

**GRAND JUNCTION PLANNING COMMISSION
AUGUST 12, 2008 MINUTES
6:00 p.m. to 8:36 p.m.**

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

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), Tom Lowrey (Vice-Chairman), Dr. Paul A. Dibble, William Putnam, Lynn Pavelka-Zarkesh, Bill Pitts and Patrick Carlow (1st alternate). Also present was Ken Sublett (2nd alternate) for a portion of the hearing. Commissioner Reggie Wall was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Lisa Cox (Planning Manager), David Thornton (Principal Planner), Kristen Ashbeck (Senior Planner, Neighborhood Services Division), Brian Rusche (Senior Planner), Lori Bowers (Senior Planner), Senta Costello (Senior Planner), Judith Rice (Associate Planner), Ronnie Edwards (Associate Planner) and Rick Dorris (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 69 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the July 8, 2008 Regular Meeting.

2. Nisley North Subdivision – Preliminary Subdivision Plan

Request approval of the Preliminary Subdivision Plan to develop 7 multi-family lots on .91 acres in an R-8 (Residential 8 du/ac) zone district.

FILE #: PFP-2007-254

PETITIONER: Scott Roberts

LOCATION: 547 28 3/4 Road

STAFF: David Thornton, Principal Planner

3. **Riverside Head Start Classroom Addition – Conditional Use Permit**
 Request approval of a Conditional Use Permit to construct an additional classroom building on .54 acre in a CSR (Community Service & Recreation) zone district.
FILE #: CUP-2008-226
PETITIONER: Judy Lopez – Head Start
LOCATION: 134 West Avenue
STAFF: Kristen Ashbeck, Senior Planner

4. **Green Leaf Annexation – Zone of Annexation**
 Request a recommendation of approval to City Council to zone 2.29 acres from a County RMF-5 (Residential Single Family 5 du/ac) to a City R-8 (Residential 8 du/ac) zone district.
FILE #: ANX-2008-196
PETITIONER: Gregg Boone – Villa Tasso
LOCATION: 3109 E Road
STAFF: Brian Rusche, Senior Planner

5. **Willow Wood Village Subdivision – Preliminary Subdivision Plan**
 Request approval of the Preliminary Subdivision Plan to develop 42 lots on 7.81 acres in an R-8 (Residential 8 du/ac) zone district.
FILE #: PP-2008-036
PETITIONER: Gary Rinderle – Rinderle Construction
LOCATION: 3147 E Road
STAFF: Brian Rusche, Senior Planner

6. **Mesa View Elementary – Growth Plan Amendment**
 Request a recommendation of approval to City Council of a Growth Plan Amendment to change the Future Land Use Designation from Public to Residential Medium Low (2-4 du/ac) on 9.497 acres.
FILE #: GPA-2008-206
PETITIONER: Melissa De Vita – Mesa County Valley School District 51
LOCATION: 2967 B Road
STAFF: Brian Rusche, Senior Planner

7. **Sunshine of Delta – Zone of Annexation**
 Request a recommendation of approval to City Council to zone 4.30 acres from County RSF-R (Residential Single Family Rural) to a City R-12 (Residential 12 du/ac) zone district.
FILE #: GPA-2008-074
PETITIONER: John Moir – Sunshine of Delta, Inc.
LOCATION: 377 & 379 29 Road
STAFF: Greg Moberg, Planning Services Supervisor

8. Fournier Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 3.27 acres from a County RSF-4 (Residential Single Family-4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

FILE #: ANX-2008-111
PETITIONER: Kathleen Fournier
LOCATION: 2132 Rainbow Ranch Drive
STAFF: Senta Costello, Associate Planner

9. Airgas Intermountain – Conditional Use Permit

Request approval of a Conditional Use Permit for hazardous and/or explosive materials associated with Airgas Intermountain operations in an I-1 (General Industrial) zone district.

