

**GRAND JUNCTION BOARD OF APPEALS  
MAY 10, 2006 MINUTES  
12:05 p.m. to 1:15 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 Dr. Paul Dibble (Chairman), Mark Williams, Travis Cox, Patrick Carlow and Ken Sublett.

In attendance, representing the Community Development Department, were Kathy Portner (Assistant Community Development Director), Faye Hall (Associate Planner), Ronnie Edwards (Associate Planner) and Adam Olsen (Associate Planner).

Jamie Kreiling, Assistant City Attorney, was also present.

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

There were four interested citizens present during the course of the meeting.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes of the March 8, 2006 public meeting.

**MOTION: (Mr. Cox) "So moved [to approve the minutes of March 8 as submitted.]"**

Mr. Sublett seconded the motion. A vote was called and the motion passed by a vote of 4-0, with Chairman Dibble abstaining.

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**III. FULL HEARING**

**VAR-2006-092 VARIANCE--FAITH HEIGHTS CHURCH**

**A request for approval of a variance to the Sign Code in order to install an 80-square-foot sign on a 32,000-square-foot building on 13.928 acres in an RMF-8 (Residential Multi-Family, 8 units/acre) zone district.**

**Petitioner: Eric Knez, Faith Heights Church**

**Location: 600 28 1/4 Road**

**STAFF'S PRESENTATION**

Faye Hall gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City Zoning Map; 5) photos of the building showing 80-square-foot signage versus 24-square-foot signage. Surrounding land uses were noted. Faith Heights Church could have two 24-square-foot signs given its dual frontage along Patterson Road and 28 1/4 Road.

One letter of opposition had been received by Ada Jones (2836 Grand Falls Circle, #A, Grand Junction), who did not state any reasons for her objection. A phone call objecting to the request had also been received.

Staff concluded that the request did not meet the goals and policies of the Growth Plan nor did it meet Code requirements. Staff had suggested to the applicant that one 24-square-foot freestanding signage be placed along Patterson Road while the other 24-square-foot sign be placed on the building. There had been no City requirement to set the building back so far from Patterson Road, and all other churches located within residential districts were required to conform to the same sign regulations. Staff felt that the additional sign square footage would only accentuate the commercial appearance of the building. Given the above, it was staff's position that the hardship was self-imposed. Denial of the request was recommended.

**QUESTIONS**

Mr. Williams asked staff about the phone call received in opposition. Ms. Hall said that it had come from a neighbor but no address had been given. The caller felt that the requested signage was too large.

Chairman Dibble noted that the 24-square-foot signage allowance could be configured any number of ways. Ms. Hall agreed, adding that if church management so chose, they could have two freestanding signs, one placed on each of their frontages.

Mr. Williams asked if staff had discussed the freestanding sign alternative with the applicant. Ms. Hall said that the alternative had been included in her review comments, so the applicant had been made aware; however, no in-person discussion had taken place.

Chairman Dibble asked if freestanding signage could be two-sided, to which Ms. Hall responded affirmatively. She added that said signage could be monument signage or have pillars on the sides.

Mr. Williams asked if adequate space in the church's parking area was available for the freestanding signage, to which Ms. Hall responded affirmatively.

Chairman Dibble noted a vacant dirt area in front of the church and asked if that area was designated for parking. Ms. Hall said that it provided the church with additional room for expansion; however, nothing was planned for the area at present.

Chairman Dibble asked how far back from the street freestanding signage would have to be placed. Ms. Hall said that there were no specific setback requirements applicable; staff would just check to make sure that sight distance was unimpeded.

When Chairman Dibble asked about the building's setback along 28 1/4 Road, Ms. Hall suggested that the question be directed to the applicant.

**PETITIONER'S PRESENTATION**

John Capotta, representing the petitioner, and the petitioner Eric Knez both came forward. Mr. Knez said that the additional sign size would allow the church to be more visible, especially to newcomers. Many people have commented that they didn't even realize it was a church, given its more commercial appearance. Mr. Capotta said that a freestanding sign along Patterson would be difficult to see and could result in traffic accidents from folks squinting to try and read the sign as they're traveling 45 mph down Patterson Road. Placement of a monument sign along Patterson Road corner would, he predicted, be

more than 370 feet from the building and 200 feet from the church's 28 1/4 Road entrance. Given the sign's extensive distance from the building, people may not even associate it with the church.

