

GRAND JUNCTION PLANNING COMMISSION
APRIL 11, 2006 MINUTES
7:02 p.m. to 10:26 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7:02 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, Lynn Pavelka-Zarkesh, Bill Pitts, Tom Lowrey, Patrick Carlow, Ken Sublett, and Reginald Wall. (Mr. Sublett substituted for two different planning commissioners during the course of the public hearing.)

In attendance, representing the City's Community Development Department, were Sheryl Trent (City Manager's Assistant), Kathy Portner (Assistant Community Development Director), Lisa Cox (Senior Planner), Dave Thornton (Principal Planner), Scott Peterson (Senior Planner), and Kristen Ashbeck (Senior Planner).

Also present were Jamie Kreiling (Assistant City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were 30 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Chairman Dibble announced the pending departure of Senior Planner Lisa Cox. Ms. Cox had been with the Community Development Department for a number of years, and recognition and appreciation was expressed for her many contributions. A plaque was presented to Ms. Cox along with the Planning Commission's best wishes for continued success.

Item CUP-2006-097 (Conditional Use Permit--Van Gundy Salvage Yard) was pulled from the Full Hearing Agenda and would not be heard.

II. APPROVAL OF MINUTES

Available for consideration were the minutes from the March 14, 2006 public hearing. No additions or corrections were noted.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for the approval of the March 14 minutes as written."

Commissioner Wall seconded the motion. A vote was called and the motion passed by a unanimous vote of 6-0, with Commissioner Carlow abstaining.

III. CONSENT AGENDA

Available for consideration were items:

1. GPA-2006-058 (Growth Plan Amendment--The Plaza on North Avenue)
2. PP-2005-216 (Preliminary Plat--Riverview Estates Subdivision)
3. ANX-2006-046 (Zone of Annexation--Free Annexation)
4. CDP-2006-023 (Condo Plat--Sanida Condos)

5. FPP-2005-240 (ROW & Easement Vacations--Woodridge Subdivision)
6. CUP-2005-218 (Conditional Use Permit--Monument Truck Office/Shop/Warehouse)

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted one or more of the items pulled for additional discussion. At planning commissioner request, item PP-2005-216 was pulled from Consent and moved to the Full Hearing Agenda. No objections or revisions were received from the audience or planning commissioners on any of the remaining Consent Agenda items.

MOTION: (Commissioner Lowrey) "So moved that [CUP]-2006-097 be pulled [from the Full Hearing Agenda]."

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

MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of the Consent Agenda, items 1, 3, 4, 5, and 6 [GPA-2006-058 (Growth Plan Amendment--The Plaza on North Avenue), ANX-2006-046 (Zone of Annexation--Free Annexation), CDP-2006-023 (Condo Plat--Sanida Condos), FPP-2005-240 (ROW & Easement Vacations--Woodridge Subdivision), and CUP-2005-218 (Conditional Use Permit--Monument Truck Office/Shop/Warehouse)]."

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

IV. FULL HEARING

PP-2005-216 PRELIMINARY PLAT--RIVERVIEW ESTATES SUBDIVISION

A request for approval of the Preliminary Plat to develop 81 single-family lots on 25.94 acres in an RSF-4 (Residential Single-Family, 4 units/acre) zone district.

Petitioner: Kathleen Karsko, Sonshine II Construction

Location: 280 29 Road

STAFF'S PRESENTATION

Dave Thornton gave a PowerPoint presentation, which contained the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) Preliminary Plat; and 6) findings and conclusions. Mr. Thornton said that the site would derive its primary access from 29 Road. A TEDS exception to Code section 6.2.8.1 had been approved to allow for an intersection spacing deviation. Stub streets to the south would be provided to allow for future extension to B 1/2 Road. As proposed, the Decker property, located to the north, would be provided two 20-foot tracts of land for a shared driveway access from the proposed Riverwalk Lane. Within the project, two shared drives were proposed for access to four lots; that number could increase to eight lots.

Mr. Thornton noted the natural topographic features to the east, which represented a natural drainage area. The scope of impacts on the environment from the development, including wildlife habitat, natural drainages, floodplains, wetlands, etc., and the ultimate preservation of those natural features had not been fully addressed as part of the Preliminary Plat; however, they would be addressed at the Final Plat and Plan review stage. Staff concluded that the request satisfied Code requirements and complied with Orchard Mesa Neighborhood and Growth Plan recommendations. Approval was recommended subject to the following conditions:

1. Wetlands Disturbance: If necessary, wetlands limits on the subject property and in all areas of the proposed construction need to be delineated and mitigated per Army Corps of Engineers' requirements at Final Plat.
2. Site analysis and mapping, as well as mitigations to impacts and preservation of natural features shall be fully considered and compliance demonstrated at Final Plat.

QUESTIONS

Chairman Dibble said that with the development being constructed so near a bluff, he wondered if sight distance would be impeded. Mr. Thornton said that the developer had proposed a setback for lots located along the bluffline such that sight distance would not be impacted. City engineering staff had reviewed and felt comfortable with the proposed setback.

