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**CITY COUNCIL AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
WEDNESDAY, NOVEMBER 5, 2008 7:00 P.M.**

**Call to Order**

Pledge of Allegiance

**\*\*\*Certificates of Appointment**

To the Planning Commission

**Presentations**

Election Results—Stephanie Tuin, City Clerk, will Report on the Election Results

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Contract to Purchase Property at 302 S. 7<sup>th</sup> Street**

**[Attach 1](#)**

City Staff has negotiated with the owners of 302 S. 7<sup>th</sup> Street, Bert W. Younger, Dan L. Younger, and Glen R. Younger, for purchase of the property. The negotiations have been successful and a purchase contract for \$321,678.00 has been signed by both parties.

Resolution No. 139-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 302 S. 7<sup>th</sup> Street, Grand Junction

\*\*\* Indicates New Item

® Requires Roll Call Vote

**REVISED**

®Action: *Adopt Resolution No. 139-08*

Staff presentation: John Shaver, City Attorney

2. **Setting a Hearing on the Loy Rezone, Located at 2872 F Road** [File #RZ-2008-273] [Attach 2](#)

A request to rezone 1.425 acres from R-5 (Residential, 5 DU/Ac) zone district to RO (Residential Office) zone district located at 2872 F Road.

Proposed Ordinance Rezoning a Parcel of Land from R-5 (Residential– 5 DU/Ac) To RO (Residential Office) Located At 2872 F Road

Action: *Introduction on Proposed Ordinance and Set a Hearing for November 19, 2008*

Staff presentation: Ronnie Edwards, Associate Planner

3. **Construction Contract for Colorado Avenue Reconstruction Project Phase II, Landscape and Irrigation** [Attach 3](#)

This project consists of installation of irrigation system and landscape for Colorado Avenue from 2<sup>nd</sup> Street to 7<sup>th</sup> Street, including two (2) parking lots in the 500 and 600 blocks.

Action: *Authorize the City Manager to Sign a Construction Contract for the Colorado Avenue Reconstruction Project Phase II Landscape and Irrigation to Urban Farmer, Inc. in the Amount of \$207,694.98*

Staff presentation: Tim Moore, Public Works and Planning Director

**\*\*\* END OF CONSENT CALENDAR \*\*\***

**\*\*\* ITEMS NEEDING INDIVIDUAL CONSIDERATION \*\*\***

4. **Public Hearing—Merkel Growth Plan Amendment, Located at 769 24 ½ Road and 766 24 Road** [File #GPA-2006-126] [Attach 4](#)

Request to amend the Growth Plan, changing the Future Land Use designation from Estate (1 DU/2-5 Ac) to Commercial for property located at 769 24 ½ Road and 766 24 Road.

Resolution No. 140-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 42.28 Acres, Located at 769 24 ½ Road and 766 24 Road, Known as the Merkel Growth Plan Amendment, from Residential Estate (1 DU/2-5 Ac) to Commercial

®Action: *Adopt Resolution No. 140-08*

Staff presentation: David Thornton, Principal Planner

5. **Appeal of the Planning Commission’s Decision Regarding a Conditional Use Permit for a Bar/Nightclub** [File #CUP-2008-158] [Attach 5](#)

An appeal has been filed regarding the Planning Commission’s decision to deny a Conditional Use Permit for a Bar/Nightclub, to be located at 2256 and 2258 Colex Drive. The project sits on 1 lot in an I-1 (Light Industrial) zone district. (The project will include leased parking spaces from the lot immediately to the north.) This appeal is pursuant to Section 2.18.E of the Zoning and Development Code, which specifies that the City Council is the appellate body of the Planning Commission. According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

Action: *Review Appeal Criteria along with the Record; Decide on the Appeal*

Staff presentation: Senta L. Costello, Senior Planner

6. **Non-Scheduled Citizens & Visitors**
7. **Other Business**
8. **Adjournment**

**Attach 1**  
**Contract to Purchase Property at 302 S. 7th Street**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Contract to purchase property at 302 S. 7 <sup>th</sup> Street		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, November 5, 2008		
<b>Placement on the Agenda</b>	<b>Consent</b>	X	<b>Individual</b>
<b>Date Prepared</b>	October 29, 2008		
<b>Author Name &amp; Title</b>	Mary Lynn Kirsch, Paralegal		
<b>Presenter Name &amp; Title</b>	John Shaver, City Attorney		

**Summary:** City Staff has negotiated with the owners of 302 S. 7<sup>th</sup> Street, Bert W. Younger, Dan L. Younger, and Glen R. Younger, for purchase of the property. The negotiations have been successful and a purchase contract for \$321,678.00 has been signed by both parties.

**Budget:** This purchase is a City Council authorized expenditure.

**Action Requested/Recommendation:** Adopt resolution ratifying the purchase contract and allocate the funds necessary to pay the purchase price and all costs and expenses necessary for the City's performance under the terms of the contract.

**Attachments:** Resolution

**Background Information:** City staff believes it would be in the City's best interests to acquire the property for municipal purposes, more particularly, for consideration and use for a public safety building.

**RESOLUTION NO. \_\_\_\_\_ -08**

**A RESOLUTION RATIFYING THE CONTRACT TO PURCHASE  
REAL PROPERTY LOCATED AT 302 S. 7<sup>th</sup> STREET, GRAND JUNCTION**

Recitals.

On October 28, 2008, the City Manager signed an agreement to purchase the property located at 302 S. 7<sup>th</sup> Street, Grand Junction, Colorado, from Bert W. Younger, Dan L. Younger, and Glen R. Younger, the owners of the property. The execution of the contract by the City Manager and the City's obligation to proceed under its terms and conditions was expressly conditioned upon and subject to the formal ratification, confirmation and consent of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, THAT:

The City, by and through the City Council and the signature of its President, does hereby ratify the terms, covenants, conditions, duties and obligations to be performed by the City in accordance with the contract and allocates funds to pay the Purchase Price and all other costs and expenses necessary to perform under the contract.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

**Attach 2**

**Setting a Hearing on the Loy Rezone, Located at 2872 F Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Loy Rezone - Located at 2872 F Road		
<b>File #</b>	RZ-2008-273		
<b>Meeting Day, Date</b>	Wednesday, November 5, 2008		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	October 24, 2008		
<b>Author Name &amp; Title</b>	Ronnie Edwards, Associate Planner		
<b>Presenter Name &amp; Title</b>	Ronnie Edwards, Associate Planner		

**Summary:** A request to rezone 1.425 acres from R-5 (Residential, 5 du/ac) zone district to RO (Residential Office) zone district located at 2872 F Road.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce the proposed Ordinance and set a public hearing for November 19, 2008.

**Attachments:**

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City and County Zoning Map
5. Proposed Zoning Ordinance

**Background Information:** See attached Staff Report/Background Information

BACKGROUND INFORMATION					
<b>Location:</b>		2872 F Road			
<b>Applicants:</b>		Damien Loy			
<b>Existing Land Use:</b>		Single Family Residence and Shop			
<b>Proposed Land Use:</b>		Group Home Living Facility			
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residence			
	<b>South</b>	Vacant (future subdivision)			
	<b>East</b>	Grand Mesa Baptist Church			
	<b>West</b>	Matchett Park (undeveloped)			
<b>Existing Zoning:</b>		R-5 (Residential, 5 du/ac)			
<b>Proposed Zoning:</b>		RO (Residential-Office)			
<b>Surrounding Zoning:</b>	<b>North</b>	R-5 (Residential, 5 du/ac)			
	<b>South</b>	R-8 (Residential, 8 du/ac) & PD (6.5 du/ac)			
	<b>East</b>	R-5 (Residential, 5 du/ac)			
	<b>West</b>	CSR (Community Services and Recreation)			
<b>Growth Plan Designation:</b>		Residential Medium (4-8 du/ac)			
<b>Zoning within density range?</b>		X	Yes		No

**STAFF ANALYSIS:**

1. Background

The property was annexed in 1999 with the Indian Village/The Vistas Enclave Annexation and was zoned RSF-5. With the adoption of the revised Zoning and Development Code and Zoning Map in 2000, the property retained RSF-5 zoning, which is now referred to as R-5. It has been the location of one single family residence since 1949.

The RO (Residential Office) zone district was established to provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. All construction in the RO district shall be designed with architecture, operation, site design and layout consistent with existing surrounding buildings and uses.

2. Consistency with the Growth Plan

The proposed RO zone district is consistent with the Growth Plan, which specifies Residential Medium Future Land Use designation for this property.

3. Section 2.6.A of the Zoning and Development Code

Zone requests must meet all of the following criteria for approval:

1. The existing zoning was in error at the time of adoption; or

The previous and existing zone district support the existing use and was not in error at the time of annexation. However, the RO zone district was developed in the year 2000 for applications such as this that are adjacent to major corridors that can provide low intensity, non-retail, neighborhood services and office use that are compatible with adjacent residential uses.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth/growth trends, deterioration, development transitions, etc.;

During the 1980's up to the present, constant development has been occurring along the F Road corridor in various areas. Growth trends and zone changes have changed the character of neighborhoods in this area. There are B-1 (Neighborhood Business) and commercial PD (Planned Development) zone districts a quarter mile to the east of this property at 29 Road and commercial and residential PD a half mile to the west at 28 1/4 Road, which has been developed as elderly care and an office complex.

3. The proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

The proposed zoning district of RO implements the Growth Plan, as it is a zone included in the Residential Medium Future Land Use classification. The request conforms to the goals and policies of the Growth Plan and the requirement of the Code and City regulations.

The applicant has not provided Staff with any definite site development plans except that the applicant would like to propose constructing a group home living facility complex. Any site development will have to conform to the RO zone district performance standards, which include specific building considerations, signage and hours of operation. These restrictive performance standards are required to create a transition and to insure compatibility to adjacent residential neighborhoods.



4. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Adequate facilities and services are existing due to the commercial and residential development that has occurred during the 1980's to the present. There is a 12" Ute Water line in F Road and an 8" Ute water line in 28 3/4 Road, a fire hydrant adjacent to the site and an 8" sewer line both in F Road and 28 3/4 Road. Staff concludes that the impacts of any RO zone use can be handled by existing infrastructure.

5. The supply of comparably zoned land is inadequate to accommodate the community's needs; and

The area along the F Road corridor lacks RO zoning, which could create a transition between existing residential subdivisions and the increased traffic volume that has occurred with valley growth.

6. The community will benefit from the proposed zone.

Future development of the site to an RO allowed use will create a local neighborhood service that will benefit this area, as the RO zone district also allows low intensity, non-retail neighborhood services and office uses and will provide a transition between the residential neighborhood and F Road traffic.

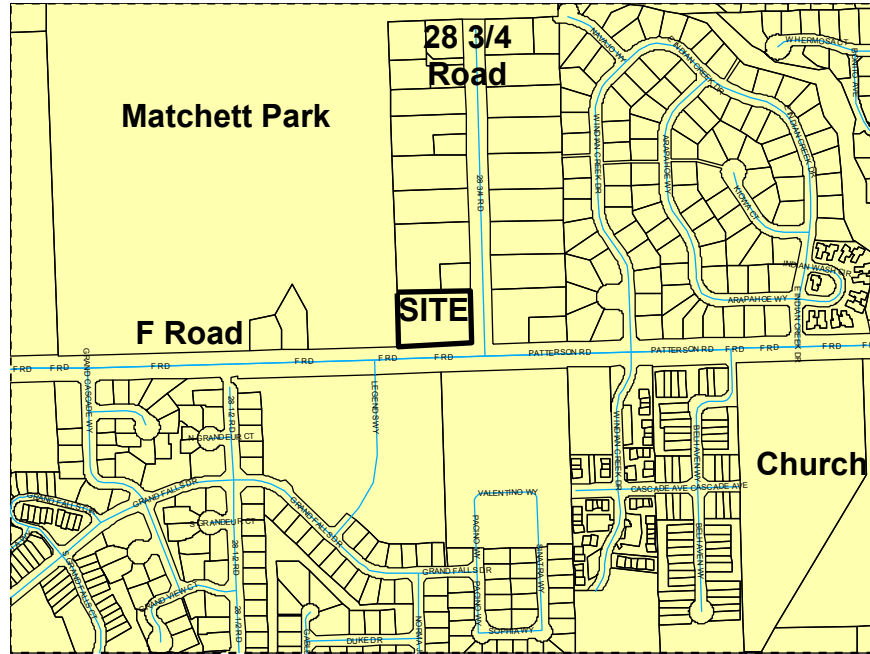
#### PLANNING RECOMMENDATION:

At their October 28, 2008 hearing, the Planning Commission forwarded a recommendation of approval of the rezone request with the following findings of fact and conclusions.

1. The requested rezone is consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

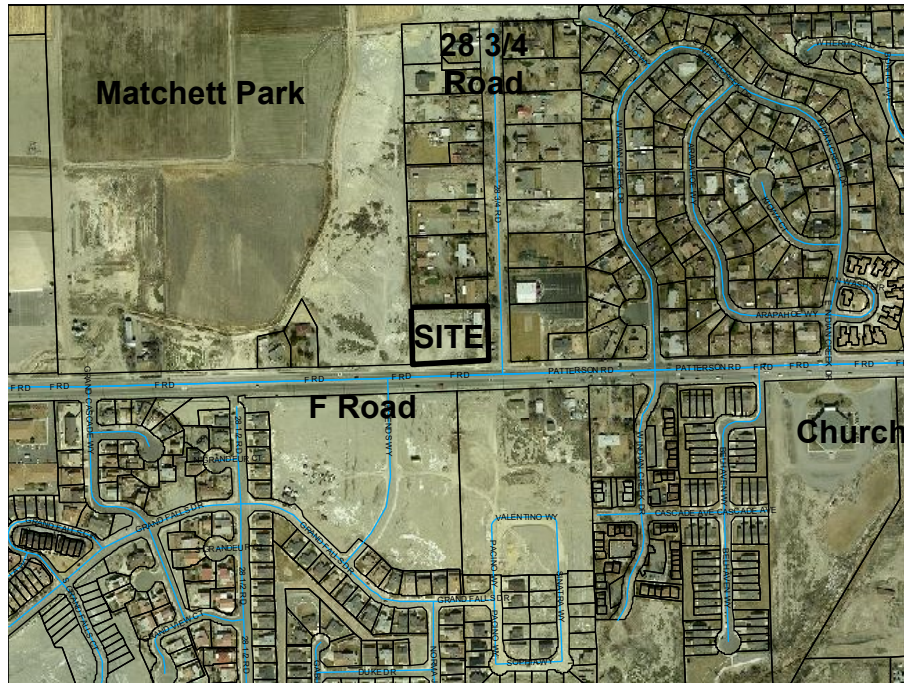
# Site Location Map

Figure 1



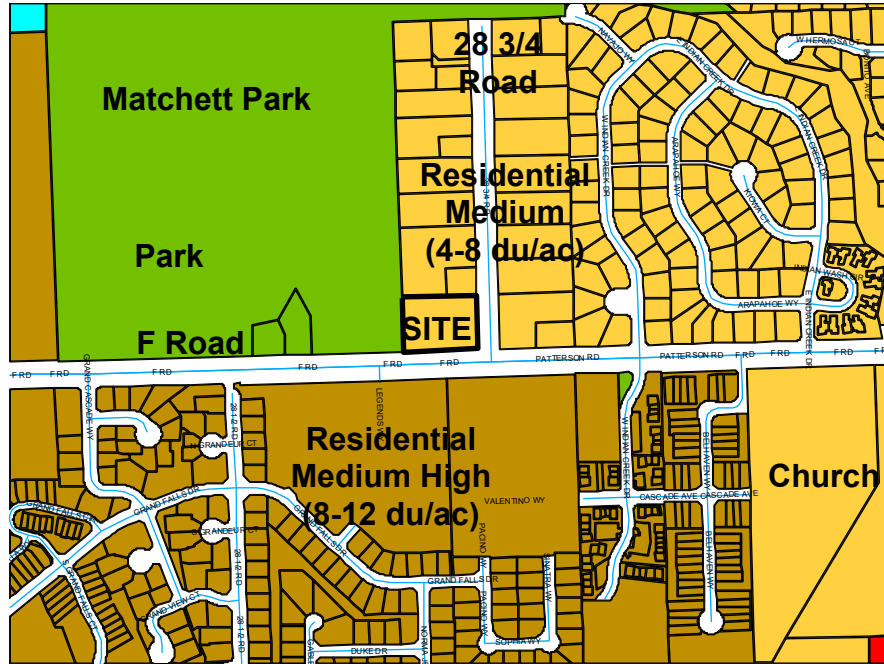
# Aerial Photo Map

Figure 2



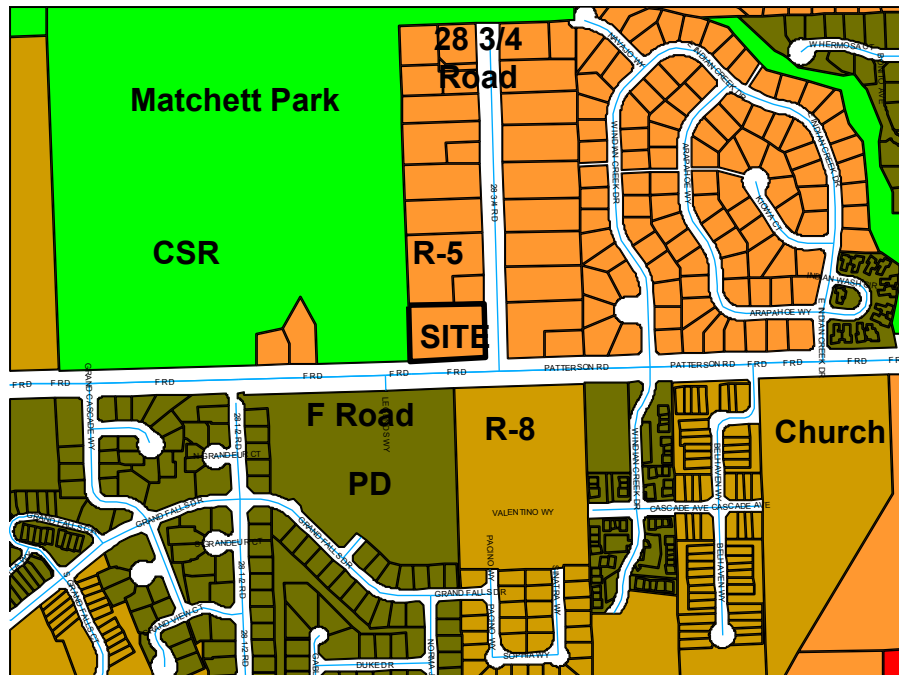
# Future Land Use Map

Figure 3



# Existing City and County Zoning Map

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING A PARCEL OF LAND FROM  
R-5 (RESIDENTIAL- 5 DU/AC) TO RO (RESIDENTIAL OFFICE)  
LOCATED AT 2872 F ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the rezone request from R-5 (Residential, 5 du/ac) zone district to the RO (Residential Office) zone district.

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as set forth by the Growth Plan, Residential Medium (4 – 8 ac/du). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED RO (RESIDENTIAL OFFICE):**

Beginning 1,690 feet West of the SE Corner of Section 6, T1S, R1E, North 264 feet, West 290 feet, South 264 feet, East to beginning, Except South 50 feet for Right-of-way as in Book 1116 Page 414 and Book 1363 Page 267 at Mesa County Clerk and Recorder.

Introduced on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

PASSED and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of the Council

**Attach 3**

**Construction Contract for Colorado Avenue Reconstruction Project Phase II,  
Landscape and Irrigation**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Construction Contract for the Colorado Avenue Reconstruction Project Phase II – Landscape and Irrigation		
<b>File #</b>	NA		
<b>Meeting Day, Date</b>	Wednesday, November 5, 2008		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	October 29, 2008		
<b>Author Name &amp; Title</b>	William J. Frazier, Project Engineer		
<b>Presenter Name &amp; Title</b>	Tim Moore, Public Works and Planning Director		

**Summary:** This project consists of installation of irrigation system and landscape for Colorado Avenue from 2<sup>nd</sup> Street to 7<sup>th</sup> Street, including two (2) parking lots in the 500 and 600 blocks.

**Budget:** This project is budgeted under Fund 2011 for Program Year 2008.

Project Budget (2011-F64800) \$4,378,056.00

Project Costs:

Current contract with Mays Concrete Inc.	\$3,497,729.70
<b>Landscape &amp; Irrigation Contract (Low Bid)</b>	<b>\$207,694.98</b>
Engineering, Inspection and Administration	\$192,086.25
Street and Ped Lights with installation by Xcel	\$428,967.00
Construction Easements	<u>\$4,475.00</u>
Total Project Costs	\$4,330,952.93

Remaining Balance \$47,103.07

**Action Requested/Recommendation:** Authorize the City Manager to sign a Construction Contract for the **Colorado Avenue Reconstruction Project Phase II – Landscape and Irrigation** to **Urban Farmer, Inc.** in the amount of **\$207,694.98.**

**Attachments:** None

**Background Information:**

The following bids were opened on October 21, 2008:

Bidder	From	Bid Amount
Urban Farmer, Inc.	Thornton	\$207,694.98
Rex Phelps Landscape & Irrigation	Grand Junction	\$212,042.00
Clark & Co., Inc.	Grand Junction	\$225,681.00
Vista Paving Corp	Grand Junction	\$275,648.04
Cedar Ridge Landscape, Inc.	Pueblo	\$295,170.00
G & G Paving, Inc. dba Three Aces Landscaping	Grand Junction	\$299,000.00
G.H. Daniels	Gypsum	\$305,162.00
Engineer's Estimate		\$289,974.57

This project consists of the installation of irrigation system and landscape for Colorado Avenue from 2<sup>nd</sup> Street to 7<sup>th</sup> Street, including two (2) parking lots in the 500 & 600 Blocks.

The Colorado Avenue Landscape and Irrigation project is scheduled to start on Monday, November 17, 2008. The project is scheduled for completion on Friday, May 29, 2009.

**Attach 4**  
**Public Hearing—Merkel Growth Plan Amendment**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Merkel Growth Plan Amendment – Located at 769 24 ½ Road and 766 24 Road		
<b>File #</b>	GPA-2006-126		
<b>Meeting Day, Date</b>	Wednesday, November 5, 2008		
<b>Placement on the Agenda</b>	<b>Consent</b>	<input type="checkbox"/>	<b>Individual</b> <input checked="" type="checkbox"/>
<b>Date Prepared</b>	October 24, 2008		
<b>Author Name &amp; Title</b>	David Thornton, AICP, Principal Planner		
<b>Presenter Name &amp; Title</b>	David Thornton, AICP, Principal Planner		

**Summary:** Request to amend the Growth Plan, changing the Future Land Use designation from Estate (1 du/2-5 ac) to Commercial for property located at 769 24 ½ Road and 766 24 Road.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider adopting a resolution amending the Growth Plan Future Land Use Map from Estate (1 du/2-5 ac) to Commercial.

**Attachments:**

1. Staff Report
2. Site Location Map
3. Aerial Photo Map
4. Future Land Use Map
5. Existing City & County Zoning Map
6. Neighborhood Meeting Notes
7. Petitioner’s General Project Report
8. Resolution

**STAFF REPORT / BACKGROUND INFORMATION**

Location:		769 24 ½ Road and 766 24 Road		
Applicants:		Owner: W&D Merkel Family and Leland & Roberta Thrailkill		
Existing Land Use:		Residential and Agricultural		
Proposed Land Use:		Commercial		
Surrounding Land Use:	North	Residential and Agricultural		
	South	Agricultural and Canyon View Park		
	East	Residential and Agricultural		
	West	Church		
Existing Zoning:		City Residential Rural (Residential, 5 to 35 ac/du) & County AFT (Agricultural/Forestry/ Transitional)		
Proposed Zoning:		Light Commercial (C-1)		
Surrounding Zoning:	North	County Rural (Residential Single Family-Rural 5 to 35 acres per lot)		
	South	City C-1 and CSR		
	East	County AFT (Agricultural/Forestry/Transitional)		
	West	City R-R (Residential Single Family-Rural 5 to 35 acres per lot)		
Growth Plan Designation:		Estate, Applicants are proposing Commercial		
Zoning within density range?			Yes	X
				No

**Staff Analysis:**

This Growth Plan Amendment area consists of 42.28 acres of land and is comprised of three parcels and a portion of the 24 ¼ Road right-of-way (ROW). (See acreage table below) The property owners have requested consideration of a Growth Plan Amendment (GPA) from Estate to Commercial on 42.28 acres located at 769 24 ½ Road and 766 24 Road.



ANNEXATION / GPA / ZONING SCHEDULE	
June 19, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
August 2, 2006	Acceptance of Petition and Public Hearing on Annexation by City Council
September 3, 2006	Effective date of Annexation
October 14, 2008	Planning Commission considers Growth Plan Amendment (GPA)
November 5, 2008	City Council considers Growth Plan Amendment (GPA)
November 25, 2008	Planning Commission considers Zone of Annexation for Merkel Property and Rezone for Thrailkill property
December 17, 2008	Introduction Of A Proposed Ordinance on Zoning by City Council
January 7, 2009	Public Hearing on Zoning by City Council
February 8, 2009	Effective date of Zoning

## 1. Background

This proposed Growth Plan Amendment (GPA) to Commercial has been reviewed under file number GPA-2006-126 which file is incorporated herein by this reference as if fully set forth.

