

**GRAND JUNCTION PLANNING COMMISSION
JULY 17, 2001 MINUTES
7:03 P.M. to 8:30 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:03 P.M. by Vice-Chairman Dr. Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were Dr. Paul Dibble (Vice-Chairman), William Putnam, James Nall, Mike Denner, and new alternates Richard Blosser and John Evans.

In attendance, representing the Community Development Department, were new Director, Robert (Bob) Blanchard, Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Lori Bowers (Assoc. Planner), Bill Nebeker (Sr. Planner), and Lisa Gerstenberger (Sr. Planner).

Also present were John Shaver (Asst. City Attorney) and Eric Hahn (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 13 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the June 12 and June 26 public hearings. Due to their late arrival, consideration of the June 19 minutes was postponed until the next Planning Commission public hearing.

MOTION: (Commissioner Putnam) “Mr. Chairman, I move that we approve the minutes of the June 12 and June 26 public hearings as presented.”

Commissioner Nall seconded the motion.

A vote was called and the motion was approved by a vote of 6-0.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Vice-Chairman Dibble introduced new alternates Richard Blosser and John Evans and welcomed them to the Planning Commission.

III. CONSENT AGENDA

Available for placement on the Consent Agenda were items FP-2001-121 (Final Plat—Fruitvale Meadows Filing #2) and RZ-2001-124 (Rezone/Final Plan Amendment). No objection or commentary was expressed or given by the audience, planning commissioners or staff on either of the Consent items.

MOTION: (Commissioner Denner) “Mr. Chairman, I move that we approve the Consent Agenda as stated.”

Commissioner Nall seconded the motion. A vote was called and the motion was approved by a vote of 6-0.

IV. FULL PUBLIC HEARING

RZP-2001-034 REZONE/PRELIMINARY PLAT—COLONIAL HEIGHTS SUBDIVISION

A request for approval of: 1) a rezone from PD-4.4 (Planned Development, 4.4 units/acre) to RMF-5 (Residential Multi-Family, 5 units/acre) zone district; and 2) a Preliminary Plat consisting of 160 lots on 46.84 acres.

Petitioner: Sonshine Construction, John Davis
Location: Southeast corner of G and 25 Roads
Representative: Vista Engineering, Patrick O'Connor

PETITIONER'S PRESENTATION

Patrick O'Connor, representing the petitioner, presented an overhead of the Preliminary Plan. He said that the overall density was closer to 4.2 units/acre. Open space areas to the north and east were noted; lots located within the 100-year floodplain along with wetland areas were also denoted. The developer has agreed to pay the parks and recreation fee based on 10 percent of the gross land value. Mr. O'Connor said that the request had been heard and approved previously as *Country Crossings*; however, the current request included a reconfiguration of the site. He felt that the request met both Code criteria and Growth Plan recommendations; the developer took no issue with staff conditions of approval.

STAFF'S PRESENTATION

Lisa Gerstenberger briefly reviewed the request as detailed in the July 10 staff report. She confirmed that the request met Code criteria and that the 10 percent payment in lieu of land dedication had been acceptable to the Parks Department. The location of lots within floodplain and wetlands areas had been addressed in staff's conditions of approval. With no outstanding concerns, Ms. Gerstenberger recommended approval of the rezone and approval of the Preliminary Plat subject to the following conditions:

1. Revise the Preliminary Plan to include: a) a cover sheet street network must match the subdivision design sheets; b) Tract D must be 15 feet wide from the beginning of the tract to the end; c) show filing and block lines in **bold** lines; d) show the fence to be located on the east side of the tract along 25 Road; and e) show the 10-foot concrete sidewalk within each 15-foot pedestrian easement.
2. The landscaped and fenced tract along 25 Road shall be installed with Filing 1 and shall contain trees, shrubs and groundcover, with irrigation water.
3. Open space shall be dedicated with Filing 1.
4. As stated in the first round of review comments, "all street improvements will be constructed or guaranteed during the construction of Filing 1. Final design will be needed at Filing 1 to determine the value of the improvements." It is possible to negotiate an extended DIA or some other construction guarantee for the portions of the project frontages that are not included as part of Filing 1. The portions of street frontage improvements that are budgeted in the CIP within the next five years can be paid for instead of built by the developer. These issues can be resolved during the review and approval of final plans for Filing 1.
5. At the time of Final Plat/Plan, the floodplain (Zone AO) must be shown on the plat and a plat note must be added requiring certification of all structures within the floodplain (via a floodplain certificate) that the lowest floor elevation is one foot above the Base Flood Elevation (BFE).