PETITIONER'S PRESENTATION

Paul Johnson, representing the petitioner, acknowledged staff's requirement for a site analysis and assured compliance with all the requirements of that analysis. The petitioner had provided extensive setbacks in order to mitigate any potential issues. With nothing further to add, he availed himself for questions.

PUBLIC COMMENTS

There were no comments either for or against the request.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item PP-2005-216, Riverview Estates Subdivision, a request for Preliminary Plat approval, I move that we approve this item with the conditions as set forth in the staff report, and I'd like to particularly mention paragraph 2 about a site analysis, that that be done by the time the Final Plat is approved."

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

CUP-2003-024 CONDITIONAL USE PERMIT--CANYON VIEW CAR WASH

A request for approval of a Conditional Use Permit to develop a 6-bay self-serve car wash on land zoned Neighborhood Business (B-1).

Petitioners: Mikel and Roxanne Lewis

Location: 2258 South Broadway

Commissioner Carlow recused himself from consideration due to the potential for conflict of interest. Commissioner Sublett substituted for him on this item.

PETITIONER'S PRESENTATION

David Chase, representing the petitioner, said that the proposal had been "in the works" for many years and there had been many hurdles to overcome. He and his clients had worked extensively with the City to address and mitigate expressed concerns. He felt that staff had prepared an accurate and thorough report, and the petitioner was in agreement with stated conditions of approval.

QUESTIONS

Commissioner Pitts referenced the renderings submitted with the proposal and observed that there seemed to be two separate building designs: one, a two-story structure with a dormer and the other, a plainer, single-story structure. Which one reflected the actual building design? Mr. Chase asked that the question be deferred to the petitioner.

Commissioner Cole asked if the petitioners were in agreement with staff's signage condition, which required that all freestanding signage be of a monument style and limited to a maximum height of 12 feet. Mr. Chase confirmed that the petitioners were in agreement with stated signage restrictions.

Commissioner Lowrey asked if the petitioners would still be in agreement with signage restrictions if freestanding signs were limited to a height of no more than 8 feet. Mr. Chase felt that the petitioners could better respond to the question.

Richard Livingston, legal counsel for the petitioners, said that the renderings had been submitted for purposes of illustration only, to highlight the green roofing materials, the layout of proposed bays, and give planning commissioners a general concept of what the building would look like. The actual structure would be stuccoed, using materials consistent with those used in the business to the southwest.

STAFF'S PRESENTATION

Lisa Cox gave a PowerPoint presentation, which contained the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; and 4) the site plan. She said that if the Conditional Use Permit (CUP) were granted, the petitioners would still require site plan review and approval. The CUP had originally been scheduled for the December 13, 2005 public hearing; however, due to the questions raised over the Kansas Avenue access (location noted), the item had been continued twice, with no further continuances possible. The site was designated Commercial on the Future Land Use Map and zoned B-1 for Neighborhood Business uses. The site's only access would be via Kansas Avenue. Ms. Cox referenced the site plan and noted that a problem had arisen previously with Kansas Avenue. It had been constructed primarily outside of the platted right-of-way. As remedy, the site's driveway had been moved north of its previously proposed location. Verification ensuring that no trespass occurred onto a neighboring property had been provided by staff. A warranty deed had been provided to the City by the petitioners for additional right-of-way to accommodate Kansas Avenue, and a new 14-foot multi-purpose easement would be rededicated.

The proposed driveway on Kansas Avenue would require a retaining wall on the northern side. A portion of the retaining wall would be located within City right-of-way and would require a revocable permit with site plan approval. The applicants would be responsible for maintenance of both the retaining wall and the driveway. As well, the applicants would be responsible for maintaining landscaping within the unimproved portion of the City's right-of-way. Since there was a slight encroachment of the driveway into an established wetlands area, the applicants applied for and received a permit from the Corps of Engineers (Corps). Conditions of that permit would be monitored by the Corps, and compliance with the terms of that permit would be a condition of CUP approval.

The car wash would be constructed using an architectural design and style that would be similar and harmonious with nearby residential and commercial developments. The use of dormers, stone or rock, and the dark green roof all contributed to the residential character of the building and the blending of the structure with the surrounding neighborhood. Staff supported the use of proposed craftsman-styled, earthen colors and stone/brick materials for the proposed building and dumpster facility; however, this was the first staff had heard that the building would be stuccoed. She suggested that perhaps additional discussion on the architectural style and design of the building was warranted. It was also important to know what type of materials would be used and what architectural elements would be employed.

The applicant had proposed two freestanding pole signs and three wall-mounted signs. To better blend with the character of the neighborhood, staff recommended that all freestanding signage be monument styled, with a maximum height of 12 feet and a maximum sign face area of 60 square feet, with no internal illumination.

Staff concluded that the request met Code requirements and Growth and neighborhood plan recommendations. Approval was recommended subject to the conditions outlined in the staff report.

Ms. Cox referenced the attachments included in planning commissioner packets: the colored renderings, a copy of the Corps permit, CDOT access permit, and written comments, e-mails, and comments received from the citizenry. Copies of two additional comments received earlier in the day had been distributed to planning commissioners prior to the public hearing.

