

**PLANNING AND ZONING COMMISSION ACTION ITEM
STAFF SUMMARY
DECEMBER 5, 2018 PLANNING AND ZONING COMMISSION MEETING**

DATE: November 29, 2018

AGENDA ITEM NUMBER: 4

ACTION TO BE CONSIDERED:

Consideration of Resolution No. PZ 17-18, Series of 2018. **PUBLIC HEARING**
A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A VARIANCE ASSOCIATED WITH THE INSTALLATION OF A BUSINESS AREA DIRECTORY SIGN ON TRACT A-R OF THE RED MOUNTAIN PLAZA SUBDIVISION, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

SUMMARY:

Red Mountain Plaza Owners Association (“**Applicant**”) is the owner of common area real property located at 701, 703, 705, & 707 E. Anemone Trail, Dillon, Colorado, and more specifically, Tract A-R of the Red Mountain Plaza. The proposed sign is within a predominantly commercial area of town where numerous businesses have freestanding signs.

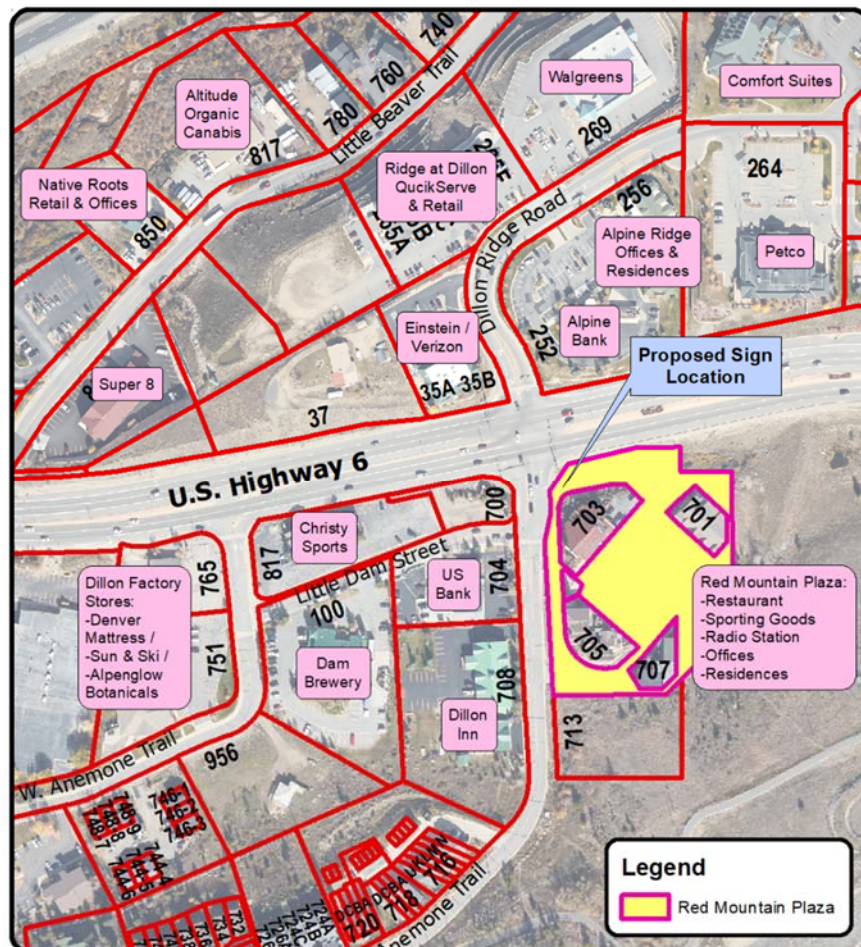


Figure 1. Vicinity Map and Surrounding Businesses

PUBLIC NOTICE:

The required public notice was provided in mailings to property owners within 300 feet of the subject property, legal notice in the newspaper, public postings at Dillon Town Hall and the Post Office, and by posting the site. Said public notification was done in accordance with the requirements set forth in the Dillon Municipal Code.

VARIANCE REQUEST:

The Applicant seeks a variance from certain sign regulations set forth in the Code to overcome certain hinderances to installing a freestanding Business Area Directory Sign on the property. The site is physically challenged in a way that is different than properties in the community. There is limited available space due to numerous easements and utilities, property line constraints, and the site further suffers a hardship in that it has a large stormwater detention area between it and the street frontage of U.S. Highway 6 and East Anemone Trail making the only viable signage area a depressed area well below the surrounding roadway surfaces. The site is further hindered from a clear view for low-lying signage due to the fact that the Town stockpiles snow removed from the roadway in the immediate vicinity of the proposed sign, and the detention pond area receives all of the snow and traction sand removed from the Red Mountain Plaza development.

