

**STEAMBOAT SPRINGS BOARD OF ADJUSTMENT MEETING MINUTES
JULY 17, 2008**

The regular meeting of the Steamboat Springs Board of Adjustment Public Hearing was called to order at approximately 6:00 p.m., on Thursday, July 17, 2008, in Crawford Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Board members in attendance were Chairman James Moylan, Tom Effinger, David Levine, Ryan Spaustat and alternates Bryan Alkema and Warren Harner. Absent: Rick Pighini.

Staff members present were City Planner Gavin McMillan, Senior Planner Jonathan Spence and Staff Assistant Tami Heskett.

ELECTION OF OFFICERS

Postponed to end of meeting.

APPROVAL OF MINUTES

Changes to March 20, 2008 Minutes

Gavin McMillan-

Pg. 11 under Peasley change CM to CN.

Chairman Moylan-

Pg. 4 under Keith Kelly, FAR should be all caps. Pg. 7 under Board Member Effinger in the third line where it says "They will condominiumize then", change then to the. Pg. 12 under Board Member Effinger change as to at. Pg. 14 under Chairman Moylan change he to I in the first line and we to they in the second line.

MOTION

A motion was made by Board Member Levine and seconded by Board Member Effinger to approve the minutes of the March 20, 2008 meeting as corrected.

VOTE

Vote: 4-0

Voting for approval: Moylan, Effinger, Levine and Alkema.

Abstaining due to absence: Spaustat and Harner

Absent: Pighini

APPROVAL OF MINUTES

Changes to May 15, 2008 Minutes:

Board Member Moylan-

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Pg. 6 under Board Member Traum's second comment change gets to get. On the same pg. Under Board Member Traum's next comment change wave to waive. Pg. 7 under Board Member Traum capitalize board members.

MOTION

A motion was made by Board Member Effinger and seconded by Board Member Alkema to approve the minutes of the May 15, 2008 meeting as corrected.

VOTE

Vote: 2-0

Voting for approval: Effinger and Alkema.

Abstaining due to absence: Levine, Moylan, Spaustat and Harner

Absent: Pighini

PUBLIC COMMENTS

Adam Heskett-

Asked if they could get a viewing room for the public with children so that they could still listen to the meeting without the children interrupting.

Wildhorse Meadows, Master Sign Permit #VAR-08-03 A variance request to allow three signs at Wildhorse Meadows that do not meet the requirements of the City's sign code in terms of sign size and allowable number of signs

Discussion on this agenda item began at approximately 6:00 p.m.

STAFF PRESENTATION

Gavin McMillan, City Planner –

There are 2 alternates here tonight. The chairman explained that one member needs to step down tonight as only 5 members can vote. He apologized for getting the staff report to the board late.

The sign plan is dependent on whether it meets all criteria or not. There are three separate sign variance requests. Variance one is for the height of a sign. The other two variances are for the number of signs allowed. For the third variance, if it meets approval for the signs to be bigger than second sign, it can be ok. Potential is to have more signs to dedicate this area as more private and not open to the public.

APPLICANT PRESENTATION

Gavin Malia-

This development received approval in 2006. Several lots have already broken ground and been sold. First tracks has four buildings rather than six. He showed a layout of what Wildhorse Meadows looks like and where the signs are planned to go. He went through a layout of the schedule of events that either have or will be taking place. The master sign plan was shown. There will be a future entry marker at the north side of the property. They want to put in vehicular direction signs so the public knows where to go. The idea is to try and steer the public in the direction they want them to go since there are private roads throughout the development. There is a sign that will be back off the right of way and may not be visible in some locations even in the summer. They want to get a variance approved so they can put a larger sign that will be more visible. They are concerned with the signs being visible 12 months out of the year. They want to have 2 vehicular signs since one would be by first tracks and the other would be along the main entrance to the property. They have a structural retaining wall that they want to dress up and they want to put one of their horse logos on it. They argued that if the sign were at the height allowed then it would be at the bottom of the structural retaining wall and that they want to have it more central. They're a little bit confused as to why they can't be considered to have two frontages when other parcels on the property have 2 frontages?

BOARD QUESTIONS

Board Member Levine-

Where does the measurement start?

Gavin Malia-

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Everything starts 6" above grade.