QUESTIONS

Mr. Livingston clarified that the second and larger 11" x 17" rendering was the more current one and included 6 enclosed wash bays. The building's exterior would be constructed using a stone-type material, not stucco as he'd previously mentioned. Samples of building materials were presented to planning commissioners for their reference. The green metal roof with the dormer would still be incorporated into the building's design and look similar to the business situated to the southwest.

Roxanne Lewis, co-petitioner, came forward and said that the first drawing had been an artist's rendering. That drawing had conceptualized five enclosed bays, with a sixth wash bay outside. The second drawing was a more accurate representation and provided for a sixth enclosed wash bay. She'd asked front counter staff to remove the original drawing but apparently that had not been done.

Commissioner Pitts asked staff to briefly describe a monument-styled sign, which was provided. Ms. Cox reiterated that staff's recommendation was to restrict the height of the entire structure to no more than 12 feet.

Commissioner Sublett asked if there was any way to compare the amount of night lighting emanating from the petitioner's site to the lighting coming from the business to the southwest. He was aware that Redlands residents were especially concerned about light pollution. Ms. Cox said that proposed lighting had been reviewed by staff and found to be compliant with Code criteria.

Ms. Cox said that the latest drawing had been submitted to staff just last Thursday so there hadn't been adequate time to review it for compatibility and compliance to B-1 performance standards. While both renderings appeared similar, she reiterated the importance of determining the architectural style, colors, and materials to be used so that the City and the neighborhood would know what the building will look like.

Chairman Dibble asked if the dumpster would be offset somewhat to improve visibility of the monument sign. Ms. Cox said that between now and the site plan submittal, staff would review the site's sign package. Any necessary revisions to the site plan could be made through the site plan revision process.

Chairman Dibble asked about the type of materials proposed for the dumpster's enclosure. Ms. Cox said that the materials used would be similar to those used in construction of the building.

Commissioner Cole asked the City's Development Engineer to address traffic issues. Did engineering staff concur with traffic study findings? Rick Dorris came forward and said that a traffic study had initially been undertaken in the year 2000. Engineering staff projected an increase in traffic of about 2-2 1/2% per year. He noted that the site's B-1 zoning allowed for a variety of uses. Because no one knew at the time of the site's rezoning just what use would develop on the site, engineering staff based traffic projections on the most intense possible use allowed in a B-1 zone, that of a convenience store. Even at that level of traffic, the Kansas Avenue/Highway 340 intersection would still function fine although there might be times during the day when ingress/egress might be more difficult. Total projected ADTs onto Kansas Avenue from a car wash were between 250 and 600 per day depending on the source of information. Only a small portion will travel north of the car wash. The City's Traffic Engineer had

reviewed all of the data and letters of concern from residents and concluded that no update of the traffic study was warranted because traffic counts on Kansas Avenue were projected to remain low. A residential street's carrying capacity was 1,000 ADTs. Currently, traffic counts on Kansas Avenue were approximately 218 ADTs. Even if they jumped to, say, 500 ADTs with the car wash, that still represented far fewer trips than the street's carrying capacity.

Commissioner Sublett wondered if staff knew the future of Highway 340. Would it eventually be widened? Mr. Dorris was unsure but said that widening to five lanes was not likely to occur in the near future. He'd reviewed the Redlands Transportation Plan a few years prior. One of the Plan's primary components was access control, limiting the number of access points onto Highway 340. He anticipated that ultimately a median would be constructed from the Redlands Parkway east past the Kansas Avenue/Highway 340 intersection to make that intersection right-in, right-out only.

Commissioner Sublett noted the difficulty already present for traffic attempting to turn left onto Highway 340 from the nearby commercial complex located on the southwest corner of the Redlands Parkway/Highway 340 intersection. He wondered if the same difficulty could be expected "on the other side of the street." Mr. Dorris thought that scenario highly probable.

PUBLIC COMMENTS

FOR:

Elizabeth Gowhari (563 20 1/2 Road, Grand Junction) thought that the petitioner's business would provide the community with a wonderful and much needed service. The Redlands, it seemed, was slower to receive needed services and conveniences so prevalent in other parts of the City. She hoped the Planning Commission would approve the request.

Clara Zeigler (2108 Monument Village Circle, Grand Junction) thought that a car wash was really needed in the area. A lot of people lived in the Redlands, she said, and the petitioners had been before the City eight times trying to get their project through. Surely, that was enough.

Mike Lewis (2183 Canyon View Drive, Grand Junction), co-petitioner, said that the approval process had been a long haul for him and his family, and he'd gone to great lengths to surmount every obstacle put before him. If signage became an issue, he would comply with whatever was recommended. Everything undertaken on the project had been done in good faith. He noted that twice he'd gone to the Corps for the required permitting, he'd obtained the necessary CDOT permit, etc.

