

**GRAND JUNCTION BOARD OF APPEALS
JULY 10, 2002 MINUTES
12:05 P.M. to 2:08 P.M.**

The regularly scheduled Board of Appeals meeting was called to order at 12:05 P.M. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Board of Appeals, were Paul Dibble (Chairman), John Paulson, Bill Pitts, and Mark Williams (arrived after approval of the June 12 minutes). Clay Tufly was absent.

In attendance, representing the Community Development Department, were Bob Blanchard (Planning Director), Pat Cecil (Development Services Supervisor), Kathy Portner (Planning Manager), and Senta Costello (Assoc. Planner).

Stephanie Rubinstein, Asst. City Attorney, was also present.

The minutes were recorded by Bobbie Paulson and transcribed by Terri Troutner.

There were approximately 8 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the June 12, 2002 meeting.

MOTION: (Mr. Paulson) "I make a motion [to approve the minutes]."

Mr. Pitts seconded the motion. A vote was called and the motion passed by a vote of 2-0, with Mr. Pitts abstaining. (Mr. Williams arrived after consideration of the minutes.)

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

VAR-2002-129 VARIANCE—HOLIDAY INN EXPRESS SIGN VARIANCE

A request for a variance from the 24 Road Corridor Design Standards and Guidelines to allow a sign to have letters higher than 12 inches and a freestanding sign taller than 12 feet and open neon on the base of the sign.

Petitioner: Budget Motel Management, Inc., Jim Koehler

Location: 625 Rae Lynn Street

Representative: Western Neon Sign Company, John Abramson

STAFF'S PRESENTATION

Senta Costello gave a PowerPoint presentation which provided a project background, aerial photo showing site location, a vicinity zoning map, project site plan, outline of variance criteria, photos of the site and surrounding area, summary of staff findings and conclusions, and staff's recommendation.

Ms. Costello noted that the project had already received one variance for height in 2001. The petitioners were contending that this site did not have street frontage off of a primary street or corridor; that other businesses along Patterson and 24 Roads were allowed large freestanding signs, tall building fronts, canopies, and large sign packages; that further development of adjacent and nearby properties would affect the visibility of

“allowed” signage; that the hotel would serve as a benefit to the community; and that the site’s location behind other properties represented sufficient hardship. While the petitioner felt that the variance applied to Section 7 of the Sign Code, it actually pertained to Section 7.5 of the Zoning & Development Code (24 Road Corridor Design Standards and Guidelines, subsection 7, Signs). She noted that the 24 Road Corridor Design Standards and Guidelines (24 Road CDS&G) were adopted in November of 2000. The project had been undertaken well after adoption of those standards. The hotel, she said, was visible from all directions.

Approval of the variance would allow installation of a 35 foot high, 211.5 square foot freestanding sign, three flush wall signs that have letters ranging from 20 inches to 36.61 inches in height, and exposed neon tubing around the support for the freestanding sign. The proposed height and size for the freestanding sign, as well as the size of flush wall lettering exceeded 24 Road CDS&G. According to those standards, exposed neon was not allowed at all within the corridor.

Finding that the project was inconsistent with the Growth Plan, the 24 Road CDS&G, and section 2.16.C.5 of the Zoning and Development Code, denial of the variance request was recommended.

QUESTIONS

Chairman Dibble wondered how far back from 24 Road the freestanding sign would be situated. Ms. Costello said that this distance would be approximately 350 feet, with the hotel situated about 400 feet from 24 Road.

Mr. Pitts asked staff to draw a comparison between the hotel’s proposed signage and that of Boston Pizza. Ms. Costello said that while Boston Pizza’s signage met the Sign Code, it didn’t meet the 24 Road CDS&G with regard to the size of its letters.

Mr. Williams asked how many of the hotel’s signs were proposed as freestanding, to which Ms. Costello replied that only one had been proposed. When asked about the hotel’s access, Ms. Costello added that the hotel’s primary street, Rae Lynn Street, was a dedicated access.

Mr. Williams asked for identification of other properties and their use designations in the nearby area, which was given. The proposed freestanding sign location was identified. She confirmed that the overall square footage of the flush wall signs conformed to the 24 Road CDS&G; only the lettering was out of compliance.

