

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
WEDNESDAY, NOVEMBER 17, 2021  
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE  
215 WEST 10<sup>TH</sup> STREET, PUEBLO, COLORADO**

**ROLL CALL AND DECLARATION OF QUORUM**

Commissioners Present: Elizabeth Gladney, Kiera Hatton, Judy Leonard, Brad Lisac, Tisha Mauro, Michael Schuster, Zachary Swearingen, Stephen Varela, and John Wark.

Commissioners Absent: None.

Staff Present: Carmen Howard, Director; Gail L. Wallingford-Ingo, Deputy Director; Rachel Gaffney, Special Projects Planner; Emma Strong, Planner II; and Sandra Smith, Office Support Services IV.

Others Present: Marci Day, Assistant Pueblo County Attorney; and Dominga Jimenez-Garcia, General Services Engineer, Pueblo County Engineering and Public Works Department.

Chair Hatton called the Pueblo County Planning Commission meeting to order at 5:30 p.m.

The following roll call attendance was taken:

Ms. Gladney--present.  
Ms. Leonard--present.  
Mr. Lisac--present.  
Ms. Mauro--present.  
Mr. Schuster--present.  
Mr. Swearingen--present.  
Mr. Varela--present.  
Mr. Wark--present.  
Chair Hatton--present.

**APPROVAL OF NOVEMBER 17, 2021 AGENDA**

Ms. Schuster motioned to approve the agenda of the November 17, 2021 meeting as mailed.  
Mr. Wark seconded the motion.

The following roll call vote was taken:

Ms. Gladney--aye.  
Ms. Leonard--aye.  
Mr. Lisac--aye.  
Ms. Mauro--aye.  
Mr. Schuster--aye.  
Mr. Swearingen--aye.  
Mr. Varela--aye.  
Mr. Wark--aye.  
Chair Hatton--aye.

The motion carried unanimously.

**APPROVAL OF OCTOBER 20, 2021 REGULAR MEETING AND OCTOBER 27, 2021 WORK SESSION MINUTES**

Mr. Wark motioned to approve the minutes of the October 20, 2021 regular meeting and October 27, 2021 work session as mailed. Mr. Lisac seconded the motion.

The following roll call vote was taken:

Ms. Gladney--aye.  
Ms. Leonard--aye.  
Mr. Lisac--aye.  
Ms. Mauro--aye.  
Mr. Schuster--aye.  
Mr. Swearingen--aye.  
Mr. Varela--aye.

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Mr. Wark--aye.  
Chair Hatton--aye.

The motion carried unanimously.

**CHAIRPERSON'S REPORT**

Chair Hatton stated there was going to be a Comprehensive Plan meeting coming up in the next few days, and Ms. Howard will update everyone about the specific details. She stated the meetings were very important and asked everyone to attend.

**DIRECTOR'S REPORT**

Ms. Howard reminded the Commission of a virtual meeting scheduled for 5:30 p.m., November 18, 2021 to provide an update to the elected and appointed officials on the Comprehensive Plan. She asked members to contact her if they did not have the meeting information.

The Director's Report was presented by Ms. Carmen Howard. She requested the staff memorandums be made a part of the record of proceedings.

(a) Acceptance of Map Amendments and Planned Unit Developments:

- [Map Amendment No. 2021-016](#) on behalf of Frio Canyon Cattle Company, LLC, c/o Jon Calandra requesting a map amendment to rezone a 39.67± acre parcel from a S-1 to an A-1 Zone District.
- [Map Amendment No. 2021-018](#) on behalf of Allen McCaw Trust, c/o John Allen, Trustee requesting a map amendment to rezone a 1.47± acre lot from a S-1 to an A-3 Zone District designation in order to recognize its private ownership, existing/intended residential use, and size.
- [Map Amendment No. 2021-019](#) on behalf of MVC Properties, LLC and Charles S. and Marianne James requesting a map amendment to rezone a portion of two (2) parcels of land from a split zone district designation of A-4 and B-4 Zone Districts to a B-4 Zone District in order to apply a conforming zone district designation to both parcels.

(b) Correspondence:

- Status Report from Aggregate Industries for [Special Use Permit No. 596](#) (aka SUP No. 1986-020 for filing purposes only) dated November 10, 2021.
- Review Comments from the Colorado Division Water Resources for [Map Amendment No. 2021-018](#) dated November 12, 2021.

(c) Continuances--None.

(d) Withdrawals--None.

(e) Board of County Commissioners' Action--Summary of actions taken on November 4, 2021, was distributed in the Commissioners' packet for informational purposes only. No formal action is required.

(f) Administrative Reviews:

- [Special Use Permit No. 596 \(also known as SUP No. 1986-020 for filing purposes only\)](#), on behalf of Colorado Water Protective and Development Association, c/o Kent Ricken, General Manager, and TXI Operations. This is an administrative review for a special use permit which allows sand and gravel extraction with associated processing operations, portable batch plant specifically utilized for overflow business and emergency situations as needed, concrete batch plant, office facility, tool and supply area, steel fabrication area, outside yard storage, drivers' room, laboratory testing facility and aggregate sales operation in the A-2 Zone District. The special use permit area contains 1,314.99± acres and encompasses Valco's property commencing from Townsend Drive and extending to 36<sup>th</sup> Lane.

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Staff recommends the Pueblo County Planning Commission accept this Administrative Review, thereby approving the continuance of this permitted use for three (3) months with the same conditions of approval as previously imposed, three (3) preliminary recommendations, and a new DIRECTIVE TO STAFF as outlined in Staff's Memorandum dated November 10, 2021.

- [Special Use Permit No. 2020-004](#) on behalf of Colorado Natural Gas. This is an administrative review for a special use permit which allows a *Public Utility* pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.120, *Supplementary Regulations*, specifically Section 130C. (*Special Utility Facility*) of the Pueblo County Code for the installation and operation of a natural gas regulator and meter station within a 25' x 50' fenced leased area in a S-1 Zone District per an Easement and Right-of-Way Agreement established with the Pueblo West Metropolitan District. The project is located in the northeast corner of Parcel "C" of Tract 238 (a platted 27.18± acre Public Utility, Drainage Easement and Equestrian Easement), immediately south of North Purcell Boulevard, approximately 1,800 feet northeast of Jaroso Drive and east of the existing Xcel Energy Yard West in the northern portion of Pueblo West.

Staff recommends the Pueblo County Planning Commission accept this Administrative Review, thereby approving the continuance of this permitted use with modified conditions of approval and NOTATION as outlined in Staff's Memorandum dated November 11, 2021.

