

**GRAND JUNCTION BOARD OF APPEALS
JUNE 6, 2001 MINUTES
12:02 P.M. to 12:34 P.M.**

Chairman John Elmer called the Board of Appeals meeting to order at 12:02 P.M. The meeting was held in the Municipal Hearing Room, Grand Junction City Hall.

In attendance, comprising the Board of Appeals, were John Elmer (Chairman), Clay Tufly and Creighton Bricker. Mark Williams arrived at approximately 12:10 P.M. One position is vacant.

In attendance, representing the Community Development Department, was Pat Cecil (Development Services Supervisor). Also present was John Shaver (Assistant City Attorney).

No citizens, other than the petitioner's representative, were present.

Bobbie Paulson recorded the meeting.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the March 14, 2001 meeting.

MOTION: (CREIGHTON BRICKER) "I move we approve the March 14, 2001 minutes as written."

Mr. Tufly seconded the motion. A vote was called and the motion passed by a vote of 2-0-1, with Mr. Tufly abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations or visitors.

III. FULL HEARING

**VAR-2001-105 VARIANCE - MESA VILLAGE MARKETPLACE OFF-PREMISE SIGN
Request for a variance to allow an off-premise sign in a C-1 zone district to serve for advertising for the three adjacent lots.**

PETITIONER: ATMF Grand Junction LLC

LOCATION: 24040/2408/2414 F Rd

REPRESENTATIVE: Thompson-Langford, Jim Langford

CITY STAFF: Pat Cecil

PETITIONER'S PRESENTATION

Jim Langford, of Thompson-Langford Corporation, stated that the parcel in question was originally subdivided in 1995. He said that at that time there was very little consideration for access or signage for the property. The owner at the time of the original plat owned some of the other lots along Patterson as well. Mr. Langford stated that Lot 1A is basically a small flag pole that has a 30 foot wide access to Patterson Road which really doesn't serve the development very well. Mr. Langford said the owner's of the front lots (3A and 4A) have given their permission to allow a free-standing sign for Lot 1A to be placed on Lot 4A which will serve all three lots (Lots 1A, 3A and 4A). The sign will not only advertise the businesses on Lot 1A but will also be used to advertise business on the front lots.

Mark Williams arrived at the meeting at approximately 12:10 P.M.

QUESTIONS

Mr. Bricker asked if the parcel was purchased in 1995 by the current owner? Mr. Langford replied no; he said that the entire parcel was subdivided in 1995 by City Market; City Market kept one lot and sold the remainder.

Mr. Bricker asked when City Market sold Lots 3A and 4A? Mr. Langford did not give a specific date but replied that they sold them mid-stream in the site-planning process.

Mr. Bricker asked if the owners of the front lots have given written permission for this freestanding sign to be placed on their lot. Mr. Langford replied affirmatively. He indicated that the owners of Lots 3A and 4A also signed the variance application.

Chairman Elmer asked if the variance request would apply to all three properties. Mr. Shaver responded that the sign package is applicable to all three lots. Mr. Langford likened the sign package for this property to that of the Grand Mesa Center located on West Mesa Court and 25 Road.

Mr. Bricker asked about the project narrative. He was concerned because the report states that the signage for the building fronts will comply with City requirements. He questioned whether it complies with the new Code or the old Code? Mr. Langford stated that this project falls under the old Code.

Chairman Elmer asked for clarification. He wondered if this specific sign package is subject to the old Code? Mr. Cecil stated that the staff suggests this package be subject to the conditions listed in the staff report. Chairman Elmer asked if the future signage on the building itself would have to conform to the new or old Code? Mr. Shaver replied neither; the signage is specifically provided for in the conditions contained on page 3 of the staff report and is modeled on other similar, recent commercial center applications.

Mr. Bricker questioned why the general project report suggests 370 square feet for building signs when the current Code specifies a maximum of 300 square feet.

Neither the petitioner nor staff was able to answer how 370 square feet was arrived at.

Mr. Bricker asked the petitioner if he would be opposed to the Board limiting the wall signage to 300 square feet per sign.

Mr. Langford replied that the petitioner requested 370 square feet per retail unit and that is what they would like to have. He thought that the proposed wall signage was based on 1.75 square feet per linear foot of building frontage. Mr. Cecil added that the allowance is very close to what the petitioner is requesting.

STAFF PRESENTATION

Pat Cecil stated that the petitioners are requesting approval of a variance in order to establish an off-site sign for the Mesa Village Marketplace commercial development. The project is comprised of three separate lots, two of which front on Patterson Road with a large parcel for retail commercial development located behind the presently constructed Mesa Village Mall.

