

GRAND JUNCTION PLANNING COMMISSION
October 11, 2016 MINUTES
6:00 p.m. to 7:16 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

Also in attendance representing the City Planning Commission were Jon Buschhorn, Kathy Deppe, Keith Ehlers, Ebe Eslami, George Gaseos, and Steve Tolle.

In attendance, representing the City's Administration Department - Community Development, was Greg Moberg, Development Services Manager, Lori Bowers (Senior Planner), Senta Costello, (Senior Planner), David Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were six citizens in attendance during the hearing.

*****CONSENT CALENDAR*****

1. Minutes of Previous Meetings

Action: Approve the minutes from the September 13, 2016 Meeting.

2. Public Irrigation Easement Vacation

[File# VAC-2016-475]

Request to vacate a public irrigation easement located within Lot 2, Retherford Subdivision.

Action: Recommendation to City Council

Applicant: Terry, Doug and Dennis Retherford, Owners
Location: 2089 Broadway
Staff Presentation: Scott Peterson, Sr. Planner

3. Public Access Easement Vacation

[File# VAC-2016-433]

Request to vacate a public access easement located within Lot A, Homestead Subdivision.

Action: Recommendation to City Council

Applicant: N3 Real Estate, Debbie Hanley
Location: 735 and 737 Horizon Drive
Staff Presentation: Senta Costello, Sr. Planner

4. Public Right-of-Way Vacation

[File# VAC-2016-407]

Request to vacate public Right-of-Way, known as Balanced Rock Way located within Sundance Village Subdivision.

Action: Recommendation to City Council

Applicant: Rimrock Landing Apartment Investors, LLC
Location: Between Flat Top Lane and F ¼ Road
Staff Presentation: Lori Bowers, Sr. Planner

Chairman Reece briefly explained the Consent Agenda and noted that the applicants of item number 4, the Public Right-of-Way Vacation known as Balanced Rock Way, located within Sundance Village Subdivision [File# VAC-2016-407], has requested that the item be postponed to the November 8th Planning Commission meeting.

Chairman Reece then invited the public, Planning Commissioners and staff to speak if they wanted the item pulled for a full hearing. With no requests to pull an item for full hearing, Chairman Reece asked for a motion.

MOTION: (Commissioner Deppe) “Madam Chairman, I request that we approve the modified Consent Agenda removing item number 4.”

Commissioner Gaseos seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

*****INDIVIDUAL CONSIDERATION*****

5. Zoning and Development Code Amendment
(Continued from September 13, 2016 Meeting)

[File# ZCA-2016-384]

Request to amend the Zoning and Development Code to establish content neutrality sign standards and regulate digital and/or electronic sign standards.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: Citywide
Staff Presentation: David Thornton, Principal Planner
Lori V. Bowers, Sr. Planner

Staff Presentation

David Thornton, Principal Planner explained that the request to amend the City’s Sign Code is a continuation of the Public Hearing with the Planning Commission on September 13, 2016. Mr. Thornton stated that there had been a couple workshops with the Planning Commission members to address concerns that were brought up at the September 13th meeting.

Mr. Thornton explained that he will be presenting the items that were brought up for further discussion as well as an additional item. The proposed changes to the sign code since the last

meeting included; Sign Illumination (Residential), Nonconforming Signs, and Banner & Wind Driven Signs.

Sign Illumination (Residential):

A slide was shown with the following proposed changes highlighted in red:

(h) Sign Standards by Zone

(1) Residential Zones

~~(iii) (v) Illumination. Indirect or internal illumination only shall be utilized for letter faces and/or logos. Signs may be externally illuminated; no other illumination of signs is allowed. No~~ **projected images, whether moving, changing or static, are allowed.** All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination shall be extinguished between the hours of 11:00 pm and 5:00 am.

Mr. Thornton explained that the issue is whether or not signs created by “projector illumination” are allowed in residential zones. The original proposed language found in the ordinance provides no language that would limit the projection of a sign on an object. Although if allowed the object size would have to meet the maximum allowed which is 6 square foot for most signs except a 32 square foot sign when conditions permit them as described in Section (h)(1) Residential Zones.

Mr. Thornton stated that the recommendation is that no projected illumination should be allowed.

Change #1: The proposed ordinance shows new text that adds “No projected images, whether moving, changing or static are allowed.”

The next slide, Mr. Thornton addressed the changes in the Nonconforming Signs as shown below:

(e) **Nonconforming Signs.**

(1) All signage on site shall be brought into conformance with this code prior to approval of any new sign permit on the property.