- [Special Use Permit No. 2020-005](#) on behalf of Colorado Natural Gas. This is an administrative review for a special use permit which allows a *Public Utility* pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.120, *Supplementary Regulations*, specifically Section 130C. (*Special Utility Facility*) of the Pueblo County Code for the installation and operation of a natural gas regulator and meter station within a 30' x 50' fenced leased in a S-1 Zone District per an Easement and Right-of-Way Agreement established with the Pueblo West Metropolitan District. The project is located in the southwest corner of Parcel "C" of Tract 251 (a platted 50' buffer strip), approximately 400 feet north of the west end of Auburn Road and south of the existing Xcel Energy Yard West in the western portion of Pueblo West.

Staff recommends the Pueblo County Planning Commission accept this Administrative Review, thereby approving the continuance of this permitted use with the modified conditions of approval and a new DIRECTIVE TO STAFF as outlined in Staff's Memorandum dated November 12, 2021.

Ms. Howard requested the Commission take action to accept the map amendments for processing, late correspondence, and administrative reviews as presented.

Mr. Schuster moved to accept the map amendments for processing, late correspondence, and administrative reviews as read into the record and make the Commission's comments a part of the record of the proceedings. Mr. Wark seconded the motion.

The following roll call vote was taken:

Ms. Gladney--aye.  
Ms. Leonard--aye.  
Mr. Lisac--aye.  
Ms. Mauro--N/A  
Mr. Schuster--aye.  
Mr. Swearingen--aye.  
Mr. Varela--aye.  
Mr. Wark--aye.  
Chair Hatton--aye.

The motion carried by an 8 to 1 vote. Ms. Mauro was not able to provide a vote due to a lost Zoom meeting connection.

**STATEMENT OF HEARING PROCEDURES BY CHAIRPERSON**

Chair Hatton reported that the applicant and/or representative are called upon to speak, followed by any parties in favor and then those in opposition, with the applicant having the final say.

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**PUBLIC HEARING**

Ms. Howard explained there were three items on the Consent Agenda and one item on the Regular Agenda for this evening's meeting. She requested the staff memorandums presented this evening be made a part of the record of proceedings.

**CONSENT ITEMS:**

Mr. Wark moved to approve the three Consent Items listed below with conditions. Mr. Lisac seconded the motion.

(Ms. Mauro returned to the meeting via Zoom.)

- [MAP AMENDMENT NO. 2021-016](#), on behalf of Jon Calandra, Manager of Frio Canyon Cattle Company, LLC requesting a map amendment to rezone a 39.67± acre parcel from a S-1 to an A-1 Zone District.

The Commission recommended approval to the Board of County Commissioners with three findings per Staff Memorandum, dated November 9, 2021.

- [MAP AMENDMENT NO. 2021-018](#) on behalf of Allen McCaw Trust, c/o John Allen, Trustee requesting a map amendment to rezone a 1.47± acre lot from a S-1 to an A-3 Zone District.

The Commission recommended approval to the Board of County Commissioners with three findings per Staff Memorandum, dated November 9, 2021.

- [MAP AMENDMENT NO. 2021-019](#) on behalf of MVC Properties, LLC and Charles S. and Marianne James requesting a map amendment to rezone a portion of two (2) parcels of land from a split zone district designation of A-4 and B-4 Zone Districts to a B-4 Zone District.

The Commission recommended approval to the Board of County Commissioners with three findings per Staff Memorandum, dated November 11, 2021.

The following roll call vote was taken:

Ms. Gladney--aye.  
Ms. Leonard--aye.  
Mr. Lisac--aye.  
Ms. Mauro--aye  
Mr. Schuster--aye.  
Mr. Swearingen--aye.  
Mr. Varela--aye.  
Mr. Wark--aye.  
Chair Hatton--aye.

The motion carried unanimously.

**REGULAR ITEMS:**

**Statement of Conduct and Demeanor**

Chair Hatton stated in order for the business of the Commission to be conducted in the most effective and expeditious manner, it is necessary that all persons maintain a demeanor of civility toward each other. Uncivil conduct will not be tolerated. Such behavior shall constitute the forfeiture of a person's right to remain in attendance and may result in them being asked to leave the meeting by the chairperson or, upon their refusal, being escorted out of the meeting by the proper authority.

- [Special Use Permit No. 2021-011](#), Street Media Group, LLC, c/o Troy Hammond. The applicant requests a special use permit to allow an Off-premise advertising device within a newly acquired 2,443 square foot sign easement on a 32.46-acre parcel of land in a S-1, Public Use Zone District. The proposed sign is intended to provide public service announcements, emergency and safety notices, promote events, and other general advertising. The proposed device is located on South McCulloch Boulevard on a publicly owned property addressed as 61 East Civic Center Plaza in Pueblo West.



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**Ms. Emma Strong**, Planner II, Pueblo County Department of Planning and Development, summarized the Staff Memorandum, dated November 10, 2021. She stated the Pueblo County Code identifies four standards the Planning Commission shall find based upon evidence and testimony presented at the hearing before approving an application for a special use permit. Based upon staff's review of all the information provided and acknowledging all the comments received, staff recommends the Pueblo County Planning Commission approve Special Use Permit No. 2021-011 with the following summarized conditions and Directive to Staff regarding an annual administrative review.

- 1) Approval shall be limited to what was provided as part of this application.
- 2) The device shall be properly shielded, and illumination levels shall be set at a maximum of 75-80% for daytime use and 50% for nighttime use, noting that these levels can be reduced further if the Department receives complaints related to the brightness levels.