Chairman Dibble wondered why the applicant had elected to put the parking area in front of the building, since he felt that it distracted motorists from seeing the building's facade. Mr. Knez said that their engineer had suggested placement of the parking area in the front to better facilitate drainage to the detention area. Chairman Dibble remarked that the choice had been the applicant's. Mr. Knez acknowledged that they "just hadn't done their homework on that part."

Chairman Dibble asked if a monument sign placed along Patterson Road would be an appealing option. Mr. Knez said that since it would be located 200 feet west of the building, motorists wouldn't be able to see it until they'd already passed it. Neither would they be able to see flushwall signage 370 feet south of Patterson if only 24 square feet in size. When asked if flushwall signage could be placed in the middle of the building, Mr. Knez said that while a possibility, motorists heading eastbound would not be able to enter the site once they'd seen the sign.

Mr. Cox noted that even with the larger-sized signage, motorists traveling eastbound on Patterson Road still would not be able to see the sign until after they'd passed 28 1/4 Road and were directly in front of the building. Mr. Knez felt that the larger-sized signage could be seen by both east- and westbound traffic. Mr. Capotta said that their best option from a business perspective would be to have one monument sign and a flushwall sign on the side of the building so that people would have no problem knowing that there was a church on the site and so that they would know where to turn.

Chairman Dibble didn't think that even an 80-square-foot sign would add much in terms of visibility given the building's distance from Patterson Road.

Mr. Sublett thought that the larger signage probably looked better on the building; the smaller lettering looked as though someone slipped with a paintbrush. Mr. Knez concurred. When asked if the proposed signage would appear as it did in the rendering, Mr. Knez replied affirmatively. Mr. Sublett asked why they'd chosen red for the lettering. Mr. Capotta felt that they may ultimately replace the exterior paneling and use more neutral earthtone colors. The best-case scenario would include graphite grays and off-whites versus blue, white and red. A graphite-gray would better complement the smoke-colored windows. Mr. Sublett didn't feel that most people's peripheral vision would see the building's signage unless a monument sign was erected closer to Patterson Road. He'd driven past the site several times to ascertain what he might see if he were looking for the church. Driving west on Patterson, most people would be paying attention to the 28 1/4 Road intersection. Traveling eastbound, the situation was much the same, where people would be focused more on that intersection. Consequently, he too felt that monument signage would provide the church with the best option for visibility.

Chairman Dibble asked how high the F.H. temporary lettering was. Mr. Knez replied that they were 3-foot-high letters. Chairman Dibble followed up by asked if the applicant could get the name Faith Heights on either an 8-foot-wide or 10-foot-wide pennon. Mr. Knez said that while possible, individual letters would be very small. Mr. Capotta said that the word "church" could be deleted. Chairman Dibble suggested that a wider two-sided monument sign placed along Patterson Road would be more easily read by passing motorists, a sign somewhere in the neighborhood of 8 to 10 feet wide.

Chairman Dibble asked about the amount of landscaping planned for the front building area; would it block the visibility of building signage? Mr. Capotta said that there were a few Aspen trees planted in the sidewalk setbacks. The entire detention pond area would eventually be grassed in. Chairman Dibble

said that trees, once matured, would likely block the visibility of building signage. That would not be a concern with monument signage.

Mr. Sublett noted that people in that area generally didn't travel 45 mph; rather, they generally slowed in response to the stoplight at 28 1/4 Road. Given the length of time that people were stopped at that stoplight, a monument sign may be of even more value to the church. It would be signage that could be easily seen and wouldn't require people to change their driving habits. He agreed that monument signage seemed to be the best option.

Mr. Knez said that he just wanted something to make the building less commercial-looking and he felt that building signage would accomplish that. The building just looked so barren without anything there; it really did appear to be a warehouse.