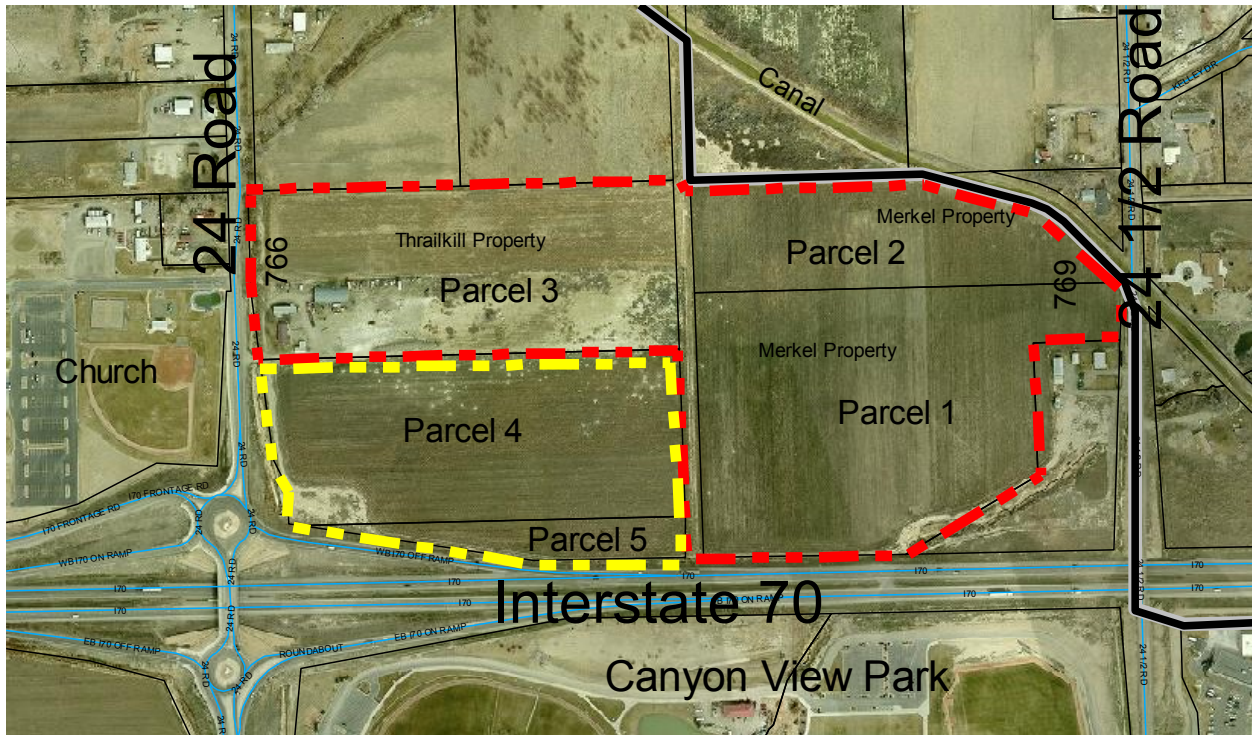
ACREAGE TABLE

	Acreage	Owner
Parcels 1 & 2	26.73	Merkel
Parcel 3	14.79	Thrailkill
24 1/4 ROW	0.76	
<b>GPA Total</b>	<b>42.28</b>	
Parcel 4	12.61	Merkel
Parcel 5	2.43	Thrailkill
<b>Grand Total</b>	<b>57.32</b>	

The site comprises three parcels of land with parcels 1 & 2 (see map, page 4) totaling 26.73 acres owned by the Merkel Family; parcel 3 owned by Leland and Roberta Thrailkill (14.79 acres in size) and the 24 ¼ Road ROW (0.76 acres) lying between these properties. There is currently one single family detached dwelling on the Thrailkill property. The 24 ¼ Road ROW is 30 ft wide and undeveloped. All of these properties are included in the boundary and legal description containing approximately 42.28 acres.

In 2006 when this Growth Plan Amendment request was submitted, parcel 4 (12.61 acres) owned by the Merkel Family and parcel 5 (2.43 acres) owned by Thrailkill were already designated commercial on the Future Land Use Map and were part of an

overall proposal to ultimately combine the five properties into one large 57.32 acre retail/mixed used development. This development referred to as the Colorado River Marketplace was to be a “Lifestyle Center”, with over 500,000 square feet of retail/office space including a once committed Dillard’s and Dick’s Sporting Goods stores, has been withdrawn from the City’s development process. However, the property owners (W & D Merkel Family and Leland & Roberta Thrailkill) are continuing the original request for the Growth Plan Amendment (GPA) for their properties for a Commercial land use designation.



Following this request the 26.73 acre Merkel property will request a zone of annexation for Light Commercial, C-1 zone district. A rezone from Residential Rural to C-1 for the Thrailkill property, parcel 3 will also be requested. The zoning will first be heard by Planning Commission for a recommendation to City Council.

Two neighborhood meetings were held, one on April 19, 2006 and a second meeting on January 30, 2007. A copy of the meeting notes is included with this staff report. The meetings were held to discuss this growth plan amendment as well as the original proposal for the Colorado River Marketplace development.

## **2. Support for change to the Future Land Use Map and GPA Criteria**

**North Central Valley Plan:** The 1998 North Central Valley Plan recommends non-residential highway oriented services at the northeast corner of Interstate 70 and 24 Road. The commercial area in the plan follows parcel lines and only includes the 15 acres immediately north and east of the interchange at 24 Road (shown as parcels 4

and 5 on the map). The City zoned these 15 acres to Commercial (C-1) to reflect the Plan. The Thrailkill property (766 24 Rd) (parcel 3 on map) directly north was zoned Residential Estate because the Plan showed it as Estate.

Since 1998 parcels 4 and 5 have been problematic for multiple proposed commercial developments due to access from 24 Road and the lack of distance from the interchange itself for safe ingress and egress into and out of the site. Traffic studies have shown that any commercial access on 24 Road to parcels 4 and 5 needs to be obtained from the north side of the Thrailkill property (parcel 3 on map), then head south into the commercial properties. This would require traffic going to the site to drive through a residential estate development if the area develops as the Future Land Use Map now shows. The traffic generated from 15 acres of commercial development demands this. None of the commercial proposals made it very far in the development process due to these issues. The North Central Valley Plan did not conduct a detailed analysis on the access issues; therefore the dimensions of the commercial area in the plan were arbitrary.

The Merkel properties at 769 24 ½ Road lie to the east of Parcels 4 and 5 and the Thrailkill property (Parcel 3). What separates them is a thirty feet wide 24 ¼ Road right-of-way that has never been constructed or used as a right-of-way. This Growth Plan Amendment request is asking that both sides of the 24 ¼ Road be included as land designated for commercial development. Future vacation of this ROW would be required. Discussed in further detail below, both the Thrailkill property and the Merkel properties are supported for commercial development on the draft preferred Comprehensive Plan Land Use Map. As we look at the urban impacts to this area of Appleton, I-70 continues to become busier and noisier. The highway visibility from I-70 to the Merkel properties is substantial. The terrain is relatively flat with no vertical barrier to soften noise. The site impacts if developed as a residential neighborhood with 2 acre minimum lot sizes required under the Residential Estate Land use designation and zoning are substantial.

**Draft Grand Junction Comprehensive Plan:** The preferred draft Comprehensive Plan Land Use Map shows this area as commercial for all 5 parcels (see map) including the 15 acres (Parcels 4 and 5) as well as the two Merkel properties and the Thrailkill property. The commercial designation for the additional three properties was first supported by the planning effort last March conducted by the City and County with Winston & Associates, as part of the Northwest Area Concept Plan done with the Northwest residents as part of the Persigo 201 boundary meetings. The March 2008 Concept Plan was incorporated into the draft preferred plan for the Comprehensive Plan. Neither the March Concept Plan nor the Draft Comprehensive Plan have been adopted, but they represent the work, input from our citizens and planning that has occurred and is underway as we plan for the future growth of the City.

## **Section 2.5.C of the Zoning and Development Code**

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; or**

There was no error at the time of adoption of the Growth Plan in 1996.

- b. Subsequent events have invalidated the original premises and findings;**

With the continued growth in the community and the analysis done regarding traffic and access issues in the 24 Road corridor north of I-70, particularly for the 57 acres which includes the 15 acres already designated commercial, the original premise to establish the commercial boundary confined to only the two parcels totaling the 15 acres as the only area that should be commercial is no longer valid. This includes traffic access issues on 24 Road, noise impacts from I-70 and the visibility of this site for commercial purposes.

- c. The character and/or condition of the area have changed enough that the amendment is acceptable;**

The character of the Appleton area as well as the traffic using the 24 Road interchange shows that the neighborhood has been and continues to be developing with urban land uses. I-70 continues to see an increase in daily traffic which increases the noise and traffic impacts to 24 Road. According to City traffic count data, 24 Road north of I-70 shows 2,056 vehicles per day in 2001 and 2,965 vehicles per day in 2008. It is becoming an area less suited for Residential Estate development, the current land use designation for the properties. A commercial designation is more appropriate for all properties located on the north side along I-70 between 24 Road and 24 ½ Road. The south side of I-70 is Canyon View Park, a park facility that at times serves hundreds, even thousands of visitors on the same day, with its traffic and other impacts to the urban environment. All of this supports a change to this Land Use designation.

- d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans;**

The 1998 North Central Valley Plan recommends non-residential highway oriented services at the northeast corner of Interstate 70 and 24 Road.

The amendment is consistent with the following goal of the Growth Plan. It is important to ensure that the Future Land Use Map designates sufficient land

in appropriate locations to accommodate anticipated demand for each land use category.

Growth Plan Goals and Policies:

Goal1: To achieve a balance of open space, agricultural, residential and non-residential land use opportunities that reflects the residents' respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the needs of the urbanizing community as a whole.

**e. Public and community facilities are adequate to serve the type and scope of the land use proposed;**

Adequate public facilities are currently available or can be made available (sewer is located approximately 200 feet away on the south side of Interstate 70) and can address the impacts of any development consistent with a "Commercial" designation. The Colorado Department of Transportation completed interchange improvements including a double round-about at I-70 and 24 Road a couple of years ago which has increased the capacity and safety of this interchange and provided increased capacity for traffic to this site.

**f. An inadequate supply of suitably designated land is available in the proposed land use; and**

The "inadequate supply of designated land" for this proposal relates mainly to the issue of access. The area shown for the "Commercial" designation as described in the North Central Valley Plan for the Northeast corner of I-70 and 24 Road is currently too limited in size with access issues along 24 Road to the site. With the additional Thrailkill property the commercial area is better served from 24 Road and the I-70 visibility and impacts supports increasing the commercial area to include the 26.73 acres the Merkel Family owns. This larger area of approximately 57 acres would take primary access from 24 Road, with the opportunity for secondary access off of 24 ½ Road along the east property line. Incorporating the entire 57 acres provides for better traffic circulation to the entire Growth Plan Amendment area.

**g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.**

By designating the entire area from 24 Road to 24 ½ Road on the north side of I-70 will allow for commercial/business to develop the 57 acres on a site with highway visibility and flat terrain that is heavily impacted by highway noise. Commercial uses in this area will act as a buffer and transitional area from a high impact area (a busy interstate highway system) to less intensive land uses north of the site. With the visibility for business, economic value can be realized for the community.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Merkel application, GPA-2006-126, for a Growth Plan Amendment approval, staff makes the following findings of fact and conclusions:

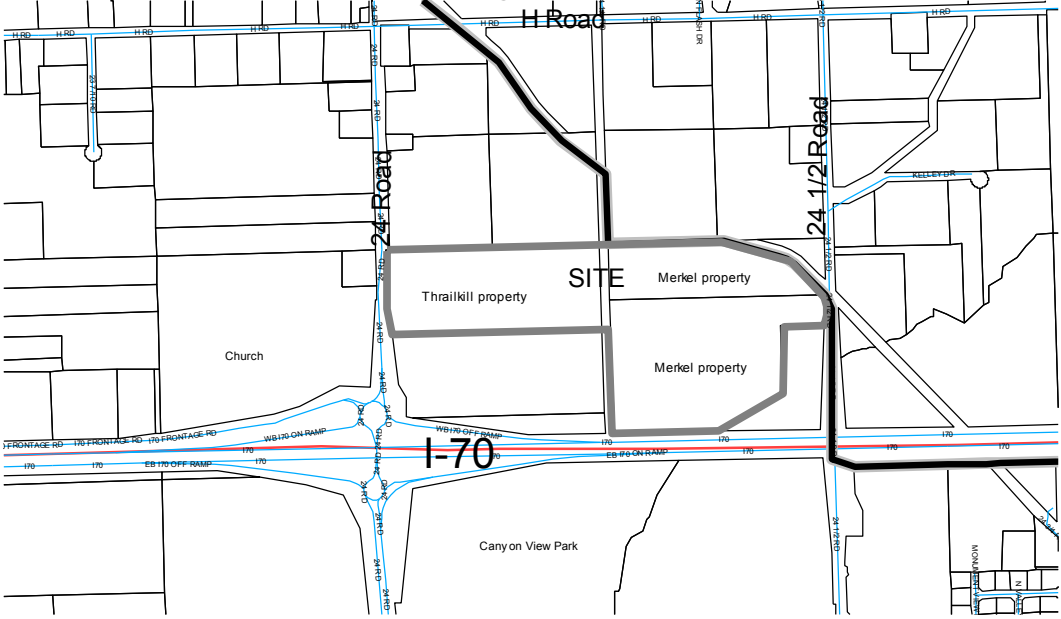
1. The proposed Growth Plan Amendment is consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested Growth Plan Amendment, GPA-2006-126 to the City Council with the findings and conclusions listed above.

**PLANNING COMMISSION RECOMMENDATION:** On October 14, 2008, Planning Commission forwarded a recommendation of approval of the requested Growth Plan Amendment, GPA-2006-126, to the City Council with the findings and conclusions listed above.

# Site Location Map

## Figure 1



# Aerial Photo Map

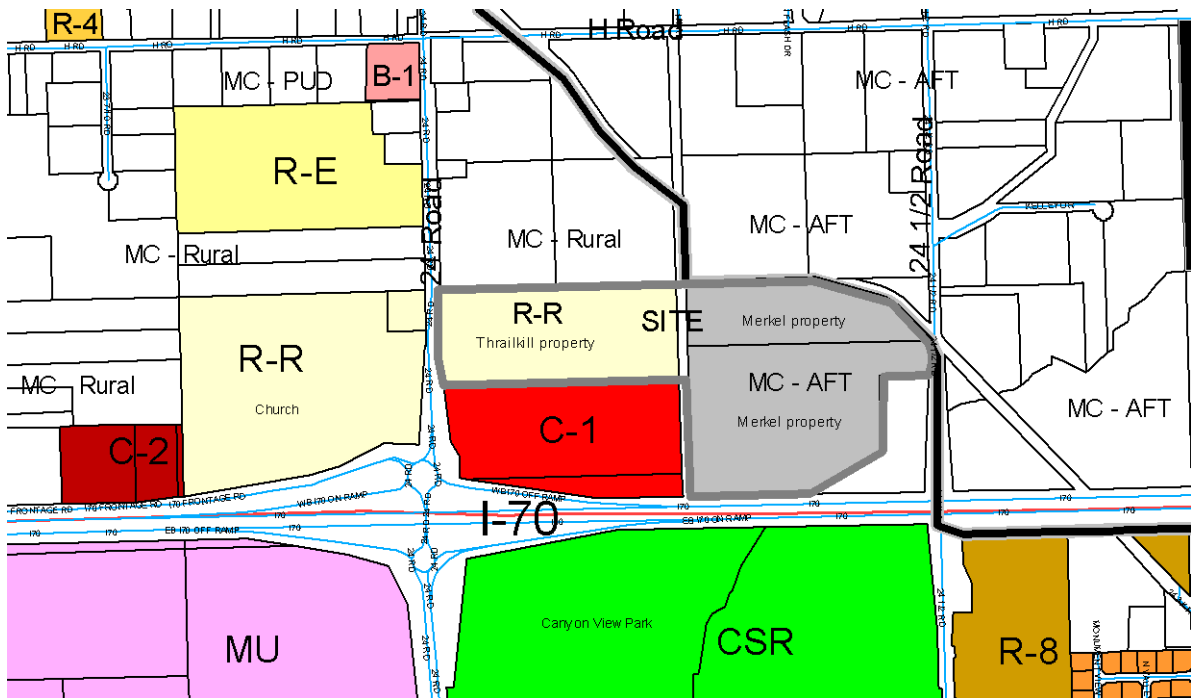
## Figure 2



Future Land Use Map  
Figure 3



Existing City and County Zoning Map  
Figure 4







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DEVELOPERS

OPUS NORTHWEST, L.L.C.

*A Member of The Opus Group*

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## Memo

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**To:** Kathy Portner, Assistant Community Development Director, City of Grand Junction  
Lori Bowers, Senior Planner, City of Grand Junction

**From:** H McNeish, Director of Planning and Entitlement

**Date:** April 24, 2006

**Re:** Merkel Property Neighborhood Meeting

---

Per the City of Grand Junction requirements for neighborhood meetings, following is a list of the attendees of the Merkel Property Neighborhood Meeting on April 19, 2006 as well as a summary of comments. Also, attached is the list of notified parties.

### Attendees

1. Kathy Devine, 2451 Kelley Drive, 241-1943
2. Lylamae Chedsey, 2457 Kelley Drive, 241-4579
3. Mark Vejraska, 774 24½ Road, 242-8904
4. Dale Beede, 2499 Hwy 6 & 50, 250-9500
5. Lori Bowers, City of Grand Junction, 256-4033

### Comments Received and Responses

1. What makes the currently planned Commercial area too small for development?
  - The current property within the City is land planned for about 18 acres of Commercial and 9 Acres of Residential. The viability of a 27 acre parcel in that configuration is significantly less than a 50 acre commercial project given the planning goals of 24 Road and I-70 as a Gateway to the City.
2. Will access come from 24½ Road or just 24 Road?
  - Access will come from both, but we expect 24 Road to serve as the primary entrance to the project. The improvements to the I-70/24 Road connection are an indication of the anticipated increase in activity.
3. What are viable commercial uses that can be expected?
  - We are in the beginning stages of the market analysis but we would expect to see a range of interest from commercial users seeking a high profile location.
4. A project in this location will destroy the rural nature of the area that attracted us as homebuyers. Landscaping and other creative design solutions are needed to address the views of the neighbors. Nobody wants to look at the back of a shopping center.
  - The treatment of the perimeter of the project through landscaping and the design of the buildings will contribute greatly to its success. We look forward to working with the neighbors to achieve a reasonable design solution to mitigate the impacts of the project.
5. Traffic on the 24 ½ Road bridge over I-70 is already a problem.
  - We'll have to see what that means as we progress with our concept.
6. We have known that something was going to happen eventually on this property, it was a matter of what size. We have young kids and this is going to change things.
  - Even before Opus got here, planners and the community have been looking at this and other areas of town for their future growth potential. This site is considered in planning documents as a Gateway, and it should be treated as such. We commend the City and County on their past planning efforts as they anticipated this kind of activity.

Please contact me at 303.383.4255 or [h.mcneish@opusnw.com](mailto:h.mcneish@opusnw.com) if you have any questions.



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## Memo

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**To:** Dave Thornton, Principal Planner, City of Grand Junction  
Scott Peterson, Senior Planner, City of Grand Junction

**From:** H McNeish, Director of Planning and Entitlement

**Date:** February 1, 2007

**Re:** Merkel/Thrailkill Property Neighborhood Meeting #2

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Per the City of Grand Junction requirements for neighborhood meetings, following is a list of the attendees (those who signed in) of the Merkel/Thrailkill Property Neighborhood Meeting on January 30, 2007 as well as a summary of comments and responses. Also, attached is the list of notified parties. We are pleased with the overall reception by the public, and are encouraged to keep moving forward.

### Attendees

Bill Potts	2626 H Rd.	970.242.7342
John Wyal	2416 H Rd.	970.242.1910
Wyatt Haupt (DS reporter)	734 7 <sup>th</sup> St.	
Marie Ramstetter	929 Main St.	970.245.0769
Jim Garber	2499 Hwy, Box 50	970.244.1229
Bob Blanchard	706 Jasmine Ln.	970.257.9689
Stacey Cook	1204 N 7 <sup>th</sup> St.	970.241.7653
Jay Keeler	779 24 ½ Rd.	970.245.5269
Scott Peterson	Community Dev.	970.244.1447
Ron Gray	2369 H Rd.	970.241.5806
The Thrailkill Family	766 24 Rd.	970.243.9862
Sam Suplizio	3210 Primrose Ct.	970.201.9444
Kent Frieling	2492 Industrial Blvd.	970.242.5205
Mike Chavez	294 Gill Creek Ct.	970.260.2882
Allen Etcherant	779 24 Rd.	970.256.9906
Harold Woolard	1110 24 Rd.	970.245.5405

(This list does not represent all the attendees of this meeting. By our count we had 41 people)

### Comments Received and Responses

Q: Will it be necessary to have housing with the commercial?  
A: *The C-1 zone district we are seeking does not have a residential requirement.*

Q: Is the site plan different from what is on the website?  
A: *It is slightly different. The site plan is a work in progress, but the principles remain unchanged.*

Q: What will the square footage be?  
A: *600,000 SF*

Q: Will there be any sort of entertainment? A small amphitheater?  
A: *The project is laid out to specifically create 900 linear feet of "districts". The Fashion district, the civic district - including potential for a large gathering space for small concerts, and the entertainment district - with potential for kids play area or an amphitheater.*



- Q: The I-70 Interchange is designed for South traffic. Can it take all the traffic?  
A: *There would be some widening of 24 Rd. up to the project access intersection and potentially to the northern property line.*
- Q: Please show the plan of the general area again. Why has the City put off development on the South Side of I-70?  
A: *This question was more of a philosophical comment toward the City on their previous practices in other parts of town not associated with this project. It was not appropriate for the Colorado River Marketplace representatives to respond.*
- Q: Is there a list of potential tenants?  
A: *These will be announced in a few days. Large anchors first, small tenants will follow. There will be a high degree of focus on fashion and restaurants.*
- Q: Will there be a certain amount of local tenants? Is there a percentage?  
A: *All that we can get. We do not have a particular mix goal or requirement.*
- Q: Will there be major national department stores? How will it compare to Gateway in Salt Lake City?  
A: *Yes. It will be similar in size to Gateway.*
- Q: How many businesses are expected?  
A: *Approximately 100.*
- Q: Why is the area zoned C-1 instead of MU?  
A: *To follow the lead of the 15-acre parcel on the corner of the project site already designated C-1. The North Area Plan also suggests land north of and adjacent to I-70 be non-residential.*
- Q: What will the design of the entry to 24 Rd. be? What percent of widening?  
A: *Conceptually, it will be signalized. Potentially, it could be a round-about. It will be widened to about 75% to include the northbound lane, a right-turn only lane into site, a left turn only lane for the church and the southbound lane.*
- Q: Will the project be East of 24 Rd. only?  
A: *Yes.*
- Q: Will you widen only to the entrance or further north?  
A: *Perhaps further North, but not beyond the northern property line.*
- Q: Will there be changes to 24 ½ Rd at the entrance?  
A: *Yes, it will be widened to allow a northbound left turn lane into the site.*
- Q: What about the narrow bridge that crosses I-70? How do you control traffic?  
A: *It will not necessarily add traffic to 24 ½ Road. The traffic analysis shows the bulk of traffic will use 24 Road, not 24 ½ Road. We hear your concern for that bridge.*
- Q: The Mesa Mall entrance on 24½ Road will contribute to traffic on that road if people are looking to make a full shopping circuit.  
A: *Potentially, but 24 Road is planned to be the main arterial in this part of town. We would expect the local traffic to use 24½ Road as they do today.*
- Q: What are the drainage plans?  
A: *Detention pond will capture drainage and it will drain to the South.*



Q: What is planned for the 24 Rd Interchange?

A: *A fully signalized intersection.*

Q: How long will construction take?

A: *12 months*

Q: Will it all be done in one phase?

A: *Probably not. These sized projects require more than one phase to complete.*

Q: Will you sell the out-lots?

A: *Sell and lease. See us for rates.*

Q: Where are you in the zoning process?

A: *We are not officially engaged yet. We are currently in the Growth Plan Amendment phase. When we successfully complete that piece, the City then allows us to make our Zoning application. That will be followed by our Development Plan process.*

Q: Why are you having the meeting now then?

A: *So that the risks can be understood up-front, and to implement our philosophy of communicating with the people effected by our projects in the early stages.*

Q: Have you received a commitment from the City?

