

**JOINT CITY OF GRAND JUNCTION/MESA COUNTY  
PLANNING COMMISSION PUBLIC HEARING  
SEPTEMBER 25, 2001 MINUTES  
7:06 P.M. to 12:30 A.M.**

The specially scheduled public hearing of the joint City/County Planning Commissions was called to order at 7:06 P.M. by Chairman John Elmer (City) and Vice-Chairman Mary Fuller (County). The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were John Elmer (Chairman), Dr. Paul Dibble, John Evans, Nick Prinster, William Putnam and Richard Blosser.

In attendance, representing the County Planning Commission, were Charlie Nystrom (Chairman), Mary Fuller, Bruce Kresin, David Caldwell and Mark Bonella (alternate). (Note: Mr. Nystrom arrived after the meeting was called to order.)

In attendance, representing the City's Community Development Department, were Community Development Planning Director, Bob Blanchard and Dave Thornton (Principle Planner).

In attendance, representing the Mesa County Planning and Development Department, was Keith Fife (Long Range Planning Division Director).

Also present were John Shaver (Asst. City Attorney), Rick Dorris (City Development Engineer), Ken Simms (Regional Transportation Planning Office Transportation Planner) and Shawn Cooper (City Parks Planner).

Terri Troutner was present to record the minutes.

There were approximately 38 interested citizens present during the course of the hearing.

**IV. FULL PUBLIC HEARING**

**(County) 2001-147/(City) PLN-2001-157 GRAND VALLEY CIRCULATION PLAN REVISIONS (FORMERLY THE MAJOR STREET PLAN)**

**A request to adopt revisions to the Grand Valley Circulation Plan (formerly the Major Street Plan) as adopted in 1999 by the Mesa County Planning Commission and the Grand Junction Planning Commission.**

**Petitioner: Mesa County Regional Transportation Planning Office, Mesa County Planning and Development Department, and the Grand Junction Community Development Department**

**Location: Future roadways within the Grand Junction/Mesa County Metropolitan Planning Area**

**PETITIONERS' PRESENTATION**

Ken Simms entered into the Mesa County Land Development Code into the record. He also entered the City's Zoning and Development Code and both City and County files. Referencing an overhead of the Circulation Plan Revision Map—Draft (Map), copies of which were distributed to planning commissioners, he outlined proposed changes as contained in the respective City and County files. Mr Simms stated that the roadway sections noted on the Map were conceptual only; exact alignments, he said, could be off as much as several hundred feet. It was hoped that approval of the proposed street locations would put residents and developers on notice that when an area containing a proposed street connection developed, street construction would occur at that time.

Mr. Simms outlined the differences between street classifications. He noted two errors in the staff report, reference to a *major collector* street section between 1<sup>st</sup> and 7<sup>th</sup> Streets on Horizon Drive was an error. Instead, the report should reflect a *local* street section. The reference to a *C 1/2 Road* street section between 28 and 29 Roads was also incorrect and should, instead, read *C 3/4 Road (aka Florida Street)*. Street sections were not included in the staff report are E 1/4 Road at 33 Road (intersection improvements to include a reverse-curve alignment) and a street segment at 30 Road and Gunnison Avenue which were added as a result of review agency comments.

Mr. Simms said that areas on the Map denoted in pink are those areas where public notice had occurred; areas where review agencies had commented but where public notice had not occurred were denoted in green (with the exception of Florida Street).

Keith Fife went over approval criteria from both City and County Codes. He said that the current revisions met with all listed Code criteria, Growth Plan recommendations and the Persigo 201 Agreement. Staff recommended adoption of the Revision Map as proposed.

### **QUESTIONS**

Commissioner Caldwell asked if proposed street changes were within the Persigo 201 boundary. Mr. Fife responded that while most of the proposed street sections fell entirely within the 201 boundary; there were a few instances where portions of street sections fell both inside and outside of the boundary.

Rick Dorris reiterated that new street locations are conceptual only; he said that actual street alignments could vary, depending on area topography, development constraints, etc. An open house had been held and individual notifications of both the open house and the public hearing were sent to all property owners located within 500 feet of all affected roadways. In all, approximately 1,600 cards had been sent. While not many homeowners had attended the open house, there were several street alignments proposed which had drawn a greater number of public comments. These would be addressed by the public during the public comment section of the hearing. Copies of opposition letters had been received from Wealthy Lurvey and Tom Volkmann legal counsel for Jack Acuff.

