

GRAND JUNCTION PLANNING COMMISSION
AUGUST 23, 2005 MINUTES
7:00 p.m. to 11:58 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), William Putnam, Lynn Pavelka-Zarkesh, Bill Pitts, Tom Lowrey, John Redifer and Roland Cole.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), and Pat Cecil (Development Services Supervisor).

Also present was Jamie Kreiling (Assistant City Attorney).

Terri Troutner was present to record the minutes.

There were approximately 32 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes from the July 26, 2005 City Planning Commission public hearing.

MOTION: (Commissioner Cole) "I move [for] approval of the minutes of July 26th."

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Redifer and Putnam abstaining.

III. CONSENT AGENDA

Available for consideration were items:

1. PP-2004-300 (Preliminary Plan--Cameck Subdivision)
2. FP-2005-167 (Final Plat and Plan, Redlands Mesa, Filing 7 and Vacation of Right-of-Way)
3. CUP-2005-114 (Conditional Use Permit (Precision Energy Services))

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted one or more of the items pulled for additional discussion. At citizen request, item FP-2005-167 was pulled and placed on the Full Hearing Agenda. No objections were received from the audience or planning commissioners on either of the remaining Consent Agenda items.

MOTION: (Commissioner Pitts) "I move that we move item 2 [FP-2005-167] to Full Hearing."

Commissioner Redifer seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move we adopt the Consent Agenda as amended, with approval for items 1 and 3 [PP-2004-300 and CUP-2005-114]."

Commissioner Redifer seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

IV. FULL HEARING

Kathy Portner indicated that the petitioner had elected to withdraw item GPA-2005-045. City Council would move forward with its second reading of the property's original I-O zone of annexation.

Due to the expected length of item SPR-2005-084, Chairman Dibble said that a request to continue item GPA-2005-148 to the August 31, 2005 public hearing had been made.

MOTION: (Commissioner Cole) "Mr. Chairman, I'd move the continuation of the item GPA-2005-148, 24 Road Corridor Subarea Plan, to 7 p.m. on August 31."

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

FP-2005-167 FINAL PLAT AND PLAN, REDLANDS MESA, FILING 7, AND VACATION OF RIGHT-OF-WAY

A request for approval of the Final Plat and Plan for Redlands Mesa, Filing 7, consisting of 25 single-family lots on approximately 25 acres in a PD (Planned Development) zone district; and a request to vacate right-of-way through the City-owned Painted Bowl property.

Petitioner: Ron Austin, Sun Flower Investment, LLC

Location: West Ridges Blvd. and Mariposa Drive

STAFF'S PRESENTATION

Kathy Portner referenced revised pages 1 and 3 of the staff report that had been distributed to planning commissioners. There'd been a typo on page 1 and a clarification included on the timing of construction on the shared driveway on page 3. The request was being considered under the pre-2000 City Zoning & Development Code, which required the Final Plat and Plan to come before the Planning Commission for consideration. The current filing included a connection to Mariposa Drive. Ms. Portner noted the site's location. One of the discussion items brought forth at a prior Planning Commission hearing and included as a condition of approval had been the pedestrian connection originating from the Redlands Mesa Court cul-de-sac and connecting to Hill Top Court and Mariposa Drive. Staff had originally required construction of a concrete trail; however, since the topography was too steep to provide concrete surfacing and meet ADA requirements, a soft-surface trail would be provided instead. The sewer line would also be situated within the easement.

Ms. Portner noted the locations of both the right-of-way to be vacated as well as the alternate right-of-way to be provided. Mariposa Drive would be completed with the current filing and constructed with curb, gutter and a 10-foot-wide pathway on one side of the street. Staff recommended approval of both the final plat and plan and the right-of-way vacation.

QUESTIONS

Chairman Dibble asked if there had been two TEDS exceptions granted, to which Ms. Portner replied affirmatively.

PETITIONER'S PRESENTATION

Doug Theis, representing the petitioner, offered no further testimony but availed himself for questions.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Barbara Salogga (2397 Mariposa Drive, Grand Junction) said that her questions and concerns were primarily over the proposed pedestrian path. She wondered what kind of path it would be and hoped it would be constructed in such a way and with the kind of materials as to provide the least amount of impact possible. While she supported neighborhood interconnectivity, she observed that the general public routinely circumvented the existing barrier and set their dogs loose to run in the area. She understood that the manholes would be accessed infrequently by City utility trucks. Since that would be the case, she hoped there wouldn't be "overkill" on the type of path needed. Ms. Salogga also wanted to know if disturbed lands would be reclaimed following construction, and she offered to assist with plantings or other reclamation efforts. She also said that construction noise could be heard from 6 a.m. to 8 p.m. every day and wondered if those hours could be further restricted to provide she and her neighbors with a little peace and quiet.

