

1 **NEW CASTLE PLANNING & ZONING COMMISSION**
2 **REGULAR MEETING**
3 **June 8, 2011**

4 The Planning & Zoning Commission of the Town of New Castle, County of Garfield,
5 State of Colorado convened into regular session in the Town Hall on June 8, 2011
6 at 7:00pm.

7 Commission Chair Kevin O'Brien presided.

Commissioners Present:

Commissioner Holley
Commissioner Riddile
Commissioner Newberry
Commissioner Apostolik

Commissioners Absent:

Commissioner Slack

Staff Present:

Tim Cain, Town Planner
Wendy Mead, Deputy Town
Clerk
Davis Farrar, Consultant
Planner
Assistant Town Attorney,
David Smith

8
9 **FINDING AS TO MEETING NOTICE**

10 Deputy Town Clerk Wendy Mead verified that her office gave notice of tonight's
11 meeting in accordance with Resolution TC-2011-1.

12
13 **CONFLICTS OF INTEREST**

14 No Commissioners reported conflicts of interest with respect to items on tonight's
15 agenda.

16
17 **PUBLIC HEARING**

18 **PUD Amendment**

19 Legal Description: Walters Center PUD Lot 5, AMD Plat – Lot Line Vacation of Lots
20 5 & 6

21 Applicant: Schlosser Signs

22 Landowner: McDonalds Corporation

23 Prior to opening the public hearing, Chair O'Brien asked if the description of the
24 application (application type and legal description) were accurate for the public
25 hearing notice. Consultant Attorney David Smith stated that the description was
26 accurate and it was fine to proceed with the public hearing.

27
28 Chair O'Brien opened the public hearing at 7:05pm.

29
30 Consultant Planner Farrar introduced Sam Schlosser, the applicant, of Schlosser
31 signs. Mr. Schlosser explained that he is a sign contractor, out of Fort Collins, for
32 McDonald's Corporation. He explained the McDonald's sign is only visible for a mile
33 and a half on either side of the interstate. McDonald's isn't usually popular in small
34 towns, like New Castle, because citizens tend to be more health conscious.
35 Therefore, McDonald's expects to get the majority of their customers from travelers
36 seeing the sign when driving through on the highway. By raising the sign 11 ft,
37 McDonald's believes the sign will be more noticeable. The noticeability of the sign
38 triggers familiarity which in turn will bring more travelers to McDonald's increasing

1 their revenue. Mr. Schlosser stated that McDonald's did not provide documentation
2 proving the increase in revenue.

3
4 Commissioner Holley asked why the sign height is at its current height. Consultant
5 Planner Farrar explained that McDonald's originally requested sign of 90ft. Town
6 staff informed the applicant that a 90ft sign would be a major PUD amendment. The
7 Town staff did administratively did approve a 1ft sign height adjustment to 41ft.

8
9 Consultant Planner Farrar presented his report, with a PowerPoint presentation
10 showing the pictures from his report, to the Commission, which is attached as
11 Exhibit A to these minutes.

12
13 Commissioner Riddle asked Mr. Schlosser if there was data proving that the sign
14 height will increase McDonald's revenue. Mr. Schlosser stated that he does not have
15 any data, but other signs that have been put in for McDonald's the noticeably did
16 increase the revenue of McDonald's.

17
18 Chair O'Brien closed the public hearing at 7:30pm.

19
20 Commissioner Holley stated it was a choice between ugly or uglier. The Town was
21 excited to approve the application because of the potential sales tax revenue. The
22 Town should be committed to helping McDonald's succeed. If the sign would help
23 improve business for McDonald's, then the Town should approve the sign height
24 request.

25
26 Chair O'Brien responded to Commissioner Holley's comment by stating there is only
27 so much the Town can do for McDonald's. There are the covenants of the PUD and
28 the sign code that McDonald's should be following and those rules are in place for a
29 reason. In looking at pictures of the other businesses in the area, those other
30 businesses were and are required to follow the same rules, so McDonald's should,
31 too.

32
33 Chair O'Brien stated that McDonald's needed to provide a stronger application. He
34 stated that nothing in the application makes him think that a taller sign is needed.
35 The other businesses in the area have the 40 ft signs and McDonald's is a very
36 recognized brand and a taller sign is not needed.

37
38 **Motion-** Approve the McDonald's major PUD amendment to increase the sign
39 height to 51 feet. (Riddle/Holley)-Commissioner Newberry-no; Chair
40 O'Brien-no; Commissioner Apostolik-no; Commissioner Riddle-no;
41 Commissioner Holley-yes. After roll call vote-**motion failed**.

42
43 Consultant Planner Farrar stated the next step would be, as this is a
44 recommendation to the Town Council, for the application to go before the Town
45 Council. He stated that the same presentation would go before Council and that

1 Mr. Schlosser should plan on attending that meeting. The Town Council will either
2 approve or deny the application.

3

4 **COMMENTS/REPORTS**

5 Items for next Planning and Zoning Agenda

6 Planner Tim Cain stated there weren't any applications or concerns for the
7 Commission to consider.

8

9 Consultant Planner Farrar stated that he did send an email to the New Castle
10 Center applicants to see if they wanted to meet with town staff again, and there
11 has been no response from the applicants.

12

13 The June 22, 2011 Planning and Zoning meeting will be cancelled due lack of items
14 for the agenda.

15

16 Commission Comments

17 Commissioner Holley asked about the Whitehorse Village application and if it went
18 to Town Council. Consultant Attorney David Smith stated that the planning
19 Commission was the deciding body, so it would not go before Council.

20

21 Commissioner O'Brien thanked the Commission and staff for the opportunity to
22 work with them. Chair O'Brien thanked each of the Commissioners and staff
23 personally.

