

**GRAND JUNCTION PLANNING COMMISSION
SEPTEMBER 18, 2001 MINUTES
7:02 P.M. to 12:15 A.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 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), Dr. Paul Dibble, John Evans and Terri Binder. William Putnam, Nick Prinster and Richard Blosser were absent. There are two positions currently vacant (resignations from James Nall and Mike Denner)

In attendance, representing the Community Development Department, were Community Development Planning Director, Bob Blanchard, Pat Cecil (Development Services Supervisor), Kristen Ashbeck (Sr. Planner), Lisa Gerstenberger (Senior Planner), Bill Nebeker (Senior Planner), Senta Costello (Associate Planner) and Ronnie Edwards (Associate Planner).

Also present were John Shaver (Asst. City Attorney), Eric Hahn (Development Engineer), and Mike McDill (Public Works Engineer).

Terri Troutner was present to record the minutes.

There were approximately 64 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

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda was item VR-2001-159 (Vacation of Right-of-Way—Arrowhead Acres II, Filing #3). No objection or commentary was expressed or given by the audience, planning commissioners, or staff on this item.

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

Commissioner Dibble seconded the motion. A vote was called and the motion was approved unanimously by a vote of 4-0.

IV. FULL PUBLIC HEARING

CUP-2001-160 CONDITIONAL USE PERMIT—LDS INSTITUTE

A request for a Conditional Use Permit for the LDS Institute Classroom Building.

Petitioner: LDS Church, Jerald Chadwick

Location: 1502 North 12th Street/1205 Texas Avenue

Representative: Vanderwood Associates Architects, Gary Vanderwood

PETITIONER'S PRESENTATION

Gary Vanderwood, representing the petitioner, reviewed the request. He said that in order to meet the City's parking requirements, an adjacent lot had been purchased. The existing structure on this lot would, he said, be demolished and a parking lot constructed in its place. Both the classroom building and the parking lot would be screened by the use of landscaping and by construction of a cinderblock wall. The City had also requested dedication of 2 feet of each property along the side of the alley for future improvements. Because the alley would provide primary access to the secondary parking lot and was currently substandard and in need of repair, Mr. Vanderwood had spoken with an adjacent neighbor, who agreed to also dedicate a portion of her property to the City for needed improvements. It was hoped that with both right-of-way dedications occurring simultaneously, the City would be able to complete alley improvements sooner. Mr. Vanderwood felt the area to be in transition and thus suitable for the proposed use.

QUESTIONS

Chairman Elmer asked if installation of the 6-foot-high cinderblock wall would be in conjunction with construction of the parking lot, to which Mr. Vanderwood replied affirmatively. He added that it should effectively buffer adjacent residential uses. When asked if the church intended to provide access onto Texas Avenue, Mr. Vanderwood replied negatively.

STAFF'S PRESENTATION

Senta Costello said that the project was in compliance with the Code and Growth Plan requirements, and that the petitioner was in agreement with Conditions of Approval. She recommended approval subject to the following conditions:

1. Petitioner must submit for a Simple Subdivision review along with their application for Site Plan review.
2. Landscaping, parking and traffic circulation areas must conform to the Zoning and Development Code and the TEDS manual.
3. Petitioner must submit a completed City fire flow form at time of Site Plan review. If the available fire flow is not adequate, the petitioner must also have his engineer submit proposed water system improvements plan and certify that the improvements will provide the required minimum fire flow.

QUESTIONS

Chairman Elmer asked if the CUP specifically covered the parking lot. Mrs. Costello said that the CUP covered the classroom request; its approval was contingent upon there being adequate available parking.

When asked by Commissioner Dibble how the parking requirement had been determined, Mrs. Costello answered that the calculation was based on a formula in the Code which anticipated both the land use and the allowed occupancy of the structure. Commissioner Dibble observed that the secondary parking lot would be accessible from Elm Avenue, but not from Texas. Mrs. Costello confirmed his observation.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Dennis Rodriguez (1200 Texas Avenue, Grand Junction) expressed opposition to the proposal primarily because of construction of the secondary parking lot. He felt that its presence would damage both the appearance and character of the existing neighborhood and negatively impact property values. He also expected that noise would increase and that the cinderblock wall would only serve to amplify sound. If the majority of the classroom's attendees were those walking over from Mesa College, he said that there should be no need for an additional parking lot. He felt that the church had been deceptive with the neighbors in keeping this expansion from them for the last two years. The church's property, he added, had been ill kept and existing landscaping was either dead or dying.