Mr. Sublett noted a similarly designed church near Rifle, and they'd been able to convey their being a church just by placing a steeple on top of the building.

Chairman Dibble wondered if the applicant's intent prior to construction of the building was that it look like a warehouse. How many evening services? Was the intent to have building signage backlit? Mr. Knez said that they hadn't intended the building to look so much like a warehouse. They typically had two services in the evening. And they did intend to have building signage backlit. Mr. Capotta added that the photo contained in staff's report really didn't do the building justice. The 80-square-foot signage proposed would really be much more easily seen from Patterson Road. A monument sign could be placed in the middle of the property but there was no electricity available there.

Mr. Sublett pointed out that a monument sign placed along Patterson Road would not be in a position to compete with other signage. He felt that it would be both noticeable and visible, and if that meant running electrical conduit down the center of church property, doing so would seem reasonable.

#### **PUBLIC COMMENT**

There were no comments either for or against the request.

#### **DISCUSSION**

Mr. Sublett felt that the interests of both the City and the applicant would be best served by using monument signage. He reiterated that given the building's distance from Patterson Road, flushwall signage would be only minimally effective.

**MOTION: (Mr. Williams) "Mr. Chairman, on variance request VAR-2006-092, I move we approve the request for a variance to section 4.2.G.1.a. of the Zoning and Development Code to allow an 80-square-foot sign to be mounted on the building located at 600 28 1/4 Road in an RMF-8 zone district, finding the request to be consistent with the Growth Plan and that the review criteria of section 2.16.C.5 of the Zoning and Development Code have all been met."**

Mr. Cox seconded the motion. Jamie Kreiling said that if the board intended to approve the request, it was necessary to provide findings for the record substantiating the reason for approval. Staff's recommendation had been for denial. A vote was called and the motion failed by a unanimous vote of 0-5.

**VAR-2005-271 VARIANCE--MERIDIAN PARK SIGN VARIANCE**

**A request for approval for a variance to the off-premise sign regulations in a C-1 (Light Commercial) zone district.**

**Petitioner: Richard Cavalli, QTIP Trust**

**Location: 2776 Highway 50**

**STAFF'S PRESENTATION**

Ronnie Edwards gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) proposed sign package drawing; and 6) location map/vicinity sketch.

Ms. Edwards noted that off-premise signs were only permitted in C-2, I-1 and I-2 zone districts. The applicant was requesting permission to erect three off-premise signs located in existing dedicated tracts adjacent to Highway 50, and at the 27 3/4 Road and B 1/2 Road entrances. The sign proposed adjacent to Highway 50 would be 300 square feet and 30 feet high. The two off-premise entrance signs would be 24 square feet, with a height of 4 feet, and contain only the subdivision name. Their proposal also included the option of allowing freestanding signs on each individual lot, limited to monument-type signs per their recorded covenants. Staff recommended restricting the monument signs so that they would be located only adjacent to the internal streets and limited to 60 square feet, with a maximum height of 12 feet. No additional freestanding signs would be allowed adjacent to Highway 50, 27 3/4 Road, B 1/2 Road and 28 Road rights-of-way.

The proposed sign package would allow all interior businesses to advertise along Highway 50 on one sign, without visual clutter along the corridor. The request is consistent with the Growth Plan because it would limit and reduce the potential number of freestanding signs along the Highway 50 corridor, 27 3/4 Road, B 1/2 Road and 28 Road. Variance criteria were read into the record. After careful review, staff concluded that Code criteria had been met and, as previously stated, the request was consistent with Growth Plan recommendations. Approval was recommended, subject to staff's findings and conclusions.

**QUESTIONS**

Mr. Sublett asked where the Highway 50 sign would be placed in reference to the frontage road. Ms. Edwards said that the sign would be erected on the applicant's property, not within street right-of-way.

Chairman Dibble asked for confirmation that all interior business would utilize the single 300-square-foot sign placed near Highway 50. Ms. Edwards replied affirmatively and noted proposed sign locations on the proposed sign package drawing and location map/vicinity sketch.

