

**GRAND JUNCTION PLANNING COMMISSION  
APRIL 17, 2001 MINUTES  
7:05 P.M. to 8:40 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:05 P.M. by Chairman John Elmer. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Terri Binder, James Nall, Mike Denner and Nick Prinster. William Putnam and Paul Dibble were absent.

In attendance, representing the Community Development Department, were Pat Cecil (Development Services Supervisor) and Lori Bowers (Associate Planner).

Also present were John Shaver (Asst. City Attorney), Rick Dorris and Eric Hahn (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 19 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

No minutes were available for consideration.

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

Item CUP-2001-054 (Conditional Use Permit - Jenkins Floral Amended) was pulled from the agenda.

**III. CONSENT AGENDA**

Available for placement on the Consent Agenda was item ANX-2001-043 (Zoning the Annexation-Sage Properties Subdivision). No objection or comment was expressed by the audience, Planning Commissioners or staff.

**MOTION: (Commissioner Binder) "Mr. Chairman, I move that we approve the Consent Agenda as read."**

Commissioner Denner seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**IV. FULL PUBLIC HEARING**

**ANX-2001-062 ANNEX/REZONE/PRELIMINARY PLAN—PIPE TRADES COMMERCIAL PARK**

**A request for approval of: 1) Zone of Annexation from County AFT to City C-2 (General Commercial) zoning district; and 2) a Preliminary Plan to subdivide 16.594 acres into 11 commercial lots. Snidow Annexation.**

**Petitioner: Pipe Trades Education Center, Inc., Matthew Burtis**

**Location: 3165 D Road**

**Representative: LANDesign, Robert Katzenson**

**PETITIONER’S PRESENTATION**

Matthew Burtis, representing the petitioner, introduced Mr. Robert Katzenson. Mr. Katzenson offered an amendment to the agenda, which listed the C-2 as “heavy” commercial rather than its true designation of “general” commercial. His powerpoint presentation included and outlined the following: 1) project location; 2) existing conditions; 3) adjacent property zoning; 4) surrounding land uses; 5) annexation detail (petition for annexation currently submitted to the City for its consideration); 6) rezoning outline (consistent with both Growth Plan recommendations and Code criteria); 7) traffic/road improvements; 8) road standards; and 9) landscaping standards.

An overhead visual of the Preliminary Plan was also presented; lot layout and access points were noted. Staff had requested extension of half-street improvements all along the entire 31 5/8 Road frontage; a CDOT permit for construction of D Road improvements has already been secured. Mr. Katzenson noted the narrowing of Pipe Court as it approached an internal cul-de-sac. While acknowledging that there would be some restriction in turning movements, he pointed out that the 52-foot street width would still meet City standards. He concurred with staff’s requiring individual lots owners to provide their own on-site turnarounds and to require a plat note putting lot buyers on notice.

Mr. Katzenson said that a gravel extraction survey had been performed. Findings indicated that extraction would not be economically viable given the limited quality and quantity of gravel located on the site. Both a traffic study and a Phase I environmental study had also been performed. Mr. Katzenson said that no undue impacts or hazardous contaminants would be generated by the project.

No issue was taken with any of staff’s conditions, and he recommended that approval also be contingent upon adherence to the Colorado Geological Survey’s (CGS’s) four conditions as outlined in its letter to the City dated April 4, 2001.

**QUESTIONS**

Commissioner Prinster asked if the petitioner took issue with staff’s requirement to extend sidewalk along 31 5/8 Road, to which Mr. Katzenson replied negatively.

**STAFF’S PRESENTATION**

Pat Cecil confirmed that the project met the Code’s rezoning and Preliminary Plan requirements, and that the petitioner would not be obligated to remove on-site gravel deposits prior to development. He requested that a plat note be added alerting potential lot buyers that they would be obligated to comply with CGS criteria. Having found that the request met both Growth Plan recommendations and Code criteria, staff recommended approval subject to the following conditions:

1. The area identified as “Outlot A” on the Preliminary Plan shall be changed to a “Tract,” which shall be owned and maintained by a duly formed property owners association. An easement within this tract shall be granted to the Central Grand Valley Sanitation District for sewer transmission lines and maintenance.
2. The area containing the buffer wall and associated landscaping along D Road and 31 5/8 Road shall be placed in “tracts,” to be owned and maintained by the property owners association.
3. A landscaping and irrigation plan shall be submitted with the Final Plat for the landscaping on the road side of the buffer walls and for the strip between the back of curb and the detached sidewalk along D Road.
4. A lighting plan shall be submitted with the Final Plat.

