

**MURRAY BOARD OF ZONING ADJUSTMENTS MINUTES
REGULAR MEETING
WEDNESDAY, JULY 20, 2005**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, July 20, 2005 at 4:30 p.m. in the council chambers of city hall at 104 North 5th Street.

Board Members Present: Ed Davis, Andy Dunn, Darren Jones, George Stockton, Scott Seiber, Helen Spann and Bill Whitaker

Board Members Absent: none

Also Present: Candace Dowdy, David Roberts, Sam Perry, Mike Pitman, Velda Linn, Marilyn York, Faye Holley, Breathitt Kelley, Dan Taylor, Sheila Nance, Trip Purdom, Jan Vance and other public audience

Chairman Whitaker introduced a newly appointed board member, Darren Jones, appointed July 28, 2005, by City Council. **Candace Dowdy, City Planner, swore in Darren Jones, as a new member to the Murray Board of Zoning Adjustments to fill the unexpired term of Red Howe, which expires January 1, 2009.**

Chairman Whitaker called the meeting to order at 4:30 p.m. and welcomed the guests. Chairman Whitaker asked for approval of the June 22, 2005 regular meeting minutes. **Scott Seiber made a motion to approve the minutes as presented, with one minor correction. Ed Davis seconded the motion and the motion carried with a 7-0 voice vote.**

Dimensional Variance Request for Front Setback on Fence—214 South 11th Street—
Velda Linn: Candace Dowdy stated that Ms. Linn would like to be able to extend a fence on the north side of her property to the front property line. Ms. Dowdy presented slides of the property and adjacent properties, showing survey stakes marking the property lines. Ms. Dowdy stated that it was approximately 6-7' from the front property line to the street. Ms. Dowdy stated that the neighboring property to the north is rental property and that there are problems with cars parking on and driving across her front yard. Ms. Dowdy stated that the fence would be constructed of a vinyl material and 3 ½ - 4' tall. Ms. Dowdy stated that she did not see a sight distance problem with the fence being extended toward the street. Ms. Dowdy stated that the large bush on the south side of Ms. Linn's driveway actually presented more of a sight distance problem than the proposed fence, and that the adjacent property owner has been contacted to trim it. Ms. Dowdy stated that street-parking was not permitted in this section of South 11th Street, and that the vehicles were probably parking in the yard. Chairman Whitaker swore in Velda Linn. Ed Davis asked Ms. Linn where the cars were coming on to and exiting the yards. Ms. Linn stated that the vehicles pull up past the right of way, into her yard, in the grass and then circle around and exit off the grass. Ms. Linn stated that there used to be a hedge that extended near the edge of the street, but that it was all rooted up when the water and sewer lines were replaced. Helen Spann stated that the streets in this area are very narrow and was concerned about sight distance. Sam Perry stated that if this were a corner lot, it would be a concern. **Scott Seiber made a motion to approve the 10' front**

setback on the fence, so the fence could be extended to the South 11th Street right of way line as marked, based on the facts that there was not a sight distance problem, the height of the fence would not pose a problem for drivers, that it will not adversely affect the public health, safety or welfare, not alter the essential character of the vicinity, will not cause a nuisance to the public and will not cause an unreasonable circumvention of the zoning regulations. Andy Dunn seconded the motion and the motion carried 7-0.