(2) Any nonconforming sign that has been damaged in excess of 50 percent of its replacement cost by fire, wind or other cause except vandalism shall not be restored without conformance with the provisions of this regulation.

~~(3) Any off-premises sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of this section may continue only in the manner and to the extent that it existed at the time of the adoption of the ordinance codified in this title. The sign must not be re-erected, relocated or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of the ordinance codified in this title, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of the ordinance codified in this title.~~

~~(4) A nonconforming sign which use is upgraded or exempted in writing shall be considered an allowed sign.~~

(3) A sign permitted prior to October 31, 2016 on an otherwise vacant parcel where a new use is being established shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for the new use.

OR

(3) A sign permitted as an off-premise sign prior to October 31, 2016 shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for a new use or change of use established after October 31, 2016.

Mr. Thornton explained that the original proposed language in the ordinance provides for a sign that is established on a vacant parcel prior to October 31, 2016 be considered as non-conforming when a new use wants to install an additional sign on the property with the existing sign's size not affecting the sign allowance for the new sign. This provision only applies when the sign is on a vacant parcel.

Mr. Thornton noted that they had heard from the sign industry at the September public hearing that they would like to see this nonconforming status expanded to include all permitted off-premise signs, not just those on vacant properties.

Change #2: Keep the proposed language found in the amendments **OR** change it to include all permitted off-premise signs established before October 31, 2016 to be nonconforming where their square footage is not counted toward the sign allowance for the new use or change of use established after October 31, 2016.

Mr. Thornton explained that staff is asking Planning Commission to decide between the two options. Staff recommends the second option that includes all permitted off-premise signs established before October 31, 2016. Mr. Thornton also pointed out that the word "establish" was replaced with the word "permitted".

Legal Non-Conforming Billboards

Regarding Legal Non-Conforming Billboards, Staff recommends adding the following provision under the Nonconforming section of the Sign Code:

(4) A sign permitted as an off-premise sign prior to October 31, 2016, located in a C-2, I-1 or I-2 zone district and not within the following zoning overlays, 24 Road Zoning Overlay, Greater Downtown Zoning Overlay and Riverside Parkway/29 Road, shall be allowed to upgrade the sign structure and sign face incorporating new technologies. All upgrades to digital, electronic or lighting shall comply with the then applicable standards.

In addition, the sign industry has raised concern of being able to keep current with changing technologies. Specifically, being able to convert permitted legal billboards into digital faces in the future using technology as it exists today or the technological improvements that are sure to come.

This option will permit 31 of 66 existing Billboards in the City limits to be upgraded in the future. Under the current Code these same 31 Billboards are conforming and would be allowed to upgrade to new technologies and better structural standards. This provision would continue to allow for upgrades to those off premise signs that are currently conforming.

Banners and Wind Driven Signs

Mr. Thornton stated that staff has determined the need to consider minor changes to the Wind Driven and Banners section of the Sign Code. These proposed changes will help clarify and further improve the options for businesses that hold special events where banners and wind driven signs are displayed.

Currently, wind driven signs such as pennants are allowed for 14 consecutive days, no more than four times per year whereas banners are allowed 30 consecutive days, up to four times per year. It is proposed that wind driven and banners or both be allowed for 30 consecutive days up to four times per calendar year.

Regarding special events extending longer than 30 days, these have also been problematic due to permitting requirements and the definition of “consecutive”. The work around has been for a business to display the banner for 29 days, take it down for one day then under a new permit, display it for another 29 days and so forth. The proposed language will clarify and provide flexibility allowing the business owner to obtain up to four months of permits in a calendar year and allow them to run consecutive.

(d) Wind driven signs and banners are subject to the following:

~~(A) A special events banner permit shall be required prior to any use of wind driven signs or banners except for those allowed under subsection (c)(6) of this section, Temporary Decorations or Displays.~~

~~Wind driven signs, excluding banners, may be displayed for up to 14 days, but not more than four times in a calendar year. The days shall be consecutive.~~

~~(C) Banners and wind driven signs may be displayed for a up to 30 consecutive days 30-day period, but not more than up to four times in a 12-month calendar year. Permit periods may run consecutively.~~

~~All banners must be secured directly to the building structure, fence, or post that is permanently affixed to the ground at all contact points.~~

~~All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public right-of-way.~~

~~(2) (v) In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit for the following quarter.~~

~~(3) Signage for temporary uses requiring a temporary use permit shall conform to the requirements for a temporary use permit.~~

Recommended change:

Change #3: The proposed ordinance shows new language in the amendments that will provide for wind driven signs and banners to be treated the same, 30 consecutive days with each permit and provide the option for the permits to be consecutive.