A: *We do not have any commitments from the City, but we have received review comments on our GPA application.*

Q: Will the stoplight at the 24 Rd entrance be an issue with the churchgoers exiting?

A: *We will have to work closely with the City and the church to address signal timing.*

Q: Do you have an option on the land or already own it?

A: *We have the property under contract.*

Q: Is this Opus' first development in GJ? Do you have future plans?

A: *Yes, this is the first development here for Opus, but our Senior Vice President has done work here in the past. We very much like the Grand Junction market and would expect to do more work here.*

Q: Isn't this a small market for a project like this?

A: *The trade area is strong. Loveland, CO is a similar example.*

Q: Did you do the Glenwood Mall?

A: *No.*

Q: Outlets or grocery?

A: *This will not be outlet shopping. Grocery is a possibility. There is potential for multi-use to include some office.*

Q: Will the market absorb this project and the 500K SF retail project down the street?

A: *No, not both. I-70 exposure is a key factor.*

Q: Where is the other project located?

A: *G Road and 24 Road. They have significant site issues.*

Please contact me at 303.383.4255 or [h.mcneish@opusnw.com](mailto:h.mcneish@opusnw.com) if you have any questions.



## GENERAL PROJECT REPORT

The Merkel/Thrailkill Property  
Grand Junction, Colorado  
Amended – September 21, 2006

RECEIVED  
SEP 21 2006  
COMMUNITY DEVELOPMENT  
DEPT.

### A. Project Description

1. Location: Northeast corner of I-70 and 24 Road – between I-70 and the Grand Valley Canal
2. Acreage: 58 Acres
3. Proposed Use: To include the subject parcel in the City of Grand Junction's Growth Plan boundary via this Growth Plan Amendment application. To propose rezoning the entire parcel to the City's C-2 zone district.

### B. Public Benefit

When the Growth Plan was adopted in 1996, it stated clearly in Chapter 6 that it was intended to be a dynamic document – one that responds to changing needs and conditions. This proposed Growth Plan Amendment seeks to integrate this parcel in to the comprehensive growth plan for the City. It is not a piecemeal land area addition. But one that creates the opportunity for a comprehensive project that will serve the residents both nearby and within the region.

The parcel to the west of this site adjacent to 24 Road will be hard pressed to develop into a meaningful, community-oriented district as envisioned in the 24 Road Subarea Plan, in its current configuration. The opportunity to tie the subject parcel with the land to the west will allow the partial vision of the 24 Road Corridor Subarea Plan for this area to become a complete and implementable vision. Of course, without approval by both the City and County to amend the Persigo 201 Boundary, this request would not be possible.

### C. Neighborhood Meeting

A neighborhood meeting was held on April 19, 2006. The Notification parties are based on the Adjacent Property Owner list generated by the City. Five people attended, including City staff. Primary issues discussed were zoning, traffic and access, expected uses, and project landscaping. Please see a summary memo to Kathy Portner dated April 24, 2006 for details.

#### **D. Project Compliance, Compatibility and Impact**

1. *Adopted plans and/or policies (for rezones, variance, conditional and special use, revocable permits, and vacations, discuss the circumstances that justify the request, as required by the Zoning and Development Code):* The applicable plan for this area is the 24 Road Corridor Subarea Plan adopted in 2000. In that Plan, the parcel on the west of this site was designated roughly as two-thirds Commercial and one-third (northern) Rural Residential. At the time of the Plan the commercial focus was in the area north of the Mall between Patterson and F Road – appropriately so. Since its implementation, the commercial activity has, in fact, followed the desired pattern of co-locating with the Mall as predicted in the market analysis.

Now, six years later, while the activity around the Mall is fulfilling its vision, the City has an opportunity to consider the next area to be served. With the vision provided by the 24 Road Corridor Subarea Plan, the parcel of land between 24 Road and 24 ½ Road has the ability to “serve as a gateway to the Grand Junction community” and provide an anchor to the Plan’s vision to “achieve a distinctive parkway character along the roadway.”

2. *Land use in surrounding area:* The site is bounded on the south by I-70 which is immediately north of regional Canyon View Park. To the west is land that is within the City limits and is primarily designated as Commercial per the 24 Road Corridor Subarea plan, with some Rural Residential land on the north third of that parcel. The land to the north is a mix of County Residential and Agricultural. The property on the east (across 24 ½ Road) is also within the County and is currently designated Agriculture.
3. *Site access and traffic patterns:* Access for the site would come from both 24 and 24 ½ Roads. Primary access is anticipated from 24 Road due to the current improvements to the 24 Road and I-70 interchange. It is anticipated the project would vacate the 30’ ROW (per the Pomona Park Plat) in the middle of the subject parcel.
4. *Availability of utilities, including proximity of fire hydrants:* Water lines exist in both 24 and 24 ½ Roads. Per the Ute Water District analysis, the water line in 24 ½ Road would have to be up-sized between H Road and the site to meet fire flow requirements. There are two fire hydrants in 24 ½ Road near the site. Storm would have to be extended and would likely outfall to the west. Regarding sanitary sewer, capacity has been proven through the Persigo 201 Study efforts. Neither the Corcoran Wash nor the I-70 Frontage Road sewer appears to have sufficient excess capacity

individually to accommodate the entire project sewer load. However, if the site is split, the two sewers could accommodate the site.

5. *Special or unusual demands on utilities (high water or sewage quantities, grease, or sediment contribution, pre-treatment needs, etc.):* At this time, we do not anticipate any higher demand on the utility system than a typical commercial development would require.
6. *Effects on public facilities (fire, police, sanitation, roads, parks, schools, irrigation, etc.):* As we understand it, the City/County effort on the Persigo 201 Study confirmed the ability to serve the 3 areas from a utility standpoint. Regarding other services, if the vision of a potential commercial development project is fulfilled, the tax generation of those uses will contribute greatly toward the current and future needs placed on fire, police, schools, etc.
7. *Site soils and geology (such as per SCS soils mapping):* A preliminary soils study was performed by Kumar and Associates on the site on February 24, 2006. Borings drilled at the site generally encountered a thin veneer of topsoil consisting of a rooted zone above soft to medium and occasionally stiff sandy clay to lean clay to silt with sand to a drilled depth of 68 feet. Hard sandstone was detected below 68 feet in one boring. Groundwater was encountered at depth of 10 to 15 feet at time of drilling.
8. *Impact of project on site geology and geological hazards, if any:* No special circumstances are anticipated. Normal engineering efforts will apply to design of pavements, foundations, drainage, etc. The site is not within the 100 or 500 year floodplain. No other hazards or wetlands are encountered.
9. *Hours of operation:* Dependant upon permitted land use.
10. *Number of employees:* Dependant upon permitted land use.
11. *Signage plans (required with CUPs and Planned Development):* To be determined with the Development Plan process.

#### **E. Development Schedule and Phasing**

We expect to work with the City on this Growth Plan Amendment, as well as a Rezoning and Development Plan process. The Growth Plan Amendment process should occur between now and late December. Upon approval of the GPA we would proceed with the Rezoning and Development Plan concurrently and expect that to occur between January and August. Construction could begin as early as September 2007.



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RECEIVED  
 SEP 21 2006  
 COMMUNITY DEVELOPMENT  
 DEPT.

September 21, 2006

Mr. David Thornton  
 City of Grand Junction  
 201 West Colfax, Dept. 205  
 Denver, CO 80202

**RE: Merkel Annexation and Growth Plan Amendment (Colorado River Marketplace) – GPA-2006-126**

Dear Mr. Thornton:

Opus Northwest, L.L.C. is pleased to respond to your review comments on the above noted project dated May 23, 2006. With this letter, you will find 4 response-to-comments packages per your request. Please find our responses to the comments below in the form you provided.

**COMMUNITY DEVELOPMENT**

1. Requirement: Address Growth Plan Amendment criteria. Please do this by listing each of the seven criteria in writing, then addressing each one with a response.  
 Code Reference: Section 2.5 of the Zoning and Development Code

**Applicant's Response:**

1. There was an error such that then existing facts, projects, or trends that were reasonably foreseeable were not accounted for  
**When the Growth Plan was adopted in 1996, it stated clearly in Chapter 6 that it was intended to be a dynamic document – one that responds to changing needs and conditions. This proposed Growth Plan Amendment seeks to integrate this parcel in to the comprehensive growth plan for the City. It is not a piecemeal land area addition. But one that creates the opportunity for a comprehensive project that will serve the residents both nearby and within the region.**
2. Subsequent events have invalidated the original premises and findings  
**When the joint Mesa County Commissioners and the City Council voted on March 22, 2006 to approve expanding the Persigo 201 boundary to include the subject parcel, the continuation of a comprehensive look took place, thus validating this request.**
3. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan  
**We believe both the City and the County through the joint hearing on March 22, 2006 and approval of an adjustment to the Persigo 201 boundary established the foundation that the conditions in this area are changing and that growth boundaries should change too. In the 24 Road Plan on Page 42 it is noted that the commercial node in the NE corner of the I-70 interchange is deemed most appropriate for the 24 Road corridor. However, the analysis stopped at the city boundary and did not consider the parcel we are seeking to include in the growth boundary. The analysis in the Subarea Plan is correct, but in order to deliver a**



**“regional” level project as suggested in other parts of the plan, the additional land is needed.**

4. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans

**When the Growth Plan was adopted in 1996, it stated clearly in Chapter 6 that it was intended to be a dynamic document – one that responds to changing needs and conditions. This proposed Growth Plan Amendment seeks to integrate this parcel in to the comprehensive growth plan for the City. It is not a piecemeal land area addition. But one that creates the opportunity for a comprehensive project that will serve the residents both nearby and within the region.**

**The applicable plan for this area is the 24 Road Corridor Subarea Plan adopted in 2000. In that Plan, the adjacent parcel to the west of this site was designated roughly as two-thirds Commercial and one-third (northern) Rural Residential. At the time of the Plan the commercial focus was in the area north of the Mall between Patterson and F Road – appropriately so. Since its implementation, the commercial activity has, in fact, followed the desired pattern of co-locating with the Mall as predicted in the market analysis.**

**Now, six years later, while the activity around the Mall is fulfilling its vision, the City has an opportunity to consider the next area to be served. With the vision provided by the 24 Road Corridor Subarea Plan, the parcel of land between 24 Road and 24 ½ Road has the ability to “serve as a gateway to the Grand Junction community.”**

5. Public and community facilities are adequate to serve the type and scope of land use proposed  
**Regarding the transportation infrastructure and the sanitary sewer infrastructure, please see the enclosed Studies for confirmation those systems are adequate to handle the proposed land addition and use. Some improvements to 24 Road and 24 ½ Road will be made with development of this site to meet the needs. Water service can be achieved through the Ute Water District after an extension of a 12” main in 24 ½ Road from H Road to the south parcel boundary. With the introduction of tax generating uses, other community facilities are likely to benefit from the Growth Plan Amendment.**
6. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use  
**We would suggest there is an inadequate supply of parcels within the City limits with direct highway access (and recently improved round-about), highway visibility, and adequate infrastructure. Particularly on the western edge of the City.**
7. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment  
**The parcel to the west of this site adjacent to 24 Road will be hard pressed to develop into a meaningful, community-oriented district as envisioned in the 24 Road Subarea Plan, in its current configuration. The opportunity to tie the entire parcel together will allow the partial vision of the 24 Road Corridor Subarea Plan for this area to become a complete and implementable vision. Of course, without the approval by both the City and County to amend the Persigo 201 Boundary, this request would not be possible.**

**Document Reference: 1996 Growth Plan, 24 Road Corridor Subarea Plan, TIS, San. Sewer Analysis, Ute Water Fire Flow Response**

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.**

**A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE 42.28 ACRES, LOCATED AT 769 24 ½ ROAD AND 766 24 ROAD, KNOWN AS THE MERKEL GROWTH PLAN AMENDMENT, FROM RESIDENTIAL ESTATE (1 DU/2-5 AC) TO COMMERCIAL**

Recitals:

A request for the Growth Plan amendment has been submitted in accordance with the Zoning and Development Code to the City of Grand Junction. The applicant has requested that three properties located at 769 24 ½ Road and 766 24 Road be changed from Estate (1 du/2-5 ac) to Commercial on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM RESIDENTIAL ESTATE TO COMMERCIAL ON THE FUTURE LAND USE MAP:

A certain parcel of land lying in the South-half of the Northwest quarter (S1/2 NW 1/4) of Section 33, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado being a portion of Lots 9, 10, 11, 12, 15 and 16 of Pomona Park Subdivision, as same is recorded in Plat Book 1, Page 24, Public Records of Mesa County, Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 33 and assuming the North line of said SE 1/4 NW 1/4 bears S89°50'39"E with all other bearings contained herein being relative thereto; thence S89°50'39"E a distance of 772.10 feet to a point on the centerline of the Grand Valley Canal; thence S75°15'49"E along said centerline a distance of 228.75 feet; thence 160.38 feet along said centerline and the arc of a 301.19 foot radius curve concave Southwest, having a central angle of 30°30'32" and a chord bearing S62°19'02"E a distance of 158.49 feet; thence S46°24'53"E a distance of 108.84 feet; thence S40°18'58"E a distance of 123.59 feet to a point on the Westerly right of way of 24 1/4 Road; thence N89°56'21"E a distance of 25.00 to a point on the East line of the SE 1/4 NW 1/4 of said Section 33; thence S00°03'39"E along said East line a distance of 211.12; thence N89°55'06"W a distance of 298.55 feet to the Northwest corner of that certain parcel of land as described in Book 1283, Page 226, Public Records of Mesa County, Colorado; thence S00°05'10"E a distance of 390.53 feet; thence

S60°59'15"W a distance of 437.48 feet; thence N89°40'33"W a distance of 637.08 feet to a point on the West line of the SE 1/4 NW 1/4 of said Section 33; thence along said West line N00°00'20"W a distance of 1112.96 feet, more or less, to the Point of Beginning.

TOGETHER WITH the North 15 Acres of Lots 11 and 12 of said Pomona Park Subdivision, Less However, right of way for 24 Road and Interstate 70 right of way, as laid out and now in use.

TOGETHER WITH all of that portion of the. North-South right of way as depicted on said Pomona Park Subdivision lying West of and adjacent to, the West line of the SE 1/4 NW 1/4 of said Section 33, North of the North right of way for Interstate Highway 70 and South of the North line of the S1/2 NW 1/4 of said Section 33.

PASSED on this \_\_\_\_ day of November, 2008.

ATTEST:

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
City Clerk

**Attach 5**

**Appeal of the Planning Commission's Decision Regarding a Conditional Use Permit for a Bar/Nightclub**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Appeal of the Planning Commission's decision regarding a Conditional Use Permit for a Bar/Nightclub		
<b>File #</b>	CUP-2008-158		
<b>Meeting Day, Date</b>	Wednesday, November 5, 2008		
<b>Placement on the Agenda</b>	<b>Consent</b>		<b>Individual</b> X
<b>Date Prepared</b>	September 19, 2008		
<b>Author Name &amp; Title</b>	Senta L. Costello, Senior Planner		
<b>Presenter Name &amp; Title</b>	Senta L. Costello, Senior Planner		

**Summary:**

An appeal has been filed regarding the Planning Commission's decision to deny a Conditional Use Permit for a Bar/Nightclub, located at 2256 and 2258 Colex Drive. The project sits on 1 lot in an I-1 (Light Industrial) zone district. (The project will include leased parking spaces from the lot immediately to the north.) This appeal is pursuant to Section 2.18.E of the Zoning and Development Code, which specifies that the City Council is the appellate body of the Planning Commission. According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

**Budget:** N/A

**Action Requested/Recommendation:** Review Appeal Criteria along with the Record; Decide on the Appeal.

**Attachments:**

Planning Commission Staff Report of August 12, 2008  
Minutes of the Planning Commission meeting of August 12, 2008  
Appeal letter

## **Background Information:**

On August 12, 2008 a Public Hearing was held by the City of Grand Junction's Planning Commission for review of a Conditional Use Permit for a bar/nightclub. Reviewing the contents of the written staff report; a presentation by Senta L. Costello, Senior Planner; a presentation by the developer's representative; and public testimony taken during the Public Hearing, the Planning Commission denied the Conditional Use Permit by a majority vote of four to three.

On August 22, 2008, an appeal of the Planning Commission's decision was filed with the Planning Department. This appeal is in accordance with Section 2.18.E.1 of the Zoning and Development Code. The following criteria are to be considered by the City Council for affirming, reversing, or remanding the matter back for further consideration by the Planning Commission:

- (1) The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
- (2) The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
- (3) The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- (4) The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
- (5) In addition to one (1) or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

In reversing or remanding the decision back to Planning Commission, the City Council shall state the rationale for its decision on the record. An affirmative vote of four members of City Council is required to reverse the Planning Commission's decision.

AGENDA TOPIC: Bar/Nightclub Conditional Use Permit – CUP-2008-158

ACTION REQUESTED: Approval of a Conditional Use Permit (CUP)

<b>BACKGROUND INFORMATION</b>				
Location:		2256 and 2258 Colex Drive		
Applicants:		Owner: Kevin Eardley Representative: Design Specialists, PC – Rob Rowlands		
Existing Land Use:		Vacant		
Proposed Land Use:		Bar/Nightclub; Office/Warehouse		
Surrounding Land Use:	North	Vacant / Industrial		
	South	Western Slope Ford		
	East	Non-Conforming Residential		
	West	Vacant / Industrial		
Existing Zoning:		I-1 (Light Industrial)		
Proposed Zoning:		I-1 (Light Industrial)		
Surrounding Zoning:	North	I-1 (Light Industrial)		
	South	C-2 (General Commercial)		
	East	I-1 (Light Industrial)		
	West	I-1 (Light Industrial)		
Growth Plan Designation:		Commercial/Industrial		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Applicant is requesting a Conditional Use Permit to operate a Bar/Nightclub in a I-1 (Light Industrial) zone district.

RECOMMENDATION: Conditional approval of the Bar/Nightclub Conditional Use Permit



## ANALYSIS

### 1. Background

The property was annexed in 1992 with the Grand Junction West Annexation. The property was a part of the High Desert Commercial Park Subdivision approved and recorded in 2006.

The applicant is proposing to construct a bar/nightclub with a maximum occupancy of 185 people and an office/warehouse complex with 882 sq. ft. of office and 9172 sq ft of warehouse area with an outdoor storage area. The two sites are proposing to share parking, with uses that have offset hours of operation. The project will be constructed in two phases with the bar/nightclub and all of the parking being completed with Phase 1 and the office/warehouse and storage yard being done with Phase 2.

This request is for the bar/nightclub only as require in an I-1 zone district.

### 2. Consistency with the Growth Plan

The proposal is consistent with the following goals and policies of the Growth Plan:

Goal 1: To achieve a balance of open space, agricultural, residential and non-residential land use opportunities that reflects the residents' respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the needs of the urbanizing community as a whole.

Policy 1.1: The City and County will use the future land use categories listed and described in Exhibit V.2 to designate appropriate land uses within the Joint Planning Area identified in Exhibit V.1. City and County actions on land use proposals within the Joint Planning Area will be consistent with the plan.

Policy 1.3: The City and County will use Exhibit V.3: Future Land Use Map in conjunction with the other policies of this plan to guide zoning and development decisions.

- City and County decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.

Policy 1.7: The City and County will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property.

Policy 1.8: The City and County will use zoning and special area policies (adopted as part of this plan) to describe the



preferred types of non-residential development in different parts of the community.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.

Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.

Policy 11.1: The City and County will promote compatibility between adjacent land uses by addressing traffic, noise, lighting, height/bulk differences, and other sources of incompatibility through the use of physical separation, buffering, screening and other techniques.

### 3. Section 2.13.C of the Zoning and Development Code

Requests for a Conditional Use Permit must demonstrate that the proposed development will comply with all of the following:

- a. All applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code and with the SSID, TEDS and SWMM Manuals.

#### Section 2.2.D.4

- 1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan

The proposal conforms to the Growth Plan as described above. The area does not have other applicable neighborhood or corridor plans associated with it and the street plan and trails plan requirements were address with the subdivision.

- 2) Conditions of any prior approvals

The required subdivision improvements have been completed and accepted.

- 3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code.

The Code requirements for zone district bulk standards, parking, landscaping and buffering have all been met or exceeded. The two lots

are being developed uses that have offset hours of operation and shared parking across both properties

4) Quality site design practices

SSID Manual, TEDS Manual. And SWMM Manual

The requirements of the SSID, TEDS, and SWMM Manuals have been addressed.

- b. The underlying zoning district's standards established in Chapter Three of the Zoning and Development Code

The I-1 zone district standards of Chapter Three have been met.

- c. The use-specific standards established in Chapters Three and Four of the Zoning and Development Code

The use-specific standards of Chapter Three and Four have been met.

- d. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to, schools, parks, hospitals, business and commercial facilities, and transportation facilities.

There are other business, commercial and/or industrial type uses in the area that can support the proposed use.

- e. Compatibility with and protection of neighboring properties through measures such as:

1) Protection of privacy

The property to the east is an existing legal non-conforming residential site. The proposed building is located along the eastern property line with the main entrance on the western face of the building. The eastern property line also has a 10'-15' landscape strip adjacent the parking area which includes shrubs ranging in height from 3'-6' in height to help maintain privacy of the neighboring property. The landscaping and site layout mitigate the impacts to the neighboring residential site by placing the entrance and a majority of the parking on the opposite side of the site, away from their property.

2) Protection of use and enjoyment

The property to the east is an existing legal non-conforming residential site. The proposed building is located along the eastern property line with

the main entrance on the western face of the building. The eastern property line also has a 10'-15' landscape strip adjacent the parking area which includes shrubs ranging in height from 3'-6' in height to help maintain use and enjoyment of the neighboring property. The landscaping and site layout mitigate the impacts to the neighboring residential site by placing the entrance and a majority of the parking on the opposite side of the site, away from their property.

### 3) Compatible design and integration

The proposed building and site layout are consistent with the surrounding commercial industrial park. The landscaping and site layout mitigate the impacts to the neighboring residential site by placing the entrance and a majority of the parking on the opposite side of the site, away from their property.

## FINDINGS OF FACT/CONDITIONS/CONCLUSIONS

After reviewing the Bar/Nightclub application, CUP-2008-158 for a Conditional Use Permit, I make the following findings of fact and conclusions:

3. The requested Conditional Use Permit is consistent with the Growth Plan.
4. The review criteria in Section 2.13.C of the Zoning and Development Code have all been met.
5. A shared parking/cross access agreement must be recorded prior to final plan approval.

## STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2008-158 with the findings, conditions, and conclusions listed above.

## RECOMMENDED PLANNING COMMISSION MOTION:

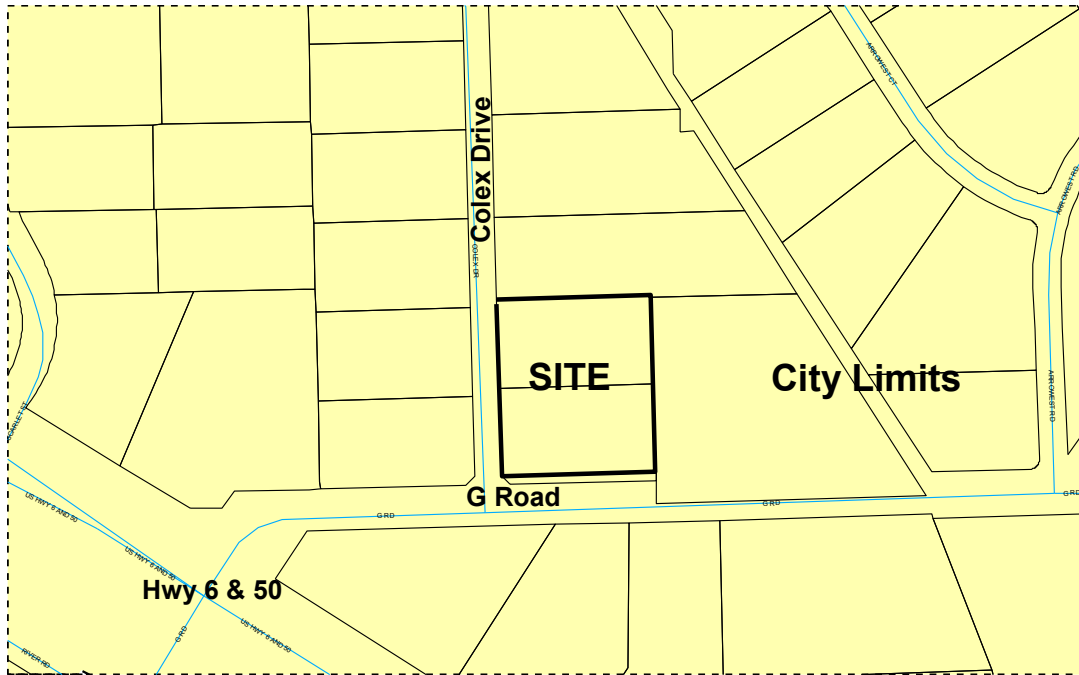
Mr. Chairman, on Bar/Nightclub Conditional Use Permit, CUP-2008-158 I move that the Planning Commission approve of the Conditional Use Permit with the facts and conclusions listed in the staff report.