5. Details of the subdivision identification sign shall be submitted with the Final Plat.
6. The Preliminary Plan shows construction of paved roadway, curb, gutter and walk along 31 5/8 Road as far south as Pipe Court. Half-street improvements will be required from the end of pavement as currently shown to the southern boundary of the parcel.
7. For the final submittal, please identify the existing D Road centerline, the section or monument line, and the proposed center of pavement for the improved roadway. Please provide a 7-foot landscape strip on the south side of the curb and gutter, if possible. Note that the asphalt mat width for the D Road standard calls for a 44-foot pavement width as opposed to the 45-foot width shown on the Preliminary Plan.
8. The MCSM benchmark used for vertical control is noted. However, given the proposed installation of wet utilities, vertical control must originate at a USGS vertical control benchmark as per the SSID manual. This requirement can be satisfied at the final submittal stage.
9. The current cul-de-sac design on the Preliminary Plan will not allow turnaround of WB-50 vehicles. This will result in site development restrictions on each parcel, in which each site utilizing such vehicles will be required to provide on-site turnaround capability for said vehicles. A plat note shall be provided on the Final Plat to this effect.

#### **PUBLIC COMMENTS**

There were no comments either for or against the request.

#### **PETITIONER'S REBUTTAL**

Mr. Katzenson clarified that the most important and applicable criterion outlined by the CGS was condition 3, which read, "That the proponent retain a qualified soils and foundation engineer and drainage engineer prior to selection of building foundation designs and earthwork." He proposed the following plat note verbiage: "Prior to the issuance of a building permit, a qualified, registered Colorado professional engineer do a foundation design." When asked for staff response, Mr. Cecil agreed to the proposed plat note verbiage.

#### **DISCUSSION**

John Shaver asked for clarification of CGS conditions 1, 2, and 4. Mr. Cecil read these conditions into the record as contained in the CGS April 4, 2001 letter. Mr. Shaver suggested revision of Mr. Katzenson's proposed verbiage to state, "Review of on-site geologic conditions is required in accordance with recommendations from the Colorado Geologic Survey. Prior to foundation design and/or construction, a Colorado-registered professional engineer shall be retained." This met with staff, petitioner, and Planning Commission approval.

Chairman Elmer noted the petitioner's compliance with City standards, Code criteria and Growth Plan recommendations and expressed support for the project.

Commissioner Binder felt the proposal to be straightforward and added her support.

Commissioner Prinster agreed, adding that the property was appropriate for commercial uses. Given the petitioner's compliance with street standards and staff's conditions, he extended his support for the project as well.

**MOTION: (Commissioner Binder) "Mr. Chairman, on item ANX-2001-062, the rezoning of the Pipe Trades Commercial Park Subdivision, consisting of 16.59 acres, I move that we find the**

**rezoning consistent with the Growth Plan, Section 2.6 of the Zoning and Development Code, adjacent property zoning and usage and recommend adoption of the rezoning from the AFT zone district to the C-2 zone district to the City Council.”**

Commissioner Nall seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**MOTION: (Commissioner Binder) “Mr. Chairman, on the Preliminary Plan for the Pipe Trades Commercial Park Subdivision, I move that we find the project consistent with the Growth Plan, Section 2.8 of the Zoning and Development Code, and adjacent property usage, and approve the Preliminary Plan subject to the conditions as recommended by staff, including #10 as read by Mr. Shaver [requiring a plat note to read, ‘Refer to on-site geologic conditions. Prior to foundation design and/or construction, a Colorado-registered professional engineer shall be retained.’]”**

Commissioner Denner seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**CUP-2000-235 CONDITIONAL USE PERMIT—CRUISERS BAR**

**A request for a Conditional Use Permit for a bar in a C-1 (Light Commercial) zone district.**

**Petitioner: Chris Joufflas  
Location: 748 North Avenue  
Representative: Rebecca Hadrath**

**PETITIONER’S PRESENTATION**

Chris McAnany, representing the petitioner, said that Cruisers’ food service business had been declining; the restaurant’s owner wanted to convert the existing restaurant use to a bar with limited food service. Approval of the CUP request would resolve several issues with the business’s current liquor license. Staff’s primary concern had been over the amount of available parking. Mr. McAnany said that agreements had just been reached with several surrounding businesses and lot owners (720 Belford Avenue just south of the Dairy Queen, American Furniture, Russ Vacuum, North Avenue Liquor, and a tattoo shop, all of which agreed to allow their parking lots to be utilized to handle “overflow” parking needs. The number of spaces made available through these agreements is 122, greatly exceeding the 54 spaces required by staff. Copies of these agreements, labeled Exhibits A-E, were submitted to Mr. Shaver for his review and were accepted as part of the record. Mr. McAnany understood that the agreements would require staff review and verification, but he asked that approval be recommended contingent upon a satisfactory outcome. All additional parking was located within 300 feet of the bar, as conditioned by the Code. The use, he felt, would change little from what it had been for many years.

