

MEETING DATE: Monday, February 26, 2007
MEETING TIME: 6:00 PM
MEETING LOCATION: City Council Chambers, 125 E. 3rd Street, Salida, CO

Present: Bavaria, Cabe, Hartslief, Rose, MacDonald, Loudenburg

Absent: Smith, Stephens, Lau, Wikoff, Vance

AGENDA SECTION:

- I. CALL TO ORDER BY CHAIRPERSON: Bavaria - 6:09 PM**

- II. Roll Call**
- III. APPROVAL OF THE MINUTES –Wednesday, January 22, 2007**
 - 1. Cabe** made a motion to approve the minutes with the amendment of Section V. #3, F. that the first sentence on Page 6 reads “doubted” instead of “asked” and “but” becomes “and”.
Hartslief seconded the motion. All voters were unanimous and the motion carried.

- IV. UNSCHEDULED CITIZENS**
None

- V. AMENDMENTS TO AGENDA**
None

- VI. PUBLIC HEARINGS**
 - 1. Sign Code Update Ordinance-** An ordinance of the City Council of the City of Salida, Colorado, repealing and replacing Article VIII, Sign Standards, of the Land Use Code with associated updates to Definitions and Enforcement.
 - A. Open Public Hearing – 6:10 p.m.**
Staff Review of Application – MacDonald summarized the staff report by stating during the summer and fall of last year several appeals and enforcement action relating to the sign code prompted staff to focus on updating the code. A citizens committee was formed to meet and discuss proposed changes to the code. This committee met several times in the fall of 2006 and again in February 2007. The committee included many business owners from both downtown and Highway 50 and sign manufacturers as well as representatives from the Chamber of Commerce, Salida Business Alliance and those interested in free speech. In addition Councilman Hugh Young, Planning Commissioner Richard Cabe and Historic Preservation Commissioner William Boddy also participated.

The attached ordinance includes repealing and replacing the existing sign code as well as updates to definitions and appeals. The Planning Commission should review and recommend changes and further review, adoption or adoption with conditions.

Staff recommends that the proposal creating a new sign code within the Salida Municipal Code is in general conformance with the Salida Comprehensive Plan and the Salida Municipal Code.

Staff feels there is no rush to approving this.

B. Applicant's Presentation- None

C. Public Input –Lynne Nelson, 910 J Street, had concerns about the safety of signs in Salida as she personally witnessed four signs that fell and one even struck a person. She feels each sign should be checked for safety and that the fees have been paid. She also stated she worked for Rocky Mountain Behavioral Health and was in charge of community service workers and could recommend they help in this matter if needed. She also felt it was important that signs should compliment the building.

D. Close Public Hearing – 6:23 pm

E. Commission Discussion- Bavaria recommended we go through the ordinance page by page. Page 1 and 2 were fine. **Young** was asked to explain Page 3, Declaration of Intent-Findings and Purposes. He stated he became involved in the committee, as he is very interested in the First Amendment. He feels the current code would not hold up to judicial review. He read many court cases involving sign enforcement and felt our code needed to have a foundation and be enforceable. The proposed findings get at the intent of what we are trying to do as a community. **Hartslief** asked if we could prevent signs with obscenities on them and **Young** stated that obscene language was not recognized as speech under the First Amendment and everyone has a right to express themselves in a reasonable manner. He stated it was covered under the section Time, Place and Manner. **Hartslief** asked about some of the signs that are downtown that do not comply with the code and **MacDonald** stated that they fell under non-conforming signs. **Cabe** stated that when code changed then they did not comply. **Hartslief** asked about obsolete signs and if they had to be removed and **MacDonald** said they could stay only if deemed historical or was integral to the buildings façade. **Boddy** suggested that they could apply to remain under the creative sign provision.

Young then explained that the goals of the committee were to make the sign code business friendly, give people some flexibility and see some creativity so signs would be different. **Rose** stated he was concerned about the Commission considering aesthetics when looking at signs. **Young** feels this code gives everyone equal opportunity and signs should enhance the community.