6. Show the delineation of the wetlands on the Preliminary Plan, not the Existing Conditions Map. At the time of Final Plat/Plan, the wetlands must be shown on the plat.
7. Responses to City Utility Engineer adequate for previously submitted comments; however, please verify that drawings depict the location of gas and water lines accurately in 25 Road. Field observations find that water is on the west side and gas is on the east side of the road. This is contrary to drawings. This may become very important, as the 12-inch gas is a high-pressure line that is one of the main feeds into the valley and could affect the alignment of sewers and storm drain improvements. Please verify depths on the gas line as well prior to final design.
8. The developer is to pipe, fill, and compact the large drainage west of the canal and south of the ditch at the north end of the project.

QUESTIONS

Commissioner Nall asked about the primary difference between the former and current submittals. Ms. Gerstenberger was unsure about lot count comparisons; however, the site's former underlying RMF-8 zone had concerned neighbors who didn't want to see the site potentially develop to that density. The current request would limit density to between 2-5 units/acre, with RMF-5 being a more restrictive zone.

Vice-Chairman Dibble asked for additional clarification on the location of floodplain/wetlands areas, which was provided. He asked if open space areas would remain undeveloped. Ms. Gerstenberger replied affirmatively, however, a strip along the Grand Valley Canal would be developed by the City as a greenbelt.

Commissioner Blosser asked if concerns over the site's 25 Road entrance had been addressed, to which Ms. Gerstenberger replied affirmatively.

Commissioner Putnam asked if Staff City Attorney, Stephanie Rubinstein's, concerns had been addressed, to which Ms. Gerstenberger again replied affirmatively.

Commissioner Putnam observed that the eastern open space dedication included the canal road as a trail. Ms. Gerstenberger confirmed his observations.

Commissioner Denner said that earlier discussions had included possible construction of a bridge across the canal. What was the status on this? Ms. Gerstenberger said that City staff had not required the developer to construct a canal crossing.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

No rebuttal testimony was offered.

DISCUSSION

Commissioner Denner remarked that the current submittal represented one of the best designs he'd seen for the site thusfar.

Commissioner Nall concurred and noted that staff concerns seemed to have all been addressed.

Commissioner Putnam said that while he supported the developer’s design, he was uneasy about the rezone’s justification. It seemed that the City was attempting to remedy a former mistake via its recommendation of a lower, more restricting zone district.

Vice-Chairman Dibble felt that the project represented good infill development. He urged staff to ensure that floodplain boundaries and potential problem areas were properly identified on the Final Plat. John Shaver stated that floodplain elevation certification had been included in staff conditions.

MOTION: (Commissioner Denner) “Mr. Chairman, on item RZP-2001-034, request to rezone from the PD 4.4 units per acre zone district to RMF-5 zone district, I move that we forward the request to City Council with a recommendation to approve, with the findings that the request is consistent with the Growth Plan and Section 2.6 of the Zoning and Development Code.”

Commissioner Nall seconded the motion. A vote was called and the motion passed by a vote of 6-0.

MOTION: (Commissioner Nall) “Mr. Chairman, on item RZP-2001-034, request for Preliminary Plan approval for Colonial Heights Subdivision, I move that we approve the Preliminary Plan, with the findings that the request is consistent with the Growth Plan and Zoning and Development Code.”

Commissioner Evans seconded the motion. A vote was called and the motion passed by a vote of 6-0.

CUP-2001-119 CONDITIONAL USE PERMIT—HIGH SIDE BREWERY

A request for a Conditional Use Permit for a brewpub in a C-2 (General Commercial) zone district.

