

**TOWN OF WINTER PARK
PLANNING COMMISSION
May 25, 2010**

Minutes

- I. The meeting was called to order at 8:00 a.m.
- II. Roll Call indicated present: Dick Norman, Brad Holzwarth, David Michel, Jonathan Larson, Lori Myers, Katie Riemenschneider, and Mike Periolat.
- III. Commissioner Periolat moved, and Commissioner Holzwarth seconded a motion to approve the minutes of April 27, 2010. Motion carried: 7-0.
- IV. NEW BUSINESS

- 1. Special Use Permit

- A. Azteca Mexican Restaurant – patio

Staff recommended approval of the Special Use with conditions:

- 1. That any necessary liquor licensing be obtained prior to any outdoor service.
 - 2. That the tables and chairs are removed on or before the opening day of each winter ski season at Winter Park Resort and reconstructed after the Winter Park Resort spring closing each April.
 - 3. That the Special Use Permit will be valid after a yearly review by staff until June 1, 2015.
 - 4. Any banners placed for the outdoor seating will require a banner permit.

Discussion was held; no public comments were received.

Commissioner Larson moved, and Commissioner Myers seconded the motion to approve Special Use Permit for Azteca Mexican Restaurant. Motion carried: 7-0.

This Special Use will be reviewed by the Town Council on June 1, 2010.

- 2. Conditional Use Permit

- 1. Animated Sign/Allowable Increase in Area for Cooper Creek Square

Commissioner Larson recused himself.

Electronic message signs (animated or moving) are not permitted in the Town of Winter Park per the Town Code without first going through a conditional use permit hearing. The conditional use permit must be approved by the Planning

Commission and the Town Council after a Public Hearing has been held with notification to the adjacent property owners.

An outdoor example of the sign was reviewed plus a site visit to the location of the updated sign. Discussion was held once everyone was back in the chamber.

Public who spoke before the Commission:

Kajsa Anderson, Cooper Creek, Applicant

Joel Lunsford, Lunsford Sign Company

Jason Wisniewski at Watch Fire, sign company of the proposed sign

Recommendations from the discussion:

1. The sign dimensions are 4' H x 9' 5" L x 8" D and shall not be increased without review by the Town.
2. The sign shall be programmed to go to a dark setting (no visible images) at 11:00 pm each night and reengage at 7:00 am the following morning.
3. The sign shall be limited to wording and non-animated graphics. No flashing, undulating, moving, swinging, rotating, blinking, scintillating, fluctuating, or otherwise moving objects shall be permitted.
4. The sign shall be installed with the optional photocell to allow the sign to adjust the brightness throughout the day as weather conditions dictate.
5. The time limit between messages shall be no less than 10 seconds.
6. Colors used in the messaging and background must be in compliance with the Town Sign Code.
7. The content of the messages shall include community events, promotional activities, and promotional specials for Cooper Creek tenants. The messages shall exclude specific pricing references that would give an unfair advantage to Cooper Creek businesses competing with similar businesses within the Town.
8. The brightness of the sign shall not be greater than .3 foot candles above ambient light. Town staff shall have the authority to require the foot candles be reduced if the brightness is affecting public health, safety, and welfare of the citizens.
9. The electronic sign pixels shall be 16 millimeter or less.
10. The electronic message sign must be maintained in good working condition and shall be reviewed by Town staff annually to insure proper maintenance is being conducted.
11. Town staff shall review the sign prior to installation and three months and six months after installation to ensure the messages have proper timing between them, the color scheme is in compliance with the code and the lighting is not too bright.
12. The electronic sign shall be permitted in the approved location for the duration of the sign. If the sign becomes inoperable as defined in the Town Sign Code, this Conditional Use Permit shall be void.

Commissioner Michel moved, and Commissioner Riemenschneider seconded a motion to approve the proposed Conditional Use Permit for Cooper Creek for their electronic sign. Motion carried: 5-2.

This Conditional Use Permit will be reviewed by the Town Council on June 1, 2010.

The Commission recommended approval based the following findings of fact-

There are unique characteristics of Cooper Creek Square that create the need for such signage. The characteristics include:

- the depth of the building from Highway 40 is unique in the Town and it hinders businesses that are not visible from the highway from having proper signage along the highway, and;
- this electronic message sign will meet the variety of needs of the businesses that do not have highway frontage, and;
- this sign will serve a variety of business versus just one individual business, and;
- the complex hosts a diversity of special events that need to be properly promoted and this sign will provide the ability to effectively advertise those events.

Commissioner Michel moved, and Commissioner Periolat seconded a motion to draft a resolution about the finding of facts for the approval of the Conditional Use Permit for Cooper Creek. Motion carried: 6-1.

