

**GRAND JUNCTION PLANNING COMMISSION  
APRIL 23, 2013 MINUTES  
6:00 p.m. to 9:13 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Reginald Wall (Chairman), Ebe Eslami (Vice-Chairman), Keith Leonard, Jon Buschhorn, Christian Reece, Loren Couch and Steve Tolle (Alternate). Commissioner Greg Williams was absent.

In attendance, representing the City's Public Works, Utilities and Planning Department - Planning Division, were Lisa Cox (Planning Manager), Scott Peterson (Senior Planner), Brian Rusche (Senior Planner) and Rick Dorris (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 70 interested citizens present during the course of the hearing.

**ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

**1. Minutes of Previous Meetings**

None available at this time.

**2. Peony Heights Annexation – Zone of Annexation**

Forward a recommendation to City Council to zone 0.92 +/- acres from County - RSF-4 (Residential Single Family - 4 du/ac) to a City R-5 (Residential - 5 du/ac) zone district.

**FILE #:** ANX-2013-96

**PETITIONER:** Ron Abeloe - Chaparral West Inc.

**LOCATION:** 612 Peony Drive

**STAFF:** Scott Peterson

Chairman Wall briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. After discussion, there were no objections or revisions received from staff, the audience or Planning Commissioners on the Consent Agenda.

**MOTION: (Commissioner Eslami) “Mr. Chairman, I move we approve the Consent Agenda as read.”**

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

**Public Hearing Items**

Chairman Wall introduced the Public Hearing Items by advising that the Planning Commission will make a final decision on these items and any questions about an appeal of an action of the Planning Commission are to be directed to the Planning office at 244-1430.

**3. Department of the Interior CUP - Conditional Use Permit**

Consideration of a request for a Conditional Use Permit for offices with a fleet vehicle and outdoor storage yard located on 4.374 acres at 302 West Ouray Avenue and 445 West Gunnison Avenue for the Department of the Interior within a C-1 (Light Commercial) zone district.

**FILE #:** CUP-2013-69  
**PETITIONER:** SBC Archway LLC  
**LOCATION:** 302 West Ouray Avenue and 445 West Gunnison Avenue  
**STAFF:** Brian Rusche

**Applicant’s Presentation**

Richard Krohn of Dufford, Waldeck, Milburn and Krohn, 744 Horizon Court, addressed the Commission as attorney for the Applicant. He introduced Van Rapp and Mark Aukemp as managing members and applicants, Vince Testa of Western Constructors, the contractor on the project, and Scott Sorenson as the project engineer. He stated that their presentation will include a PowerPoint which will be made available after the meeting to be made a part of the record. He then turned the presentation over to Mr. Rapp.

Van Rapp introduced himself as a managing member of a company known as, SBC Archway (SBC), an Englewood, Colorado real estate development company and real estate investors, who specialize in build-to-suit projects for the General Services Administration (GSA) and various state governments. Mr. Rapp explained that the project under discussion was for the Department of the Interior and will be leased to the GSA for 15 years with the tenant agencies that will occupy the building including the Fish and Wildlife Service (FWS), the US Geological Survey (USGS), and the Bureau of Reclamation (BOR). SBC has purchased the former Gene Taylor Sporting Goods Store at 445 W. Gunnison (“Gene Taylor building ” or “Gene Taylor site”).

Early in 2011, the Federal Government put out an RFP seeking office space for various federal agencies. The RFP specifically called for the utilization of an existing building within the community. The Gene Taylor building had been vacated and SBC submitted a proposal of approximately 45,000 square feet of Class A office space and 15,000

square feet of warehouse space. He explained the components of this project, which were two-fold: federal offices that would be housed in a renovated and expanded Gene Taylor's building, along with secure government vehicle parking and outdoor storage yard. The existing Gene Taylor building, built in the 1970s, would be gutted, remodeled and expanded on the north side of the building with an additional 8,000 square feet of office space according to Mr. Rapp.

SBC has been in business for 30 years. Mr. Rapp showed examples of projects that SBC has completed in the past. One of the projects shown was the Social Security Administration remodel and renovation at 810 North Crest, which was purchased out of foreclosure.

He showed an artist rendering of the proposed building to the Commission. In addition, he explained that the Gene Taylor pond would be eliminated and the sign would be reused. A component of the project is the outdoor storage yard, which is the reason for the Conditional Use Permit ("CUP"). Mr. Rapp stated that there were three meetings with neighbors, with the first in December, where they received a lot of good comments, starting with the original 6' chain link fence with privacy slats and three strands of barbed wire. After the neighborhood informed him that this was the entrance to the neighborhood, they have now proposed an 8' masonry type wall and have been working on those plans since.