The proposed Business Area Directory sign provides identification for the Red Mountain Plaza and will provide sign panel locations for the businesses within the four (4) buildings located in the Red Mountain Plaza Subdivision. The variance is requested due to the hardship created by the topography of the site and aims to:

1. Allow for the Business Area Directory sign to be a freestanding sign and not specifically a monument sign; and,
2. Increase the sign height to allow for the height to be measured from an adjacent road surface (E. Anemone Trail) rather than the ground elevation of the depressed area in which the sign is to be installed

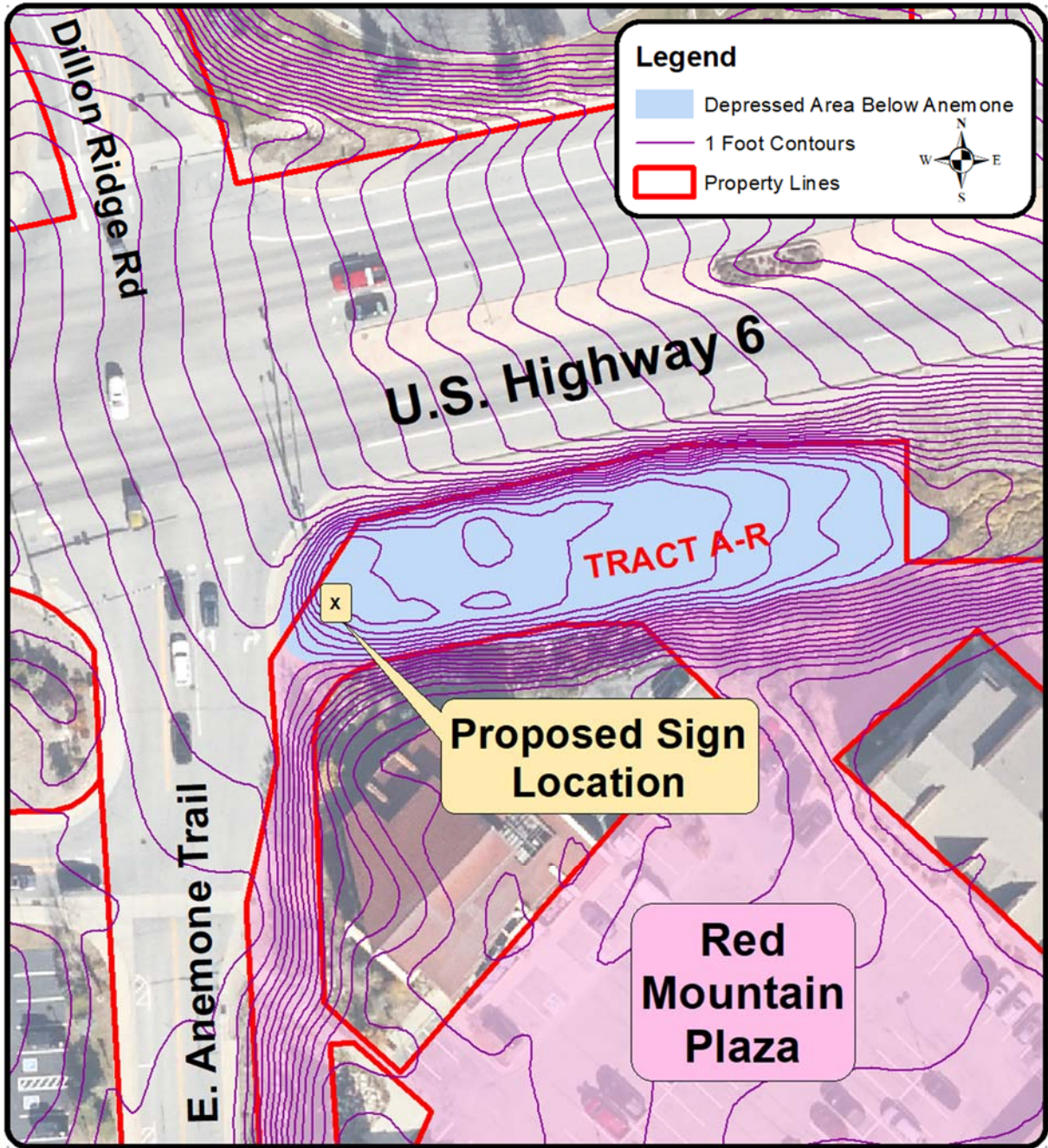