Toby Axelsson (2697 Haven Hill Court, Grand Junction), representing his parents who owned a home on Mariposa Drive, shared the same concerns expressed by Ms. Salogga. He also noted a kind of "flash flood gully" on the property that could be dangerous during periods of heavy rain. How would that be managed? He, too, wondered if the general public could be discouraged from using the area for dog training, four-wheeling, etc.

Michael Salogga (2397 Mariposa Drive, Grand Junction) agreed with the concerns expressed previously by his wife.

STAFF REBUTTAL

Ms. Portner said that a 20-foot easement was required for access to the manholes and sewer line, to be contained within the HOA's open space and maintained to the point where it connected with the City's public right-of-way. It was possible that the property owners on both sides of the 20-foot easement could request a vacation of any extra right-of-way beyond the required 20-foot access. Comments from the utility engineer indicated that the access must be constructed in such a way to withstand the weight of their equipment. Typically, that included road base and a gravel-type surfacing. The applicant's consultant was currently working with the City's utility engineer to explore other design alternatives. As a means of restricting vehicular access, the City may opt to install bollards, which could be removed to accommodate manhole maintenance.

Ms. Portner asked legal counsel about the noise ordinance timeframe. Ms. Kreiling said that the designated "quiet time" was between 8 p.m. and 6 a.m. She added that the City would be requiring individual lot grading and drainage plans.

QUESTIONS

Commissioner Putnam wondered what the objection was over people having dogs in the area. Ms. Portner thought it likely that objections were over pet owners allowing their dogs to run loose. She noted

that the City had a leash law in effect. Since the area wasn't a designated City park, she wasn't sure if the "pick up after your pet" ordinance also applied.

PETITIONER'S REBUTTAL

Mr. Theis provided a brief history of the pedestrian/sewer easement, which had originally been proposed as a road and would now be just a soft-surface trail. As a means of getting to the manhole from Mariposa, one suggestion had been to provide a two-track road to accommodate vehicle wheels, with tracks comprised of two 4-foot gravel strips divided by landscaping. An example of where that had been successful included Long Hole #1 on Redlands Mesa. There, a cart path was used to access manholes. He agreed that people needed to be discouraged from using the easement as a road, and he expressed a willingness to consider suggestions.

With regard to drainage, the area's historical drainage patterns had been improved. The top of the hill, which previously served as a watershed, had been leveled. A road had been installed, and lots were graded such that runoff would drain towards the street and be carried away.

QUESTIONS

Commissioner Cole asked Mr. Theis if he would be amenable to erecting bollards to discourage vehicular traffic. Mr. Theis said that since the right-of-way where bollards would be installed would be off-site, he hoped the City would provide some assistance in terms of issuing credit, etc.

Chairman Dibble asked if there were any plans to revegetate the area, to which Mr. Theis responded affirmatively.

DISCUSSION

Commissioner Putnam remarked that except for mitigation of the dog issue, it appeared that all concerns had been or were in the process of being addressed.

Commissioners Pitts, Lowrey, and Cole concurred.

Commissioner Redifer expressed his appreciation for citizen input and agreed that concerns had been sufficiently mitigated. He commended staff and the applicant for working closely together to ensure a good project.

MOTION: (Commissioner Cole) "Mr. Chairman, I move we forward a recommendation of approval [on to the City Council] of the requested right-of-way vacation."

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

MOTION: (Commissioner Cole) "Mr. Chairman, I move we approve the Final Plat and Plan for Redlands Mesa Filing 7, with the findings and conclusions listed in the staff report and on conditioned on the City Council approving the right-of-way vacation and access across the Painted Bowl property, connecting West Ridges Boulevard to Mariposa Drive."

Commissioner Redifer seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

SPR-2005-084 VARIANCES--CANYON VIEW MARKETPLACE

A request for approval of several variances to the Zoning and Development Code (Chapter 4) and the 24 Road Corridor Design Standards and Guidelines (Section 7.5 of the Zoning and Development Code, as follows: 1) a variance to section 4.2.G.e.8 (Off-Site Signs, Sign Code) and Standard 5 (24 Road Corridor Standards and Guideline, page 61) to allow one off-site sign in a C-1 zone district; 2) a variance to section 4.2.G.e.7.A (Freestanding Signs, Sign Code) to allow more than one sign per street frontage (two signs proposed along 24 Road, and three signs proposed along the F 1/2 Road frontage); 3) a variance to section 4.2.G.e.5.D (Roof Signs, Sign Code) to permit a roof sign that is higher than 40 feet from grade; 4) a variance to Standard 2 (24 Road Corridor Standards and Guideline, page 60) to allow a sign in excess of 100 square feet (182 square feet are proposed) in area; 5) a variance to Standard 5 (24 Road Corridor Standards and Guideline, page 62) to permit building-mounted sign letters to exceed 12 inches in height (42-inch letter height is requested); 6) a variance to section 4.3.M.14 (Big Box Standards) to exceed the 35-foot building height (38 feet is proposed); and 7) a variance to section 4.3.M.6.b (Big Box Standards) dealing with placement of the trash enclosure in relation to pedestrian circulation.

