

**GRAND JUNCTION BOARD OF APPEALS
JUNE 12, 2002 MINUTES
12:05 P.M. to 1:00 P.M.**

Chairman Paul Dibble called the regularly scheduled Planning Commission hearing to order at 12:05 P.M. The public hearing was held in the City Hall Hearing Room.

In attendance, representing the Board of Appeals, were Paul Dibble (Chairman), John Paulson and Mark Williams. Clay Tufly and Bill Pitts were absent.

In attendance, representing the Community Development Department, were Bob Blanchard (Director), Pat Cecil (Development Services Supervisor), Kathy Portner (Planning Manager) and Ronnie Edwards (Associate Planner). John Shaver (Asst. City Attorney) was also present.

Bobbie Paulson recorded the minutes.

There were five interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

The minutes from the May 8, 2002 public hearing were considered.

MOTION: (Commissioner Williams) "Mr. Chairman, I move that we approve the May 8, 2002 minutes."

Chairman Dibble seconded the motion. A vote was called and the motion passed by a vote of 2-0 with John Paulson abstaining since he was not present at the May 8th meeting.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

VAR-2002-126 VARIANCE - DOS RIOS SCHOOL SIGN VARIANCE

Request for a variance to the Sign Code to allow a 13 foot high and 49 square foot sign in a residential zone district.

Petitioner: Dos Rios Elementary, Jeff Phillips

Representative: Randy Hampton, Dos Rios PTO

Location: 265 Linden Avenue

City Staff: Ronnie Edwards

STAFF PRESENTATION

Ronnie Edwards gave a PowerPoint presentation including maps showing the location of the site. Ms. Edwards stated that the applicant is requesting a variance to allow a free-standing sign which exceeds the sign allowance by 45 square feet and exceeds the height allowance by 11 feet in an RSF-4 zone district. The site is located south of Highway 50 and directly across from multi-family residential uses at 265 Linden Avenue. The future land use map shows the surrounding zoning as RSF-4 and Planned Residential Development. The subject property was zoned R-2 in Mesa County when the Dos Rios school was built in 1997. During the annexation process in 1999, the school concurrently obtained a special use permit. The administrative decision letter written at that time specifically stated that the maximum free-standing sign allowance is 24 square feet for the face and 8 feet in height for an

educational institution in the RSF-4 Zone. Ms. Edwards said that the sign regulations have remained the same in former and current Codes; permanent signage for any educational institution in the County is equivalent to the signage requirement within the City limits. Ms. Edwards stated that the report submitted by the petitioner references 16 schools in the valley with non-conforming signage. She noted that specific locations were not provided to assist staff in researching whether the 16 signs are located within the City. Ms. Edwards stated that staff found three permitted signs which are larger than what is allowed. Those permits were issued between May 1999 and March 2000 and the sites were zoned PZ (Public Zone) at that time. The former sign code did not specifically address signage in the PZ zone district and it appears these signs were approved based on differing Code interpretations.

Ms. Edwards said that other information compiled by staff indicated there are school sites that have complied with the Code. Two such sites are Wingate Elementary and Nisley Elementary. Both have 24 square foot free-standing signs with changeable marquees.

Ms. Edwards pointed out that restrictive sign regulations are implemented in residential zone districts to maintain compatibility in appearance with the residential environment. Dos Rios Elementary is located adjacent to multi-family housing and residentially zoned vacant land. Ms. Edwards added that it is within the public's best interest to moderate the size, height and obtrusive placement of signs and to reduce clutter.

Ms. Edwards stated that there are four subsections of the sign code that must be complied with in order to approve the variance: a) undue and unnecessary hardship; b) not contrary to property values; c) hardship unique to property, not self-imposed; and d) conformance with character of area and corridor plans. In reference to these criterion, staff finds that this site does not have any unique characteristics or unusual conditions to demonstrate a hardship and there is a reasonable use of the property without the requested variance. Ms. Edwards said that the staff's recommendation is denial of the sign variance requesting a free-standing sign which 1) exceeds the sign allowance by 45 square feet and 2) exceeds the height allowance by 11 feet in an RSF-4 zone district.

QUESTIONS

Mark Williams asked staff to identify the sixteen schools with signage larger than the 24 square feet.

Ms. Edwards reiterated that the applicant did not provide enough data for staff to research the information. Ms. Edwards stated that the petitioner's narrative mentioned Central High School having a larger sign. She noted that Central High School is in unincorporated Mesa County. Ms. Edwards said that staff research did find two other schools that are non-conforming: West Middle School (permit issued in 1999) and Grand Junction High School (permit issued in 1999). Both schools were zoned PZ at that time. Ms. Edwards added that staff also identified two schools that had conforming signage; Wingate Elementary and Nisley Elementary. Ms. Edwards stated that the Public Zone did not specifically address signage so there had been some discrepancies on how staff interpreted the Code as it related to signage in this zone.

John Shaver asked if the signs were both nonconforming in height and size? Ms. Edwards replied affirmatively.

Mark Williams asked Ms. Edwards to explain why staff was recommending denial of this request?

Ms. Edwards replied because of the clutter, obtrusiveness of the size and because it's located in a residential neighborhood.