Figure 2. Sign Location in the Depressed Area Adjacent to E. Anemone Trail

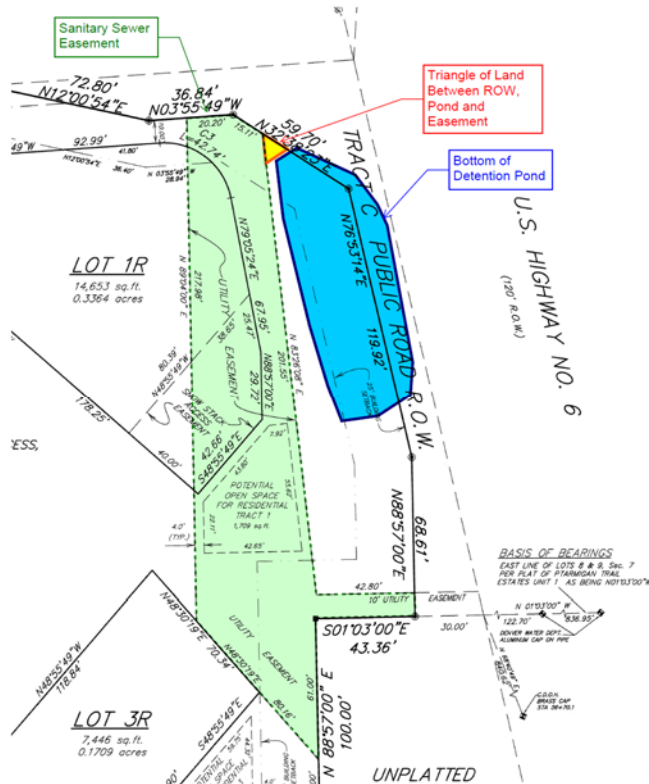


Figure 3. Sanitary Sewer Easement and Detention Pond Constraining Sign Location

SIGN ZONE:

The proposed sign is located within Sign Zone B on the lot located in the Mixed use zone district.

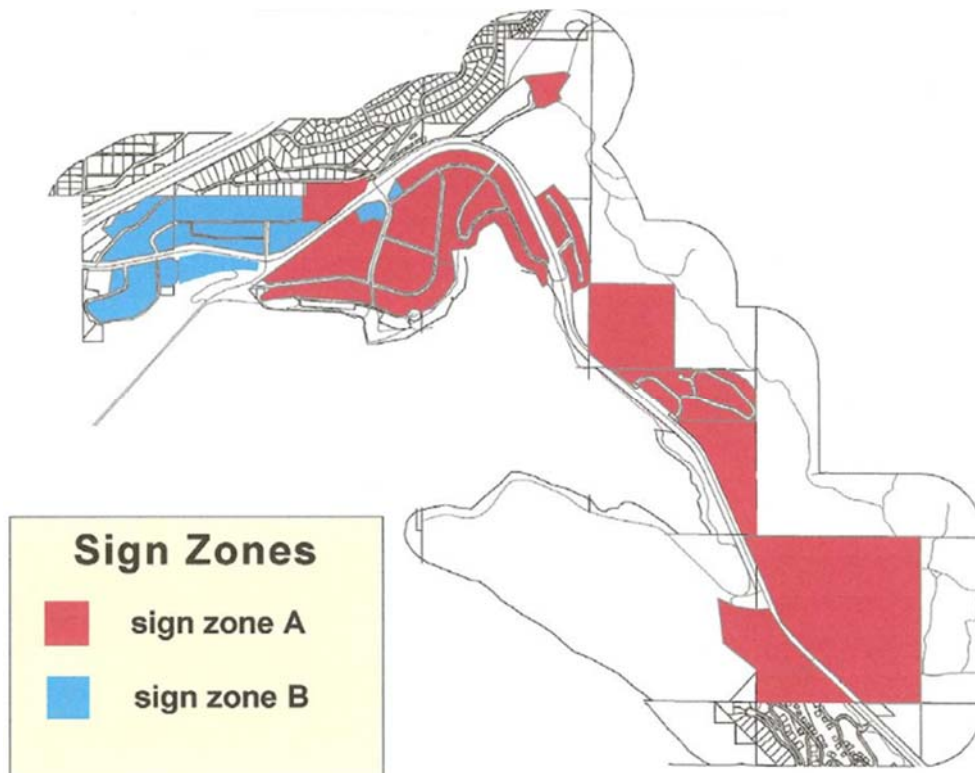


Figure 4. Sign Zone Map of Dillon

PROPOSED BUSINESS AREA DIRECTORY SIGN:

A total of one hundred (100) square feet (one face) of signage for a Business Area Directory Sign to be constructed as a freestanding sign with a measured height of eighteen (18) feet above the adjacent roadway surface of E. Anemone Trail.

