

The meeting of the Meeker Planning Commission was called to order by Chairman Gary Hindman, Monday, February 9, 2009, at Town Hall at 5:31 p.m.

Members Present: Chairman Gary Hindman
Keith Rholl
Joy Thayer
Martha Griffin
Terry Goedert ó New member

Others Present: Anna Smith, Town Planner
Sharon Day, Town Administrator
Attorney Jerry Viscardi
Becky Niemi, Administrative Assistant

Citizens present: Rev. Rogers Meredith
Marlene Meredith

APPROVAL OF AGENDA

Chairman Hindman asked if there were any changes to the revised agenda, with none noted.

A motion to approve the revised agenda was made by Commissioner Griffin, seconded by Commissioner Rholl. All ayes, motion carried.

APPROVAL OF THE MINUTES

Chairman Hindman inquired if there were any changes, corrections or additions to the January 12, 2009 Planning Commission minutes, with none noted.

A motion to approve the minutes of January 12, 2009 as presented was made by Commissioner Thayer, seconded by Commissioner Griffin. All ayes, motion carried.

PUBLIC PARTICIPATION

None

PUBLIC HEARINGS

Review proposed changes to the Meeker Municipal Code Title 18 Chapter 7 – Signs and Outdoor Advertising Devices Ordinance to allow digital signs along Highway 13 in the Highway Commercial Zoning District and make recommendations to the Board of Trustees.

Chairman Hindman opened the Public Hearing at 5:34 p.m.

Town Planner Anna Smith provided a summary of the project for new member Terry Goedert. She stated last year the Planning Commission had a member of the public request the Town look at amending the sign ordinance to allow digital signs as the Town code currently prohibited such signs. She also stated the Town could not prohibit a digital sign that displayed time and temperature since the State considered it public notification. Planner Smith stated there had been several discussions with the Planning Commission and it had been stated if the Board of Trustees was interested in Staff taking time to draft an ordinance, would they be interested in looking at the creation of a document. She stated the Board of Trustees had established the limitations: that the ordinance had to restrict digital signs to Hwy. 13 and to properties zoned Highway Commercial or would be zoned Highway Commercial. Planner Smith stated as Hwy. 13 is a State Hwy, the Town had to take into consideration the State's criteria which also had limitations on digital signs, i.e. what they can display and how they can be displayed. She stated the draft

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ordinance; crafted by Attorney Viscardi, takes those into consideration by restricting digital signs to just Hwy. 13, properties zoned Hwy Commercial and the existing State criteria.

Planner Smith stated some of the terminology in the draft ordinance had been taken from the State's criteria such as: dissolve, fade, message center display, scroll and transition. She also stated the document stated "a message digital center can not have any appearance of movement, not the sign or the message." Planner Smith stated the criteria regarding how long the message can be displayed took into consideration State criteria which says "if the sign is being displayed, it can be up for not less than 4 seconds and if it changes from one message to another, the screen has to be blank at least one second before it moves to the next message." She stated there is to be no fading or no appearance of one message blending into another.

Advertising: Planner Smith stated another specification in the document was "a sign that sits on a business property can only advertise pertaining to that business." She stated no one can come to the business and ask, "Can I rent the space on your sign and advertise my business?" The sign had to display information pertinent to the business on-site.

Movement: Chairman Hindman inquired when Planner Smith was talking about the illusion of movement, regarding fading in and out, how does a message on a sign actually change, does it go off or just comes on with a new message? Planner Smith stated that was correct. Chairman Hindman inquired if that was acceptable, with Planner Smith stating "per the State criteria that is only what is allowed." She reiterated again there could not be fading or no traveling of the message across the face of the sign, no flashing other than if it meets the timeframe the State had established, stating it had to be up for four seconds and be blank for one second before it brought up a new message. She stated "no animation" what-so-ever, not of the sign itself nor the content of the message being displayed.

Chairman Hindman inquired "if the message is on for four seconds and off for one second before a new message comes up, would that be a new message?" He stated at one point the Planning Commission had discussed changing the message every 24 hours using Grand Junction as an example. He inquired for in Town it could be once every four seconds, with Planner Smith stating that was correct. She stated the Town would not put on a time limitation other than the State's criteria of how frequently the message needed to change, whereas Grand Junction did put on a time limitation.