Regarding the “legal non-conforming billboards”, Chairman Reece asked for clarification of the wording of “with **the then** applicable standards”. Mr. Thornton explained that if a sign was existing non-conforming and they wanted to upgrade, the digital, electronic or lighting standards in place at the time of upgrade will be used.

Commissioner Gatseos suggested that the “the then” be stricken for better clarity. Chairman Reece asked Ms. Beard if that would clarify it adequately. Ms. Beard noted that it still may not

be clear if the “applicable standards” would be considered “at the time of application” or referring to standards at the time this code is passed. Ms. Beard suggested that they “shall comply with the applicable standards in place when the changes are made”. Chairman Reece agreed with that language.

Commissioner Ehlers asked if there was a concern that a sign could be upgraded just enough as to not look rickety, but not enough to trigger bringing it up to the existing standards at the time. Mr. Thornton explained that as an existing non-conforming sign (permitted as an off-premise sign prior to October 31, 2016), they would be allowed to upgrade the supports, for example, but that they are also allowed to stay current with new technologies.

Commissioner Buschhorn asked for clarification that the 35 non-conforming signs would not be allowed to be upgraded. Mr. Thornton stated that those 35 signs will fall under the same rules that they do now and will not be allowed to become digital. Those signs would only be able to have whatever maintenance repairs that are allowed by code currently. Mr. Thornton stated that it is hoped that they will be phased out since they are in residential zones or somewhere that is not a heavy commercial/industrial zone.

Commissioner Buschhorn asked about the definition of the abandoned signs. It appears that the sign would have to have no content to be considered abandoned. Mr. Thornton read the proposed section of the code and discussion continued as to whether it made a difference if there was content on the sign if it was on an abandoned on a vacant lot or is in obvious disrepair. Ms. Beard added that if there is a sign that is trying to portray information, which means it includes content, then it still has to be kept in good repair, whereas if it says nothing at all, it could be argued that it is no longer a sign.

Commissioner Ehlers asked if the “no projected signs” in residential zones will apply to holiday decorations. Mr. Thornton noted that the code could not state “except holiday displays” as that would be content specific. Discussion continued and Ms. Beard added that if you start being specific about the content, then you are no longer content neutral.

Chairman Reece asked if this is a problem that they need to address. Mr. Thornton explained it was a concern that was brought up by the commission at the September 13th meeting. Discussion continued and Commissioner Ehlers stated that it was an issue brought up during the review of the code revisions in order to close a loophole that may be present. After more research it may be determined that you can’t have it both ways.

Commissioner Ehlers asked how code enforcement for signage works and if it was like other code enforcement that is complaint driven. Ms. Beard noted that it is the policy in place that there is enforcement when there are complaints. Commissioner Buschhorn suggested that it may not even be a problem, and if it becomes one, they can revise the code at a later date to address it.

Mr. Moberg, Development Services Manager, added that there are new popular displays that project the whole house with lights. He foresees that there may very well be complaints if the projections are allowed.

Commissioner Ehlers asked about the mechanics of the motion. Ms. Beard noted that there are three separate issues so far. Ms. Beard cautioned the Commission be clear about what language they are discussing and voting on.

Public Comment

Mark Gamble, owner of Colorado West Outdoor Advertising (CWOA) asked staff if the Commission had read his email. Chairman Reece stated they had been provided a copy. Mr. Gamble indicated that he has worked with staff on several issues, and he is satisfied with everything but one issue. Mr. Gamble gave a brief history of billboards and the marketplace. Mr. Gamble noted that the sign code was initiated in the code about 1974 and he has been in the business locally since 1978. At that time, billboards were allowed in three (3) of the six (6) zones. Mr. Gamble stated that he believes there are currently 16 commercial zones and that billboards are still only allowed in the three (3) zones. Mr. Gamble explained that in the early 80s to late 90s the City expanded and added zones but still only allowed billboards in the three (3) zones.

Mr. Gamble stated that the addition of "Corridor Overlays" were being used as a way to control and eliminate billboards and gave an example of the 24 Road Corridor Overlay, where billboards were banned regardless of zones.

Mr. Gamble stated that at the time of the Riverfront Parkway development, he met with the Community Development Director and the City Attorney and came up with a satisfactory agreement that billboards would have to be located at least 600 feet from centerline, which created a 1,200-foot buffer from the Parkway. Mr. Gamble then added that the Greater Downtown Overlay, covering a wide area including the 5th Street Bridge area, was added to code and eliminated billboards. Mr. Gamble expressed his frustration that the overlays are being added in the exact corridors where there is high traffic and visibility and therefore prime advertising opportunities for him.