AGAINST:

Mary Ann Foster (519 Kansas Avenue, Grand Junction) opposed the levels of traffic she expected the car wash to generate on Kansas Avenue. She felt that children typically did not pay attention to traffic, and while she agreed that Kansas Avenue didn't currently have a lot of traffic, people often used Kansas Avenue as a short cut to South Rim Drive. There was an older subdivision, and internal streets were narrow with no sidewalks. Kids could be found routinely playing in the street. School buses didn't come into the subdivision so kids often had to walk to school. She didn't think planning commissioners were truly aware of just how difficult it was to get onto Highway 340 from Kansas Avenue. Vehicle stacking at the Redlands Parkway intersection less than 100 feet away created additional access problems. The traffic generated by the petitioner's proposed business would create a dangerous situation for the neighborhood's children, pedestrians, and homeowners attempting to back out of their driveways onto Kansas Avenue.

Tom Foster (519 Kansas Avenue, Grand Junction) said that he'd been present during the site's zoning change in 2002. At that time, traffic had been cited as a problem. Since then, nothing had changed. Traffic in the area was still the overriding issue and would continue to get worse, even without the car wash. The Kansas Avenue intersection was dangerous for vehicles wanting to turn east onto Highway

340. He'd spent a lot of time serving on planning commissions and he congratulated the petitioners on their tenacity; however, the opposition could be just as tenacious. He wondered what the City would do to mitigate all of the extra traffic dumped onto Highway 340 as a result of the proposed business.

Tom Spehar (2268 Broadway, Grand Junction) said that he was speaking for himself and for his neighbor who lived just north of him. Reading from a prepared statement, he said that he was primarily concerned about safety. He didn't feel that the traffic and safety issues at the Kansas Avenue/Highway 340 intersection had been addressed. While not opposed to the petitioners developing their property, he felt he couldn't support the proposed project. He noted that the Kansas Avenue intersection was below subgrade. When the request had been originally submitted, the old Development Code would have required the petitioners to construct the improvements needed to bring the Kansas Avenue intersection up to standards. With adoption of the new Code, the developer was no longer required to make needed improvements at the time of site development. Referencing photos of the area from various angles, he said that in talking with City staff he could find no evidence to suggest that there were any plans to improve the intersection. He didn't feel staff's recommendation was a good one and felt that the problems created by the petitioners' business would be detrimental to himself and his neighbors.

Paul von Guerre (2290 Shane Court, Grand Junction) expressed appreciation for the efforts of City staff and the petitioners to mitigate the issues. He gave his own Powerpoint presentation, which contained the following slides: 1) photo of the site; 2) photo of Kansas Avenue looking north from the south side of Highway 340; 3) photo of Kansas Avenue/Highway 340 intersection; 4) photo of Kansas Avenue taken to show the street's curvilinear design and downhill slope; and 5) photo of children walking down Kansas Avenue and crossing the street at the Ivory and Shane Courts intersection. Mr. von Guerre said that the Kansas Avenue/Highway 340 intersection was especially dangerous in the wintertime because of slick street conditions. He also felt that just because the City's street standards allowed for 1,000 ADTs on a given street didn't mean that the street should have that many ADTs. He too expressed concern about safety for the subdivision's children. He felt it incumbent upon the Planning Commission to make sure that all issues were mitigated prior to giving its approval.

Doug Larson (2278 Windwood Court, Grand Junction) said that he'd been involved with the project since its inception. As former president of the Bluffs Subdivision and current board member, he was representing 120 homeowners. He felt the car wash had been poorly designed. He cited review agency comments purported to have been made by Mr. Dorris on September 16, 2001 suggesting that the site's turning movements would be tight for RVs and vehicles with trailers. The petitioners' October 18, 2005 traffic study addressed impacts to eastbound traffic onto Highway 340. The study said that the eastbound decel lane into the car wash should be 395 feet long. Given the insufficient distance between the Redlands Parkway intersection and Kansas Avenue, no left turn lane could be provided. In fact, there was a distance between the two intersections of only 50 feet. The lack of a decel lane would create problems for both Highway 340 traffic and Kansas Avenue traffic. Mr. Larson cited comments made in 2001 by George Miller, a City transportation engineer, who said that "the neighbor to the north should be insulated as much as possible from ingress and egress generated by this proposal site." Yet, nothing had been proposed with the current project to ensure that the recommended insulation would occur. Traffic issues should be mitigated prior to the project's moving forward.

Mr. Larson added that the site was also in violation of the Bluffs HOA covenants. The property, which was part of the Bluffs Subdivision and subject to its covenants, had at one time been given to the County. The County then gave it to the petitioners. Just because the property was given to the petitioners, it did not release them from applicable rules and restrictions. The petitioners were to have reclaimed the wetlands area located on the property as a condition of the County's gifting. Yet, they were now proposing an encroachment into the wetlands.

A brief recess was called at 8:45 p.m. The public hearing reconvened at 8:51 p.m.