FILE #: SS-2008-024
PETITIONER: Bob Turner – Alco Building
LOCATION: 693 Long Acre Drive
STAFF: Senta Costello, Associate Planner

10. Martin R & S Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 1.54 acres from County RSF-R (Residential Single Family Rural) to a City I-1 (Light Industrial) zone district.

FILE #: ANX-2008-205
PETITIONER: Russ Martin
LOCATION: 2105 H Road
STAFF: Judith Rice, Associate Planner

11. Chipeta Estates Subdivision Extension – Final Plan

Request approval for an extension of time to record the Final Plat in accordance with Section 2.8.E.4. of the Zoning and Development Code.

FILE #: FP-2007-348
PETITIONER: Glen Whaley – Chipeta West, LLC
LOCATION: 2940 B 1/2 Road
STAFF: Lori Bowers, Senior Planner

12. Brookwillow Village – Planned Development Plan

Request recommendation of approval to City Council to modify the phasing schedule of Brookwillow Village Planned Development Preliminary Development Plan in accordance with Section 2.12.F.3.c. of the Zoning and Development Code.

FILE #: PP-2004-130
PETITIONER: Terry Lawrence – Hall Partners, LLC
LOCATION: 650 24 1/2 Road
STAFF: Lori Bowers, Senior Planner

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional

discussion. Item number 8 was pulled for full hearing at public request. Lori Bowers stated that Item number 12 was listed incorrectly on the agenda and requested that item be moved to the August 26th public hearing in order that it can be noticed properly. Senta Costello, Public Works and Planning Department, clarified that the staff report did not specifically call out the signage request or package for the Airgas Conditional Use Permit and further advised that the signage met the standards of the Zoning Code. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the remaining Consent Agenda items.

MOTION: (Commissioner Pitts) “Mr. Chairman, I move for the approval of the Consent Agenda as presented with the exception of item 8 be pulled for a full hearing and item 12 be pulled for future consideration on August 26, 2008.”

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

8. Fournier Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 3.27 acres from a County RSF-4 (Residential Single Family-4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

FILE #: ANX-2008-111
PETITIONER: Kathleen Fournier
LOCATION: 2132 Rainbow Ranch Drive
STAFF: Senta Costello, Associate Planner

STAFF’S PRESENTATION

Senta Costello, Public Works and Planning Department, addressed the Commission regarding the Fournier Annexation. She advised that the subject property was located directly across Highway 340 from the new Ace Hardware and Monument Village Shopping Center. She said that the site was currently vacant and was surrounded by other single family homes as well as the Commercial shopping center across the street. She advised that the future land use designation was Residential Medium Low, 2 to 4 dwelling units per acre. Ms. Costello said that the request was for an R-4 zone district and the surrounding County zoning was currently RSF-4. Furthermore, the Monument Village Shopping Center was zoned City B-1 and County C-1 and Monument Village was a PD of 3.4 dwelling units per acre. After a review of the criteria required for a zone of annexation, she found that the requested R-4 met the criteria for the Growth Plan and the Zoning and Development Code and recommended approval of the request.

APPLICANT’S PRESENTATION

Paul Johnson, Meadowlark Development, 123 North 7th Street, appeared as the landowner’s representative. He said that this parcel represented a City infill project. Also, according to Mr. Johnson, the entire area around the parcel was either zoned County R-4 or built out as R-4, approximately 3.6 per acre. He stated that the City was in much greater need of R-4 than R-2 or less. He added that more affordable housing was needed and felt that this property was in a perfect area for an infill project. He