Jerome VanCleve (1309 Texas Avenue, Grand Junction) agreed with Mr. Rodriguez's comments. He felt it unlikely that the neighbors would be compensated for expected losses in their property's valuation as a result of the parking lot's construction. He felt that the parking lot was inappropriate for the neighborhood; the property should instead, he said, be retained for another single-family structure.

Cecil Hobbs (1267 Texas Avenue, Grand Junction) felt that the parking lot would be disruptive to the neighborhood. He said he also represented his neighbor, Mrs. Strnad, who opposed construction of a parking lot next door to her home. If approved, she asked that consideration be given to the use of brick in the wall's construction; contending that it would be much more aesthetic than cinderblock.

Earl VonBurg (1317 Texas Avenue, Grand Junction) said that speeding was a problem along Texas Avenue. With the additional traffic to and from the classroom site, this problem would only be exacerbated. He'd also been the victim of vandalism and thought that this, too, would increase.

Merredith VonBurg (1317 Texas Avenue, Grand Junction) expressed similar concerns over increased traffic along Texas Avenue and through the alley.

Chairman Elmer reiterated that no parking lot access was being provided off of Texas Avenue. Ms. VonBurg felt that the alley should be widened to accommodate expected traffic increases. Earl VonBurg added that the alley has insufficient width for two-way traffic.

PETITIONER'S REBUTTAL

Mr. Vanderwood said that the house on the parking lot property is currently vacant. Because this structure is slated for demolition, it didn't seem prudent to maintain existing landscaping. Mr. Vanderwood said that new landscaping has been proposed, which would make both lots aesthetically pleasing and serve as an asset to the neighborhood. The added parking lot had been a City requirement, even though it was not felt that the use would actually require all mandated parking spaces. He noted the existence of a house located directly east of the site, which had become a rental. Students living there were using the entire front yard as a parking lot, yet neighbors didn't seem to object to this parking arrangement.

QUESTIONS

Chairman Elmer asked the petitioner if he'd taken into account actual parking usage when discussing the parking situation with staff. Mr. Vanderwood said that onsite staff would occupy 6 parking spaces and only 3 or 4 students were expected to use the classroom at any given time. Most of them would likely be walking from the college. He reiterated that the additional parking space requirement had come from development staff.

Commissioner Dibble asked how far alley improvements were extending. Mr. Vanderwood said that with the dedication of additional alley right-of-way, the total alley width will be 20 feet; with improvements extending the length of both alley frontages.

Commissioner Dibble asked if the church's parking lots would be generally made available to other college students wishing to park there, to which Mr. Vanderwood responded negatively. The parking lots would be monitored, with parking stickers issued to those authorized to use them.

Commissioner Binder wondered what the petitioner thought of the suggestion to brick, rather than cinderblock, the proposed screening wall. Mr. Vanderwood said that brick had originally been proposed; however, another neighbor had preferred cinderblock. It didn't matter to him, either way. He added that the church would also bear financial responsibility for moving a portion of Mrs. Strnad's sprinkler system, which currently lay outside her western property line and within church-owned property.

Commissioner Binder asked how much bigger the structure would be following the expansion. Mr. Vanderwood answered that the new structure would have about a third more space than what was there now.

QUESTIONS

Commissioner Dibble noticed that CSR zoning existed on either side of the site. He asked are the parking requirements for CSR-zoned properties the same? Ms. Costello answered that parking requirements were not based on zoning; rather, on the use and occupancy of a proposed structure.

When asked by Commissioner Binder if the parking requirements were tied to construction of the new building, Ms. Costello replied affirmatively.

Commissioner Dibble asked for clarification of existing setbacks of the subject and adjacent properties, which was given.

DISCUSSION

Commissioner Dibble noted that since the added parking was required by Code and since the petitioner was only complying with those requirements, there seemed to be insufficient reason to deny the request.

Chairman Elmer expressed concern over the use's encroachment into an established residential neighborhood. While supportive of the classroom expansion, he still had reservations over the parking lot, even though proposed buffering could help to mitigate this concern. He agreed that no one wanted a parking lot constructed next to their home.

Commissioner Binder said that she was torn between the good points made on both sides. The church had purchased the lot in a good faith effort to meet the City Code's parking requirements. It didn't seem right to now punish the petitioner for doing so by denying the request.