Public Hearing For Conditional Use Permit To Allow Owner/Family To Reside On Premises Of Business In A B-4 Zone—1111 Poplar Street—Breathitt Kelley: Sam Perry stated that Mr. Breathitt Kelley is a music instructor. Mr. Perry stated that 1111 Poplar Street is one lot east of North 12th Street. The property is being leased from Karen Lamb. The neighboring lot to the east was rezoned from R-2 to B-4 in 2003. The neighboring lot to the west, at the southeast corner of South 12th and Poplar Streets is also zoned B-4 and is currently being used as Paradise Snow with a surrounding gravel parking lot. The property line at 1111 Poplar Street actually extends into the graveled area being used by Paradise Snow approximately 10-15'. Mr. Perry stated that this was not an uncommon request and that Mr. Kelley has had a difficult time finding a place to attempt to reside and carry on music lessons at the same location. Mr. Perry stated that there was not street parking at this location, nor was there a separate driveway just for this property. Mr. Perry stated that the driveway entrance to the west is about 25' wide and is shared with Paradise Snow and there is parking space adjacent to the house approximately one lane wide. Mr. Perry stated that it was about 70' from the tree line to Poplar Street. Scott Seiber asked if Mr. Kelley lives on the premises now. Mr. Perry stated that he did. Mr. Perry stated that he was not aware of any shared parking agreements between the property owners. Paradise Snow uses a drive-through window on the south side of the building. Mr. Perry presented slides of the house at 1111 Poplar Street showing the shared entrance and graveled area. Candace Dowdy stated that the owner of the property just to the south of Paradise Snow on S. 12th Street uses Paradise Snow's parking lot some and that they may have a parking agreement for this. Scott Seiber stated that that could change in the future so that it needs to be addressed now.

Chairman Whitaker opened the public hearing. Chairman Whitaker swore in Breathitt Kelley. Chairman Whitaker asked Mr. Kelley to make an opening statement. Mr. Kelley stated that he had been a music instructor for 15 years and had a music degree from the University of Kentucky. Mr. Kelley stated that he teaches music lessons one on one: piano, guitar, violin, trumpet, flute and more. Mr. Kelley reiterated that it is always one client at a time or the maximum number of cars would be two: the current client and the next one. Mr. Kelley stated that the Lambs' own more than enough of the graveled area for parking, that it was more than one vehicle width. Mr. Kelley stated that the car in the picture was actually on the Lamb property and the vans were his and that they were trying to be considerate since they were new tenants of the property. Mr. Kelley stated that they potentially would gravel some of the grassy area in the rear area to increase parking space. Mr. Kelley stated that there were two cuts into the Poplar Street curb that appears to be intended for a driveway. Mr. Kelley stated that the objective of his business was private music lessons that averaged 8-10 students per day. Mr. Kelley stated that it typically was not very noisy. Mr. Kelley stated that he try's to keep a

Tuesday through Thursday schedule and occasionally teaches on Saturday. Mr. Kelley stated that he did not believe that his business would bother Paradise Snow.

Scott Seiber asked where the teaching would take place. Mr. Kelley stated that it would be in the basement. Mr. Kelley stated that the basement is partially finished and that more finish work would be done if this permit was approved. Mr. Kelley stated that there was a separate entrance into the basement that could be used by clients. Mr. Kelley stated that if it was not approved he has considered keeping this house for the music lessons and living somewhere else. Mr. Kelley stated that he has always taught music lessons outside the city limits so he has not ever attempted to get a conditional use permit. Scott Seiber stated that he did not have a problem with living on the premises of the music instruction business but did have a problem with new ingress/egress off Poplar Street and that he would like something worked out with parking on the side. Mr. Seiber stated that Poplar Street was too busy for backing out into the street and that would be the only way that it could be done. Mr. Seiber asked if he knew where the property corner was. Mr. Kelley stated that there was a metal rebar driven into the ground at the mouth of the driveway, right in the center of the entrance. Mr. Kelley stated that it was impossible to enter the shared entrance without coming onto both pieces of property. Mr. Kelley stated that he did not have a problem with Paradise Snow customers or employees coming onto the Lamb property to get into the parking lot. Darren Jones asked if appointments were stacked back to back, or if there was time left in between. Mr. Kelley stated that they often were stacked back to back to accommodate after school and work hours, but it depended on what was convenient for the client. Mr. Kelley stated that lessons could start as early as 9:00 a.m. and not be over until 8:30 p.m., but not be straight through; there could be three (3) hours back to back, then a gap, then back to back again. The appointments are scheduled in advance, much like a doctor's office would.