further stated that they felt R-4 was very appropriate for the area, very reasonable and agreed with the points made by Senior Planner Costello.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Carl and Lorraine Roach stated that they have lived at 2131 Rainbow Ranch Drive for 33 years. He said that they bought that property due mainly in part to the non-developed sites averaging 2 acres in size in addition to the spectacular views of the Uncompahgre Plateau, the Grand Mesa and the Bookcliff Mountains. He said that the proposal was to change the zoning of Lot 1 which was in the center of the long-established Rainbow Ranch Subdivision. He stated that this proposal was the fourth proposed rezoning of a lot made by the developer during the last six years. He pointed out that all of the previous proposals had created a number of concerns among the residents of the existing subdivision. He said that most of the concerns were related to a too high of a density of proposed dwelling units. He said that if approved, this could possibly increase the density in the units in the subject lot by as much as 500 to 1,300% over that of the present subdivision. He said that such a high density would diminish the property values and quality of life of the present subdivision residents. He said that they would like to see the subject property developed but only in a way that would protect the character of their long established subdivision. He opined that this could be achieved by allowing not more than 6 single family homes or 2 dwelling units per acre. He said that this restriction could be achieved by approval of a City R-2 zoning for Lot Number 1 which would benefit all parties concerned and would also satisfy the City's stated desire to have any newly annexed area to be a logical and meaningful transition between a low density and a medium density area.

Guy Stephens, 2129 Rainbow Ranch Drive, said that he agreed with the statements of Mr. Roach and that they bought there for the same reasons that the Roaches did. He said that one of his main concerns on this property was how there would be access into the property from the circle drive and he believed it would impact it quite strongly.

Denis Campbell, 2135 Rainbow Ranch Drive, stated that he and his wife have lived there for 35 years. He also agreed with the statements made by Messrs. Stephens and Rhodes. He said that he saw two problems – access into Rainbow Ranch Drive with the increased traffic as a result of the increased density and the sewer system. Mr. Campbell said that he was opposed to the increased number of houses per acre on the subject lot and he would not be opposed to the R-4 zoning with the limitation of 2 houses per acre.

Dave Jensen, 2125 Rainbow Ranch Drive, agreed with Mr. Roach. He said that the average lot size was about 2 acres and going to 6 houses would reduce it to about a half acre per house and believed that would be a reasonable compromise. He was also concerned about the sewer hookup.

Trudy and Bal Santisteven, 2126 ½ Rainbow Ranch Court, concurred that 6 houses would be better. Ms. Santisteven said that another concern was with water as they rarely got their share of water. Mr. Santisteven asked the Commission to reconsider not passing this request.

Yoleta Trujillo also agreed with her neighbors and asked that the Commission consider not passing this.

APPLICANT’S REBUTTAL

Paul Johnson wanted to make it clear that this was not an application for a site plan. He said that applicant had no plans for development today or in the future. He added that the applicant simply wanted to get the property annexed and zoned so that she could possibly sell it in the future or possibly develop it herself. He said that many of the issues regarding the streets on the interior, the water line, traffic would need to be addressed when a specific plan came before the Commission. He added that when a development occurred, sewer would need to be brought up and it would be a benefit to the entire area.

DISCUSSION

Commissioner Carlow said that he did not believe this was out of line with the existing zoning.

Commissioner Putnam stated that R-2 would be more compatible with the neighborhood and would prefer to support that.

Commissioner Pitts agreed with Commissioner Putnam that R-2 would be more compatible with the neighbors and with the neighborhood.

Commissioner Lowrey stated that he could support R-2.

Chairman Cole stated that he recalled that this same item was before the Commission wherein the zoning was recommended at R-5. He added that an error was overlooked that R-5 did not fit with the Master Plan. He said that he had no problem rezoning it to R-4.

Commissioner Dibble said that he recalled that the subject property was rezoned at R-4 and wondered what had changed except for an administrative error that it was now before the Commission again. He said that he would be in favor of zoning it R-4.

Commissioner Putnam recalled that the R-5 was consistent with the Growth Plan and the R-4 was also and nothing lower than R-4. He said that the recognition that the Growth Plan called for Medium Low, R-2 to R-4, which opened it up for consideration now but could be improved with R-2.