Commissioner Dibble concurred. It seemed that the access issue had been dealt with in a reasonable manner since no access into parking areas would be available off Texas Avenue. Alley improvements should facilitate traffic flow. He agreed that landscaping, berming and screening would result in much improved aesthetics. He observed that speeding was not a problem which could be addressed by the Planning Commission; residents were encouraged to direct such problems to the Police Department for resolution.

Commissioner Evans felt that the petitioner had done the best he could, given the requirements imposed upon him. Because traffic was not being routed to Texas Avenue, he felt that the request deserved support.

Commissioner Binder asked if a reduction in the number of parking spaces required could be granted as part of the CUP approval. Mr. Shaver reiterated that the number of spaces required had been tied to the use and expected occupancy of the structure; parking requirements could generally not be considered independent of the use; however, if further staff analysis could substantiate reduced occupancy, some modification of the parking requirement is possible under the Code. Mr. Shaver said that any reduction would be at Mr. Blanchard's discretion.

Commissioner Dibble commented that the project seemed to comply with Code and Growth Plan requirements for the area.

Commissioner Binder remarked that she had yet to see an LDS church facility anywhere that wasn't aesthetically pleasing.

MOTION: (Commissioner Evans) "Mr. Chairman, on Conditional Use Permit CUP-2001-160, 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-2001-160 subject to the recommended conditions."

Commissioner Dibble seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Chairman Elmer opposing.

GPA-2001-060 GROWTH PLAN AMENDMENT/REZONE/PRELIMINARY PLAN—BANK OF GRAND JUNCTION

A request for approval of: 1) a Growth Plan Amendment from Residential Medium (4-8 units/acre) to Commercial designation, 2) Rezone of the property from RMF-8 (Residential Multi-Family, 8 units/acre) to PD (Planned Development), and 3) a Preliminary Plan to develop a 2,500 square foot bank with drive-through and 12,500 square feet of office space on a 2.4 acre parcel.

Petitioner: Bank of Grand Junction, Bob Johnson

Location: 601 – 27 ½ Road

Representative: LandDesign, Rob Katzenson

Commissioner Dibble disclosed that he'd had conversations with the bank's president over the proposed submittal; as such, he thought that he may have a conflict of interest. Mr. Shaver asked the commissioner if he had drawn any conclusions about the request or had any financial and/or other interests with the Bank from which he could gain by his participation. Commissioner Dibble responded negatively to all Mr. Shaver's questions. Since no concerns were expressed by any of the other planning commissioners, Commissioner Dibble was permitted to participate in deliberation of this item.

Community Development Director Bob Blanchard suggested that the three portions of the request be heard separately, with the Growth Plan Amendment (GPA) deliberated first. If denied, he said, it would render consideration of the rezone and Preliminary Plan moot. Mr. Shaver concurred with this suggestion.

Larry Beckner, representing the petitioner, said that it is important to the Petitioner not to bifurcate the presentation because of the interrelationship. He said that staff had initially suggested an R.O. zone; only within the last few days had this recommendation been altered to reflect a B-1 zone. He also said that five traffic studies had been undertaken at the subject corner all of which supported the request. He felt that the petitioner had the right to have the presentation heard in its entirety. Planning commissioners agreed and the presentation moved forward.

PETITIONER'S PRESENTATION

Rob Katzenson, representing the petitioner, offered a PowerPoint presentation which separately addressed the three elements of the request. He submitted into evidence a collection of petitions, correspondence and documents which he said supported the request; he asked that they be referenced as Exhibit I.

Growth Plan Amendment (GPA)

Mr. Katzenson provided a land use history of the property; its location and land use/zoning designations were noted. Referencing an overhead outlining staff's comments, Mr. Katzenson said that all GPA criteria had been met. He believed that the request also addressed the need for more neighborhood-oriented businesses. Mr. Katzenson stated that a lot of traffic and noise were generated at this, 27 ½ and F Road, intersection. As such, the corner was not conducive to residential development. For this reason, he said that modification of the Growth Plan was justified. He believed that current growth along 27 ½ Road was occurring in accordance with an area in transition.

Mr. Katzenson said that a neighborhood meeting had been held and almost all comments had been positive. An overhead of Key Community Goals was referenced. Mr. Katzenson felt that the number of trips per day could be significantly lowered as a result of the bank's siting at the proposed corner. The project, he maintained, would add visually to a property sorely in need of improvement. An overhead outlining Staff Concerns was presented. Mr. Katzenson said that location studies had been undertaken, the results of which supported siting banking branches within established residential neighborhoods. The proposed site seemed to offer the best option and provide the greatest benefit to both the bank and the community.