PETITIONER'S REBUTTAL

Ms. Lewis said that no new traffic was being created as a result of the proposed business since the car wash would cater to traffic already there. Traffic studies had been undertaken in 2000 and 2002, with updates occurring in 2004 and 2006. She felt that the opposition continued to discount the opinions of City staff and other professionals involved with the project. They were sounding a lot like Chicken Little. Mr. Dorris stated that the number of ADTs on Kansas Avenue would fall well short of the 1,000 allowed by the street's carrying capacity. Traffic problems existed throughout the City, not just at the Kansas Avenue intersection. Saying that their project would create more traffic was untrue. If anything, a car wash in the proposed location would save vehicle trips since the nearest one was approximately 3 miles away. She also disagreed that Kansas Avenue was used as a short cut for Canyonview residents. Traveling in that area every day, she felt that the worst way for people to travel would be to come down South Rim Drive and try to turn left onto the parkway.

Ms. Lewis said that Mr. Spehar and his attorney had met with the County's attorney. At that meeting, the County's attorney stated that there were literally hundreds of intersections in the County that functioned and performed the same as the one at Kansas Avenue/Highway 340. It was clear that the opposition refused to accept traffic study conclusions; they continued to imagine a great influx of new traffic onto Kansas Avenue. Referencing Mr. von Guerre's photos, she noted the lack of any traffic shown in any of the photos presented. She and her husband were Christians who had just always dreamed of owning their own business. They weren't proposing a liquor store on the site, something allowed by the zoning and something that could impact the neighborhood's children. They'd been approached by a realtor who proposed a commercial business there on the site and who'd stated that "he could get it done." That's not the way she and her husband wanted to do things.

Ms. Lewis said that the proposed internal circulation plan had traffic entering the site from the rear of the car wash, flowing out on the south side for vacuuming, and circling around to exit, with no conflicting traffic movements. She wondered where the 120 homeowners were that Mr. Larson purported to be representing. Two residents had spoken in support of the project and approximately 10 letters of support had been written. Only five people were present to oppose the request. Not a day had gone by in the last seven years, she said, that someone hadn't come up to her asking when the project would be completed.

With regard to the wetlands issue, she and her husband had done everything they could to avoid any encroachment, including making a very generous offer to Mr. Spehar to buy 10 square feet of his property. He'd declined the offer, and they were later told that because of the minimal impact that they'd have on the wetlands, they could file for a Corps permit. That was done not once but twice. They did in fact clean up the wetlands because the neighbors had been dumping on it for a number of years. Nicolas Mezei of the Corps had stated "it was the best reclamation that he, in his 30 years with the Corps, had ever seen."

The County had given them the entrance off of Kansas Avenue although no one knew at the time it represented a trespass. She and her husband offered to perfect the right-of-way, remove the liability from Mr. Spehar, clear his title, and compensate him, which he completely refused. Mr. Spehar even threatened them with a restraining order to prevent them from communicating further with him. That's when they decided to pursue other avenues of remedy. She referenced the site plan and confirmed that the entrance into the site would be via Kansas Avenue, a dedicated right-of-way.

In conclusion, Ms. Lewis said that the opposition's continued refusal to see that she and her husband were trying to clean up and improve what had been for years a run down corner was disheartening. They were working hard to provide a service that would benefit all Redlands residents.

QUESTIONS

Commissioner Cole asked if the property had in fact been given to them by the County, or had it been purchased? And how did that relate to the HOA covenants referenced earlier? Ms. Lewis said that the property on which the car wash would be built had been purchased by her and her husband in 1999. The Corps of Engineers had approached her in 2000 and threatened to cite them for illegal dumping in the wetlands, thinking it their property. She'd clarified that the property in question belonged to the County; their property was situated adjacent to the wetlands area. Corps representatives talked to the County and subsequently cited them for illegal dumping. The County then approached her about purchasing the wetlands area. Since there was so much cleanup to be done (estimated by Skyline Construction at over \$25,000), she had not been enthused about the prospect. The County then offered to deed her the property provided they clean it up. They agreed, ownership had been conveyed, and they had cleaned up the wetlands area on their own.

Mr. Livingston came forward and added that the County had approached the Lewis's about the wetlands area because it was contiguous to the property they already owned. Once those two properties came together, it resulted in the currently configured parcel immediately adjacent to the right-of-way. The difficulty arose as a result of the roadway not being located within the right-of-way. He said that the car wash represented one of the lowest possible uses allowed in the B-1 zone district. It was his experience that most people went to car washes during other than peak drive times, so he expected no traffic conflicts to occur with children walking to or from school. Similar zoning existed in close proximity on two sides of the street. The wetlands area would continue to serve as a buffer to adjoining residential uses. All of staff's conditions of approval had been met, and the applicants had satisfied all legal requirements.

QUESTIONS

Commissioner Wall asked about the business's proposed hours of operation. Mr. Livingston said that they would be open from 7 a.m. to 11 p.m.

Chairman Dibble asked about night lighting. Mr. Livingston said that all lighting would be indirect and downward directional, which meant that it would stay on the property.

Chairman Dibble asked engineering staff to comment on remarks made concerning spacing and the lack of an eastbound decel lane. Mr. Dorris recalled having read the letter from Mr. Miller but couldn't find a copy of it. He referenced an aerial photo map of the site and outlined the changes that CDOT would require the Lewises to make. That included striping to create two separate right turn lanes instead of one continuous right turn lane, resulting in improved sight distance and the elimination of a through lane. In addition, he pointed out where a continuous left turn lane would be created from Kansas Avenue to Redlands Parkway intersection on Highway 340. He was unsure whether the 395 feet mentioned in the traffic study was a current requirement or a projection into the future. Mr. Dorris briefly explained how the TCP ordinance had been changed and how those changes were applied to current and future street improvements.