Mr. Williams asked if neighbors to the north had lodged complaints about the proposed signage. Ms. Costello did not recall having received any objection from the one adjacent property owner.

Chairman Dibble asked how many of the other signs mentioned in the applicant’s responses were in existence prior to adoption of the 24 Road CDS&G, Ms. Costello said that all of them had been.

Pat Cecil clarified that Boston Pizza’s signage had been approved as a package through a sign variance procedure prior to adoption of the 24 Road Corridor Design Standards. This package limited any future signage placed on the building and also restricted sign placement on the properties directly adjacent to the east and northeast.

When asked by Mr. Williams why the staff was recommending denial of the request when an exception had been granted for Boston Pizza, Mr. Cecil reiterated that a variance for Boston Pizza’s sign package had been approved prior to adoption of the 24 Road CDS&G. The hotel had been constructed after adoption. Other placement options had been available on the property which would have rendered the building more visible. The petitioner’s decision to situate the structure at its current location meant that the stated hardship was self-imposed, which did not meet variance criteria.

Ms. Costello added that she'd met with the petitioner's representatives several times to explore signage options; however, given the placement of the hotel and the petitioner's desire for visibility, none of the options discussed could meet the petitioner's needs and still comply with established criteria.

Chairman Dibble asked if the freestanding sign could be erected on the front parcel. Mr. Cecil said that the sign would then be considered an off-site sign which would also require variance approval. It would also be considered a combination sign between the Holiday Inn and whatever business located on that front parcel. This would prevent the placement of a second freestanding sign on the front parcel. Apparently, the Holiday Inn had a policy prohibiting sign-sharing arrangements.

PETITIONER'S PRESENTATION

Jim Koehler, owner of both properties under discussion, began by saying that blueprints for the hotel's design originated in 1999. He clarified that the variance referenced by Ms. Costello was actually the second variance requested. The first one (no elaboration given) occurred prior to adoption of the 24 Road Corridor Design Standards. Since he'd expected no problems with moving forward with the original sign design at the project's inception, contact with a sign contractor hadn't occurred until recently. That's when the current problems and restrictions had come to light. The hotel had been situated back from 24 Road approximately 520 feet for financial considerations and to meet staff's requirements for height variance approval. He had a huge financial investment in the hotel and selling the front property for use as a restaurant was essential. He presented photos showing sign lettering heights. It was imperative, he said, that approval of the variance be given. Mr. Koehler contended that Boston Pizza was situated closer to 24 Road than the hotel, so its signage had greater visual impact on the 24 Road corridor than would that of the hotel.

QUESTIONS

Chairman Dibble asked if the overall square footage of the flush wall signage was satisfactory, to which Mr. Koehler replied affirmatively. The only real issue with those signs, he said, pertained to lettering height.

Chairman Dibble asked for clarification on the lettering style. John Abramson, representing Western Neon Sign, said that individual letters were about 5 inches deep and contained strokes of neon. Lettering sizes would vary, but all would be neon-illuminated. A 12-inch-high letter would be so small that one could not safely and efficiently stroke it with neon. Neon-lit signage was much more visible at night. A 12-inch letter only had a visibility of about 150 feet. It would be virtually impossible to see 40 feet high and 520 feet from the road. When asked, he clarified that all neon would be enclosed.

Mr. Williams asked for clarification on why Mr. Koehler had wanted to place the hotel further back on the property. Mr. Koehler reiterated what he'd stated previously. At the time of original design, there had been no signage issues. He'd always intended to place the hotel where it was.

Stephanie Rubinstein asked staff when the project request had originally been submitted to the City. Ms. Costello said that it had originally been submitted in August or September of last year (2001); the 24 Road Design Standards were adopted in November of 2000. Mr. Koehler said that he'd been in contact with a number of people involved with the project prior to its submittal to City staff. During that time, he'd been more concerned about 24 Road access.