Board Member Alkema-
Is variance 2 similar to variance 3?

Gavin McMillan-
No, variance 2 is proposing an additional vehicular sign and variance 3 is requesting an additional sign to cover an otherwise blank wall. There is an exemption for directional signs if it's under a certain size but this one is not under that size.

Board Member Alkema-
The first two variances have graphics, but in variance 3 there should be graphics as well.

Gavin Malia-
They just wanted to show the signs that they are requesting variances for.

Gavin McMillan-
The direction was to show where they want to put the sign on the wall.

Board Member Effinger-
Is that just a stone column?

Gavin Malia-
Yes, that is just a stone column and we don't plan to really put anything on it. He showed where this stone column would be located on the plan.

Board Member Spaustat-
There was some mention of another frontage. Could you explain that?

Gavin McMillan-
The entire development will be both commercial and residential. The commercial component says one sign per lot and the residential component allows one sign per frontage. After looking at this we decided that there really should be 2 signs here. We wanted to find a way in the code where this could be allowed. We could look at it by frontage. You would then have a frontage on the top, middle, and bottom roads. The only way to be consistent with this is to use the commercial component.

Board Member Levine-
Directions to the gondola. What is the function of the current meadows parking lot?

Gavin Malia-
There is going to be a public gondola by Trailhead Lodge.

FINAL APPLICANT COMMENTS

None

PUBLIC COMMENT

None

BOARD DELIBERATION

Board Member Levine-

We're going from 20-60 sq.ft. and if we allow this to be approved then we will see uproars happening in town. I don't know if I've been convinced to go bigger.

Board Member Alkema-

No other sign except the rodeo grounds sign approaches anywhere near 60'.

Board Member Spaustat-

60' seems a little bit large. I like the looks of the sign however. It would have to go through a height variance.

Board Member Effinger-

They will have to make a grading exhibit. I like the looks of the sign also. Maybe if it wasn't so large, I would definitely consider it.

ANALYSIS OF APPROVAL CRITERIA

Sec. 26-70 (d) Criteria for Review and Approval and Staff Findings

Sec. 26-226 Variances

(a) General variances. The board of adjustment may grant variances to this article consistent with the following guidelines:

Staff Analysis			
	Variance Request 1	Variance Request 2	Variance Request 3
Guidelines Sec. 26-226(a)	Residential Detached Monument Sign exceeding maximum allowable square footage and maximum height	Two Commercial detached signs located on Parcel 1 where one is the maximum allowed by code	Two Commercial detached signs located on Parcel 5 where one is the maximum allowed by code and a statutory sign which is set on a base more than two (2) feet above the average grade.
<i>1) It is the responsibility of the board of adjustment to approve signage which is informative, creative and aesthetically acceptable and</i>	Aesthetically acceptable signs which contribute to the common welfare and needs of the local	An excess number of signs on the property does not help to create an aesthetically acceptable or creative	The applicant is requesting a variance to allow for a statutory sign that is set on a base more than two (2)

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<p><i>which contributes to the common welfare and needs of local residents, businesses and guests alike.</i></p>	<p>residents, businesses, and guests alike can be accommodated within the size and height requirements of the sign code. A variance to allow additional square footage and sign height is not necessary to accomplish this goal.</p>	<p>sign plan. The number of signs allowed by the sign code is enough to provide substantial information for local residents, businesses, and guests alike. A variance is not required to achieve this objective.</p>	<p>feet above the average grade to be placed on a retaining wall. Staff finds that this retaining wall sign does not contribute to the common welfare and needs of local residents, businesses, and guests alike.</p>
<p><i>2) Signs should be limited to the fewest number reasonable necessary to accomplish the purpose for which they are intended.</i></p>	<p>Not applicable</p>	<p>The applicant has not provided any documentation of unique circumstances to justify an increase in the allowable number of signs.</p>	<p>The applicant has not provided any documentation of unique circumstances to justify an increase in the allowable number of signs or to necessitate a statutory sign is set on a base more than two (2) feet above the average grade.</p>
<p><i>3) Signs should be sized with consideration of the purpose of the sign, the distance from which it must be viewed, the size of other signs in the vicinity, the amount of total sign area related to the same use and the speed of passing vehicles. Consideration should also be given to the size of the building upon which the sign is placed and the size of the building site as it relates to the proportion of the sign.</i></p>	<p>The proposed Residential Detached Monument sign is intended to notify passersby of the entrance to Wildhorse Meadows. Staff finds that the proposed variances to the amount of total sign area and sign height are not necessary to serve the purpose of the sign. The proposed sign is more than 3 times the allowable sign area and 1 foot 10 inches over the maximum allowable height. This proposal is much larger than any other similar signs in the area (See Attachment 3). The size of the proposed sign could create the false impression that</p>	<p>Staff finds that the signs meet the maximum allowable square footage outlined in the CDC.</p>	<p>Staff finds that the signs meet the maximum allowable square footage outlined in the CDC.</p>