24

25 Commissioner Newberry stated that Chair O'Brien's experience and expertise will be
26 missed.

27

28 Commissioner Riddile stated that Town Council appreciates all the work that Chair
29 O'Brien has done.

30

31 Consultant Planner Farrar and Consultant Attorney Smith thanked Chair O'Brien for
32 the opportunity to work with him and they enjoyed attending the Town of New
33 Castle's Planning Commission meetings because of Chair O'Brien.

34

35 Staff Reports

36 Consultant Planner Farrar stated that the area planners group is meeting next week
37 to discuss the Garfield County Comprehensive Plan being binding or non-binding.
38 He stated that he plans on attending that meeting. He encouraged the Planning
39 Commissioners to attend and voice their comments.

40

41 The Garfield County Board of Commissioner's will be meeting on July 18th, 2011 to
42 consider whether or not the make the County's Comprehensive Plan advisory or
43 not.

44

45 Planning Consultant Farrar stated he had an inquiry on Lot 8 of Walter's Center PUD
46 from a gentleman on the front-range. The interested party wanted to know what

1 uses were allowed on that lot. He stated that he will be mailing a letter to the
2 interested party with the information he has requested. The interested party is
3 thinking of putting a carwash in that location.
4

5 Commissioner Apostolik asked Planner Cain about an update on the Public Works
6 Manual from last meeting. Planner Cain stated that he emailed a request to Public
7 Works Director Wenzel about the status of the Public Works Manual. He stated that
8 he gave Director Wenzel Commissioner Apostolik's phone number, so Director
9 Wenzel could call Commissioner Apostolik directly with an update.

10
11 **Items for Consideration**

12 Consider Appointing Chair of the Planning Commission.

13 **Motion**-Appoint Commissioner Chuck Apostolik as Planning and Zoning Commission
14 Chair- (Holley/Newberry) Commissioner Apostolik accepted the nomination and
15 there were no other nominations. After voice vote -motion carried.

16
17 The Commission decided to wait to a later date to appoint a vice chair, as
18 Commissioner Slack and possibly two new Commissioners would be available to
19 make the decision.

20
21 **REVIEW MINUTES OF PREVIOUS MEETINGS**


22 **Motion** - approve May 25, 2011 meeting minutes as amended- (Apostolik/
23 Riddile). After voice vote, **motion carried**.

24
25 **Adjournment**-8:03pm (Riddile/Holley)
26

27 TOWN OF NEW CASTLE
28 PLANNING & ZONING COMMISSION
29

30 
31 _____
32 Chuck Apostolik, Vice Commission Chair
33

34 ATTEST:

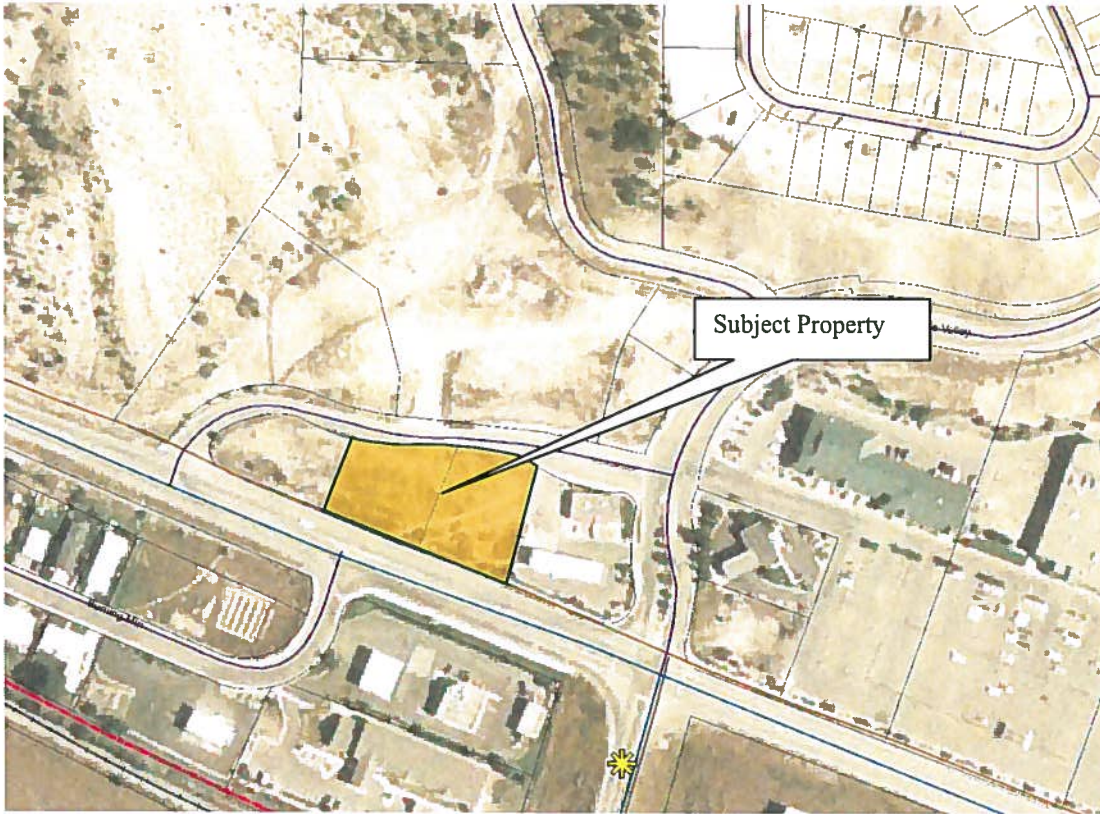

Wendy A. Mead, Deputy Town Clerk



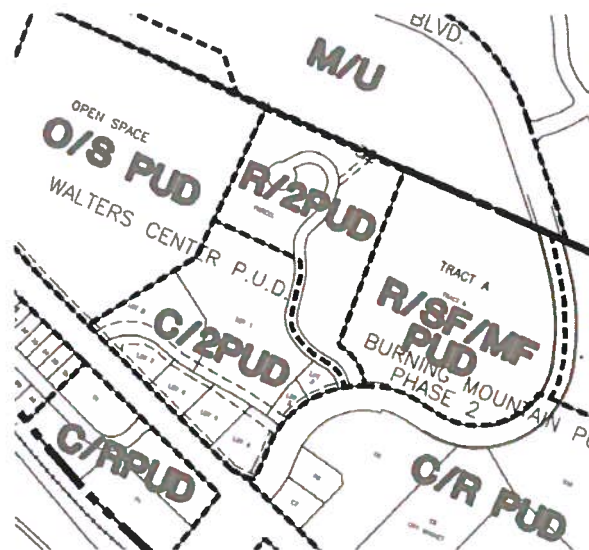
**Staff Report
Mc Donald's - Walter's Center PUD
Major PUD Amendment
New Castle Planning Commission Meeting
June 8, 2011**