When asked by Ms. Rubinstein how Mr. Koehler couldn't know about the signage criteria changes when adoption of the design criteria had occurred in 2000, he responded that his research into the City's requirements had been undertaken in 1999 in conjunction with the original project blueprints. At that time, the sign code allowed what they knew they would be proposing. There had been no reason to guess that with adoption of the 24 Road CDS&G, criteria would so significantly change.

A brief discussion ensued to clarify the petitioner's request and outline the 24 Road CDS&G criteria.

Chairman Dibble asked if neon channeling was considered part of the sign, to which Mr. Cecil responded affirmatively.

Mr. Koehler noted other adjacent and nearby businesses which had larger freestanding signage located closer to 24 Road. The currently proposed freestanding sign would be significantly set back on the property and face north/south away from 24 Road.

Kathy Portner elaborated on the history of the 24 Road CDS&G adoption and consideration of the Boston Pizza signage. Signage along the 24 Road corridor had been given significant consideration prior to adoption of the 24 Road CDS&G. Signage allowance for the hotel had been based on Rae Lynn Street, not 24 Road. The 100-square-foot figure for wall signage was not a given; rather, it represented the maximum square footage allowed. Lettering size also served to limit sign size.

Chairman Dibble asked if signage for the Texaco station had also been approved before adoption of the 24 Road CDS&G, to which Ms. Portner replied affirmatively. When asked, she reiterated that the current project had not been submitted until after adoption of the Standards.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Charlie Doss (2388 F Road, Grand Junction) believed that “rules were rules.” While he sympathized with the petitioner, Mr. Koehler had chosen to place the hotel further back from 24 Road. That someone should choose not to follow the rules shouldn’t be the Board’s problem.

PETITIONER’S REBUTTAL

Mr. Koehler stressed that it was necessary for him to do well with the current project. This meant that the hotel had to be visible from the road. He noted that he was the first and only major business to have located in the 24 Road corridor since adoption of the 24 Road CDS&G. He reiterated comments about the research he’d undertaken in 1999 and asked the City for help to ensure completion of his project. He expressed a willingness to give up the freestanding sign if additional latitude could be given to the flush wall signs. If turned down, he wasn’t sure what he would do with either the hotel or plans for the restaurant.

Chairman Dibble noted that the City had already provided assistance to the petitioner in the form of a height variance. It was reasonable to assume, he said, that there would be problems associated with setting the hotel so far back on the property. Continued success was wished for the petitioner.

DISCUSSION

Mr. Paulson recused himself from further consideration of the item; he realized his company had a business relationship with the petitioner, representing a conflict of interest. Mr. Paulson was excused from participation in this and the next agenda item.

A brief discussion ensued over whether each element of the request could be considered individually or if the request would be better considered as a package. Chairman Dibble felt that it was within the Board’s purview to make this determination and vote accordingly.

Mr. Williams wondered about the safety aspects of smaller lettering. Would a motorist driving down 24 Road pose a safety risk to other traffic in his attempt to read the hotel’s signage? His thought was that the petitioner should go back to City planning and engineering staffs to try and resolve outstanding issues.

Mr. Pitts concurred with safety concerns, noting the sign contractor's statements that it was impossible to safely use neon in 12-inch-high letters. Mr. Abramson said that only the "H" in Holiday would be 12 inches; the rest of the letters would likely be 4 inches tall. From a 520-foot setback, signage would be viewed by motorists as dots on the building. He reiterated safety concerns.

Chairman Dibble considered the hotel's flush wall signage as critical to the business and noted that the petitioner was not asking to exceed overall square footage limitations. He would be willing to consider larger lettering provided that the average placement height of the signage was reasonable. If the smaller signs could not be safely installed, and if signage was both logo- and public-sensitive, then the conditions of hardship had been met.

Bob Blanchard expressed respect for the corporation's needs; however, the Board needed to consider hardship criteria in terms of the property itself. Corporate desires were often modified to comply with local restrictions; he cautioned the Board against making a finding based on corporate need.

Mr. Pitts acknowledged the level of public input that went into the 24 Road CDS&G but felt that safety concerns justified varying the letter size of wall-mount signage. However, he felt that the proposed freestanding sign should not exceed established criteria.