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	<p>Broomtail Lane is not a public road. A sign with an area and height greater than what is allowed by code also has the potential to intrude into site distances for automobiles entering and exiting Broomtail Lane. Planning Staff could not find any record of granting variances to sign area for other signs in the vicinity.</p>		
<p><i>4) Excessively tall signs should be avoided to prevent visual obstruction of the natural scenery surrounding the city. Factors to be considered include: the topography of the site, location of the sign on the site, and the sign's relationship to pedestrian and vehicular circulation from which the sign is viewed.</i></p>	<p>The proposed sign is 1 foot 11 inches taller than the maximum allowable height. Staff finds that the sign is excessively tall as a maximum height of 10 feet is an adequate height to be visible to pedestrians and automobiles passing by.</p>	<p>The proposed signs meet the height requirements of the sign code.</p>	<p>The proposed sign is set on a base 8 feet above the average grade which is 6 feet more than what is allowed by code. Staff finds that this sign is excessively tall.</p>
<p><i>5) The board of adjustment should consider unique and geographic characteristics of the property and of the district in which the property lies.</i></p>	<p>The requested location for this sign is adjacent to Mount Werner Road. There is the potential for snow pile up in the area where snow is pushed from Mount Werner Road into the area where the sign is proposed. However, this is the case for signs all over the City. It is not practical to allow signs which exceed the sign area and the allowable sign height in this area as the burden of snow removal is shared for signs all over</p>	<p>Staff did not identify any geographic characteristics which would make it necessary to have more signs than are allowed by code.</p>	<p>Staff did not identify any geographic characteristics which would make it necessary to have more signs than are allowed by code or taller than what is allowed by code.</p>

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	the city. The applicant has the option to move the location of the sign to an area with less snow storage issues. It may be necessary for the applicant to remove snow from the area surrounding the sign in the winter.		
<i>6) Projecting signs should not substantially obscure any part of another sign relating to another use.</i>	Not applicable	Not applicable	Not applicable
<i>7) Artificial illumination should be no brighter than necessary to accomplish the purpose for which the sign is intended. It should be a goal to avoid illumination which penetrates residential areas or may hinder the vision of drivers of motor vehicles passing by.</i>	The applicant has indicated that the signs will have lighting that is consistent with Sec. 26-224 (4) of the CDC.	The applicant has indicated that the signs will have lighting that is consistent with Sec. 26-224 (4) of the CDC.	The applicant has indicated that the signs will have lighting that is consistent with Sec. 26-224 (4) of the CDC.
<i>8.) Variances should not be granted which would allow any business use an unfair advertising advantage over any other business use.</i>	The requested variance would allow an entrance sign to Wildhorse Meadows which is substantially bigger than what is allowed by code and substantially larger than other signs present in the businesses in the vicinity of the site. (see attachment 3). Staff does not have any record of other developments in the area which have been granted variances for signs which are bigger than what is allowed by code. Granting of this variance would constitute an unfair	The requested variance is to allow a quantity of signs in excess of what is allowed by the sign code. Allowing an excess amount of signs is an unfair advantage over other similar developments throughout town. Staff was unable to locate any variances to the sign code to allow more than the maximum number of allowable signs.	The requested variance is to allow a quantity of signs in excess of what is allowed by the sign code. Allowing an excess amount of signs is an unfair advantage over other similar developments throughout town. Specifically, allowing a commercial logo to be displayed on a retaining wall next to a public road is an unfair advertising advantage for Wildhorse Meadows. This advertising advantage is enhanced when the statutory sign is allowed to be placed at a height

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	advertising advantage for Wildhorse Meadows.		in excess of what is allowed by code.
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RECOMMENDED MOTION

Based upon the above findings, staff does not recommend approval of any of the three requested variances.