**IN FAVOR**

**Mr. Troy Hammond**, Owner/Operator of Street Media Group, LLC, 161 East Saturn Drive, Suite 5A, Fort Collins, Colorado 80525, represented the special use permit. His PowerPoint presentation was entered into the record as Petitioner's Exhibit A. He commended Planning staff's services, noting that he makes several similar applications throughout the State of Colorado, and Planning staff was very responsive and helpful. He stated the Community Digital Sign & Shelter/Kiosk Agreement with the Pueblo West Metropolitan District includes two digital signs, two shelters, and six ad kiosks. They will be placed at high traffic intersections featuring a combination of community messaging and advertising displays. He showed the advertising device concept renderings. He stated that they are aesthetically tied with the welcome signage that exists presently on Highway 50 at both ends of Pueblo West. The sign itself will be a combination of advertisements and public messaging. For example, events would include farmer's market, fishing derby, 4<sup>th</sup> of July, Oktoberfest, and the Christmas parade. The sign would be of use by the Pueblo West community for public safety messages such as road closures, weather warnings, Amber Alerts, and messages like No Texting & Driving. It would also provide public service messages like giving thanks to our first responders, local charities, and sponsorship enhancements. The program is encompassed with a revenue share between Street Media Group, LLC and the Pueblo West Metropolitan District. He showed several photographic renderings of the site. He stated that it had recently come to his attention that there were some concerned citizens nearby the sign, noting he takes those concerns very seriously. He stated that he has a product that he will share with the Commission that will alleviate those concerns. He showed a zoomed in view of the sign placement site, and the subject parcel was shaded pink. The first thing he pointed out was that the structure would have a "V" orientation so that it points the display toward McCulloch Boulevard toward the intended traffic and away from the neighborhood on South Bailey Drive, which is northeast of the subject parcel. The technology he wanted to share this evening is called Sitaline technology. It creates a light protected area that traditional digital does not do. With the traditional digital signage, those living northeast on South Bailey Drive would still be able to see the sign and colors. With the new technology, the light trespass disappears. He showed a photograph showing how when viewed at different angles the sign actually disappears. How it works is that it has light blocking louvers with an optical down-angle, which shields the LEDs from above and the side to mitigate the light. As the viewing angle shifts, the visibility of the sign becomes completely darkened. He stated that one of the videos he wanted to show was drone footage going by an existing sign that shows how from an interstate you can see the sign, but as you proceed to the parking lot of the subject property, you can see only half of the sign like that shown in the previous photograph. He noted that staff was currently having difficulty accessing the videos. By the time you get to the entrance of the building itself, the sign is completely darkened. The second video was a news story from a market near Salt Lake City, Utah, where a digital sign was put in and some citizens were concerned, much like those in this case this evening. Street Media, LLC was able to put in a sign with this technology that made the sign disappear from the visibility of the neighboring residents; therefore, the news story goes on to share how pleased all the citizens are and they no longer have any complaints over the sign. He stated the Canadian-based manufacturer of the sign is Media Resources. The next photo he showed was a light mitigation study of the subject property prepared by Media Resources. It is similar to the photo shown previously on how the visibility is almost nonexistent even for the first property. By the second property, it is pretty much gone. The footnote on the photo indicates that a full moon has a light impact of approximately 0.03 fc (foot candles). Using the Sitaline technology, all the properties along South Bailey Drive would have less illumination impact than that of a full moon, ranging from 0.0009 fc at the closest property to 0.00001 fc at the farthest property. The notes, as designated by the photometric study, are the homes along

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the back of South Bailey Drive. As stated previously, outside of the very first home on the corner, they will have black invisibility. There were some concerns about the night sky ordinance, but with using the new technology, the light trespass would be much less than that of a full moon for the neighboring properties along South Bailey Drive.

Mr. Schuster thought the proposal was a good idea, but he was not aware on how it was going to be facing. He thought the sign would be better placed on the other side of the road because the property there was commercial. Mr. Hammond replied that the sign was a double-faced sign. Mr. Schuster questioned if this evening's hearing was for the one sign only, because it was previously mentioned there were going to be other signs. Mr. Hammond replied that the mention of the other advertising devices was just an overview for information on the agreement with Pueblo West Metropolitan District. The other sites would not require a special use permit per the zone districts. The subject site this evening needs a special use permit because of its zoning. The other signs, shelters, and kiosks are going through final placement as Pueblo West works with Pueblo County. It is possible that he will be back before the Commission in some of those cases. Ms. Howard replied that the other signs were not being placed in the S-1 Zone District. The subject project is within the S-1 Zone District, which requires all uses to have a special use permit.

Mr. Wark questioned if the sign louvers and LEDs were designed specifically for this application. Mr. Hammond replied yes. Mr. Wark asked if it could be changed once it was made. Mr. Hammond replied that the sign has a specific shield that is manufactured next to each set of LED modules, which are approximately 14" x 14" squares and are stacked in threes that make all the color schemes. Shielding occurs above and, most predominantly in this case, to the side to prevent the visibility by the neighbors to the northeast of the sign. Mr. Wark questioned if the sign is checked once it is installed or is it assumed that it was designed correctly automatically. Mr. Hammond replied that Media Resources comes out and checks the illumination.

Mr. Lisac questioned the capability to reduce the light emissions after it is installed. Mr. Hammond replied that the technology has automatic dimming capabilities that can be turned down. Previously, he heard a member of staff state that it will be required to have 50% illumination at night. He stated the technology is different than what has been previously used. There will be no glare. It is also monitored 24 hours, 7 days a week, through a national center. They have both internet connection and live cameras to provide notifications of any errors.

Chair Hatton asked to go back a couple of slides to show the light mitigation study. She stated that in the brightest part of the light is a community known as Sun Haven that the Planning Commission approved. She was concerned that the brightest part of the light was being directed pointed towards those people living in apartments. She did not feel that people living in houses should get extra credit than people living in apartments. She questioned how concerns from those living in the Sun Haven complex would be addressed. Mr. Hammond replied he was not aware of any concerns from the apartment complex. He stated that the technology itself is much dimmer than what any residents of the Pueblo community, whether it be Pueblo West or the City of Pueblo, are used to seeing with digital signage. He stated the blocking technology completely eliminates the excess light trespass. As far as the dimming capabilities, they are well under what the Pueblo County Code asks for.

Mr. Wark stated that the mitigation study photo makes it look like the sign is a big floodlight. Mr. Hammond replied that it was not a floodlight and is only indicating that there is no plastic shielding in the specified area. He stated that his presentation was not as effective without the videos he prepared. Mr. Lisac stated that there was no foot candle measurement for the area being referred to as the floodlight area. Mr. Hammond replied he could get that foot candle measurement, but it would not be available this evening. He stated it would be much less than the 50% illumination that is being regulated, noting it would be more at 5% to 10%. Mr. Wark stated it was indicated by staff that complaints would be reviewed.

**Mr. Shawn Winters**, Engineering Manager, Pueblo West Metropolitan District, 356 South McCulloch Boulevard, Pueblo West, Colorado 81007, spoke in favor of the special use permit. He has been working along with Ms. Carol Cosby, Director of Parks and Recreation for Pueblo West, on this project for a few years. They are very excited about getting this project up and moving in a positive direction. The addition of this type of signage within the Pueblo West community is very important in informing the community about local events. It would also benefit many of the nonprofit entities like the Pueblo West Chamber of Commerce and the Women's League, to name a few. They are hoping to get information about different events to the community as they come up throughout the year. He stated he

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would be happy to answer any questions the Commission may have relative to Pueblo West Metropolitan District staff but would defer to Mr. Hammond on the technical matters.

**IN OPPOSITION**

**Ms. Darlene Garcia**, 221 South Bailey Drive, Pueblo West, Colorado 81007, spoke in opposition to the special use permit. She stated she has lived in Pueblo West for about 25 years. She moved to the area because of the dark skies. She stated that there are no lights on her street, and it is a very nice place to look at stars. She appreciated Mr. Hammond's presentation and what he said was true about being very worried that the sign would interfere with the viewing of the night sky and sunsets. She showed a printed, black and white photo of a sign that is near the proposed sign location. The existing sign is shorter and smaller. The photo shows what they see at night with the existing sign. She is happy to know that the new technology is going to shield them from the light. She felt that Mr. Hammond had answered many of her questions. However, she wanted to know if the lights would stay on all night or if there would be any flashing lights. She stated she had read the contract between Pueblo West Metropolitan District and Street Media Group, LLC and felt that it was up to the company to do whatever they wanted, but she was not sure. Ms. Day questioned Ms. Garcia if she wanted to enter her photo as part of the record. Ms. Garcia replied yes. The photo was entered into the record as Opposer's Exhibit 1.

