





**DEVELOPMENT APPLICATION**  
 Community Development Department  
 250 North 5th Street Grand Junction, CO 81501  
 (303) 244-1430

11 copies

Receipt 878  
 Date 1-5-94  
 Rec'd By MP  
 File No. # 5 94

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We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described herein do hereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
<input type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Resub				
<input type="checkbox"/> Rezone				From: To:	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Zone of Annex					
<input checked="" type="checkbox"/> Variance			Lincoln Park	PZ	Park-Stadium
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

PROPERTY OWNER       <sup>Mesa State College</sup> DEVELOPER       REPRESENTATIVE

<u>City of Grand Junction</u>	<u>Mesa State Baseball</u>	<u>Byron Wiehe</u>
Name	Name	Name
<u>250 N. 5th St.</u>	<u>1175 Texas</u>	<u>← Same</u>
Address	Address	Address
<u>GJ CO 81501</u>	<u>GJ. 81501</u>	
City/State/Zip	City/State/Zip	City/State/Zip
<u>244-1565</u>	<u>248-1369</u>	
Business Phone No.	Business Phone No.	Business Phone No.

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all hearings. In the event that the petitioner is not represented, the item will be dropped from the agenda, and an additional fee charged to cover rescheduling expenses before it can again be placed on the agenda.

Byron Wiehe      1/3/94  
 Signature of Person Completing Application      Date

James J. ...

Signature of Property Owner(s) - Attach Additional Sheets if Necessary  
Mesa State

Ollin Wineland  
3902 Green Hill Ct.  
Norman, OK 73072

McDonald Corp.  
P.O. Box 66207, AMF O'Hare  
Chicago, IL 60666-0207

Bill Ferguson  
310 North Ave.  
Grand Junction, CO 81501-6419

Lynn Schmidt  
1316 North Ave.  
Grand Junction, CO 81501-6419

Verna Colley  
2699 Caribbean  
Grand Junction, CO 81506

Ed Derryberry  
3662 7/10 Rd.  
Palisade, CO 81526

William Garrison  
805 Lapaz  
Grand Junction, CO 81506-1777

Stanley McFarland  
2221 Idelia Ct.  
Grand Junction, CO 81505-7019

Gary Withers  
1340 North Ave.  
Grand Junction, CO 81501

Richard Scarland  
1112 Belford Ave.  
Grand Junction, CO 81501-3137

Steve Johnson  
P.O. Box 666  
Grand Junction, CO 81502

Claude Barlieb  
253 Window Rock Ct.  
Grand Junction, CO 81503

Stan Adkins, Frank Nieslanik  
1420 North Ave.  
Grand Junction, CO 81501

AFK Investments  
1457 Ammons St.  
Lakewood, CO 80215

Phillis George  
1420 E. sherwood Dr.  
Grand Junction, CO 81501

Sam Kamees  
1410 North Ave.  
Grand Junction, CO 81501

McGovern Enterprises Inc.,  
c/o Strassburg & Co., 101 S.3rd, Ste.360  
Grand Junction, CO 81501