## Attachments:

Site Location Map / Aerial Photo Map  
Future Land Use Map / Existing City Zoning Map  
Proposed Site Plan  
Proposed Landscape Plan

# Site Location Map

Figure 1



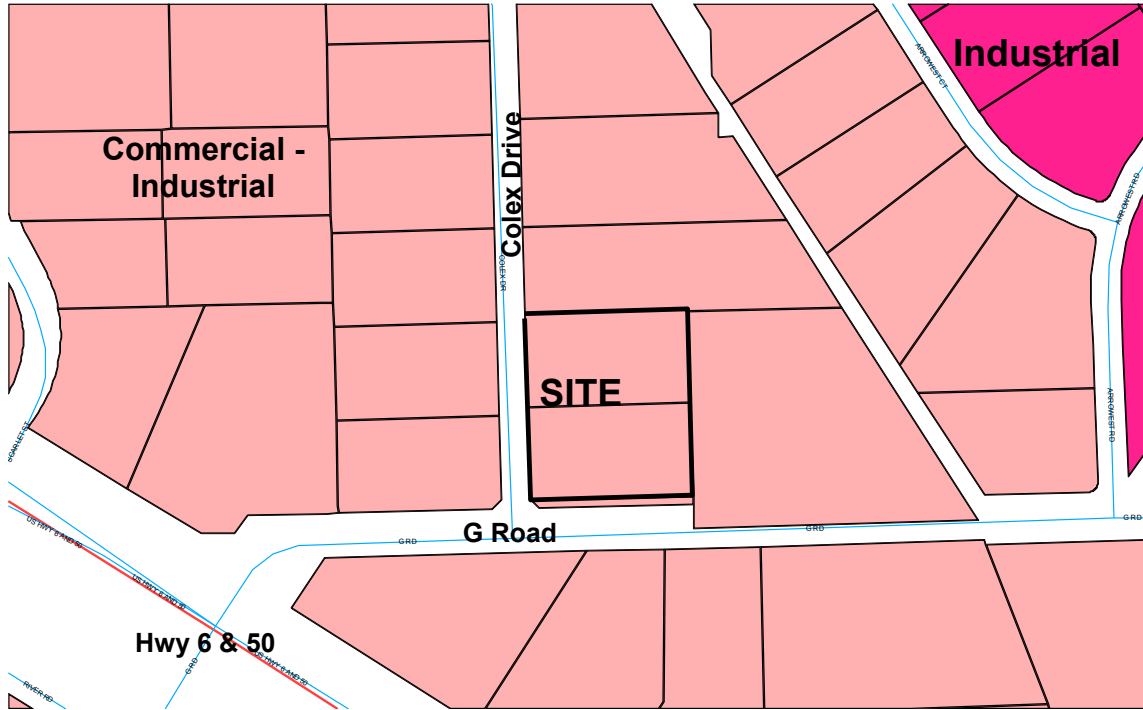
# Aerial Photo Map

Figure 2



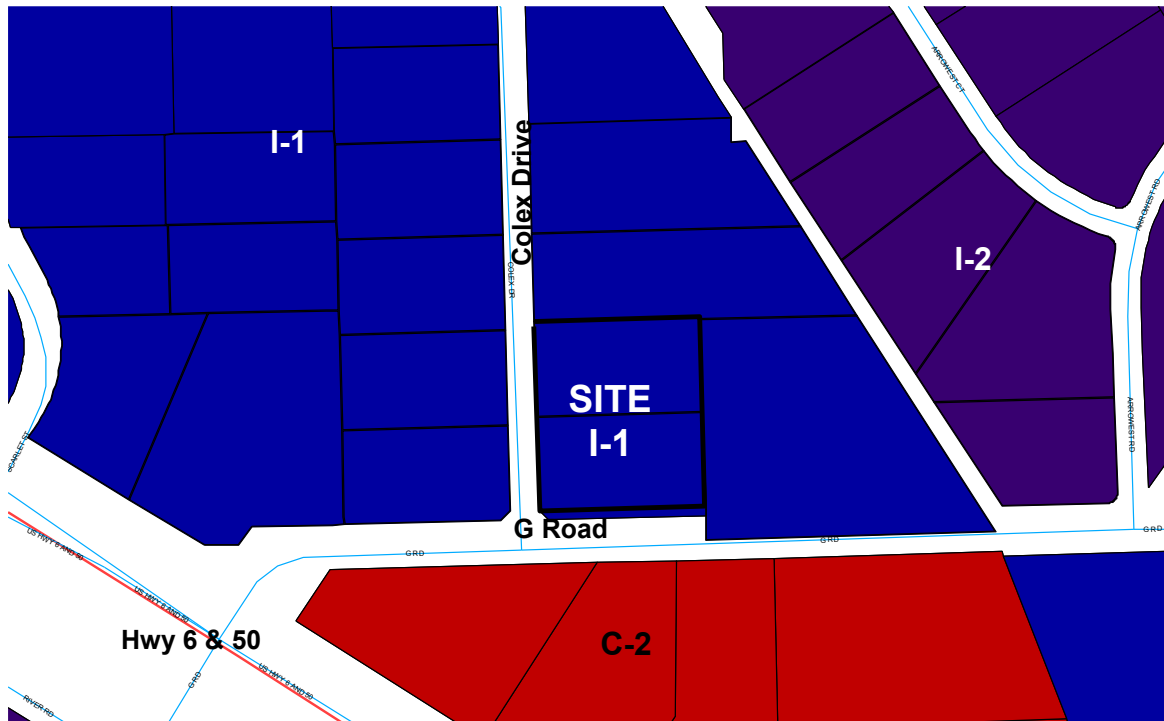
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4



ALL CONSTRUCTION AND MATERIALS SHALL COMPLY WITH THE CITY OF GRAND JUNCTION SPECIFICATIONS AND STANDARDS DETAILS.

THE CONTRACTOR SHALL HAVE A SIGNED COPY OF THE PLANS AND A COPY OF THE CITY OF GRAND JUNCTION SPECIFICATIONS AND STANDARDS ON THE JOB SITE.

**SERVICES BY:**

WATER - UTE WATER  
 GAS & ELEC. - X-CEL  
 PHONE - QWEST  
 SEWER - CITY OF GRAND JUNCTION  
 DRAINAGE - GRAND JUNCTION DRAINAGE DIST.

**PARKING REQUIREMENTS-Phases 1 and 2**

PARKING REQUIRED:  
 PER CITY PLANNING = 185 OCCUPANCY FOR CLUB  
 1 SPACE PER 2 PEOPLE = 185/2 = 92.5 = 93 SPACES

OFFICE- 1 SPACE PER 300 SQ. FT.  
 WAREHOUSE- 1 SPACE PER 1.5 EMP OR  
 1 SPACE PER 1000 S.F. WHICHEVER GREATER

OFFICE- 183 SF/300 = 2.84 = 3 SPACES  
 WAREHOUSE - 9172 SF/1000 = 9.17 = 10 SPACES  
 THEREFORE = 3.0 + 10.0 = 13 SPACES

TOTAL REQUIRED (CLUB & OFFICE/WAREHOUSE):  
 93 + 13 = 106 SPACES  
 TOTAL PROVIDED = 106 SPACES

**LAND USE BREAKDOWN-LOT 1**

DEVELOPED AREA LOT 1 - 1.001 AC = 43,599 SF

BUILDING - 7,854 SF = 18.0%  
 ASPHALT/CONCRETE = 27,388 SF = 62.8%  
 LANDSCAPING = 8,359 SF = 19.2%  
 TOTAL = 100%

**LAND USE BREAKDOWN-LOT 2**

DEVELOPED AREA LOT 2 - 1.000 AC = 43,572 SF

BUILDING - 10,054 SF = 23.1%  
 ASPHALT/CONCRETE = 22,490 SF = 51.6%  
 ROADBASE = 3,199 SF = 7.3%  
 LANDSCAPING = 7,848 SF = 18.0%  
 TOTAL = 100%

**ABBREVIATIONS**

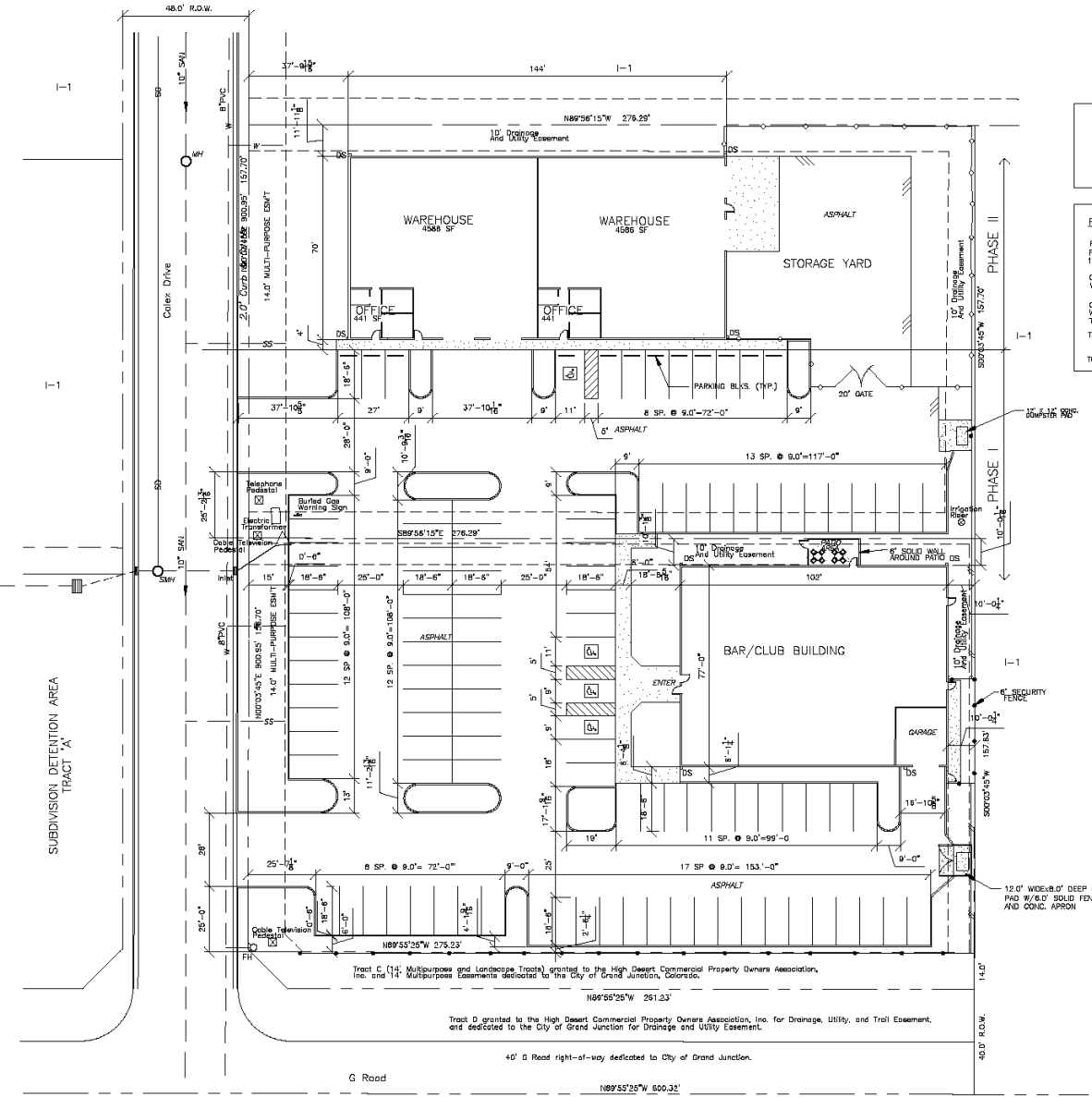
FL	FLOWLINE
RDW	RIGHT-OF-WAY
EXIST.	EXISTING
TELE. PED.	TELEPHONE PEDISTAL
PP	UTILITY POLE
SF	SQUARE FEET
AC	ACRES
CONC.	CONCRETE
PVC	POLYVINYL CHLORIDE
ELEC.	ELECTRIC
SWN	SANITARY
MH	MANHOLE
W.M.	WATER METER
SMH	STORM MANHOLE

**LEGEND**

--- PROPERTY LINE  
 --- LINE OF UTILITY EASEMENT  
 - - - - - 8" SAN SANITARY SEWER MAIN LINE  
 - - - - - SS SANITARY SEWER SERVICE  
 - - - - - G 2" MW GAS LINE MAIN  
 - - - - - G GAS LINE SERVICE  
 - - - - - 6" PVC WATER LINE MAIN  
 - - - - - W WATER LINE SERVICE  
 - - - - - SD STORM DRAIN LINE  
 (Symbol) MAHOLE  
 (Symbol) STORM MANHOLE  
 --- EDGE OF NEW ASPHALT  
 (Symbol) CONCRETE  
 (Symbol) FIRE HYDRANT  
 (Symbol) NEW EXTERIOR DOOR  
 --- CHAINLINK FENCE  
 --- EXISTING WOOD FENCE  
 --- EXISTING WIRE FENCE  
 --- NEW BUILDING FOOTPRINT  
 - - - - - DS NEW DOWNSPOUT (APPROX. LOCATIONS)

ACCEPTED AS CONSTRUCTED FOR ONE YEAR FROM THIS DATE

CITY OF GRAND JUNCTION - ENGINEER  
 DATE  
 CITY OF GRAND JUNCTION - COMMUNITY DEVELOPMENT  
 DATE



**SITE PLAN**  
 SCALE: 1"=20'-0"

LOTS 1 AND 2, BLOCK 1  
 HIGH DESERT COMMERCIAL  
 LOT 1 - 1.001 Acres = 43,599 SF  
 LOT 2 - 1.000 Acres = 43,572 SF

NO. DATE REVISIONS  
 1 JAN 11  
 2 JAN 11  
 3 JAN 11  
 4 JAN 11

ARCHITECTS AND PLANNERS  
 917 MAIN STREET  
 GRAND JUNCTION  
 COLORADO 81501  
 (970) 241-1803

**design specialists**

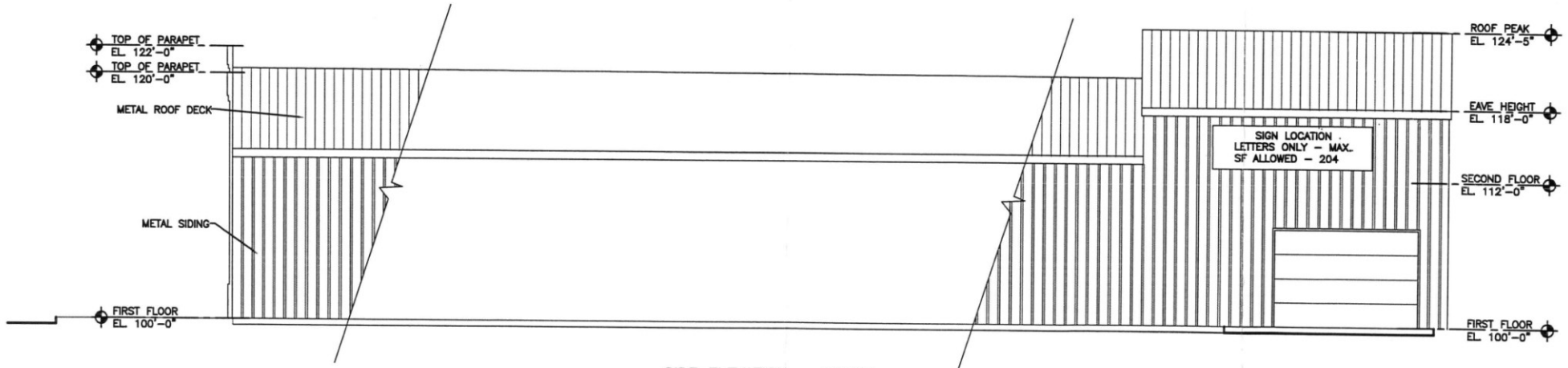
PROJECT TITLE: ILLI TLL  
 SHEET TITLE: DWGNAME1  
 DWGNAME2

DRAWING  
 SDN1  
 SHEET SHT OF CF





FRONT ELEVATION - WEST



SIDE ELEVATION - SOUTH

# Gentlemen's Club Proposed Building Elevations

ARCHITECTS AND PLANNERS  
917 MAIN STREET  
GRAND JUNCTION  
COLORADO 81501  
(970) 241-1903



**Senta Costello - Fwd: Gentleman's Club**

---

**From:** Greg Moberg  
**To:** Senta Costello  
**Date:** 8/11/2008 2:12 PM  
**Subject:** Fwd: Gentleman's Club

---

>>> Belinda White 8/11/2008 1:02 PM >>>

*Belinda White  
Senior Administrative Assistant  
City of Grand Junction  
Administration  
(970) 244-1508*

>>> "Nelda Burdett" <edenrhea@gvii.net> 8/11/2008 12:54 PM >>>  
Please do not allow the "Gentlemen's Club" to come to Grand Junction.

It would be a degenerative influence on our community. We want a positive healthy influence for our young, our families and community. The "Club" would be a terrible model for women. Women should be respected instead of used as a non-person sex gratification tool.

Our young need examples of wholesome relationships, not the "use and throw away" influence of the so called, "Gentlemen's Club."

Thank you for carefully considering our future,

Nelda Burdett

**REVISED**

**Senta Costello - Fwd: Gentlemen's Club**

---

**From:** Greg Moberg  
**To:** Senta Costello  
**Date:** 8/11/2008 5:00 PM  
**Subject:** Fwd: Gentlemen's Club

---

>>> Belinda White 8/11/2008 4:44 PM >>>

*Belinda White  
Senior Administrative Assistant  
City of Grand Junction  
Administration  
(970) 244-1508*

>>> "Harlan Woods" <pappywoods@bresnan.net> 8/11/2008 4:41 PM >>>  
GRAND JUNCTION CITY COUNCIL

To Gregg Palmer-Mayor District C, Teresa Coons-Mayor Pro Tem District E, Jim Doody-District A - Bonnie Beckstein District E -Bruce Hill District At Large, - Doug Thomason District At Large - Linda Romer Todd District At Large

MESA COUNTY PLANNING COMMISSION

John Justman, Chairman-Mark Bonella, Vice-Chairman-Christi Flynn, Secretary-Michael Gardner, Thomas Kenyon, Sam Susuras, Gregory Robson, Phillip Jones and George Domet

I urge you all to vote against the proposed Gentlemen's Club as not being in the best interest of the citizens of Grand Junction. Thank You. Harlan Woods and Families

**Senta Costello - Fwd: Proposed "Gentleman's Club"**

---

**From:** Greg Moberg  
**To:** Senta Costello  
**Date:** 8/12/2008 10:03 AM  
**Subject:** Fwd: Proposed "Gentleman's Club"

---

>>> Belinda White 8/12/2008 8:29 AM >>>

*Belinda White  
Senior Administrative Assistant  
City of Grand Junction  
Administration  
(970) 244-1508*

>>> <milana@acsol.net> 8/11/2008 8:56 PM >>>  
TO: Mesa County Planning Commission and  
Grand Junction City Council members

RE: Proposed "Gentleman's Club"

I am writing you regarding the proposed "Gentleman's Club." As a former dancer in the 1970s in Alaska, I saw first-hand the drugs, violence and prostitution resulting from the environment such an establishment provides. During the Vietnam War and pipeline construction, money flowed - - not only one or two such clubs were established, others followed, some out of town and much larger. Behavior allowed in the city limits was even more accelerated and decadent outside the city. As a dancer I worked in a very small strip club, but was about to move to a larger one - - the night I was to change location, 6-8 girls at the new location were shot with a 12-gauge shotgun by a man who was obsessed with one of the girls, wanting her to marry him. Violence seemed to erupt at the club on a nightly basis.

Men do not go to these clubs for the artistic beauty of the dance, or the "down-to-earth" conversation with the ladies - - they are going to view, to look for a superficial relationship, and/or to proposition a dancer for sex. The ladies know it's easy money, it gives them a false self-esteem and adds to, or begins, a drug and/or alcohol habit. If the men are married it brings trouble in the home. If the girls are married or have a relationship it causes violence or prostitution to occur. Back in the 70s I lived with a heroin addict who would have liked me to prostitute myself to support his addiction.

As an alcohol & drug counselor, many of the women (and

men) I see have started, or supported, their drug habit by dancing - - some have gone further, prostituting in addition to the dancing because the club generates that type of activity and environment. We may be talking about one club, but once one is established and succeeds, many more will follow.

The owner of Rum Bay is apparently selling that business - - why? Because of the violence and police calls his bar generates; a "gentleman's club" will generate even more. The question between what is moral and what is legal is an issue for me, however, what is good for Grand Junction and it's families is even more relevant. We are already in a war against methamphetamines and other drugs. This club, or others like it, will cause an even bigger problem. Do we want this for our community?

The petroleum industry & workers are bringing in money, much as it was during the 70s and the Alaska pipeline, providing a similar dynamic and environment. Are we willing to sacrifice our homes, have our mothers, sisters and daughters degraded and seen/used as sex objects or worse? Do we want more violence, drugs, prostitution, DUIs, etc.? We are fighting a war on pornography, why add this to it? Please consider and vote "no."

Thank you,

Milana L. Hudon-Deal, CAC-II(p)

TO: Mesa County Planning Commission and  
Grand Junction City Council members

RE: Proposed "Gentleman's Club"

I am a former topless dancer who began dancing here in Grand Junction in 1990 at a club called "Cheers." Since then I have worked in many clubs in many states, and it is not a glamorous business. Shortly after starting to dance I became addicted to cocaine and alcohol. I would say that 90% of the dancers at these clubs become addicted to drugs and many end up turning to prostitution to support those addictions. I am not blaming the people who own these clubs or the girls that work there, but these types of clubs attract the lowest kinds of people, including drug dealers and perverts. I know this because I am a recovering addict/alcoholic who worked in the business for 10 years in many clubs and know what really goes on in those places, even in the nicest of places it still goes on. The drug use/dealing and prostitution take place around and in the businesses, a part of the environment resulting from such business.

To allow such a business to operate in our community, basically a "strip-club" by another name, would encourage increased drug dealing and prostitution. Lives would be damaged, crime will increase, and I know this from

first-hand experience. No matter how "upscale" they make this club it will still attract these people and this behavior.

Sincerely,

Sarah F.

Dear Council Members and Mayor,

It has come to my attention that a gentlemen's club is attempting to establish themselves in our community. I am concerned as to the effect that this will have on our community. We live in Grand Junction for several reasons, not the least of which being the peaceful family atmosphere found in the valley.

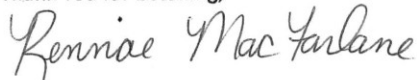
The nature of a "gentleman's club" is anything but that of a gentleman. I desire to raise my children and grandchildren in a community that respects women, displays modesty, and has an overall wholesome environment they can thrive in. I desire my descendants to be true Ladies and Gentlemen in the purest sense of the word and would hope that this community would provide the type of environment for that to take place.

I realize that in denying the proper permits the city will lose revenue. I am confident that in allowing this type of business it will cost us more in the long run than if we turn down their request. History and many studies show that this type of business has a higher frequency of 911 calls that cost the city revenue. People who frequent these types of places have higher rates of health issues that end up costing the community. This type of business tends to promote a plague of sexual violations that destroy children and women alike. The net result being dysfunctional people who are not productive in society and they in turn have a higher rate of alcoholism, drug abuse, violence and subsequently find themselves in the penal system. This kind of temptation leads to marriage issues for some that cannot be overcome resulting in divorce with the net outcome being women and children on public assistance. We all know statistics show children from broken homes tend to end up in trouble and therefore cost law enforcement and other public agencies great amounts of money not to mention the fact that their lives are destroyed. The Cost is too high to allow this to come here.

Considering the negative mentioned and much more too lengthy to detail, combined with the fact that I can't think of one positive thing a gentleman's club provides, I feel it would be foolish on any level to allow this kind of establishment to exist in our beautiful community.

Please hear the voice of the community concerning this issue and take this opportunity to represent the city in a way that makes us proud of our leadership.

Thank You for Listening,



Rennae MacFarlane

2808 Bookcliff Ave.

Grand Junction, CO 81501

RECEIVED MAR 04 2008

cc: *James K.*

02/22/2008

Dear Council Members and Mayor,

It has come to my attention that a gentlemen's club is attempting to establish themselves in our community. I am concerned as to the effect that this will have on our community. We live in Grand Junction for several reasons, not the least of which being the peaceful family atmosphere found in the valley.

The nature of a "gentleman's club" is anything but that of a gentleman. I desire to raise my children and grandchildren in a community that respects women, displays modesty, and has an overall wholesome environment they can thrive in. I desire my descendants to be true Ladies and Gentlemen in the purest sense of the word and would hope that this community would provide the type of environment for that to take place.