Rezone

Mr. Katzenson said that a Planned Development (PD) zone represented the most appropriate zone for the corner. PowerPoint slides with the following titles were shown: Requested Action; Rezone Application/Compatible Underlying Zone; Process Selection of Underlying Zone; Rezone Application/City Staff Report Recommending Underlying R.O. Zone; Site Design; Layout and Operational Considerations and Neighborhood Design Considerations.

When reviewing Neighborhood Design Considerations, Mr. Katzenson presented a number of photos depicting various examples of fencing/walls used for screening. Chairman Elmer voiced objection to their presentation because the examples shown were not in compliance with the Code.

Mr. Katzenson summarized his testimony using a slide that outlined "Rezone Application Completeness."

Preliminary Plan

Mr. Katzenson offered the following entitled slides in support of the Preliminary Plan application: Requested Action; Background Information, Live/Work; Anticipated Site Considerations; Access and Circulation Drawing; Parking and Pedestrian Movement Drawing and Grand Valley Transit Hub Location.

Mr. Katzenson said that in conversations he has had with Grand Valley Transit (GVT) staff, they were very supportive of moving the bus stop from its current location to the one proposed in conjunction with the Preliminary Plan.

Mr. Katzenson continued with the presentation of slides entitled: Landscaping Plan (detention pond location noted); City Staff Report; TEDS Exemption Application (*Rational Mind Theory* explained); Key Issues Associated with TEDS Exemption; E-Mail from George Miller dated May 7, 2001 (confirming exemption as acceptable situation); Post-It Note Outlining 4 Engineering Conditions; Letter Received from Mike McDill Regarding TEDS Exemption Application; Notes from Conversations with George Miller Allowing Reconfiguration of 27 ½ Road; Written Support (for TEDS Exemption) Received from City Engineering Staff; Sketches of Alternate Building Layouts Received from the Community Development Department; Preliminary Plan Completeness and Requested Actions Summary.

In his testimony Mr. Katzenson drew a parallel between the bank's project at the Redlands Parkway intersection on the Redlands and the current proposal. The Redlands proposal, he said, had originally met with strong staff and neighborhood opposition; however, the facility was now widely recognized as an aesthetic and functional asset to the community and warmly regarded by the neighborhood.

QUESTIONS

Chairman Elmer asked if this proposal includes widening of 27 ½ Road; Mr. Katzenson replied negatively.

STAFF'S PRESENTATION

Bill Nebeker said that staff had told the petitioner at the onset of the review process that the current plan would not be accepted as presented. Staff had received nine letters of support in addition to those submitted by the petitioner, which had been included with planning commissioner packets. Referencing an overhead of the Preliminary Plan drawing, he said that with regard to GPA criteria, the area was developing in accordance with Growth Plan expectations. Mr. Nebeker said that if an exception were made for the current submittal, the same argument could be used for properties at other busy intersections along F Road. Setting precedent was of paramount concern to staff. Mr. Nebeker said in regards to the bank on the Redlands Parkway intersection property, the same precedent concerns had been expressed during that Preliminary Plan review and as it happened, those concerns had been well founded because there is now a car wash proposed to be located directly across the street on a residentially-zoned piece of property.

Mr. Nebeker said that the Code provided for some retail/commercial development within residential areas without necessitating a change to the Land Use Map; the current submittal was not representative of that option and would, if approved, result in changing the Land Use Map. Staff is also concerned over the 15,000 square feet of office space provided to the rear of the property. Mr. Nebeker said that this use would negatively impact the immediate area around this property, property which had not changed in use since 1996 when the Growth Plan was adopted. Mr. Nebeker noted the residential development along the 27 ½ Road corridor. He said that walls and fencing should be erected in accordance with Code requirements. The petitioner, he noted, is proposing a use that is more appropriate for a commercially-designated zone classification. The proposal failed to offer any impact mitigation for the Oviatt property to the North of the site. A residential use at this corner could still develop under the property's current residential zoning and provide an overall neighborhood benefit. He observed that there was very little interrelationship between the proposed bus stop and the bank building.