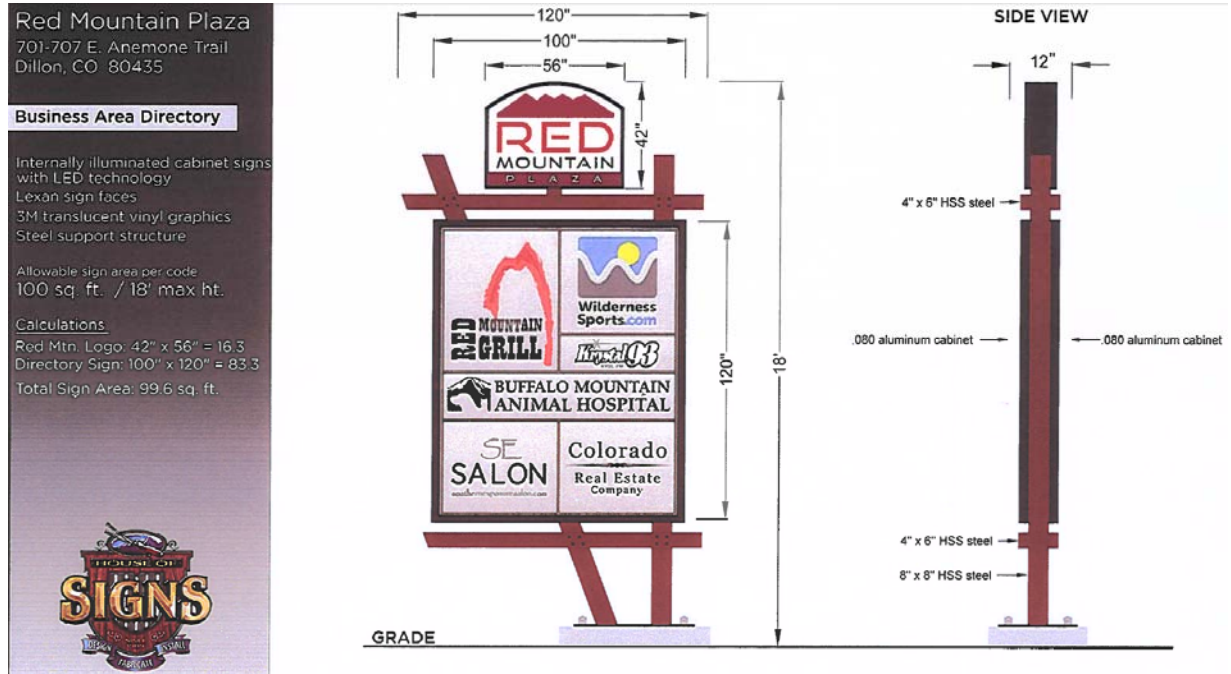


Figure 5. Sign Dimension, Design and Style Plan



Figure 6. Sign Rendering

SIGN REGULATIONS:

Sign Zone B provides for the following signage regulation relating to Freestanding and Business Area Directory Signs:

1. Freestanding signs within Sign Zone B may be eighteen (18) feet high (Section 16-11-260(c)(2)). A Freestanding Sign is defined as “*a sign that is supported by one (1) or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground where no part of the sign is attached to any part of a building, structure or other sign; the term includes pole sign, pedestal sign, monument sign, public information sign and ground sign*” (Sec. 16-11-20).
2. A Business Area Directory sign is defined as “*a monument sign designed to advertise two (2) or more businesses contained within the same nonresidential subdivision or planned unit development*” (Sec. 16-11-20).

Business Area Directory Signs may be allowed by the Planning and Zoning Commission when they meet the following standards and criteria found in Section 16-11-230 of the Code:

- (1) They must provide direction to a separate and distinct business area of the community which is composed of a nonresidential subdivision or planned unit development. The business area must have at least two (2) businesses and a minimum of two (2) platted lots.
- (2) They must be designed as a monument sign.
- (3) They must meet the height limitations set forth in Subsection 16-11-260(c) of the Code.
- (4) No individual business sign on the business area directory sign may exceed fifty (50) square feet, and the total size of the directory sign may not exceed one hundred (100) square feet. The signage allowed on a business area directory sign is considered additional signage and does not count against the allowable sign area established by the Code for each business.
- (5) The monument shall be a combination of materials, including stone or brick at the base and heavy timbers as the standards, or alternative materials as may be approved by the Planning and Zoning Commission.
- (6) Unless otherwise authorized as part of an approved planned unit development, there may only be one (1) business area directory sign per nonresidential subdivision or planned unit development, and no individual business may have more than one (1) sign.
- (7) The area around the monument sign shall be landscaped in a manner that provides twice the landscaped area and landscaped materials as required for monument signs placed on site.
- (8) No two (2) business area directory signs may be within three hundred (300) feet of each other.
- (9) All businesses placed on the business area directory sign must be in compliance with all Town regulations concerning zoning and signage.
- (10) The sign shall be designed in a manner where signs may be replaced when businesses change within the area.
- (11) All individual signs, with the exception of the text on the sign, shall be of the same materials, colors, letter sizes, sign sizes, etc. Each individual insert or sign

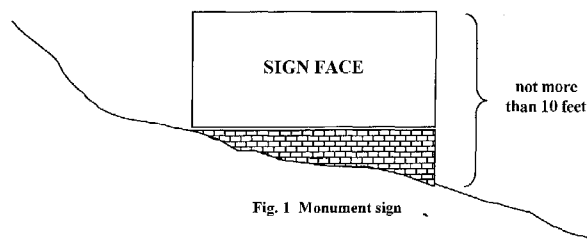
must be similar to all other individual signs on the business area directory sign.

(12) The business area directory sign must be placed on one (1) of the lots contained within the nonresidential subdivision or planned unit development and shall count as the freestanding sign allowed for that lot.