I realize that in denying the proper permits the city will lose revenue. I am confident that in allowing this type of business it will cost us more in the long run than if we turn down their request. History and many studies show that this type of business has a higher frequency of 911 calls that cost the city revenue. People who frequent these types of places have higher rates of health issues that end up costing the community. This type of business tends to promote a plague of sexual violations that destroy children and women alike. The net result being dysfunctional people who are not productive in society and they in turn have a higher rate of alcoholism, drug abuse, violence and subsequently find themselves in the penal system. This kind of temptation leads to marriage issues for some that cannot be overcome resulting in divorce with the net outcome being women and children on public assistance. We all know statistics show children from broken homes tend to end up in trouble and therefore cost law enforcement and other public agencies great amounts of money not to mention the fact that their lives are destroyed. The Cost is too high to allow this to come here.

Considering the negative mentioned and much more too lengthy to detail, combined with the fact that I can't think of one positive thing a gentleman's club provides, I feel it would be foolish on any level to allow this kind of establishment to exist in our beautiful community.

Please hear the voice of the community concerning this issue and take this opportunity to represent the city in a way that makes us proud of our leadership.

Thank You for Listening,



Michael MacFarlane

2808 Bookcliff ave. Grand Junction Co 81501

RECEIVED FEB 27 2008

**Senta Costello - Fwd: Gentleman's Club**

---

**From:** Greg Moberg  
**To:** Senta Costello  
**Date:** 8/11/2008 9:27 AM  
**Subject:** Fwd: Gentleman's Club

---

>>> Belinda White 8/11/2008 8:20 AM >>>

*Belinda White*  
*Senior Administrative Assistant*  
*City of Grand Junction*  
*Administration*  
*(970) 244-1508*

>>> "Mike MacFarlane" <macjehu@gmail.com> 8/9/2008 12:18 PM >>>  
Dear City Council and Planning Commission,

I have heard that there is a gentleman's club attempting to open. I believe that allowing this would be a mistake. The cost to the community would be too high. Studies show that these type of establishments increase the frequency of sex crimes including rape and child molestation, divorce, and substance abuse to name a few. It degrades the women performers to a commodity and destroys their self esteem. The cost to the City and County in the form of increased police calls, increased welfare rolls as homes are broken, and the maintenance of those whose lives degenerate due to this type of activity are not worth the revenue that will be generated.

This is a beautiful community with a clean safe atmosphere to raise a family in. My children have grown up here and my grandchildren are now both beginning life here. I desire to give them a nice place to live as they grow up. Not a place that promotes filth. Please help us to keep this a nice place to live without the type of businesses that only care about their pocket books and not the welfare of the community as a whole.

Any business that is approved to open in the valley should bring a benefit to the valley. This would only bring problems. I cannot think of one positive item that this kind of business brings to the table that would increase the quality of life in the valley. Any revenue it may generate would be more than offset by the cost in public assistance required to deal with the negatives. Please vote against this vile business!

Thank you, Mike MacFarlane



**Senta Costello - Fwd: Gentlemen's Club concern and Mt Garfield Concern...for Tuesday meeting.**

---

**From:** Greg Moberg  
**To:** Senta Costello  
**Date:** 8/11/2008 9:26 AM  
**Subject:** Fwd: Gentlemen's Club concern and Mt Garfield Concern...for Tuesday meeting.

---

>>> Belinda White 8/11/2008 8:22 AM >>>

*Belinda White  
Senior Administrative Assistant  
City of Grand Junction  
Administration  
(970) 244-1508*

>>> <ronih@live.com> 8/10/2008 8:13 AM >>>

Notice: Please get to them before the Tuesday meeting, Aug.

12<sup>th</sup>□□□Thanks!

John Justman  
Mark Bonella  
Christi Flynn  
Michael Gradner

Gregg Plamer  
Teresa Coons  
Jim Doody  
Bruce Hill  
Doug Thomason  
Linda Romer Todd

Dear Mesa County Planning Commission,  
Sunday August 10th, 2008

The thought of having a □Gentlemen□s Club□ in our city  
is a grief to me.

Pornography and sexual sin has touched my life through

my children in years past. The consequences of men or our young adults following the path of lust is completely destructive. I had no idea until it landed on my porch.

I believe in freedom, but when it hurts so many people, my heart GRIEVES. I have not a clue what hoops that you must jump through and abide by. I do ask that you do whatever is in your power to stop this organization from becoming a part of our community.

Another subject that is much less important has been on my mind.

Mt Garfield is a unique and beautiful mountain. The land beneath it is for sale.

It would be so UGLY to have a trailer community beneath such a gorgeously unusual Mountain. Is it possible for our city to purchase it? It would be a shame to have it marred by civilization.

The land could be turned into a bike/horse/hiking area for the whole community. There must be some good use for the land so the beauty of it can continue to be enjoyed by all.

Thanks for your time and consideration on these two subjects. I appreciate what you DO for our community.

Roni Hale ·  
[RoniH@live.com](mailto:RoniH@live.com)  
3596 G 7/10 Road  
Palisade, Co. 81526  
970-464-0772



I, representing myself, my family, my church and our community, ask you to make the decision to say "No" to any development of this type in Grand Junction, now and in the future, for the benefit of all.

Thank you once again for your service and leadership to the community. I ask God to bless you and your families in every way.

Sincerely,

Pastor Jim Hale

Delicious ideas to please the pickiest eaters. Watch the video on AOL Living. ( <http://living.aol.com/video/how-to-please-your-picky-eater/rachel-campos-duffy/2050827?NCID=aolcmp00300000002598> )

**From:** Laurie Kadrich  
**To:** Angela Harness  
**Date:** 2/24/2008 12:05 PM  
**Subject:** Fwd: Letter to the Council

please prepare a letter, laurie

Laurie M. Kadrich  
City Manager  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81501  
(970) 256-4154 office  
(970) 589-0674 cell

>>> Belinda White 2/22/2008 11:15 AM >>>

>>> <[JimhaleSLCF@aol.com](mailto:JimhaleSLCF@aol.com)> 2/22/2008 11:00 AM >>>

Dear Friends,

Many of you know me through organizing prayer for the Council and the National Day of Prayer. I am always rallying support for you in the decisions you must make in the planning and operations of the City.

I have dedicated my life to the community of the Grand Valley. My desire is that Grand Junction and the surrounding area continue to grow in healthy ways and that the community and society grow to be better and better as a place to live. My children and grand children live here and I want to see our region be a good place for them to stay and prosper.

The decision coming before you regarding a "Gentleman's Club" deeply concerns me. I have seen, in Anchorage, Alaska, the same situation develop and show it's results. At first, it seems a "right" and a way to increase commerce, taxes and benefits. At least it's "sold" in that light. But, experience shows that commerce of that kind draw the prostitution, drug and criminal elements along with it. Problematic law enforcement problems arise and costs to the people escalate

We are now experiencing a decline in criminal activity that is drug related. That decrease is coming for a variety of reasons, but, it is proper to say that a community, cooperative effort to educate, treat and enforce the laws is at the "root" of the changing situation. I believe it is critical to understand that this kind of "Club" activity is just an invitation to greater problems that will affect our community. Can we see that the decisions we make will have positive or negative long term impact? Our community realizes a "Club," such as this is an open door to increasing problems.

I am sure the people desiring to develop this proposed, "Club" have no evil intent, but, this kind of activity will have it's draws and impacts.

**Senta Costello - Fwd:**

---

**From:** Greg Moberg  
**To:** Senta Costello  
**Date:** 8/11/2008 9:25 AM  
**Subject:** Fwd:

---

FYI

>>> Belinda White 8/11/2008 8:22 AM >>>

*Belinda White  
Senior Administrative Assistant  
City of Grand Junction  
Administration  
(970) 244-1508*

>>> Ruth Jacobs <rcjacobs08@hotmail.com> 8/11/2008 12:00 AM >>>  
RE: Gentleman's Club

Continuing to allow this establishment to be opened in our community would be wrong, and sad for our population. It is easy enough for people to choose to do the wrong things without deliberately setting up a place and disguising it under the pretense of 'gentleman'. What we really need is a commitment to our community to guide people into the right things.....not the wrong.

Sincerely,  
Ruth Jacobs

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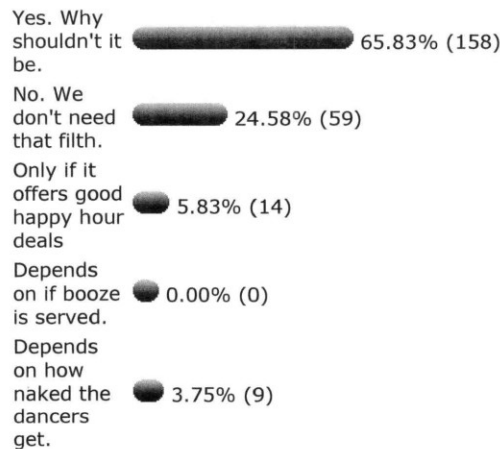
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### Current Poll Results

#### Should a strip club be allowed to open in Grand Junction?



**Total Votes: 240**

[ [Voting Booth](#) | [Other Polls](#) ]

"Should a strip club be allowed to open in Grand Junction?" | [Login / Create Account](#) | **0** comments

Thread  Oldest First

**We ask that you register to improve the communication among our on community.**

#### Last 3 polls...

- [What did you think of the Angry White column in the Free Press? \(88\)](#)
- [Should a strip club be allowed to open in Grand Junction? \(votes\)](#)
- [Should residents be concerned about a uranium mill tailing pond? \(236 votes\)](#)

[...more polls](#)



- [Citizen Telegram](#)
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- [Enterprise](#)
- [Glenwood Springs](#)
- [Post Independent](#)
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- [Leadville Chronicle](#)
- [Sky Hi Daily News](#)
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**You may remain anonymous by registering.**

**The screen name you choose is entirely up to you. We ask for a valid e-address only to send you a password for commenting under your chosen name; we will not use that e-mail address for any other reason.**

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**\*Please note: All comments are reviewed before posting.  
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Grand Junction Free Press - 145 N. 4th Street - Grand Junction, CO 81501

2/28/08

To Jim Doody,

I wish to state my opinion regarding the gentlemen's club. I don't feel this is an appropriate business to have in our community. There are enough adult businesses here already ; ie, North Ave. and 24 road . If people wish to participate in such things, they should go where they are available, like Denver, Vegas, or Salt Lake, and not bring them home. This is supposed to be a family oriented community. I feel it will decrease property value and increase crime, drugs, alcohol, and sex offences, especially in a college town. If this happens, the cost of police / sheriff protection will go up . This will defer money that is considered incoming revenue.

When the next election comes up, my family, friends, and co-workers will take this into our consideration.

Sincerely,

A handwritten signature in cursive script that reads "Margie Cribari". The signature is written in black ink and is positioned above the printed name.

M. Cribari

RECEIVED MAR 04 2008



February 29, 2008

RECEIVED MAR 03 2008

Mayor Jim Doody  
City of Grand Junction  
City Hall  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Dear Mayor Doody,

My husband and I are writing concerning the proposed "Gentlemen's Club" and request that you do all you can to keep this out of Grand Junction and keep our city one we can be proud of. With all the high school students and Mesa College students here, this is not a temptation we want to add to their lives.

I know a young girl who needed a job and thought the tips at "Cheers" would be really good. She didn't think that evil place would affect her, but it ruined her life and even after fifteen (15) plus years later, she is still a mess. And she is only one person! Just think how many other lives would be affected.

If we let the "Gentlemen's Club" in after years of trying to get "Cheers" out, it will just open the door to letting more of the same kind of "club" in. Also, I think you will be hiring more police and it will cost a lot more to patrol and enforce than what the tax revenue from it would bring in.

Please fight to keep it and all such "clubs" out of Grand Junction. We have a wonderful city now and I want it to stay that way - one we can always be proud of.

Thank you,

*Mr. and Mrs. Patrick McKague*

Mr. and Mrs. Patrick McKague  
326 Independent Avenue  
Grand Junction, CO 81505

Mayor Jim Doody  
City Hall  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Tami Tarr  
3468 G Road  
Clifton, CO 81520

February 26, 2008

RE: Gentlemen's Club

Dear Sir:

Because I care about the moral health of our community, having lived here for 30 years, I was very concerned when I heard about the possibility of a "Gentlemen's Club," coming to Grand Junction. I find this very disgusting, and degrading to women. I do hope you will not allow this to come to Grand Junction. It will only result in the moral decay of our city.

Thank you for your time.

Sincerely,



Tami Tarr

RECEIVED FEB 29 2008

RECEIVED MAR 03 2008

Kelly, Gene M<sup>e</sup> Jorda  
Feb 29 2008  
2809 Elora Ct  
Grand Pt. Co 81506

Dear Mayor & Councilmen  
I'm writing to you to express  
my concern & dislike in the granting  
of a "Gentlemen club" I believe  
this would be a "disaster" to G. Pt.  
We have enough problems in our  
beautiful City now with allowing  
another one.

I have lived in G. Pt.  
since I was 14 & graduated from  
Central High. I am now 76 &  
I am very concerned about this  
possible granting of a "Smudge" on  
us.

Thank you  
Gene M<sup>e</sup> Jorda  
2809 Elora Ct  
Grand Pt Co 81506

cc: Council  
Original to Quatro

2/26/08

To The Mayor: Jim Doody: and all City Councilmen

I'm sure you all have already considered the ramifications of a gentlemen's club here in our city as well as the moral aspects.

This proposal may very well cost the city more money in law enforcement costs than it will bring in in tax revenue. It will most certainly result in new opportunities for drugs and other illicit, and morally decadent activities.

Please consider voting no on this proposal: thus helping to keep our city free of these moral sewers

Respectfully submitted

Charles W. Fix

2813 Cottage Ln.

Grand Junction, Co

81506

RECEIVED FEB 28 2008

CC: Tawie  
Original to Justin

February 27, 2008

RECEIVED FEB 28 2008

Mayor Jim Doody  
City of Grand Junction  
City Hall  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Dear Mayor Doody,

We are writing to voice our concerns regarding the Gentlemen's Club being proposed to open in Grand Junction.

This type of club, or any venue of that sort, could be the beginning of a great change in the atmosphere of the community (ever see "It's A Wonderful Life"?). We have a good college here now, with many young people. All of us want the very best atmosphere possible for those that will follow after us. Life is complicated enough, even with things at their best, without adding a strip joint (in actuality, that is what this will be). It will affect not only the men of the community, but will encourage young women into a lifestyle better suited to Las Vegas. If people want that sort of thing, let them find it in a place other than Grand Junction. We can't tell others how to live, but we can provide a community that encourages good character in our citizens.

Any tax revenues the city would realize from this kind of business, would be offset to a great degree, with costs of intervention by our local police, since businesses of this type are usually a financial burden on law enforcement agencies. Grand Junction should continue to do all possible to be a model community.

We are requesting that you will determine that this (or any other venue of this type) not be allowed in Grand Junction - let's keep a city we can be proud of.

Sincerely,

*Mr. and Mrs. George G. Clark*

Mr. and Mrs. George G. Clark  
2119 Saguaro Road  
Grand Junction, CO 81503

cc: Jamie  
Original to Justin

Mayor Jim Doody

February 26, 2008

I am concerned about the proposed Gentleman's Club being opened in Grand Junction.

I moved here 5 years ago from the Washington D.C. area where there are many "Adult" type establishments, which have over a short amount of time devalued the neighborhoods in several ways. Crime rose, drugs increased, family values suffered, etc.

I am told it would also be located near the Bananas Fun Park. Would this be an environment for children to associate near, or their parents want?

Would you, as a parent or grandparent wish to bring this to our city as part of your legacy?

Would you, as a parent or grandparent want your children influenced by this business?

Would you, as a parent or grandparent want your children to see you frequent a strip club?

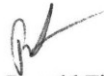
Would you, as a parent or grandparent want to see your children frequent a strip club?

This city is a great place to live and grow up in. There is enough "Adult" entertainment already!!!

Please think carefully about what this can do to the city in the future and what extra costs in law enforcement and control would be needed for this one business.

Consider carefully for the good of the community we live in.

Thank you for your time



Ronald Fields  
661 Faircloud Way  
Grand Junction

RECEIVED FEB 28 2008

cc: Laurie K

661 Faircloud Way  
Grand Junction, CO 81504  
February 24, 2008

Jim Doody  
Mayor  
City Hall  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Subject: Gentlemen's Club

Dear Mayor Doody:

The purpose of this letter is to let you know that I am very disappointed with the prospect of the City Council approving the building a "*Gentlemen's Club*." This is a fancy name for what is really known as a strip joint or brothel.

I am concerned about the health and wellbeing of our community. We already have problems with drugs and crime in Grand Junction. This could add to the problem, as well as be an invitation to men who are **not** gentle by any means. I moved to Grand Junction from the big city to get away from crime.

I am a tax payer, and I **do not** want my taxes paying for the protection of the owner(s) and participants of this type of activity.

As Mayor of our City, you should not permit this or any other venue of this type to be brought to Grand Junction.

Sincerely,



Cheryl D. Fields

cc: Chamber of Commerce

RECEIVED FEB 26 2008

C.C. Hawick.

Nobel Council Member  
City Hall, 250 North 5th Street  
Grand Junction, Colorado 81501

Dear City Council Member: Mayor Jim Doody,

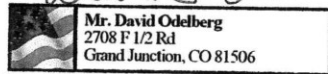
Considering myself a gentleman and being a native of Grand Junction, I am very much concerned about the health of our Community in matters that deteriorates Family Values, Morals and the like.

One of the recent matters that has come up is the proposal for an establishment called the Gentlemen's Club. I want to go on record as an opponent to this establishment, or any like venue that is already established or considered for proposal, because these are not healthy for the families of our great Community.

Council Member, Jim Doody, I am hoping you will be one that will not grant permission for such an establishment.

Sincerely,

David F. Odelberg



February 25, 2008

RECEIVED FEB 26 2008



*cc: Dave K.*

February 25, 2008

Mayor, Jim Doody,

I do hope I can depend on you to use wisdom with your vote concerning the proposal of a "strip joint" in Grand Junction. I trust you will vote against such a proposal. I refrained from using the words "gentleman's club" for according to Webster's Collegiate Dictionary it does not describe "Gentleman" in this manner.

I am concerned not only for the moral issues, but for the added expense involving our police department. More patrolmen will be needed, and perhaps more jail space. Thus creating more taxes to foot the bills. (Needless to say I am not really interested in more taxes.)

Once we open our doors to this type of business there will be others who wish to apply. There will be no end in sight. I truly hope you can agree with my point.

Sincerely,

*Martha May Odelberg*

Martha May Odelberg  
2708 F ½ Rd.  
Grand Junction, CO. 81506

RECEIVED FEB 26 2008

*cc: Council  
Original to  
Justin*

February 26, 2008

Attention All Council Members,

This letter is in regards to the possibility of you approving a "Gentlemen's Club" for the Grand Valley. We have enough trouble here in the valley with drugs and other problems that the police have to take of.

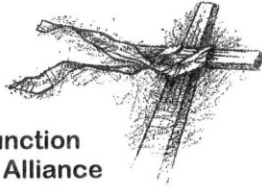
Our Police and Sheriff's Department are understaffed now and bringing an element into our valley that would create more problems is not what we want. The money gained for taxes can not over come the harm that will be done to our children. We should be concerned about making this a more family oriented community.

Please give this a great deal of consideration and not be blinded by the dollar signs and always keep in mind the saying, "WHAT WOULD JESUS DO". Look into your heart for the answer.

A concerned citizen,  
Ida M. Partrich

RECEIVED FEB 28 2008

**Grand Junction  
Ministerial Alliance**



Leadership Team:  
Jim Hale; Spirit of Life Christian Fellowship  
Mark Harris; Four Square West Slope Ministry  
Abe Pfeifer; New Horizons Four Square Church  
Michael Rossman; Valley Bible Church  
Rob Storey; River of Life Alliance Church

February 28, 2008

Honorable Mayor	Jim Doody
Mayor Pro Tem	Bonnie Beckstein
Councilmember	Bruce Hill
Councilmember	Linda Romer Todd
Councilmember	Teresa Coons
Councilmember	Doug Thomason

It is with deep concern for our community and constituents that we write this letter to you, our elected leaders.

We have become aware that there is an application for the introduction of a "gentleman's club" (a socially acceptable way to say "strip club") to be opened in Grand Junction.

We as individuals and as congregational leaders wish to express in as strong a terms as possible our total opposition to this or any such "strip club" being opened in Grand Junction or for that manner the entire Mesa County.

The negative moral and social impact upon our community and the financial costs to the city are just two of the many reasons for such places to not be permitted in our community. The negative moral and social impact is well documented in communities which have permitted such venues to exist. In addition there are the additional costs for policing of the area around such establishments plus the added related drug and sex crime treatment only add to the costs to the greater community which are not acceptable.

You lead and we all live in a working, growing, family community where we are proud to raise our children, proud to send our young people to a fine local college and proud of the very positive history and culture of our city. Let us not lower the level of excellence which is so important to our community for that which will only lessen who we are and who we can become together. May your leadership as elected representatives reflect the family and personal moral strength upon which this community has been built. We are all praying for you. Thank you for your leadership of our great community.

Sincerely:

  
Rob Storey  
For the Grand Junction Ministerial Alliance

RECEIVED FEB 29 2008

Dear *Mr. Jim Doody*

When it comes time to approve another strip club, please, please do not approve it. This is a college town, and we do not want more prostitution, drunkenness, rape, drugs or other crimes that a gentlemen's club would lead to. Please protect our community and public welfare.

Thank-you,

*Barbara Roberson*  
Barbara Roberson

RECEIVED MAR 11 2008

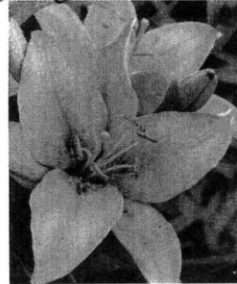
RECEIVED FEB 29 2008

2-25-08

To Jim Doody, Mayor and  
all the City Council Members,

I'm writing this letter  
with deep concern for the  
moral health of our  
community. It's come to my  
attention that the Gentle-  
men's Club (strip joint) is  
purposing to be opened in  
Grand Junction.

This is a college town  
and it would certainly  
not be of any help to any  
of the college students or  
any one for that matter. I  
would deeply appreciate  
if you would not  
permit them or any  
other venue of this  
type to be brought



to Grand Junction.

Thank you,

Sincerely,

Mary Ellen Waid

March 1, 2008

Council Members

Jim Doody, Mayor  
Bonnie Beckstein, Mayor Pro Tem  
Bruce Hill, Gregg Palmer, Linda Goddard  
Teresa Coons and Doug Thomason

We, the undersigned are residents  
of the City of Grand Junction and  
members of the First Church of the  
Nazarene of Grand Junction

We want to take this opportu-  
nity to urge you, the City Council,  
not to allow the Gentlemen's Club  
or any other venue of this type  
to be brought into Grand Junction

We believe that this type of  
entertainment would not be at all  
well for the residents of the City  
and cause more problems for the  
law-enforcement officers.

Sincerely

James D. Walters  
Blenda R. Walters

RECEIVED MAR 03 2008

To mayor of Grand Junction, Jim Doody, and city council members.

Please consider carefully all the ramifications of allowing a "Gentlemen's club" to operate in our city. We have many bars which already contribute to extra problems for our law enforcement personnel. We believe this kind of a club would bring with it a need for extra police protection, ultimately calling for higher taxes, and would be a detriment morally and financially to all. We are asking that the decisions you make are for the good of majority.

respectfully,

*Harold Stride*  
*Charlene Stride*



Grand Jct., Co.  
3-1-08

Council Members:

Mayor Jim Doady, Bonnie Beckstein,  
Mayor Pro Tem, Bruce Hill, Gregg Palmer,  
Linda Todd, Teresa Coons and Doug Thomason

We have a beautiful growing city.  
It has also become a great College  
town and I believe we need good  
moral wholesome entertainment for  
our young College students, also for  
our many visitors, not a Gentlemen's  
Club (strip joint).

I have lived in Mesa County most of  
my life (approx. 75 yrs). I have always  
been proud of our city and state.

I am thankful for your good leaders  
and I know you will use good  
judgement.

Sincerely,  
Josephine Hyde

RECEIVED MAR 03 2008

## GRAND JUNCTION CODE

16-127

*Physically Separated* means separated from smoke-free public places by continuous floors to-ceiling walls which are interrupted only by entrances or exits to smoking areas. Such entrances and exits shall be fitted with self-closing or automatic closing devices.

*Private Club* means any establishment which restricts admission to members of the club and their guests.

*Private Function* means any activity which is restricted to invited guests in a non-public setting and to which the general public is not invited.

*Public Place* means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, schools, health facilities, laundromats, public transportation facilities including bus stations and stops, taxis, shelters, airports, train stations, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, theaters and waiting rooms. A private club is considered a *public place* when functions are held at the club which are open to the general public and are not restricted to the members of the club. A private residence is not a *public place* except during times when it is being used as a child care, adult care or health care facility, and for thirty minutes before such uses.