PETITIONER: James Walker--COEX II, LLC
LOCATION: 24 and F 1/2 Roads
CITY STAFF: Pat Cecil, Development Services Supervisor

Chairman Dibble asked that each variance request be presented and considered individually.

STAFF'S PRESENTATION

Pat Cecil gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; and 5) site plan. He acknowledged that the petitioner was in the unusual situation of having to comply with Code requirements, Big Box standards, and the 24 Road Corridor Standards and Guideline.

Secretary's Note: The requests that require a variance to the 24 Road Design Standards and Guidelines have two motions.

VARIANCE #1, A VARIANCE TO SECTION 4.2.G.e.8:

STAFF'S PRESENTATION

Mr. Cecil said that the theatre would be situated approximately 1,000 feet away from 24 Road. And while the building would front along Market Street, an internal road, a sign on Market Street would have virtually no value. He noted that most likely all commercial businesses of the type proposed had large freestanding signs or large panels on multi-tenant freestanding signs located on their respective primary arterials. The strict application of the Sign Code in the current instance would create an undue and unnecessary hardship to the applicant because of the unique or unusual conditions pertaining to the specific building or property in question. A similar situation occurred in the instance of the Holiday Inn Express, so approval of the variance would not set precedent. Staff also maintained that granting the variance would not be contrary to the goals and objectives of the 24 Road Corridor Guideline and the general objective of moderating the size, number and obtrusive placement of signs. The proposed off-premise sign would not be considered "outdoor advertising" since the use being identified would be an integral part of the overall project. Having concluded that the request met variance criteria, staff recommended approval.

PETITIONER'S PRESENTATION

James Walker, representing the petitioner, briefly elaborated on the relationship the petitioner had with other area retailers. In his Powerpoint presentation, slides included an overview of the current proposal.

He agreed with staff's assessment and conclusion and felt that the request met the overall intent of the 24 Road Corridor Guideline. He introduced Kathy Hall, who came forward to speak.

Ms. Hall said that the theatre represented a significant financial investment of almost \$10 million. It would be a beautiful, upscale addition to the community. Regal Entertainment was well known for its theatres and currently had over 558 of them operating nationwide. She felt the theatre's proposed location would be ideal and commended staff for their assistance and direction.

QUESTIONS

Commissioner Cole asked about the size and design of proposed signage along 24 Road. Mr. Cecil referenced a slide showing the proposed signage and said measurements were approximately 12 feet high by 21 feet long by 4 feet wide. It would be comprised of stucco with a brick base and include three sign panels. He noted that the 12-foot height was the maximum height allowed by the 24 Road Corridor Guideline.

Chairman Dibble asked if the second sign would cover the overall advertising of Canyon View Marketplace or just a specific single business on lot 1. Chairman Dibble asked the status of the off site sign for Mesa Village Marketplace. Mr. Blanchard said that variance approval for the general marketing signage had since expired. A new variance approval would be required if the petitioner wanted to construct a similar sign for that project. Mr. Cecil clarified that the current request accommodated the theatre signage only. Mr. Blanchard said that the theatre was given a sign allowance for each frontage. The petitioner was, in effect, asking for placement of their Market Street signage along 24 Road, making it an off-premise sign.

Chairman Dibble asked about the type of road Market Street would be. Mr. Cecil said that it would be a local street constructed to local street standards.

Mr. Walker came forward to denote the location of where the off-premise sign would be erected on lot 1. The overall Canyon View Marketplace signage would also be located along 24 Road, for a total of two signs; however, only the theatre's signage was considered off-premise.

PUBLIC COMMENTS

FOR:

Marion Jacobson (726 Golfmore Drive, Grand Junction) felt that it was important for the City to be flexible. There were new businesses coming into the Grand Valley.

AGAINST:

There were no comments against the request.

DISCUSSION

Commissioner Cole felt the request to be reasonable and it satisfied variance requirements. He expressed support.

Commissioners Pitts and Redifer concurred.

Commissioner Lowrey reiterated that because the theatre was located approximately 1,000 feet away from 24 Road, it represented a unique situation and met the criterion for non self-imposed hardship. He didn't feel that approval of the variance would convey a special privilege and he, too, lent his support.

Chairman Dibble said that traffic safety issues were paramount. The selection of lot 2 for development of the theatre, he felt, was a wise choice. He also supported the request.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of variance #1, with the findings and recommendations of the staff."

Commissioner Lowrey seconded the motion.

Ms. Kreiling said that the motion first had to address compliance with the 24 Road Corridor Guideline. Mr. Cecil also advised that the conditions of approval be included as well. When asked to elaborate on the specific conditions of approval, Mr. Cecil indicated that 1) a 200-foot minimum spacing between signs be maintained along 24 Road; 2) one freestanding sign would be permitted along the F 1/2 Road frontage as well for lots 1 and 2; 3) no freestanding sign will be permitted along the Market Street frontage of lot 2; and 4) freestanding signs will maintain a minimum 10-foot setback from all final property lines as shown on the recorded plat.