Report Date: 6/2/11

PROJECT INFORMATION	
Name of Project:	McDonald's Major PUD Amendment - Increased Sign Height
Type of Request:	Major PUD Amendment
Name of Applicant:	Schlosser Signs Inc. c/o Sam Schlosser
Applicants Address/Phone:	3597 Draft Horse Court, Loveland, CO. 80338, Phone: 970-593-1334, Fax: 970-593-0443, sam@schlossersigns.com
Property Owner:	McDonald's Real Estate Company c/o Mark House
Property Owner Address/Phone:	McDonald's Corporation, 5251 DTC Parkway, Suite 100, Greenwood Village, CO 80111, Phone 303-262-3773, Fax 303-773-6960
Mineral Right Owner:	Larry and Virginia Schmueser recorded March 17, 1988 in Book 730 at Page 629. United States patent recorded November 26, 1910 in Book 71 at Page 444.
Lien Holders:	Not identified in application
Lien Holder Address:	Not identified an application
Project Engineer:	None identified
Engineer Address/Phone:	None identified
Surveyor	None identified
Surveyor Address/Phone:	None identified
Size of the Property:	41,385 square feet (0.95 Acres)
Existing Zoning:	Applicant identified - C-PUD. The correct zoning is C/2-PUD
Requested Zoning:	No Change
Surrounding Zoning:	North - R/2 PUD, East - C/2-PUD, South - C/R-PUD, West - C/2-PUD
Existing Land Use:	Restaurant
Surrounding Land Uses:	North - Vacant, East - Commercial, South - Vacant & Commercial, West - Vacant



Project Location: West of Castle Valley Boulevard and North of Highway 6 in the Walters Center PUD



Legal Description	A parcel of land situated in the NE 1/4 of the SE 1/4 of Section 32, Township 5 South, Range 90 West of the Sixth Principal Meridian, Town of New Castle, County of Garfield, State of Colorado more particularly described as Lot 5 & Lot 6, Walters Center PUD
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Application Related Dimensional Standards	
Maximum Sign Height under Regulations in Effect at Time of Construction	40 - Feet
Existing Sign Height - (Administrative PUD Amendment Granted)	41 - Feet
Requested Sign Height	51 - Feet

I. Description of Application:

The applicant is requesting a Major PUD Amendment to increase the existing McDonald's sign height by 10 feet from the existing 41 feet to a proposed 51 feet. The applicant justifies a request noting that the existing restaurant is at a crossroads with Interstate 70 and believes that the increased sign height would be advantageous to their business. The application states "The location of the pole sign is such that the grade where the footing is located is substantially lower than the grade of I-70, thereby nullifying the effects of the 41 foot height." The applicant believes that the current location of the sign and the nature of the surrounding terrain do not give "ample notice of their existence to traffic along I 70" with a 41 foot high sign. The applicant believes that a taller sign would better advertise their business location and "will lead to a substantial increase in business for this location." Further, the applicant believes that increasing the height of the sign will make it more obvious and they believe that raising the sign will be the "least environmentally impacting option, and have the least impact on neighbor businesses." The only modification of the sign would be a taller mounting pole and an expanded footing to be engineered for the new sign to handle the additional height, wind loading and other stresses. McDonald's intends to use the existing sign on a taller pole.

The applicant originally applied for a minor PUD amendment, but was notified by the staff that the increase in height exceeded 10% of the allowed PUD sign height and therefore required a Major PUD amendment. No new engineering design for the larger sign was submitted. The application included the original 41 foot sign design with hand-drawn modifications on the original drawings. It should be noted that the applicant describes the footer location of the existing sign as "substantially lower than the grade of I-70." This information is factually incorrect because the footer location as at an elevation considerably higher than I-70.

II. Project History:

McDonald's Corporation requested an administrative PUD amendment in 2010 to allow construction of a 41 foot high sign instead of the allowed 40 foot maximum height. This amendment was granted in 2010 by town staff.

III. Planning Staff Comments:

This application represents an increase in height greater than 10% and therefore requires a Major PUD amendment. The applicant has requested waiver of certain PUD submittal requirements that they feel are not pertinent to the request for increased sign height. Staff has granted a waiver of certain PUD submittal items that are deemed unnecessary for this request. On April 20, 2011,

staff e-mailed the applicant and requested that they provide photographs of the existing sign where it is first visible from both east and westbound I-70 with some notation of distance to the restaurant sign location. Staff requested that the applicant provide some visual representation of 51 foot high sign from strategic points along the highway. Staff also suggested that the applicant attach a story-pole or some other device to the existing sign to represent the requested maximum sign height. Finally, staff requested that the applicant provide some type of documentation demonstrating and supporting their representations that an increase of 10 feet in sign height "will lead to a substantial increase in business for this location." To date, no additional information was submitted by the applicant.

Project Issues.

New Castle recently adopted a new sign code that replaced and modified many provisions of the previous sign regulations. McDonald's is in the Walters Center PUD which is located in the primary gateway to New Castle. Because Walters Center is a planned unit development and has, in part, its own sign regulations, it is not governed by the new sign code. However, the maximum sign height allowed by the recently adopted sign code in the "Gateway District" is 25 feet.

