

**GRAND JUNCTION BOARD OF APPEALS
NOVEMBER 10, 2004 MINUTES
12:05 p.m. to 12:52 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), Travis Cox, Reginald Wall and Mark Williams.

In attendance, representing the Community Development Department, were Bob Blanchard (Community Development Director) and Ronnie Edwards (Assoc. Planner).

Jamie Kreiling, Asst. City Attorney, was also present.

The minutes were transcribed by Terri Troutner.

There were 4 citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the August 11, 2004 public meeting.

MOTION: (Mr. Cox) “Mr. Chairman, I move that we approve the minutes of August 11, 2004.”

Mr. Williams seconded the motion.

A vote was called and the motion passed by a vote of 3-0, with Mr. Wall abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

VAR-2004-218 VARIANCE--MESA COUNTY FREESTANDING SIGN

A request for approval to allow a second freestanding monument sign on the west frontage entrance.

Petitioner: Jim Raff, Mesa County Facilities

Location: 510 29 1/2 Road

STAFF'S PRESENTATION

Ronnie Edwards briefly outlined the request. Plans initially indicated the placement of two monument signs at the site's entrances from 29 1/2 Road; however, no dimensions had been given at the time of development submittal. Only the dimensions of the second monument sign were at issue. Ms. Edwards offered a PowerPoint presentation, which included: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map and 5) variance and sign regulation criteria. No comments had been received from neighboring property owners. With regard to hardship, staff had been

very clear to the petitioner about sign allowances at the onset of the site plan review process. Having found the request to be inconsistent with the Growth Plan and Code criteria, staff recommended denial of the request.

QUESTIONS

Mr. Williams asked for clarification on the Sign Code's restriction of freestanding signs. Ms. Edwards explained that one freestanding sign was allowed per street frontage per parcel, adding that monument signs were classified as freestanding signs. However, having taken advantage of an exception option, the County could have the two monument signs along the same frontage provided that it limit the dimensions of both signs to no more than 24 total square feet. The one existing monument sign had already utilized 20 square feet. The petitioner was requesting a variance to allow a total of 40 square feet.

Chairman Dibble asked if approving the variance would affect the flush wall sign allowance, to which Ms. Edwards replied affirmatively. The flush wall signage allowance would be reduced.

Bob Blanchard briefly elucidated the Code's exception section exempting institutional buildings from the restriction of one freestanding sign per frontage. To qualify for that exemption, the sign allowance was restricted to 24 square feet total for all freestanding signs. Given that the first monument sign already used 20 square feet of the sign allowance, there were only 4 square feet available for the second sign.

Mr. Cox asked if lettering on both sides of a single sign would be considered one or two signs. Ms. Edwards said that it would be considered a single sign. She said that that option, among others, had been offered to the petitioner.

Mr. Wall asked which had come first, the signage restriction or construction of the two monument signs. Ms. Edwards said that the petitioner had submitted plans prior to construction of the monument signs; however, no dimensions had been given. The Sign Code's restrictions had been discussed with the petitioner during site plan review prior to the monument signs' actual construction.

PETITIONER'S PRESENTATION

Jim Raff, representing the petitioner, circulated photos of the monument signage and subject property. The two signs had been placed at both entrances to the site, a site which received heavy daily traffic from both visitors and staff. Mesa County wanted to place lettering identical to the first sign on the second sign. The second sign would provide the appropriate visual "trigger" for the second entrance. Given the building's proximity to the street, it would take fairly large flush wall signage to adequately convey the presence of their building. Both monument signs were designed to be aesthetic and blend well, and they would have no adverse impacts on surrounding properties. There were no sight distance concerns and no evidence to suggest that the signs were located within public right-of-way, two concerns that had been previously expressed by staff.

QUESTIONS

Mr. Cox asked the petitioner how Mesa County felt it had addressed the Code's hardship criterion. Mr. Raff said that people could not see the entrance signage at all when heading northbound on 29 1/2 Road, and they were unlikely to see any flush wall signage given the building's proximity to the street frontage. Mr. Raff added that removing existing signage would result in increased costs. When Mr. Cox asked how is it not self-imposed, Mr. Raff replied, "I cannot say it is not."

Mr. Williams asked if Mesa County had considered reducing the size of existing signage lettering so that more sign allowance would be available for the second sign. Mr. Raff said that that option would be considered if the variance was denied. Mr. Williams asked if the petitioner had any comments or specimens from local professionals to indicate how revised signage would be perceived by traffic. Mr.

Raff said that the signs' verbiage would have to be changed, possibly eliminating the Mesa County reference and retaining just *Community Services Building* or going with *Mesa County Services*.

Mr. Dibble referenced staff's letter dated June 6, 2003 which outlined two sign options, one of which seeming to suggest a single pole-mounted sign with 300 square feet of sign allowance, not to exceed 25 feet in total overall height. That seemed to be much more sign allowance than what was currently being discussed. Ms. Edwards confirmed that the County still had that option if the monument signs were removed.