Chairman Dibble asked if each lot would have its own monument sign, to which Ms. Edwards replied affirmatively. Having the internal tenants limit their advertising to internal streets would reduce the visual clutter along the corridors mentioned previously. When asked how many internal signs might be possible, Ms. Edwards noted that where lots had two frontages, two signs would be allowed. For lots with only a single frontage, only one sign would be permitted. As lots were presently configured, 15 internal signs would be permitted in addition to the three external signs.

Ms. Edwards noted that while not in her report, an adjacent bank had been approved by Planning Commission with a sign package allowing a 5-foot-high monument sign.

Mr. Williams asked about a CDOT e-mail contained in the staff report. Ms. Edwards said that it had been included only to show that the proposed sign package met CDOT criteria as well.

Mr. Sublett asked if residential uses were located southeast of the site, to which Ms. Edwards replied affirmatively. When asked if there would be any type of wall erected to separate the commercial and residential uses, Ms. Edwards said that the owners of each lot would be required to conform to site development requirements at the time of development.

Mr. Sublett asked if the internal 12-foot signs would be visible to those residents located to the southeast. Ms. Edwards said that that was a possibility. Kathy Portner said that buffering between zone districts was required, which could include construction of a wall. Where streets actually separated the uses, the City had the option of just requiring additional landscaping in lieu of a wall. That determination would be made during site plan review. Ms. Edwards pointed out that street trees would be required, which often served to buffer uses better than a wall or fence.

### **PETITIONER'S PRESENTATION**

Greg Robson, representing the petitioner, offered no additional testimony but availed himself for questions. He was in agreement with staff's recommendations.

### **QUESTIONS**

Mr. Sublett asked if the applicant would consider reducing the heights of internal signage to 8-10 feet instead of 12 feet. Mr. Robson said that given the layout of the site and the street configuration, any monument sign would set pretty far back on the property. Whether 8-foot, 10-foot or 12-foot, one would have to be well within the lot to even see their signage.

Chairman Dibble asked at what height the covenants restricted the internal signage. Mr. Robson said that the covenants didn't specify. Ms. Edwards interjected that that had been determined by the City. Chairman Dibble felt that Mr. Sublett had made a good point, especially since signage was likely to be internally lit.

Mr. Carlow asked for clarification on staff's reference in the staff report to their being "changeable letters" for the Highway 50 sign. Ms. Edwards said that sign panels would "pop in and pop out" as businesses changed.

### **PUBLIC COMMENTS**

There were no comments either for or against the request.

**MOTION: (Mr. Cox) "Mr. Chairman, on item VAR-2004-218, I move that the Board of Appeals approve the request to allow three off-premise signs in a C-1 zone district, restricting additional freestanding signs on individual parcels, making the findings of fact and conclusions listed in the staff report."**

Mr. Carlow seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

## **IV. GENERAL DISCUSSION**

Mr. Cox said that with businesses going into R.O. zone districts, there were performance standards to help them be more compatible with surrounding residential uses. If allowed to become too commercial, they would interrupt the basic activities of the residential areas. It seemed to him that the same philosophy should apply to churches in residential zones. The previously heard Faith Heights Church was very much a commercial business, and the applicant and his representative had both used the term "business" in their presentations. In the instances where churches were proposed to be of a certain size

or intensity, they should be told that commercial or industrial zoning districts may be more appropriate. Residential zone districts were intended for smaller churches, and the residentially-zoned churches needed to be more residential in appearance, size and character. Given the huge size of the Faith Heights Church, it would be more appropriately placed in a commercial or industrial zone district.

Ms. Portner said that staff shared his concern. A Planning Commission or Board of Appeals member could request that staff look at options. City legal staff would also participate in those discussions in determining what the City could and couldn't do based on federal law.

Ms. Kreiling said that the placement of churches was covered under the federal Religious Land Use Act. She suggested that Mr. Cox put his concerns down in writing and ask staff et al to review the request and come up with policy recommendations.

Mr. Carlow said that some of those churches could qualify as Big Box developments.

Chairman Dibble asked legal counsel to provide additional background on the rationale for allowing churches to locate within all zone districts and what paradigms they face.

With no further business to discuss, the meeting was adjourned at 1:15 p.m.