

**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, June 26, 2018**

Minutes

- I. The meeting was called to order at 8:00 am.
- II. Roll Call indicated present: Brad Holzwarth, Mike Davlin, George Stevens, and Dave Barker.
- III. Town Hall Meeting – no comments were received.
- IV. No minutes to approve.
- V. Conflicts of Interest – no comments were received.
- VI. NEW BUSINESS:

- A. Design Review Amendment – Sitzmark Building G & H

Planner Owen Presented the Staff Report.

The Hideaway Station Phase II Mixed Use project is proposed to be constructed on Lot 1B, Parcel 4 of the Winter Park Mixed Use Development Minor Subdivision that is located within the Town of Winter Park and at the southeast intersection of Telemark Drive and US 40. Parcel 4 is approximately 2.6 acres.

The Planning Commission previously reviewed and approved the original design on December 12, 2017.

Since that approval, there have been updates to the site plan, and the exterior material palette has been revised slightly. Below is a list of those changes:

- Site Plan - Building F has been deleted and additional parking has been provided east of Building H.
- Hardscape areas have been adjusted to reflect the reconfiguration of the site plan east of Building H.
- Landscape Plan – The landscape plan has been updated to reflect the site plan revisions.
- Engineering Plans – The engineering plans have been updated to reflect the site plan revisions.
- Some window/wall placements within the commercial element have been updated slightly to specifically accommodate a restaurant use.
- Exterior Material Palette – The exterior material has been updated to a 1" standing seam panel that will be applied in a pre-rusted condition and allowed to patina naturally over its lifespan. In the elevations, both the future patina and the initial patina are shown. The previous material palate consisted of weathered steel panels and gray/charcoal cementitious lap siding. The siding material has not changed.

Planner Owen stated that those changes are in compliance with Town standards.

Staff recommended the Planning Commission approve the updated design for Buildings G & H with the following conditions carried over from the previous approval:

- Approved drainage and erosion control shall be in place prior to site preparation, during construction, and through successful revegetation.
- No site clearing shall be permitted until staff has verified the Pre-Disturbance Checklist has

been implemented on the site.

The following reports shall be approved by staff prior to issuance of a building permit for vertical construction (foundation exempted).

Grading and Drainage Plan
Road Plan
Storm Drainage Plan
Erosion Control Plan
Stormwater Permit

Discussion was held by Commission

- The siding material was discussed. Painted rusted vs natural rusted.
- Need more information about the sky light, what type of material. Could it faded over time?
- The color of the door was discussed, it was not identified on the plans.

Commissioner Davlin moved and Commissioner Barker seconded approval of the Design Review Amendment with the conditions listed. Motion Carried: 7-0.

B. Local Experience Sign Permit Request

The owner of Local Experience, Eric Russell, is requesting the Planning Commission determine if a mural and photo stand-in are considered signage that should count toward his overall square footage for his business.

In 2017, Mr. Russell commissioned a painter to create a mural on the side of the building he is leasing for Local Experience, a shoe and boot shop. The mural consist of a yeti that is walking toward the store, there are footprints painted on the wall and the wording OPEN. The mural is 15' x 11', approximately 165 square feet. Mr. Russell has provided additional information about mural with photos.

In addition to the mural, there is also a photo stand-in that has two Yeti's painted on it and the name of the store on the bottom. The photo stand-in allows customers to get their picture taken as a yeti and provides fun and entertainment for adults and kids.

Sign Code:

Section 6-2-7-10 of the Sign Code addresses the creation of murals. It states "artistic murals shall be in compliance with section 6-2-4 of this chapter prior to the creation of such murals." Section 6-2-4 is the administrative procedures for the code. It states that a sign permit is required prior to installation of any sign in the town. A sign permit was never issued for this mural.

The code defines murals as "any painted design which covers all or a major portion of a wall, building façade, or other structure for the purpose of displaying an art piece; not meant for the purpose of advertising."

Staff requested the Commission consider if either of these items should be considered a sign or if they are exempt from the code. The applicant has stated that the yeti is not part of his brand and therefore should not count as part of the signage. The yeti is displayed on their delivery van and yeti footprints on located on the main sign entering the business. The Commission will need to determine if the yeti is part of the brand. This will determine if the mural is an art piece or is an advertising product.

The photo stand-in could also be considered advertising if the yeti is determined to be part of the brand for Local Experience. The applicant has pointed out that Cooper Creek Square also has a photo stand-in that has their name on it. The photos are of bunnies and other creatures not related to the businesses in the building.

The applicant currently has the following permitted signage on the property –

- 15.5 square foot main entrance sign – hanging above the door.
- 20 square foot identification sign on the multiple use facility identification sign post for the property.

- This sign also advertises the Viking and Sweet Charlies.
- Sandwich board
- A tent with the Local Experience logo on the tent (used in the summer months).

The applicant is currently maxed out on the allowed square footage for the business.

Staff requested direction from the Planning Commission on the mural and the photo stand-in. The Commission will need to determine if either item is considered an advertising device.

Eric Russel with Local Experience:

The applicants intent with the mural was to draw more attention to a building that did not have much activity at the time, felt more blah, and to help identify the front entrance since it is kind of hidden. The mural shows a yeti drawing back the bricks of the wall to expose the interior of Local Experience including their open sign. The applicant wanted to bring attention to the lost entrance to this building, not necessarily to advertise for their business. The applicant will not be in this space long term, so is requesting to keep the mural up for the remainder of their time there until December/November.