Doralyn Genova, member of the Board of County Commissioners, came forward and stated that the Board had never been made aware they would be required to go before the City for a variance on the proposed signage. Only when Board members had urged completion of the second sign did the issue present itself. Chairman Dibble remarked that since the City's Sign Code had long been in place, it appeared that neither the County's contractor nor its staff had checked into the City's criteria prior to erecting the monument signs. Ms. Genova explained that all throughout the annexation, design, and construction process, the County had worked closely with the City. She stated the variance requirement had come as quite a surprise when the Human Services Building was then ready to open its doors.

Ms. Genova felt that the pole-mounted sign option would not have been very attractive. She added that the Human Services building also housed the Mesa County Health Department, and one of the complaints she'd often heard from residents coming in for flu shots was that they didn't know where to turn in from 29 1/2 Road. She stated the monument signs were much more aesthetic and served the purpose just as well.

When asked by Mr. Cox why the County had chosen to go with the two monument signs instead of any other alternative, Ms. Genova said that the project had been "design-built," meaning the County had told their contractor what they wanted and the contractor had done all the design and construction work. She reiterated that the County had no intention of erecting any flush wall signage on the building itself. The monument signage represented the building's only identifiers.

Mr. Williams asked if the Board of County Commissioners had been involved in any of the discussions regarding signs and sign allowance, to which Ms. Genova replied negatively. Ms. Genova pointed out that the County hadn't had to comply with the City's requirement to annex but had chosen to be subject to the Persigo 201 Agreement and follow the City's direction. She said that it was crucial to properly identify the building's entrances.

Chairman Dibble asked if the Human Services Building had been brought before the City's Planning Commission, to which Ms. Edwards replied negatively. The project had been subject to administrative review. She recalled her first correspondence on the sign's lettering in June of 2002 to Kurt Larson, Director of Mesa County's Planning Department. The site plan had been approved in June of 2003, and she'd written another letter to the County at that time regarding the signage issue.

Mr. Cox asked again how the hardship was viewed as not self-inflicted. Ms. Genova stated, "How this is not self-inflicted. The only thing I can tell you is part of the overall design. The design was very appealing. We were working with the City. We felt we were on firm ground all the way. If it was self-inflicted, it would be something the Board of Commissioners had no idea we needed at the time. Although I understand from the presentation Ronnie was nice enough to give that there was a note or place marker put in our file that said we needed to apply at sometime for a variance." Ms. Genova emphasized that the monument signage was part of the design built project critical for directing traffic.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Mr. Cox acknowledged the need for directional signage but felt that a single double-sided sign would work just as effectively and comply with the Code. While the Board of County Commissioners may not have known about the Sign Code's regulations, County staff had. The regulations had been explained during the site plan review process, and the criteria were something that the project's representatives had agreed to as a condition of approval. Absent a compelling argument against what appeared to be a self-imposed hardship, he felt he could not support the request.

Mr. Williams had driven by the building and felt that perhaps the regulations needed to be amended to accommodate the County's situation. The monument signs were an integral part of the design for safety and ingress/egress and a public benefit. He indicated it would be a stretch, but he compared it to an earlier project that was approved approximately three years ago for the Drug Enforcement Agency. At that time, a fence variance was granted for a taller fence as the fence was determined to be an integral part of the design of the project and for the public benefit. He could identify a similar public benefit with approving these monument signs. He was uncomfortable with treating public entities differently from private entities, but he could support the petitioner's request. While recognizing the public's need for safety and the County's desire to adequately identify its building, it would be a stretch to approve a variance for signage that the project's representatives knew from the onset wouldn't comply with the City's criteria. If the variance were approved, average citizens would be justified in wondering why exceptions could be made for a public entity but not for them. It was not appropriate to hold to a different standard for public entities, and so could not support the petitioner's request.

Mr. Wall agreed that the aesthetics of the monument signage were unquestionable; however, he agreed with the comments made by Board of Appeals Member Cox. The County had to comply with the criteria outlined in the Sign Code just as every other citizen would be required to do. He also could not support the request.

Chairman Dibble referenced Growth Plan Policy 13.1.2 which urged the minimizing of visual clutter caused by signage. He observed that to the north of the subject site there were several high-rising signs which were far less aesthetic in appearance, in his opinion, than the County's monument signage. He felt that an argument could be made that the monument signage was more in keeping with the tenor of the Code even if they did not meet the Code's legal requirements. With regard to the question of self-imposed hardship, it appeared there was a breakdown in communication between the project's contractor and the Board of County Commissioners and perhaps to the County's staff as well. Denial of the variance could result in the County's removing existing monument signage and erecting a larger freestanding sign, one which, in his opinion, could very well add to the visual clutter that the City was trying hard to minimize. The County would have been allowed five times the amount of sign allowance being requested, and they would also have been allowed both monument signs if they'd been positioned along two different frontages. Since no curb cut off of North Avenue had been allowed, the only alternative left to the County had been to place both signs along the same frontage. He felt the monument signage to be appropriate and expressed support for the variance request.

MOTION: (Mr. Cox) "Mr. Chairman, on item VAR-2004-218, I move that the Board of Appeals approve the request to allow two freestanding signs on one street frontage in a C-2 zone district for the parcel at 510 29 1/2 Road."

Mr. Williams seconded the motion.

A vote was called and the motion failed by a tied 2-2 vote, with Board of Appeals Members Cox and Wall opposing.

With no further business to discuss, the meeting was adjourned at 12:52 p.m.