

July 10, 1991

8:10 a.m. - 8:37 a.m.

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MONIKA TODD CLK&REC MESA COUNTY CO

The Grand Junction Board of Appeals Public Hearing was called to order by Chairperson Jan Pomrenke at 8:10 a.m. in the City/County Auditorium.

In attendance, representing the Board of Appeals, were Jan Pomrenke, Aden Hogan, and John Elmer.

Cindy Enos-Martinez and Larry Seese were absent.

In attendance, representing the Community Development Department, was Jan Koehn and Kathy Portner. Also present was John Shaver, Assistant City Attorney.

Bobbie Paulson was present to record the minutes.

There were no visitors present.

I. APPROVAL OF MINUTES

MOTION: (JOHN ELMER) "I move that the minutes of the June 12, 1991 Board of Appeals Meeting be approved."

Aden Hogan seconded the motion.

A vote was called, and the motion passed unanimously by a vote of 3-0.

II. FULL HEARING

- 1. Item #91-6 Consideration of a request to vary the sign regulations to allow for the construction of a second freestanding sign on the parcel.**

PETITIONER: Benton Signs and Lighting

LOCATION: Eastgate Shopping Center

The representative for Benton Signs and Lighting was not present; therefore, Mary Ann Novack represented the petitioner.

PETITIONER'S PRESENTATION

Mary Ann Novack, employee of Bray & Company Property Management, stated that she would represent the owner of the Eastgate Shopping Center, Danba Corporation; the petitioner, Rock Foster, and Benton Signs who will be constructing and erecting the sign on the property. Before Blockbusters moved into the Eastgate Shopping Center they requested that Danba Corporation make an allowance in their lease so that they would have the right to petition for a sign to be installed along North Avenue. Blockbusters Video feel that they have an identification problem

because their store is situated so far from North Avenue and also because it is blocked by the Country Kitchen building. Furthermore, Blockbusters believe that improper signage has led to their low sales. The proposed sign will be a prototype of the Blockbuster Store sign, which is also their national logo which is easily identified. She reiterated how important signage is. Eastgate removed the signs from the building when they were remodeling the shopping center. It was amazing to see how business dropped because of this.

QUESTIONS

Jan Pomrenke asked what the dimensions of the proposed sign are?

John Elmer said that the petition indicates that it would be 6 feet by 14 feet.

STAFF PRESENTATION

Jan Koehn reviewed the criteria the Board must consider in granting a variance. She stated that to grant this variance, Blockbuster, the petitioner must show all four of the following criteria; 1) the literal interpretation and strict application of the Code would cause hardship/unique or unusual circumstances to the site, 2) that it would not be materially detrimental to the property owners in the vicinity, 3) that unusual conditions apply to the specific property which do not apply to other properties in the city and, 4) it will not be contrary to the intent of the sign code.

Ms. Koehn felt that the petitioner has not shown that the literal interpretation and strict application of the Code would cause hardship to the site. She added that the petitioner indicated in the initial proposal that Blockbuster's existing signage could be seen when driving west to east on North Avenue, but that it could not be seen when driving east to west. Ms. Koehn stated that when she drove from east to west on North Avenue she could see the sign even though it was partially obscured by the Country Kitchen building, some shrubbery and trees. The petitioner also indicated that they were concerned about a traffic hazard along North Avenue caused by people who look for the Blockbuster Video sign. However, there are several drive cuts along North Avenue along with the anchor stores, City Market and Pay and Pak, that would cause traffic to slow down to enter and exit. Ms. Koehn stated that she was not sure what the materially detrimental effects of not having signage along North Avenue would have on the property owners. The petitioner has not shown any unusual conditions to this specific property that do not apply to other properties throughout the City. Most strip shopping centers have this same problem because the Code allows only one ground sign per parcel and that is a standard throughout the City. Additionally, there are other tenants who have smaller wall signs than Blockbuster's sign that are difficult to see from North Avenue. If the Board grants this variance, the other tenants would then have cause to also request ground signs based on lack of visibility. Ms. Koehn felt that allowing this sign would be contrary to the intent of the Sign Code. The Sign Code is specific in regards to the size, number, and location of signs.

John Elmer asked if the Code allowed one free standing sign per parcel per street frontage and how the overall footage was calculated?

Ms. Koehn replied that this parcel had approximately 675 linear feet of street frontage along North Avenue. 1.75 square feet of signage is allowed per linear foot. She did not calculate what would

be allowed based on the building frontage which could actually increase the total allowable signage for the site. The existing Eastgate Center sign is 240 square feet. Maximum allowable size is 300 square feet of signage for a free-standing sign. So the petitioner could potentially increase the Eastgate Center sign by 60 square feet.

Jan Koehn read the Review Agency's comments into the record:

Dr. Bruce Baurle - This appears ok to me, since country Kitchen does block much of their signage from North Avenue (but only because of that). Couldn't they just add their name to the common Eastgate Center sign? Or could they remove one of the "three" signs on the building front, as a trade? In any case, I could live with this one if the Planning Department professionals also agree.

Building Department - No objections.

John Elmer asked how many parcels were on the Eastgate lot?

Jan Koehn replied that there is a separate parcel for Country Kitchen and Skippers who both have free-standing signs.

Aden Hogan stated that he felt that the Blockbuster sign should be added to the existing Eastgate Center sign rather than adding an additional free-standing sign along North Avenue.

Mary Ann Novack stated that the cost of re-doing that huge sign would be prohibitive. Furthermore, they would have to re-negotiate with City Market and Pay 'n Pak to re-do the sign. She stated that it simply will not happen. This sign is critical to Blockbuster Video or the shopping center will lose them.

The Board continued their discussion regarding the modification of the Eastgate Center sign to incorporate the Blockbuster sign. They agreed that if this variance were granted, other tenants in the shopping center would also want their own free-standing sign.

Mary Ann Novack stated that because of the lease agreement, the other tenants could not have a free-standing sign.

Kathy Portner pointed out that any modification to the existing sign would still have to meet Code in regards to the site distance triangle and free air space from the ground.

Aden Hogan asked if the Board had the authority to grant a variance for Blockbuster Video but stipulate that no more will be granted for this particular parcel.

John Shaver stated that the legal criteria the Board must meet has been outlined by Jan Koehn. If this request meets this criteria, the Board can approve it. But to say there will be no more is in contravention of the standards when there may be a situation where someone applies for a variance and meets all the criteria.

Aden Hogan pointed out that the sign the petitioner is proposing is probably a standard sized sign and they would want to use it.

There were no public comments either for or against or against this proposal.

MOTION: (ADEN HOGAN) "Madame Chairperson, on item #91-6 consideration of a request to vary the sign regulations to allow the construction of a second free-standing sign on the parcel at the Blockbuster Video at the Eastgate Shopping Center, I move that we grant a variance for a 6' x 14' sign attached to the existing Eastgate Marquee."

AMENDMENT: (JOHN ELMER) "I guess it is clear enough in the motion that you are denying the request for a free-standing sign and in making this motion that if there is another variance either because of the setback or allowable square footage for the single sign, we are allowing that variance."

Aden Hogan seconded the amended motion.

A vote was called, and the amended motion was approved by a vote of 3-0.

The meeting was adjourned at 8:37 p.m.