In order to better quantify and document visibility of the existing McDonald's sign, staff photographed and GPSed points along I-70 where the existing McDonald's sign was first visible in both westbound and eastbound directions. Staff also documented existing I-70 McDonald's signage. The following information was obtained from that field investigation.

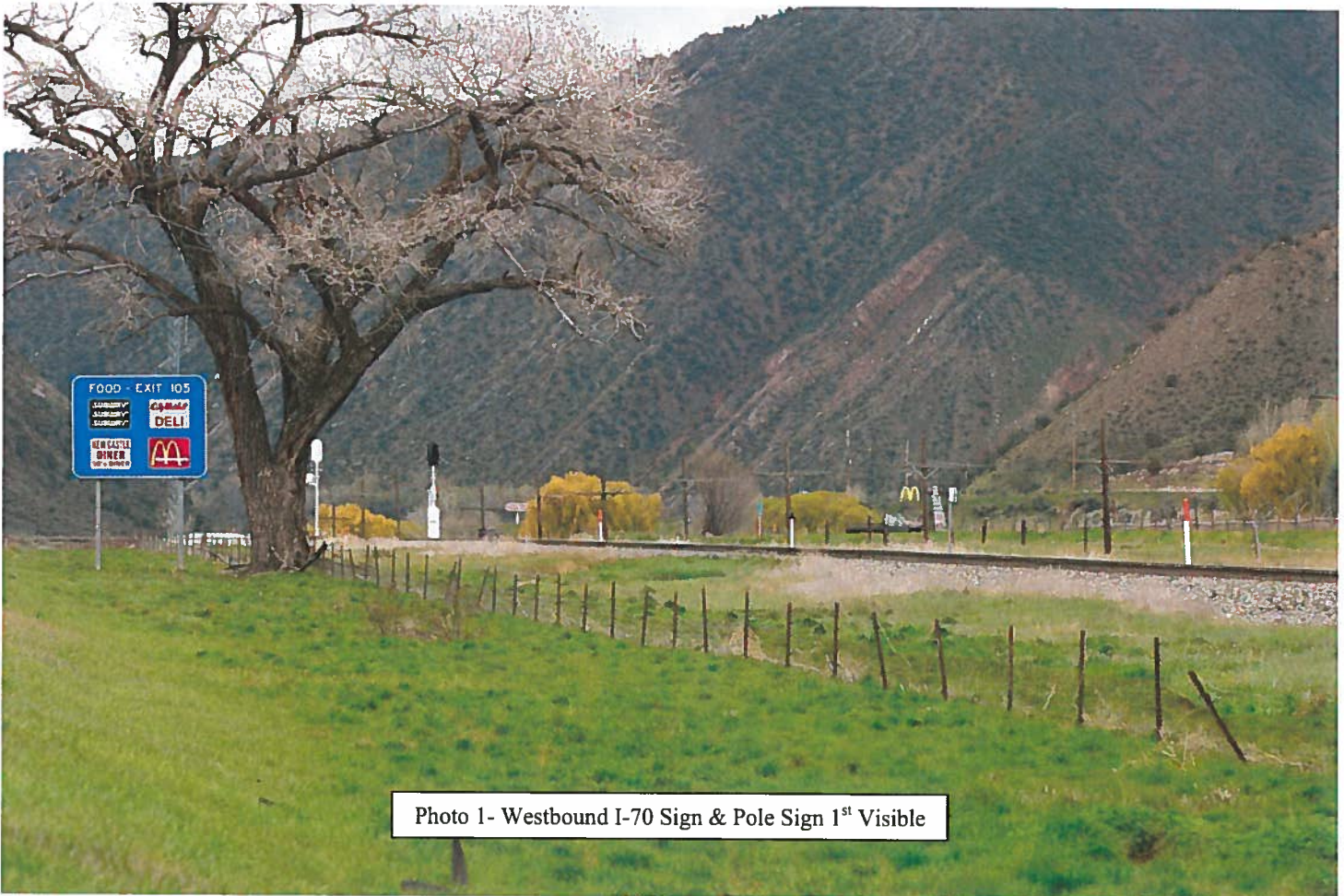
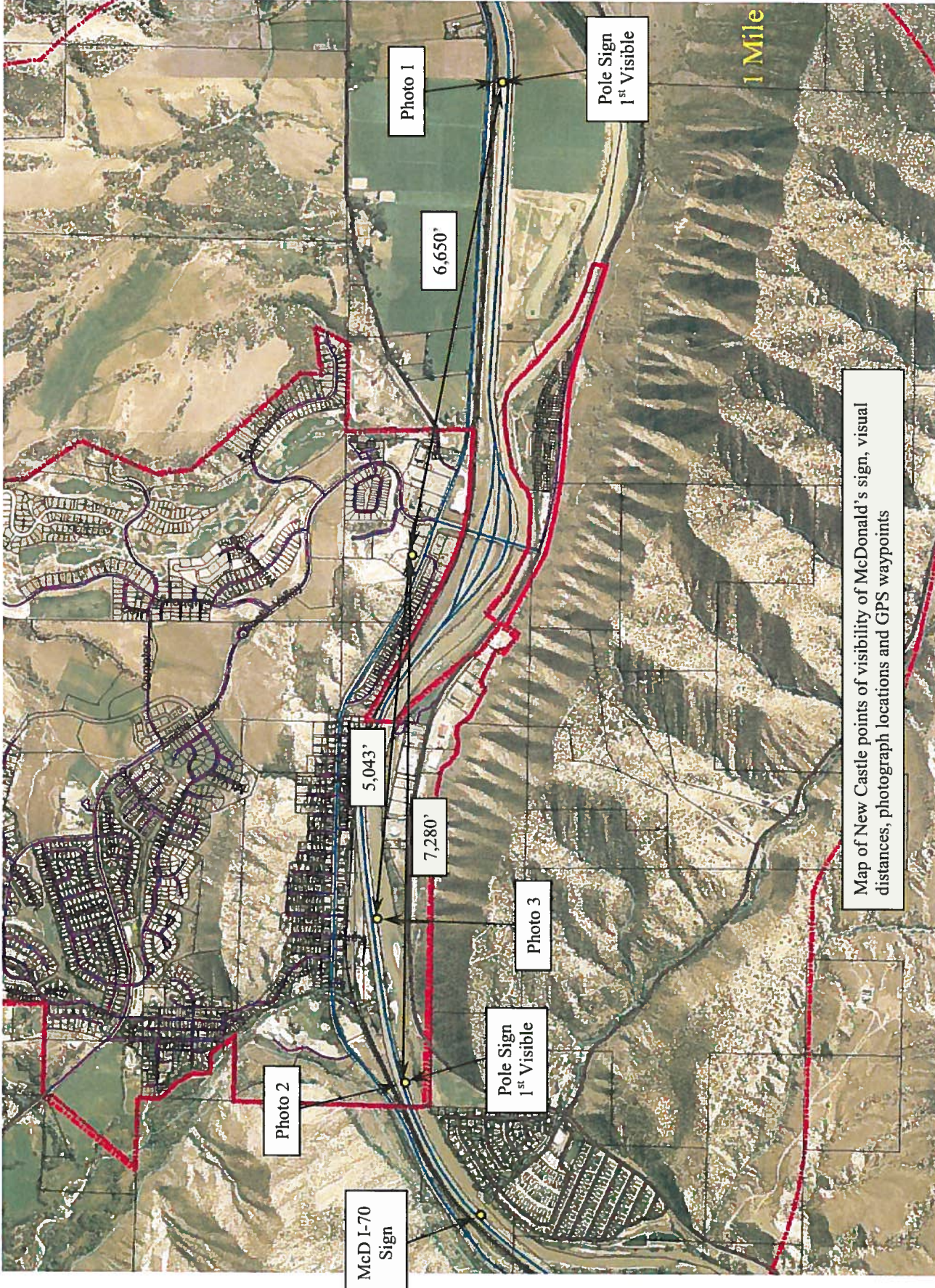