Variance #1 - Primary Entrance Monument at Broomtail Lane Entrance

The applicant has proposed a Primary Entrance Monument sign at the intersection of Mt. Werner Road and Broomtail Lane. The sign is adjacent to the Wildhorse Meadows property line and a public sidewalk. This sign is classified by the CDC as a multiple-family residential subdivision/development identification sign. The requirements for these types of signs are outlined in Sec. 26-224 of the Community Development Code. The following table outlines the requirements of Sec. 26-224 which require the variance request.

CDC Section	Requirement	Request	Variance?
Section 26-224 (2)	Maximum sign area for any multiple-family residential subdivision/development identification sign shall be twenty (20) square feet per sign.	The proposed multiple-family residential subdivision/development identification sign is 66.5 square feet.	Yes – Proposed sign is 44.5 square feet larger than what is allowed by code.
Section 26-224 (3)	The total height of a monument sign (including the border and base) may not exceed six (6) feet above average elevation of ground if the sign is constructed adjacent to the property line and public sidewalk/pathway. For each additional three (3) feet set back from the property line or sidewalk/pathway, whichever is the least restrictive, the height may be increased by one foot up to a maximum height of nine (9) feet.	The proposed multiple-family residential subdivision/development monument style identification sign is 10 feet 11 inches above the average elevation of the ground.	Yes – Proposed sign is 1 foot 11 inches higher than what is allowed by code.

MOTION

A motion was made by Board Member Alkema to deny Variance #1. The motion was seconded by Board Member Effinger.

DISCUSSION

Board Member Effinger-

Give applicant the option to revise the plan with a smaller sign of a little less feet.

Gavin McMillan-

You can table it with direction.

Gavin Malia-

We would definitely consider that as an option.

MOTION:

Board Member Effinger motioned to table Wildhorse Meadows Variance request #1 to the 8/21/08 Meeting for the applicant to come back with a smaller sign.

Board Member Spaustat seconded the motion.

VOTE

Vote: 5-0

Voting for approval: Moylan, Effinger, Levine, Spaustat, and Alkema.

Absent: Pighini

Not Voting: Harner

BOARD DELIBERATION

Board Member Harner-

Provide residential instead of commercial signage.

Gavin Malia-

Showed several examples of signage.

Chairman Moylan-

Opened the discussion on Variance #2 where there are two signs instead of one.

Board Member Effinger-

I don't have a problem with the directional sign having 2 locations.

Board Member Spaustat-

I don't have a problem with it.

Board Member Alkema-

I don't have a problem with it.

Board Member Levine-

This one does not offend me. It makes it more welcoming.

2nd

RECOMMENDED MOTION

Based upon the above findings, staff does not recommend approval of any of the three requested variances.

Variance Request #2 - Commercial Signs on Parcel 1

The applicant has proposed a Building Identification/Neighborhood Entry sign and a Vehicular Directional Sign on Parcel 1. Both of these signs are classified as detached signs for single-use or commercial developments. These types of signs are reviewed under Sec. 26-225 of the CDC. The table below outlines the requirements of Sec. 26-225 which require the variance request.

CDC Section	Requirement	Request	Variance?
Section 26-225 (2)	The number of detached signs for single-use or commercial developments containing more than one building shall be restricted to one 20-square-foot double-faced sign.	As proposed, there are two detached signs on Parcel 1. The applicant has indicated that the directional sign will go up first and the Building Identification/Neighborhood Entry sign will go up after the building is constructed.	Yes – Request is for two detached signs where one is the maximum allowed by code.

MOTION

Board Member Spaustat moved to approve Wildhorse Meadows Variance request #2 to allow one additional sign on Parcel 1 for directional purposes. Board Member Alkema seconded the motion.

VOTE

Vote: 5-0

Voting for approval: Moylan, Effinger, Levine, Spaustat, and Alkema.

Absent: Pighini

Not Voting: Harner.

BOARD DELIBERATION

Chairman Moylan-

He started the discussion on Variance #3.

