

PLANNING COMMISSION MEETING

The meeting was called to order at 6:00 pm by Chair Schroder.

ROLL CALL

Mike Giller	Christie Leidal	Ron Schuman
Gretchen Dudney	Jim Lamb	Steve Gerard
Dan Schroder		

APPROVAL OF MINUTES

With no changes, the November 15, 2016, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

Mayor Mamula would like to address the Planning Commission regarding parking and transit updates. We will add this item prior to the work session. With no other changes, the December 6, 2016, Planning Commission Agenda was approved.

TOWN COUNCIL REPORT:

Mayor Mamula: Paid parking began December 1st. We have priced it to incentivize people to move after longer periods of time. We have also enhanced the bus routes; the purple now goes in both directions. We have improved walkability with adding light fixtures, push buttons for crossers, a shuttle service in upper Warriors Mark. This has been a lot of work for Staff, and people have had a range of reactions since the paid parking has begun, but we feel like we have already started to see the effects of paid parking in opening up parking spaces downtown.

Town Manager Rick Holman: We have over 600 designated employee parking spaces in town, with 200 that are dedicated for employee only. Looking at the few thousand employees we have in town, that is a small percentage, but we are offering spots. Council had said they would not insist on paid parking until there was a solution for employees, which we have with the increased bus options now. So far it is not too bad, it is a lot of work to educate people about what we are doing, but it is helping.

Ms. Dudney: Has there been any thaw with Vail Resorts?

Mayor Mamula: We will be having another discussion at the next town council meeting. We are interested in a parking garage on South Gondola Lot, instead of F Lot. We have tried to take the high road with Vail Resorts and the letters they have sent to the public, newspapers, etc. We did feel the need to respond when the Denver Post got involved. We're trying to push people to the Breck Forward website, which has info on transit and parking.

Mr. Schroder: The education initiatives have done a great job so far in informing the public.

Mr. Gerard: I think that the Police and Community Service Officers have done a great job, they are really out there informing people about the program.

Mr. Schuman: What about the trolley?

Mayor Mamula: The trolley has been getting a lot of use, though we only have one right now, so it is only able to run every 30 minutes, but we are working on it.

Mr. Giller: I am really encouraged by the time limits and the paid parking; I have noticed a difference already where I live across from the post office.

Ms. Dudney: Are you rethinking the Block 11 plan?

Mayor Mamula: It is more in flux. If you have been down to the new river restoration by McCain, it is a great place to live now. Denison II is the three buildings that are being finished right now. Denison I has received the green light with 50 for sale town homes and 22 apartments. We are going to do for sale since we did not receive the LIHTC grant. There are now seven Zip Cars through town as well, and we're hoping that translates to people coming here and an option for local families with only one car or no car.

Ms. Dudney: What about heated sidewalks on Four O'Clock Road?

Mayor Mamula: We have retreated on that for now due to cost.

Mr. Holman: There have been a lot of difficulties, in terms of planning and finance. There will be some

heated sidewalks added in the Riverwalk area but there were a lot of costs and land acquisition difficulties that may not be the best use of funds on Four O'Clock right now.

Mayor Mamula: This is going to be an interesting test winter to see how the changes we have made are going to affect the problem. This is a time where we are enacting as much as we feasibly can at once from the study we had, and we have the roundabout study on Park Avenue coming back soon to look at as well.

Other Town Council Discussions:

Ms. Puester: In regard to Block 11, there are some changes to Phase One of Denison Placer that will be coming to the Planning Commission in February. During the construction phase of a roundabout, there will be a closure of Park Avenue. There will also be some improvements to the Riverwalk Center this summer to be more pedestrian friendly.

Mr. Grosshuesch: The Council entertained a couple of alternative proposals for an upgrade to the Welcome Center. What Council endorsed was some upgrades to the software that operates various aspects of the center. We will be expanding ticket-selling software that will be accessible via app downloadable to smart phones as well as iPads and displays at the Welcome Center. There will be some modifications to the back of the building where the Heritage Alliance desk is. We will upgrade interior signage as well. There was a phasing option that anticipated more dramatic changes that could be the blueprint for further upgrades, but those were not authorized at this point.