Commissioner Lowrey felt that those conditions were most applicable to variance #2 and should be addressed with that variance request.

Mr. Blanchard said that separate motions would be required for finding consistency with the 24 Road Corridor Guideline and compliance with variance criteria.

Given legal requirements and the direction provided by both Mr. Blanchard and Ms. Kreiling, Commissioner Cole withdrew his initial motion. Commissioner Lowrey concurred with the motion's withdrawal.

MOTION: (Commissioner Cole) "Mr. Chairman, on SPR-2005-084, for what is to be lot 2 of the Canyon View Marketplace, I move that we consider the variance from the 24 Road Corridor Design Standard 5 for general sign criteria, restricting no off-premise signs, as it has been demonstrated that the alternative better achieves the stated purpose; the purpose will not be achieved by the application of the standard in this circumstance; the effect of other standards and guidelines will be improved by not applying this standard; and unique site factors make the standard impractical."

Ms. Kreiling clarified that only one of the four criteria mentioned by Commissioner Cole need be met for compliance.

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

A brief recess was called at 8:28 p.m. The public hearing reconvened at 8:40 p.m.

VARIANCE #2, A VARIANCE TO SECTION 4.2.G.e.7.A:

STAFF'S PRESENTATION

Mr. Cecil said that approval of the variance would allow more than one sign per street frontage. The petitioner was asking for two signs along both the 24 Road and F 1/2 Road frontages; however, no signage was being requested along Market Street for either lot 1 or lot 2. Referencing the site plan, Mr. Cecil noted the two rectangles along both 24 Road and F 1/2 Road where signage had been proposed. Staff concluded that findings could be made to support the request, and that the request was both consistent with the 24 Road Corridor Guideline and variance criteria. Approval was recommended.

PETITIONER'S PRESENTATION

Mr. Walker said that no increase in the number or size of signage was being requested. The location of signage along the 24 and F 1/2 Road corridors would more effectively communicate information to consumers, and signage would be attractive. He said that lot 1 could potentially have between 15-30 tenants; however, the freestanding signage would be reserved for the larger anchor tenants. That would avoid the cluttered "laundry list" look of some freestanding signs that included all tenants. Slide photos showing examples of such cluttered signage were shown. Mr. Walker said that if lot 1 had been further subdivided, much more sign allowance would have been permitted. No further subdivision was planned, however, which allowed the developer to retain control over the site's overall sign plan. A rendering of the proposed monument sign was referenced.

QUESTIONS

Commissioner Pitts noted that only three tenant panels were displayed on the presented sign rendering. Would that be the maximum number of businesses advertised? Mr. Walker said that a maximum of six tenants could potentially be listed, depending on the sizes of the businesses. With each panel measuring 2 feet by 15 feet, six tenants could reasonably be accommodated.

Chairman Dibble quoted an excerpt from the petitioner's comments in the staff report, which read, "If only one sign is allowed on this arterial, the visibility of the tenants of this development would be substantially harmed." What was meant by that statement? Mr. Walker said that the advertising done along 24 and F 1/2 Roads would capture the attention of potential customers and direct them to Market Street. Once on Market Street, the customer was already committed to shopping there. Thus, it was more important to capture the initial attention of customers and place signage where that could best be accomplished.

Chairman Dibble noted the absence of a site sign plan for lot 1 and asked if additional Sign Code variances could be expected in conjunction with the development of lot 1. Ms. Kreiling explained that Sign Code variances approved this evening would be incorporated into any site sign plan developed for lot 1.

PUBLIC COMMENTS

FOR:

Chelsea Royster (591 Ravenwood Drive, Grand Junction) said that she would enjoy seeing a new upscale theatre replace those that were outdated. She'd been to a Regal Theatre in Boise, Idaho, and had been very impressed. Theatres were safe places for families to be entertained.

AGAINST:

There were no comments against the request.

STAFF'S REBUTTAL

Mr. Cecil reiterated that the proposed variances presumed no further subdivision of lot 1. If the petitioner later requested subdivision of that lot, no additional free standing signs would be permitted.

Mr. Blanchard said that any approval for the two signs along 24 Road include the spacing limitation outlined in the staff report as a condition of approval. Staff conditions 3 and 4 should also be included as well as conditions to exclude freestanding signage along Market Street and to restrict any new freestanding signage for any newly created lot. A plat note to that effect would also be required.

PETITIONER'S REBUTTAL

Mr. Walker said that he'd just referenced the subdivision of lot 1 as an illustration to make a point. There were no plans to further subdivide the parcel.

QUESTIONS

Chairman Dibble asked the petitioner's representative if he'd submitted a site sign plan for both lots. Mr. Walker said that the only additional signage that would be requested would be building signage only for tenants of lot 1.