Chairman Whitaker swore in Gary Lamb. Mr. Lamb stated that there was room to park eight (8) vehicles in his portion of the graveled area and that Paradise Snow customers use his portion of the graveled area to exit the lot, but he did not have a problem with that.

Chairman Whitaker asked if anyone wished to speak in opposition. Chairman Whitaker asked if Mr. Kelley would like to make any more comments. Being none, Chairman Whitaker closed the public hearing. Scott Seiber stated that he did not see a problem with the current situation, but if another business bought the Adams property, now known as Paradise Snow, and made it more difficult to access the graveled lot, than it may be a problem. Mr. Seiber stated that even if the adjacent property was developed, there still would be room for vehicles to park next to the house. Chairman Whitaker stated that this was a good location for this type of land use. **Ed Davis made a motion to approve the conditional use permit for music instruction business with owner/family to reside on the premises in a B-4 zone with the condition that parking is provided in such a way that egress from the property to Poplar Street be in a forward motion. Andy Dunn seconded the motion and the motion carried with a 7-0 vote.**

Dimensional Variance Request To Allow Accessory Structure In Side Yard At 102 South 10th Street—Faye Holley: Candace Dowdy stated that Ms. Faye Holley would

like to put a metal, detached carport in her side yard to protect her car. Ms. Dowdy presented slides of the property showing the side yard and driveway used for access to 102 South 10th Street. There is a joint driveway shared by 102 and 104 South 10th Street. Neither property owner is sure exactly where the property lines are. Ms. Dowdy stated that there is a storage building already located in the rear yard, behind where the proposed carport would be. Ms. Dowdy stated that she had been informed that both properties had garages which sat on the property line and that the storage building currently sits on the old concrete slab. Ms. Dowdy stated that about 12' of the proposed carport would actually be in the rear yard. The carport is 20' in length, so about 8' of the carport will be in the side yard. The adjacent property owner, David Carrico, provided Ms. Holley with a letter stating that he had no objections to the carport being placed in the side yard. Ms. Dowdy presented the board with a brochure that listed several different available sizes of carports. Scott Seiber asked if it would be a double-wide carport. Ms. Dowdy stated that it would not. Mr. Seiber stated that even though the adjacent property owner does not have objection to the carport, it would be in Ms. Holley's best interest to have a surveyor locate the property line, so that the building would not be placed across the line and a future adjacent property owner force her to move it. Ms. Dowdy stated that she had discussed that with Ms. Holley and that she was willing to have a surveyor locate the line. Ed Davis asked if it was an open carport. Ms. Dowdy confirmed that it was.

Chairman Whitaker asked Mike Pitman if there was a legal concern with allowing an accessory structure in a side yard with shared access. Mr. Pitman stated that the board is approaching it the right way, by being concerned about encroachment into the neighboring lot. Sam Perry asked the board if they could consider granting a variance on the side setback pending location of the property line. Ms. Dowdy stated that Ms. Holley was not in a hurry to put up the carport and that she would not be charged again to bring her request, if that were the board's wishes, once she had a surveyor locate the property line. Chairman Whitaker swore in Faye Holley. Scott Seiber asked Ms. Holley if she would want to place the building on the property line even if she had room to keep it 5' off the line. Ms. Holley stated that she thought the existing storage building was on the line and didn't know how far that was from the fence. Ms. Holley stated that she might have to relocate the gate to keep the carport 5' off the property line. Mike Pitman advised the board to delay making a decision until the property line was located, if that would not put Ms. Holley in any inconvenience. Chairman Whitaker stated that the board was probably inclined to allow the carport in the side yard, but needed to know where the property lines were, before making a final decision. **Ed Davis made a motion to table the request until the property line was marked. Scott Seiber seconded the motion and the motion carried with a 7-0 voice vote.**