A second meeting was held at City planning offices with neighbor representatives and city staff where it was decided that a second neighborhood meeting would be held with a notification radius of 800 feet.

The January neighborhood meeting was well attended and SBC had further developed drawings, showing a 6' masonry wall with three strands of barbed wire, which was still unacceptable to the neighbors. The neighbors had a problem with the barbed wire. So SBC went about working the various federal tenant agencies and reached an agreement with the GSA that would allow the use of an 8' masonry wall.

Mr. Rapp went on to explain the plan, A landscape buffer of 17.5 feet is proposed along W. Ouray and 22 1/3 feet along Mulberry, including an additional 2 feet of right-of-way for the City. SBC has agreed to rebuild the neighbor's irrigation system through the property. Regarding the existing driveway off Mulberry Street, it has been eliminated with all access to the storage yard from vacated Peach Street to the west.

Mr. Rapp showed photos of the property as viewed from Highway 6 & 50, Mulberry at the Business Loop showing the front of the Gene Taylor building and other storage uses, and the intersection of West Ouray Avenue and Mulberry Street looking north.

He continued to discuss the proposed landscaping, referring to the Landscaping Plan, provided to the Commission, and the location of the 8' wall along the entire streetscape and any residential properties. Getting away from the chain link and barbed wire, there still needed to be security to keep people off the property. The government has agreed

to a plastic spike strip that would be placed on top of the wall to deter people from gaining access into the property. Two samples of the strip - one brown, which is the preferred color and the other one clear - were provided and passed around to the Commissioners, as well as to the public. Commissioner Buschhorn asked if the samples were the actual product, to which Mr. Rapp responded yes. Commissioner Eslami inquired about whether it was about people climbing over or sitting on the wall, to which Mr. Rapp stated that it was to deter people from getting into the property. He further stated that the government would prefer barbed wire but that was not going to happen. Commissioner Couch clarified that this was a compromise, which Mr. Rapp replied that the original lease requirement included an 8' fence with barbed wire. He got them to agree to a 6' fence with barbed wire and slats, which was acceptable for security, but was unacceptable to the neighborhood, so they have worked diligently to get approval of the wall with the spike strips. There will also be electronic security devices on the site.

The GSA had entered into a 15 year lease of the property and would be protected by the Federal Protective Service.

Mr. Rapp showed pictures of the wall itself and the landscape components, which includes the reuse of boulders from the pond and the removal of Russian Olive trees from the west side of the property. All new landscaping along the west and in front of the building was shown.

Commissioner Couch inquired about the shed on the southwest corner of the property, previously used to store flammable items such as Coleman fuel. Mr. Rapp stated that the shed would be kept for storage of similar items.

Mr. Rapp was initially concerned about the solid wall and neighborhood graffiti. The wall itself will be precast concrete with a masonry stamp and graffiti resistant paint. Commissioner Leonard asked about the color of the wall. The color has not been finalized, but Mr. Rapp said it would be either earth tone or gray in color.

Commissioner Leonard asked about the caliper of the trees, which were difficult to see in the drawings. Mr. Rapp said he did not know, but that it met City requirements. Commissioner Leonard also asked about making the landscaping more of a park setting outside of the enclosed area versus landscaping to hide the wall. Mr. Rapp spoke about the width of the landscaping not being large enough and noting the bus stop on West Mulberry Street and noted that a Landscape Architect did prepare the plans. It would be drought resistant landscaping and reuse boulders from the former pond.

Mr. Rapp noted that there is some question on how long the property has been vacant. He then showed an artist's rendering based on the actual landscaping plan, with the plants shown at maturity. Also shown was an artist's rendering of the building with landscaping.

Mr. Rapp estimated a total of 100 to 115 employees will be located at this facility. This represents a consolidation of existing employees within Grand Junction. He pointed out the proximity to downtown for lunch and shopping.

Mr. Rapp wanted to emphasize that at the very first meeting someone told him to look at it as if it were their neighborhood, which has been the guiding force for development of the project since. The project represents a \$7 million investment for his firm. At the second neighborhood meeting a poll was taken about who opposed the barbed wire, which Mr. Rapp then went back and got the approval to eliminate the barbed wire for the benefit of the neighborhood, the downtown community, and the City. He stated that the Commission will hear from neighbors who are tired of looking at the vacant lot and that this project will use a 40 year old building that could become a crime problem if unused for years and years.

They hope to begin construction immediately upon approval.