Chairman Dibble wondered if Mr. Dorris could interpret Mr. Miller's comments about insulating the neighbor to the north. Mr. Dorris was unsure. With regard to the safety issues raised, he pointed out that narrow curvilinear streets actually served to slow traffic down.

Chairman Dibble wondered what it would take to trigger street improvements to Kansas Avenue. Mr. Dorris didn't think Kansas Avenue would ever get close to the 1,000 ADT figure stated previously. Subdivision residents could, however, band together to form an improvements district to share the costs of street improvements with the City. While not undertaken too often with streets, the City often entered into such agreements with residents for alley improvements. When asked if upgrading Kansas Avenue

would trigger a realignment of that street along Highway 340. Mr. Dorris responded negatively. Mr. Dorris added that the 1,000 ADT standard were applied to similar streets across the City.

Chairman Dibble asked for input on internal turning radii and internal traffic movements. Mr. Dorris said that ingress/egress out to the public street was fine. The City was not likely to be overly controlling on internal traffic movements as long as the site met TEDS manual requirements, which it did.

Chairman Dibble asked if the wetlands issue had been taken care of to the City's satisfaction, to which Mr. Dorris replied affirmatively. He said that because the Corps had only required a nationwide permit initially meant that the encroachment and associated impact were viewed as small.

Chairman Dibble asked if there were any way to project how much of the car wash's traffic would travel north on Kansas Avenue. Mr. Dorris estimated the figure to be around 10%.

Chairman Dibble asked if there were any way to estimate usage of the car wash, Mr. Dorris said that a convenience store had been used to estimate the highest possible number of trips to and from the site. A convenience store represented a "worst case" scenario. When asked what other types of uses would be allowed on the site, Mr. Dorris asked that the question be deferred to planning staff.

Mr. Chase was asked to come forward and respond with any additional information he felt might be relevant. Mr. Chase said that CDOT had scrutinized the use as well but it was a use for which it was hard to project traffic. Generally, car washes were used more often in the warmer months and less in the winter. Peak use would probably occur on weekends that, again, would be outside the times that children normally walked to and from school. He reminded planning commissioners that a convenience store could be situated on the property, with its 24/7 traffic.

Ms. Portner went through the list of uses allowed in a B-1 zone. These included restaurants, convenience stores, liquor stores and drive-thru banks.

Chairman Dibble mused that any uses situated on the property would bring traffic impacts to Kansas Avenue. Ms. Cox affirmed his statement, adding that because the property had street frontage on three sides, any use approved for the side would derive its access solely from Kansas Avenue. She reiterated that the request met all established criteria.

DISCUSSION

Commissioner Cole felt that outstanding concerns had all been addressed even if it didn't seem that way to some. It was clear from expert testimony that any use developing on the site would result in some level of impact to Kansas Avenue. Likely, those who opposed the car wash would oppose any other use proposed for the site; yet, the zoning allowed for business uses. The applicants had bent over backwards to address concerns. The majority of letters received were from folks supporting the project. He expressed support for granting the request.

Commissioner Pitts felt that traffic and safety issues had been addressed. Having driven through the subdivision along Kansas Avenue, and after listening to expert testimony, he was convinced that the traffic generated by the car wash on Kansas Avenue would be low.

Commissioner Pavelka-Zarkesh agreed. She felt that the number of trips generated by the car wash represented far less impact than any retail use that could go there. In addition, the small encroachment into the wetlands area had been addressed to the satisfaction of the Corps.

Commissioner Lowrey concurred; however, with regard to the staff condition regarding signage, he felt that freestanding signage should be limited in height to not more than 8 feet. With regard to the staff

condition regarding the building's architectural style, he felt the building should end up looking like the first drawing shown, complete with dormers on the roof and stone facing on the walls from the ground to the bottom of the roofline.

Commissioner Wall commended the applicants for their hard work and patience and for their diligence in ensuring that all criteria and concerns had been addressed. He felt that engineering testimony had provided sufficient justification for the project to move forward. He drove that intersection every day and he didn't feel that the traffic was as bad as purported. Kids were more aware than people often gave them credit for, and the area was a pretty safe one. He too had driven along Kansas Avenue and he couldn't see why anyone would use that street as a short cut unless they lived there in the subdivision. He felt the project to be a good one, and only time would tell if the applicants were successful.

Commissioner Sublett remarked that the project had been under review for a long time. A lot of work had gone into it from the applicants, staff, and others. While he found it a bit unusual for a new car wash to be located so close to an existing one, that had been the applicants' business decision. He felt that the site's signage should be comparable to that of Meadowlark Gardens and the Tiara Rado Animal Hospital, and he agreed with Commissioner Lowrey's suggestions for reducing the freestanding sign height and for requiring the architectural building style to look more like the first rendering. He too felt he could support the project.