PETITIONER'S PRESENTATION

Randy Hampton, spokesman for the Dos Rios PTO, stated that school district officials were not present. He added that the sign is a project requested by and paid for by the PTO. He stated that the purpose of the signage is to aid getting information to parents regarding meetings and other school functions. He added that the marquee signs are fairly prominent around the area for schools. Lincoln, OM and Mesa View have similar signs but he said he did not have a list identifying the 16 schools that were referred to in the narrative. Mr. Hampton stated that the 24 square foot limitation caused a hardship because in actuality they only had 4 square feet because the signage on the school building "DOS RIOS ELEMENTARY" is 20 square feet and counted towards the total signage allowed. Furthermore, removal of those letters would leave several large holes in the building which is not very practical. Mr. Hampton stated that a lower sign would encourage vandalism. He pointed out that the Wingate Elementary sign had been vandalized twice in 18 months. Shelledy Elementary installed covers on their sign to curtail the vandalism but that adds greatly to the cost. In 1988 Central High school replaced their sign with a higher sign because of vandalism problems.

Mark Williams asked if the variance petition was filed by the school or the PTO? Mr. Hampton replied that the petition is filed by Jeff Phillips, Principal of Dos Rios Elementary.

Mark Williams asked Mr. Hampton if the PTO has permission from the school district to erect this sign? Mr. Hampton replied affirmatively and that the school district had already installed the electricity to the location where the sign will be erected.

Mark Williams asked how important the school and PTO felt this sign is to students, parents and the neighborhood. Mr. Hampton replied that the PTO wanted to utilize whatever options were available to aid in communicating with parents and felt very strongly that this sign would be a usual tool in achieving their goal of keeping parents active and getting more parents involved. The marquee would be used to announce upcoming meetings, reading programs, etc.

Paul Dibble stated that applicant has two requests; the first is to increase the size of the sign and the second is to increase the height. Mr. Dibble asked Mr. Hampton to expound on the vandalism issue.

Mr. Hampton replied that the PTO and school were concerned with potential vandalism with a shorter sign. Mr. Hampton added that there is also a safety concern. He stated that because of the entrance and parking lot configuration, a lower sign could potentially impair a driver's vision of other traffic and children.

Paul Dibble asked what height was requested for the proposed sign. Ms. Edwards replied that the sign will be 19 feet to top and 13 feet to bottom of the sign. Ms. Edwards also explained that the sign is required to be installed outside of the site triangle which should eliminate any visual impairment.

Paul Dibble asked Mr. Hampton given the setback of 20 feet for the site triangle, is there still a concern that the sign will obstruct views?

Mr. Hampton replied that the access going in to the school parking lot is short. Even with the 20 foot setback, there is still a concern regarding visibility. Mr. Dibble asked what the depth is from the entrance to the circular parking lot? Mr. Hampton replied that he was not sure. He said that the sign could be moved to another location but then the concern is the visibility of the sign itself.

Mr. Williams asked if the schools with non-conforming signs had been identified. Mr. Hampton replied that information was not provided. Mr. Hampton said that he thought the following schools had signs that are larger than is allowed by Code, including West Middle School, Grand Junction High School, Central High School, Lincoln OM, Mesa View and OM Middle School.

PUBLIC COMMENT

Holly Herron, Dos Rios Elementary PTO president, stated that without the marquee sign, it will be difficult to get information to parents.

DISCUSSION

Bob Blanchard stated that the applicant had made reference to only having four square feet left for additional signage. He clarified for the Board that a wall mounted sign for an institution is exempt from the sign code; therefore, the applicant still has additional 24 square feet for a free-standing sign.

Mr. Williams asked Mr. Blanchard to explain the rationale behind the sign code regulation for schools to the Board given so many schools exceed it.

Mr. Blanchard explained that on this particular site it is because of the residential zoning standards. In residential areas signage isn't as large, garish and tall as signage that might be permitted in a commercial zone. There are compatibility issues with the residential area especially when the signage is along the street. He added that it's not necessary the content of the sign but rather the signage itself. A marquee allows the ability to express more information than just the name of the school so staff also considers the reasonableness of what can be read by passing vehicles. Mr. Blanchard explained why there were inconsistencies in interpretations of Code in the past. He stated that when these discrepancies occurred public institutions were zoned PZ, Public Zone. He noted that this particular zone district did not address signage nor did the sign code address the PZ zone.

John Shaver added that the PZ zone was based upon the ownership of the property unlike other zones that are based upon the use. He explained that under the prior Code staff had to contend with reviewing signs based upon ownership rather than the use so it was very likely when someone applied for a sign permit it was looked at based upon the use of the building or closest similar use. Staff probably likened the use with either a commercial building, an institutional building or some other use and that may be the reason for the fluctuation in the sign allowance.

Discussion ensued among the board members regarding the site distance and height of the sign.

MOTION: (Mark Williams) "Mr. Chairman, on item VAR-2002-126, I move that we deny the request to allow a freestanding sign which exceeds the sign allowance by 45 square feet."

The motion was seconded by John Paulson. A vote was called and the motion passed to deny the variance by a vote of 3-0.

MOTION: (Mark Williams) "Mr. Chairman, on item VAR-2002-126, I move that we deny the request to allow a free-standing sign that exceeds height of 11 feet in a RSF-4 Zone District."

The motion was seconded by John Paulson. A vote was called and the motion passed to deny the variance by a vote of 3-0.

With no further business to discuss, the meeting was adjourned at 1:00 P.M.