Commissioner Reece asked if the spike strips would be easy to remove. Mr. Rapp repeated the length of the lease and that the strips are secured to the wall. Commissioner Reece continued that, in her opinion, the landscaping in front of the building was more eye catching than that in front of the wall. Mr. Rapp discussed the depth of the landscaping in front of the wall, which cannot be any larger than proposed, since the contract requires a certain size yard.

Commissioner Leonard asked if there were two or three parcels included within the subject property. Van Rapp explained that there were several properties; they purchased the property as three tax parcels. Per the City's request, they are creating two parcels, one with the building and one for the yard, ending up with two legal parcels. The applicant wanted two separate parcels for the property so that it had options after the next 15 to 20 years with this use. Commissioner Leonard pressed his concern that there would be a parcel with a wall and no principal use, just parking.

Mr. Rapp stated that they have purposely tried to redirect traffic onto W. Gunnison, noting the anticipated traffic would be less than the retail store. Typical hours would be 7 to 5 and no weekends. No access onto Mulberry or West Ouray is proposed. The storage yard is a low impact barrier between residential and commercial properties. The property has always been zoned commercial and currently has access onto the residential street. The storage yard has lighting and referenced a photometric study.

Commissioner Leonard asked about the March 1, 2013 letter prepared by Mr. Rapp. He asked if the City let him know that the project would require a Conditional Use Permit, to which Mr. Rapp responded that yes, they knew the requirement and that there was never a guarantee made.

The building would have a new skin and the portion of the road formerly known as Peach Street in front of the storage yard would be paved, according to Mr. Rapp.

**Staff's Presentation**

Brian Rusche, Senior Planner, made a PowerPoint presentation regarding the request. He informed the Commission that the total acreage is 4.374 and 445 Gunnison is the building and 302 West Ouray Avenue is the yard with 2.916 acres being the size of 445 West Gunnison Avenue and 1.458 acres being the size of 302 West Ouray Avenue.

The office building is a use by right. The outdoor storage yard is an accessory use to the office building. The C-1 requires outdoor storage beside or behind the building, unless a Conditional Use Permit is obtained. The configuration of 302 W. Ouray is technically in front of the building, so that is why the applicant is here. The Planning Commission is responsible for consideration of the entire site.

The building was built in 1978. He showed an aerial photo of the site, which is adjacent to a neighborhood known as El Poso. Residential uses exist from Mulberry Street to Maldonado Street and from West Chipeta Avenue to Broadway, or Highway 340. There are approximately 47 dwelling units in El Poso.

In 2006, an improvement district was formed in El Poso, noting new sidewalks, removal of overhead utilities, and improvements to underground utilities, with the help of the City and an assessment on properties in the neighborhood.

Turning north are commercial uses centered on West Gunnison Avenue, including outdoor storage, pointing out Carpet One and Bassett. Two parcels were zoned to C-2 General Commercial and another from residential to C-1 recently within the neighborhood. 531 Maldonado Avenue is owned by the Grand River Mosquito District.

The property includes several platted lots that were part of the original city, and include public right-of-way that was vacated in 2007. The property will be platted into two lots, as shown on the proposed Subdivision. Easements retained from the right-of-way vacations are shown on the plat. A sliver of property on Mulberry Street will be dedicated as additional right-of-way. The remaining alley behind Lot 1 will be committed to an alley improvement district for future improvements to alley, which has not yet been formed, but the developer will be committed to participation. Both lots in the proposed subdivision meet size and frontage standards.

The Commission has summaries of the neighborhood meetings from both the applicant and the neighborhood, which Mr. Rusche referenced.

The review includes the complete site plan including the office building and expansion and the proposed storage yard. The yard will be graveled. A detention pond in the corner of the yard is designed for the yard.

To address the question about tree caliper, they are 3 inches with evergreens 6' tall. The Landscaping Plan shows the mature heights of all trees. A drawing, not to scale of the wall was shown.

In 2007, the property at 302 West Ouray Avenue was re-designated from Residential to Commercial. Ordinance 4080 rezoned the property from R-8 to C-1. The Comprehensive plan adopted in 2010 reaffirmed the commercial designation for the entire site and retained the C-1 zone.

Mr. Rusche stated that the project met the following goals and policies:

Goal 4 – continue the development of the downtown area

Goal 6 – encourage the reuse of existing buildings

Goal 7 – development adjacent to development of a different intensity should transition with appropriate buffering

Goal 12 – as a regional provider of goods and services, City will sustain a diverse economy.