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# 5 94

# SUBMITTAL CHECKLIST

## VARIANCE

Location: Lincoln Park - 12th & North

Project Name: Mesa State Baseball Complex

ITEMS		DISTRIBUTION																	
DESCRIPTION	SSID REFERENCE	City Community Development	City Dev. Eng.	City Utility Eng.	City Property Agent	City Attorney	City Board of Appeals <sup>7 seats</sup>	City Downtown Dev. Auth.	City Parks and Rec.	County Planning	Walker Field								TOTAL REQD.
● Application Fee \$180.00	VII-1	1																	
● Submittal Checklist*	VII-3	1																	
● Review Agency Cover Sheet*	VII-3	1	1	1	1	1		1	1	1	1								
● Application Form*	VII-1	1	1	1	1	1	5	1	1	1	1								
● 11"x17" Reduction of Assessor's Map	VII-1	1	1	1	1	1	5	1	1	1	1								
<del>● Evidence of Title</del>	VII-2	1		1	1														
<del>● Appraisal of Raw Land</del>	VII-1	1		1				1											
● Names and Addresses	VII-3	1																	
● Legal Description	VII-2	1		1															
○ Deed	VII-1	1			1	1													
○ Easement	VII-2	1	1	1	1	1													
○ Avigation Easement	VII-1	1			1	1													
○ ROW	VII-3	1	1	1	1	1													
● General Project Report	X-7	1	1	1	1	1	5	1	1	1	1								
<del>● Location Map</del>	IX-21	1																	
<del>● Vicinity Sketch</del>	IX-33	1	1	1	1	1	5	1	1	1	1								

- NOTES:
- 1) An asterisk in the item description column indicates that a form is supplied by the City.
  - 2) Required submittal items and distribution are indicated by filled in circles, some of which may be filled in during the pre-application conference. Additional items or copies may be subsequently requested in the review process.
  - 3) Each submitted item must be labeled, named, or otherwise identified as described above in the description column.

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CITY OF GRAND JUNCTION  
PETITION FOR VARIANCE



DATE RECEIVED: \_\_\_\_\_

FILE NO.: # 5 94

RECEIVED BY: \_\_\_\_\_

RECEIPT NO.: 878

PROPERTY OWNER: City of Grand Junction / Mesa State Baseball

MAILING ADDRESS: 250 N. 5th St

PHONE: (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

I (We), the undersigned, hereby petition for a variance on the property located at:

ADDRESS: Lincoln Park Stadium - 12th & North Ave

TAX SCHEDULE #: 2945-132-00-945 ZONE CLASSIFICATION P2

1. Section(s) of the City of Grand Junction Zoning and Development Code which are requested to be varied:

Section 5-7-4.F. and section 5-7-7. B.8 to allow temporary banners on stadium during Baseball season - advertising sponsors.

Petitioner: Mesa State College

I (WE) HEREBY ACKNOWLEDGE THAT WE HAVE FAMILIARIZED OURSELVES WITH THE RULES AND REGULATIONS WITH RESPECT TO THE PREPARATION OF THIS SUBMITTAL, THAT THE FOREGOING INFORMATION IS TRUE AND COMPLETE TO THE BEST OF OUR KNOWLEDGE, AND THAT WE ASSUME RESPONSIBILITY TO MONITOR THE STATUS OF THE APPLICATION. WE RECOGNIZE THAT WE, OURSELVES, OR OUR REPRESENTATIVE MUST BE PRESENT AT ALL HEARINGS. IN THE EVENT THAT THE PETITIONER IS NOT REPRESENTED, THE ITEM WILL BE DROPPED FROM THE AGENDA, AND AN ADDITIONAL FEE CHARGED TO COVER RESCHEDULING EXPENSES BEFORE IT CAN AGAIN BE PLACED ON THE AGENDA.

Signature of Property Owner

James J. Smith  
Signature of Joint Property Owner - Mesa State Representative

Date

Date

# REVIEW COMMENTS

Page 1 of 1

FILE #5-94

TITLE HEADING: Variances from Sign Code - to  
allow temporary advertising  
banners during baseball season

LOCATION: Suplizio Field; Lincoln Park

PETITIONER: Mesa State College Baseball

PETITIONER'S ADDRESS/TELEPHONE: 1175 Texas Avenue  
Grand Junction, CO 81501  
248-1369

PETITIONER'S REPRESENTATIVE: Byron Wiehe

STAFF REPRESENTATIVE: Kristen Ashbeck

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**NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS  
REQUIRED ON OR BEFORE 5:00 P.M., JANUARY 20, 1994.**

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CITY ATTORNEY  
Dan Wilson

1/11/94  
244-1505

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No comment.