**Mr. John Kring**, 209 South Bailey Drive, Pueblo West, Colorado 81007, spoke in opposition to the special use permit. He stated he was house number three in the Media Resources' mitigation study photo that was shared. He was concerned about the light wash, noting he was the new kid on the block. He has lived in Pueblo West for almost a year. He came from Las Vegas, and he knows about digital sign wash. He lived fifteen miles from the strip, and he still could not see stars at night. He moved to beautiful Colorado to see mountains, be close to family, and see stars at night. He stated that it had been 18 years since he had seen stars because he could not see them in Las Vegas. He stated there would be public notices on the sign, and he was concerned with public safety. He stated at 45 miles per hour going down McCulloch Boulevard you have about 3.5 seconds to read that sign. Knowing now how the sign would be facing, if someone turns to check out the sign more, they may pull into northbound lanes. He stated he was a firefighter for 30 years, and he has seen many bad accidents. He suggested the Pueblo West Metropolitan District conduct an impact study to determine how the sign will affect traffic. He asked the Commission to request the study be done because he felt it was a valid concern. He stated he bought his home last December. For several mornings, he has had deer in his yard. Seeing the wildlife so near was amazing. They are so calm and mellow. He was concerned that the flashing lights from the sign may affect the wildlife.

**Ms. Laurie Kring**, 209 South Bailey Drive, Pueblo West, Colorado 81007, spoke in opposition to the special use permit. She felt the advertisement sign would be good for bringing new things to the area but felt it would be better if it were closer to Highway 50. It would not be shining toward apartment buildings and could be placed with enough room so people could read it and not be hazardous. She understands it could pull people in for the 4<sup>th</sup> of July and the farmer's market, but she did not want another sign that would cause more problems. The deer cross McCulloch Boulevard, you have school traffic, and people trying to get to work, noting that deer are being hit by cars in the area. She felt the sign in that location would create another problem where people could not drive safely.

**Ms. Julie Pearson**, 221 South Bailey Drive, Pueblo West, Colorado 81007, spoke in opposition to the special use permit. She said she also appreciated Mr. Hammond's presentation but did not have faith in a company based in Fort Collins that does not have the best interests of the community to be responsive to concerns. She felt that Pueblo West Metropolitan District impacting any citizen with a lighted sign was wrong. She felt there were plenty of other places in Pueblo West where a sign could be placed, still get the impact desired, and not affect residents.

**REBUTTAL**

Mr. Hammond rebutted the testimony. He stated that he was very concerned about putting in a product that was aesthetically pleasing and fits with the needs and wants of the community. He stated that he does have a strong vested interest in the Pueblo community. He has been around for many years, noting that the corporate office is in Fort Collins, but they have offices throughout the State. They are presently offering the Pueblo Community Bus Transit System advertising on shelters, benches, and buses. He has received many endorsements from the Pueblo community in that effort. He stated he was very vested in serving this community and serving the area citizens and businesses for many years. He

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stated that Ms. Garcia raised some good points. With the advent of digital technology, the Pueblo County Code is in desperate need of updating. He works with a gentleman that writes sign codes for many communities. He suggested Pueblo County look into making some changes in the future. Currently, there is nothing in the Pueblo County Code addressing transition time, etc. With the sign off Highway 50, the Colorado Department of Transportation (CDOT) has signage requirements for no flashing. There will be no flashing; it will be a seamless transition from one slide to another. The CDOT regulations require a five-second transition, noting that his signs would be set to six to eight seconds. He appreciated Mr. Kring bring up the safety concerns. The structures have been vetted nationally in many studies and are quite safe. He would invite those who go to Denver International Airport to notice the signs that are flashing with much shorter transition times, noting there have been no impacts relative to accidents involving the signage. Cell phones are tremendously documented to have much more attention taken away from drivers than signage. Road signs are utilized every day for navigation. We take in information through the human brain in the same way. This is what those studies have concluded. He stated he was sorry he could not share the visual impact because it was very impressive. He stated he would be able to share on his own computer after the meeting for those that were interested.

Mr. Schuster questioned if the other signs in Pueblo West would be double sided. Mr. Hammond replied that they were not digital, they were static. They would be similar to what the bus shelter displays are like. They will have a combination of messages to promote community events as well as area businesses that want to advertise. Mr. Schuster stated that if he was traveling to Pueblo West coming from Canon City or Pueblo, would those signs be two-sided and what side of the road would they be on. Mr. Hammond replied those signs would be two-sided, noting that the placement was still being discussed with Pueblo West Metropolitan District and Pueblo County. Ms. Day questioned the relevance of Mr. Schuster's questioning to the application before the Commission.

Mr. Lisac stated going back to the light study, he questioned if there were any measurements for vertical light. Mr. Hammond replied that it did calculate for the night skies. He said that South Bailey Drive is 700 feet from the proposed sign. The light from the sign impacts night skies far less than a full moon. He mentioned the photo submitted by Ms. Garcia of a nearby sign showing a bright light. He said that his signs would not be like the one pictured. Mr. Lisac stated that he was concerned with light traveling upward. Mr. Hammond replied there was a similar study in a natural area in Fort Collins, Colorado. It was similar in this situation with a Wal-Mart on other side of the interstate. He stated that one parking light from the Wal-Mart was determined to disrupt more of the night sky than one of the signs using the Sitaline technology, noting that that particular sign was much larger than the one proposed at 240 square feet. The proposed sign is 150 square feet.

Ms. Smith, Recording Secretary, stated that the videos Mr. Hammond wanted to share were found and could now be played. The first video showed drone footage of signs along interstates at various angles and times of day showing how the sign face disappears and turns black. The sign was on one side of the interstate and a residential subdivision on the other side. The second video was a KUTV-Utah news broadcast involving a billboard battle and featuring Sitaline technology. A billboard sign was established near a residential subdivision which illuminated the neighboring properties. Many of the residents complained, which prompted the billboard owner to find a solution. The solution he found was from a Canadian company named Sitaline and its light-deflecting technology. The broadcaster indicated that the new sign was a night and day difference from the original sign. He stated that from the point he was standing at the year before, the light from the original billboard was illuminating the neighborhood, and now it was not. He stated the new high-tech solution could have more implications for a lot of places in Utah. One of the neighboring residents stated that she could now enjoy her neighborhood as it once was. The broadcaster stated the billboard near the homes still sends its message to drivers along the highway, but from the new perspective, the residents don't think about the sign anymore.

Mr. Hammond stated that the gentleman with Media Resources out of Utah is the gentleman who handles his displays as well. He would have been at this evening's meeting to speak on his behalf, but he recently had some medical issues and was hospitalized. He stated that he would be available for the installation of the sign in Pueblo West.