With regard to rezone criteria, Mr. Nebeker said that the Code's PD zone classification was used in instances where a long-term community benefit could be derived. He presented an overhead entitled "Substantial and Long-Term Community Benefits in Planned Zones," which, he said, the Code supported in conjunction with planned zones. Initially, an R.O. zone seemed to be the best fit for what the petitioner had proposed since it allowed banking services; however, it soon became apparent that the R.O. zone was unsuitable because the site was not designed to be residential in character. Also, R.O. zones were typically used to transition residential and higher-density commercial uses.

Mr. Nebeker referenced an overhead of the Preliminary Plan and noted the entrance deviations which required a TEDS exception. Deviations in the Sign Code were also being requested. (The petitioner proposed 24-hour illuminated signage.) Staff felt that there was an alternate location of the driveway on 27 ½ Road that avoided the need for a TEDS exception. He noted that the greatest impact would be to the Oviatt property who, Mr. Nebeker said, would end up with parking lots on both sides of their property if the current request were approved. (The second parking lot was in conjunction with the Hilltop project already approved and under construction.) One of the bank's proposed parking spaces would be impossible to utilize. If the current request were approved, staff would need significant direction on how to approach and address the variety of Code deviations being requested by the petitioner. The Preliminary Plan would require substantial modification prior to Final to meet current regulation standards. Mr. Nebeker reiterated his concern that approval of a commercial use at this corner would create a negative precedent for future requests that were sure to come. Mr. Nebeker said that development alternatives were available for this property which didn't require a GPA. For the reasons stated above, staff urged denial of the GPA, the rezone request and the Preliminary Plan.

QUESTIONS

Chairman Elmer asked for staff's opinion on the potential advantage of moving the bus stop to a location further away from Spring Valley Circle. "Didn't it make more sense to place stops closer to residential areas rather than further away?" Mr. Nebeker said that GVT preferred the petitioner's alternative to keeping the stop on Spring Valley Circle.

Commissioner Dibble asked if there were any appreciable benefits in applying a B-1 zone versus an R.O. zone. Mr. Nebeker said that there would be fewer deviations associated with B-1 zoning. When asked about the fencing requirements, staff stated that the Code requires 6-foot-high perimeter fencing; the petitioner was requesting 4-foot-high fencing.

Commissioner Binder asked for clarification of the option mentioned by staff whereby the bank could potentially locate within residential neighborhoods, Mr. Nebeker explained.

Commissioner Dibble asked if there were design standards in place which would result in the bank and office buildings reflecting a more residential appearance. Mr. Nebeker said that it was more a question of size compatibility; the size of the proposed commercial buildings would be out of character with the mass or size of surrounding homes.

When asked by Commissioner Dibble if approval of the request could be considered under the "node concept," Mr. Nebeker said that nodes did not require GPA's in order to be approved. Approval of the current request would more closely represent "spot zoning." Mr. Nebeker added that no site detail had been given on the office buildings. It seemed to staff that the office buildings were an afterthought, that the petitioner's primary focus was on getting the bank situated on the site. If the Preliminary Plan were approved, any manner of modification to the plan could occur.

Commissioner Binder referenced the petitioner's slides of the Community Development Department sketches of alternate building configurations. She asked "did staff have a preferred layout?" Mr. Blanchard indicated that the sketches that had been referenced in the Petitioner's presentation are used out of context. He said the sketches were musings of staff, more just to point out to the petitioner "what if's." He felt that submission of those sketches by the petitioner was inappropriate.

Mr. Shaver noted the absence of testimony concerning Code section 5.4.B, Minimum Size of a Planned Zone. In response to Mr. Shaver's comment, Mr. Nebeker noted that the minimum area for planned zones is 5 acres. This project, he said, did not comply with that criterion. In cases of non-compliance, conventional zoning alternatives were recommended. Further, the section also addressed minimum

buffering requirements, which again would not be met with the current request. Mitigation of adverse impacts had also not been addressed to the full extent of the Code.

A recess was called at 10:00 P.M. The public hearing reconvened at 10:05 p.m. Due to the lateness of the hour, the remaining item (RAC-2001-175) was continued, to be heard after the Joint Mesa County/City Planning Commission meeting scheduled for September 25.

MOTION: (Commissioner Dibble) “Mr. Chairman, on the Text Amendment (TAC-2001-175) I move that we continue this item to September 25 subsequent to the joint meeting.”