Mr. Gamble stated that his other concern is the limitation placed on digital billboards. It is another way for him to grow his business. Along 29 Rd. and Riverside Parkway, the protected corridor area is 5,200 to 6,200 feet from centerline. Mr. Gamble speculated that the concern is that he would put digital on every billboard he has. Because each digital billboard face is about \$100,000 he would need to be able to recoup that money with advertising. However, his customers want the highest visibility opportunities. Mr. Gamble stated that there are only about 5 billboards that he would be interested in investing in digital boards, however they are all in corridor overlays. Mr. Gamble wanted to go on record that he feels the code, along with the revisions, have created regulations that eliminate the ability for his business to grow.

In summary, Mr. Gamble stated that he is in support of the sign code revisions, and plans to continue to work with staff on the other aspects.

Question for Public

Commissioner Ehlers asked Mr. Gamble if any of the agreements that were made as part of the Riverside Parkway discussion were in writing. Mr. Gamble replied that they were not. Commissioner Ehlers stated that he feels if the City had agreements, they should honor them. Overlays are effective and have very good uses in many instances and they can become a work-around for planning to have a policy without changing the zoning codes. Commissioner Ehlers stated that if the intent of the overlays is to eventually remove or block billboards, then that should be recognized as such.

Mr. Gamble stated that the Riverside Parkway Corridor was specifically created to address billboards. Commissioner Ehlers asked staff if that was indeed the case. Mr. Thornton stated

that it was, and nothing is changing in the code regarding that. Mr. Gamble noted that not only is there the 1,200-foot-wide corridor along Riverside Parkway, but there is also the 29 Rd Corridor and the Riverside Parkway Corridor extends perpendicular at the intersection to cover even more. Mr. Thornton stated that the policy was put in place a decade ago and nothing is changing in the code regarding this. Mr. Gamble stated that the issue is that if he wants to upgrade existing signs in the corridor to digital signs, he is not allowed.

Commissioner Discussion

Commissioner Gatseos stated that although he was not able to attend the September 13th hearing, he had read the minutes and staff reports from that meeting and feels capable of voting on the issue.

Noting that Mr. Gamble's company may be the largest billboard company in the City, but he is not the only company, Commissioner Deppe asked what the other billboard companies may want to do.

Commissioner Gatseos stated that he wants to send forth the best public policy that not only considers the business community but the community as a whole.

Commissioner Ehlers noted that it is clear to him that Mr. Gamble is representing not only his own business, but the industry as well. Commissioner Ehlers noted that the public was involved with the planning process when these corridors were created. Commissioner Ehlers pointed out that where there are some areas of the corridor plans that may limit growth, however new opportunities for advertising may come into play as well.

Chairman Reece closed the public hearing portion of the meeting and showed a slide with the first portion of the proposed motion. Commissioner Buschhorn asked if the non-conforming sign can be upgraded to a digital sign. Mr. Thornton stated that this portion of the code addresses whether the non-conforming sign is counted toward the sign allowance.

Chairman Reece noted that the second item for the Commission to consider was the wording for upgrades to digital signs. Ms. Beard recalled that the Commission has suggested that they eliminate the word "then" and go with adding to the end of it "at time the application is made to upgrade the sign". Chairman Reece recapped that the sentence will now read that the standards are applied at the time of the time of the upgrade request.

Chairman Reece noted that the Commission had added a sentence to not allow projected images, however after discussion, it was determined that they wish to leave it out.

Chairman Reece stated that if there are no other questions or discussion, she will entertain a motion.

MOTION: (Commissioner Ehlers) "Madam Chair, I would motion to approve the amendments with the following revisions; that in section H1(v) regarding illumination of residential signs, that we strike the sentence "No projected images, whether moving, changing or static, are allowed". Next revision is the non-conforming signs, section E, that we select the option highlighted in red in staff's report that reads "item number 3, a sign permitted as an off-premise sign prior to October 31st 2016 shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for a new use or a change of use established after October 31st 2016. The last revision would be in section 4 of the non-

conforming signs. In the last sentence in section 4, we strike the words “the then applicable standards” and the sentence in whole shall read “all upgrades to digital electronic or lighting shall comply with the applicable standards at the time of application.”

Commissioner Gatseos seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

6. Other Business

Mr. Moberg stated that there will be a workshop on the 20th of October, 2016 and they will be going over the group living section of the zoning code.

7. Adjournment

The meeting was adjourned at 7:16.