Ms. Puester: Ms. McAtamney, Child Care Program Administrator for the Town, also provided a report the Council that will be available online soon.

WORKSESSIONS:

1) Commercial Sign Code (JP)

Mr. Berry, Town Attorney, presented. Staff has been working with the Town Attorney on a Sign Code rewrite in response to a recent U.S. Supreme Court decision. This decision, *Reed v. Town of Gilbert*, is requiring most municipalities across the country to rewrite their sign codes to eliminate content related references. The first section of the Sign Code modifications regarding Signage on Town Owned property was reviewed by the Planning Commission as a work session item on November 15. Due to different circumstances for signs on municipal owned properties (eg. public safety), the Town Attorney recommended separating the Town's new sign regulations into two separate Chapters: 1) Signs on Town Owned Property and 2) Signs on Private Property. This evening we will be discussing the Signs on Private Property.

The Town of Gilbert and most municipalities nationwide had sign codes which called out a type of sign, such as 'political' signs, 'open' signs, 'real estate' signs, etc., and then required a sign code enforcement officer to read the sign content to determine the applicable regulation regarding placement, size and so on. The new court decision allows municipalities to continue to regulate signage size, materials, location, etc., but removed the ability to enforce signage regulations which require the content of a sign to be read in order to know which rules to apply to that particular sign.

In response to this decision, the Town Attorney and Staff have provided a draft Sign Code which is *not intended to change any of the currently allowed signage on private property*; however, the new ordinance seeks to eliminate from the Sign Code content-based references. This code modification is intended to clean up the current regulations to conform to the court decision, not to introduce new regulations to what Staff believes are currently working. This is a work in progress and not a final version. (Staff also forwarded an email from Mr. Hal Vatcher for public comment.)

Commissioner Questions / Comments:

Mr. Giller: What about murals? (Mr. Berry: That is one of the handful of problem areas in the court decision because you have to ask the question "What is art?". Staff's take was to handle it in the Development Code. There are murals that are politically motivated and other ones, which have been contested. We have decided to regulate murals in the historic district through the

development code as opposed to signs. Art and mural are issues we will pay attention to in the future because the law may change going forward.) So we think this will be covered in the Development Code going forward? (Mr. Berry: There is some litigation risk tolerance involved. There are ordinances that seem bullet proof, but just don't work in the real world. For example, when it comes to open house signs, the problem is primarily that the code prohibits off-premise signage and this applies to the commercial/non-commercial distinction. But on premise/off premise distinction can only be applied to commercial signs because a non-commercial sign cannot be traced back to the location of an idea. Council will have to make a decision in what ordinances to adopt where there could be a problem.)

Ms. Dudney: What about the email we received about political signs? (Ms. Puester: We are still tweaking this part of the code. When we started rewriting this, we kept the same concepts, but also had to start from scratch as far as format. The charts are completely new, and we are working on clearing up sections which are contradicting. We will be working on this section as we go forward. We're not finished with this yet.) Did we use to have a square footage limit? (Mr. Berry: The current code says that ideological signs are exempt and not regulated. I don't think there is any doubt that we can regulate number and size of that signage, not on the basis of what it says, but on the basis of how many signs in total are allowed. With the time frame in which they can be posted around an election, there is some litigation risk, and this is something that we will have to readdress as time goes on. About every week, there is a new decision dealing with sign code issues, so this is still an unsettled area, but we absolutely must update the current sign code.)

Mr. Schuman: When was the Gilbert decision made? So any subsequent decisions will add to or take from that decision? (Mr. Berry: It was made in June of 2015.)

Mr. Schroder: What about walking signs? (Ms. Puester: It is meant for those twirling signs that people hold on the street and sandwich board type signs that people wear, not t-shirts logos etc.) (Mr. Berry: At some point we have to acknowledge that we can't address everything. You have to use common sense too.)

Ms. Dudney: What is the law around obscenities? (Mr. Berry: Well this is a first amendment issue, and the definition of obscene in this area is very mushy. We do not have anything in the code about obscenities. As far as we're concerned, it will not be dealt with in this ordinance.)

Mr. Lamb: There is a mobile billboard that we see going around here, is that legal? (Mr. Berry: We'll have to look at that, we have not yet looked at the ordinance in that context.)