Interpretation Of Section III, Article 1. H. Of The City Of Murray Zoning Ordinance Referring To "Signs Prohibited In All Zones And Districts": Sam Perry stated that in late April, Dwain Taylor Chevrolet obtained a temporary sign permit for a banner, for a special sale and at that time they also were told that they would need to remove balloons and streamers because they were not permitted by the zoning ordinance. Mr. Perry stated that the balloons and streamers were removed, but that after much discussion with Sheila Nance and Dwain Taylor, they inquired about changing the text of the zoning ordinance to allow balloons tied to antennas. Even though it is under the role

of the Planning Commission to recommend changes to the zoning ordinance to City Council, staff felt it would be best to bring the discussion to the board because the board deals with signs on a much more frequent basis, then notify the Planning Commission of the nature of the discussion. Mr. Perry stated that the changes to the zoning text in March 2005 specifically mentioned balloons as prohibited signs, but that type of balloon was referring to very large balloons, not party balloons that are tied to antennas. Dwain Taylor and Brandon Auto World sent letters requesting changes to the zoning ordinance text that would allow more types of temporary signage and on a more frequent basis. Scott Seiber asked if other businesses are also requesting this type of signage. Candace Dowdy stated that several other businesses would be using balloons if staff did not enforce “no moving, flapping, or rotating type signs.” Mr. Perry stated that “no moving, flapping or rotating signs” was added sometime in the late 1980s. Mr. Perry requested that the board address use of temporary signage in consideration of new and used car dealers, as well as any other businesses.

Mike Pitman asked to clarify whether this was an appeal to the Board of Zoning Adjustments or going to be a request to the Planning Commission to amend the text of the zoning ordinance. Mr. Perry stated that it was not an appeal, and that it possibly will be a request to amend the zoning text. Mr. Perry stated that it should be an advertised public hearing if it were an appeal. Mr. Pitman stated that, in this case, this could simply be an advisory discussion. Candace Dowdy confirmed, and followed to say that the letters were addressed to the Planning Commission, but that staff is requesting that the board review it since the board deals with signs on a frequent basis. Ms. Dowdy asked the board if they felt like the current zoning text was reasonable and not “unfair” to businesses or if it is outdated and possibly needs to be amended. Scott Seiber stated that he understood the wishes of car dealers to make the public aware because what is happening with new cars has never happened in history, but that it is not the responsibility of the board to recommend changes to the zoning text. Chairman Whitaker confirmed and followed to say that the sign committee had just gone through the amendment process and held several public hearings. Ms. Dowdy stated that going through the Planning Commission was the correct procedure, but that staff would like to hear any comments or concerns that the board may have regarding this issue.

David Roberts stated that he understood that the board did not want to advise the Planning Commission on this issue, which was agreeable, but that staff is providing this as an informational discussion to the board to notify them that this is an issue, and that staff is open to any comments regarding enforcement of this part of the zoning ordinance. Ed Davis stated that this issue was not discussed in any of the public hearings that were recently held. Mike Pitman stated that this could go in one of two directions: 1) an appeal could be filed to the Board of Zoning Adjustments that a zoning official decision was erroneous or 2) an application to amend the zoning text could be filed with the Planning Commission. Mr. Pitman stated that it could be a slippery slope for the board to begin making recommendations to the Planning Commission.

David Roberts stated that staff does bring requests for interpretation to the board from time to time that are not a formal appeal. This is a request for assistance from the board to see if staff is heading in the right direction with interpretation as well as enforcement of the sign regulations. Ed Davis stated that the commission does attempt to anticipate

what the board may have to vary in the future when an amendment is made to the zoning text.