There being no further questions, Chair Hatton closed the hearing and entered staff's comments into the record.

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**MOTION**

Mr. Wark moved to approve Special Use Permit No. 2021-011 with two conditions and Directive to Staff as per Staff's Memorandum, dated November 10, 2021. Mr. Lisac seconded the motion. PCPC Resolution No. 21-016, dated November 17, 2021, was also approved.

Discussion ensued. Mr. Schuster stated that the proposal was a good idea and liked the ability to post events. He did not realize the sign was going to point toward South McCulloch Boulevard. He felt that the way it was designed, it would be a nuisance driving down McCulloch Boulevard. If it were a one-sided sign, he would not have a problem with it. He did not like the way it was proposed.

Mr. Lisac stated that it was important to have signage. He understands everyone's concerns. He felt people would be pleasantly surprised on how dim the lighting would be. He felt the sign would not affect any wildlife or traffic. He was very sure that the folks on South Bailey would be less affected. He was not too sure about the apartments located on the other side of the street. He felt it was a tough decision. He felt the residents of the apartments should have attended the meeting to voice any concerns.

Mr. Varela questioned what Ms. Leonard's thoughts were on the proposal being that she was affiliated with the Pueblo West community. Ms. Leonard replied that she was going to recuse herself on the vote, noting that there was an agreement with Pueblo West Metropolitan District of which she is a board member.

Ms. Gladney stated her support for the proposal. Many of the City of Pueblo businesses have been working on getting this type of signage on Interstate 25. She stated it would be a game changer for nonprofits within the City to advertise different events. This technology is already along Interstate 25 in the northern communities. She felt it would be an asset to the community of Pueblo West. She stated that Pueblo West Metropolitan District did its due diligence to make sure that the proposed signage would be a benefit for the community. She would be voting yes.

Mr. Varela questioned if the proposed signage was primarily for City advertising, nonprofit advertising, or would there be an ability for different organizations to purchase advertising on the sign. Chair Hatton asked Mr. Winters if that was a question he could answer. Mr. Winters deferred to Mr. Hammond. Mr. Hammond replied that the agreement calls for a mix of advertising messages as well as public community and public services messages.

Ms. Mauro stated her support for the proposal. She felt it was good technology and a good way to get important information out to the community. She felt the applicant was taking the neighborhood into consideration.

Ms. Day reminded the Commission there are a lot of considerations with these types of applications, and people talk about a lot of issues. She wanted to make sure to remind the Commission members that its decision as to whether or not to approve or deny a special use permit needs to be based on the standards from the Pueblo County Code, which have been provided within Staff's Memorandum to the Commission. She wanted to make sure the Commission was looking at those standards when make its decision. She stated if there were any questions, make sure to ask staff.

Chair Hatton stated that she actually buys a lot of digital billboards, noting it was part of her job. She also gets the complaints from them. There was a little bit of that tying into her decision. Her biggest concern was the residents of Sun Haven. While we say that we do public notices, those public notices are sent to landowners, not renters. Renters do not have access to that information. She said that this was the single factor dictating her decision because it was very hard when someone does not know what is happening to them and their life changes dramatically, noting that there is already a housing shortage. Her largest concern was with the number of people that would be impacted by the brightest part of the signage light. She stated she would be a "no" vote. She would like to find a way to include people that are not homeowners and who rent into the notification process. She felt the biggest failures by the Planning Commission have often been largely due to not having people that need to be at a hearing and are not in attendance.

Mr. Wark stated that he would agree with Chair Hatton in that the apartments are not getting a fair say, although he felt that the complex would not be greatly impacted. He does like the idea of getting notices to not only the homeowners, but the renters as well. He stated looking at the way the apartment complex sits, even though the sign faces it, it doesn't

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appear that any light would be shining in somebody's window. The sign is a good distance away. He stated that there was a provision in the special use permit to address complaints should they arise. He questioned if the special use permit would be reviewed annually. Ms. Howard replied only until the use is established. Ms. Day stated that the Planning Commission could always receive zoning complaints based on the violations of the zoning code. Mr. Wark felt that the sign would be viewable by a vehicle but did not think it would be a powerful source of illumination.

Ms. Day stated she did not want to sidetrack anyone because the hearing this evening was about the proposed application and whether or not the applicant has met the requirements of the Pueblo County Code. She stated that notification requirements as required by the Pueblo County Code have been met in this case. Whether the Planning Commission feels that it is sufficient or not was a discussion for another time, noting there were some logistical issues with what was being discussed.

Chair Hatton questioned the process required for filing a complaint. Ms. Howard replied the complaint would be submitted to the Department of Planning and Development. There is a complaint form on the Pueblo County Webpage. The complainant would fill out the form, indicate the nature of the complaint, and provide supporting photographs. The Land Use Enforcement Officer would then visit the site to confirm the violation.

Ms. Mauro stated that the proposed signage was below the lighting requirements. She did not feel the affect was as bad as some may think it is.

Ms. Day clarified Mr. Wark's comments about the complaints being processed as zoning violations, which is the process that Ms. Howard outlined. She stated that there was a specific condition being recommended for this special use permit indicating that the sign be properly shielded, and illumination levels be set at a maximum of 75-80% for daytime and 50% for nighttime. Should the Department of Planning and Development receive complaints relative to the brightness intensity, then the previously stated percentages will be required to be reduced further. She stated that this is a condition that staff was recommending for this special use permit. If the application was found to be in violation of a condition of approval, the permit could be scheduled for a Show Cause Hearing. She stated this was a different process than just the standard zoning violation. She stated that for this special use permit, the applicant was in agreement with staff's recommended conditions of approval.

The following roll call vote was taken:

Ms. Gladney--aye.  
Ms. Leonard--abstain.  
Mr. Lisac--aye.  
Ms. Mauro--aye  
Mr. Schuster--nay.  
Mr. Swearingen--aye.  
Mr. Varela--aye.  
Mr. Wark--aye.  
Chair Hatton--nay.

After discussion, the motion was approved by a 6-2-1 vote, with Mr. Schuster and Chair Hatton voting against the motion and Ms. Leonard abstaining.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**REPORTS OF COMMITTEES**

None.



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**ADJOURNMENT**

There being no further business, Chair Hatton adjourned the meeting at 6:50 p.m.

