteration to the top cabinet would be permitted if the electronic message board was not part of the request.

Mr. Turner said they will be going against the Walton Main Street Strategic Plan if they don't approve something that looks historic. Pastor Russell asked what the vision was for the historical district? Mr. Turner said the passages from the Main Street Strategic Plan regarding signage can be found in the Staff Report. The main one is that signs should have a historical theme to them. He believes that the existing sign looks historic because it isn't bright. As a result, he would be okay with an electronic message board with a black background and white copy. Mr. Luebbe said a historic sign to him means that it is timeless. You couldn't tell if the sign was put up today or twenty or forty years ago. The sign should also match the style of the church and homes in the area. He believes the sign cabinet on the top of the sign doesn't fit but that part can be approved administratively.

Mr. Luebbe indicated that a lot of signs in the area are non-conforming structures and wouldn't be permitted today. The First Baptist Church is not located within the historical district. Mr. Morgan indicated that First Baptist cannot ask for a Conditional Use Permit for an electronic message board because the property isn't zoned Public Facilities (PF). They would have to seek a Zoning Map Amendment for a Special Sign District. This process would involve the Planning Commission making a recommendation to Walton City Council.

Mr. Luebbe asked the applicant and Pastor would they would like to do? Pastor Russell said they want to be good community citizens. They are involved in the community and are doing some good things. That's why they wanted the electronic message board. For example, it will allow them to advertise they have a food pantry on Tuesdays and Thursdays. He also understands if the Board wants to uphold the vision that is being planned for the Walton Main Street District. Mr. Luebbe said the Board is just trying to uphold what is written in the plan. A lot of people had a voice in the document.

Mr. Turner said the issue is the design of the sign and the proposed colors. Mr. Luebbe asked if they could approve the request and condition the colors being used? Mr. Morgan said he has a recommended condition (Staff Comment 3D.) that deals with that issue. Mr. Luebbe said that recommended condition would address his concern. Mr. Turner said he would like to see it limited to black backgrounds with white or amber text. Mr. Morgan said the condition could be worded however the Board wants it. Mr. Luebbe asked if the condition would prohibit them from doing still photos? Mr. Turner said they should limit photos because white or amber colored pictures wouldn't look good. He said he would be in favor of those conditions because it would provide the church the convenience of an electronic sign without being too flashy for the historic district.

Mr. Diersing asked if they could display flags and religious symbols? Mr. Turner said they would still have to comply with the black background with white or amber copy condition. Mr. Morgan said certain things such as displaying a church cross would be covered by the freedom of speech or religion. Mr. Luebbe said maybe they should remove the language "no pictures" from any motion and limit the sign to a black background with white or amber copy. Mr. Wilson said that would be best because they wouldn't be regulating content.

Mr. Luebbe made a motion to approve with the request with the following conditions:

- 1. The sign shall be constructed as presented unless modified by other conditions below.**
- 2. Electronic messages shall be held for a minimum of 5 seconds and shall not contain any apparent visual motion (running messages, scrolling messages, flashing messages, moving patterns or boards of light, animation effects, videos, live feeds, etc.).**
- 3. All electronic messages shall be displayed in white or amber copy with black backgrounds. The property owner shall work with the City of Walton and Boone County Planning Commission Staff to resolve any lighting issues (brightness, glare, etc.) that are caused by the subject sign on public rights-of-way.**

4. **No electronic message shall contain more than 4 lines of text.**
5. **The sign shall have a photocell or dimmer and the electronic messages shall dim as the sky gets darker.**
6. **The sign shall only be used to advertise church business.**

Mr. Bryan seconded the motion. Mr. Turner called for the vote and it carried unanimously.

OTHER

No other business was discussed.

ADJOURNMENT

Mr. Turner asked for a motion to adjourn. Mr. Luebbe so moved and Mr. Bryan seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 6:47 P.M.

APPROVED

**Steve Turner
Chairman**

Attest:

**Todd K. Morgan, AICP
Senior Planner, Zoning Services**