Chairman Dibble noted that the project met established criteria. The Planning Commission very often dealt with project requests having similar traffic issues, but it sounded like CDOT's requirements would sufficiently address traffic and safety concerns at the Kansas Avenue intersection. Progress inevitably brought more traffic, but given what could potentially be built on the site, a car wash seemed the least impactful when compared to other allowed uses. Data didn't show there to be a frequency of accidents along Kansas Avenue. With regard to the two condition modifications, he asked planning commissioners if the suggestion merited further discussion before a motion was made.

Ms. Portner clarified that the 12-foot sign height restriction was not inherent to the B-1 zone district; rather, it had been staff's recommendation. Typical sign height varied from 25 to 40 feet in commercial zones; however, staff didn't feel such heights to be appropriate for a neighborhood business. When asked if there was a maximum height established for a monument sign, Ms. Portner said that no such height restriction existed for the B-1 zone district.

Commissioner Pitts felt that an 8-foot-high sign should be adequate for the site.

Commissioner Pavelka-Zarkesh agreed, adding that the 8-foot sign height would be consistent with signage for Meadowlark Gardens. Ms. Cox noted that the Meadowlark Gardens signage seemed higher because it had been posted on a hill.

Commissioner Wall felt that an 8-foot sign height was sufficient given the location of the business. There would be no way people would miss the applicants' building at that particular corner.

Commissioner Cole supported the 8-foot sign height restriction as well.

Commissioner Sublett agreed with the 8-foot sign height restriction adding that people intending to use the service would know where the business was without the added sign height. He expected that the applicants' clientele would be consistent users of the facility. As well, he agreed that the reduced sign height was more consistent with that of Meadowlark Gardens across the street.

Chairman Dibble asked for comments regarding the building's architectural styling.

Commissioner Lowrey said that given the residential character of the area, his suggestions would help the building blend in better with the area.

Commissioner Cole felt that some combination of the two drawings would be satisfactory. He liked the idea of having all the wash bays enclosed. He was in agreement with staff's condition regarding the type of materials and colors that should be used.

Commissioner Wall agreed with staff's suggested list of colors and materials and felt that dormers should also be incorporated into the building's design.

Commissioner Sublett expressed support for Commissioner Lowrey's suggested amendments to staff conditions.

Chairman Dibble noted that car washes "dealt in dirt." While the building should be "pretty" to a certain extent, he felt it excessive to require rock facing all the way up to the roofline.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item CUP-2003-024, request to approve a Conditional Use Permit for the Canyon View Car Wash, I move that we approve the request with the findings and conclusions as listed above, subject to the conditions noted with the findings and conclusions, with the amendments to condition 6, that the sign not exceed a maximum of 8 feet, and that the condition 7, the construction be more in accord with the first drawing submitted to the staff, which shows dormers on the roof and stone wall facing from the ground to the bottom of the roofline."

Commissioner Pitts seconded the motion.

Ms. Portner asked for that clarification on condition 7 be provided in the motion, to state that the rest of the condition would remain the same. Commissioner Lowrey amended his motion accordingly.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item CUP-2003-024, request to approve a Conditional Use Permit for the Canyon View Car Wash, I move that we approve the request with the findings and conclusions as listed above, subject to the conditions noted with the findings and conclusions, with the amendments to condition 6, that the sign not exceed a maximum of 8 feet, and that the condition 7, the construction be more in accord with the first drawing submitted to the staff, which shows dormers on the roof and stone wall facing from the ground to the bottom of the roofline, with the rest of condition 7 to remain the same with regard to colors, materials, etc."

Commissioner Pitts seconded the revised motion.

Chairman Dibble asked if the dumpster relocation needed to be addressed in some way. Ms. Cox said that if any modifications were necessary, they could be undertaken as part of the site plan approval process.

A vote was called and the motion passed by a unanimous vote of 7-0.

Commissioner Carlow returned to participate in deliberations of the next item; however, Commissioner Pitts recused himself due to the potential for conflict of interest. Commissioner Sublett substituted for him.

CUP-2005-238 CONDITIONAL USE PERMIT--2850 NORTH AVENUE AUTO LOT

A request for approval of a Conditional Use Permit for vehicle sales on .30 acre in a C-1 (Light Commercial) zone district and approval of a variance to the required 14-foot landscape strip along the street frontages.

Petitioner: Lincoln Hunt, Lincoln Leigh Limited

Location: 2850 North Avenue

STAFF'S PRESENTATION

Scott Peterson gave a PowerPoint presentation, which contained the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) proposed site plan and landscaping variance request. Mr. Peterson said that extenuating circumstances existed with the property in that it did not meet the minimum lot size for property within a C-1 zone district. As such, staff concluded that the hardship was not self-inflicted. Approximately 10 feet of access right-of-way existed on both North Avenue and 28 1/2 Road before the property line. The applicant proposed installing a 14-foot landscape strip on both North Avenue and 28 1/2 Road; however, he was asking that the measurement be made from the back of the sidewalk rather than from the property line. This would result in 10 feet of the total 14-foot-wide landscaping strip being located within the North Avenue and 28 1/2 Road rights-of-way. Both streets were fully developed, and no future widening of either street was likely. The applicant requested and staff would require that the current North Avenue access be closed. A TEDS exception would be granted to allow access off of 28 1/2 Road without the required spacing distance.

