

**GRAND JUNCTION BOARD OF APPEALS
PUBLIC HEARING AGENDA**

Date: April 20, 1992

Time: 8:00 a.m.

Place: City Auditorium, 520 Rood Avenue

I. Call to Order

II. Appointment of Chairman and Vice Chairman

III. Approval of Minutes - December 18, 1991

IV. #92-1 Consideration of a request to vary the sign code regulations to allow directional signs which are 4.5 square feet in size rather than 3 square feet each and 48" above grade rather than the 30" height maximum allowed in the Zoning and Development Code; and a request to mount a 10' x 10' standard Burger King logo on the top of the existing 50 foot high sign poles located on the back of the property (overall height will be 60 feet); and a request to increase the overall sign allowance from 225 square feet to 237 square feet.

PETITIONER: Burger King/Bill Culver
LOCATION: 739 Horizon Drive

V. Discussion

VI. Adjournment

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8:07 a.m. - 8:39 a.m.

The Grand Junction Board of Appeals Public Hearing was called to order by Vice-Chairperson John Elmer at 8:07 a.m. in the City/County Auditorium, 520 Rood Avenue.

In attendance, representing the Board of Appeals, were John Elmer, Aden Hogan and William Putnam. Cindy Enos-Martinez and Bill Collins were absent.

In attendance representing the Community Development Department was Jan Ms. Koehn. Also present were John Shaver, Assistant City Attorney, and Bobbie Paulson and Ivy Williams from the Community Development Department.

Marcia Petering, Administrative Clerk, was present to record the minutes.

There were three visitors present.

I. APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON

This item was moved to the end of the agenda in case other Board members arrived.

II. APPROVAL OF MINUTES

MOTION: (ADEN HOGAN) "Mr. Chairman I move that the minutes of December 18, 1991 be approved as distributed."

William Putnam seconded the motion.

A vote was called, and the motion passed by a vote of 2-0 with William Putnam abstaining.

III. PUBLIC HEARING

- 1. Item #92-1 Consideration of a request to vary the sign code regulations to allow directional signs which are 4.5 square feet in size rather than 3 square feet each and 48" above grade rather than the 30" height maximum allowed in the Zoning and development Code; and a request to mount a 10' x 10' standard Burger King logo on the top of the existing 50 foot high sign poles located on the back of the property (overall height will be 60 feet); and a request to increase the overall sign allowance from 225 square feet to 237 square feet.**

PETITIONER: Burger King Restaurant/Bill Culver
LOCATION: 739 Horizon Drive

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PETITIONER'S PRESENTATION

Bill Culver said that the standard Burger King directional signs are 4.5 square feet and it would be very costly for them to change them to 3 square feet. Since the signs are used for flow of traffic coming in and out, and it being a one-way parking lot, they need to mark the entrances and the exits to prevent people from driving the wrong way. The height requirement of 30" has the sign sitting so low that it is not visible from an automobile. An example of a sign of this height in Grand Junction is Taco Bell on North Avenue; it can't be seen while driving. There will be no logo or advertising on the directional signs. They will be marked one way with an arrow and be located in the State Highway right-of-way. The State has no objection to the 4.5 square foot signs in their easement.

The pole sign would be located on the back of the property rather than the front as is traditional. It would be visible from Interstate 70 and the Burger King name recognition would pull more traffic off of Interstate 70. The success of the business will depend on this traffic. There are a lot of motel rooms along Horizon Drive and this additional traffic exiting off of Interstate 70 could give the motels and the City more revenue. Mr. Culver said he wasn't asking for a competitive advantage with the 60' high sign as there are other businesses along Horizon Drive with signs which exceed this height. With the sign being located on the back of the property it eliminates the sign pollution so often seen along highways.

Mr. Culver stated the variance request for the total signage requirement is no longer needed as he had misinterpreted the code adding that the Burger King signage request fell well within the allowed maximum.

John Elmer asked if Mr. Culver if we was withdrawing the request for a variance on the total square footage.

Mr. Culver replied affirmatively.

STAFF PRESENTATION

Jan Ms. Koehn stated that the Community Development staff has no objection to the variance request for an increase in size from 3' to 4.5' of the directional signs if they are placed in the State Highway right-of-way. Staff does object to the variance request for an increase in height from 30" to 48" on these signs as it presents a conflict with the zoning ordinance and with engineering standards for sight visibility. Engineering standards don't allow anything over 30" in height in a certain triangular area at driveways and drive cuts for visibility. Ms. Koehn said staff would also object to the granting of a variance for height of the pole sign (Ms. Koehn provided photographs of the existing poles). Staff maintains that the Horizon Drive exit is the major exit off of Interstate 70 into the City and there are numerous signs on Interstate 70 indicating gas, food, and lodging, exit at Horizon Drive. You also can not see, from the topography of the ground on Horizon Drive, if you are driving west bound on Interstate 70 even the top of the poles. The entire pole height can be seen by traffic driving east bound so regardless of where the Burger King sign is positioned on the poles it could be seen from that direction.

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Aden Hogan said the site plan, as submitted, indicates the Burger King logo will be on the directional signs. Mr. Culver said those are changeable panels and will be replaced with "one-way and an arrow" panel.

William Putnam asked where the directional signs would be located? Ms. Koehn pointed the locations out on the site plan.

PUBLIC COMMENTS

There were no public comments in favor of the petitioner.