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

PUBLIC COMMENTS

FOR:

Tom LaValle (504 – 28 ¼ Road, Grand Junction) noted the number of people who traveled out to the mall to do their banking. He said that if there was a branch more centrally located, this would eliminate some of this mall traffic. The proposed plan seemed very feasible, and the property was not conducive to residential development. The petitioner, he said, had gone to a lot of work on the proposal; it didn’t seem fair that the City would burden him with so much restriction and regulation. He expressed his belief that there was community need for additional commercial nodes along F Road.

Byron Boggs (3215 Applewood Drive, Grand Junction) said that he would personally look forward to doing his banking closer to home. The development would be a significant improvement to the site, which had long lain in disrepair. It would benefit the community and provide the City with additional revenue. He didn’t understand why Hilltop could secure approval along 27 ½ Road for its project since it too appeared to be a commercial use.

Jim Echave (612 Starlight Drive, Grand Junction) said that approval of a banking branch in the proposed location would help diminish his drive time. Without the branch, he would be forced to continue driving out to the mall to do his banking.

R.F. Ragsdale (2936 Crocus, Grand Junction) said that Spring Valley was a very nice neighborhood. It was unlikely that so much support for the petitioner could be garnered if the proposal compromised the integrity of the neighborhood. He opposed development of multi-family residential on the site and felt that the site was not conducive to any type of residential development. He also opposed any type of retail development of the site. The current proposal represented a viable and aesthetic development alternative. He felt that the Community Development Department had unfairly “stacked the deck” against the petitioner.

Carl Hochmuth (2814 Grand View Drive, Grand Junction) said that he drove by the subject property daily. As a real estate appraiser, he felt that the proposal would provide the community with a real benefit while at the same time upgrading the property. He, too, felt that staff was being “too picky.”

Kimberly Moore (588 Redwing Lane, Grand Junction), an employee of The Bank of Grand Junction, could not see the harm in placing a branch bank at the subject corner. It would, she said, add to the bank’s level of customer service.

Leroy Harris (3026 A 1/2 Road) agreed that the proposed location would help reduce his drive time when conducting his banking. It seemed to him that disallowing a commercial use within the Persigo 201 boundary was contrary to the agreement’s intent.

Bob Colony (639 West Pagosa, Grand Junction) said that as a Realtor for over 22 years, he could cite a number of examples where sales had fallen through as a result of buyer concerns over noise and traffic. He felt that if the corner were developed as residential, it would represent yet another example. The City, he said, was costing local businesses a lot of money by thwarting development and imposing unrealistic expectations. If the current request were denied, he expected that the unsightly condition of the property would only continue; it was unlikely that any other developer would want it.

Dave Stevenson (716 – 29 ½ Road, Grand Junction) said that bank principals had stood by the community's residents in hard times when other banks refused to do so. He felt that consideration should be given to the request and that it had merit on many levels. It would, he said, significantly reduce his drive time to conduct his banking. He agreed with previous comments about the City's seeming anti-business position. It seemed the City viewed new and local businesses as a "cancer."

Poppy Woody (3406 C ½ Road, Palisade) agreed that the subject site was a bad place to put residential development. She would benefit from the bank's location on the site in terms of reduced drive time.

Randall Capp (684 Crest Court, Grand Junction) said that he'd been a patron of the bank's for over 16 years. He agreed with prior comments about reductions in drive time.

Larry Beckner (1241 Gunnison Avenue, Grand Junction), supported the request on behalf of his disabled mother.

Mike Adcock (2742 Patterson Road, Grand Junction) said that his former concerns with the project had been laid to rest after talking with the petitioner. He expressed concern over what the site might become if the proposal were denied. If approved, he asked only that traffic not be allowed to travel along the property line next to his house.

Lisa Mauser (2060 Pannier Court, Grand Junction), Branch Manager for the Redlands Parkway branch, concurred with previous comments made by Mr. Katzenson regarding how well the Redlands branch was being received by the neighborhood. She felt that the bank's architectural design would provide a pleasing and welcome addition to the neighborhood and community.

Roger Martin (646 Pagosa, Grand Junction) argued that if the corner was such prime residential, it would have been sold and developed as such long before now.

Leon Moore (1102 – 24 Road, Grand Junction) felt that locating a branch on this site would help his elderly mother whom he currently assisted with her errands. He agreed with previous comments regarding residential on the subject property and felt that the petitioner was trying hard to comply with City requirements.

Bob Johnson (no address given), president of the Bank of Grand Junction, noted the large volume of community support for the project. Locating the bank on the proposed site had not been a random decision. There were no other properly-zoned properties available in the subject area. He noted the hundreds of signatures and letters of support received.