Distance: Planner Smith stated another implementation into the draft document and is also State criteria; "there can be no digital signs within 1,000 feet of each other on one side of the highway." She stated whoever establishes the first digital sign sets the precedence as to where the 1,000 feet is to be measured. She also stated if a business center had multiple businesses in the building, only one digital sign would be allowed for the entire site and all businesses would have to share the digital sign. Commissioner Rholl inquired as to how many feet a city block was with Administrator Day stating it was 300-feet, in addition to a street right-of-way of 80-feet. Commissioner Hindman inquired if the 1,000 feet was addressable at all by a variance request. Attorney Viscardi stated the 1,000 feet was a State requirement.

Sign Size: Planner Smith stated the Town code currently specified that a free standing pole sign for each individual sign was a maximum of 60 square feet. She stated on a free standing pole, the sign can be up to 150 square feet, with individual 60 square foot signs. She stated the Town had decided the digital signs would only be permitted on a free standing pole and can not be mounted to a building. She also stated the Town had further restricted the size of digital signs, which would be 15 square feet, or 25 percent of 60 square feet. She stated the Town was using criteria from another local entity for this. Planner Smith stated the 15 square feet came from 25 square feet of what the Town currently permitted for signs.

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Commissioner Goedert inquired if that addressed signs in windows inside a building. Planner Smith stated currently the Town's code provision prohibited internal scrolling digital signs placed in a window. She stated the Town would be specifying that a digital sign can only be placed on a free standing pole and no place else on the property. Chairman Hindman inquired if the part she just went over was per Town code. Planner Smith stated it was the current, adopted Town code. Chairman Hindman inquired if that part was separate from the State's criteria and adjustable through any form of a variance process. He stated if they wanted to change the size or other things, would a variance process come into play anywhere, the State notwithstanding. Planner Smith stated based on information that she had received in the past, a variance is based on an on-site physical condition creating a hardship. She stated the applicant would need to provide some type of documentation that there is some type of on-site physical condition that creates a hardship and why the applicant would need to put the sign inside or to make it larger, otherwise she stated she didn't see how it would qualify for a variance.

Commissioner Griffin inquired if the State had a variance, with Attorney Viscardi stating the State has several different regulations but he didn't recall a variance provision. He stated the regulations are very restrictive and this is new for the Town, as well as for the State. He stated the State had this regulation in place for quite some time, but in the meeting with the CDOT Sign Coordinator, when the Town first introduced this, the State was in the process of redoing their regulations. He stated they have just completed some definitions, as they really didn't have any definitions of all the terminology. Attorney Viscardi stated the CDOT Coordinator had indicated there was no real guidance from state to state and Colorado was more restrictive than some states and less restrictive than others. He stated again he didn't see a variance process in the State's code.

Attorney Viscardi outlined the criteria and some of the new State regulations, regarding default of the sign, the 1,000 feet requirement as previously mentioned, and that the CDOT Sign Coordinator had the same take on digital sign placement, the first person to request one will set the benchmark for everyone else. Discussion focused on distance from the highway to the building if someone requested a digital sign variance for inside a window of their business, the Town being very specific as to what type of digital signs are allowed and not foreseeing such requests, LCD signs in Rifle and State regulations regarding signs along Hwy 13 in Rifle.

Planner Smith stated she had two other points for discussion; 1) the current draft addressed the intensity of the message center, with the draft document stating "between sunset and sunrise, the sign has to have the intensity no greater than 20 percent of the sign's maximum intensity." 2) Existing signs: Planner Smith stated if a business had an existing sign displaying time, temperature (i.e. the bank) once the draft document was adopted and they wanted to convert from just displaying date, time and temperature to displaying mortgage rates etc, then they would have to go through a process in order to achieve that, and they would need to comply with the 1,000 feet separation distance between digital signs. She stated if the State had criteria stricter than the Town's it still would apply, also if the State adopted criteria that was more restrictive, it would apply.

Attorney Viscardi stated there was a provision "letter o" regarding anything inconsistent that would create a problem with Federal funding, stating it had come directly out of the State regulations. He stated they don't want to have a digital sign ordinance that would trigger them losing their state or federal highway funding and would affect the State more than it would affect the Town. Attorney Viscardi reiterated the ordinance included a default provision for malfunctioning of a digital sign and that the document was premised on highway safety for motorists.