(13) The sign and landscaping must be maintained by the businesses which erect it.

(14) The sign may not be placed on any public rights-of-way, nor may it be placed in a manner where it blocks proper sight line at intersections.

3. Monument sign is defined as “a freestanding sign of not more than ten (10) feet in height that includes an architecturally designed base or column which is constructed of stone, brick, timbers or other similar material and is designed to be architecturally compatible with the design of the project” (Sec. 16-11-20).



4. Only fifty percent (50%) of the surface area per sign face shall be counted against allowed sign area. The two (2) sides of a double-faced sign must be parallel back to back and no thicker than twelve (12) inches (Sec. 16-11-190).

The Red Mountain Plaza Business Area Directory Sign Variance Application is in general conformance with the requirements set forth in the Sign Regulations of the Code, except that they propose a Freestanding Business Area Directory Sign that is not a Monument Sign as defined by the Code, along with a variation from the Code sign height measurement by proposing a Freestanding Business Area Directory Sign that is eighteen (18) feet high as measured from the roadway elevation of the adjoining E. Anemone Trail Right of way, rather than from the existing grade at the base of the sign.

COMPLIANCE WITH DILLON COMPREHENSIVE PLAN & GOALS OF THE TOWN:

This Sign Variance Application is in general conformance with the goals of the Town of Dillon Comprehensive Plan.

The proposed signage helps with the vitality of a portion of the business community of the Town that is currently underserved and disadvantaged with a lack of effective signage based on a hardship created by landforms not typical within the community. Town goals aim to support the vitality of the community.

PLANNING COMMISSION AND TOWN COUNCIL ACTION (PROCEDURE):

The Planning and Zoning Commission, after review of the Variance Application under the Level III development review process (Sections 16-2-200 through 16-2-260 of the Code) and any accompanying sign application, shall either recommend approval of the application, with or without modifications and conditions, continue the public hearing to a future meeting or recommend denial. An approval of a Variance shall be based on the following circumstances set forth in Chapter 16 “Zoning”, Article X “Variances” of the Code as follows:

Sec. 16-10-20. - Authorization to grant or deny variances.

The Planning and Zoning Commission may authorize variances from the requirements of this Chapter [Chapter 16 “Zoning”] where it can be shown that, owing to special and unusual circumstances related to a specific property or use, strict application of this Chapter [Chapter 16 “Zoning”] would cause an undue or unnecessary hardship. No variance shall be created to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located, or based solely on issues related to cost or inconvenience to the applicant. In granting a variance, the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this Chapter [Chapter 16 “Zoning”].

Sec. 16-10-30. - Circumstances for granting a variance.

A variance may be granted only in the event that all of the following circumstances exist:

(1) Special or unusual circumstances apply to the property or use which do not apply generally to other properties or uses in the same zone or vicinity regarding the physical nature of the property.

The unusual, regional drainageway that runs between the property and the primary highway frontage causes a circumstance that disadvantages and creates a hardship for the property compared to other properties generally found in the area with regards to establishing signage visible from adjoining roadways.

(2) The variance would not be materially detrimental to the public health, safety or welfare, to the purposes of this Chapter or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any Town plans or policies.

The proposed signage will not be materially detrimental to the public health, safety, or welfare of the community.

(3) The variance requested is the minimum variance which would alleviate the hardship.

The proposed variance is the minimum variance to alleviate the hardship. The variance provides for the display of signage that will assist the public by being viewable from the adjoining roadways.

Once the recommendation has been received from the Planning and Zoning Commission, the Town Council shall be notified of the Commission’s decision and the Council shall then have the opportunity to call the Variance Application up for their own review. A public hearing would then be scheduled following the Council’s decision to call up the application. The Planning and Zoning Commission’s decision stands if not called up by the Town Council.

ACTION REQUESTED: Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

DEPARTMENT HEAD RESPONSIBLE: Scott O’Brien, Town of Dillon

p:\pnz\ressupportdocs\2018\pz17-18_redmountainplaza_sign\staff-summary_res pz_17-18_red-mountain-plaza_signage.docx

RESOLUTION NO. PZ 17-18
Series of 2018

A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, APPROVING A LEVEL III DEVELOPMENT APPLICATION FOR A VARIANCE ASSOCIATED WITH THE INSTALLATION OF A BUSINESS AREA DIRECTORY SIGN ON TRACT A-R OF THE RED MOUNTAIN PLAZA SUBDIVISION, DILLON, COLORADO; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Planning and Zoning Commission of the Town of Dillon (“**Planning Commission**”) has received a Level III Development Application from Red Mountain Plaza Owner’s Association (the “**Owners**”) for a variance from the Town Code (“**Application**”), to install a Business Area Directory sign as a freestanding sign for the Red Mountain Plaza subdivision more specifically located on Tract A-R, Red Mountain Plaza Subdivision, Dillon, Colorado; and