Bavaria wanted to go back to page by page. On Page 4, 16-8-30, #2 does this include real estate signs because normally they are in place

for more than 60 days. It would be ok for residential as they have the right to have 8 x 8 sign at all times and there was a provision made for vacant land but not specifically for commercial. **MacDonald** said it would be an enforcement nightmare if no permit was needed for temporary signs because you do not know how long they have been up. She feels if a sign is there more than 60 days it is considered permanent. They could get a permit for extra sign are for a limited time such as a banner for a sale, grand opening, etc. **Young** said we could add a category for temporary signs under 16-8-40 to address these issues. **Hartslief** stated he just did not want a loophole in ordinance if possible. **Bavaria** asked what size temporary sign size would be allowed. **Boddy** said the only way to regulate is with permits and **Bavaria** stated she hated to add more permits. **Cabe** felt it would only be a problem 20% of the time. **Young** added they always had the ability to use a sidewalk sign. **Rose** feels inconsistent enforcement is an issue.

Bavaria said on Page 10, #1 that it needed to be clarified if it was all sides of the building that was part of sign allowance.

Hartslief asked about Page 5, #5 and #6 and the meaning of the definitions. **MacDonald** said #5 pertained to internally lit and neon signs and #6 were painted walls that did not advertise a business.

Boddy stated a mural is a picture or image that does not project content of the building or business.

Bob Engle, a Salida citizen, asked how you would go about proposing a Comprehensive Sign Plan and **MacDonald** stated you would be allowed your total signage area but would want to know how you would propose to divide it between tenants of the building.

Hartslief wanted to know why on Page 7, #5 a and b, that 25' was allowed for wall signs and only 20' for pole signs and **Young** said it increased the minimum square footage allowed for any business.

Bavaria said she is very concerned about sign areas that were being allowed in the new code. **Young** suggested they look at the Tables on Page 8. **MacDonald** suggested that for commercial we should have frontage x1 and that should equal the total area permitted. **Drew**

Smith, Business Owner, asked if that was building or street frontage. **Boddy** stated it was building but **Cabe** felt street frontage was better.

MacDonald said the intent was to scale signs to building size and that it did not have to be the same downtown as on Hwy 50. **Rose** felt the sign code should have more clarification and be simplified. **Hartslief** says that basically the new code was giving everyone 30-40% more sign area. **Bavaria** asked how many signs there were already that were more than 10x10 such as Wal-Mart, Checkers, most Motels and even McDonalds. **Young** felt it had to do with visual aspect. **Bavaria** stated she would love to simplify the code. **Young** stated it was a combined effort and now was up to Planning Commission where to go from here.

Boddy stated that people need to have guidance. **Cabe** stated the intention was for it to be a daunting process.

- F. Commission Action - Cabe** made a motion to continue and to have **MacDonald** make revisions based on the discussions thus far. **Hartslief** seconded the motion. All were in favor so passed unanimously.

VII. UNFINISHED BUSINESS

1. Hwy 50 Corridor Plan Implementation

MacDonald wanted the Commission to know that they should have a proposed plan document from the Hwy 50 Corridor Group at the next meeting and was waiting for that presentation to move forward with changes to the code to implement the plan.

2. Update to the City of Salida Comprehensive Plan

Nothing at this time.

3. Growth Areas

MacDonald said meeting with the County went well. They have picked 6 properties to look at and do a summary on to see the difference between what can be constructed within the County and the City.

VIII. NEW BUSINESS

None

IX. COMMISSIONER'S COMMENTS:

MacDonald wanted commissioners to know that Karen Karnuta had resigned and she is taking applications until next Wednesday.

Bavaria welcomed Chuck Rose as a new member of the Planning Commission.

IX. ADJOURN

With no further business to come before the Commission, the meeting was closed at **8:19 pm**.