Commissioner Redifer wondered about the cost to do a site sign plan. Mr. Walker conjectured that such a plan consisted primarily of labor, and to hire a sign consultant would likely run approximately \$10K.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on SPR-2005-084, for lot 1 of the Canyon View Marketplace, I move that we consider a variance #2A to allow two signs along 24 Road, one for lot 1 and one for lot 2, and the reason being that this alternative better achieves the purpose for the 24 Road Guidelines, and the unique site factors make the standard impractical."

Commissioner Cole seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

MOTION: (Commissioner Lowrey) "For variance #2B to section 4.2.G.e.7.A of the Zoning & Development Code, I move that we allow the second sign on 24 Road for lots 1 and 2, with the conditions that the two signs on 24 Road shall be spaced a minimum of 200 feet apart; no freestanding sign will be permitted along Market Street frontage for lot 2; and if lot 1 is subdivided in the future, no additional freestanding signs will be permitted for the newly created lots, and this shall be recorded."

Commissioner Cole seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

A brief discussion ensued over the second sign proposed for the F 1/2 Road frontage. Chairman Dibble explored the possibility of relocating the second sign closer to the Market Street entrance or on Market Street, thus avoiding the need for a variance. The petitioner explained that such relocation wouldn't be effective.

PUBLIC COMMENTS

There were no comments either for or against this portion of the request.

DISCUSSION

Commissioner Lowrey didn't feel that the rationale for permitting the two signs along 24 Road was applicable for the F 1/2 Road signage. He didn't feel he could support this portion of the request and suggested that the proposed sign be relocated to Market Street where it would be permitted by Code.

Commissioner Redifer felt that signage should be placed where it would be most effective and helpful to the public. It didn't make sense to construct the sign along Market Street since it would serve no useful purpose. He felt he could support the request.

Commissioners Cole and Pitts concurred with Commissioner Redifer's comments and position.

Chairman Dibble felt that the restrictions and staff conditions would effectively reduce a cluttered appearance along the F 1/2 Road corridor, although he was unsure how he would vote.

MOTION: (Commissioner Cole) "Mr. Chairman, on SPR-2005-084, for what is to be lot 1 of the Canyon View Marketplace, I move that we consider the variance from the requirement of the Zoning & Development Code for no more than one sign per street frontage for F 1/2 Road without requiring the site sign program to be prepared first for the development of lot 1 as required by Standard 1 of the site sign program criteria as it has demonstrated one or more of the following: 1) the alternative better achieves the stated purpose; 2) the purpose will not be achieved by application of the standard in this circumstance; 3) the effect of the standards and guidelines will be improved by not applying this standard; and 4) the unique site factors make the standard impractical."

Commissioner Putnam seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Lowrey opposing.

MOTION: (Commissioner Lowrey) "To approve the second part of variance 2 where we're allowing two freestanding signs along F 1/2 Road according to variance 2, section 4.2.G.e.7.A, with the conditions that the signs be 200 feet apart, that no freestanding sign will be permitted along Market Street for lot 1, and that if lot 1 is subdivided in the future, no additional freestanding signs will be permitted for the newly created lots, a note to that effect to be recorded."

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Lowrey opposing.

VARIANCE #3, A VARIANCE TO SECTION 4.2.G.e.5.D:

STAFF'S PRESENTATION

Mr. Cecil referenced a slide showing the elevation of the proposed roof-mounted sign. If approved, he said, it would set precedent since there were no other roof-mounted signs in the City exceeding the 40-foot maximum. The proposed signage would extend 56 feet above grade. Staff determined that there was insufficient justification to support the request since it was felt that other alternatives were available. The hardship was deemed to be self-imposed. Having concluded that the request failed to meet the 24 Road Corridor Guideline and variance criteria, denial was recommended.

QUESTIONS

Chairman Dibble asked how long the Sign Code had been in effect in the City. Mr. Cecil replied that it had been in effect more than 20 years. Chairman Dibble remarked that he couldn't recall there being a variance request to a roof-mounted sign. Neither Mr. Cecil nor Ms. Portner could recall processing such a request.

Commissioner Pitts asked how high the Alpine Bank Building signage was. Mr. Cecil said that the Alpine Bank sign was not roof-mounted and therefore, for comparison purposes, not the same thing. A roof-mounted sign, he said, was attached to the top of the building.

A drawing depicting the building's design and elevation was presented. The top of the tower spire would measure 56 feet above grade.

When Commissioner Lowrey asked how far above the uppermost arch the spire would extend, Mr. Walker replied that he was unsure.

PETITIONER'S PRESENTATION

Mr. Walker said that while staff considered the spire to be a roof-mounted sign, the petitioner considered it an integral part of the building's design, and thus, an architectural feature. Referencing a variety of photo slides showing Regal theatres from other cities, he noted that while theatre designs were very individualized, each had the trademark spire and numeric reference to the number of screens housed within. The petitioner's design consultant had reduced the overall height of the spire from what was typical for other theatres. He said that it was important that both the spire and the numeric reference remain to identify the structure as a Regal Entertainment theatre. He noted that there were a number of businesses whose signage was elevated more than 40 feet above grade (e.g., Holiday Inn Express, Alpine Bank). He reiterated that the spire and numeric reference were key components of the theatre, and as such, should be regarded as architectural features that could not be separated from the building's overall design.