Commissioner Thayer stated she thought it was odd that someone could have a digital sign directly across the street from another digital sign, but on the same side of the street signs had to be 1,000 feet apart, and

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felt that would be more of a traffic hazard. Planner Smith replied it was the State's criteria to have 1,000 feet separation between signs on the same side of the highway, but on the other side it could be staggered or right across the street from an existing sign. Attorney Viscardi stated CDOT didn't seem to see that as an issue as much as the proliferation of signs on either side. Discussion focused on time and temperature signs, that such signs would not set a benchmark for anyone else unless they converted the sign, and future development on either end of town and the regulations to obtain a sign.

Chairman Hindman asked for questions from the public.

Reverend Rogers Meredith, 564 7th Street Meeker, stated he had a question regarding the ordinance and if he were to speak in favor of the ordinance, then would he be speaking to allow restriction on signs. Chairman Hindman stated the proposed changes in the ordinance would be to allow a certain type of sign that was not previously included in the ordinance. Planner Smith stated it would have restrictions on it.

Rev. Meredith stated he would like to speak for it, as he is against any type of regulations on a person's property; stating, "It's his property, it's his sign, not the government's place to tell him what he can or can not do even though you do." He stated if the Town did restrict the signs then he would suggest they do it uniformly. He also stated if businesses have signs on the buildings that shouldn't be there, and the Town were to restrict someone's sign, then the Town needed to do it across the board. Chairman Hindman stated he agreed but one of the problems the Planning Commission had discussed was the lack of ability to do enforcement. He stated there are some signs out there that had been discussed, possibly temporary in nature, or don't fit the code exactly, but the Town doesn't have the ability to enforce a lot of it. He also stated for a long period of time there weren't that many violations out there.

Rev. Meredith stated if the Town can't or won't enforce the laws they have, they should not be making more. Chairman Hindman stated he agreed. Planner Smith stated that was one thing the Planning Commission, as well as the Board, as they review draft ordinances, they would have to take the enforcement aspect into consideration. She stated the State had made it clear that if the Town adopted an ordinance, they were going to rely on the Town to enforce it and were glad to see the Town adopting something that would relieve them of any enforcement pressures. She stated it is a responsibility the Town has recognized, and if the Town were to move forward with the draft document, the Town would be taking on enforcement responsibilities. Chairman Hindman stated it would spread beyond sign codes, as the Planning Commission has had issues throughout the Town which had been brought to their attention but simply do not have the man power to address on a daily basis, and they try to address them as they come to their attention.

Rev. Meredith stated he is sympathetic to the problem, but it leads to bad feelings amongst people. He stated one person gets called in for something and the Town speaks to him about it, but then there are five other people in town doing the same thing, and that causes a lot of problems, as it seems like nepotism and is inadvertent, but it happens. He also stated it is not good for relations between the Town and the population.

Chairman Hindman stated he agreed in principle but felt the Planning Commission made an effort when issues were brought to their attention to try and apply the existing codes as fairly and equitably as possible. Commissioner Griffin stated there were people out there that do it anyways, regardless of Town codes. Discussion focused on ensuring the Town enforced its codes, government involvement in people's property issues, what the Town and the Planning Commission can control, living in a free society and other ways for those types of issues to be dealt with especially in a small town. Additional discussion focused on government regulations, the rights of property owners, freedom issues, safety of people, government's place in it all, the Town setting precedence, and fringing on people's property rights.

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Commissioner Goedert inquired as to the current code and the limitations. Planner Smith stated the current code prohibited digital signs other than time and temperature. Commissioner Goedert stated this new draft would increase public owners' rights to advertise. Rev. Meredith stated that is what he was speaking in favor of. Chairman Hindman stated the Planning Commission was trying to allow something that was not allowed in the past. Rev. Meredith stated again he was speaking in favor of it, and thanked the Planning Commission for allowing him to speak. Chairman Hindman asked the Planning Commission and Staff for additional comments with none noted. Chairman Public Hearing closed at 6:06 p.m.

