

Town of Bayfield

Regular Planning Commission Meeting

January 11, 2011

1199 US Highway 160B Bayfield, CO 81122

Planning Commissioners Present: Michelle Nelson (Chair), Dr. Rick K. Smith (Mayor), Gabe Candelaria, Joe Mozgai, Chris Rhodes, Bob McGraw, Pat Heyman

Staff Present: Just Clifton (Town Manager), Elizabeth Jackson (Town Intern)

Media Present: None

Meeting was called to order at 6:59 p.m.

Minutes: Bob made a motion to approve the Planning Commission minutes from October 12th, 2010. Rick seconded. All were in favor. Motion passed unanimously with the Michelle and Gabe abstaining.

General public input: No public comment was offered.

Action Agenda Item #1: Sign Code Variance – Family Dollar Store

Justin gave his staff report. He said he was approached by developer of family dollar store, requesting a variance in the sign code regulations. The Town doesn't usually see many sign code variances/ permits and doesn't always police signs found to be in violation. For businesses, signs that are said to be in violation are usually allowed to be kept in place as long as there is no egregious violation. Some variances have been granted in the past, but no strict adherence has been applied.

Justin stated that the land use code restricts business signs to a maximum of 100 square feet and to a limit of two signs per lot. Developer is asking for the approval of three signs and the largest of which would face the front of the building of Bayfield Center Drive for a total of 144 square feet. There is thus 2 variances requested—one for number of sign and one for a larger sign.

Justin showed the letter from the developer that went out to adjacent landowners and indicated the site layout—indicates the location of each sign as well as the sign detail.

He stated that Bayfield currently articulates size, but it seems that the real intent in the Land Use Code is to regulate town signage so that it remains aesthetically pleasing to the town's character, which is why there is a restriction on flashing/ blinking lights. Justin stated that it is

up to the town to determine whether or not the signs proposed sacrifice that intent and whether it is consistent with what is found around town.

Justin stated that if someone is in violation, the Town doesn't have the staff to really look for them or go after and enforce. By reading the Code strictly, it is clear that there are many businesses with more than two signs in place. Typically however, if there are no complaints from the public regarding such violation, the Town is usually satisfied. Thus, there is an issue with the Land Use Code, the interest as expressed by land owners and business owners, and an issue of consistency.

Justin presented research conducted on other municipalities to Town Board members. He said some of the communities had a more comprehensive land use code, whereas Bayfield only has one commercial district. He summarized the information, explaining that Bayfield isn't overly restrictive, but falls somewhere under that spectrum. He said that the sign for the Wal-Mart in Durango may or may not fall under the restrictions of 100 square feet, but that it seems to be a larger than such requirement calls for. Examples such as this however, can be used to consider the 2 variance requests. Applicant's sign, located towards the back of the building (third sign), may be somewhat unusual, but his reasoning for erecting the sign is based on the need for visibility from highway. He wanted to acknowledge that applicant considered the need to blend in with the surrounding properties and was able to do things that considered that of the abutting properties as well as for the desire for non-illuminated signage.

Gabe asked what the width of the lot was. He wanted to know if the actual was 100 feet from one end to the other and if the height of the single sign, titled 'G', was over 20 feet.

Applicant stated that the top of the sign was 20 feet.

Justin said that the south property line (the entire property line) was wider than the north end, but that that line was 211 feet. He also mentioned that other communities' sign codes have a maximum set in place for signs, but that it is also a percentage of the entire width of the façade.

Michelle wanted to know when the sign code was adopted.

Justin said there was a reference in the code when it was adopted, but that it wasn't actually cited in the document.

Rick thought that the sign code was worked on, but was never adopted.

Applicant, Kurt Lund (477 S Main Brigham, Utah), said they were concerned with views. He said signage is the most important thing for a business and that the stricter the constraints are, the more negative an impact it can have on the business. The main concern for applicant's approval of signage is due to the location of the business (located off the main highway).

Joe said that the building sign is easily visible from the road. He wanted to know why applicant needed an additional stand-alone, 100 feet apart from the other.

Applicant said it was to attract cross-traffic. Otherwise some vehicles would pass by unaware of the building's existence. He explained that signs help people locate businesses with ease, ensuring a business' best opportunity to succeed.

Joe commented that the stores two current signs are of significant height already. He wanted to know if an additional sign was absolutely necessary to have the franchise open.