The site plan has criteria for approval, with additional criteria for a CUP. The project has met standards for how it was prepared. C-1 standards have been met for the existing building and proposed addition. A fence, or wall, in excess of 6' must meet front yard setbacks of 15' and 10' from residential property, but may be varied as part of a CUP. The applicant is asking for a wall at 8' high and to place the wall on the property line abutting the residence along the west property line. The wall will be located at the 15' setback along West Ouray Avenue and Mulberry Street. He addressed questions about the distance between the wall and the sidewalk, with the minimum standard being 15' from wall to property line, which may be further back from the sidewalk, such as along Mulberry, which added 2' to the right-of-way, enlarging the distance between the wall and the sidewalk. 10' from the west property line is encumbered by easements and would not be used for storage. The required 10' setback of the wall creates a no man's land between the residence and the wall. By moving the wall to the property line and pushing the storage back 10', the maintenance of this area is shifted to the developer.

As the City's project manager, the increased wall height and solid state exceed the standard fencing requirement and moving the wall to the property line adjoining residential provides more screening than the standard.

Use specific standards regarding operation of outdoor storage are already in the code, including the keeping of junk or rubbish, which is not allowed, screening, which was already discussed, and what can and cannot project above the wall.

Complementary uses include access to two highways in close proximity to this area and its location between Rimrock and downtown provides services for employees and access to other governments. Examples of similar uses includes Grand River Mosquito District, the Fish and Wildlife office by Sam's Club, and the Federal Courthouse downtown.

Compatibility, in particular protection of privacy, which is provided by the 8' masonry wall and landscaping, providing screening from adjacent properties and view from the

highway. Protection of use and enjoyment is addressed by there being no direct access to W. Ouray and Mulberry.

The bus stop on Mulberry will be retained.

Compatible design with other uses in the neighborhood was addressed by comparing the 8' wall to a residential perimeter enclosure required for a single-family subdivision adjacent to a major highway, such as 340. Access to the yard will meet the beside and behind requirement by using W. Gunnison and vacated Peach Street.

The renovation of the building itself makes improvements on both stories with architectural elements. Mr. Rusche showed examples of other outdoor storage in the neighborhood.

He referred to the lighting plan and noted that parking lot lighting is not allowed to spill over onto adjacent properties. They are allowed up to 35', with the proposal showing 20' lights.

After review of the application, Mr. Rusche made a finding that the request is consistent with the Comprehensive Plan, the review criteria of Section 21.02.110 of Grand Junction Municipal Code have been met, use specific standards of 21.04.040(h)(2) have been met, further finding that the requested height and placement of the masonry screen wall are consistent with criteria found in Section 21.02.110, and that the applicant will utilize the existing signage.

Approval of the project is conditioned on the final approval of construction drawings, final building permits for all structures including the wall, recording documents prior to a Certificate of Occupancy, and recording an agreement for stormwater operation signed by the owner, which addresses a previous question.

Regarding Mr. Leonard's question about the two lots, the Conditional Use specific to the use of office and fleet vehicle storage space; therefore lot 1 and lot 2 must continue to function as one site and the outdoor storage yard must continue to be accessory to the use on Lot 1.

### **Questions**

Commissioner Leonard asked, in terms of the 15 year lease, if the government abandons the use and the lot has a wall, how would that be handled? Mr. Rusche replied that since the lots were separated, the City would look at what the codes are at that time. Commissioner Leonard asked, would the wall be a nonconforming wall after the CUP ended? Mr. Rusche replied that the City would probably not make the owner tear it down. Commissioner Leonard asked if the lots were separated and there were no principal structure, could the wall remain? Mr. Rusche replied that until such time as there were a project in the future, which would generate a review process, the wall could remain.



Commissioner Reece asked if there were any current plan to have the lots replatted. Mr. Rusche replied that it is part of this project. Commissioner Reece asked for clarification of three versus two lots. Mr. Rusche replied that right now there are three tax parcels, which are created by the Assessor's office and that the proposed subdivision, once recorded, will create two lots and tax parcels with the exact same shape and size. The two lots will be the building lot and the storage lot, which are considered together for the purposes of the Conditional Use.

Commissioner Eslami asked if it was a metes and bounds description. Mr. Rusche replied that, no, the property consists of several small platted lots from a variety of subdivisions over time that were combined only for taxing purposes. Each of those lots could be sold off now.

Comments were made from the audience. Chairman Wall interrupted and asked the audience to hold onto their questions.

Mr. Rusche continued saying that this proposal creates two legal, easy to identify lots that are still linked together in use by the proposed conditions.

Commissioner Buschhorn asked if another user could, in the future, use Lot 2 only, since it does not have a building and would not be attached to the primary parcel. Mr. Rusche stated that it depends on what the proposal is. Whatever the standards are at the time, as well as the sentiments of the neighbors at that time, which are discussed as part of the review process.