*Restaurant* means a business with fifty five per cent (55%) or more of its gross annual sales coming from the sale of food or meals prepared on site, typically for consumption on site. Examples of restaurants are coffee shops, cafeterias, sandwich stands, private or public school or other cafeterias, and other eating establishments which give or offer food for sale to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities. Also see section 8.

*Retail Tobacco Store* means a business utilized primarily for the sale of tobacco and accessories and in which the sale of other products is incidental.

*Service Line* means any indoor or outdoor line at which one or more ( $\geq 1$ ) persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

*Smoke-free* means that air in an enclosed area is free from smoke caused by smoking.

*Smoke* or *Smoking* means the carrying or possession of a lighted cigarette, lighted cigar or lighted pipe of any kind, and includes lighting of a pipe, cigar, cigarette, tobacco, weed or other combustible plant.

*Sports Arena* means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

**Sec. 24-18. Indecent exposure.**

It shall be unlawful to commit a lewd or indecent act in the City. Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public violates this section:

- (1) An act of sexual intercourse;
- (2) An act of carnal copulation either per anus or per os;

24-18

- (3) To willfully or knowingly: be nude; wear any indecent or lewd dress; make or perform any indecent exposure of such person's intimate parts; or to make or perform any indecent exposure of the intimate parts of another person. For the purposes of this section: "Intimate Parts" means the external genitalia, the anus, the buttocks, the pubes or the breast or breasts of any person.
- (4) A lewd fondling or caress of the body of another person;
- (5) Intentional exposure of genitals to the view of any person;
- (6) Urinating in public; or
- (7) Aiding, suffering or permitting in the doing of any of the offenses described in this section.

(Code 1965, § 19-15, Ord. No. 3202, 11-3-99, Ord. No. 3312, 11-15-00)

**State law reference(s)**--Similar provisions, C.R.S. §§ 18-7-301, 18-7-302

RECEIVED FEB 28 2008

CC: Council  
Original to Justin

Feb. 27, 2008

Dear Mayor Doody and GJ City  
Council members: Bonnie  
Beckstein, Bruce Hill, Gregg  
Palmer, Linda Todd, Teresa  
Coons, and Dang Thomason,

I am writing this letter  
to entreat you to NOT allow  
a "Gentlemen's Club" to be opened  
in Grand Junction. No community,  
especially ours, needs this kind  
of degrading, immoral business.

Please do not allow yourselves  
to be swayed by an argument  
of great tax revenue from such  
a source - we are not a  
poor city now, and there certainly  
are other acceptable means to  
bring tax dollars into the coffers.

In following the local

news, it is more than apparent  
that we (LJ Community) are  
battling the evils of meth,  
sexual perversion in our schools,  
alcohol, and domestic abuse.  
We really don't need a business  
(for "Gentlemen?") that can  
only add to the immoral and  
illegal behavior of any  
segment of our population.

Thank you for your  
consideration.

Sincerely,  
Jean Barsuch

**From:** Laurie Kadrich  
**To:** Justin Kopfman  
**Date:** 3/3/2008 8:56 AM  
**Subject:** Fwd: GENTLEMEN'S CLUB

Laurie M. Kadrich  
City Manager  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81501  
(970) 256-4154 office  
(970) 589-0674 cell

>>> Belinda White 3/3/2008 7:14 AM >>>

>>> "Shirley Ewing" <[ewing77@gobrainstorm.net](mailto:ewing77@gobrainstorm.net)> 3/1/2008 8:37 AM >>>  
Grand Junction City Council,

We are deeply concerned about the possibility of a "Gentlemen's Club" coming to our Grand Valley. We believe this would just be the beginning of increasing problems for our families. It would open doors that our area does not need. Nothing in it would set a good example for our young people. It would only draw out lustful thoughts and acts.

Please consider the consequences this could have and make a wise decision not to open this door. Thank you very much.  
Concerned citizens, Glenn and Shirley Ewing, 531 Garfield Dr., Grand Jct CO 81504; 245-9785

# Judicial Decisions

## Accessory Uses *See:*

60 PEL 9, *Easement to keep horses on vacant land is not illegal or invalid, although zoning law prohibits keeping horses on residential lot not containing a residence*

## Adult Uses

60 PEL 1, CALIFORNIA

### Adult entertainment businesses may be restricted to industrial zones

Two adult entertainment establishments sued San Diego County after it amended its zoning ordinance to restrict their hours of operation, require the removal of doors on peep show booths, and force the businesses to disperse to industrial areas of the county. They argued that Justice Kennedy's concurrence in *City of Los Angeles v. Alameda Books*, 535 U.S. 425 (2002), radically altered the traditional *Renton* analysis that requires (1) the ordinance cannot be a complete ban on protected expression; (2) the ordinance must be content-neutral or, if content-based with respect to sexual and pornographic speech, its predominate concern must be the secondary effects of such speech in the community; and (3) the ordinance must pass intermediate scrutiny by serving a substantial government interest, be narrowly tailored to serve that interest, and allow for reasonable alternative avenues of communication (*Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986)).

In *Alameda Books*, Kennedy wrote that the quantity and accessibility of speech must be left substantially intact. The adult businesses argued that by relegating them only to the industrial zones and totally excluding them from commercial zones, they were prevented from having a reasonable opportunity to relocate. The Ninth Circuit disagreed. Kennedy did not impose a heightened evidentiary burden on the County to show "how speech would fare" under the ordinance. So long as an industrial site is reasonably accessible and has sufficient infrastructure, it

provides a reasonable alternative. The 68 industrial parcels in the County provide ample opportunity for the adult businesses to relocate. However, the trial court erred when it severed the offending 130- to 140-day time limits from the ordinance because "a licensing requirement for protected expression is patently unconstitutional if it imposes no time limits on the licensing body," the Ninth Circuit said. The trial court should have severed all of the provisions pertaining to the permit requirement because they were not connected to a reasonable time limit, leaving the remaining ordinance provisions intact.

*Tollis, Inc. v. County of San Diego, United States Court of Appeals, Ninth Circuit [intermediate court], Decided October 10, 2007, 2007 WL 2937012*

## Adult Uses

60 PEL 2, KENTUCKY

### Kentucky Constitution provides no greater protection for adult uses than U.S. Constitution

The 2004 ordinance requires a license for operation of an adult entertainment business, contains anti-nudity provisions, restricts hours of operation, prohibits direct payments to entertainers, prohibits sales of liquor, prohibits touching between patrons and employees, and includes buffer restrictions. The appeals courts upheld the law, rejecting arguments that it should rely on Pennsylvania cases to interpret the Kentucky Constitution and that the Kentucky Constitution provides broader rights than the U.S. Constitution, saying instead that "Kentucky does not openly embrace forms of expression that some other states do." Noting the lower protection for erotic expression and that the ordinance is a content-neutral effort to deal with secondary effects, the court applied intermediate scrutiny.

After holding that the law is within the constitutional power of the municipality, furthers a legitimate interest, and

is not aimed at suppression of expression, the court analyzed individual provisions to determine whether they were narrowly tailored to meet that interest. The ban on total nudity has a minimal impact on expression; a requirement that adult uses close between 1:00 a.m. and 9:00 a.m. is less restrictive than limits that have been upheld in challenges under the U.S. Constitution. The court similarly upheld a prohibition on sales of alcohol, no-touch and no direct tipping provisions, and a requirement that semi-nude entertainers be located at least 18 inches off the floor and at least six feet from a patron. The court noted that the restrictions allow businesses a reasonable opportunity to open and operate and that it is not concerned with economic impact on individual businesses. The licensing fee defrays the costs of policing adult uses.

Owners lacked standing to challenge the law as vague because their businesses clearly fit within regulated categories; they also lacked standing to challenge criminal disability prohibitions and prohibitions on minors because they asserted that their patrons were over age 21. The trial court had invalidated provisions requiring disclosure of principal owners of an adult use and prohibiting physical contact between patrons and entertainers while not performing. The appeals court reversed, noting that the disclosure requirement does not apply to owners of minimal shares and that touching between an entertainer and a patron is not expressive activity.

*Cam 1, Inc. v. Louisville/Jefferson County Metro Gov't, Court of Appeals of Kentucky [intermediate court], Decided October 5, 2007, 2007 WL 2893435*

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Case Abstracts are numbered consecutively throughout each volume of *Planning & Environmental Law*, beginning with No. 1. The heading for each abstract contains the main subject category, the PEL abstract number, the state in which the case arose, and a brief statement of the decision's main holdings. At the end of the abstract is the complete case name, the court and the level of the court (trial, intermediate, highest), the date of the decision, and the West Reporter citation. If the West Reporter citation is not yet available, the Westlaw citation is given.

**From:** "Bob Lee" <Bob.Lee@mesacounty.us>  
**To:** <justink@gjcity.org>  
**Date:** 3/10/2008 12:59 PM  
**Subject:** Gentlemens Club Occ Load

Justin,

The occupant load is difficult to determine precisely without dimensions on the floor plan. If we use the seating layout shown of the plan, the total occupant load for the building will be about 166. Seating layouts are not very reliable as tables and chairs can be added at any time to accommodate customers during busy times.

We prefer to use the area of the assembly room for occupant load determination. Without consideration of the seating layout, the occupant load for the entire building is about 228.

For purposes of building code application, we will determine the occupant load to be +-228

W/Seating Chart = 166

W/O Seating Chart = 228



**Attachment A**

**CUP-2008-158, Verbatim Minutes for Bar/Nightclub  
Conditional Use Permit**

**14. Bar/Nightclub – Conditional Use Permit**

Request approval of a Conditional Use Permit for a bar/nightclub in an I-1 (Light Industrial) zone district.

**FILE #:** CUP-2008-158

**PETITIONER:** Kevin Eardley

**LOCATION:** 2256 & 2258 Colex Drive

**STAFF:** Senta Costello, Associate Planner

**SEE VERBATIM MINUTES FOR THIS ITEM STARTING ON PAGE 11.**

1 CHAIRMAN COLE: The next item on the agenda is a bar/nightclub  
2 conditional use permit, CUP-2008-158. Is staff going to make the initial presentation?

3 MS. COSTELLO: Yes, sir.

4 CHAIRMAN COLE: Okay.

5 MS. COSTELLO: If I can find it. Good evening, Mr. Chairman,  
6 members of the Commission. Senta Costello, Public Works and Planning Department.  
7 This is a request for a bar nightclub conditional use permit located at 2256 and 2258  
8 Colex Drive. It's on the northwest corner of G and Colex Drive. The property is  
9 currently vacant. Much of the existing industrial subdivision that these properties are  
10 located in are currently vacant. There's a few of them that have been through the  
11 review process and are currently beginning construction. But for the most part a lot of  
12 the lots are currently vacant.

13 The future land use map designation for this property as well as the  
14 surrounding properties is commercial industrial and the zone district is an I-1  
15 surrounded to the north, west and east with I-1 and on the south by a C-2. As I stated  
16 the request is for a conditional use permit for a bar and nightclub. The applicant is  
17 proposing to construct a 9,000 square foot office warehouse...I'm sorry, almost 10,000  
18 square foot office warehouse on the property to the north as well as the proposed bar  
19 site. The two will have a shared parking lot. This works for the code because the hours  
20 of operation for the two uses are offset.

\*\*\* Indicates New Item  
® Requires Roll Call Vote

REVISED

21 I have reviewed it and it meets the consistency of the growth plan, goals  
22 and policies. It...sorry, it meets the review criteria for the zoning and development code  
23 and also the submittal standards, the transportation and engineering standards and the  
24 storm water management standards. The underlying zone district for chapter 3, the  
25 proposal meets all of the standards required for the I-1 zone district.

26 The use specific standards required in chapters 3 and 4 for this particular  
27 type of use have been met. The...by definition a nightclub includes a establishment  
28 which has the sale of alcohol which exceeds 25 percent of their total sales and includes  
29 music, dancing or live entertainment and the applicant has stated that they will have all  
30 of the above listed. In their general project report they describe the proposed  
31 entertainment component as an entertainment area with a bar, stage for two dancers  
32 and a deejay.

33 In reviewing this in accordance with the requirements of chapters 3 and 4,  
34 the specific criteria that we are required to look at as staff are whether an adult  
35 entertainment component is an allowed use in this particular zone district of I-1 and it is  
36 an allowed use, determine whether the proposed site is within a thousand feet from  
37 another adult entertainment establishment and there is no other existing establishment  
38 within that boundary.

39 The third component is whether the proposed site is within a thousand  
40 feet of any church, school, park, playground, public building or residentially zoned  
41 property and I have a map which shows those boundaries and all of those properties  
42 are within that thousand foot radius and none of them fall under any of those categories  
43 as listed. The specific conditional use permit criteria talks about the protection of

44 privacy, protection of use and enjoyment and a compatible design and integration with  
45 the surrounding neighborhood.

46           This is the site plan proposed by the applicant. The majority of the  
47 parking as well as the entrance to the building are located on the west side of the  
48 building away from the existing property to the east. This helps to mitigate any uses  
49 that may be encountered due to the uses within the building as most of the people  
50 when they're coming and going are going to be going in and out that front door as well  
51 as most of the parking so there's not going to be a lot of traffic, pedestrian traffic and  
52 people on the sides of the buildings. This will help with the protection of privacy and  
53 protect the use and enjoyment of the adjoining properties.

54           The building as proposed is compatible in design with other industrial type  
55 buildings that have been approved in the same neighborhood. They are proposing a  
56 stucco façade with cultured stone accents. The signage that they're proposing as you  
57 can see is located above the door and on the south elevation of the building. They are  
58 also proposing on doing landscaping along the eastern property line as an added  
59 benefit to the property owner to the east. The landscaping along that side is...ranges  
60 from 3 to 6 feet in height with a majority of that landscaping closer to the property line.  
61 This particular side by code does not require landscaping. The applicant is putting that  
62 in to help buffer that adjacent property owner to the east and that strip ranges from 10  
63 to 15 feet in wide...or in width.

64           Based on this criteria I do find that it meets the criteria of the zoning and  
65 development code. The only condition recommended by staff as the approval will be  
66 that they do put in place a shared parking agreement for the property to the north to

67 guarantee that the parking remains available and with that we're recommending  
68 approval. Are there any questions?

69 CHAIRMAN COLE: Any questions of Senta?

70 COMMISSIONER DIBBLE: Ah, yes, Mr. Chairman. In the  
71 application that we received with our material for this evening the agenda topic was bar  
72 nightclub conditional use permit of which we have heard we have jurisdiction on that.  
73 According to Kathy...Kathy Portner who wrote administrative regulation 0-1-1 in '01,  
74 definition of a bar is premises used primarily for the sale of dispensing of alcoholic  
75 beverages by a drink for onsite consumption and where food may be available for  
76 consumption as an accessory use. In the general project report as was pointed out in  
77 the memo from our assistant city attorney, this...she referred to a...a bar nightclub of  
78 the application the general progress or general project report refers to it in the  
79 application process as a gentlemen's club with a conditional use. What's a gentlemen's  
80 club? Can you give me a highlight on that?

81 MS. COSTELLO: Based on discussions that we have had with  
82 the applicant and their representative it became apparent that they fit into the category  
83 of the bar nightclub category of the code. You're correct it doesn't specifically call that  
84 out in the general project report as far as we are requesting but like I've said we've  
85 through discussions...

86 COMMISSIONER DIBBLE: I assume this is our...this is their  
87 proposal to us?

88 MS. COSTELLO: Yes.

89 COMMISSIONER DIBBLE: This...this is done at their request and  
90 it's their words...

91 MS. COSTELLO: Yes.

92 COMMISSIONER DIBBLE: ...and they refer to it on page 3 as wish  
93 to construct a gentlemen's club. Later on they describe the activity as being  
94 wholesome and whatever. What I...what I...what I want to ask is kind of a technical  
95 question. I think I know the answer but so maybe you can clarify it for me. We have  
96 jurisdiction on...on a bar nightclub applying for an application. It's not a...it's not  
97 a...a...it's...it's a conditional use that we have jurisdiction over.

98 MS. COSTELLO: Yes.

99 COMMISSIONER DIBBLE: But an adult entertainment business is  
100 not. It's an administrative approval decision.

101 MS. COSTELLO: Yes.

102 COMMISSIONER DIBBLE: So my understanding from...from our  
103 attorney's perspective is that if I wouldn't think this would happen but if this...this  
104 request came forward for only a...an adult entertainment business we wouldn't even  
105 see it?

106 MS. COSTELLO: Correct.

107 COMMISSIONER DIBBLE: And if it came forward as we see it as a  
108 bar by definition we have jurisdiction? So we're looking at this strictly as a bar  
109 nightclub? Now you mentioned in your comment that you just made that it...it will have  
110 live entertainment with it?

111 MS. COSTELLO: Yes.

112 COMMISSIONER DIBBLE: What would...what would this might be?

113 What would this be? Could it be a band or live dancers, line dancers, or clowns?

114 MS. COSTELLO: That I think the specifics of that I think is best  
115 entertained by the applicant.

116 COMMISISONER DIBBLE: Entertainment of all sorts? Stand up  
117 comic? Live entertainment. How about a pole dancer? How about, I'm going to be  
118 very blunt here, a striptease artist? I don't know if they call them that. Is that live  
119 entertainment by definition?

120 MS. COSTELLO: The specifics...that would be classified as live  
121 entertainment. As far as what in the specifics of what the applicant has in mind, he is  
122 best suited to answer those questions.

123 COMMISSIONER DIBBLE: Okay. Is my definition of the  
124 jurisdictions correct, Jamie? Is approval by administration that portion of entertainment  
125 that would be classified as adult entertainment?

126 MS. BEARD: If this was not a part of a conditional use permit that is  
127 coming forward to you because of the bar nightclub portion, then the adult  
128 entertainment would be determined just as an administrative approval and it would not  
129 come to you except under the possibility of an appeal.

130 COMMISSIONER DIBBLE: But it is...it is something outside of our  
131 jurisdiction to approve adult entertainment per se? Is that correct?

132 MS. BEARD: Okay. It is not outside your jurisdiction to consider  
133 the adult entertainment as it is part of the criteria. It's included as your conditional use  
134 permit. But the means by which it's included is part of your criteria is whether the use

135 specific standards in chapter 4 for adult entertainment have been met. So when you  
136 consider the adult entertainment it's in relation to that criteria in determining if it has  
137 been met and then if there are any secondary effects on the site that may affect  
138 compatibility for purposes of the site design and the uses that are surrounding this  
139 particular property.

140 COMMISSIONER DIBBLE: They are strictly the code regulations  
141 such as lighting and setbacks, a thousand feet from a school and that kind of thing as  
142 far as an adult entertainment?

143 MS. BEARD: For the adult entertainment the criteria were as Senta  
144 stated earlier and that's whether or not adult entertainment one is allowed in an I-1  
145 zone which according to our code it is. It is whether or not it's within a thousand feet of  
146 another adult entertainment establishment and it's our understanding from the review  
147 that it is not and that the...not be within at least a thousand feet of a church, school,  
148 playground, public building being used for governmental purposes and, Senta, I'm not  
149 remembering – what's the last one?

150 MS. COSTELLO: Park and residentially zoned properties.

151 MS. BEARD: Park and also then residentially zoned property.

152 COMMISSIONER DIBBLE: Residentially zoned property? That  
153 would not be...

154 MS. BEARD: So it has to be at least a thousand feet from any of  
155 those and that's the criteria that's included under the use specific standards which is  
156 then relevant to the criteria that you're considering for the conditional use permit.



157 COMMISSIONER DIBBLE: Okay, but basically we're looking at the  
158 bar nightclub conditional use permit and the administrative approval will still have to be  
159 made for the other part?

160 MS. BEARD: No, your approval tonight of the conditional use  
161 permit with the understanding that the adult entertainment is a part of your conditional  
162 use permit application will be included as part of that approval. That it's met those  
163 conditions of the criteria. And part of the conditional use permit as you understand is  
164 it's not a use of right and so bars and nightclubs have been considered to have certain  
165 factors sometimes related to it that you... the city council has said they want to look at  
166 this a little more closer and determine is it appropriate in the location where it's asking  
167 to be located. And in an I-1 a bar nightclub does require a conditional use permit.

168 So one of those other factors you're looking at is compatibility and the  
169 other criteria that are included under there. But that compatibility is how is the site  
170 designed and does it take some of those other factors into consideration that might  
171 otherwise affect a bar being next to some of the other uses or bar or nightclub being  
172 next to some of the other uses and those are the secondary effects that we were  
173 talking...I think that you mentioned such as like traffic, lighting, circulation, access and  
174 those type of things. Those are the things that you're looking in additional because it's  
175 a conditional use permit.

176 COMMISSIONER DIBBLE: I'm still...this is going to have to be a lot  
177 more clear to me before I know what I'm thinking but I'm still questioning the fact that if  
178 a...if a applicant came forward and wanted a adult entertainment approval, who would  
179 give that? We don't have jurisdiction over adult entertainment approval in my thinking.

180 MS. BEARD: Okay. If it was only for an adult entertainment  
181 establishment that did not require an approval for a conditional use permit, then you  
182 would not have the jurisdiction of that to hear that matter. That would be heard just by  
183 the director and that would be approved administratively – if it was only for adult  
184 entertainment alone. It comes before you simply because it is also a portion of a  
185 conditional use permit. The conditional use permit comes into play because of the fact  
186 that this is also going to be a bar/nightclub. And I would say it fits the definition most  
187 with nightclub with including the live entertainment. That's the portion that brings it to  
188 you but because the adult entertainment does have use specific standards under our  
189 code those are part of the criteria that you will be approving tonight and that's part of  
190 your jurisdiction in approving that criteria.

191 COMMISSIONER DIBBLE: So we're...we're really...the  
192 nomenclature live entertainment is not the real purpose. The adult entertainment  
193 perspective is what we should be looking at along with the approval?

194 MS. BEARD: Okay. Live entertainment is included as a part of the  
195 nightclub portion of their application and since part of that live entertainment appears to  
196 fit the definition of the adult entertainment, though I'm not sure you've had much of that  
197 information come before you. I think you'll hear that more from the applicant. But then  
198 if it is considered to be adult entertainment we have to look at the use specific  
199 standards that are set forth specifically in chapter 4 as that is part of the criteria that  
200 you're required to consider in granting a conditional use permit.

201 COMMISSIONER DIBBLE: Okay. Back around to my original point,  
202 those seem to be more code restrictive rather than any other restrictive.

203 MS. BEARD: That would be correct.

204 COMMISSIONER DIBBLE: Okay. Well, okay. I'm still hazy but  
205 that's probably me. It's late or something.

206 CHAIRMAN COLE: Are there any other questions?

207 COMMISSIONER CARLOW: If this were a...since this is a use by  
208 right without the...the bar and liquor license in effect and it would be decided  
209 administratively if it were only for the entertainment? Club? That's a use by right?

210 MS. BEARD: You're asking is the adult entertainment in an I-1 zone  
211 otherwise allowed? It would be if it meets the criteria and normally that criteria would  
212 be decided by the director rather than by the planning commission. It's now part of the  
213 conditional use permit though and that's why it brings it to you as part of your approval.

214 COMMISSIONER CARLOW: Well what would be the scenario of say  
215 if they went ahead and did that without alcohol and then came back and applied for a  
216 liquor license in a year or six months or...?

217 MS. BEARD: When they came back at a later date to change their  
218 use to now a nightclub then it would be a conditional use permit approval and they  
219 would have to come forward to you at that time.

220 COMMISSIONER CARLOW: I understand that...

221 MS. BEARD: And if they were continuing the same live  
222 entertainment then it would be part of that approval.

223 COMMISSIONER DIBBLE: It would be a whole new approval?

224 MS. BEARD: If later they added the nightclub portion to their use  
225 that would require a new approval.

226 COMMISSIONER CARLOW: But in effect without the liquor license it  
227 would still be a nightclub...I mean being used for the same thing and then ...and then if  
228 they applied for that, what...what criteria do you use?

229 MS. BEARD: Based on our definition in our land use code, the  
230 nightclub includes the alcohol so the alcohol would require the liquor license.

231 COMMISSIONER CARLOW: Yes I know but...but if they did an adult  
232 entertainment thing it could be set up exactly like what they intend to do with the liquor  
233 license and then the liquor license would be in addition?

234 MS. BEARD: If they wanted to just go forward with everything but  
235 not include alcohol at this point in time then it would not need a conditional use permit  
236 and it could be approved administratively. If at a later date then they wanted to add the  
237 alcohol portion to it they would still need to get then a liquor license but in addition they  
238 would have to get a conditional use permit at that time.

239 COMMISSIONER CARLOW: Yes I understand. It just seems to me  
240 that it doesn't matter which orders this goes in the result may end up being the same.

241 MS. BEARD: As long as it includes a nightclub it requires your  
242 approval and so, yes, the decision would be the same regardless with the fact that the  
243 nightclub is included.