QUESTIONS

Commissioner Dibble asked why R-2 was not available at the last meeting. Senta Costello said that the growth plan designation as it was shown at the last public hearing was Residential Medium which would allow for a density of 4 to 8 so an R-4, R-5 or R-8 zone district were allowed for consideration. Due to the fact that that was an error, staff felt that there should be an opportunity to vote on the appropriate zone districts of R-2 and R-4 in the Residential Medium Low category, the correct designation for the property. Lisa Cox, Planning Manager, confirmed that it was only after the conclusion of the meeting and a recommendation of R-4 made that staff realized that there was a mapping error that went back several months. She stated that when the original application was brought to the Commission the map showed a different land use and the only options for consideration were R-4, R-5 and R-8. Once it was discovered that that was not the correct land use, staff felt it needed to come back for consideration because there were only two options for consideration, R-2 and R-4.

Commissioner Dibble noted that this area was an area in transition from rural to urban and contemplated if the whole area could potentially go to R-2.

Commissioner Pavelka-Zarkesh agreed as there was commercial services, very easy access, believed that the decision from the previous meeting for an R-4 was sound and would still be in favor of voting for it.

MOTION: (Commissioner Pitts): “Mr. Chairman, on the Fournier Zone of Annexation, # ANX-2008-111, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-4 (Residential 4 du/ac) zone district for the Fournier Annexation with the facts and conclusions listed in the staff report.”

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed by a vote of 4 – 3 with Commissioners Pitts, Putnam and Lowrey opposed.

Public Hearing Items

13. Tract B, The Falls – Vacation of Easement

Request a recommendation of approval to City Council to 1) vacate .28 acre area of a utility easement located in Tract B of Falls 2004 Subdivision and, 2) amend the Final Plan to subdivide same Tract B into a .28 acre parcel and a .29 acre Tract in a PD (Planned Development) zone district.

FILE #: VE-2008-094

PETITIONER: Jacqueline L. Depaemelaere – Falls 2004 HOA

LOCATION: 2846 Grand Falls Drive

STAFF: Ronnie Edwards, Associate Planner

Ronnie Edwards, Public Works and Planning Department, gave a PowerPoint presentation regarding a request for vacation of easement. The subject property was a portion of land that was annexed in 1978 known as The Falls Annexation and upon

annexation it was zoned PD. An approved Outline Development Plan was originally approved for the annexed area. In 1979 a plan was approved for the first phase. All the common area on the plat was designated and dedicated to the public as utility easements. Ms. Edwards further stated that a second plat, referred to as Falls Filing I Amended and the area was kept as utility easements. With the various replats of the area, the present number of lots for single family dwelling lots was 50 lots. The plan for the area was approved for a total of 55 single-family detached lots. Furthermore, a preliminary plan had been approved for 4 of these additional lots to be platted that were approved this year called Ashbury Heights. She said that applicant was proposing to plat the remaining one lot in the common area, Tract B, which was entirely encompassed by utility easement and to be allowed to be developed it did need to have the utility easement vacated. The proposed lot was within an area where public services were available and the proposed use was for a single family detached residence. She said that granting the easement vacation did not conflict with the Growth Plan and the proposed lot would complete the density allowed for this phase of the subdivision. Additionally, she said that no parcel would be landlocked by the request as the surrounding lots have direct access on an existing right-of-way and no adverse impacts to the general community were anticipated. Ronnie also said that the proposed amendment was in conformance with the Growth Plan, there was no rezone request for this, the proposed lot would have direct access from Grand Falls Drive with adequate land being reserved for public use as a portion of the tract would remain as a utility easement. Finally, Ms. Edwards said that the pertinent review criteria of the Code had been met and recommended a recommendation of conditional approval to City Council on the requested amendment to the final plat with the condition that City Council would first have to approve the utility easement vacation before being platted.

APPLICANT'S PRESENTATION

Vince Popish of Independent Survey, 133 North 8th Street, appeared on behalf of applicant. He said that this was a project many years in the making. He said that there were many problems with the fence lines and where the houses were and as a result replatted the entire subdivision. He said that they were in agreement with staff's presentation and wanted this project brought to a finish.