WHEREAS, Tract A-R is solely owned by the Owners, and was dedicated as common area on the subdivision plat named “First Amended Final Plat of Resubdivision of Tract A, Red Mountain Plaza, Town of Dillon, Summit County, Colorado,” as recorded on June 21, 2000 in the office of the Summit County Clerk & Recorder as Reception No. 625259; and

WHEREAS, the Planning Commission has determined that the Application is complete; and

WHEREAS, the Planning Commission has determined that the criteria for a variance to the Town’s sign regulations set forth in Sections 16-11-100 and 16-10-30 of the Dillon Municipal Code have been met by the Applicant; and

WHEREAS, following the required notice, a public hearing on the Application was held on December 5th, 2018, before the Planning Commission; and

WHEREAS, following the public hearing the Planning Commission has made certain findings of fact regarding the Application and has determined that certain conditions which are reasonable and necessary to and relate to impacts created by the development should attach to the approval of the Application for a variance from the Town Code to install a Business Area Directory sign as a freestanding sign on Tract A-R, of the Red Mountain Plaza Subdivision.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. That the Planning Commission, following the required notice, held a public hearing on December 5th, 2018 on the Application, and following said public hearing makes the following findings of fact:

- A. That the Application is complete.
- B. That the Application meets the applicable Town of Dillon Municipal Code (“Code”) requirements.
- C. That the Application is compatible with the Mixed Use Zoning District.
- D. That the Application is in general compliance with the Town of Dillon Comprehensive Plan.
- E. That it is appropriate to grant the variance requested in the Application because the criteria for a variance to the Town’s sign regulations set forth in Sections 16-11-100 and 16-10-30 of the Dillon Municipal Code have been met by the Applicant, and specifically:
 - 1. Between the highway and the development, a large detention pond and a wide Town of Dillon sanitary sewer easement exist which push the location of the sign back against the buildings a significant distance away from Highway 6. The limits of the southern edge of the sewer easement would force the sign to be installed within ten feet of the building on Lot 1R. This forces the sign to be installed behind the approved landscaping and would block the main sign mounted on the Lot 1R building. Therefore, installing the sign to the south of the detention pond and the sewer easement is not practical and the sign would not be very visible from Highway 6 rendering it useless.
 - 2. There is a small triangle of land between the detention pond, the sewer easement and the East Anemone Trail right-of-way on which the sign could be placed which would be in front of the landscaping for the development, creating the desired sign visibility from Highway 6. However, the allowable sign location would sit in a hole approximately 6’-8’ below the E. Anemone Trail street grades, because it is on the slope between the bottom of the detention pond and E. Anemone trail.
 - 3. Town Code Section 16-11-230, requires that Business Area Directory signs be designed as a monument sign. The definition of a “*Monument sign*” in Town Code Section 16-11-20 states that a monument sign can only have a maximum height of 10 feet. If the Business Area Directory sign were installed as a Monument sign with a maximum height of 10’ measured from the lowest point of the ground around the sign monument base, the top of the sign would only be 2’-4’ above the street grade. Additionally, the sign could also be completely blocked from view by an additional windrow of snow along the edge of E. Anemone Trail that is 2’-4’ high during the winter months. So, the first variance requested is to allow the sign to be designed as a freestanding sign in conformance with Town Code, and allow the height of the sign to be a maximum of 18’ in height as allowed in Sign Zone ‘B’.

4. The requested variance to allow the business area directory sign to be a freestanding sign will also minimize the size of the footprint of the sign foundation. Since the sign must be installed on a sloped hillside, it is more practicable to install a freestanding sign with a small footprint and singular sign support post than a monument sign with a large footprint.
5. Due to the issue with setting the sign on a hillside in a hole below the street grade, the second variance requested is to allow the height of the sign to be measured from the adjacent street grade and not the ground adjacent to the sign foundation. A freestanding sign in Sign Zone B is allowed a maximum height of 18 feet. When measured from the street grade, it would be more in line with how signage is typically displayed within this sign district and allow the bottom of the sign to sit above the windrow of snow during the winter months.

Section 2. That the Planning Commission hereby approves the Application and the Level III Development Permit for a variance for the installation of a Business Area Directory sign on Tract A-R of the Red Mountain Plaza Subdivision, Dillon, Colorado with the following conditions:

- A. That the Business Area Directory sign be designed and installed as a freestanding sign to minimize the footprint of the sign, and that the height of the sign conform to the maximum allowable allowable sign height in Sign Zone B.
- B. That the height of the sign be measured from the eastern edge of asphalt elevation in East Anemone Trail directly adjacent and across from the Business Area Directory sign.

APPROVED AND ADOPTED THIS 5th DAY OF DECEMBER, 2018 BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION,
TOWN OF DILLON**

By: _____
_____, Chairperson

ATTEST:

By: _____
Kelly Stevens, Secretary to the Commission

Reed Property Management, Inc.
PO Box 3191
Dillon, CO 80435
(970) 468-0939
ReedProperties.com@gmail.com

Red Mountain Plaza Owners Association

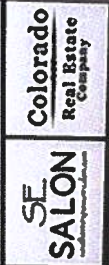
To: Town of Dillon

As President of the HOA, I approve on behalf of the Red Mountain Plaza Owners Association and all of its members of the Sign Application as seen attached.