**QUESTIONS**

Commissioner Binder asked if the 720 Belford Avenue property was owned by the owners of Dairy Queen, to which Mr. McAnany responded affirmatively.

Commissioner Nall wondered if there would be any mechanism in place to discourage patrons from jay-walking across North Avenue from the off-site parking areas to/from the bar. Mr. McAnany said that if this became a problem, signage could be added to direct patrons to appropriate crosswalks.

Jim Hadrath, petitioner, felt that, while required by the Code, off-site parking areas would probably never be used. He said that the restaurant currently had parking agreements in place; however, at no time in the years he’d had the business had his parking lot exceeded capacity. Most patrons were nearby residents who walked to the restaurant. He stressed that he and his staff took a very proactive position against drinking and driving. Mr. Hadrath reiterated that even if one or two of the businesses were to back out of

their agreements, there would still be sufficient parking spaces available to comply with the Code's requirement.

Chairman Elmer expressed the greatest concern about patrons crossing North Avenue from the American Furniture property. Mr. Hadrath said that the American Furniture lot was both paved and striped, which met City requirements for off-site parking. He doubted that any of the off-site parking lots would ever be used.

Commissioner Denner wondered if the petitioner had engaged in any discussions with the owners of the REI building across 7<sup>th</sup> Street. Mr. Hadrath replied affirmatively. The owner of that building, he said, had indicated a willingness to discuss the off-site parking option only if sufficient parking options could not be found elsewhere. Commissioner Denner expressed discomfort with the American Furniture/North Avenue Liquor parking agreements because patrons would likely jaywalk across North Avenue, putting themselves at risk. Mr. Hadrath stated that the 94 spaces currently shared by both Cruisers and Fiesta Guadalajara were never filled to capacity. He felt it unlikely that there would ever be a need for additional parking.

Commissioner Nall remarked that adding pedestrian controls would help prevent dangerous crossings of North Avenue.

When asked by Chairman Elmer how much pedestrian traffic the restaurant currently received, Mr. Hadrath estimated 70 percent.

#### **STAFF'S PRESENTATION**

Pat Cecil said that he had not had a chance to review the agreements mentioned by the petitioner and his representative. While originally intending to recommend denial of the request due to non-compliance with the Code's parking requirement, he expressed a willingness to change that recommendation to one of approval, provided that the off-site parking agreements met Code requirements. He noted that if the 720 Belford Avenue site was included as part of the off-site parking package, the petitioner would be required to bring it up to City standards, which meant paving and striping. The petitioner would also be subject to a drainage fee and landscaping improvements. If the site were included, Mr. Cecil recommended affixing a timeline for completion of landscaping improvements. A preferred alternative, he said, would be to eliminate the Belford lot and include the REI parking lot, which was already improved.

#### **QUESTIONS**

Commissioner Binder asked for confirmation that the petitioner would be responsible for improvements to the Belford lot, which was given.

Mr. Shaver noted that there could be a potential discrepancy between the definition of "space" as contained in the parking lot agreements and the Code's definition of "space."

Commissioner Nall asked if the Code would allow the petitioner to retain the services of a traffic engineer to determine if the site would truly require the additional off-site spaces, especially if the petitioner's estimate of 70 percent walk-in traffic was proven accurate. Mr. Cecil said that it would then become an enforcement issue for the City. Further, if patronage increased or if the area's dynamics changed, those figures would no longer be applicable. When asked if staff would have any latitude in this area, Mr. Cecil acknowledged the difficulty in answering the question without prior review of submitted agreements.

Commissioner Denner asked if the CUP stayed with the building. Mr. Shaver said that a CUP was generally both site- and use-specific; however, he briefly explained the exception process.

Commissioner Binder wondered how off-site parking was, or could be, signed so that patrons knew that additional parking areas were available. Mr. Cecil was unsure if any off-site parking areas were signed by other businesses with agreements in place, nor was he sure if any of those overflow parking areas had been used. Chairman Elmer suggested checking with downtown churches for this information, since they would probably be the most likely to use additional off-site parking.

Commissioner Denner commented that businesses more often installed signage to prevent after-hours parking. Mr. Shaver suggested that if there was a demonstrated need for off-site parking with the proposed use, the petitioner be required to provide signage alerting patrons to its availability.

Chairman Elmer recommended that any approval recommendation include a Development Improvements Agreement (DIA) for landscaping improvements to the 720 Belford site and that all off-site parking agreements be subject to staff review and approval.