Kurt Steidley, representing the Wendy's Restaurant at 750 1/2 Horizon Drive, said he was opposed to the variance request for both the directional signage and the pole sign. He said that he sees no reason for the height variance on the directional signs for ingress and egress but will go along with staff on the size increase. Mr. Steidley said he had read the sign ordinance forward and backwards and could find no provision allowing them to keep the existing poles. When a developer decides to build a business, he has to look at the ordinances that are in place. He has to understand those restrictions, make plans, and decide to proceed or not to proceed based on this information. He said he believes that the ordinance is written to bring signs into compliance as properties change hands. Mr. Steidley felt that it would create a competitive advantage for Burger King if they were allowed to have a sign 20' higher than Wendy's. His ability to do business should be on the same playing field as everyone else's ability to do business. Everyone should be treated fairly and equally. If Burger King is granted this 20' variance, Wendy's and other businesses could be in asking for this same and equal variance.

Steve Hilliard, representing the Hilton located at 743 Horizon Drive, said he concurred with the objection to the variances. He said his concern is with the amount of traffic on Horizon Drive and making sure people land into the right driveway. Mr. Hilliard said he didn't really know much about height but did have a real concern about the proliferation of signs on Horizon Drive. Hilliard said the back of Burger King is the front of the Hilton. He said he didn't really buy the correlation that stopping to buy a whopper automatically converts into buying a hotel room. He said all businesses should be treated equally.

William Putnam asked Mr. Hilliard to clarify what he was opposing. Mr. Hilliard said he was opposed to the variance requests for height on both the directional and pole signs.

PETITIONER'S RESPONSE

Mr. Culver said it doesn't sound right for the Hilton to oppose the height of signage with the height of their sign on the top of the building which is clearly visible. Wendy's signage, due to the proximity of their property, is much more visible from the freeway so they don't need the height.

William Putnam asked Mr. Culver which other signs on Horizon Drive exceed the requirement. Mr. Culver replied the Amoco station, the Hilton and the Sandman Motel.

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Aden Hogan asked for a clarification on the City Engineer's recommendation. Is it correct that he had no problem with the 48" height for the directional signs if it was on the Burger King property but he did if it was out on the State Highway access property?

Ms. Koehn said the City Engineer stated that he wanted the signs out on the State Highway access area for ingress and egress as they are one way entrance/exit signs but he wanted the height located at 30" so it will not cause visibility problems.

BOARD DISCUSSION

Aden Hogan said one of the things which needs to happen when a piece of property is developed is the developer must be aware of the rules and regulations which govern the development of that property. If he chooses to go ahead and develop in effect he has acquiesced to those rules. He said he had a real problem with granting these variances especially in regards to the height since it won't affect just this one property, but will effect everyone out there. Aden Hogan said the requirements for granting a variance state there must be a demonstrable hardship. Other than some marketing concepts, he sees no hardship that doesn't, or wouldn't, exist on any other property in this area. Any new development must play by the same rules.

John Elmer agreed and said that granting a sign height variance for the pole sign would be against the public interest. There is no demonstrated hardship which is unique to just this property. John Elmer stated he is also opposed to the height variance to 48" for almost the same reasoning and added that a 30" sign can be seen from a car, sitting down. He said he did see a semi-hardship in the variance request for the size of the directional signs because it is a standard, pre-fabricated sign.

William Putnam agreed and stated the only hardship involved with the pole sign is self inflicted because the poles are already there.

MOTION: (Aden Hogan) "Mr. Chairman, on Item #92-1 I move to vary the sign code regulations to allow directional signs of 4.5 square feet rather than 3 square feet as allowed by the code, provided that such signs carry no logo and that such signs are set at the 30" height as specified by the Code."

William Putnam seconded the motion, and the motion passed unanimously by a vote of 3-0.

MOTION: (Aden Hogan) "Mr. Chairman, on Item #92-1, a request to vary the sign code regulations to allow directional signs of a height of 48" rather than 30" above grade as required by the code I move to deny the variance request."

William Putnam seconded the motion, and the motion passed unanimously by a vote of 3-0.

MOTION: (Aden Hogan) "Mr. Chairman, on Item #92-1, a request to vary the sign code regulations to allow mounting of a 10' x 10' logo sign on existing 50' poles, for a total sign height of 60', as opposed to the code height of 40' I move that the variance be denied."

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William Putnam seconded the motion, and the motion passed unanimously by a vote of 3-0.

APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON

MOTION: (Aden Hogan) "Mr. Chairman, I move that the appointment of a Chairperson and Vice-Chairperson be tabled until our next meeting."

William Putnam seconded the motion, and the motion passed unanimously by a vote of 3-0.

OTHER ITEMS

Jan Koehn stated that staff has the Weed Management Plan drafted and will have it in a form for the Board to review prior to the next meeting. The Plan needs to be formally adopted by the Board before it can be sent to City Council to be formally adopted by them.

John Shaver said what the plan essentially represents is a statement of current policies and practices and also specifically deals with the identified noxious weeds that both the federal law and state law have required and mandated that localities manage. The City program is not really changing except for identification of these species and developing a management plan. Staff also will need to do some base mapping and heightened enforcement for some of the specific identified plants.

William Putnam asked if they should plan on meeting on the next regularly scheduled meeting day, the second Wednesday in May. Ms. Koehn said there will probably be items coming for the Board to review anyway. William Putnam asked what the date would be? It was determined the date would be May 13.

John Elmer welcomed William Putnam as one of the new members of the Board of Appeals.

The meeting was adjourned at 8:39 a.m.