AGAINST:

Kent Hunt (1932 Spring Valley Circle, Grand Junction) concurred with staff's assessment of the submittal and offered his own illustrations of how a residential development might look on the corner. He drew comparisons between the subject site and the Indian Wash site at 29/F Roads (overhead of photos presented). The Indian Wash site, he said, had offered some unique development challenges but was now a very beautiful and successful example of what could be done at this corner as well. He noted what seemed to be a discrepancy in proposed square footages of the office buildings, referenced in two

different places as 12,500 square feet and 15,000 square feet. He was unsure which one was accurate. He suggested that a neighborhood-oriented bank didn't need a drive-up since, in premise, it could be utilized by those living near enough to walk to it. He agreed with staff's conclusion that approval of the request would represent spot zoning and that it would set a precedent for future development requests along the F Road corridor. He, too, was concerned over how the office buildings portion of the Preliminary Plan would develop if no concrete plans had been submitted.

PETITIONER'S REBUTTAL

Mr. Katzenson clarified that the total square footage proposed for the office buildings was 15,000 square feet. He acknowledged that he was not a big believer in the "domino theory"; that approval of this request would result in a chain reaction of similar commercial requests. Residential development of the subject corner, he said, would not be complimentary or consistent with other residential uses in the area. He didn't believe that anyone would be willing to buy a home on such a busy, well-trafficked corner. He noted that staff had recommended pursuit of the GPA; if there were another way to present the request to better assure approval, the petitioner had not been made aware of it. Mr. Katzenson felt that the request met GPA and other regulatory criteria. GVT supported the relocation of its existing bus stop to the subject property. He didn't believe that the project would negatively impact the Oviatt property. The petitioner was willing to provide whatever landscaping, berming, and fencing the City required.

QUESTIONS

Commissioner Binder asked if the hours of illumination for bank signage could be reduced. After consultation with his client, Mr. Katzenson said that the petitioner had agreed to a reduction in the hours of the sign's illumination, to automatically shut off at 11:00 P.M. Further, the sign's size could be adjusted downward.

Chairman Elmer questioned how one project could result in an overall reduction in cross-town traffic. Mr. Katzenson took the view that overall benefit was derived "one project at a time."

Commissioner Dibble wondered how a TEDS exception should be regarded by planning commissioners. If specific criteria were required to ensure traffic safety, why should that criteria be varied or waived? Mr. Katzenson said that the proposal included more than adequate stacking distance. No exemption would be needed if the northern access could be relocated 42 feet to the south. When asked about the figures used in his analysis, Mr. Katzenson said that figures had been based on the year 2020 projections. He said that the intersection would be designed to allow three-quarter movements with right-in, right-out. No left turns onto 27 ½ Road from the property going North would be permitted.

Commissioner Dibble noted the existence of a "porkchop" access configuration at the Patterson Road entrance into the site. He asked how would that effect eastbound traffic movements and those wanting to turn in to this property? He noted that the present design would make accessing the bank from this direction very difficult. Mr. Katzenson said that it could be done; however, the bank's primary access would be via the left-turn into the property from 27 ½ Road.

Larry Beckner asked that individual consideration be given for each facet of the development proposal.

DISCUSSION

Commissioner Binder acknowledged that this was a lot of information for planning commissioners to consider at one time. When asked for direction, Mr. Nebeker said that it was up to the Planning Commission to decide how they wanted to address what had been presented. While not preferred way to proceed, it was not uncommon for a petitioner to submit a combined proposal. He said that he'd tried helping the petitioner and his representatives the best way he knew. He said that it was unfortunate that they were now using that information out of context against him. He suggested that perhaps in the future the petitioner should just procure a copy of the Code and come up with their own interpretations.

Commissioner Dibble expressed support for the excellent job Mr. Nebeker had always done in serving the public. He said that the negative comments made by the public and suggestions of incompetence by the petitioner and his representatives were both unfounded and unfair. He pointed out that the public had been invited to participate in development of the Growth Plan and updating of the City's Code. Current regulations and policies had undergone public scrutiny and were a culmination of public input. Staff and planning commissioners were charged only with interpreting and enforcing what the public put in place. Further, he noted that planning commissioners were, themselves, non-paid citizens trying to serve on behalf of the public good.