Petitioner: James Jeffryes
Location: 859 Struthers Avenue

PETITIONER’S PRESENTATION

James Jeffryes, petitioner, presented an overhead visual of the Site Plan. He mentioned that this proposal had been heard previously; however, the request for large-scale outdoor entertainment and amphitheatre had been eliminated from the current proposal. He still hoped to host outdoor activities, just not to the scale formerly proposed. Plans for the brewpub included a full restaurant, outdoor deck and garden area and small brewery. Landscaping included turf and shrubs around the site’s perimeter and landscape islands in the parking area, with 20-30 large trees planted. Landscape screening would also be provided between

Struthers Avenue and the parking lot. A small monument-style sign had been proposed for the entrance. Lighting would be confined to the property, with no installation of floodlights. He felt that the current request met Code criteria and Growth Plan recommendations. With the Art Center’s pending relocation to Las Colonias, the presence of the Riverfront Trail, the nearby Botanical Garden, and views of both the Grand Mesa and the National Monument, Mr. Jeffryes felt that his project would be very successful. He also noted that the South Downtown area had been designated as an Enterprise Zone, which offered incentives for start-up businesses.

QUESTIONS

Vice-Chairman Dibble asked the petitioner about his intended hours of operation. Mr. Jeffryes said that he was asking for the maximum allowable (7 a.m. to 2 a.m.) each day; however, in all likelihood, actual hours would probably be 11 A.M. to 11 P.M. Additional hours would provide for increased flexibility.

Vice-Chairman asked if manufacturing was expected to take place 24 hours/day. Mr. Jeffryes said that additional hours of operation would permit him to address on-site manufacturing problems if/when they

occurred; however, actual manufacturing was not expected to take place ‘round the clock. When asked how wholesaling would be handled, Mr. Jeffryes explained that wholesaling was State-regulated.

Commissioner Evans asked about the seating area behind the facility. Mr. Jeffryes said that the north area would probably be grassed, with a patio constructed to the south.

Commissioner Putnam asked if the petitioner intended to live onsite, to which Mr. Jeffryes responded affirmatively. This would allow for better maintenance of the business and property.

Commissioner Blosser asked if the petitioner expected a lot of truck traffic to/from the site, to which Mr. Jeffryes replied negatively. The wholesaling part of the business was not expected to be large; customers would probably be primarily local restaurants and special events.

STAFF’S PRESENTATION

Lori Bowers presented an aerial photo of the site and the surrounding downtown area. She said that the petitioner had contacted surrounding residents by letter, notifying them of his proposal. Two letters of support had been received by staff from the Riverfront Commission and an adjacent property owner. No comments had been received from the public. Landscape screening would adequately buffer the site both visually and with regard to noise. Staff felt that the proposal would serve as a public benefit to the area. Staff recommended approval of the Conditional Use Permit.

QUESTIONS

Vice-Chairman Dibble asked if any obnoxious odors were generally associated with a brewery. Ms. Bowers said that, if any, it would probably be associated with a stale product.

Commissioner Putnam asked if Struthers Avenue had any relationship to the City’s proposed beltway project. Eric Hahn answered that, the beltway study was not completed at this time, but it was likely that the beltway project would be constructed further north.

Commissioner Denner expressed continued concern over the Struthers corner (location noted). Ms. Bowers said that road widening and street improvements would be required as part of the project; thus, these concerns would be addressed during Site Plan review. Adequate site distance would be ensured. Mr. Shaver added that, if needed, additional right-of-way could be required.

PUBLIC COMMENTS

FOR:

Charlie Doss (2388 F Road, Grand Junction) felt that the use was appropriate for the zone and that the request met CUP conditions. As a local business owner who would live onsite, the petitioner would ensure the aesthetics and operation of his business. A brewpub, he said, was different than a bar and the project should upgrade the area.

Patti Doss (1820 K 4/10 Road, Fruita), speaking on behalf of the Botanical Society, felt that the project would be a wonderful addition to the South Downtown area.

AGAINST:

Jose Chavez (912 Kimball Avenue, Grand Junction), representing his parents and concerned neighbors, objected to the petitioner’s not having spoken directly with neighborhood residents. The letter received had not said anything about the level of outdoor activities proposed for the site. He felt that since most restaurants in the area made the bulk of their money through the sale of alcohol, it was likely such sales would become a primary focus of the business. Bars, he said, typically generated problems such as drinking drivers, attraction of homeless people to the site, fights, traffic, etc. There were a number of traffic issues in the area and he agreed that the corner mentioned previously would be too tight for large

trucks to navigate. Mr. Chavez said that speeding along Struthers was also a problem. He asked "who would protect their children and elderly against drunk drivers?" Mr. Chavez felt that bars were typically located in minority areas, which seemed discriminatory. He was unsure why the petitioner would be allowed to build a residential structure on his property when others in the area couldn't do so on their property. Industrial/commercial uses, he maintained, did nothing to elevate a neighborhood. He submitted a letter from Dr. Hornsby (744 Horizon Court, Ste. #301, Grand Junction) on behalf of resident Maria Lopez.