Chairman Hindman stated at this time the Planning Commission needed to decide on if they were comfortable in recommending to the Board of Trustees the adoption of the draft document. Discussion focused on the recommendation and how comfortable the Planning Commission was in recommending it to the Board of Trustees, if Commissioner Goedert felt he had enough time and knowledge on the matter, the time the Planning Commission had spent recently updating codes, and being flexible to make changes as needed.

A motion was made by Commissioner Griffin to recommend to the Board of Trustees to not amend the Meeker Municipal Code Title 18 Chapter 7 Signs and Outdoor Advertising Devices, seconded by Commissioner Rholl. Ayes ó Commissioners Griffin and Rholl. Nays ó Commissioners Goedert, Hindman and Thayer. Motion failed.

A motion was made by Commissioner Thayer to recommend to the Board of Trustees to allow digital signs along Hwy 13 and Hwy Commercial Zoning District, seconded by Chairman Hindman. Ayes ó Commissioners Thayer, Hindman, Goedert. Nays ó Commissioners Rholl and Griffin. Motion carried.

Attorney Viscardi asked if the motion was premised on allowing the digital signs in the highway commercial zone based upon the proposed ordinance since the motion stated "I recommend that we allow digital signs in the Hwy Commercial Zoning District, but was it subject to the provisions of the proposal." He stated he guessed that it was by implication but doesn't by word. Chairman Hindman inquired if the motion should have been more specific. Attorney Viscardi stated it should state "allowing digital signs on Hwy Commercial Zone District as provided by draft proposal." Chairman Hindman inquired if the Planning Commission should redo the motion with Attorney Viscardi stating Commissioner Thayer could amend the motion.

Commissioner Thayer made a motion to allow digital signs along Hwy 13 and the Hwy Commercial Zoning District as presented in the proposed draft proposal. Chairman Hindman inquired if this was a motion to recommend to the Board of Trustees, with Day stating yes. Chairman Hindman seconded the motion. Ayes ó Commissioners Thayer, Hindman, Goedert. Nays ó Commissioners Griffin and Rholl. Chairman Hindman stated for the record there were three in favor and two nays for the motion. Motion carried.

OTHER PLANNING COMMISSION MATTERS

RBC Platting Jurisdiction – Turner Minor Subdivision 09-1 Request.

Planner Smith stated in summary: anything in a three mile radius comes to the Town as there is an agreement with the County. She stated the Turner Minor Subdivision is located out on Hwy 13 but since it is so close to Town limits, the County sent it to the Town for input. Planner Smith stated the parent parcel originally included Lot 1 as well as the remainder of the tract and that had been subdivided many years ago into two parcels. She stated Lot 2 (Kai Turner's property) was to be subdivided resulting in four lots, even though the plat only numbers the three 2.25 acre lots that are being created. She stated in technicality it would create four lots, with the remaining lot being 37.12 acres. Planner Smith stated her

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comment was why the larger lot did not have its own lot number, stating she had presented her comment to Michelle at the County. Planner Smith stated she was told it was something the County would address in their comments. She stated her other question was regarding the acreage on the plat itself, which reflects it as 43.87 acres but in the form it is reflected as 43.89 acres and was unsure which one was accurate. Planner Smith stated the Town doesn't have any comments and inquired if the Planning Commission had any they would like to add.

Chairman Hindman inquired if those lots were for development. Planner Smith stated yes, for single family residential lots with wells and septic systems. Discussion focused on the importance of lot numbering, division of lots, the possibility of subdividing the lots into smaller ones and what the code states, and State codes regarding division of lots.

Commissioner Thayer inquired if they may want to subdivide the lots into smaller pieces and just buying time. Administrator Day stated there is something in the County code that states there is a process to be completed and if they did any more than that, then they would be in a full subdivision situation. She stated if they choose to do it like it is shown, they can't and the Town needed to inquire. Commissioner Griffin stated she thought the State had done away with the Family Subdivision code as it created too many non-conforming lots. She stated the subdivision only consists of three lots and the parent parcel which could be by itself and inquired if they tried to subdivide it again would they have to do another minor subdivision? Planner Smith stated that was the question that she raised with the County, which could involve the 35 acre threshold. She stated she didn't understand the comment Michelle raised, the fact that the original parent parcel for these two lots were then created out of it and already had been through a minor subdivision. She stated there was the technical question as to whether it could go through another minor subdivision, when one of the lots going through a minor subdivision had originally been created through the process of a minor subdivision. Discussion focused on which parcel was the original parent parcel, with Planner Smith outlining the process of the subdividing taking place.