CITY PARKS & RECREATION DEPARTMENT  
Don Hobbs

1/14/93  
244-1542

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We have met with Mesa State athletic staff and do not have problems with the concept.

Publish One Time: January 17, 1994  
Proof of Publication: Grand Junction Community Development  
250 North 5th Street  
Grand Junction, CO 81501

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**PUBLIC HEARING**

The Grand Junction Board of Appeals will hold a public hearing at 8:00 a.m. on January 24, 1994 in the City Auditorium, 520 Rood Avenue to consider the following items:

- #93-9 VARIANCE FROM SIGN CODE - FUOCO MOTOR COMPANY - 741 NORTH 1ST STREET**  
Request for approval of a variance to allow more than one free-standing sign on a single parcel of land to allow placement of two additional free-standing signs along Highway 6 & 50.  
PETITIONER: Jim Fuoco Motor Company  
LOCATION: 741 N 1st Street  
LEGAL DESCRIPTION: BEG S 809.50FT + 267FT OF NE COR SEC 15 1S 1W N 89DEG43MIN W 723FT S 100.01FT S 33DEG23MIN30SEC E 484.05FT E 305.6FT N 312.29FT E 151FT N 192.17FT TO BEG
- #93-10 APPEAL OF ADMINISTRATIVE DECISION - ROOF SIGN DEFINITION**  
Request for appeal of an administrative decision on the definition of what constitutes a "roof sign".  
PETITIONER: Western Neon Sign Company  
REPRESENTATIVE: Mark Gamble
- #5-94 ✓ VARIANCE FROM SIGN CODE SECTIONS 5-7-4.F AND 5-7-7.B.8 - LINCOLN PARK, SUPLIZIO FILED - NORTH AVENUE, EAST OF 12TH STREET**  
Request for approval of a variance from Sections 5-7-4.F and 5-7-7.B.8 in order to allow temporary banners advertising sponsors during baseball season.  
PETITIONER: Mesa State College Baseball  
REPRESENTATIVE: Byron Wiehe  
LOCATION: Suplizio Field; North Avenue, east of 12th Street  
LEGAL DESCRIPTION: "Lincoln Park" - City Park Addition, NW-1/4, NW-1/4 Section 13, T.1.S R.1.W. (Baseball Facility)

Feb 24 30  
+10 wks

BOARD OF APPEALS - STAFF REVIEW

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FILE: 5-94

DATE: January 19, 1994

REQUEST: Variance for Temporary Banners

LOCATION: Suplizio Field - Lincoln Park

APPLICANT: Mesa State College Baseball

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EXISTING LAND USE: Baseball Field

PROPOSED LAND USE: Same

SURROUNDING LAND USE:

- NORTH: Commercial
- SOUTH: Public Park - Parking
- EAST: Public Park - Golf Course
- WEST: Public Park - Stocker Stadium

EXISTING ZONING: Public Zone (PZ)

SURROUNDING ZONING:

- NORTH: Light Commercial (C-1)
  - SOUTH: PZ
  - EAST: PZ
  - WEST: PZ
- 

10-wks  
- tuition & fee regularity

ZONING AND DEVELOPMENT CODE REQUIREMENT:

Section 5-7-4 F.4 - Banners may be displayed for a consecutive thirty-day (30) period in any calendar quarter,

Section 5-7-7 B.8 - Off-premise outdoor advertising shall only be permitted in the C-2, I-1 and I-2 zones. A maximum of one off-premise sign shall be allowed per parcel of land.

VARIANCE REQUESTED: Allow temporary banners on the stadium during baseball season-advertising off-premise sponsors.

-rubberized canvas



APPLICANT'S REASON FOR REQUEST: This is a unique request that is not a form of advertising. It is a way for the Mesa State baseball program to raise money--the sponsors are simply donating money to the program.

STAFF ANALYSIS: The Code allows the applicant to display temporary banners provided that they are not displayed more than a thirty-day period during any calendar period. The banners could be displayed for a longer period of time if they were facing the interior of the stadium.