QUESTIONS

Commissioner Redifer asked how many Regal Theatres there were and how many of them had the spires as integral features of the building design. Bruce Taffett, representing the petitioner, came forward and said that of the 562 constructed theatres, most of them had the spires. All of the newer theatres with stadium seating had been constructed with the spires and larger signage. These design features, he said, set Regal theatres apart, making them more distinctive and attractive.

When asked by Commissioner Redifer if there were instances in other communities where the spires had been eliminated, Mr. Taffett responded negatively. Commissioner Redifer asked if denial of the current variance would be a "deal breaker." Mr. Taffett said that if the variance were denied, he would approach Regal Entertainment, but he could say with certainty that they would not willingly construct a theatre that fell below their current standards.

Chairman Dibble asked if the number 14 would be backlit, to which Mr. Taffett replied affirmatively. It would be affixed to a stainless steel background.

Commissioner Lowrey asked if the petitioner considered the "rainbow arch" part of the same architectural feature of the building, to which Mr. Taffett replied affirmatively. The rainbow effect highlighted the building, presenting itself as a place of entertainment. Mr. Blanchard said that he and his staff had reached the same conclusion with regard to the rainbow arch. The roof-mounted signage consisted of the ladder-like appurtenance located above the parapet and the trapezoidal area containing the number 14 (references were made to the building's elevation drawings). Mr. Blanchard added that the depth of the spire was significantly larger than its width.

Chairman Dibble asked for clarification on the overall building height, given the discussion on the height of the spire. Mr. Walker referenced variance #6, which pertained to the height as measured from the building's roof line.

Commissioner Redifer wondered how far away the number 14 on the spire could be seen. Mr. Walker compared the height of the number 14 with the height of Holiday Inn's signage. Mr. Taffett said that since the number 14 was only 2 feet in height, he hoped it would be readable from 24 Road.

Commissioner Pavelka-Zarkesh referenced one of the area theatre photos and wondered how bright the proposed theatre would be once constructed. Mr. Taffett said that the number of lighting features had been reduced to better blend in with Grand Junction's character.

Chairman Dibble remarked that the proposed lighting seemed much more subdued than some of the photos of other theatres. Mr. Taffett said that each theatre was designed individually to accommodate the needs and character of the community in which they were placed.

Mr. Walker did not feel that approval of the current variance request would be precedent setting since the request was unique, and there were other instances where signage was elevated higher than 40 feet from grade.

Mr. Blanchard reiterated that the spire clearly represented a roof-mounted sign.

Commissioner Putnam felt that planning commissioners were caught between regulations and design aesthetics.

Ms. Kreiling said that the variance criteria eliminated the need for determining whose taste was better in determining what should be allowed.

Commissioner Pavelka-Zarkesh asked if Regal Entertainment ever considered putting their screen number identifier on the sides of their buildings. Mr. Walker said that the numbers were often placed on both the spire and the building facade.

PUBLIC COMMENTS

FOR:

Darlene Merkel (no address given) thought the theatre would be a really nice addition to the community and a nice place for kids. As the mother of a son who was an architect, she did not view the spire as anything other than an architectural feature of the building. She hoped planning commissioners would vote favorably on the variance.

Rich Jenkins (2806 C Road, Grand Junction) agreed that the spire should be considered an architectural feature. The number 14 could also be seen from F 1/2 Road, which would benefit people trying to find the theatre.

Wade Haerle (2182 Tovar, Grand Junction) understood the concept of branding and felt that Regal Entertainment was selling an image, an experience, and to do that effectively required a certain appearance. He felt that the company's image was high-end, and Regal's willingness to construct such a theatre in the Grand Junction area should be encouraged rather than discouraged.

Cathy Hamon (2203 Dakota Drive, Grand Junction) expressed her support for the request and felt it would be a nice addition to the Grand Junction area.

Sid Squirrell (no address given) noted that the sign on top of the Alpine Bank Building was also roof-mounted. He felt that the 2-foot-high screen number identifier and spire were small-scale when you considered that this would be the only building signage for a structure of over 50,000 square feet in size. Given that and the building's distance from 24 Road, the petitioner's request seemed very reasonable.

William Merkel (no address given) felt that you couldn't separate form and function. The spire was clearly a design feature, one integral to the theatre's design. It would be silly, he said, if the City allowed this opportunity to slip through its hands again.

AGAINST:

There were no comments against the request.

DISCUSSION

Commissioner Lowrey agreed with the petitioner's position that the spire was integral to the theatre's design and more representative of an architectural feature than a roof sign.