Photo 1- Westbound I-70 Sign & Pole Sign 1st Visible



Map of New Castle points of visibility of McDonald's sign, visual distances, photograph locations and GPS waypoints

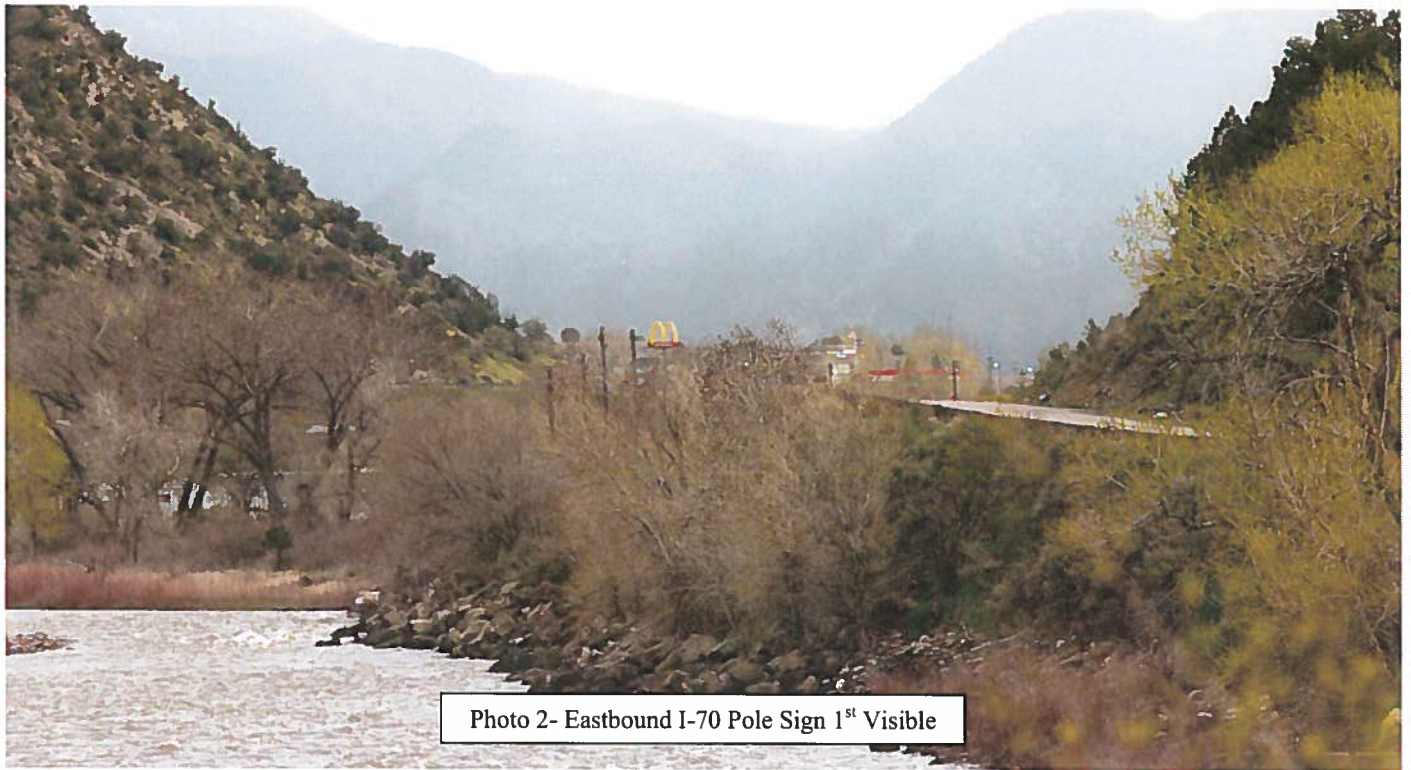


Photo 2- Eastbound I-70 Pole Sign 1st Visible

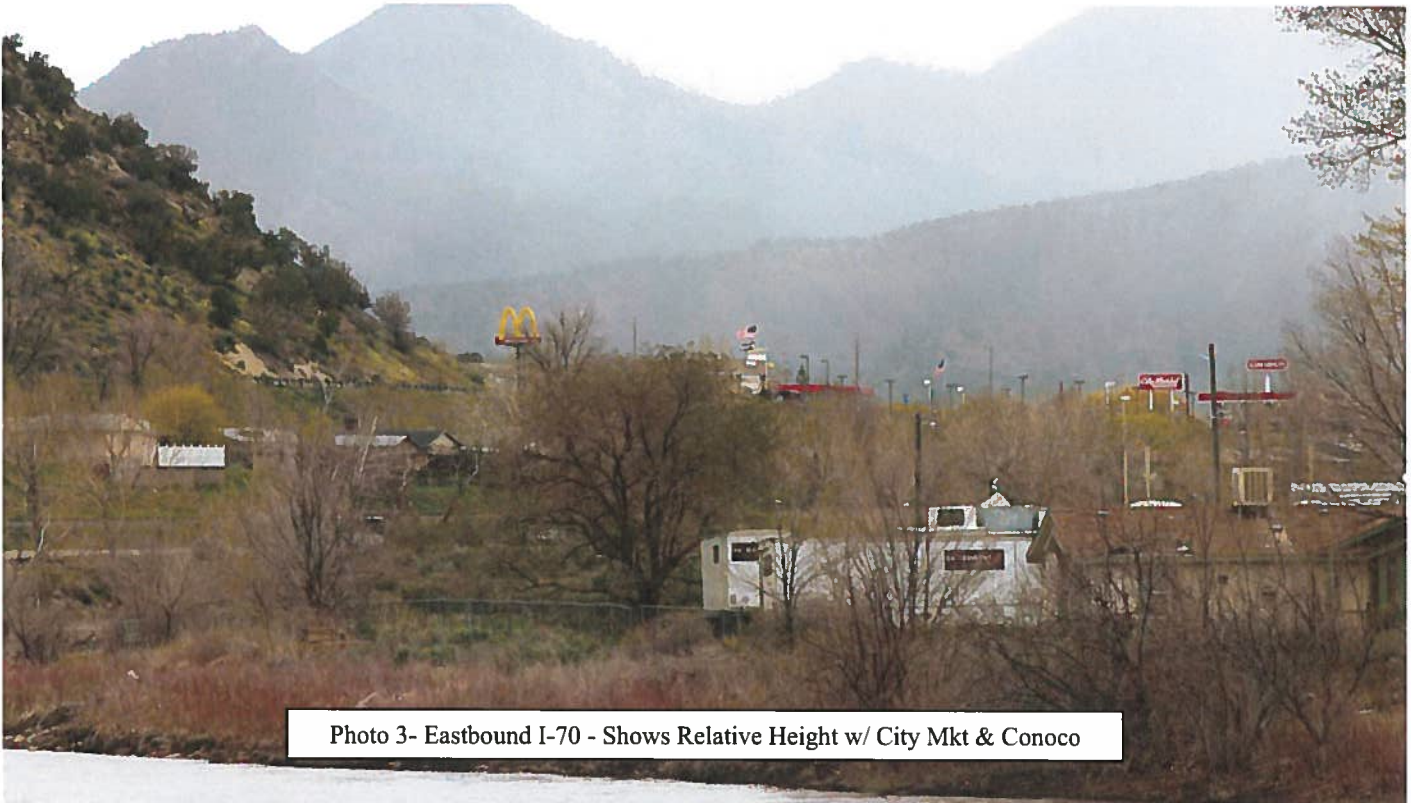
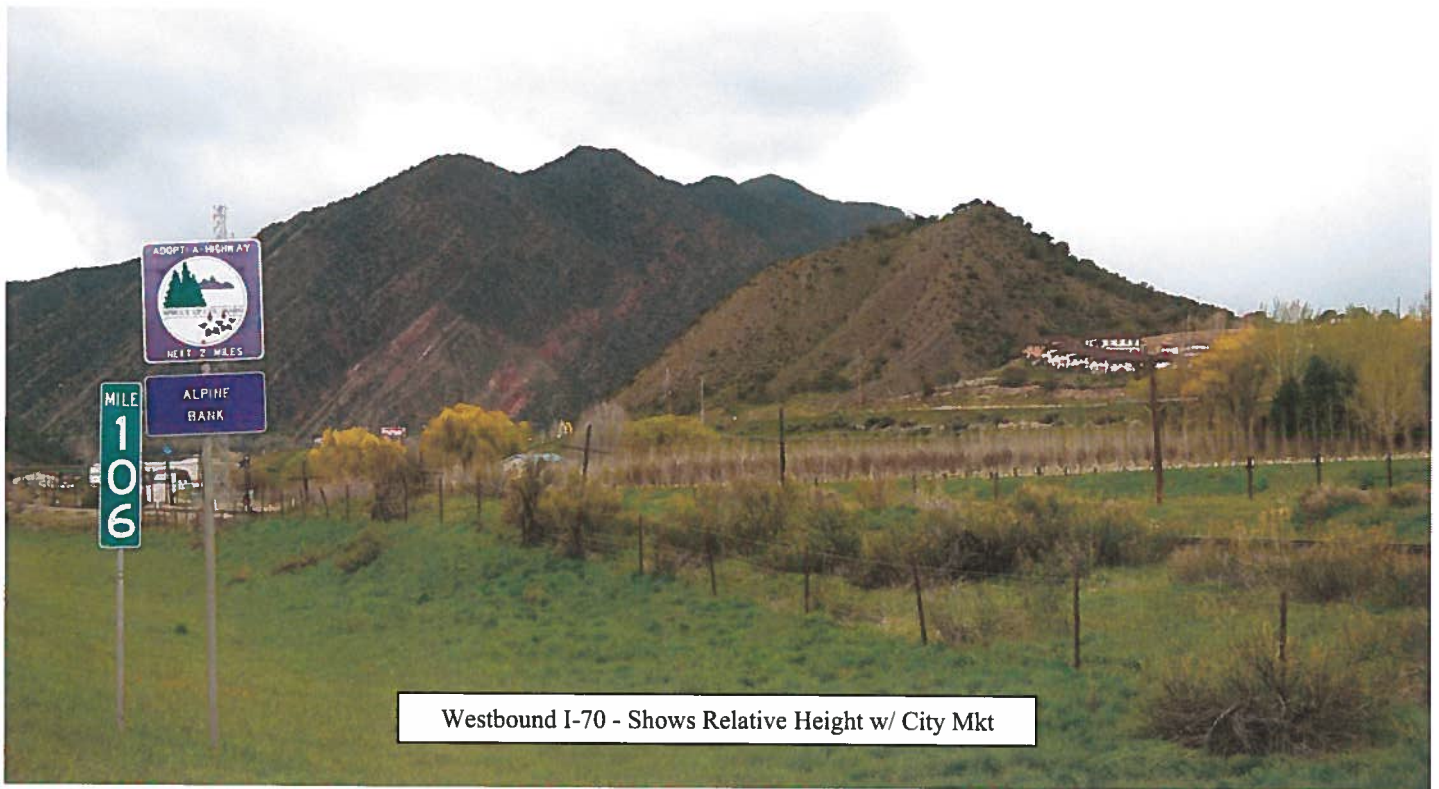
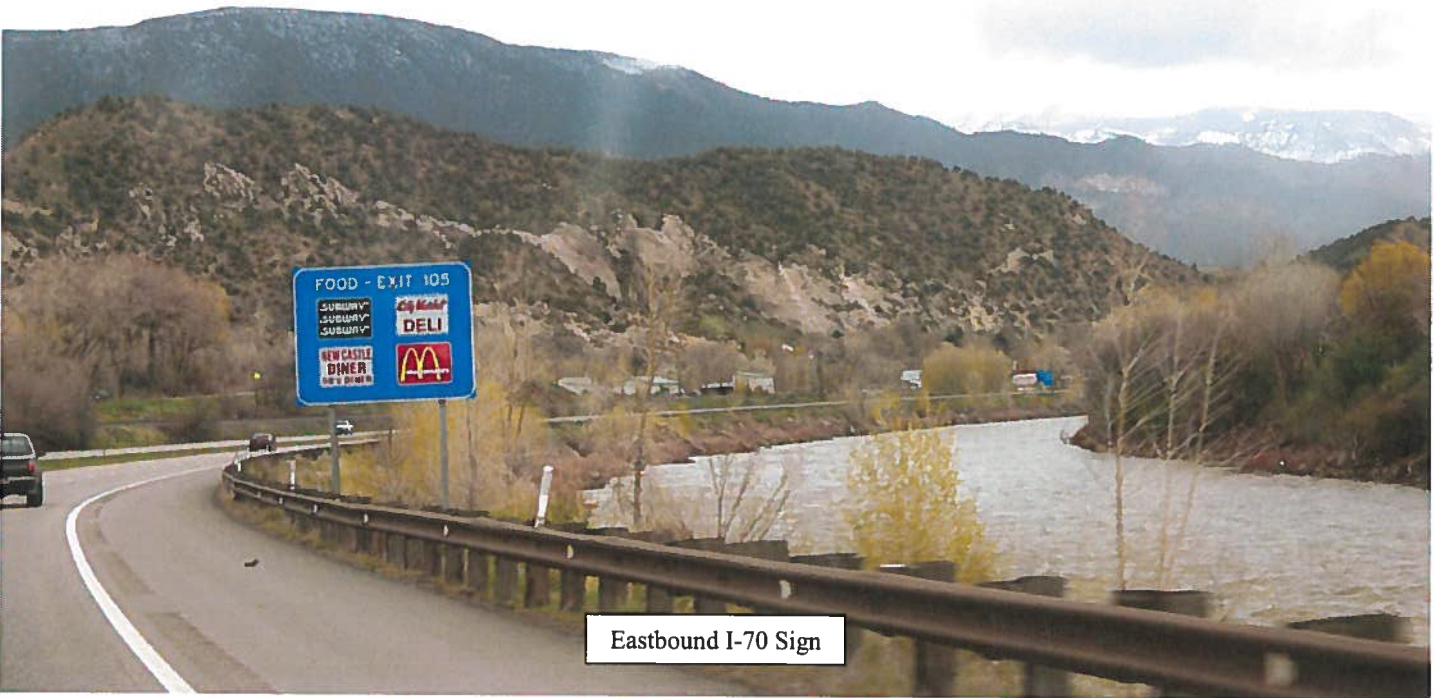