The applicant also sees the photo stand in as more of an activity and less of a branded sign, to bring people over, and add some activity to the corner. The yeti photo stand in is very popular with many people using it every day. The applicant is more than willing to past over the text that says "Local Experience" on the photo stand in, but at the time they made it thought it would be allowed since Cooper Creek Square has a similar photo stand in, less than 100 yards away with their business name on it.

Discussion was held.

Concerns:

- Commissioner Stevens asked if staff could determine how much "over" their signage allotment this business was.
 - Staff has determined that the existing signage (15 sf above the door, 20 sf on the monument sign, the sandwich board, and the tent with local experience logo and signage) equals the 45 sf that they are allowed by code. So they are currently maxed out on their allowed square footage.
- Staff clarified that the parking signs with their name on it counts for the whole complex since it has other names and does not count towards their signage square footage, and their branded van as long as it is used for regular deliveries and is not just parked permanently out front, is not considered signage.
- Commissioner Holzwarth asked about signage on the south side of the building, the answer was no, they do have signage on the north side in the window, but is 3 feet back from the windows which doesn't count towards signage allotment.
- Commissioner Holzwarth asked staff if they considered the corner lot regulations in the calculations since this building sits between two roads and has entrances not visible from the road, and the code has additional allowances for those circumstances.
 - Staff is concerned mainly with the mural since if it is considered advertising, it is a total of 156 square feet which would be above any sign allotment regardless of additional allowances for hidden entrances and corner lots.
- Commissioner Robbins asked if the Cooper Creek Square photo stand in was part of their signage.
 - Cooper Creek Square is not considered part of their signage since it is the name of the complex, not an individual business, and it also is somewhat removed from their brand since it only has bunnies and flowers on it.
- Commissioner Stevens asked the applicant about leaving the building?
 - The applicant stated that they have had issues with this building and bringing business in, especially since signage for the previous business (Viking ski shop) is still up and confuses people into thinking they are a ski shop instead of a shoe shop. They have not been allowed to remove the ski shop signage. They are actively looking for a new location.
- Commissioner Holzwarth asked if the Viking boat above the ice cream shop would be considered signage or part of their brand since it is on the Viking lodge.
 - Staff has not seen this boat incorporated in any other advertising or their brand, but there is definitely a fine line between art and signage. Staff brought up the example of the mural at the Azteca Restaurant in Fraser which is themed somewhat in line with their restaurant, would that be considered art or part of

- their signage if it was in Winter Park? This is the big question that staff needs help answering.
- Commissioner Holzwarth pointed out that there are many murals such as the one on Adolf's that have nothing to do with the business, but are clearly art. However, there will always be different opinions on art, if a Ronald McDonald mural was put up on the side of McDonalds, would that be art or signage?
 - Commissioner Davlin asked about the range on a temporary permit.
 - The Code for Temporary signage states "Temporary use signs are permitted with approval contingent upon design concept, size, theme, color, material and quantity as it relates to size and mass of a building. Approval shall follow procedures outlined in subsections 6-2-4C and D of this chapter. Only one temporary use sign shall be permitted per business. (Ord. 440, Series of 2010)"
 - The length of time allowed is more than 24 hours and less than 6 months.
 - Commissioner Stevens stated that he would have less issue with seeing the mural as signage if it did not have the "open" sign painted on it.
 - Commissioner Davlin pointed out that the Yeti is also clearly attached to their business and their brand. If it wasn't present in all of their signage, branding, and other advertising for the business it might be easier to say it is not advertising.
 - Commissioner Holzwarth asked about the regulations for murals
 - Murals need to be permitted prior to painting, and should be for art and not advertising.
 - Commissioner Stevens asked if the commission would support a temporary permit for the mural since they are having issues with the space and leaving soon.
 - Discussion between the commissioners concerning the use of a temporary permit, the yeti as a part of their brand, words on a mural, and the consideration of the photo cut out as an activity or as advertising.
 - The Commission came to a consensus on the mural and photo cut out being able to be permitted under a temporary permit, and the issue of signage verses artwork could be determined at a later date if they were still present after that temporary permit expired.

Since this item was simply a discussion of how staff should proceed with the code as there was a measure of interpretation that was needed, no motion was needed. The commission gave their guidance on what types of things could be permitted in a temporary sign, and the applicant will now need to apply for a six month temporary sign permit.

VII. STAFF UPDATE

- The Town Sign Code needs to be updated to work for the town and is more enforceable to bring many businesses in Winter Park into conformance. Staff is researching options on how to do this.
- July 10 presentation and training update by Town Attorney at the regular meeting, another one (not yet scheduled) in August in conjunction with Town Council.
- July 24th Idlewild development will come back to the commission.
- Later today, staff is traveling to Denver to meet with the developers of Lakota North and South village to talk about an amended development plan proposal.
- Lots of development in town, Roam expects to submit for first phase soon.
- Building E at Hideaway station will be submitted soon (phase IIB).

Upon a previously adopted motion, the meeting was adjourned at 9:11 a.m.