



## BOARD OF ADJUSTMENT/APPEALS REGULAR MEETING

January 22, 2015 – 7:00 P.M.

Third Floor Council Chambers, 301 Walnut Street, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Monday prior to the meeting to make arrangements.

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### MINUTES

#### A. CALL TO ORDER

The meeting was called to order by Chairman Horner at 7:02 p.m.

##### 1. Roll Call

The following members were present:

Chairman Danny Horner  
Jose Valdes  
Jim McIntyre  
Ken Gerlach  
Benjamin George

Absent:

Cindy Scheuerman

Also present:

Associate Planner	Paul Hornbeck
Associate Planner	Josh Olhava
Town Clerk	Patti Garcia

2. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board  
There were no changes to the agenda.
3. Reading of the statement of the documents to be entered into the record:  
*I enter into the record the Town's Comprehensive Plan, the Town's Zoning Ordinance, the staff report regarding the action items of this hearing, and all of the testimony received at this hearing.*
4. Public invitation to be heard  
Chairman Horner opened the meeting for public comment to which there was none.

#### B. CONSENT CALENDAR

1. Approval of the minutes of August 28, 2014  
**Mr. McIntyre motioned to approve the August 28, 2014 meeting minutes; Dr. George seconded the motion. Motion carried unanimously.**
2. Approval of the minutes of December 3, 2014  
**Mr. Gerlach motioned to approve the December 3, 2014 meeting minutes; Dr. Valdes seconded the motion. Motion carried unanimously.**

#### C. BOARD ACTION

1. Public Hearing – Variance of Municipal Code Section 16-9-100(c)3 pertaining to the height of a building mounted sign located in the Heavy Industrial (I-H) zoning district – Briggs Anderson, Cargill, applicant/ Jay Gerdes, DaVinci Sign Systems, applicant's representative
  - Staff presentation: Josh Olhava, Associate Planner

**Dr. Valdes motioned to open the Public Hearing; Mr. Gerlach seconded the motion. Motion carried unanimously.**

Jay Gerdes, DaVinci Sign Systems stated the Great Western area is a large industrial area. The current sign code that has the 25% rule as far as elevation ratio to sign is relevant to the Town of Windsor but in the industrial area where there are large, open areas it may not be as applicable. When the sign was drawn based on code requirements, it did not look appropriate on the building. Mr. Gerdes stated one of the issues with the sign is the logo which is what Cargill Corporate has for their standard; there is a large, white border. They have requested Cargill for flexibility with the logo which was denied. Mr. Gerdes stated this has prompted the request for larger sign so the letters on the sign would be about 5 feet tall. It was noted the H on the Hexcel sign is about 4' tall. The height of the Hexcel building is close to 32'; the Cargill building is about 45' tall. The request is to get an additional one foot of the Cargill letter height on the wall; this would increase the overall height of the white border to 19' 1". Mr. Gerdes stated he had brought forward to Mr. Anderson the recommended compromise from staff of 15' and Mr. Anderson found the compromise acceptable.

Associate Planner Olhava stated the applicant is requesting a variance from Municipal Code Section 16-9-100(c)3 for a building mounted sign located within the Great Western Industrial Park. The Municipal Code states the following:

*Large-scale tenant. The height of building-mounted signs for major tenants shall not exceed twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted. However, in no event shall such sign exceed eight (8) feet in height.*

The applicant is proposing to construct a new building mounted sign on their new building in the Great Western Industrial Park. The subject property is located off of Eastman Park Drive and Great Western Drive at 31825 Great Western Drive. The subject property is zoned Heavy Industrial (I-H) and surrounded by industrial zoned properties in Windsor. The proposed sign would be nineteen feet-one inch (19' 1") in height, with an estimated sign area less than permitted by code. The letters would be approximately five feet-two inches (5' 2") in height. The sign is not planned to be illuminated.

With an overall square footage over 50,000 square feet, Cargill is considered a large-scale tenant when determining overall sign area and sign height requirements within the Municipal Code. Cargill's overall building height is forty-five feet (45'), which allows the sign to be just over eleven feet (11') at 11.25', or 25% of the building height dimension.