Respectfully submitted,



Carmen Howard, Director  
Department of Planning and Development

SMS

# Community Digital Sign & Shelter / Kiosk Agreement

PUEBLO WEST



## 2 Digital Signs, 2 Shelters, 6 Ad Kiosks

- Placed at High Traffic Trail and Roadway Intersections
- Featuring a Combination of Community Messaging and Advertising Displays

## Advertising Device Concept Renderings



# Community Benefits

Space is shared with the community to promote:

## Events

- Farmer's Market
- Fishing Derby
- 4<sup>th</sup> of July
- Summerfest
- Oktoberfest
- Christmas Parade

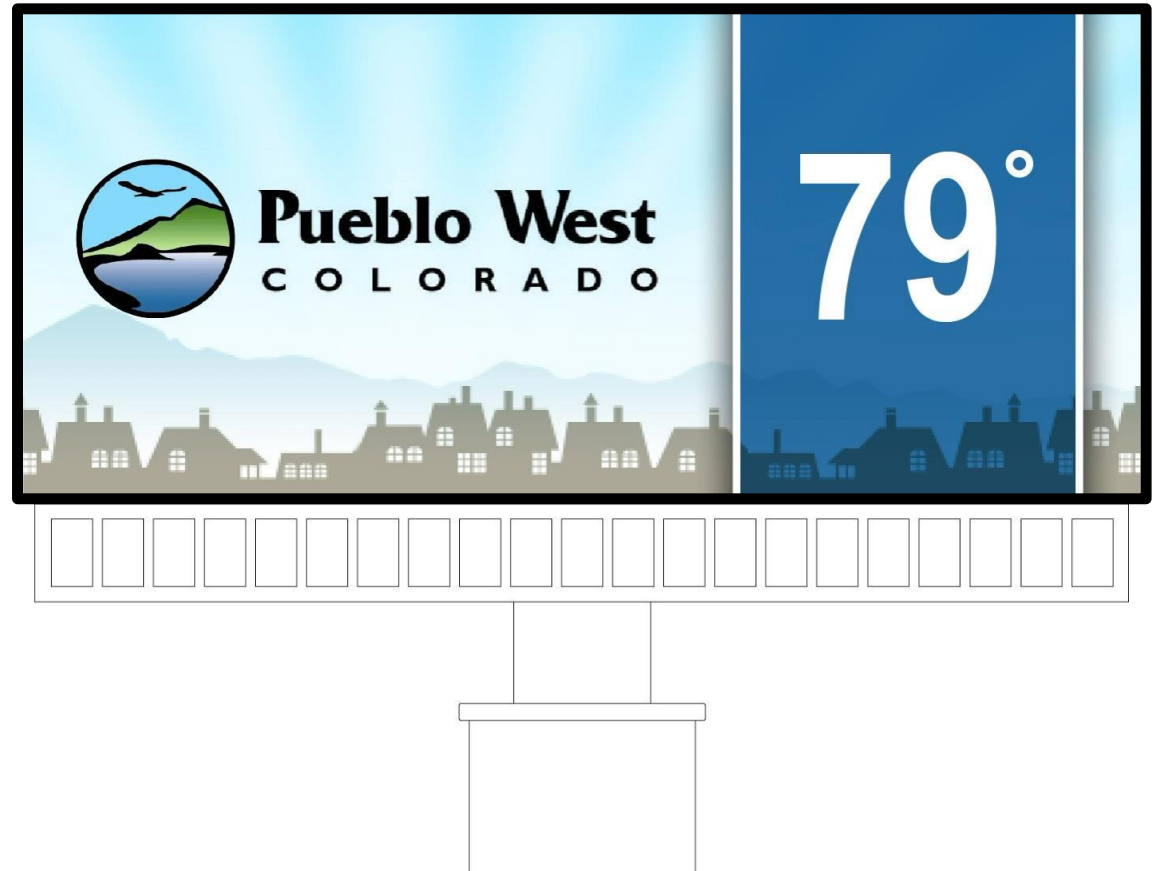
## Public Safety

- Road Closures
- Tornado Warnings
- Amber Alerts
- No Texting & Driving

## Public Service Messaging

- Local Charities
- First Responder
- Sponsorship Enhancements