Lisa Cox, Planning Manager, clarified that if a new occupant were to use the property/site with just Lot 2, then that proposed use would be reviewed under the current standards that were in effect when the application was submitted.

Chairman Wall asked how a CUP works and what can be used in the storage yard. Mr. Rusche explained that the zoning standards in place on the property today indicate that permanent outdoor storage in front of a building must have a CUP. He elaborated that the yard is in front of the office building and if the CUP is approved, regardless of the 15 year lease, that use can continue. There are also provisions for changes to a CUP. Regarding the separation of the lots, if the use no longer exists as approved for more than a year, the process goes back to square one. The use runs with the land, until the use changes.

Commissioner Eslami asked if they should be concerned with the term of the lease. He then stated that the term of the lease has nothing to do with the use.

A recess was taken at 7:25 p.m. and the hearing reconvened at 7:35 p.m.

Chairman Wall introduced the public portion of the meeting and explained the process to the audience. He acknowledged receipt by the Planning Commissioners of the

paperwork submitted by some of those in the audience and encouraged those who intended to speak to focus on those items that are specific to the Code.

### **Public Comment**

Juanita Trujillo, 319 West Ouray Avenue, addressed the Commission as the El Poso neighborhood representative and a representative of the Riverside neighborhood. She stated that she was born into the El Poso neighborhood and had lived all but one year there. She was there in honor of her grandparents Felix and Sabrina Maldonado and her parents John and Virginia Trujillo and those who have made El Poso neighborhood what it is today. Her family has lived in the neighborhood for 90+ years.

She presented pictures to the Commission that she claimed to have taken before the first neighborhood meeting in December 2012. She asked them to consider if they would want (what was shown in the pictures) in the entrance to their neighborhood and what would be the detrimental effect to the character and integrity of the El Poso neighborhood, one of the oldest neighborhoods in Grand Junction. She stated "It doesn't have to be a junk yard to look 'junky'."

She asked Mr. Rapp at the second neighborhood meeting, "If he would want it at the entrance to his neighborhood? Would he want it by his house?" He responded, "Well it meets the Code. Well it meets the Code." He then said, "Would you rather have a gas station?" This was taken as an intimidating statement.

She offered up and wanted to confirm that the Commissioners had received the letter dated April 10, 2013. She stated that on behalf of the majority homeowners, residents and many of the business owners that they deny the Conditional Use Permit allowing a storage yard at the entrance of the neighborhood. She explained that the letter should in no way be construed as being in support of the development. She said that they were not opposed to the office warehouse proposal. She went on to explain that the proposed storage site would be an eyesore and lower property values by as much as \$7,000.00. She reiterated some of the primary concerns stated in the letter.

Ms. Trujillo began explaining that there was other property available where this development could occur. The landowner was ready to sell. Chairman Wall interrupted Ms. Trujillo and explained that as a Planning Commission they do not consider or get involved in the purchasing or swapping of lands. The Commission was considering the Conditional Use Permit. He inquired if she had more specific to the Conditional Use Permit because it the "boundary" for the Planning Commission. It is what the Planning Commission will decide. Ms. Trujillo went on to explain that the developer should look beyond this and consider other options.

Chairman Wall asked "so your position is that the development is not compatible with the surrounding area?" She replied "exactly."

She said that she could read the letter, but instead went on to say the following in addition to the letter. After additional residential meetings, the people that Ms. Trujillo

spoke for thought the wall should be a 7' wall rather than an 8' wall as it would look "prison-like"; a 20 to 25' setback on West Ouray Avenue with landscaping; bigger trees; and they would like to be involved in the relocation of the irrigation line when the developer moved it if this should go forward. With the alley access there is an issue with the additional asphalt put in before which causes problems for access to the properties' backyards without a high sitting vehicle or a 4-wheel drive vehicle.

She mentioned a lot of business owners were concerned with the subdivision proposal as it came up late in the process. It was not discussed at any of the neighborhood meetings. She questioned why it was occurring?

She encouraged the Commission to consider the 90+ years, it is really 100, of the residents of El Poso. She stated that they are not going anywhere and that needs to be addressed.

Commissioner Couch asked Ms. Trujillo who had advised her that the properties would decrease in value. She indicated that realtors had and inquired if it was needed in writing. She did not name a specific source. Commissioner Couch went on to ask if she believed the lot as it was today was compatible with the neighborhood. She compared it to a glass half empty or a glass half full considering what could be on the land, she recognized the property could be improved, but went on to say that a storage yard will be no better when it would decrease the property values.