Applicant said that it was. Research from the franchise has been conducted on the importance of such signs, indicating the need and success. Applicant also mentioned that the signs were part of the lease.

Joe said it appeared to be an issue of redundancy in signs; both signs are already easily visible. He wanted to know why there was a need for two signs in front.

Applicant explained that only one sign in the front would be visible to some traffic on the highway, but not visible to all.

Pat asked if applicant was with T & M Properties, LLC.

Applicant said he was.

Bob wanted to know if applicant thought of having the sign facing 90 degrees different so it would face towards the highway.

Applicant stated that the two building signs facing south and north were meant to catch the traffic flowing along the highway facing east and west. The signage in this case, would face east and west—perpendicular to the highway.

The matter was opened for public comment.

Barb Luebchow (146 CR 501), located towards the south property line of the store, commented that with future buildings, the store might not always be visible due to the fact of western property lines in that business center that may eventually hide its appearance. She said that factor might be a positive reinforcement. Barb also wanted to know if the sign would have any flood lights.

Applicant stated that there wouldn't be but that there would still be building security lights.

Barb wanted to know if they would face the building or spread out.

Applicant said that they like to have a couple on each side of building for security reasons but assured her that they cast light downwards.

Barb had no objections to the signs or lights.

Pat said she was fine with applicant's request.

Chris agreed.

Rick had no objections. He thanked the developer for working with adjacent land owners and for explaining the intent of the signage and that there wouldn't be any illumination.

Joe was concerned with the unaesthetic appeal. He said he wasn't keen on the stand-sign, but had no objections.

Gabe commented on Ignacio's Town Code signs. He said that they use street frontage as a unit of measure and agreed that Bayfield is more on the conservative side with regards to sign codes. He commented on the need for development to fill out that area and said that applicant's request would be beneficial, most likely bringing more successful businesses to the town.

Bob said the approval would encourage more business. He was, however, concerned between what the town code states and the variance requests that businesses ask and are approved for. Bob liked that the code ensured aesthetic views and wanted to see that condition remain. He indicated signage located at additional stores within Bayfield, pointing out that some exceeded the current Code requirements of having no more than 2 signs. Bob approved of applicant's request and thought that perhaps the code should be more liberalized so Planning Commission wouldn't always be going through variances.

Justin encouraged revising the code and stated that could be addressed at the next meeting.

Bob agreed. He wanted to see better planning for signage in the future to reflect the needs of the Town and hoped that it continue to address the considerations/ concerns mentioned.

Michelle agreed that signage is important in helping to draw traffic in and that it would be a positive reinforcement for sales tax revenue. She commented on the aesthetically appealing structure of the signs. She wanted to know if the Board approved the variance, and the face of those signs were changed to a different business later on, would it need to go through the Planning Commission again as a variance.

Justin said it would be specific to a particular sign. Borrowing a change in the code would mean that they would come back. Planning Commission preserves the intent for a specific variance, and if the face of those signs were changed, such as the color scheme, that would make a difference.

Gabe made a motion to approve both variances. He approved the first variance to increase the size of applicant's sign to a total of 144.17 square feet, and to the second variance, to allow 3 signs instead of 2.

Rick seconded.

The motion carried 6-1, with Joe opposing.

Action Agenda Item #2: New/ Unfinished Business

Joe wanted to know the status on the Bayfield Breakfast Diner.

Justin said the owner began doing modifications before pulling the building permit, and after doing so, had to make other adjustments to meet code requirements. There was also significant improvement to be made to the fryer and hood vents and its approval was pending on the fire department's consent for a quick opening. He was expecting the business to open soon.

Michelle requested discussing the election of the new Chairperson for the next meeting.

Justin announced his resignation effective March 18th, 2011 for personal reasons to travel. He said he would be at the February meeting to discuss the sign code issue and that he would most likely be there for the one in March. After that, there would be a new Land Use Administrator of which the Town Manager has currently served as before, even with the Town having a Planner. He said that fact would weigh heavily on the Board's decision of who is hired next. He mentioned his enjoyment in working with all on the Board.

Bob wanted to thank Justin for all of his time and work for the Town and said that he would be missed. Bob also stated that if the Board did not have a February meeting, it would be his last meeting as well, as he was resigning after his six years with the Board. He appreciated working with a great group of Commissioners.

Michelle commented on the great job that Justin and Bob have done. She said their work has been appreciated.

Joe made a motion to adjourn. Chris seconded. All were in favor.

Meeting was adjourned at 7:38 pm.