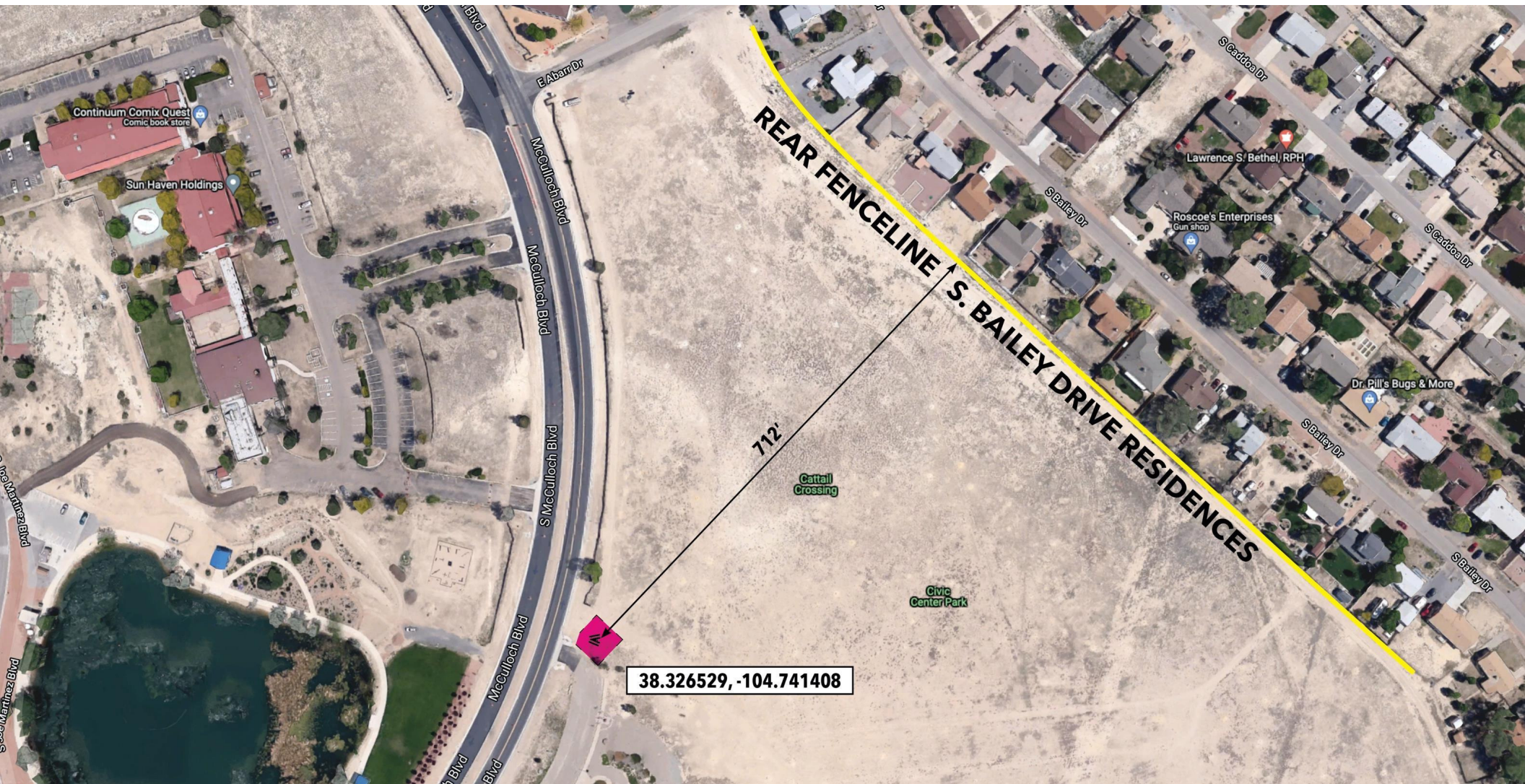
## Revenue Share



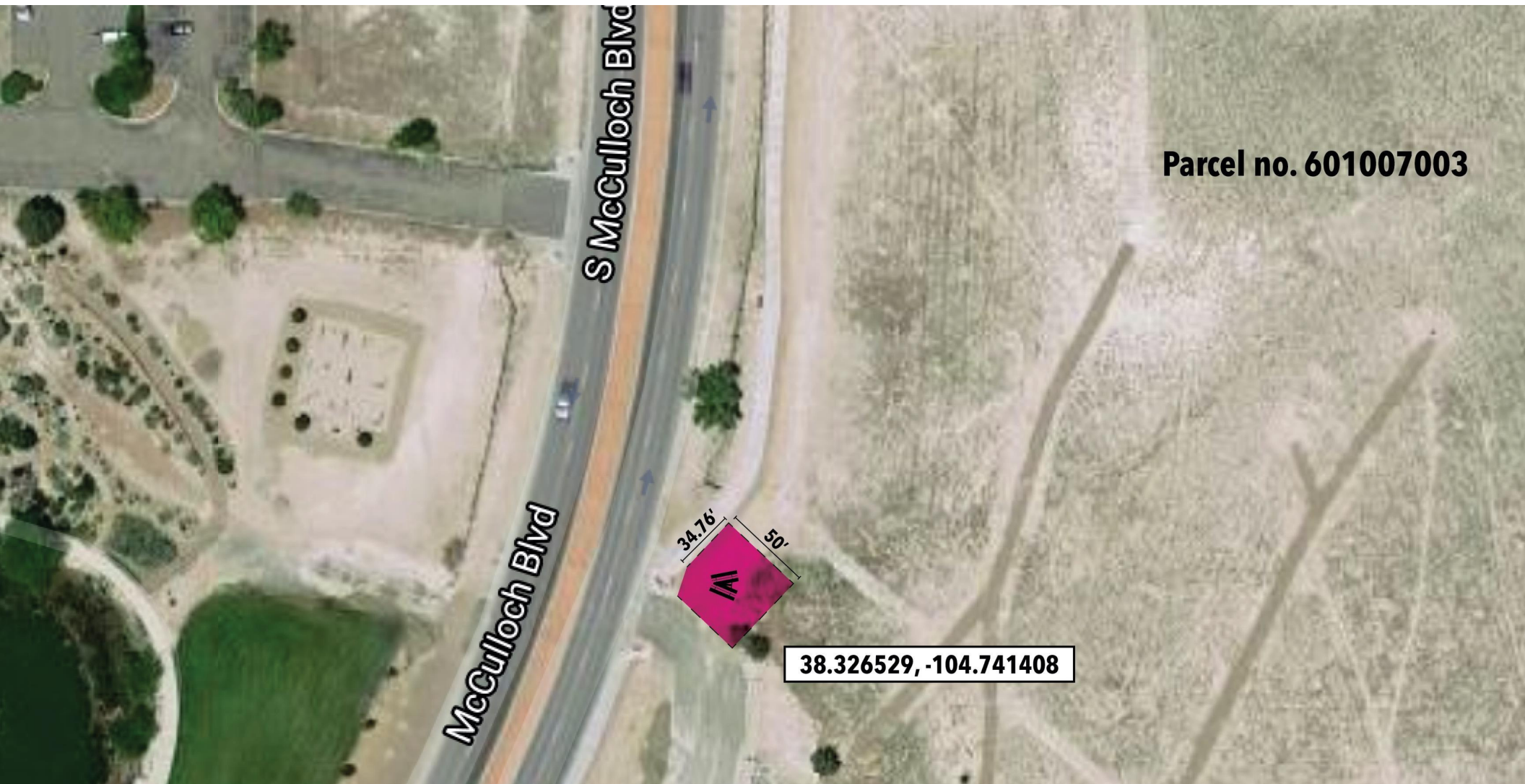
# McCulloch Blvd











Parcel no. 601007003

38.326529, -104.741408

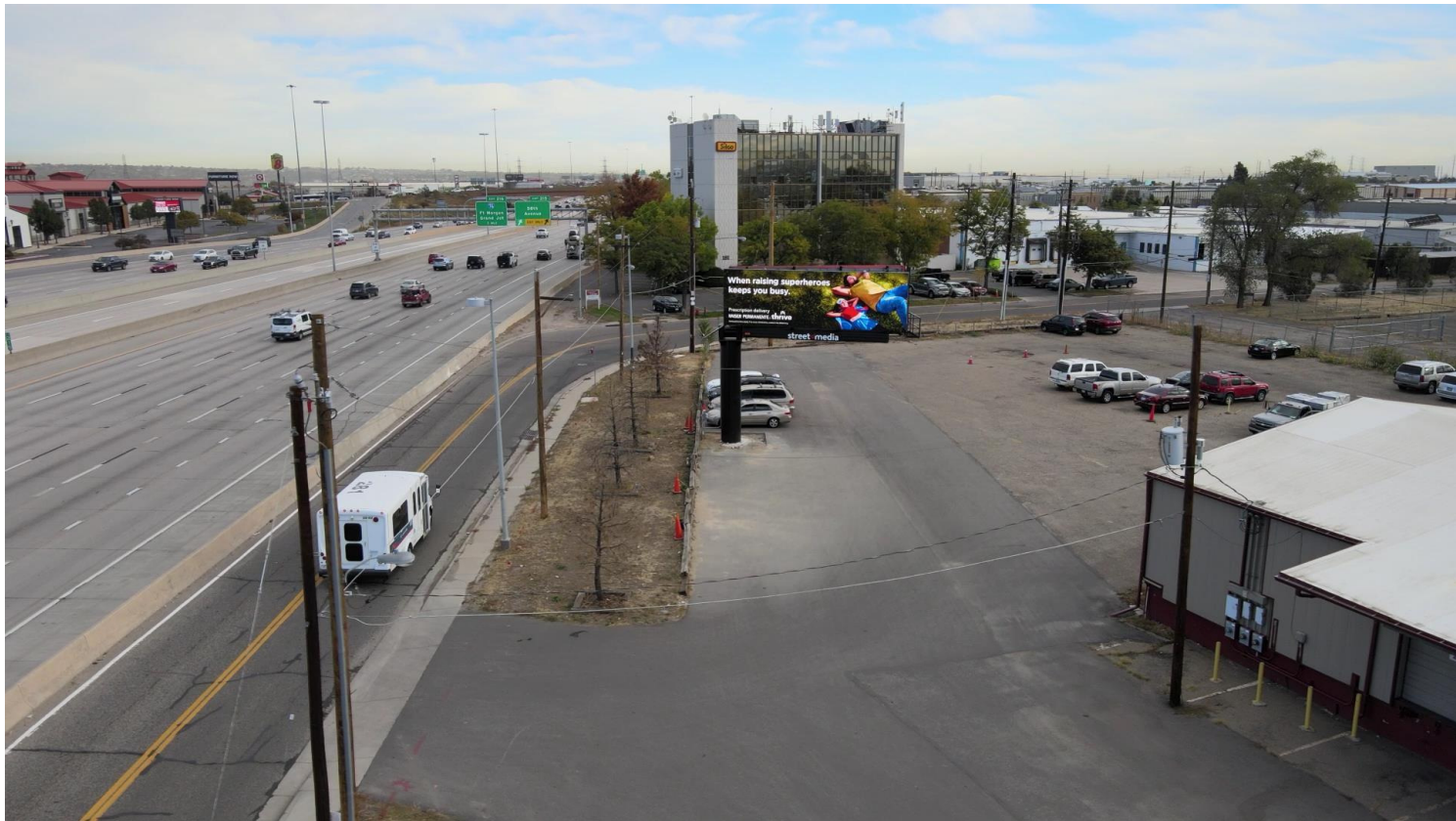








# Siteline Technology





# Siteline Technology



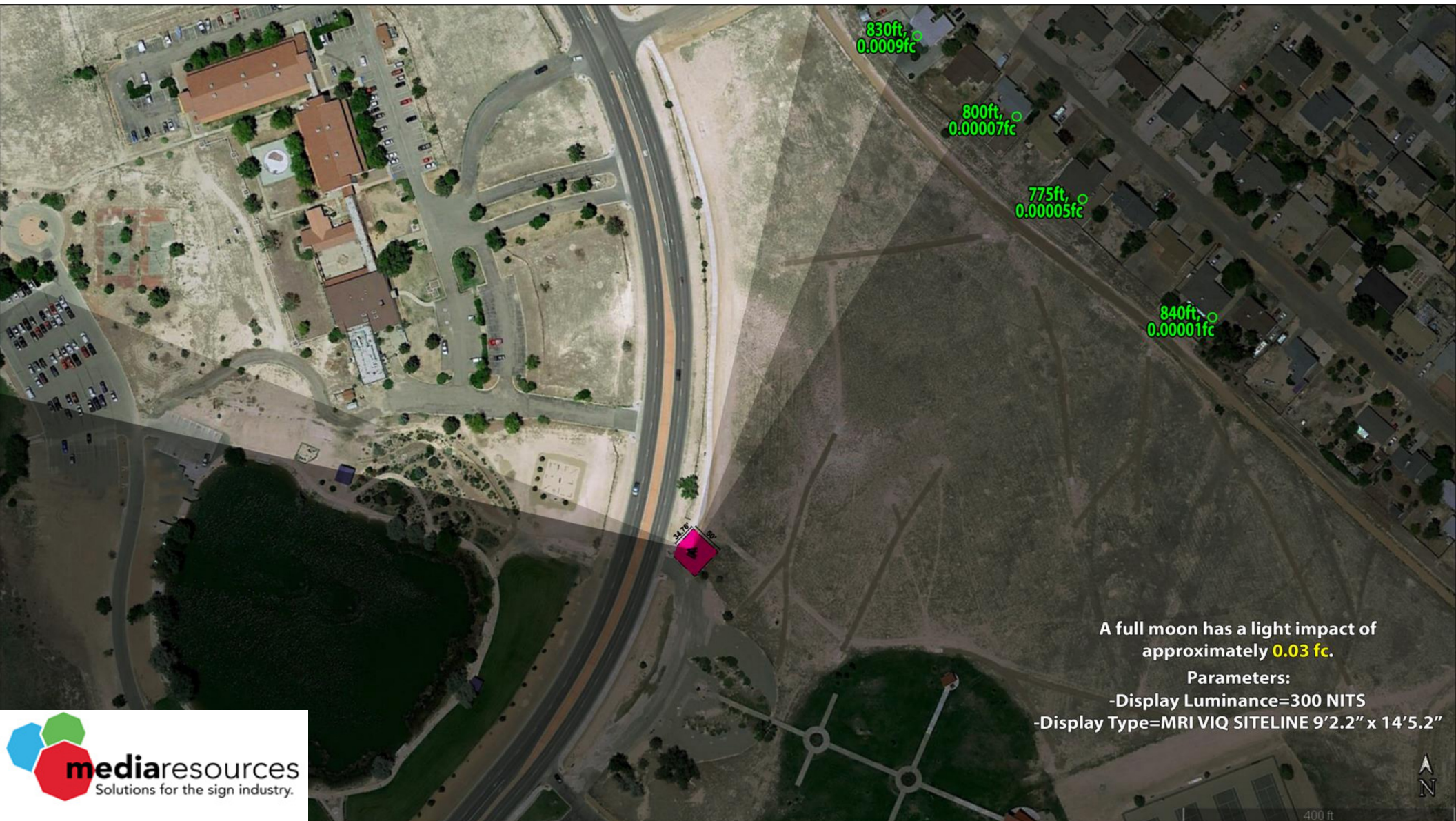
A landscape photograph showing a multi-lane highway with several cars. In the background, there are mountains under a cloudy sky. A billboard for 'EDGEhomes' is visible on the right side of the road. The text 'SITELINE™ — Light Trespass Mitigation' is overlaid in white on the upper part of the image.

# SITELINE™ — Light Trespass Mitigation

## How it works

- Light Blocking Louvres with Optical Down Angle LEDs
- Interchangeable Modules
- Real-Time Monitoring





A full moon has a light impact of approximately **0.03 fc**.

Parameters:

-Display Luminance=300 NITS

-Display Type=MRI VIQ SITELINE 9'2.2" x 14'5.2"

thank you







## SITELINE ANALYSIS

A full moon has a light impact of approximately **0.03 fc**.

Parameters:

- Display Luminance=300 NITS
- Display Type=MRI VIQ SITELINE 9'2.2" x 14'5.2"



PENGAD-Bayonne, N. J.  
**OPPOSER'S  
EXHIBIT**  
1  
SUP 2021-011  
P6PC  
11-17-2021



- 1) 20 (30) yr lease
- 2) Dark Skies - Exempt?  
- Pictures - Special in PW
- 3) Easement signed 9/2020
- 4) Exempt from all Advertising regulations - because of partnership w/ PWMD
- 5) Out of town - owner
- 6) Location is too obtrusive to local residents  
Community  
o/o Advertising

I want:

- 1) Move the sign
- 2) ~~the~~ Limit sign usage - no white, no \$ flashing signs

All right

~~Residential~~ on west side