Mr. Giller: What about a sign in front of real estate under development that has fliers in a box attached? (Mr. Berry: That is fine; this ordinance would not affect that practice at all.)

Mr. Gerard: Would that box then be regulated? (Mr. Berry: I don't think those are considered signs. I'm not sure. The closest comparison would be display boxes which are limited to restaurants, the content of which we cannot regulate. We will make a note of this, however, and think of it.)

Mr. Schroder: Back to the walking signs, we may want to clarify what is meant by signs that are worn.

Mr. Gerard: I have more questions about the seasonal decorations. (Ms. Puester: This is on page 24, and the lighting is regulated under the Exterior Lighting Chapter in the Development Code, not signage. The decorations are allowed until President's Day, will remove the reference to lighting here.) Do we need something under the seasonal decorations policy that states when the decorations can be put back up? (Mr. Berry: We have not yet had any problems with that, but we will take a look at it. There is a concern that putting on the label "seasonal" could be content based.)

Mr. Gerard: I am concerned about the vehicle driving around as a sign. (Mr. Berry: Parked vehicles are not allowed to be signs in our sign code, but we have to apply some common sense to it. For example, there is a difference between a parked car that never moves and a realtor that drives their car around and parks where they need to. The one where we would take enforcement action would be the vehicle that was parked for an extended period of time in one place.)

Mr. Gerard: What about attention-getting devices? (Mr. Berry: This is a carry-over from another

ordinance. We will look at it.)

Chair Schroder opened the work session for public comment.

Mr. Rob Prescott, 226 South Main Street, President of the Merchants' Association: I have a lot of comments from merchants on sign code and how we can improve it. The biggest issue is a creative code that allows for store identity: how stores present themselves and are unique and can show who they are. The sign code right now is a list of rules and regulations. Lack of consistency in how sign code is enforced is an issue sometimes. I would like to speak with local merchants and get their input to work on the sign code. (Mr. Schroder: We are always open to comments and input, Staff is available to talk to.) I don't have any answers, but I would like to be able to talk with you guys to work on some new ideas. (Ms. Puester: We will take your number and I will give you a call to talk.) (Mr. Grosshuesch: I want to remind the Planning Commission that last year, we convened a task force committee made up of business owners for three or four meetings and had several worksessions with Planning Commission and with Town Council on items such as sandwich board signs, neon, temporary signs, etc., and we finally settled on some liberalization of the sign code in response to merchant concerns and kept some the same with their support. The Council also added allowances such as window wraps to be exempted. We have worked with the merchants in the past and we will continue to do so. This is not intended to make changes to the substance of the code but to get what we have to conform to new legal interpretations.)

There was no further public comment and the work session was closed.

OTHER MATTERS:

1) Gold Pan Shops Dipping Station Landmarking (MM) PL-2016-0579; Tract B, Placer Ridge Townhomes Condo

Mr. Mosher presented a proposal to locally landmark the Gold Pan Shops Dipping Station per Section 9-11-3, Designation of Landmarks, Landmark Sites, Historic Districts and Cultural Landscape Districts, of the Town Code.

Staff believes that the above required criteria have been met with this application in Column A, Column B; items 1, 5, 10 and 13 and Column C; items 1 and 2, and therefore the Gold Pan Shops Dipping Station can be recommended to the Town Council for local landmarking.

The Planning Department suggested the Planning Commission recommend that the Town Council adopt an ordinance to locally landmark the Gold Pan Shops Dipping Station located at Tract B, South Ridge Street, PL-2016-0579, based on the fulfillment of criteria for Architectural, Social and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Chair Schroder opened the hearing for public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Schuman: This is a great effort, and an interesting landmark.

Mr. Lamb: I always wondered what this was.

Ms. Leidal: I support staff's work and opinion on this.

Mr. Gerard: This is what we need to be doing.

Mr. Lamb made a motion to recommend that the Town Council adopt an ordinance to locally landmark the Gold Pan Shops Dipping Station located at Tract B, South Ridge Street, PL-2016-0579, based on the fulfillment of criteria for Architectural, Social and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance. Mr. Giller seconded, and the motion was carried unanimously (7-0).

ADJOURNMENT:

The meeting was adjourned at 7:15 pm.

Dan Schroder, Chair