Helen Spann asked, in reference to Mr. Purdom's letter what Wal-Mart was being allowed to do with temporary signage, and stated that the city needed to be consistent in enforcing the zoning ordinance. Trip Purdom, of Brandon Auto World, came forward. Mr. Purdom stated that he saw several balloons attached to Wal-Mart property while he was being told that he was not allowed to fly balloons and wondered if they were being notified of violation as well. Mr. Purdom stated that General Motors sends signage to them and they have to pay for it, whether they use it or not. Mr. Purdom stated that Lowes has had a banner for two (2) months. Mr. Purdom stated that balloons were not effective if they were flown every day, but when there were special sales, all car dealers would like to use them. Mr. Purdom stated that he sees the Froggy 103.7 tethered balloon all over town, and he is planning to use it. Ms. Dowdy stated that it was not permitted, but that Murray State University does use it and that property in government zoning districts are essentially "exempt" from the zoning ordinance. They are encouraged to follow the zoning ordinance, but not required. Ms. Dowdy stated that the prohibition of "tethered balloons" was recently added to the zoning ordinance so that Froggy radio station would not be allowed use the large tethered balloon in Murray. Ms. Dowdy stated that if staff had noticed balloons or banners on a property, the business would have been notified with a courtesy letter. Mr. Purdom confirmed and stated that it sometimes feels like you are the only one getting picked on.

Helen Spann asked if the ordinance is prohibiting all balloons. Candace Dowdy stated that is one thing staff is requesting the board to address: whether a balloon is considered a "moving, flapping or rotating sign." Ms. Dowdy stated that the board could possibly just interpret that one item, instead of addressing every concern brought forth tonight. David Roberts stated that a sign is anything that draws attention to a product or service. Mike Pitman stated that it would be best to address the concerns of Dwain Taylor, Brandon Auto World or anyone else considering all the types of marketing signage so that they could get a more definitive answer, or apply for an amendment to the zoning text through the Planning Commission. Ed Davis stated that there were more items than balloons that needed to be discussed. Trip Purdom asked if the board could interpret whether they could use party balloons or the large, "flapping arm" balloons. George Stockton asked if balloons were the only issue. Mr. Purdom stated that it was for him, because they did have a sale coming up soon. Shelia Nance stated that Dwain Taylor had a special mailout sale at the end of the month so they would like to know as well. Ms. Nance showed a picture of the banners from the previous sale. Ms. Nance stated that they had put up two banners in front of the Toyota building and were almost immediately contacted to take the banners down and apply for a permit. Sam Perry stated that Dwain Taylor did get a temporary sign permit for the banners shown in the picture. Ms. Nance stated that they could not plan their sales around the ordinance. Mr. Perry stated that temporary signs are now allowed more frequently than they used to be: from four (4) months to three (3) months. Mr. Purdom stated that General Motors does not inform them ahead of time when they are going to do a sale, and that they usually receive the advertising materials two (2) days after they find out about the sale. Mr. Purdom stated that they continue to get materials and pay for them whether they use them or not.

Ed Davis asked if there are any other businesses that would fall under this type of situation. Mr. Perry stated that possibly some of the cash advance type businesses, or any other business that is corporate-franchise-controlled. Mr. Davis stated that then the small local businesses would have the tendency to make the same argument. Chairman Whitaker stated that, in summary, they wish to put up temporary signs any time, any size, any type and without a permit. Ms. Nance stated that they would be put up in good taste. Ms. Nance referred to the temporary signs used in April and asked if they were distasteful. Chairman Whitaker stated that it did not apply, because a temporary sign permit was obtained for them. Ms. Nance stated that if they do use a temporary sign permit for a special sale and then GM notifies them of another special sale coming up, they can not use temporary signs if it has not been at least three months. Candace Dowdy stated that many other businesses would also want to use banners and that they would be up every day, every week of the year. This is a way for the city to control the use of banners in Murray. Ms. Dowdy stated that the city feels that two (2) banners, up to 32 square feet each are sufficient to advertise a special sale. Ms. Nance agreed that was sufficient size and number, but that the problem was not knowing the frequency of sales ahead of time. Ms. Nance stated that customers will drive over to Benton, where temporary signage is allowed more frequently, because they do not know that anything is happening at Dwain Taylor. Ms. Nance stated that excitement and energy on the lot motivates customers to buy cars. Ms. Nance stated that they had prepared to film a commercial and they had to remove the balloons before the TV station was able to finish filming the commercial. Ms. Nance stated that it was very difficult to survive in the car business right now. Ms. Nance stated that in the last few months they have had to cut costs and employees and that they need every sale that they can get to keep the doors open and the local economy going. Ms. Nance stated that Parker Ford and Cain's feel the same way.