Marilyn Maldonado Trueblood, 350 West Grand Avenue, recited a letter dated February 9, 2013, a copy of which is attached to the staff report and already a part of the record.

Frank Jiminez of 320 West Grand Avenue said that the rezone in 2007 was supported by the neighborhood under a gentleman's agreement with Gene Taylor to build a community center. He believes that the neighborhood was misled by some in believing that the zoning could go back to residential. He went on in some detail as to how he reached the conclusion that the property was not going to be rezoned back to residential. He supported the proposed project, citing "common ground" that had been reached to remove the barbed wire and indicated that it was time to move on. He stated that the developer had come a long way in trying to satisfy us.

Chairman Wall asked to confirm if Mr. Jiminez was for the project or opposed. Mr. Jiminez replied "I am for the project. I think they have gone above and beyond in trying to satisfy us."

Commissioner Couch asked the Assistant City Attorney, Jamie Beard, if it was reasonable to assume that a promise made by some business person in the past to the community now binds the City to anything, regardless of what Gene Taylor said to any one? It doesn't really have a bearing on the zoning here in the City, does it? Ms. Beard agreed that it did not. The property had been zoned to C1 for commercial use with no conditions included. There may have been some discussions and agreements between

Gene Taylor and the property owners but that agreement is just between them and would be addressed between them. It does not include the City.

Commissioner Couch recognized the understanding and the expectation that the people had with Gene Taylor, but said that it does not bind the City. It does not represent a lack of respect on the part of Grand Junction that the City is not supporting it, but the City is not a part of it.

Doug Murphy of 411 West Chipeta Avenue said that he had lived in the neighborhood since June of 1995. He noticed that over the years, properties had been upgraded and improved over 18 years. The City has allowed the area to slowly turn commercial, encroaching into the neighborhood. He has witnessed the progression of the up and coming neighborhood and, consequently, doesn't support the storage yard at the entrance of the neighborhood. He commented regarding the following: The design looks nice, it's a good plan, but it doesn't belong at the entrance of the neighborhood. Any storage should stop at the south end of those properties and not come up into the neighborhood. He would appreciate if the City would stop this. Maybe put a park there. Make it nice.

Kenny Fulmer resides at 401 West Chipeta Avenue. He stated Gene Taylor was a great man, but he was gone. He recognized that all they had was a hand shake agreement and they have to deal with what is on the record. They need to move on. The contractor has gone the extra yard to be a good neighbor so far. He has not seen anything detrimental. He recognized the contractor is spending a lot of money. He does not believe they are going to want a lot of animosity with the neighbors. He would like to think if there are problems in the future, the neighborhood, the Department of Interior and the City can sit down together and resolve it. He wondered if that could be included as a condition. If there is an issue later on, then they ought to be able to address it. He was also concerned about the number of children being in the neighborhood so wondered if traffic could be directed away from Vine, Ouray and Chipeta that way we would avoid a child being hurt. He suggested maybe some speed bumps.

Kim Maldonado DeCoursey, 725 Hill Avenue, objected to the storage lot at the entrance of the neighborhood, noting that the neighborhood was formerly farmed land. She cited examples of generators and other stuff that is found in a storage yard. She was concerned about the gravel lot and the pond. The storage yard is not acceptable. She said that she thought Mr. Rapp's tactics were heavy-handed. He said that this was a done deal. We had no choice in the matter. It was not until the second meeting when Lisa Cox explained to them that they realized they did have a choice. They are all happy with the office building, but not the storage yard and when she expressed that she didn't like it, Mr. Van Rapp threatened to put a gas station in.

Frank Cordova of 401 West Grand Avenue mentioned that he has lived in the neighborhood for 63 years. He has three daughters and one son that live there as well as nieces and nephews. He said that he was concerned about the safety, cleanliness

and first impressions. He pointed out that there were no sidewalks on Crosby or the east side of Mulberry Street. With no walkways you walk in the street, in the gutter or in the dirt. The wall is not a good impression. He wants people to have the impression that the area is safe and clean. He also suggested that the neighborhood could use a welcome sign at its entrance.

Linda Reams (who resides in The Vineyards Subdivision on the Redlands) said that while she did not live in the area she has lived in the community since 1982 and she did not support the proposed storage area. A storage yard is not compatible with the surrounding area. She questioned if floodlights on the building would be visible to the neighborhood. She works with children in the neighborhood and was very impressed with the residents in the neighborhood and commended them for all the work they had put into the area.