Copper Creek has also requested an allowable increase in area, Section 6-2-7-7 E of the Sign Code states that the Planning Commission may allow an increase in the sign area up to one hundred percent (100%) in such instances where there are two separate fronts not visible from one location or when the multiple use facility is accessible from two or more streets. The codes states that no more than 30 square feet of sign copy per business may be visible on any building from any one location.

CCS is requesting to install five blade signs on the east side of Cooper Creek Square to advertise the five restaurants in the complex that do not have Hwy 40 frontage. There are currently five colored flags that would be removed and replaced with these blade signs. The signs would be 3' by 10' (two-sided) and backlit. This request is in compliance with the Sign Code and would qualify for the additional signage as the restaurants do not have visibility from Highway 40. If the Planning Commission was in favor of the request, staff recommended the following conditions be required:

1. Any sign blade would require a separate sign permit from the Town of Winter Park.
2. Sign blades shall only be available for those businesses without Hwy 40 frontage.

Discussion was held.

Commissioner Michal moved, and Commissioner Periolat seconded a motion to approve the blade signs with the added conditions that only 5 blades are allowed on Hwy 40 and that condition 2 above be removed. Motion carried: 7-0.

CCS is also requesting to install a secondary identification sign on the north side of the building with a tenant directory panel. The secondary identification sign is in compliance with the Sign Code but the tenant directory panel would need to be approved by the Planning Commission as an allowable increase in area. They are requesting to have the potential for 21 tenants to have a secondary sign that would be approximately 8.02 square feet each and backlit. The signage would be used for tenants that do not have Hwy 40 frontage and would not be advertised on the blade signs as discussed above. Staff is concerned that the proposed box is very large and if there are not 21 tenants to fill the space then the Town and CCS would be left with a large box filled with blank signs. Staff recommended CCS consider revising this proposal and determine if a row of boxes could be added as needed to eliminate the large blank box potential. CCS would like the Commission to discuss this concept and provide them with feedback.

Discussion was held on this and Cooper Creek received feedback that they requested.

3. Single Family Design Review

A. Brigitte Baeuerle, lot 14, Hideaway Village – 999 Vasquez Road

Staff recommended approval of the one car garage design and site plan for Lot 14, Hideaway Village, with the following conditions:

1. Prior to installation, any new light fixtures must be approved by Town staff.
2. No site clearing shall be permitted until the limit of disturbance and building footprint are marked in the field and inspected, verified and accepted by Town staff.
3. Any disturbed areas on the site shall be revegetated with an appropriate seed mix per the Single Family Deposit Agreement.
4. Approved drainage and erosion control shall be in place prior to and throughout site preparation and construction and through successful revegetation.

Commissioner Periolat moved, and Commissioner Larson seconded a motion to approve the single family design review for Brigitte Baeuerle, lot 14, Hideaway Village – 999 Vasquez Road. Motion carried: 7-0.

4. Town Code Amendment – Title 7 Zoning

At the joint workshop on April 13th, staff was directed to amend the special use permit regulations to allow applications that involve the use of public right-of-way or public property to be reviewed by Town Council without a recommendation of the Commission.

Recommended changes to be added to the code by staff.

Two new definitions were given to add to the amendment:

Outdoor Vendor – The act of selling or offering for sale, wares, goods, merchandise, food or services with or without a display apparatus, for a

temporary period, from a location outside of a building on private property.
Street Vendor – The act of selling or offering for sale, wares, goods, merchandise, food or services with or without a display apparatus, for a temporary period, on public right-of-way or public property.

Street vendor applications shall not be referred to the planning and zoning commission for review and shall be referred directly to the town council. The town council shall follow the same procedures as outlined in this chapter with the exception that section 7-9-2D and 7-9-3B-3 of this chapter shall not apply to such applications.

A condition was added that a permit can be revoked for failure to use such permit within six (6) months of issuance.

Discussion was held.

Commissioner Periolat moved, and Commissioner Riemenschneider seconded a motion to approve the changes in the sign code. Motion carried: 7-0.

5. Sign Code – Proposed Amendments

Planner Shockey reviewed the recommended changes in the Sign Code from the previous meeting. The Planner also reviewed the requested information the Commission had ask for from the staff on proposed changes. Discussion was held.

Commissioner Michel moved, and Commissioner Periolat seconded a motion to approve the changes in the sign code. Motion carried: 7-0.

The Sign Code will be reviewed by the Town Council on June 15, 2010

6. Resignation

Commissioner Michel announced his resignation from the commission and the Commission accepted.

V. Staff Update

- Snowcreek Townhomes
- Lakota
- Vintage lot paving

Upon a previously adopted motion, the meeting was adjourned at 10:16 a.m.