Mr. Purdom stated that he would be satisfied for now if the board could make an interpretation on whether party balloons are allowed or not by the zoning ordinance. Mr. Purdom agreed to make an appeal at a later date to discuss all the other items mentioned. Ms. Nance stated that they were simply approaching the matter as they were instructed by staff. Scott Seiber stated that the board understood their position as business people and stated that the board does not make the ordinance, they interpret it. Mr. Seiber stated that the text of the ordinance may be able to be written in such a way that would allow so many temporary sign permits per year, regardless of how close together they were. Mr. Purdom again asked if the type of balloons could be interpreted tonight. Mike Pitman advised Ms. Nance and Mr. Purdom to choose either the appeal to Board of Zoning Adjustments or the application for text amendment to Planning Commission and that the interpretation should be handled in the form of a public hearing.

Ed Davis left the meeting at 6:10 p.m. due to a prior engagement.

Dan Taylor came forward and commented that although it is a difficult subject, temporary signs do work in the car business, and work well. Mr. Taylor stated that the staff was doing their job so well that they had their sign up about two (2) hours before staff was on site asking them to take it down.

No action taken on this item.

Dimensional Variance Request for One Additional Wall Sign At 520 South 4th Street—Jamie Vance Heating and Air: Candace Dowdy stated that Jamie Vance Heating and Air is currently located on Pine Street. Ms. Dowdy stated that their new location at 520 South 4th Street is located near the northwest corner of Sycamore and South 4th Streets and that the building faced Sycamore Street at an angle. Ms. Dowdy stated that Mr. Vance would like to be able to use the existing signs that he has at his current location: two (2) 32 square foot signs. He would like to put one on the Sycamore Street side and one on the north side of the building. Ms. Dowdy showed the board a picture of the building face. Ms. Dowdy stated that Mr. Vance has painted the building and put an awning on the building. Ms. Dowdy stated that the Sycamore Street side would actually be permitted a 60 square foot sign. Ms. Dowdy stated that the north side of the building would be allowed 110 square foot of signage. Ms. Dowdy stated that this was not actually a building on a corner lot, so two wall signs are not permitted. Ms. Dowdy summarized to say that they are asking for one additional wall sign, with a total square footage that is actually less than what they would be allowed. Scott Seiber asked if the sign was going to be on the building wall, and not on the roof. Ms. Dowdy confirmed that was correct and that they were identical signs which were internally lit. Ms. Dowdy stated that there would not be a freestanding sign at this location. There is a wood framed, freestanding sign near the back of the building that was used by Harlan Automotive, who has moved, but that Mr. Vance is in the process of inquiring about taking it down.

Scott Seiber asked where the parking was for this property. Chairman Whitaker swore in Jan Vance. Mr. Vance stated that the entire parking lot would be paved, with two spaces in the front of the building and most of the parking on the side. Mr. Vance stated that they had obtained permission from the state to have parking in the front of the building and that the state was putting asphalt humps in front of the building. Scott Seiber asked if there was a landscaping plan. Mr. Vance stated that there was not. Sam Perry stated that the property has been improved significantly just by adding the awning and painting the building.

Scott Seiber made a motion to approve one additional wall sign, with sizes as presented, based on the fact that their will be no freestanding sign and that this variance would not adversely affect the general vicinity of the area. Helen Spann seconded the motion and the motion carried with a 6-0 vote.