Randy Rowe, who resides at 307 West Ouray Avenue, across the street from the proposed yard, indicated that the property has been an eyesore since 1997, with people doing "roadies" as well as sleeping on it. The wall and the landscaping are a good idea. Coming down the hill on Mulberry the wall and the landscaping will look good, he said. Existing commercial uses already sit higher, about 35 feet than the neighborhood. He added that the applicant has gone above and beyond to satisfy the neighborhood. They have gone from a fence with barb wire to the wall. The neighborhood is going to look good. It will look better than what is there now. He indicated that he had been to the neighborhood meetings, but hadn't been invited lately and he had never seen the petition addressed to the City. He is for the development.

Erika Doyle, 2599 Highway 6 and 50, spoke for both herself and for her father, the owner of the Mesa Music building. Her family has been a long time owner of the property. She read a letter into the record indicating that it had come to their attention that there would be many improvements on the property. They are very excited about the proposal and welcome the newer owners and occupants to the neighborhood. The reuse of the building may deter vandalism and would be a good addition to the area with the proposed landscaping. The new development will enhance the vitality of the surrounding area. They hope that the Planning Commission approves the project.

Seeing no one else from the public wishing to speak, Chairman Wall closed the public portion of the meeting.

### **Applicant's Rebuttal**

Rich Krohn spoke on behalf of the applicant and pointed out that the 8' wall was required by the GSA in order to avoid having to include barbed wire. Any wall or fence less than 8' in height will require the barbed wire. Regarding the proposed pond area, he said that it would be a dry detention pond. Meaning it will be dry at all times except when there is a rain and then it will drain within 40 hours. This he believed would not attract mosquitoes.

**Questions**

Commissioner Tolle asked if they anticipated traffic to be an issue, specifically the ability to access the storage yard from the alley behind the building. He pointed out that many comments were made by the people that evening regarding children in the area. He wanted it further addressed on how it could be dealt with.

Rich Krohn explained that the traffic will actually be substantially less traffic than with a retail establishment such as Gene Taylors. He explained that there would be approximately 100 people working in the building and only on week days. The storage yard is limited to 30 trips per day, which is only 15 roundtrips per day. The parking for the office building is forward on the property and most will not access from the alley. He said he could not say that the alley would not be used, but logically should be a small number of actual trips and substantially less than it has been in the past.

Commissioner Tolle questioned that at least twice a day the traffic should be fairly significant, was the applicant comfortable with the use of the alley or should it be addressed?

Mr. Krohn said he was assuming that the Commissioner was referring to the traffic from the storage yard as the traffic to the office building would most likely use Mulberry and Gunnison, since the total traffic from the storage yard is limited to the 15 roundtrips he saw that as a minimal safety risk.

Commissioner Tolle questioned that the applicant would work with the neighborhood as it seemed to be a concern of the neighbors.

Mr. Krohn pointed out that it was public alley and they were not in a position to control its use by the public.

Commissioner Tolle looked to City staff for more information. Lisa Cox directed the concern to Rick Dorris, City Development Engineer.

Mr. Dorris, City Development Engineer, confirmed that the resultant traffic, including through the alley, from this project would not come close to the street and alley design capacity. The maximum trip per day standards adopted by the City for local residential streets are 1,000 ADT (Average Daily Trips) and the traffic generated by the proposed use would be far less than that each day. The previous retail use would have generated more traffic than the proposed office use. The new use will be substantially less. Mr. Dorris also confirmed the 30 trips per day limit for a low-volume storage yard.

Commissioner Couch asked for the applicant to address the concerns about heavy handedness, in particular the "done deal" comments. As Rich Krohn had not been at the earlier meetings he turned to Mr. Rapp to address the question. Mr. Rapp explained that at the first neighborhood meeting there were numerous comments made about what else could go on this property. He explained that though they had not yet closed on the property, the purchase was going to happen. The done deal statement was in

reference to the purchase and scheduled closing of the property and finalization of the lease with GSA. The comment about the gas station was in reference to someone questioning the impact on the neighborhood. Being zoned commercial he was pointing out that there were other uses that could cause a greater negative impact such as a gas station.

Chairman Wall addressed statements being made by the audience and reminded them that the public comment portion was over.

Mr. Rusche asked if Chairman Wall would allow him to clarify the process and procedural questions that had come up. Chairman Wall agreed. Regarding the subdivision plat, it was not on the table at the time of the neighborhood meeting because it became clear after the meeting that the existing configuration of the building crossed existing properties could present a problem in whatever state the building was in with respect to building codes, since in theory someone could sell a lot under a portion of the building, even erroneously. The subdivision, or replat, would remedy that problem. Lot 1 achieves that and Lot 2 consolidates the other lots under the storage yard.