244 CHAIRMAN COLE: Any further questions of staff? Okay, let's  
245 proceed to the applicant. Is the applicant present?

246 MR. SIMS: Good evening, Mr. Chairman, commission members.  
247 I'm Bryan Sims with Design Specialists Architects. We are the planners and architects  
248 of the bar and nightclub. I don't have a whole to add to what the planner said as far as

249 the technical requirements that we have met. I believe we have met those technical  
250 requirements that are involved in the application for a conditional use permit. And  
251 those technical requirements essentially fall into two categories as we see it and we've  
252 done several of these before.

253           And those two categories are essentially area and space requirements as  
254 it concerns the site on the building and that becomes a...both a architectural issue as  
255 well as a land planning issue. And those we have sought to solve satisfactorily and  
256 have gotten approval from staff...from planning staff. Specifically, for example, the  
257 parking being adequate. Specifically we actually more parking there and better  
258 maneuvering than you might typically see in some of the warehouse areas and I believe  
259 this...this will help the access and maneuvering in the parking lots night and day.  
260 That's another thing.

261           We've actually increased the amount of landscaping to provide better  
262 buffering and screening so the place is more attractive and it's buffered better from its  
263 neighbors. We've provided a 6 foot screen fence on 3 sides of the facility which again  
264 provides a visual barrier and creates a better separation. Note that one of the  
265 exposures or both exposures are actually on streetscape so it's not encompassed  
266 between two buildings and that's another good aspect and we did get good comment  
267 from the police department. They're one of the ones that are probably the most  
268 concerned with some of the experiences from some of the other bars and nightclubs  
269 which incidentally we are not the architects on and not the planners on. But they are  
270 most concerned as you know about keeping order there and we did get comments from  
271 the police department and we met that commentary in a planning effort.

272                   The other part or the second area that you cover when you talk about  
273 conditional use permits is the management operations of the...of the actual building  
274 and that's really where the architectural part comes in. You can't say that you can  
275 separate that from space requirements or how it meets that criteria because it really is  
276 pretty interrelated and really you can break that down in points that Senta talked about  
277 as far as the various issues that are internal within the site itself and I can...I'll just  
278 briefly say what those are so it's quite apparent.

279                   One is the site lighting and security issues and this is brought up by the  
280 police department. We were already aware of that and we have provided very good  
281 site lighting and that would be a good idea as you know to keep that...that site well lit.

282                   The other thing is...is providing proper entry and exit for the patrons.  
283 They really only have one entry and exit which is out the front. Obviously you have to  
284 by building code requirements you have to have other exits which are fire controlled  
285 and time controlled exits which have to passed by the building code and...and we'll  
286 address that in the architectural plans.

287                   The other things...the fact that food will be served and that is part...I  
288 mean any of us who have ever been to a nightclub and bar appreciate at times having  
289 something to eat. I think at times it helps us to cope with the some of the beverages  
290 that we might be drinking at the time and everybody says let's order something so we  
291 feel better. So it does serve food, has a kitchen and there will be good food service  
292 there.

293                   The...things the visual barriers within the interior itself are minimized. And  
294 that again takes care of security issues by management so they can keep their eye on

295 the patrons and also minimal barriers on the exterior – low landscaping. So the security  
296 issues are addressed on the outside which again is another issue of the permitting of  
297 the conditional use permit for this kind of project.

298           The...I think an issue here that we don't normally see in many of the bar  
299 nightclub aspects is the separation of the employees from the public and if you examine  
300 the plan you will see how we have addressed that. It simply says that the employees of  
301 the facility and let's not make any bones about it we do not want the employees and  
302 entertainers mixing with the patrons other than on the entertainment or live  
303 entertainment basis. Therefore, the building does have a separate garage for the entry  
304 and exit of the employees. It has a separate dressing room, has separate bathrooms,  
305 has a separate smoking area...a separate smoking porch and so the actual  
306 design...architectural design of the plan itself addresses I believe some of the issues  
307 that this audience and this commission may be concerned with as it concerns adult  
308 entertainment and the crossing over between the public and the actual employees  
309 there. And that is reflected in the plan and we do have...that is I believe that's part of  
310 the presentation here as well.

311           The last thing is we seem to get in other bar nightclub situations the  
312 objections adjacent owners saying hey, you know, I've got a problem with my...I've got  
313 a problem here. Bear in mind that the adjacent owner has signed a cross access  
314 agreement, a cross parking agreement with the owner and that in itself is an  
315 endorsement that the adjacent property is in support of this position and I believe that's  
316 a good issue to resolve that we look at as well.

317                   And in closing I just feel that this is...understand it's a little different  
318 operation as far as the entertainment's concerned. And, you know, we're not kidding  
319 you about that but I think...I think we've met the other criteria...all the other  
320 criteria...any of the criteria that should be appropriate for the proper approval of this  
321 application and I'm happy to take any....any questions you have from a planning  
322 and...and programming standpoint. We also have the owner and manager of the  
323 nightclub here tonight who will be able to answer any questions you have during the  
324 public comment period and I would be happy to answer any questions you have as I  
325 stand here right now.

326                   CHAIRMAN COLE:           Are there any questions of this or the  
327 applicant's testimony?

328                   COMMISSIONER DIBBLE:       You mentioned the adjacent owner.

329                   MR. SIMS:    Yes.

330                   COMMISSIONER DIBBLE:       Is that the same owner as the bar  
331 nightclub?

332                   MR. SIMS:    No.

333                   COMMISSIONER DIBBLE:       Okay, that's the warehouse person?

334                   MR. SIMS:    That's correct.

335                   COMMISSIONER DIBBLE:       It's a separate owner then?

336                   MR. SIMS:    It is.

337                   COMMISSIONER DIBBLE:       Okay. I probably should ask the owner  
338 operator this question and it's the same question that I asked staff. What's a  
339 gentlemen's club?



340 MR. SIMS: A gentlemen's club is...is a club where gentlemen and ladies  
341 may go to have a night of...of beverage, a night of entertainment. I don't think...I don't  
342 think it's a misnomer. I think we just have referred to it as a gentlemen's club. It's  
343 actually a bar and nightclub and presumably by the adult entertainment, yes, it will  
344 probably mainly cater to the male population but I...it's not...ladies may attend as well.

345 COMMISSIONER DIBBLE: Well I guess I can ask you further what  
346 goes in a gentlemen's club but you and I both know that answer.

347 MR. SIMS: Probably both. I think we can both answer that one if you  
348 like but, you know, we know what happens in gentlemen's club and it's not an immoral  
349 activity. It's simply entertainment.

350 COMMISSIONER PITTS: Mr. Sims, I've got a question perhaps  
351 that can be directed to the proposer but have they had this type of operation previously  
352 and where?

353 MR. SIMS: I believe they did. I believe in Grand Junction this  
354 type of operation at one time, is no longer. But this particular applicant, no, he's never  
355 had this operation.

356 COMMISSIONER PITTS: Okay, thank you.

357 COMMISSIONER DIBBLE: This applicant is familiar with all of the  
358 ins and outs of running such an establishment?

359 MR. SIMS: Well I...I should hope to make his project profitable or  
360 his...his nightclub profitable I should hope he does. He's paying our bills so it's  
361 profitable enough at this point.

362 CHAIRMAN COLE: Are there questions that the commission would  
363 like to ask of the owner operator of the...of the establishment?

364 MR. SIMS: The owner operator's in the audience.

365 CHAIRMAN COLE: I understand that. That's why I'm asking the  
366 question.

367 COMMISSIONER DIBBLE: Would he identify himself? Raise his  
368 hand? Okay, thank you.

369 CHAIRMAN COLE: Okay, with that...thank you, sir, you'll have an  
370 opportunity to come back up a little later.

371 MR. SIMS: Thank you.

372 CHAIRMAN COLE: We will now open the public hearing. I would  
373 like to state that we have received a number of letters and communication from you  
374 folks most of which are addressed to the city council. Some of which are addressed to  
375 the Mesa County planning commission which does not have jurisdiction at all on what  
376 we are considering this evening. And also there are...one allegation that I would just  
377 like to speak to this...this evening. Many of these letters here allude to the fact that it is  
378 a revenue producer for the city of Grand Junction. That is not a consideration that  
379 we're taking into consideration tonight.

380 What has happened here is an application has been made and it's  
381 incumbent upon we as a appointed body from the city to render a decision – a fair  
382 decision – and be...be sure that this hearing is a fair hearing and that the decision  
383 is...is fair as the commission views it and we...we all have our personal feelings about  
384 this but hopefully those will not enter into it as much as the facts of the case. So with

385 that, if you have submitted a letter previously, now as I said at the beginning of the  
386 meeting these that we have just received this evening we have not had a chance to  
387 review other than very briefly and so we don't quite know what's...what's in all of those  
388 but the other letters that we've received this commission has read those letters and it is  
389 something that will be entered into as we make our...as we deliberate this evening and  
390 render our decision at the end of the hearing. So with that, we will first open the...the  
391 hearing to those who are in favor of this application.

392 COMMISSIONER PITTS: Mr. Chairman, I just have a comment to  
393 make about...about these letters that were handed to us this evening. You're a much  
394 faster reader than I am. I want to state that I've had no opportunity to read any of these  
395 letters presented this evening and I can't consider anything that was presented at that  
396 time.

397 CHAIRMAN COLE: Okay and that may be the case with other  
398 commission members as well and so I would ask that you keep your comments to three  
399 minutes. We will enforce that and ask that those comments be restricted to that so that  
400 everyone gets an opportunity to speak this evening. So with that are there those who  
401 would like to speak in favor of this application? Okay, yes sir – in the red shirt.

402 MR. PE'A: Mr. Chairman, commissioners and staff. My name is  
403 Phillip Pe'a. As our city grows our contemporary adults' profile is growing. These  
404 younger adults have more disposable income and granted you said to take the revenue  
405 part out of it. I think we're lacking adult entertainment. Not for revenue purposes just  
406 for entertainment purposes. I think they need a place to go, somewhere to just enjoy  
407 themselves as adults.

408 I'll try to define gentlemen club – strip club basically is more like...I  
409 perceive Cheers as a strip club. You know, go in there; it's crazy, wild out of control  
410 when a gentlemen's club is normally more upscale. You're dealing with more upscale  
411 clientele and the valley has a lot of upscale clientele. I feel again these...the  
412 contemporary adult profile demographic has more disposable income and they need  
413 somewhere to go. If Allegiant Air can fill two planes twice a week to go to Las Vegas,  
414 why can't we keep those people here? Thank you.

415 CHAIRMAN COLE: Thank you. Anyone else who would like to  
416 speak in favor? Yes, ma'am.

417 MS. COX: Good evening. My name is Lessette Cox. I have been in  
418 this...this is my business. This is what I do, my entire family. I have been doing it for  
419 eight years. I've grown up in the valley. I do know that we have an extreme need for  
420 this in the town. There's such a high demand. It's exploding at the seams and we've  
421 got, you know, girls doing this that probably should be in a better environment, a safer  
422 environment – a place where they can pay taxes. Where they can be safe in what  
423 they're doing because it's gonna happen whether we like it or not. It's all around us.  
424 But if we can control that and if, you know, we have that opportunity to control that and  
425 add to our community for that and for these girls make sure of their safety and  
426 everything. This is a gentlemen's club. I've traveled all over the country working and a  
427 strip club is completely different. A gentlemen's club is always very respectable. It  
428 always works out very nicely. I've seen hundreds of 'em. But that's just all I want to say  
429 that it's going to be something very good for the valley and I definitely approve of it.

430 CHAIRMAN COLE: Thank you. Anyone else who would like to  
431 speak? Yes, sir, in the back.

432 MS. BEARD: Mr. Chairman, you might want to also remind if some  
433 of these people who are coming forward haven't actually signed up in the back if they  
434 please would after they were done so we would have it for the record.

435 CHAIRMAN COLE: Yes, if you haven't signed the sheet back in the  
436 back, we would like for you to sign that if you are speaking this evening. Yes, sir?

437 MR. CLARK: Good evening, council. My name is Shaun Clark. I  
438 grew up in Las Vegas so I grew up around a lot of clubs similar to what they're trying to  
439 approve here. I believe that they have done their due diligence obviously in the  
440 planning of the club and doing the zoning, the parking, the restrictions as to, ya know,  
441 how far away they are from public buildings, schools, and things like that. Obviously  
442 there's a definite need for a service like this anywhere that the energy and gas  
443 companies exist. These people have a lot of money and they are going to other states,  
444 other cities in Colorado and spending their money there. Like I said it's not really an  
445 issue here as to...as to the revenue but I believe that they have done their diligence in  
446 planning it correctly and I am for it. Thank you.

447 CHAIRMAN COLE: Thank you. Someone else would like to speak  
448 in favor? Yes, ma'am.

449 Ms. McKAY-HALVORSON: Thank you for having us here tonight.  
450 My name is Sooner McKay-Halvorson. I was born and raised in Grand Junction. I  
451 currently own three businesses on Main Street. I'm very much in support of...of seeing

452 a club being opened in Grand Junction. There's three points that I want to make to  
453 present to you and hopefully you'll consider.

454 My first one is the current demand versus the current supply. My  
455 businesses on Main Street - I own a pole dancing studio where we teach women pole  
456 dancing on an aerobic level. We have a very strong client base with the middle to  
457 upper class female business and professional women. My other store is a women's  
458 boutique adult toy store and so for the last year and a half I've listened to my customers  
459 and my clients talk to me about the things that they're looking for for their personal lives  
460 and it's very hard to find a resource or a place for them to go to work through these  
461 needs – these desires. And when there's not a resource available, they seek other  
462 avenues which often are more deviant, they're more underground and they can get  
463 them into situations where they're not abiding by the law.

464 The...the supply is there and...or the demand is there and the supply will  
465 be there no matter if it's in a gentlemen's club or if it's on a private level. On a private  
466 level it's very unsafe for the women who are working in this industry right now. They  
467 are going into people's homes. They're being called, hired and paid to go into people's  
468 homes and perform for them topless which is probably what would happen in a  
469 gentlemen's club. However, they're on that person's private property and if a crime  
470 were to be committed they are on that person's private property and so they have not a  
471 lot of legal recourse if they are to be injured or assaulted by somebody who's paid them  
472 to come there to perform for them topless or on an adult oriented way.

473 The current business model...secondly, the current business model for a  
474 gentlemen's club it differs substantially from the model of strip clubs of the past.

475 There's been a separation in the type of clientele that the gentlemen's club caters to.  
476 As Phil had pointed out, it caters mostly to the middle to upper class professionals who  
477 are looking for an avenue to play as hard as they work and we don't have that  
478 opportunity here. The strip club or the gentlemen's club also caters a lot more to  
479 women and to couples and in my business of speaking to men and women especially in  
480 the adult toy store, couples are looking for ways to explore their monogamous sexual  
481 relationships in a way that's different and there's no way to do that right now in Grand  
482 Junction. You have to go out of town to do it which makes you feel like you're doing  
483 something bad. If you feel like you have to go away, run away from the people that are  
484 around you.

485 I already touched on the other one - the safety and professionalism.  
486 There's not a lot of safety for people who are supplying to this demand. I guess  
487 just...currently there are no managed, controlled or taxed establishments or  
488 environments available and where's there's a demand there will be a supply in one form  
489 or another. A gentlemen's club, especially the professional establishment being  
490 proposed, seems to be a responsible means to acknowledge and monitor this aspect of  
491 entertainment and free enterprise in Grand Junction. So, thank you for your time.

492 CHAIRMAN COLE: Thank you. Someone else who would like to  
493 speak in favor of it?

494 MR. MOSBY: Don Mosby, 3348½ B-1/4 Road, regardless of the  
495 demand, it meets the criteria for the business and it looks like he's gone above and  
496 beyond to try to make it attractive and correct for the city so I'm for it. Thank you.

497 CHAIRMAN COLE: Thank you. Anyone else who would like to  
498 speak in favor? Yes, sir?

499 MR. HALVORSON : Thank you, Chairman and commissioners. I  
500 wanted to address a little bit about...oh, I'm sorry. Matt Halvorson, 2620 Wisteria  
501 Court, Grand Junction. I wanted to address a little bit about the owner operator's  
502 character if that's okay.

503 CHAIRMAN COLE: No, that is not appropriate.

504 MR. HALVORSON: No? Okay. Well I am definitely in support of it.  
505 I was asked today why and I would think that some of the opposition that we might  
506 hear are...are some violence or activities that go on there. Speaking from personal  
507 experiences and being in the entertainment business I was a casino host in Las Vegas.  
508 Being in a regular bar or nightclub versus an adult entertainment club I personally saw  
509 a whole lot more well behaved people in that situation than I did in a regular bar or  
510 nightclub.

511 I also have a lot of experience here in town. I managed a bar for three  
512 years and I think that what's gonna be said that it...that the adult entertainment is going  
513 to more adversely affect what people are going to be there I think is a farce. I saw  
514 plenty of it downtown on Main Street and, you know, I don't think that that should be  
515 weighed into...to the fact of if...if we're going to be able to open a bar, you should be  
516 able to open it. Thank you.

517 CHAIRMAN COLE: Anyone else who would like to speak in favor  
518 of this application?



519 MR. MARTIN: Good evening, Eric Martin. I just want to remind the  
520 people that are against it that they don't have to frequent the establishment.

521 CHAIRMAN COLE: Someone else would like to speak in favor?  
522 Okay, we will now go to those who would like to speak in opposition to this land use  
523 decision. Yes, sir?

524 MR. BRADEN: My name is James Braden. I live at 4 35 32 Road.  
525 I'm in opposition to this. I'm in my seventieth year. I will give you some of my  
526 experience up in Alaska during the construction of the pipeline. My particular section  
527 was from Fairbanks down to Valdez in security. We found that these type of gentlemen  
528 clubs invite into the community people that you do not necessarily want in your  
529 community. It is income making but there would be no doubt it. There will be from the  
530 peripherals as those that go out probably an increased use of drugs. Why do we spend  
531 so much money to build a meth house when we would turn right around and invite it  
532 right back in.

533 I say this very clearly and I think as I have spoke to many people and  
534 listened to their suggestions, we want to put this down quickly, pleasantly but I do not  
535 want to see the draw of men that I saw up in Alaska come in, get drunk, walk out and  
536 begin to look for your daughters. Now they say...they will say well, a gentlemen's club  
537 doesn't do that but we have a major college here. Every young man wants to go out  
538 and experience life and they will probably make a trip out there. When you start that  
539 kind of blood rolling in a human body as you as a doctor know you lose control of your  
540 senses. Losing control, getting terribly excited and drunk I can see them leaving and

541 there'll be increased traffic accidents on 6 and 50. So those are just some of the  
542 qualms.

543           It is immoral in a way because it leads to other things that you don't see  
544 but we have experience here. There is dancing already going on in Grand Junction in  
545 private homes and there is no revenue or taxes being collected from it and yet people  
546 are making money from it. So I think that rather than to say you're controlling it in one  
547 spot, you're actually inviting people from Las Vegas because the income has gone  
548 down in Vegas will be looking for other places to go. Thank you.

549           CHAIRMAN COLE:           Thank you.

550           MS. HUGHDON DEAL:   Hello, my name is Milana Hughdon Deal and I  
551 live at 13 13 North 18<sup>th</sup> Street. I am writing you regarding the proposed gentlemen's  
552 club. As a former dancer in the seventies in Alaska I saw first hand the drugs, violence  
553 and prostitution resulting from the environment such an establishment provides. During  
554 the Vietnam War and pipeline construction, money flowed. Not only one or two such  
555 clubs were established, others followed some out of town and much larger. Behavior  
556 allowed in the city limits was even more accelerated and decadent outside the city.  
557 Thank you.

558           As a dancer I worked in a very small strip club but was about to move to a  
559 larger one. The night I was to change location 6 to 8 women were at the new  
560 club...sorry, were shot with a 12-guage shotgun by a man who was obsessed with one  
561 of the girls and wanted her to marry him. Violence seemed to be...seemed to erupt at  
562 the club nightly.

563                   Men do not go to these clubs for the artistic beauty of the dance or the  
564 down to earth conversation with the ladies. They are going to view, to look for a  
565 superficial relationship and/or to proposition a dancer for sex. The ladies...I'm sorry,  
566 the ladies know it's easy money. It's good money. It gives them a false self esteem  
567 and adds to or begins a drug and alcohol habit. If the men are married it brings trouble  
568 in the home. If the girls are married or have a relationship, it causes violence or  
569 prostitution to occur.

570                   Back in the seventies I lived with a heroin addict who would have liked me  
571 to prostitute myself to support his habit. As an alcohol and drug counselor, I work for  
572 the Salvation Army for six years in the residential treatment center. I was the women's  
573 primary counselor. I started...I see, have and started and supported...I'm sorry, as a  
574 drug...alcohol and drug counselor many of the women and men I see have started or  
575 supported their drug habit by dancing. Some have gone further prostituting in addition  
576 to the dancing because the club generates that kind of activity environment. We may  
577 be talking about one club but once one is established and succeeds, many will follow.

578                   The owner of Rumbay is apparently selling his business. Why? Because  
579 of the violence and police calls his bar generates. A gentlemen's club will generate  
580 even more. The question between what is moral and what is illegal is an issue for me.  
581 However,...

582                   CHAIRMAN COLE:           Excuse me?

583                   MS. HUGHDON DEAL:       Yes, ma'am?

584                   CHAIRMAN COLE:           Would you wrap it up?

585 MS. HUGHDON DEAL: Yes, yes. However, I would just like to see...I  
586 love Grand Junction. I love the...the environment here and I just see, sir, that this  
587 gentlemen's club would just bring more prostitution, more drug addiction and more  
588 crime to our area and I don't want to see that happen. Thank you.

589 CHAIRMAN COLE: Thank you. Someone else?

590 MS. FINDLAY: My name is Sarah Findlay. My address 2 0 2 North  
591 Avenue, number 195. I am a recovered drug addict and alcoholic and I'm also an ex-  
592 topless dancer. You're asking, what is a gentlemen's club. I was in the business  
593 for...for over ten years and I can give you a pretty clear view of what a gentlemen's club  
594 is.

595 I started dancing here in Grand Junction when I was 18 years old at  
596 Cheers. That's where my cocaine habit started. Shortly after I tried doing cocaine I  
597 began dealing cocaine out of the club. The deejay was dealing cocaine. And that was  
598 just and Cheers was a strip club, yes. Then I ended up moving to New York and I  
599 danced in places like Goldfingers, Scores - the top of the line gentlemen's clubs - and  
600 the same exact thing that goes on in the dumpiest little strip club like Cheers goes on at  
601 the top of the line club. I don't care how fancy you make it, how you gloss it over, the  
602 same thing goes on. It destroys lives.

603 Ninety percent of the women that are dancing in those clubs become  
604 hooked on drugs, become alcoholics. If any of you have daughters between the ages  
605 of 18 and 30, please do not pass this. I really agree with what the gentleman said  
606 about, you know, this is a college town. We have young women. This is going to put  
607 our young women in danger. It's gonna...the crime rate is gonna go up. It's just...it'll

608 basically be a building where from what I have seen it makes it easier for the drug  
609 dealing and the prostitution to go on having an establishment like that and I have  
610 worked in many, many clubs.

611 I wrote you guys a letter and like I said, it's no matter how upscale you  
612 make it, no matter how you gloss it over, even...I...I mean the idea of separating the  
613 clients or I mean the dancers from the clientele, that's a great idea. That still doesn't  
614 stop it. It doesn't...it doesn't stop them. Are you gonna not let the dancers drink at the  
615 bar at all? You're not going to let 'em talk...talk to the customers? It's not gonna work.  
616 They're still gonna interact. There's...there's still gonna be the prostitution that goes  
617 on. There's still gonna be the drug dealing that goes on. There's still gonna be the  
618 increased crime rate and it's...it's a negative for this community and the reason that I  
619 can say that is because I was in the business for ten years. Thank you.

620 CHAIRMAN COLE: Thank you. Someone else?

621 MS. STAR: Hi. I'm Patty Star, 17 30 North 7<sup>th</sup> Street, and the  
622 previous speakers were great and I haven't been in the business but what I want to say  
623 is we have enough bars and we really don't need a strip club and I agree with  
624 everything they say and what it does. And it's not what these people think. Well, they  
625 think they need this. They think. If you don't want the revenue part of it in I won't say  
626 anything about that but it's what our town wants. We don't want that, you know. And  
627 those who say it's a moral issue or it isn't, I'm just saying my family goes way back to  
628 great-great grandfather's time and great grandfather. And, you know, a town chooses  
629 what they want and I think our choice should be no because it does bring in all that and

630 we have enough trouble with the bars. And I know this for a fact because what I do so  
631 even though I'm here on a personal level I know for a fact things.

632 But, at any rate, the definition of a gentlemen's club, gentlemen, the  
633 definition is not a strip club so...this is hard to say this in front of everybody but, like I  
634 said, it's a choice. If you have children, wives, grandchildren, you'll have to think about  
635 this and you all have to look at yourselves in the mirror and decide what's best for our  
636 town not what's best for some people and the other people it would bring into our town.  
637 Okay? So the choice is up to you.