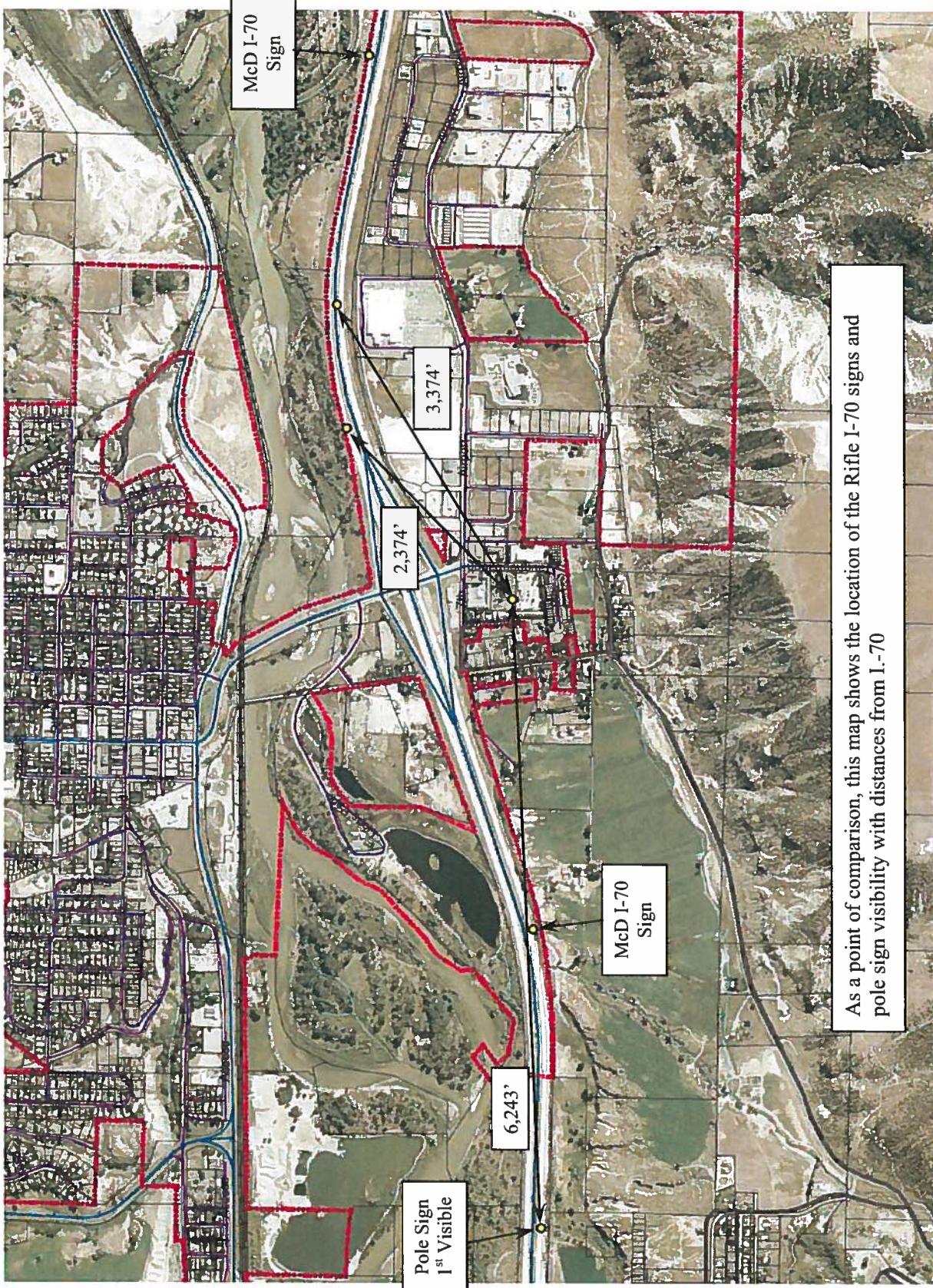
Photo 3- Eastbound I-70 - Shows Relative Height w/ City Mkt & Conoco