In response to a question regarding the process that neighbors would use to work out concerns among each other, that would be the preferred method, said Mr. Rusche, but that the City does have a Code Enforcement program to address concerns; if serious enough the Conditional Use Permit could be brought to the Planning Commission to consider revocation if unresolved.

With respect to the neighborhood meetings, Mr. Rusche apologized for how the first neighborhood meeting went, acknowledging that a number of concerns and issues were brought up that he was not prepared to address and to avoid saying the wrong thing did not say anything at the meeting.

Commissioner Leonard asked if the Code Enforcement program was complaint based. Mr. Rusche responded, yes, it was complaint based. Commissioner Leonard pointed out that problems need to be formally lodged with Code Enforcement.

### **Discussion**

Commissioner Couch noted that the substantial portion of this Conditional Use Permit registered no comments, the building itself did not register much, if any, protest from the neighborhood. It was significant to him that such a small portion of the project was causing the concern. He lives downtown and drives by this area. He added that leaving the property in its current condition for an indeterminate amount of time was not necessarily in the best interests of the City as it was in poor condition. He did not see the "fence" as an issue.

Commissioner Eslami agreed with Commissioner Couch's comments. He did not believe that traffic was a safety issue and neither would the pond because it would be designed to not hold water. It has to drain within 48 hours. The mosquito problem is

not likely to be an issue. What is being proposed is better than what is there now. He added that he believed the property in its current condition was an eyesore. He was in favor of the project.

Commissioner Leonard said that there are questions not answered. The plans are not finalized in regards to questions such as color of the wall material. He said that he assumed the 5-2-1 Drainage Authority for the detention pond would address any issues that arose. The telephone number for that entity is available. He would like to see an entrance feature for the neighborhood and the addition of benches for pedestrians. He would like to see it be more "pedestrian friendly," which would make it more resident friendly. Current state of the property is not real good there is a lot of cut through traffic. He hopes that there will be continued work with residents for the final product to be acceptable for the residents.

Commissioner Reece agreed with the comments of the previous Commissioners. She thought that signage on the wall would be good and also agreed with Commissioner Leonard regarding the benches.

Commissioner Tolle recognized and appreciated all those who had attended the meeting in helping to educate the Commission. He asked that they all continue to be involved. If questions arise, then he encouraged they contact City staff. The audience was commended for all the improvements they had made in the area and he stated that "just seeing them here tonight enforces my belief that the system really can work." He ended by thanking them all. He commented that their presence in being there certainly meant something to him.

Commissioner Buschhorn began by also thanking all the people for coming. He voiced his appreciation for the citizen comments and concerns. He advised that he took the decision about the property and the proposed CUP very seriously. He visited the site. The more he drove around it he thought the project would be an improvement as part of redevelopment.

Chairman Wall also commended the audience. He referred to those attending as "a great bunch of people." He pointed out that it was the first meeting he had been to where the opponents were able to convey what they want with emotion, but without letting their emotions take over. It was also the first meeting he had ever been in where the constructive criticism of the developer and staff was very emotional, but presented in a professional manner. He thanked the participants for that being the case. He pointed out that the projects real focus was on compatibility which was always the toughest decision for the commission to make. Each person can have a different definition of compatibility and each person will give a different answer as to what is compatible or not. He considers does it buffer between the residential and the commercial. He believes there is a transition between the two. He finds that it is compatible. He drives through this area quite often. There have been upgrades by the residents, by the City adding curb and gutter, and by the other properties. In his opinion, this will increase the value of the area. He would debate within any realtor that



the empty lot as it is versus the improvements that will be made decreases the value more. This is not a junk yard that is going in there. It will enhance the neighborhood even more than has already been done. It is clear that the commission is concerned about this project and displayed their concerns with all the questions that they had. Based on the Code and the work that has been accomplished between the developer and the neighbors, through a couple different meetings, he would approve the project.

**MOTION: (Commissioner Eslami) “Mr. Chairman, on the request for a Conditional Use Permit for the Department of the Interior, number CUP-2013-69, located at 445 W. Gunnison Avenue and 302 W. Ouray Avenue, I move that the Planning Commission approve the Conditional Use Permit with the findings of fact, conclusions and conditions listed in the staff report.”**

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

**General Discussion/Other Business**

Lisa Cox, Planning Manager, asked if Chairman Wall would prefer the election of officers to be scheduled under Announcements/Presentations or at the end of the meeting under General Discussion/Other Business on the May 14, 2013 agenda. Chairman Wall indicated that he preferred that the election be scheduled under General Discussion/Other Business on the agenda.

**Nonscheduled Citizens and/or Visitors**

None.

**Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 9:13 p.m.