Because the major retail component of the project (141,953 square foot building could be potentially broken into sub-units) does not have Patterson Road frontage, the applicant is requesting a variance to

permit an off-site free standing sign to be located on the easterly pad site. Mr. Cecil said that each one of those sub-units would have their own sign allowance based on the recommended 1.75 square feet per linear foot of building frontage. He said that normally the building sign allowance is calculated on road frontage but because the building on the back doesn't have any road frontage, staff determined that the parking lot could be used to calculate road frontage to give them their sign allowance. Mr. Cecil said that assumption is written into the sign package that was developed for this variance. Staff does not have a problem with this variance request and feels the applicant has justified the variance in their narrative by addressing the criteria. Staff recommends approval subject to the conditions attached to the staff report, which are based on recently approved sign packages for commercial developments.

Mr. Cecil continued; he said that the City's sign consultants have reviewed the application and are not opposed to this variance. This project was submitted under the former Zoning and Development Code, which had separate variance findings for signs.

QUESTIONS

Mr. Bricker stated that the maximum square footage for a building sign is 300 square feet. He wondered why would staff not impose that as part of the conditions?

Mr. Cecil replied that because the project is being considered as a shopping center complex the variance would allow development of a sign package that more adequately serves the development.

Chairman Elmer asked if access to this development would be via 24 Road? Mr. Shaver replied that the primary access would be from Patterson Road.

Chairman Elmer asked if there would be directional signage? Mr. Cecil stated that the petitioner has not requested that.

Chairman Elmer stated that he is a little concerned with two pad sites being commercial straight zones, which creates bulk requirements and certain expectations for signage. Normally, he said, these types of sign packages are for planned zones. Mr. Shaver replied that these lots are more akin to a planned zone because they are designed and will function as a planned zone project because of the detail of the Site Plan, the access configuration and the sign configuration.

Mr. Williams asked if the petitioners are in agreement with the conditions? Mr. Langford replied affirmatively.

Mr. Bricker asked how many tenants would be advertised on the freestanding sign. Mr. Cecil replied that it may be six or less but overall the sign size will not change. Staff, he said, is not restricting how many businesses can advertise on the sign, the restriction is the size of the sign; the petitioner could have twelve tenants on the sign if it fit within the perimeter of the allowed sign.

Chairman Elmer stated that there could be three freestanding signs and a community benefit/advantage is the reduction of the overall amount of signage.

PETITIONER'S REBUTTAL

The petitioner had no rebuttal comments.

PUBLIC COMMENT

There was no public present to comment.

BOARD DISCUSSION

Mr. Bricker stated that he would feel more comfortable limiting the wall signage to 300 square feet.

Mr. Tufly stated that since the petitioner requested 370 he was concerned with limiting it to 300 square feet. He thought it might be possible that the petitioner would have to come back through the process again because there was likely a specific reason for the 370 square feet requested.

Chairman Elmer stated that he does not have a problem limiting the signage to 370 square feet. He added that the public usually doesn't object to signage on building facades because it's part of the building and it's usually not obtrusive. In addition, he said, that the petitioners are giving up their freestanding signs for monument signage.

FIRST MOTION: Mr. Williams: "I move that we grant the variance subject to the conditions found on page 3 of the document submitted to us."

Chairman Elmer suggested Mr. Williams rephrase his motion as stated on page 2 of the staff report. Mr. Williams concurred. Chairman Elmer asked Mr. Williams if he wanted to add a maximum building signage for the two pad lots? Mr. Williams withdrew his motion.

SECOND MOTION: Mr. Tufly: "I move that we approve variance 2001-105 finding that the project is consistent with the Growth Plan and Section 10-1-1-B.3 of the 1997 Zoning and Development Code, subject to conditions attached to the staff report."

Chairman Elmer asked for clarification. He asked are you making your motion based on staff recommendation with no modifications? Mr. Tufly replied affirmatively.

Mr. Williams seconded the motion.

AMENDMENT TO SECOND MOTION: Mr. Bricker: "I amend the motion to include with staff recommendation number 3 that Lots 3A and 4A meet the maximum City requirements in the City Code of 300 square feet for building signage not to include the monument signs."

Mr. Williams seconded the amendment.

After discussion, Mr. Bricker withdrew his amendment.

A vote was called on the second motion and it passed unanimously 4-0.

With no other business the meeting was adjourned at 12:34 P.M.