Terry Ralle (850 Kimball Avenue, Grand Junction) agreed with Mr. Chavez' concerns. A bar, he said, is not a compatible use and should not be permitted. He, too, expressed concerns over the safety of his grandchildren and he reiterated that there were a lot of elderly residents in the neighborhood. He felt there are enough bars in Grand Junction already.

PETITIONER'S REBUTTAL

Mr. Jeffryes said that he'd realized that his last submittal had been too large-scale for the area. The current proposal would fit in much better and food sales would be expanded to approximately 60-65 percent of the business. He reiterated that the location was perfect for such a business and was supported both by the City and by the incubator project. Living onsite would give him greater ownership/involvement in the business. While realizing that traffic in the area was generally bad, approval of the proposal would result in road widening and street improvements, which would help mitigate neighborhood concerns. With regard to the homeless located near the site, he said that they'd never caused anyone in the area harm and it was unlikely they would become patrons of his business.

QUESTIONS

Commissioner Nall asked for confirmation that no live music would be offered outside as with the previous proposal. Mr. Jeffryes confirmed that this aspect had been deleted from the current request. Music would only be offered inside the premises.

Commissioner Nall asked for clarification on neighborhood notification. Mr. Jeffryes said that this had come in the form of written correspondence only.

Commissioner Blosser asked where the Art Center would be relocating in the area. Mr. Jeffryes noted a location near the east side of his property, on the Las Colonias property. He added that the entire area had been targeted for redevelopment; as such, his business should improve area property values.

DISCUSSION

Commissioner Denner understood resident concerns over change to their neighborhood; however, the area, he said, had been targeted for years as becoming more commercial. Since the request met CUP requirements, he expressed support for it.

Commissioner Nall said that his previous concerns had been over outdoor events, lighting, and the negative impacts these elements would have had on the surrounding neighborhood. Eliminating these factors, and the fact that this area had been targeted for redevelopment of more commercial uses, he expressed support for the project.

Commissioner Putnam empathized with residents but agreed that the area had been targeted for commercial redevelopment. Continuing to maintain a residential use in such an area probably wasn't realistic. The petitioner, he observed, had made a considerable effort to mitigate prior concerns.

Vice-Chairman Dibble said that while having mixed feelings about the project, commercial uses represented the future of the area. He was unsure, however, if a brewpub would be compatible with the Art Center, Botanical Society, *et al.* He acknowledged that some things just couldn't be controlled by

the petitioner offsite (e.g., traffic, law enforcement needs). Since the petitioner met CUP requirements, he expressed reluctant support.

Commissioner Putnam referenced Mr. Chavez' remark regarding the placement of bars being discriminatory and cited many examples in Grand Junction which refuted this allegation.

Commissioner Blosser also had mixed feelings and said that his main concern continued to be traffic. He urged staff to review the South Downtown street network in the subject area to ensure that the proposed business would not create additional traffic problems. Commissioner Putnam concurred.

Mr. Hahn said that residents could contact either/both the Police and Traffic Departments to discuss specific concerns. There are, he said, a number of traffic mitigation and enforcement options available.

MOTION: (Commissioner Nall) "Mr. Chairman, on the Conditional Use Permit for High Side Brewery, I move that we find the project consistent with the Growth Plan, Section 2.13 of the Zoning and Development Code, and that we approve Conditional Use Permit CUP 2001-119."

Commissioner Denner seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

GENERAL DISCUSSION

Mr. Blanchard reminded planning commissioners of a joint City/Mesa County Planning Commission workshop scheduled for noon on Wednesday, July 18, at City Hall. Lunch would be provided.

With no further business to discuss, the meeting was adjourned at 8:30 P.M.