Board Member Levine-

You have two variances and he asked if the signs can be that tall?

Board Member Effinger-

I like seeing the artwork signs as I'm driving along.

Board Member Spaustat-

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It doesn't meet the criteria for approval, but it is a great spot for some artwork.

Board Member Alkema-

It looks like art. I don't have a problem with it.

Board Member Levine-

You can't break up the wall. I will go along with staff on this and not look at it as art, but as a branding.

Board Member Harner-

Why did you not continue with the same kind of motif?

Gavin Malia-

What do we do with this ugly concrete wall that we're now stuck with? The rock is going to match what's being used on Trailhead Lodge.

Board Member Spaustat-

If we don't approve this, will it allow the applicant to come back with a piece of artwork?

Jonathan Spence-

It wouldn't be allowed.

3rd

RECOMMENDED MOTION:

Based upon the above findings, staff does not recommend approval of any of the three requested variances.

Variance Request # 3 - Commercial Signs on Parcel 5

The applicant has proposed a Building Identification/Neighborhood Entry sign and an Open Space Wall Sign on Parcel 5. Both of these signs are classified in the CDC as detached signs for single-use or commercial developments. The wall sign is also classified as a statutory sign by the code. These types of signs are reviewed under Sec. 26-225 of the CDC. There are two variances to consider with this request. The first variance is a request to exceed the maximum amount of allowable signs. If the first variance request is denied, the second request does not need to be considered. If the first variance request is approved in that the Board finds that the request to have two signs meets the criteria for approval of a variance, the second variance request to have a statutory sign that is in excess of 2 feet off the ground must be considered. The table below outlines the requirements of Sec. 26-225 which necessitate the variance request.

CDC Section	Requirement	Request	Variance?
Section 26-225 (2)	The number of detached signs for single-use or commercial developments containing more than one	As proposed, there are two detached signs on Parcel 5. One is located on the retaining	Yes – Request is for two detached signs where one is the maximum allowed

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	building shall be restricted to one 20-square-foot double-faced sign.	wall and the other is located on the western end of the parcel adjacent to the common area.	by code
Section 26-225 (7)	Alls such signs (statuary) shall be set on a base no more than two (2) feet above the average grade.	As proposed, the statuary sign begins 8 feet off of the ground.	Yes – Request is for a statuary sign which sits on a base in excess of two feet above the average grade.

MOTION:

Board Member Effinger moved to approve the Wildhorse Meadows Variance request #3 to allow additional signage on the stone wall and allow separate signs to correspond to each development on Parcel 4 & Parcel 5. Board Member Alkema seconded the motion.

VOTE

Vote: 3-2

Voting for approval: Moylan, Effinger, and Alkema.

Against: Spaustat and Levine

Absent: Pighini

Not Voting: Harner

Discussion on this agenda item ended at approximately 7:00 pm.

ELECTION OF OFFICERS

Board Member Alkema-

Asked when we can change from being an alternate to being a regular Board Member?

Chairman Moylan-

I think that you're either an alternate or a regular Board Member.

Board Member Effinger-

You can apply from being an alternate to being a Board Member when the applications are due each year. That's how I did it.

MOTION for Chairman:

Board Member Levine moved to approve Moylan as Chairman. Board Member Effinger seconded the motion.

VOTE

Vote: 6-0

Voting for approval of Chairman: Moylan, Effinger, Levine, Spaustat, Alkema and Harner.
Absent: Pighini.

MOTION for Vice Chairperson:

Board Member Effinger moved to approve Levine as Vice Chairman. Board Member Spaustat seconded the motion.

VOTE

Vote: 6-0

Voting for approval of Vice Chairman: Moylan, Effinger, Levine, Spaustat, Alkema and Harner.
Absent: Pighini.

DIRECTOR'S REPORT

Gavin McMillan-

Bring to your attention that if you notice anything incorrect with the staff report before the day of the meeting, please let us know.

ADJOURNMENT

Board Member Spaustat moved to adjourn the meeting at approximately 7:10 pm.
Board Member Levine seconded the motion.

VOTE

Vote: 6-0

Voting for approval to adjourn: Moylan, Effinger, Levine, Spaustat, Alkema and Harner.
Absent: Pighini.