X 

Steve Kauffman

 <p>RED MOUNTAIN 1000 S. 20th St. Suite 100 Boulder, CO 80502</p>	 <p>Wilderness Sports.com</p>	 <p>BUFFALO MOUNTAIN ANIMAL HOSPITAL</p>	 <p>Colorado Real Estate Company</p>
 <p>MOUNTAIN GRILL</p>	 <p>BUFFALO MOUNTAIN ANIMAL HOSPITAL</p>	 <p>SE SALON</p>	



Red Mountain Plaza
 701-707 E. Anemone Trail
 Dillon, CO 80435

Business Area Directory

Internally illuminated cabinet signs with LED technology
 Lexan sign faces
 3M translucent vinyl graphics
 Steel support structure

Allowable sign area per code
 100 sq. ft. / 18' max ht.

Calculations

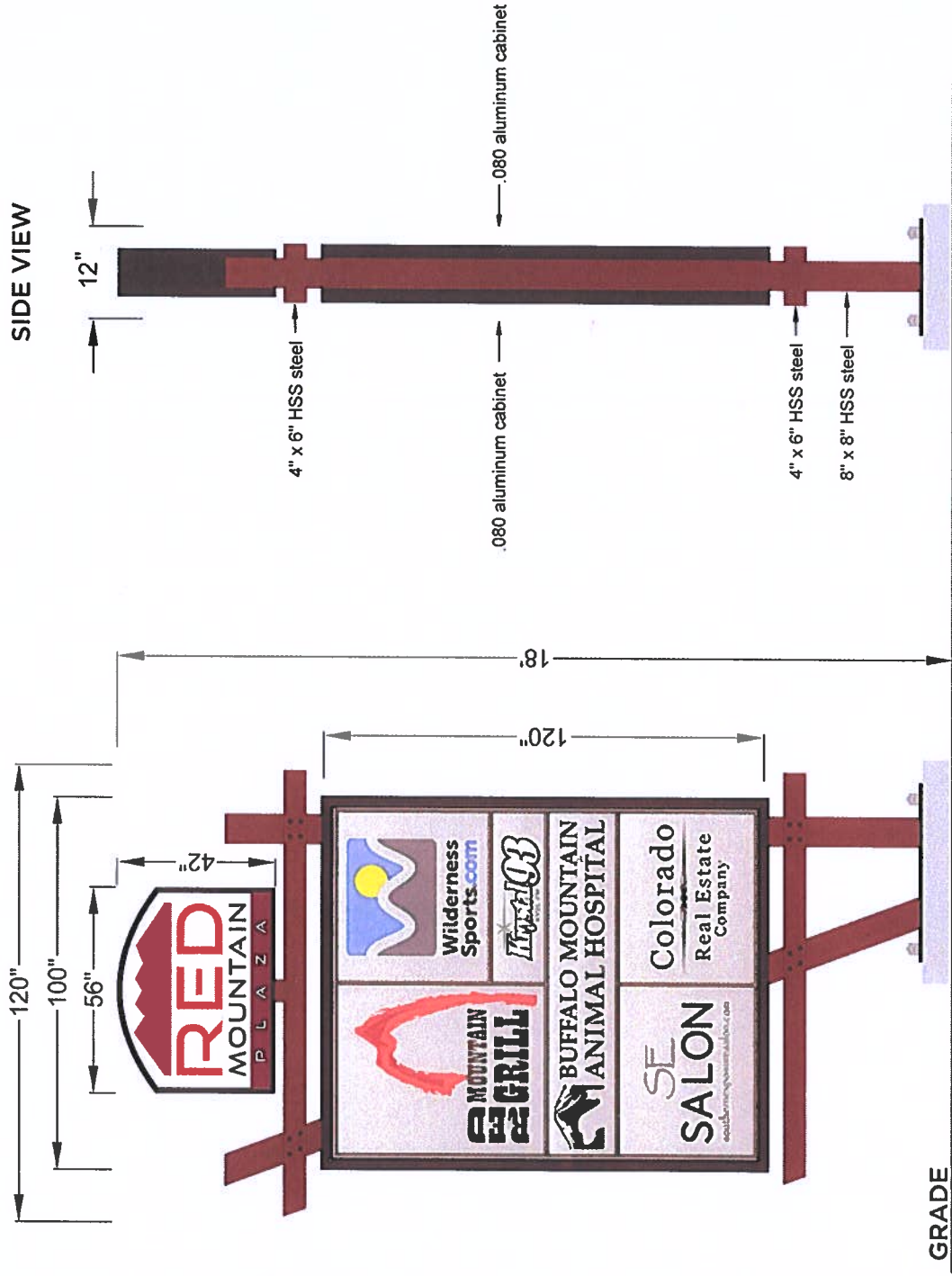
Red Mtn. Logo: 42" x 56" = 16.3

Directory Sign: 100" x 120" = 83.3

Total Sign Area: 99.6 sq. ft.