Commissioner Nall observed that even if the Belford site were eliminated from the off-site parking package, the total number of available parking spaces would still exceed the City's requirement. He asked why not eliminate this site from the package altogether? Mr. Cecil agreed that this was an option which could be considered; however, if included in the package, improvements would be required.

Commissioner Nall asked if the CUP would be terminated if one or more of the parking agreements were rescinded. Mr. Shaver explained that if by terminating the agreements, parking requirements were no longer met, the CUP could be revoked. He added that in that case, such a scenario would put the bar owner's liquor license in jeopardy as well.

### **PUBLIC COMMENTS**

#### **FOR:**

Chris Jouflas (738 Golfmore Drive, Grand Junction) said that he'd owned the property on which both Cruisers and Fiesta Guadalajara existed since the 1940s. He'd found Mr. Hadrath to be both reputable and conscientious. Mr. Jouflas said that never, in all the years of his ownership, had there ever been a problem with too many vehicles and too few parking spaces to accommodate them for either business. Even if an agreement could be reached with REI's owner, patrons would still be expected to cross 7<sup>th</sup> Street, an equally busy and dangerous proposition.

Doug Conant (800 Chipeta Avenue, Grand Junction) noted his background in both community planning and design. Having assisted with the current project, he'd found the petitioner especially conscientious and the business well run. He felt that Mr. Hadrath represented the neighborhood well and that he would do whatever was necessary to ensure the safety of his patrons.

Kevin MacQuod (2957 North Avenue, Grand Junction) agreed with statements made by Messrs. Jouflas and Conant.

#### **AGAINST:**

There were no comments against the request.

### **PETITIONER'S REBUTTAL**

Mr. McAnany expressed agreement with conditioning approval to allow for staff review of submitted agreements. If required to leave the Belford site in the parking package, he asked for staff and planning commissioner latitude in not being forced to improve a property not even belonging to him.

Discussion ensued over improvement of off-site parking areas and the Code's definition of "overflow" parking area. Given the Code's definition, if the parking requirement could be met without inclusion of

the Belford site, that site would be deemed “overflow” and would not be subject to the improvements outlined previously by staff. In that case, the site would only require graveling.

Mr. McAnany continued that, if the need were there, signage within the business and/or maps could be developed alerting patrons to the availability of additional parking.

**DISCUSSION**

Chairman Elmer said that except for the parking issue all CUP requirements had been met. The petitioner seemed to have met the literal intent of the Code in the submission of off-site parking agreements. He agreed that the probability of off-site parking areas being used was low. He did not feel it necessary to impose additional pedestrian requirements, and he supported the request provided that the Code’s parking requirements were met.

Commissioner Denner agreed. He’d never known there to be a parking problem at the Cruisers site and didn’t feel that the change in use would create a noticeable impact to the neighborhood or a need for much additional parking. He agreed that the deficit of 54 parking spaces must be provided, but it appeared the petitioner had more than enough off-site spaces to meet this requirement.

Commissioner Prinster concurred. He said that the petitioner had only to ensure that the Code’s requirement was satisfied and that any other related conditions or improvements associated with that requirement were addressed.

Commissioner Nall agreed but hoped that the City was not creating an “active nuisance” by encouraging people to jaywalk across North Avenue to access off-site parking lots.

Commissioner Binder agreed with Commissioner Nall’s concern. She hoped that patrons would be encouraged by the petitioner to use existing crosswalks. If this proved to be a problem, REI’s owner should again be approached.

Chairman Elmer asked staff if there had been any complaints by the neighbors about off-site parking thusfar, to which both Mr. Shaver and Mr. Cecil replied negatively.

Chairman Elmer expressed reservation over including the Belford site in the petitioner’s parking package. Mr. Shaver said that if the site met the Code’s definition of “overflow,” the City would not require a lease. This would afford greater flexibility for the petitioner.

Chairman Elmer reiterated conditioning the motion to include a DIA for landscaping improvements. If the Belford site is used, improvements will be required; that the petitioner submit off-site parking agreements for review, which will provide for the 54 additional parking spaces required by the Code; and that the petitioner be required to provide patrons with some form of signage identifying additional parking areas.

**MOTION: (Commissioner Binder) “Mr. Chairman, on Conditional Use Permit 2000-235, I move that we approve the CUP with the following conditions: 1) the approval is subject to the verification of the 54 off-site parking spaces as defined by Code, to be verified by staff; 2) that a Development Improvement Agreement for the landscaping improvements be submitted and approved by staff; and 3) the applicant will provide signage to the patrons as to where the additional off-site parking exists.”**

Commissioner Denner seconded the motion. A vote was called and the motion passed unanimously by 5-0.

With no further business to discuss, the meeting was adjourned at 8:40 P.M.