638 CHAIRMAN COLE: Thank you. Someone else?

639 MR. FERRIS: I'm Mike Ferris. I own Western Slope Auto Company  
640 for 30 years. As I thought about what I'd say tonight I realized it's just past - a couple  
641 days ago or a week ago. But this is...this is a car dealer's worst nightmare is to have a  
642 bar located next to their business and this is just across G Road from my business  
643 which is about 20 acres of facility and millions of dollars in inventory. And the problem  
644 for a car dealer being near a bar is the vandalism and the theft that occurs after hours,  
645 late at night, as a result of reduced inhibitions and so forth and so when I saw...saw the  
646 notice on this my concern was what's going to happen as a result of these people  
647 leaving at one in the morning, two in the morning.

648 I was previously at Second and Main up until 1983. So I've been out at  
649 the current location for 25 years but somebody broke into the...into the dealership at 2<sup>nd</sup>  
650 and Main and so the police called me and I went down and we went through and looked  
651 at the facility. Incidentally they send me first. I thought that was interesting. They had  
652 the guns and they sent me first but we...we...we went through the facility to...and...and

653 there was nobody there and so we walk out and so on and they're taking down the  
654 information and somebody walked out of the bar that was down there and started to get  
655 under the dash of my car. He didn't even notice standing as close as I am to you  
656 people that this was a police officer and me and he was hot wiring my car right there in  
657 front of him.

658 But the vandalism that I suffered when I was down at 2<sup>nd</sup> and Main was  
659 ongoing, it was non-stop, it was theft, it was spare tires, it was bumpers, it was...the  
660 worst part though always for me was when somebody would scratch the paint on a  
661 brand new vehicle and...and in a way violate that brand new vehicle where it's never  
662 quite the same and so forth. If they took something I almost felt better about it than I  
663 did about the other.

664 But we've got, you know, a couple little minor things from a planner  
665 her...her comments. One is she had said the northwest corner. I think it's the  
666 northeast corner as I see it at G Road and Colex is the actual address and immediately  
667 behind that is a home and I...maybe nobody's living in that home now. Maybe it's not  
668 zoned residential but there's a home immediately behind it and I believe there's another  
669 one on the other side of that and certainly is within a thousand foot. If those are being  
670 occupied or if they...if the zoning has not been changed on those locations. So  
671 those...so those are two minor things.

672 Another couple things is the exits onto Highway 6 and 50 are really  
673 questionable because you've got that slope to the west as you go out of there and it's  
674 hard to see and turn back and go to the east. And then 23 Road is really famous for all  
675 the accidents – serious accidents - that occur at that area. If they go down to 23 Road

676 on G Road and then go up to get onto 6 and 50 so...so there really is some problems in  
677 terms of traffic patterns that would be exacerbated by a facility like this. As I think about  
678 it, you know, this facility is gonna attract younger males on average. It's gonna attract  
679 people who like to drink and it's...it creates a situation that is really a bad situation  
680 businesswise for me because of the fact that vandalism and theft is gonna go way up.  
681 So thank you very much.

682 CHAIRMAN COLE: Thank you. Someone else like to speak?

683 UNIDENTIFIED SPEAKER: Mr. Dibble, you asked a question awhile  
684 ago what was a gentlemen's club? I think we've heard...heard what the answer was to  
685 that already. I live in Clifton, that's going to be further away from this place.

686 CHAIRMAN COLE: Sir, what's your name?

687 MR. TEVIS: My name is Charles Tevis. I signed.

688 CHAIRMAN COLE: Okay, but we still need you to speak it.

689 MR. TEVIS: Okay, my name is Charles Tevis. We're talking about  
690 Grand Junction there but you know it also includes the other towns in this valley. It  
691 does. You're gonna make a decision for Grand Junction but it also includes Fruita,  
692 Mack, this little town, it will also include some like Palisade, little town out here, what is  
693 this little town out here...we have out here? You pass right by it. Anyway it's there.  
694 Those people live here.

695 I'd like to read the first sentence here on this paper I picked up back there  
696 - planning commission members are dedicated volunteers who work long hours for the  
697 betterment of our community. I do not think a strip joint - and that's what it's gonna be -  
698 is for the benefit of our community. Nobody's talked anything about anything about



699 morals. But I'd like to lift up a little bit about morals right now and I don't want to take  
700 too much more time.

701 CHAIRMAN COLE: That's not appropriate for this.

702 MR. TEVIS: But morals should be...should be included because  
703 that's what should be included when you make your decision.

704 CHAIRMAN COLE: I don't necessarily disagree with you.

705 MR. TEVIS: I'm not going to bring up Christianity. I'm not going to  
706 bring up a lot of things like that, sir. But I do want to tell you but there's a lot of people  
707 in this whole valley think no to this kind of thing. Thank you.

708 CHAIRMAN COLE: Thank you. Someone else who would like to  
709 speak in opposition?

710 MR. JACOB: My name is Mike Jacob and I want to thank the ladies  
711 and gentlemen for allowing us to speak our thoughts this evening and just based on  
712 what we have seen go out at 30 Road with Rumbay and all of the violence and the  
713 crime that's been going on out there, the extra police expense to try to keep some of  
714 that under control I think it's going to be worse...even worse out here. There's gonna  
715 be more activity, it's going to be more perverse, it's going to be worse and I would  
716 submit that anyone who attends one of these gentlemen's club is anything but a  
717 gentleman.

718 CHAIRMAN COLE: Thank you. Someone else like to testify this  
719 evening? Yes, sir?

720 MR. DEAL: Good evening. My name is Robert Deal. I live at 13  
721 13 North 18<sup>th</sup> Street.

722 CHAIRMAN COLE: Could you say that again, please?

723 MR. DEAL: My name is Robert Deal.

724 CHAIRMAN COLE: Thank you.

725 MR. DEAL: I live at 13 13 North 18<sup>th</sup> Street. I would like to  
726 present two things here. First is, I spent 13 years in the military. I've been to a lot of  
727 gentlemen's clubs across the world and as somebody said earlier it doesn't make any  
728 difference whether it's on the south side of some little town or upscale European club.  
729 They all are the same. The same thing comes out of them.

730 The second point I would like to make some of you may have lived in this  
731 area long enough to remember a place called the Colorado Club out west of here.  
732 There have been many, many, many people killed returning from Grand Junction from  
733 that Colorado Club. Having a place this far out of town, how are these people gonna  
734 get back and please don't tell me they don't get intoxicated and that far out of town  
735 they're not gonna call a cab. You're gonna find traffic accidents between there and  
736 Grand Junction rising very significantly including fatalities because of something like  
737 that. Thank you.

738 CHAIRMAN COLE: Thank you. Someone else? Is there anyone  
739 else who would like to speak this evening in opposition to this application? Okay,  
740 seeing none we will close the public hearing and we will allow the applicant to come  
741 back up for any rebuttal that they would like to make.

742 MR. SIMS: Bryan Sims, Design Specialists Architects. I will  
743 speak plainly to the merits of what we have attempted to do in our design, the site plan  
744 and the building design to mitigate the circumstances that have come about that we

745 have talked about tonight. Also I learned something I wasn't aware of and that is the  
746 car dealer bringing up the aspect of increased vandalism in the area. If this is  
747 something that is of concern I do know that the police...the police are...if you put  
748 something like this in an area, the police are well aware of that something is there  
749 where it is not presently. That in itself causes increased enforcement in that certain  
750 area.

751 Obviously we can't solve all the problems of the offsite situations. That is  
752 something that...that the infrastructure of the town obviously is going to have to be  
753 faced with at some point. But I do want to emphasize that within the...the...the realm of  
754 us making a presentation for the benefit of our client and trying to design a facility that  
755 we feel serves not only the physical needs of what our client's trying to build but his  
756 business interest this is the type of facility that...that is probably good for Grand  
757 Junction in...in...in an economic sense.

758 As far as getting into morals, I won't discuss morals either. I don't think  
759 morals is an issue here. I think really what is an issue here is...is a business person  
760 doing a reputable business and doing it properly. That's why we're involved in this  
761 process. That's why we were hired to represent this person because we worked with  
762 this person on other projects and, no, we will not speak to his character but I can speak  
763 to his character he is a very good character. So we're not dealing with some kind of  
764 Las Vegas immigrant if that's what we're worried about.

765 I'll just emphasize the fact that we've tried to solve all the problems. I  
766 think the planner has emphasized that we have and as this is passed...as this is  
767 passed in a positive manner we'll make every attempt and will make every attempt to

768 solve any problems that have come up within this commentary. So we'll do the best in  
769 our professional expertise to do that and I think the owner has told me that his  
770 management principles, he'll do everything in his power to mitigate circumstances that  
771 have come up in the other areas so that's the best I can give you at this point.

772 CHAIRMAN COLE: Okay. Are there any questions from the  
773 commission? Is it appropriate for us to question, Jamie?

774 MS. BEARD: Are you asking if you can question the applicant?

775 CHAIRMAN COLE: Yes.

776 MS. BEARD: Yes, you're entitled to do that.

777 CHAIRMAN COLE: Okay, okay. Are there questions of the  
778 applicant? Okay, hearing none we will bring it back to the commission for discussion.  
779 Thank you, sir.

780 MR. SIMS: You're welcome.

781 CHAIRMAN COLE: I might ask the city attorney's office what we  
782 are to consider this evening. If you would just summarize that for us.

783 MS. BEARD: As a conditional use permit, then what you are  
784 supposed to consider is the criteria that is listed for a conditional use permit which  
785 includes the site plan, the district standards which are those included for an I-1 zone,  
786 the specific standards which are the use specific standards that we were referring to  
787 earlier in regards to the adult entertainment and then the availability of complimentary  
788 uses, compatibility with adjoining properties and that would include protection of  
789 privacy, description and protection of use and enjoyment and then compatible design  
790 and integration. That is your criteria for consideration.

791 As to some of the other things that were brought up and concerns that  
792 were mentioned by some of the testimony, if it doesn't fit within the criteria and  
793 consideration for determining whether or not the criteria has been met, then that  
794 information isn't the information that you should be considering as relevant.

795 CHAIRMAN COLE: Okay, thank you. Let me just make one quick  
796 comment. If this is approved at this stage, I realize that many of you as that have come  
797 tonight think that this is a camel with it's nose under the tent thing and you're trying to  
798 get your...your piece said right at the beginning of it, I understand that. But we do have  
799 criteria to...to consider here tonight. There will be such things as liquor license  
800 hearings and those types of hearings that...that will come up at a later date and at that  
801 time it would also if this passes this evening would be appropriate for you to...to give  
802 your testimony at that time. Is that...would you agree with that?

803 MS. BEARD: Yes, there will later be...it's my understanding they  
804 have not received a liquor license at this time so there would still be a liquor hearing as  
805 far as approval by the local office which would include Grand Junction.

806 CHAIRMAN COLE: And at that time the needs and the desires of  
807 the neighborhood can be considered. Okay, with that does the commission have  
808 comments that they would like to make?

809 COMMISSIONER DIBBLE: I have a question for staff. In, excuse  
810 me, in looking over the lot I noticed as has been referred to that there are a couple of  
811 houses – two of them obviously looked like they were abandoned but one of the...one  
812 of the on the back had two cats in the yard and a car in the drive. I don't remember  
813 who sang that song but two cats in the front yard and I'm just wondering if it's been

814 determined or ascertained that there's occupancy in that house? It looked like it could  
815 be but here again.... and whether or not that has any bearing or not I'm curious.

816 MS. BEARD: Technically as the criteria indicates that it must be  
817 zoned for residential property and it is not zoned for residential property, it's actually I  
818 believe either I-1 or commercial or no, I'm sorry, it's actually not in the city at this time  
819 so I'm not positive exactly what it is in the county but it's not residential.

820 COMMISSIONER DIBBLE: But it is an allowed use and until that  
821 changes it will be occupied or available to occupancy?

822 MS. BEARD: If I can clarify they just indicated to me that staff has  
823 that it is actually in the city. It is I-1 is what it's present zone is. And, I'm sorry, then.  
824 What was the second question you asked there?

825 COMMISSIONER DIBBLE: If it is occupied it can continue to be  
826 occupied?

827 MS. BEARD: If it is presently occupied and has been used as a  
828 residential property and has continued to be used as such then they would be able to  
829 continue that use.

830 COMMISSIONER DIBBLE: So they've got a residential neighbor in  
831 other words?

832 MS. BEARD: If they have a residential neighbor...if there's  
833 somebody living there but technically it's not part of the criteria for consideration so I  
834 don't know if staff's made a definite determination of that or not.

835 COMMISSIONER DIBBLE: There was a general meeting held, staff,  
836 for the property?

837 MS. COSTELLO: Yes.

838 COMMISSIONER DIBBLE: Okay, and there was not a  
839 neighborhood meeting held, is that correct?

840 MS. COSTELLO: No.

841 COMMISSIONER DIBBLE: Okay. As long as I'm...

842 COMMISSIONER PITTS: I think a point of clarification on the...on  
843 the zoning thing if I'm not mistaken it was probably residential or farm ground much  
844 prior to it ever being industrial. That's just an observation of being a resident for 42  
845 years. Farm ground before it was industrial. Anyway.

846 COMMISSIONER DIBBLE: Is the property to the...to the west  
847 zoned I-1 also across Millex Road or whatever that is?

848 CHAIRMAN COLE: Colex Drive.

849 COMMISSIONER DIBBLE: Colex.

850 MS. COSTELLO: This is the zoning map for the property and the  
851 surrounding area. To the east, north and west all of those properties are zoned I-1 and  
852 the property south of G Road is zoned C-2.

853 COMMISSIONER DIBBLE: Okay, so potentially within the criteria of  
854 the zoning matrix it...we could have x number of applications for bars and nightclubs to  
855 the west of this property?

856 MS. COSTELLO: Potentially.

857 COMMISSIONER DIBBLE: Okay. Because that's germane to the...

858 MS. COSTELLO: It is an allowed use with the C-U-P.

859 COMMISSIONER DIBBLE: And the criteria in chapter 4? So as  
860 long as they meet the criteria we could end up with 5, 8, 10 bars out there?

861 MS. COSTELLO: Potentially if it met the criteria.

862 COMMISSIONER DIBBLE: A neighborhood of gentlemen's clubs,  
863 right?

864 MS. COSTELLO: Well, for the gentlemen club, for the adult  
865 entertainment component, there is the thousand foot spacing requirement between  
866 uses but if they met the requirements.

867 COMMISSIONER DIBBLE: Okay. I still have a problem with the  
868 understanding of what we're really...what we're really grueling on this evening. We  
869 have specific designated jurisdiction over bar nightclub and we have no jurisdiction if  
870 they weren't a bar nightclub but they were an adult entertainment club?

871 MS. COSTELLO: Correct.

872 COMMISSIONER DIBBLE: I have...I have a real problem. They  
873 have come before us as we have been given a staff report that asks for a C-U-P to  
874 operate a bar nightclub in an I-1 zone district and that's required in order for them to  
875 operate and the two areas of consideration for this as you have described because of  
876 the adult entertainment have added chapter 4. Is that correct? We would be going by  
877 2.2.D 4 if it weren't for the adult entertainment portion describing by definitions adult  
878 entertainment and adult entertainment establishments. Those are definite definition  
879 descriptions for the process that the city recognizes to control or to oversee adult  
880 entertainment. Is that correct?



881 MS. BEARD: Those are the use specific standards that are set  
882 forth in the code in regards to adult entertainment. Correct.

883 COMMISSIONER DIBBLE: And that's what you're telling us we  
884 need to also consider along with the...the aspects. Those are called accessory use  
885 specific aspects, right?

886 MS. BEARD: And as they are part of the actual criteria for a  
887 conditional use permit then it is part of your consideration to say yes it has or has not  
888 been met.

889 COMMISSIONER DIBBLE: Okay, but section 2.2.D 4 is really the  
890 zoning ordinances that we need to look at and personally after reviewing the area of  
891 buffering I'm sure and have been assured by the applicant that there will be adequate  
892 parking, there will be fine lighting, there'll be I understand a fence or some kind of a  
893 buffer item. Building design standards seem to be in order. The sign conditions I  
894 wasn't sure about the sign conditions but they appear...we didn't get a copy of that by  
895 the way I don't think, did we in our packet? But I looked at them as they came by and  
896 they looked like they conform.

897 Traffic is still a question mark in my mind. That is a dangerous stretch of  
898 road especially at the corner of 23<sup>rd</sup> and G and I believe they're going to be doing  
899 something about that, mister engineer. Is that correct? And so that definitely has  
900 already been earmarked as a danger area. Well, this will add traffic and probably quite  
901 a bit.

902 But I can't take issue with the...with those particular things but as I review  
903 the growth plan I have deep concerns that consistency with the growth plan have not

904 been met. If we refer to goals and policies that substantiate an integral part of this  
905 program, goal number one states that the proposal must achieve a balance with the  
906 integrity of the communities' neighborhoods. Communities' neighborhoods is greater  
907 in...by definition of the word nomenclature and logology of it is different than that  
908 neighborhood immediately adjacent to the property. Neighborhoods opens the  
909 expanse and I would in my own mind consider Grand Junction as part of that extended  
910 neighborhood.

911           The word integrity sticks out in that...in that policy. It's my understanding  
912 of integrity that adherence to moral principle and character are directly related to  
913 understanding the meaning of that word. Another way of looking at it and I came up  
914 with a way of preserving the unimpaired structure of something and I contend this  
915 evening that the neighborhoods of Grand Junction are that unimpaired structure that  
916 we're trying to preserve by due diligence.

917           A sub-policy within goal one states city and county decisions about the  
918 type and intensity of land uses will be consistent with the future land use and map and  
919 planned policies. And goal number eleven states to promote stable neighborhoods and  
920 land use compatibility throughout the community. If the first goal didn't broaden it  
921 enough this certainly does. And policy 11 1 further stresses the compatibility with the  
922 zoning codes including other sources of incompatibility and I'm quoting directly from the  
923 policies and the goals.

924           So I believe the evidences of incompatibility expressed by the public here  
925 tonight as well as the preponderance of letters coming to us including those that we  
926 didn't get a chance to look at tonight do in fact express an opinion about the

927 compatibility in our community. I don't believe that a bar, and I'm looking at this now a  
928 little different than you're looking at it, and I may be...I may stand corrected someday,  
929 I'm looking at it for the fact that this property could be an automatic use with  
930 administrative approval without our consent if it were...had no drinking on the premises.  
931 But because it has drinking on the premises, I'm separating this in my mind and saying  
932 is this a bar nightclub application as required under our jurisdiction and I say it is and I  
933 say in my opinion it has...it is not a fit for Grand Junction and I don't' believe the goals  
934 of the growth plan and the lifestyle that's exercised within the building are also a fit for  
935 Grand Junction. Therefore, I would have to consider a no vote.

936 CHAIRMAN COLE: Thank you.

937 COMMISSIONER PITTS: Mr. Chairman?

938 CHAIRMAN COLE: Yes.

939 COMMISSIONER PITTS: Without going into the detail that my  
940 cohort Doctor Dibble did, there's really two things that I have based an opinion on and  
941 that is the compatibility with the neighborhood, with the growth plan and in the I-1 zone  
942 area but I'll throw in another one and that is a benefit to the community – the entire  
943 community – the entire Mesa County within 200 miles of us. And then there was a  
944 comment made...well, I won't refer to that...but those I will...I will underscore what  
945 Doctor Dibble said and add to it the benefit to the community but he already mentioned  
946 the neighborhood and consequently I cannot support the proposal as presented.

947 CHAIRMAN COLE: Someone else?

948 COMMISSIONER CARLOW: I didn't....when I got out of college I was  
949 a bartender for five years. I didn't realize I was such a rotten person until tonight. I

950 don't disagree with some of the comments that have been made. I do have or think  
951 that the...if...if that's the prevailing opinion then it would call for a rewrite of the uses by  
952 right or the conditional uses and I think it's awfully late in the game to be proposing that.  
953 And in light of that I would vote in favor of it.

954 COMMISSIONER PUTNAM: We have been advised by staff that the  
955 courts have held that this kind of thing is protected by the...I guess amendment one of  
956 the U. S. Constitution - free speech. You may not agree with looking at unclad women  
957 as free speech but that's immaterial. We have to be governed by what the Supreme  
958 Court says and I can't buy the allegation it doesn't make it true just because somebody  
959 says it's true that automatically the...the establishment of someplace like this is...is  
960 gonna produce drunkenness, disorderly conduct, bad driving, vandalism, et cetera. It  
961 may be true but just saying it doesn't make it true. It seems to me that the staff's  
962 argument that...that we ought to approve this and they say they recommend it should  
963 be taken seriously and I...I'm prepared to take their recommendation.

964 CHAIRMAN COLE: Okay, anyone else like to make a comment  
965 this evening? I would just like to make a couple of comments. I happen to agree that  
966 most of the conditions that have been expressed by staff have been met. I...I have  
967 certain personal feelings concerning this matter that I...I cannot or will not consider and  
968 as I look at this I've listened to all of the testimony; however, I think that Doctor Dibble  
969 has made a very valid point and that is the compatibility to the neighborhood and I  
970 would have to agree with him that the neighborhood is in fact the city of Grand Junction.  
971 I may be called into question about thinking that and so with that in mind I will have to

972 vote no on this application. Does anyone else like to speak? Hearing none, we are  
973 ready for a motion on the....on the application this evening.

974 COMMISSIONER DIBBLE: Mr. Chairman, on the bar nightclub  
975 conditional use permit, C-P-U, 2008-158, I move that the planning commission approve  
976 of the conditional use permit with the facts and conclusions listed in the staff report.

977 COMMISSIONER PITTS: Second.

978 CHAIRMAN COLE: We do have a motion and a second. I think I  
979 will ask for a roll call vote on this.

980 MS. SINGER: Commissioner Pitts?

981 COMMISSIONER PITTS: No.

982 MS. SINGER: Commissioner Pavelka-Zarkesh?

983 COMMISSIONER PAVELKA-ZARKESH: No.

984 MS. SINGER: Commissioner Dibble?

985 COMMISSIONER DIBBLE: No.

986 MS. SINGER: Chairman Cole?

987 CHAIRMAN COLE: No.

988 MS. SINGER: Commissioner Putnam?

989 COMMISSIONER PUTNAM: Aye.

990 MS. SINGER: Commissioner Lowrey?

991 COMMISSIONER LOWREY: Yes.

992 MS. SINGER: Commissioner Carlow?

993 COMMISSIONER CARLOW: Aye.

994                   CHAIRMAN COLE:           Motion fails so the application has been  
995 denied. Is there any other business to come before the commission this evening?  
996 Hearing none, we are adjourned.

**END OF VERBATIM MINUTES.**



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AUG 22 2008

COMMUNITY DEVELOPMENT  
DEPT.

August 22, 2008

Director of Community Planning  
City of Grand Junction  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501

Re: Appeal to City Council  
File No.: CUP-2008-158  
Bar/Nightclub and Office/Warehouse  
2256 and 2258 Colex Drive

The owner of the above subject property was aggrieved by a final decision of the Planning Commission on the August 12, 2008 hearing, and wish to appeal this decision in accordance with Section 2.18.E of the Zoning and Development Code.

The applicant wishes to address the following approval criteria of Section 2.18.E.1.a, in reference to the applicable items:

Item (4): The decision maker may have acted arbitrarily, acted capriciously, and/or abused its discretions.

In justifying their "no" vote, 2 of the commissioners said the club is not compatible with the "neighborhood" and widened the definition of neighborhood to encompass all of Grand Junction. This brings to item 1 of the criteria:

Item (1) The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state, or federal law

Chapter 9 of the Zoning and Development Code defines a neighborhood as:

An area of a community with characteristics that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by



physical barriers, such as major highways and railroads or natural features, such as rivers. (Note: Historically, the Neighborhood was defined as the area served by an elementary school, with shopping and recreation facilities to serve neighborhood residents. While the description is probably dated, the Neighborhood designation is useful in analyzing the adequacy of facilities and services and in identifying factors affecting the quality of the built environment. In addition, as a distinct and identifiable area, often with its own name, Neighborhoods are recognized as fostering community spirit and sense of place, factors recognized as important in community planning.) Or: That area with definite boundaries as determined by the Director on a case-by-case basis to meet the intent and purpose of the Code.

We note that numerous bars and nightclubs are located in widely dispersed locations throughout the City.

The proposed business is an allowed usage and meets all the criteria established in Chapter 3, Table 3.5 and Chapter 4, Section 4.B of the Zoning and Development Code. In addition, the form of entertainment is an allowed use by right. We believe the decision to deny the application was based on the type of entertainment provided by the bar/nightclub. All technical aspects of the Zoning and Development Code were met with regards to a conditional use permit.

Which brings us to item (5) of the criteria:


- (5) In addition to one (1) or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

The official record will show that Bryan Sims of Design Specialists, acting as the owner's representative, provided testimony to the August 12 hearing. Additionally, the Owner, Kevin Eardley, was present at the hearing, but did not provide testimony.

Sincerely,



R. Bryan Sims, Architect  
Owner's Representative



Kevin Eardley, Owner