Westbound I-70 - Shows Relative Height w/ City Mkt



Eastbound I-70 Sign



As a point of comparison, this map shows the location of the Rifle I-70 signs and pole sign visibility with distances from I-70

McDonald's I-70 signs advertising the New Castle store location include:

1. The 2 signs (westbound & eastbound) shown in the photographs above.
2. 2 signs on the New Castle westbound & eastbound exit ramps.
3. A billboard on I-70 near Dotsero advertising the New Castle restaurant.

The New Castle Planning Commission spent over a year reviewing and modifying the new municipal sign code that was recently adopted by the Town Council. A decision was made to limit the maximum height for a freestanding pole sign to 25 feet in the town's Gateway Sign Districts. This decision was made to be in keeping with the highly visible character of these districts and to protect the character of these important locations.

The New Castle Comprehensive Plan describes the town gateways "as a town welcome entry and offers visitors a first impression of the community. First impressions are those that remain and shape perceptions. The gateways present an opportunity to give visitors information about the community attractions, services, businesses and the like. Each gateway should include the following attributes: attractive appearance, offer information, appealing natural landscape and reflect community pride."

McDonald's received an administrative variance for their existing 41 foot high pole sign. The sign has a base elevation of approximately 5,620 feet which is approximately 60 feet higher than the base of the I-70 westbound off-ramp elevation of 5,560.

The existing New Castle McDonald's sign is first visible to westbound traffic from 1.26 miles away and to eastbound traffic from 1.38 miles away. There are four interstate signs that inform traffic about the New Castle McDonald's location including a billboard near the Dotsero exit on the east end of Glenwood Canyon.

It is staff's opinion that adding an additional 10 feet of height to the existing sign will not appreciably increase the pole sign visibility from a greater distance because of topography. A taller sign would essentially make the existing sign more visually obtrusive at the primary New Castle Gateway without increasing the distance away that the sign is visible on I.-70.

The existing McDonald's sign is the highest sign from an elevation standpoint at New Castle's primary gateway. The top of the McDonald's sign is higher in elevation than the City Market and Conoco signs and is visible from a greater distance than those two other pole signs.

It is staff's opinion that the request for a major PUD amendment to increase the McDonald's pole sign height does not conform to the New Castle Comprehensive Plan. An increased sign height would not appreciably improve sign visibility from I-70. The application submitted did not include sufficient documentation and justification for the requested increase and sign height. Lastly, the recently adopted New Castle sign code identifies a maximum sign height in the Gateway Sign District of 25 feet. The existing McDonald's pole sign allows the restaurant to be competitive in the marketplace and does not handicapped the business as a result of poor visibility. Therefore, staff does not support the requested major PUD amendment for a 51 foot high sign.

STAFF RECOMMENDATION -

Staff recommends **DENIAL** of the Major PUD Amendment for the McDonald's pole sign.