Candace Dowdy stated that planning staff needs guidance on the phasing out of nonconforming, pylon-type signs on 12th Street. Ms. Dowdy stated that text regarding a phase out was not put into the ordinance adopted on March 24, 2005. Chairman Whitaker stated that the nonconforming signs have to be taken down when a business changes, or the city will never see the results of the new ordinance. Sam Perry asked the board to consider the issue of a landlord/tenant situation. Mike Pitman asked the board to consider shopping centers with multiple, changeable panels within one freestanding sign. Candace Dowdy gave the example of the Heilig-Myers building because there is a new business coming in; what should staff do? Sam Perry gave another example of China House restaurant, that they are simply leasing the building, should they be required to invest in removing the old sign and constructing a brand new monument-style sign?

Mike Pitman stated that the difficult situations are most likely going to be the shopping centers that have multiple panels, because it will be affecting so many tenants. Helen Spann stated that the University Square-type signs should use one monument-style sign that names the shopping center, instead of trying to have several individual panels, naming all the retail stores. Andy Dunn and Chairman Whitaker agreed that would be much cleaner looking and be just as effective. Ms. Dowdy asked if staff could inform new businesses that they could not replace panels in a non-conforming sign. Scott Seiber commented that if it were not in the text it would be difficult to enforce that. Mr. Seiber agreed that he would like to see monument-style signage on the 12th Street corridor, but that the city would be in trouble without text to back them up. Chairman Whitaker stated that, in the past when the maximum square footage allowed was reduced to 80 square feet, if the business changed, they were instructed that the sign could not be used. Mr. Perry stated that a sign, in this case may actually be considered a non-conforming structure, much like a building, which is previous to the ordinance being passed. How can the city force someone to spend the money removing a 20' sign post, plus spend the money to erect a monument-style sign? Is that the direction the city would like to go? Mike Pitman stated that he would research pre-existing, nonconforming structures and uses, and look at applying the rationale of grandfathering in structures, then get back with the board. Mr. Pitman stated that the rationale is that as long as the use does not change, they could continue on, and then ultimately be deemed a permitted use at some time. Mr. Pitman stated that the second issue is that it may be a good idea for the Planning Commission to look at putting in a phase out period, such as 120 months, and give businesses advance notice of the date. Ms. Dowdy and Mr. Perry agreed that they would like to see some type of time frame. Mr. Pitman stated that another idea would be to ask businesses to voluntarily change their signage to conform to the new regulations, and see if it would catch on to neighboring businesses.

Mr. Perry stated that George Stockton had noticed a city near St. Louis, called Ellisville, had suddenly changed all their signage to monument-style over about a two (2)-month period and that he would look into how they handled the situation.

Mr. Pitman asked if it would be a good idea for the city to send letters to businesses on the 12th Street corridor requesting that they look into the issue of changing their signage to monument-style to conform to the new ordinance. Mr. Perry stated that was the original intention of the city, but that it has not happened yet. Ms. Dowdy stated that the phase out period might work. Chairman Whitaker asked staff to look into the change to freestanding sign size before, and see if there was a phase out period. Mr. Perry stated that there was a phase out on mobile signs.

Helen Spann asked if signs could be painted directly on the building and that Buck's Body Shop was painting their building. Mr. Perry stated that they had inquired first to make sure they could simply repaint their building. Mr. Perry stated that maintenance is required by the zoning ordinance for signs, and that maintenance of such a nonconforming sign is definitely permitted, that there are no changes to the sign taking place. Ms. Dowdy read the sign maintenance section of the zoning ordinance. Mr. Perry stated that signs painted directly on the building are prohibited in all zones and districts. Chairman Whitaker asked why that was a prohibited sign, because they tend to fit well with historic buildings. Mr. Perry stated that was a good point and that is why

maintenance of signs should be encouraged. Mr. Perry gave the example that Crass Furniture is changing names and is not able to use a sign painted directly on the building anymore.

Being of no further business, the meeting adjourned at 6:34 p.m.

Chairman, Bill Whitaker

Recording Secretary, Sam Perry