Chairman Hindman stated he didn't have any comments except the checking of the 35-acre threshold. Commissioner Goedert inquired as to how close the minor subdivision was to Town property. Commissioner Rholl inquired if it was something the Town would eventually have to get water to and would it be rezoned. Day stated it would have to be annexed and the highway in front of the property was annexed, but none of the land on that side of the highway. Commissioner Griffin inquired if it was a final plat, how come it was not signed or notarized. Planner Smith stated the document was what they had submitted for the petition process and if it was approved through the County, then it would get signed, notarized and recorded. Commissioner Goedert stated as the lots are sold the people who are purchasing the lots understand there is no city water connections and not to expect any. Chairman Hindman inquired about annexing and if there was one person who wanted to annex does the whole minor subdivision have to annex. Planner Smith stated whoever was seeking the annexation they would have to show that 1/6 of their boundary is contiguous with the Town limits, per State criteria and the Town ordinance. She reiterated whatever the total perimeter of the boundary was, if it was all three property owners or all five owners wanting to annex, whatever the total perimeter boundary, 1/6th of that perimeter had to be contiguous with Town limits which fronts the highway. Additional discussion focused on what happens if the 1/6th criteria was not met, points made during the discussion, and information to disclose when a lot is sold. Planner Smith stated she would make sure the Commissioners' comments were sent to the County.

Press Release Memo - Planner Smith stated the County was seeking a volunteer for the Technical Advisory Group (TAG) for the County Master Plan. She stated they were seeking a volunteer from the Board of Trustees, with Trustee Halandras volunteering to participate. She also stated they were seeking a volunteer from the Planning Commission to participate. Planner Smith stated the Town Staff would be

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involved, but on a different level. The voting members of TAG would come from the different municipalities and organizations. Discussion focused on when the meetings would be held, who from the Planning Commission could attend, and splitting of the attendance at the meetings between Commission members, sharing of knowledge, and issues that arise that could be addressed through Planning Commission meetings. Commissioner Thayer stated she had a problem with that, "if you miss, you aren't going to hear everything and still going to be short changed, whereas, if you have one person for continuity. It is hard to explain everything to everybody of what is covered." Planner Smith stated it would be difficult, prior to an upcoming meeting for the Planning Commission to give direction, based on whatever they were discussing because it would be on the spot voting decisions for what direction the Master Plan should take. She stated one individual's opinion of where they see the county growing and the priority, i.e. transportation or housing, it may not be the alternate's opinion of a priority.

Commissioner Goedert stated he would volunteer to represent the Planning Commission at the Technical Advisory Group (TAG) meetings. He stated if he was unable to attend, he would call the other Commissioners to see if they could attend.

Additional Discussion: Chairman Hindman stated the vote tonight regarding the Public Hearing was unique but had happened before where the Planning Commission was divided on an issue. He stated he wanted to know about the appropriateness of a split and people with their opinions are valued and would like that information to go along with the recommendation. Day stated the Board of Trustees are given the Planning Commission minutes when a Public Hearing is held, so they can read what transpired. Commissioner Rholl stated he wanted to add a comment to be passed along, "instead of denying change for the Town, his thoughts on it all were basically; it is a small town, small town atmosphere, and felt it was really important to people who come to visit Meeker." He stated he is against some things such as fast food restaurants; Vegas type signs, etc. but was the reason why he voted no, to try to retain some of the small town flavor. He also stated he felt that was starting to go away in Meeker. Commissioner Griffin stated it was the same for her. Chairman Hindman stated he voted the other way, but has those same feelings, so it is an issue that pulled in both directions. He stated "you can only stay so long without looking forward, and at the same time, it makes it pretty tough to look back and say "I really miss the way things used to be"

ADJOURNMENT

Commissioner Thayer made a motion to adjourn, seconded by Commissioner Griffin. All ayes, motion carried.

Planning Commission Meeting adjourned 6:33 p.m.

Gary Hindman, Chairman

Joy Thayer, Secretary