Ms. Rubinstein clarified that the Board must find that all of the variance criteria had been met before approval could be given. If the Board's position should be contrary to the Code requirements, the Board must provide findings to support any deviation.

Mr. Pitts felt that the proposed freestanding sign was completely out of compliance with the 24 Road CDS&G.

Chairman Dibble proposed that letter size averaging be implemented in order to comply with established criteria. Ms. Portner said that there was no mention of "averaging" in the 24 Road CDS&G.

Mr. Blanchard suggested that Board members address the four variance criteria separately to determine the compliance.

Chairman Dibble agreed that the petitioner should have known, or made a point to know, the sign regulations at the time of project submittal.

Each of the criteria was discussed individually. With regard to hardship, Mr. Williams determined that if the sign could not be read, then a hardship existed.

Chairman Dibble wondered if setback length should factor into sign size. Mr. Williams felt that the exceptional setback length should be a factor and constituted a hardship.

With regard to the second criterion, that the variance not be contrary to property values, all agreed that granting the variance would not affect surrounding property values.

Whether or not the hardship was self-imposed elicited the majority of the discussion. Chairman Dibble felt that the petitioner had chosen to locate the hotel further back from 24 Road and should have known that the increased distance would create visibility problems. In that sense, the hardship was self-imposed. Granting the variance would likely set a precedent. Mr. Pitts agreed that the hardship was self-imposed by virtue of the choice the petitioner made to place the hotel where he had. Mr. Williams disagreed, saying that the small lettering could pose a safety hazard if motorists spent too much time trying to focus on what the signs said as they're traveling down 24 Road. He felt that sign criteria should be considered in conjunction with traffic standards and setback distance and suggested the item be tabled for 30 days to allow the petitioner time to work with planning and engineering staffs to come to some resolution. Chairman Dibble said that if that were the

option Board members chose to take, he suggested that staff consider averaging letter sizes within the 100-square-foot maximum square footage.

All were in agreement that the fourth criterion, conformance with the character of the area, had been met.

Mr. Williams asked staff if they would consider specific safety input from the petitioner if the City's engineering staff concurred that a hazard would exist with the smaller lettering. Mr. Blanchard said that if such a determination was made from engineering staff, questions would be posed to them, since sign regulations considered distance from the nearest street, which in this case would be Rae Lynn Street. Safety was always a consideration and sometimes an overriding one. He noted that no other options had been presented to staff by the petitioner. There had been an absence of visual evidence to show what conforming signs would look like. No explanation had been given as to why the chain's corporate office wouldn't allow a shared monument sign.

Chairman Dibble suggested the request be tabled to allow additional time for resolution of the outstanding issues.

MOTION: (Mr. Williams) "I move that we table it for 30 days[to August 14]."

Mr. Pitts seconded the motion. A vote was called and the motion passed by a vote of 3-0.

VAR-2002-135 VARIANCE—HOLIDAY INN FENCE VARIANCE

A request for approval of a variance to allow a 10-foot fence in a C-2 (Heavy Commercial) zone district.

Petitioner: Budget Motel Management, Inc., Jim Koehler
Location: 625 Rae Lynn Street
Representative: D&K Construction Management, Inc., Tyler Casebier

STAFF'S PRESENTATION

Senta Costello overviewed the request, noting that the fence would screen the property from its adjacent neighbor to the west. Staff determined that the hardship was not self-imposed. Finding the project consistent with the Growth Plan, the 24 Road Design Standards and Guidelines, and section 2.16.C.4 of the Zoning and Development Code, staff recommended approval of the variance request.

PETITIONER'S PRESENTATION

Mr. Koehler briefly outlined the benefits to be derived by the increased fence height.

PUBLIC COMMENT

There were no comments either for or against the request.

DISCUSSION

No objections were expressed by any Board member. All were in general agreement that the request merited approval.

MOTION: (Mr. Williams) "I move that we follow staff's recommendation [to approve the variance request]."

Mr. Pitts seconded the motion. A vote was called and the motion passed by a vote of 3-0.

With no further business to discuss, the meeting was adjourned at 2:08 P.M.