PUBLIC COMMENT

For:

Joseph Leo, past president of The Falls, said that he worked very closely with applicant in an effort to get this issue passed. He said that he was in favor of what was happening and it would be a great benefit to the association to help develop the community.

Against:

Carl Mitchell, 582 Grand View Court, said that the Colorado statutes required a resolution by the Planning Commission to send an application onto the County Commissioners which did not happen in this instance. He said that The Falls has had miscues from the very beginning. Mr. Mitchell advised at the last Planning Commission hearing regarding the Ashbury Heights project, that a lawsuit had been filed. He said

that since that time, another one had been filed against the City. Mr. Mitchell said that the Commission could either continue the debacle or choose to stop it until it got cleaned up. Furthermore, according to Mr. Mitchell, there was no document from The Falls that gave them the right to apply for what they have applied for and accordingly the project should not go to the City.

QUESTIONS

Chairman Cole asked legal counsel if the Commission could proceed. Jamie Beard, Assistant City Attorney, said that the Commission was entitled to proceed. The homeowners' association had requested for the vacation of the utility easement as well as the amendment to the final plan. She further stated that it was the City's position that what was being requested, the Commission did have the authority to make the recommendation to City Council as far as the vacation of the easement and to approve the amendment to the final plan for the addition of this particular lot.

STAFF'S REBUTTAL

Ronnie Edwards clarified that when the motion was made that only the utility easement vacation went to City Council and not amendment of the plan.

QUESTIONS

Commissioner Dibble asked Jamie Beard if the Commission went forward and recommended the easement vacation and the final plan if anything could be done until the Court rendered a verdict. Jamie Beard said that would not be the case in this particular instance as this particular lot and Tract A were not a part of the court action.

Commissioner Dibble asked for confirmation that this property was not encumbered by a court action. Ms. Beard said that it was only in the respect that the parties that were included within the area were parties that were included in the other court action but the action was in reference to Tract E and not specifically in reference to Tract A or this proposed Lot 1. She advised that it was not a part of the court action and it would not be affected by the court action at this time and, therefore, the Commission could move forward.

MOTION: (Commissioner Lowrey): "Mr. Chairman, on item VE-2008-094, I move that the Planning Commission forward a recommendation of approval to the City Council on the requested easement vacation with the findings and conclusions in the staff report."

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

MOTION: (Commissioner Lowrey): "Mr. Chairman, on item VE-2008-094, I move that the Planning Commission conditionally approve with the findings of fact and conclusions listed in the staff report on the requested amendment to the Final Plan with the condition being that the City Council must first approve the utility easement vacation."

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

A brief recess was taken and the hearing reconvened at 7:10 p.m.

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.

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 feet
40 of any church, school, park, playground, public building or residentially zoned property
41 and I have a map which shows those boundaries and all of those properties are within
42 that thousand foot radius and none of them fall under any of those categories as listed.
43 The specific conditional use permit criteria talks about the protection of privacy,
44 protection of use and enjoyment and a compatible design and integration with the
45 surrounding neighborhood.

46 This is the site plan proposed by the applicant. The majority of the parking
47 as well as the entrance to the building are located on the west side of the building away
48 from the existing property to the east. This helps to mitigate any uses that may be
49 encountered due to the uses within the building as most of the people when they're
50 coming and going are going to be going in and out that front door as well as most of the
51 parking so there's not going to be a lot of traffic, pedestrian traffic and people on the
52 sides of the buildings. This will help with the protection of privacy and protect the use
53 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 to
63 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 wholesome
94 and whatever. What I...what I...what I want to ask is kind of a technical question. I
95 think I know the answer but so maybe you can clarify it for me. We have jurisdiction
96 on...on a bar nightclub applying for an application. It's not a...it's not a...a...it's...it's a
97 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 COMMISSISONER 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 the
133 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 zone
145 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 permit
161 with the understanding that the adult entertainment is a part of your conditional use
162 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 it's
164 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 to
167 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 standards
199 that are set forth specifically in chapter 4 as that is part of the criteria that you’re
200 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 be
212 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 those