Commissioner Cole said that in looking at the theatre photos from other areas, he had to agree that the spire and the rainbow arch were both part of the theatre's architectural design.

Chairman Dibble thought that most Grand Junction residents would want the theatre with its stadium seating. It would be disappointing to many if Regal Entertainment refused to come to Grand Junction because of this element in the City's Sign Code. On the other hand, the City had always been very clear on its requirements for specific areas such as the 24 Road corridor. He hoped that the petitioner and staff could come to some sort of compromise without the need for a variance.

Commissioner Lowrey maintained that variances did not set precedent since each request was heard and decided based upon its own circumstances and merits. If the current request were approved, it would not set precedent for the next request, even if the circumstances were similar, since this would be the only use for that particular property. Because the building was so far away from 24 Road, justification could be made for granting the additional height to the spire, regardless of whether it was considered an architectural feature or a sign. He felt that accommodating the petitioner's request was necessary to give the theatre its greatest chance at success.

Commissioner Pitts was satisfied that the night lighting would not be as obtrusive as he'd originally thought. He agreed that the building's distance from 24 Road merited additional consideration. Further, he regarded the spire and screen number identifier as an architectural feature of the building.

Commissioners Cole and Lowrey felt no reservation in granting the variance request.

Commissioner Redifer felt that since the request came before the Planning Commission as a deviation to the Sign Code, the spire should be regarded as a sign. He didn't feel that the petitioner had adequately met variance criteria, and as such, he could not support the request.

Commissioner Pavelka-Zarkesh concurred with Commissioner Redifer. She agreed that the number 14 was part of the building's design feature but other ramifications in the Code had to be considered. She also felt that other design alternatives were available to the petitioner.

Commissioner Putnam said that he typically had a lot of impatience with big corporations coming in and telling the City what it had to have and expecting the City to accommodate their wishes. However, in the current situation, it was clear that the petitioner had made every effort to scale back and work to achieve a suitable compromise. He felt he could support the request.

Chairman Dibble agreed that the overall size of the spire seemed small in relation to the overall size of the building. It seemed to him that the petitioner's architect had significantly toned down the theatre's design when compared to the photos of other theatres. The theatre's standards were high, and a high-end theatre would be good for the community, so he felt he too could support the request, albeit reluctantly.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move that the variance #3 as requested be granted as presented to us tonight."

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 5-2, with Commissioners Redifer and Pavelka-Zarkesh opposing.

A brief recess was called at 10:50 p.m. The public hearing reconvened at 10:55 p.m.

VARIANCES #4 AND #5, VARIANCES TO STANDARDS 2 AND 5:

STAFF'S PRESENTATION

Mr. Cecil said that variance #5 involved the sizes of individual letters that made up the theatre's signage. The 24 Road Corridor Guideline permitted a maximum height of 12 inches; the petitioner was requesting a letter height of 42 inches. Variance #4 addressed the maximum sign area, which, in the 24 Road Corridor could not exceed 100 square feet per sign. The petitioner was requesting a total of 182 square feet. Staff's position was that people would be able to distinguish the theatre as a Regal Theatre, whether the letters were 12 inches or 42 inches high, and it was the additional letter height that caused the sign to exceed the 100 square foot maximum sign allowance. Having concluded that the variance requests failed to meet established criteria, staff recommended denial of both.

QUESTIONS

Commissioner Cole asked if the petitioner would be allowed the 42-inch letters if the sign was contained within a cabinet. Mr. Cecil said that if the lettering were contained within a cabinet, the petitioner would be allowed a total of 100 square feet of sign area. He thought it doubtful that the sign could be reduced in size sufficiently using 42-inch letters to meet the 100 square foot maximum. Likely, the letters would still have to be reduced in size but possibly they could exceed 12-inches in height.

Chairman Dibble remarked that it seemed less an issue over the individual letter size and more about whether or not those letters were contained within a sign cabinet.

Mr. Blanchard clarified that the individual letters were considered building-mounted signage as defined by the 24 Road Corridor Guideline. Ms. Portner added that under the Guideline no single sign could exceed 100 square feet in size.

Commissioner Lowrey noted that the petitioner was only asking for a total of 182 square feet of signage when he could technically have had almost double that amount if the allowance were divided among multiple signs. Mr. Cecil concurred with that conclusion.

PETITIONER'S PRESENTATION

Mr. Walker said that if the building were not located within the 24 Road corridor, the petitioner would have been allowed over 300 square feet of signage for a single sign. Given the size of the building and the available frontages, the theatre technically could have requested over 700 square feet of signage. He believed that the Growth Plan supported placement of the theatre in the subject area, and that the corridor guideline had not anticipated such a unique use at the time of its adoption. It was important, he said, to keep the signage proportional to the building's size, for aesthetics and for people to be able to see it from a distance. If the signage were any smaller, it would look out of scale and be inconsistent with Regal's high standards. Forty-two inch letters were the minimum standard established by Regal.