For context, Cargill is comparable in size to its' neighbor Hexcel, in overall building height. Other adjacent buildings are much smaller than Cargill and Hexcel. Both Vestas and Owens Illinois are located approximately one-half mile to the east.

Mr. Olhava referred to section 16-6-60(b) of the Municipal Code which states that, "Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship" and that, "Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured." Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship or a practical difficulty, and therefore is recommending that the variance request for the proposed sign

height as presented in the application not be approved based upon the following findings of fact:

1. The granting of this variance, as presented, would not be consistent with the requirements for other signs that are existing or may be proposed within the Industrial Park; and
2. Denial of the sign height variance request will not place an unnecessary hardship on the applicant, as defined in the municipal code.

Chairman Horner requested staff present the alternative recommendation.

Mr. Olhava stated that, based on staff's analysis of existing signs within the Great Western Industrial Park, and history of adjacent building mounted signage, staff would support an alternative sign size that is similar to those existing within the Industrial Park on structures comparable in size, based upon the following findings of fact:

1. The granting of this alternative variance would allow Cargill to install a building mounted sign that is comparable in size to those existing in the Industrial Park and directly adjacent to their site;
2. The granting of this alternative variance request would not alter the essential character of the Industrial Park neighborhood; and
3. The granting of this alternative variance will not pose any public safety or welfare concerns.

Staff recommended conditional approval of an alternative variance request for the height of the proposed sign to not exceed fifteen feet (15'). This would allow Cargill's sign height to be comparable to the adjacent user, Hexcel, and the sign variance they received in 2009. This would also allow Cargill's sign height to meet the spirit of the code and be similar to those found on large building facades throughout the Great Western Industrial Park. The overall sign area shall meet all Town of Windsor Municipal Code requirements as this variance was only for sign height.

Dr. Valdes asked what the height of the Hexcel sign is.

Mr. Olhava stated it is 14'7"; the letters are about 4' tall.

Dr. Valdes asked about the logic regarding the compromise between 15' and 11'.

Mr. Olhava stated that it is 11¼ or 25% which is what the Code requires; and if they were to follow the Code that is what would be stated. In 2009, their neighbor (Cargill) was allowed a variance and since their building size is comparable with a sign at 15' staff felt it best to go with the middle ground.

Dr. Valdes stated he was okay with the 15' height.

Mr. Gerdes stated the applicant would be compromising on both the white space and lettering; they are ready to move on.

Dr. George asked if there were any other businesses in the industrial park with a sign variance.

Mr. Olhava stated that Hexcel was what he used as an example; Owens/Illinois was in the county and then came into the town so it would not have met our standards.

Mr. Olhava stated the variance request would be for two building mounted signs although the applicant may only do one sign now.

Dr. Valdes asked if the signs be positioned in a way that they would be physically, visually compatible.

Mr. Olhava stated they would be positioned to be visually compatible.

**Mr. McIntyre motioned to close the Public Hearing; Dr. Valdes seconded the motion. Motion carried unanimously.**

Chairman Horner waived the original variance request and requested a motion related to the alternative recommendation.

**Dr. Valdes motioned to approve the alternative recommendation for a variance of Municipal Code Section 16-9-100(c)3 for construction of a building mounted sign to be 15' in height; Mr. McIntyre seconded the motion.**

Chairman Horner opened the meeting for discussion by the Board; there were no comments.

**Motion carried unanimously.**

2. Election of Officers  
2015 officers

The board members recommended keeping the current slate of officers:

Danny Horner, Chair  
Dr. Jose Valdes, Vice Chair  
Cindy Scheuerman, Secretary

**Upon a motion duly made; the motion carried unanimously.**

**D. COMMUNICATIONS**

1. Communications from the Board Members  
No communications.
2. Communications from staff  
No communications.
3. Communications from the Town Attorney  
Not in attendance.

**E. ADJOURN**

**Dr. Valdes motioned to adjourn; Mr. McIntyre seconded the motion. Motion carried unanimously.**

The meeting was adjourned at 7:25 p.m.

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Patti Garcia, Town Clerk