10/16/2018



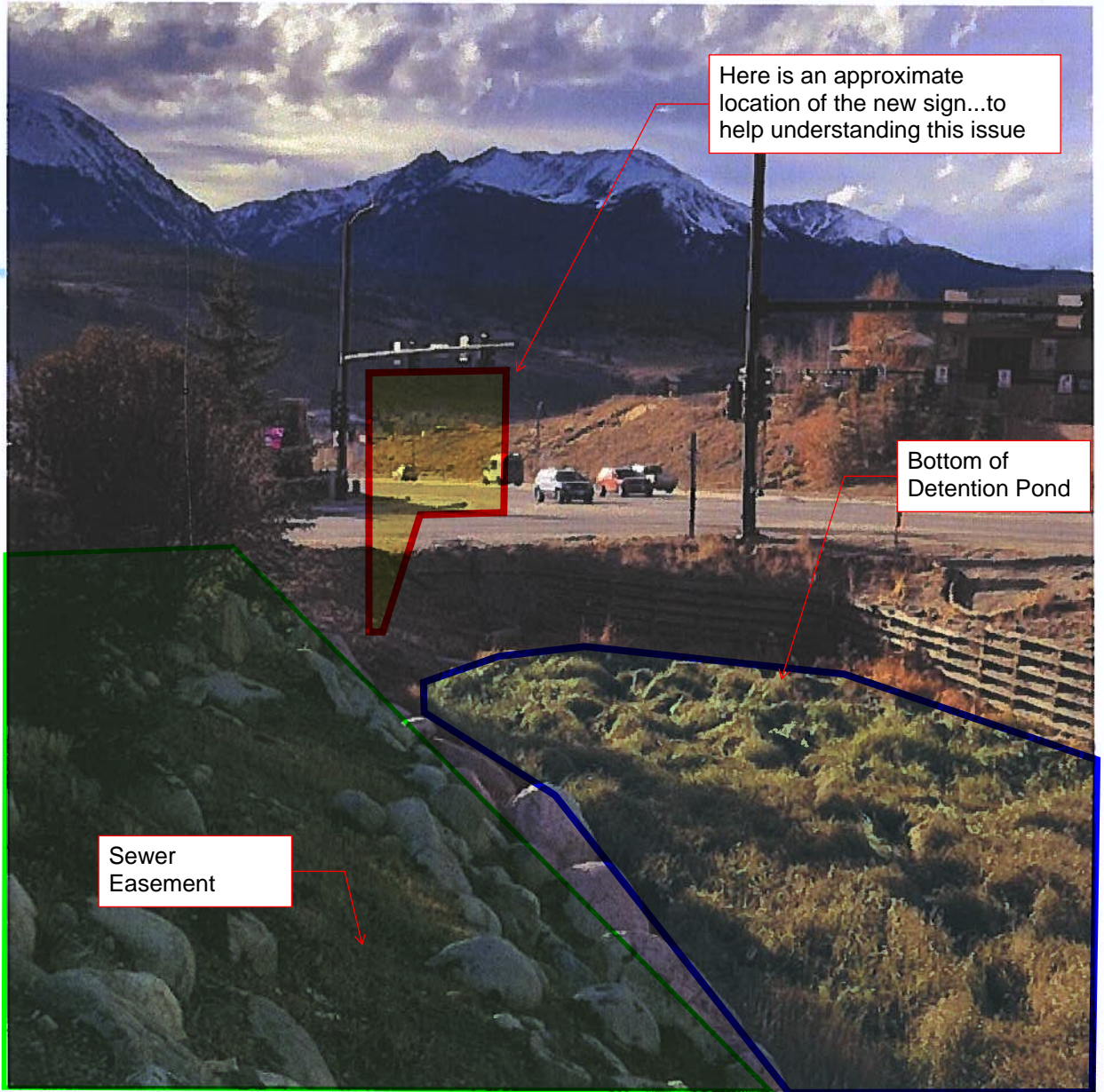
RED
MOUNTAIN
PLAZA

 RED MOUNTAIN GRILL	 Wilderness Sports.com
 BUFFALO MOUNTAIN ANIMAL HOSPITAL	 Colorado Real Estate Company
 SE SALON	

STOP
HERE ON
RED
←

RED
MOUNTAIN
PLAZA

 <p>RED MOUNTAIN GRILL</p>	 <p>Wilderness Sports.com</p>
 <p>BUFFALO MOUNTAIN ANIMAL HOSPITAL</p>	 <p>Hospital 103</p>
 <p>SE SALON</p>	 <p>Colorado Real Estate Company</p>



shows how cars would never see our sign if it was limited to 10 feet height