Mr. Walker referenced photos of other businesses near the 24 Road corridor with lettering as large or larger than that currently being requested (e.g., Target, PetsMart, Holiday Inn Express, Home Depot, and Sportsman's Warehouse). The only difference between them and the theatre, he maintained, was that their signage had been installed prior to adoption of the 24 Road Corridor Guideline. And while he acknowledged that the request would deviate from the standards set forth in the Guideline, he felt that the deviation was not unreasonable given the overall size of the building.

Mr. Taffett confirmed that the 182 square foot signage request was based on a minimum amount calculated by the architect that would preserve the building's aesthetics. He reminded planning

commissioners that the project represented a \$10 million investment. It was essential that the project be done right. He reiterated that the use was unique but the developer had selected Regal Entertainment because they represented a quality product.

QUESTIONS

Chairman Dibble asked if the petitioner was in compliance with all other established standards. Were there any other variance requests on the horizon? Mr. Walker said that all other issues had been resolved. What was before the Planning Commission represented the only variance requests that would be made. Mr. Cecil clarified that while there would be no additional variances requested for lot 2, there was no way to know what the future needs of lot 1 would be without a site plan.

PUBLIC COMMENTS

FOR:

Kathy Hall (no address given) agreed with the petitioner that the signage was proportional and that Regal's architect had designed the building to conform as closely as possible to the community's standards. If built as designed, it would be a very attractive building.

Wade Haerle (2182 Tovar, Grand Junction) said that the building just "wouldn't look right" with smaller letters or if the signage was split up.

AGAINST:

There were no comments against the request.

PETITIONER'S REBUTTAL

Mr. Taffett reaffirmed that the original design of the building had been altered to accommodate the City's standards. Many of those changes would be expensive. This was not a cookie cutter project that they were trying to push off on the community. A lot of thought, planning, and consideration for the community had gone into the theatre's final design.

DISCUSSION

Chairman Dibble acknowledged that the overall design of the proposed theatre was very different and much more subdued than its counterparts in other areas. The architectural rendering of the theatre's signage was aesthetically pleasing and proportional to the building's size. He felt he could support both variance requests.

Commissioner Lowrey said that the same arguments made to support previous variance requests could also be made for these. Lot 2 was 1,000 feet away from 24 Road. He felt that the lettering, as proposed, was proportional to the building. He expressed support for both variance requests.

Commissioner Pitts felt that the lettering and overall size of the signage was, again, part of the architectural design of the building. He too expressed support for the request.

Commissioners Cole, Redifer, and Putnam concurred.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on SPR-2005-084, on what is to be lot 2 of the Canyon View Marketplace, I move we consider the variance #4 from the 24 Road Corridor Design for site plan program criteria restricting the letter height for the building-mounted signs to 12 inches, and also for the same project, on the restriction of a face sign of 100 square feet, I move we consider a variance to these requests because it has been demonstrated that the alternative better achieves the stated purpose; the purpose will not be achieved by application of the standard;

and the circumstance, the effect of other standards and guidelines will be improved by not applying this standard, or unique site factors make the standard impractical."

Commissioner Cole seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

MOTION: (Commissioner Lowrey) "For the variance #5 to Standard 5, 24 Road Corridor Standards and Guidelines, section 7, page 62, section 7.5 of the Zoning and Development Code to permit building-mounted sign letters 42 inches in height, and also that the sign area of 182 square feet be allowed."

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

VARIANCE #6, A VARIANCE TO SECTION 4.3.M.14:

STAFF'S PRESENTATION

Mr. Cecil said that the 38 feet of building height requested was reasonable to accommodate the enclosed stadium seating. Approval of the variance request was recommended.

PETITIONER'S PRESENTATION

Mr. Walker offered no further testimony other than to agree with staff's assessment and recommendation.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Both Commissioners Lowrey and Redifer expressed support for the request.

MOTION: (Commissioner Cole) "Mr. Chairman, I move that variance #6 as presented be approved."

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

VARIANCE #7, A VARIANCE TO SECTION 4.3.M.6.b:

STAFF'S PRESENTATION

Mr. Cecil noted the location of the proposed trash enclosure on the available site plan. Staff agreed that it made sense from a safety perspective to have the trash enclosure where proposed. Approval of the request was recommended.

PETITIONER'S PRESENTATION

Mr. Walker took a moment to thank staff and planning commissioners for their time and consideration on all of the variance requests. He offered no additional testimony.

PUBLIC COMMENTS

There were no comments either for or against the request.

MOTION: (Commissioner Cole) "Mr. Chairman, I move that variance #7 be approved."

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

V. GENERAL DISCUSSION

Mr. Blanchard reminded planning commissioners that the public hearing on the 24 Road Growth Plan Amendment (GPA-2005-148) would be held in the City Hall auditorium at 7:00 p.m. on Wednesday, August 31.

With no further business to discuss, the public hearing was adjourned at 11:58 p.m.