Granted, the business sponsors "purchasing" banners would be donating money to the Mesa State baseball program; however, they would do so knowing that a banner with the name of their business would be displayed inside and outside the stadium during baseball season--a period of up to 4 months--for the purpose of advertising. This seems an unfair advertising advantage in regards to the Code regulations on off-premise signs. Aside from these concerns, there are aesthetic reasons for sign regulations on off-premise signs and banners. The banners as proposed to be displayed on the stadium would add unnecessary visual clutter to this already "busy" intersection.

Staff also has concerns with allowing such a use because it undermines the intent of the Code's requirements for the display of banners. Such "temporary" signs displayed in such a prominent location could make it seem, to other businesses, allowable. This could cause a proliferation of the use of banners for advertising for longer periods of time than is currently allowed. This would certainly add a lot of visual clutter throughout the City which the Code has tried to address.

Staff has no objections to allowing the banners if they are always facing the inside of the stadium. If the sponsors are truly, as the petitioner has implied, "simply donating money to the baseball program--they are not interested in the advertising", then there should not be a problem with selling the banners to be used inside the stadium.

FINDINGS OF REVIEW:

**No Conflict with Public Interest.** It is within the public interest to enforce regulations pertaining to community aesthetics. Use of off-premise signs, banners and other temporary signs for advertising purposes are strictly defined in the Code so as to minimize unnecessary visual clutter attached to structures.

**Exceptional Conditions / Undue Hardship not Self-Inflicted.** There appears to be no real hardship as there other options for the display of the banners--one being to face the inside of the stadium only. There is no need to have them displayed on the outside of the stadium.

"merit-based" aid

**Not Detrimental to Public Health, Safety or Welfare.** Granting this variance will result in a loss of control of community aesthetics. This type of unnecessary visual clutter will tend to proliferate once allowed for this purpose.

**No Reasonable Use of Property without a Variance.** There are other options for "selling" advertisement to sponsoring businesses besides the need to display the banners for 4 months on the outside of the stadium.

**Not Injurious to or Reduce Value of Surrounding Properties.** The unfair advertising advantage of the sponsoring businesses could be injurious to other businesses not allowed to have such off-premise, temporary signage or to have banners posted for more than 30 days in a calendar quarter.

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STAFF RECOMMENDATION: Denial of variance request

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**MOTION: (William Putnam) "Mr. Chairman, I move that item #93-10 appeal of an administrative decision of the roof sign definition be denied."**

Lewis Hoffman seconded the motion. A vote was called, and the motion passed by a vote of 3-0.

Jeff Driscoll returned to the meeting.

**BOOK 2048 PAGE 729**

3. **#5-94 A request for a variance from the sign code sections 5-7-4F and 5-7-7B.8 Lincoln Park, Suplizio Field, North Avenue, east of 12th Street.**

**PETITIONER: Mesa State College Baseball**

**REPRESENTATIVE: Byron Wiehe**

**LOCATION: Suplizio Field; North Avenue, east of 12th Street**

**STAFF: Kristen Ashbeck**

William Putnam stated that he is currently a professor at Mesa State College but felt that this would not influence his decision in this case. It was determined that there would be no conflict of interest.

#### **STAFF'S PRESENTATION**

Ms. Ashbeck stated that Mesa State College is requesting variances to two sections of the Sign Code. The first section, 5-7-4F.3, states that "banners may be displayed for a consecutive 30 day period in any calendar quarter." The second section, 5-7-7B.8, states "off-premise outdoor advertising shall only be permitted in the Heavy Commercial (C-2), Light Industrial (I-1) and Heavy Industrial (I-2) zones; a maximum of one off-premise sign shall be allowed per parcel of land." This particular property is zoned PZ (Public Zone); therefore, it does not meet the off-premise outdoor advertising section. The Code allows the applicant to display a temporary banner provided the banner is not displayed for more than 30 days during any calendar quarter. More than one banner could be displayed during the baseball season if they were facing the interior of the stadium. Staff does not disagree that the business sponsors are donating the money to the baseball program; however, these businesses would do so knowing that they are getting a banner displayed outside the stadium in a very prominent location in the City. Staff feels that this is an unfair advertising advantage in regards to the Code regulations for off-premise signs. Aside from these concerns, there are also aesthetic reasons for sign regulations for off-premise signs and banners. The banners as proposed to be displayed on the stadium would add unnecessary visual clutter to this already busy intersection.