Staff concluded that the request met Code criteria and Growth Plan recommendations. A letter of opposition had been received by staff in November of 2005. The author just objected to another car lot being located along North Avenue, citing the proliferation of car lots along that corridor. Staff recommended approval of both the Conditional Use Permit and the variance request.

PETITIONER'S PRESENTATION

Lincoln Hunt, petitioner, said that he'd been operating a used car lot in the south downtown area for a number of years. Relocation of his business to North Avenue represented a "step up." He intended to improve the quality of vehicles sold and said that the North Avenue site would be a better location for his business. With gas stations and an Auto Zone nearby to complement his business, it seemed to be a great opportunity.

QUESTIONS

Chairman Dibble asked the applicant if he was in agreement with staff's conditions, to which Mr. Hunt replied affirmatively.

PUBLIC COMMENTS

Don Milhelm (no address given) said that he was not necessarily opposed to the request but he was concerned over the 28 1/2 Road access. Since that was his access too, he wondered how redevelopment of the property would affect his use of that access. He'd taken down his fence to improve the appearance of his property but it seemed that the applicant had brought in a large sign and dumped it and other junk on the site. He'd tried getting in touch with Mr. Hunt to ask about the access and to request removal of the junk but he hadn't received any response.

Sam Suplizio (no address given) spoke in favor of the request. The property had lain vacant for more than five years. It was an older, non-conforming lot, and it would be difficult for anyone owning it to meet the requirements of the Code for that zone district. At some point, the City needed to compromise on the older lots that existed throughout the City. It sounded as though Mr. Milhelm was concerned that the applicant wouldn't be a good neighbor but Code requirements would ensure that the site's aesthetics were maintained.

QUESTIONS

Chairman Dibble asked the petitioner to address the concerns brought forth by Mr. Milhelm. Mr. Hunt said that the referenced sign was one taken down by a local convenience store. The owners of that store were going to throw it away but he'd felt it could be recycled and used for his own business. The sign would only be in the back of his property until he was ready to revamp and install it. If he determined that the sign couldn't be used, it would be removed from the site. He apologized for not being more responsive to Mr. Milhelm but he hadn't had too many opportunities to visit the site.

Chairman Dibble asked about the shared access off of 28 1/2 Road. Mr. Hunt said that 80% of the access was located on his property; 20% was on Mr. Milhelm's property. The access was used by he and Mr. Milhelm by mutual agreement.

Commissioner Cole asked if the gas pumps located there had been removed, to which Mr. Hunt replied affirmatively. The in-ground gas tanks were still there at the request of Colorado's Division of Oil & Public Safety. The tanks were empty and had been sealed, and annual reviews were required by the Division to ensure compliance. Commissioner Cole asked the applicant to forward a copy of the Division's agreement to staff for their files.

Chairman Dibble asked staff to provide additional information on the shared access. Mr. Peterson said that a recorded party driveway agreement was in place, recorded in Book 2285, pages 653-657. The driveway's dimension was 40 feet by 30 feet, with 30 feet of the access located on the applicant's property.

Chairman Dibble asked if a screening wall would be required to separate the commercial property from adjacent residential property. Mr. Peterson said that the petitioner's property was surrounded by other commercially zoned properties so no screening wall would be required.

Commissioner Cole noted that the footprint of the existing building seemed to be right on the property line or perhaps beyond it. Mr. Peterson said that the building had been constructed very near to the property line, which made the building non-conforming.

Chairman Dibble asked about proposed signage for the site. Mr. Peterson said that the applicant had requested a 25-foot-high pole mounted sign, which complied with sign code regulations for the C-1 zone district.

Commissioner Wall asked to what level the applicant would have to bring the site up to conformance with current Code standards. Mr. Peterson said that the petitioner would be required to bring the property up to 100% compliance with landscaping and parking requirements. No additional modifications to the building would be required since no remodeling or expansion of the building had been proposed.

DISCUSSION

Commissioner Wall felt that the request made sense, especially since the property had been vacant for so long.

There was general agreement and support for the request expressed by the remaining planning commissioners.

MOTION: (Commissioner Cole) "Mr. Chairman, on the request for a variance to the required 14-foot landscaping strip adjacent to all street frontages as specified in section 6.5.D.1 of the Zoning and Development Code, file #CUP-2005-238, I move that the Planning Commission make the findings of fact and conclusions as listed in the staff report and approve the proposed variance request."

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

MOTION: (Commissioner Cole) "Mr. Chairman, on the request for a Conditional Use Permit for Lincoln Leigh Limited to establish outdoor vehicle sales to be located at 2850 North Avenue, file #CUP-2005-238, I move that the Planning Commission make the findings of fact and conclusions as listed in the staff report and approve the Conditional Use Permit."

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

With no further business to discuss, the public hearing was adjourned at 10:26 p.m.