251 technical requirements essentially fall into two categories as we see it and we've done
252 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. That's
260 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 and

274 that's really where the architectural part comes in. You can't say that you can separate
275 that from space requirements or how it meets that criteria because it really is pretty
276 interrelated and really you can break that down in points that Senta talked about as far
277 as the various issues that are internal within the site itself and I can...I'll just briefly say
278 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 site
281 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 and
285 time controlled exits which have to passed by the building code and...and we'll address
286 that in the architectural plans.

287 The other things...the fact that food will be served and that is part...I mean
288 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 we're
379 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 is...is
383 fair as the commission views it and we...we all have our personal feelings about this but
384 hopefully those will not enter into it as much as the facts of the case. So with that, if you
385 have submitted a letter previously, now as I said at the beginning of the meeting these
386 that we have just received this evening we have not had a chance to review other than
387 very briefly and so we don't quite know what's...what's in all of those but the other

388 letters that we've received this commission has read those letters and it is something
389 that will be entered into as we make our...as we deliberate this evening and render our
390 decision at the end of the hearing. So with that, we will first open the...the hearing to
391 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 upper
457 class female business and professional women. My other store is a women's boutique
458 adult toy store and so for the last year and a half I've listened to my customers and my
459 clients talk to me about the things that they're looking for for their personal lives and it's
460 very hard to find a resource or a place for them to go to work through these needs –
461 these desires. And when there's not a resource available, they seek other avenues
462 which often are more deviant, they're more underground and they can get them into
463 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 are
467 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 Court,
501 Grand Junction. I wanted to address a little bit about the owner operator's character if
502 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 hear
506 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 a
509 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 18th 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, the

566 ladies know it's easy money. It's good money. It gives them a false self esteem and
567 adds to or begins a drug and alcohol habit. If the men are married it brings trouble in
568 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 heron 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 of
605 18 and 30, please do not pass this. I really agree with what the gentleman said about,
606 you know, this is a college town. We have young women. This is going to put our
607 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 on.
617 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 7th 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 2nd
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 2nd 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 did
663 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 northeast
666 corner as I see it at G Road and Colex is the actual address and immediately behind
667 that is a home and I...maybe nobody's living in that home now. Maybe it's not zoned
668 residential but there's a home immediately behind it and I believe there's another one
669 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 in
707 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 18th 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 18th 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 Las
764 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 passed
767 in a positive manner we'll make every attempt and will make every attempt to solve any
768 problems that have come up within this commentary. So we'll do the best in our
769 professional expertise to do that and I think the owner has told me that his management

770 principles, he'll do everything in his power to mitigate circumstances that have come up
771 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 privacy,
789 description and protection of use and enjoyment and then compatible design and
790 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 hearings
800 and those types of hearings that...that will come up at a later date and at that time it
801 would also if this passes this evening would be appropriate for you to...to give your
802 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 who
813 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 so
819 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 uses
866 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 forth
882 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 23rd 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 expanse
909 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 that
951 the...if...if that's the prevailing opinion then it would call for a rewrite of the uses by right

952 or the conditional uses and I think it's awfully late in the game to be proposing that. And
953 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 this
965 evening? I would just like to make a couple of comments. I happen to agree that most
966 of the conditions that have been expressed by staff have been met. I...I have certain
967 personal feelings concerning this matter that I...I cannot or will not consider and as I
968 look at this I've listened to all of the testimony; however, I think that Doctor Dibble has
969 made a very valid point and that is the compatibility to the neighborhood and I would
970 have to agree with him that the neighborhood is in fact the city of Grand Junction. I may
971 be called into question about thinking that and so with that in mind I will have to vote no
972 on this application. Does anyone else like to speak? Hearing none, we are ready for a
973 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.

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 8:36 p.m.