Chairman Elmer said that GPA's had very clear criteria by which to determine compliance. While acknowledging that a request of this type was often emotional, the Planning Commission was charged with determining compliance based on that established criteria. With regard to the first criterion, even the petitioner acknowledged that no error had been made in the Growth Plan with regard to land use designation. As to the second GPA criterion, there was no evidence to suggest that current growth patterns were occurring outside of Growth Plan expectations. As to the change in the character of the area, only the changes foreseen and expected by the Growth Plan were occurring. Even Hilltop's development nearby constituted an allowed use by Code definition. As to the commercial uses referenced in the petitioner's narrative (15th/Patterson, 28 ¼/Patterson and 29 Road/Patterson), the commercial designations at 28 ¼ and 29 Roads had been in existence for quite some time by virtue of County approval. He said that in his experience that it was very likely that approval of this request would be used as an argument for subsequent GPA and/or rezone requests. And planning commissioners would be hard-pressed to find justification for one exception while disallowing others that followed. With regard to the criteria asking if the GPA change would be consistent with current plans and goals, Chairman Elmer noted the policy reference which specifically stated that, for the section of Patterson between 15th Street and 30 Road, "Encroachment of new businesses is discouraged. Encourage residential development only." With regard to community benefit, while customer-based benefits would be derived, there was no evidence to support a greater, overall benefit to the community by allowing commercial uses to locate on the property. Other, more appropriately-zoned areas were available for siting. Also, any benefit derived by a reduction in trips per day was rendered moot by the bank's proposed drive-through and the fact that people typically waited in drive-through lines for periods of time with their cars idling. For these reasons, he determined that the request failed to meet GPA criteria.

Commissioner Dibble noted that the Growth Plan was soon to be under re-review. The 27 ½ Road corner could potentially qualify for consideration as a "node." While in support of upgrading this corner, he was not supportive of the currently submitted development plan. There were too many outstanding traffic and access concerns. He agreed that the corner was not conducive to high-density residential development, but if the current plan were approved, he requested that the Planning Commission be involved in every facet of the approval process, including Final consideration.

Commissioner Binder remarked that this was definitely an auto-oriented society. Society had moved from more neighborhood-based businesses to centrally-located commercial centers (e.g., malls). With this move came additional miles traveled per household. Lately, the public has been more focused on the return to neighborhood-based businesses. She had been one to vote for the Redlands branch of the bank when proposed. She supported relocation of GVT's current bus stop and agreed that the subject property was currently an eyesore; however, she believed that aesthetic and successful residential development of this site could be achieved, saying that there examples at intersections all along F Road.

With regard to the GPA, she had not heard anything to compel her to think that the Future Land Use Map should be changed. She, too, acknowledged that the Growth Plan would soon be up for review and land use issues could be brought under closer scrutiny at that time. She encouraged attendance by the general public. In the past, it had primarily been special interests who attended public forums. If the general

public were interested in guiding the direction of public policy, they should make a point of attending these forums.

Commissioner Evans agreed. He reiterated concerns with regard to traffic and access and the lack of site planning for the proposed office buildings. He, too, felt nothing to compel a change in the Future Land Use Map.

Chairman Elmer noted that uses other than strictly single-family could be located on the property (*e.g.*, assisted living facility).

MOTION: (Commissioner Binder) “Mr. Chairman, on item GPA-2001-060, I move that we approve the request for a Growth Plan Amendment to change the Future Land Use Map from Residential Medium density to Commercial for GPA-2001-060 upon a finding that it is consistent with the Growth Plan and Section 2.5.C of the Zoning and Development Code.”

Commissioner Dibble seconded the motion. A vote was called and the motion failed by a vote of 1-3, with Commissioner Dibble in favor and Chairman Elmer, Commissioner Evans and Commissioner Binder opposing.

A brief discussion ensued over whether the remaining two items associated with this request should be voted upon. Citing Code sections 2.5.D.3 and 2.6.A.4, Mr. Shaver said that denial of the GPA effectively rendered consideration of the rezone and Preliminary Plan moot. While the Planning Commission could opt to consider the remaining two elements, there was no legal requirement for doing so.

Chairman Elmer said that given the fact that the rezone request was not in compliance with the Growth Plan, there seemed to be no need for additional discussion or consideration. If the petitioner appealed the denial and Planning Commission’s decision was overturned, it would make more sense to consider the merits of the rezone request at that time. Mr. Shaver concurred with this conclusion offering Code citations if the Commission requested.

No further consideration was given to the rezone or Preliminary Plan request.

With no further business to discuss, the meeting was adjourned at 12:15 A.M.