Ms. Ashbeck continued; staff also has concerns with allowing such a use because it undermines the intent of the Code's requirements for the display of banners. Such "temporary" signs displayed in such a prominent location would make it seem, to other businesses, allowable. This could cause a proliferation of the use of banners for advertising for longer periods of time than is currently allowed and would add more visual clutter throughout the City precipitating the need for more Code enforcement.

Staff has no objections in allowing the banners if they are always facing the inside of the stadium. If the sponsors are truly, as the petitioners implied, "simply donating money to the baseball program--they are not interested in the advertising," then there should be no reason why the petitioner cannot display them only inside the stadium. Staff is recommending denial of this variance request.

**BOOK 2048 PAGE 730**

**PETITIONER'S PRESENTATION**

Byron Weihe, the Mesa State Baseball Coach, submitted a photograph of an example of what the banners would look like. The advertisement would be placed on 4 ft. x 8 ft. sheet of rubberized canvas that is typically used throughout the sporting industry for advertising purposes. He stated that the banners would be attractive and done in good taste. The banners would be placed on the upper part of the stadium along the third base side and they would, according to Mr. Weihe, "not really" be visible from the 12th and North intersection. The signs will be used to raise income for baseball scholarships. Mesa State will have more opportunity to entice various boosters and businesses to purchase a sign by facing the signs outside of the stadium.

Jim Paronto, Mesa State Athletic Director, stated that the signage is specifically for scholarship purposes. The signage would be displayed over two separate quarters throughout the entire baseball season which is approximately from February 24 through April 29 plus an additional week or so for playoffs. A maximum of 10 to 20 signs will be displayed. The sign will be attached to the safety screening on top of the stadium on the third base side. They will be professionally constructed and attractive.

**PUBLIC COMMENT:**

Mark Gamble stated that he felt that baseball scholarships are worthwhile but the allowance of this variance may have negative ramifications later; it would open the door for other business who want to raise money for "worthy" causes. He asked how it would be determined what is worthy and what is not? He added that there are several instances throughout the Code that prohibit this type of signage.

**REBUTTAL**

Mr. Paronto agreed that baseball scholarships are a worthwhile cause. He reiterated that the signage would only be displayed during baseball season which is approximately 10 weeks each year.

John Elmer stated that he did not disagree that it was worthwhile, but the Board must base its decision on whether or not it meets the criteria of the Code.

Byron Weihe asked if any surrounding property owners were opposed?

Ms. Ashbeck replied no.

Mr. Paronto asked John Shaver if he could suggest other avenues in order to accomplish this while staying within the confines of the Code?

John Shaver replied that he had not reviewed this particular application but suggested that Mr. Paronto and Mr. Wiehe contact staff regarding other alternatives. John Shaver continued; the Board must address this request based upon the appeal criteria and the evidence and testimony submitted today.

**BOOK 2048 PAGE 731**

The option of using street banners was discussed, but only a very small percentage of the sign could be used to display a corporate name/logo.

**MOTION: (William Putnam) "Mr. Chairman, in the matter of item #5-94 request for a variance from the Sign Code sections as indicated, I move that the request be denied."**

Lewis Hoffman seconded the motion. A vote was called, and the motion passed by a vote of 4-0.

**IV. ADJOURNMENT**

The meeting was adjourned at 9:47 a.m.