Chairman Elmer asked for clarification of the proposal to smooth out the curve noted in the staff report as "South Broadway from Tiara Rado Golf Course entrance to Desert Hills Road." Mr. Dorris said that the person who would be most affected by that proposal was Jack Acuff. Mr. Acuff owned the property directly south of South Broadway. Referencing an aerial photograph of the area, Mr. Dorris noted existing and proposed curvatures of streets. He noted a possible access point where Desert Hills Road would ultimately intersect with South Broadway.

Commissioner Kresin pointed out where a new subdivision had been approved off of Desert Hills Road. He asked whether any street improvements are planned in conjunction with that subdivision? Mr. Dorris said that the developer was responsible for improvements to Desert Hills Road up to and including its intersection with South Broadway. Commissioner Kresin questioned the benefit derived from straightening the referenced curve. If straightened, he said that, it would only encourage speeding. He felt that the existing tight curves provided traffic calming.

Mr. Bonella wondered who would be responsible for the huge cost of moving the utilities to accommodate the realignment. It would certainly be unfair to expect Mr. Acuff to bear this cost. Further, he said, the City's proposal to straighten out these street sections would, in his opinion, effectively render Mr. Acuff's land useless for his intended purpose. He said that this hardly seemed fair. If the City wanted this realignment, it should be willing to move the realigned street further north onto its own property. This would, however, impact the golf course that was already slated for development there.

Chairman Elmer reminded planning commissioners that the Revised Map was conceptual only. He didn't feel that it was appropriate to discuss specific alignments and cost obligations at this point. Mr. Bonella disagreed. He felt that the issues of whether the realignment was warranted and who would bear utility relocation costs were of paramount concern to Mr. Acuff. He said that if the Map were approved in its currently proposed form, the expectation would be that the developer(s) would be forced to bear these costs.

**PUBLIC COMMENTS**

Public comments were solicited in association with each portion of the proposal.

*South Broadway from Tiara Rado Golf Course Entrance to Desert Hills Road*

Tom Volkmann (225 North 5<sup>th</sup> Street, Grand Junction), legal counsel for Jack Acuff, confirmed that comments expressed by Mr. Bonella accurately reflected Mr. Acuff's concerns. Mr. Volkmann said that if the Revised Map were approved, Mr. Acuff would be burdened with not only the costs of utility relocation but the loss of prime development property. Mr. Volkmann contended that if the alignment were smoothed as the City proposed, traffic would be able to travel at higher speeds. He noted the existence of a narrow, oddly-shaped intersection further south. People traveling south at speeds of 35-40+ miles per hour would be forced to slow down quickly from these higher speeds to 10 mph to navigate the turn at this southern intersection. (Photos of this southern intersection were presented.) Mr. Volkmann said that at the point that the realignment was proposed, traffic entering from Desert Hills Road or other side streets would find entering South Broadway/South Camp Road to be more hazardous. Traffic safety, he suggested, would diminish with the realignment, not be improved. He added that the sewer system in this area was pressurized and would be extremely expensive to relocate. Mr. Volkmann reiterated that this cost should not be borne by Mr. Acuff.

Mr. Volkmann presented an overhead of the development's Filing 7 Outline Development Plan (ODP). The proposed realignment would effectively eliminate much of the retail and office uses planned for the property as well as a pedestrian plaza. Mr. Volkmann said that the proposal would divide Mr. Acuff's land into two equally useless pieces of property.

Steve LaBonde (Westwater Engineering) submitted drawings showing possible alternatives to the City's realignment proposal, both of which moved the alignment north of its current location. He concurred that roadway "straightening" would effectively eliminate the traffic-calming already there. He felt that if the City wanted the realignment, it should be the one to bear the cost and/or impact, even if this resulted in negative impacts to the golf course.

Jack Acuff (462 Tiara Drive, Grand Junction), speaking on behalf of his development, The Seasons at Tiara Rado, again referenced the Filing 7 ODP. He noted where much of the project's density had been shifted to Filing 7. He clarified that approximately 12,000 square feet of retail space, office space and a pedestrian-type village would be lost with the street proposal. Once gone, the project would no longer be Code-compliant, because the project's density could not be recouped elsewhere. He agreed that other realignment options were available. He agreed that if the City wanted the realignment, it should be redirected to its own property to the north.

When Chairman Elmer asked Mr. Acuff if he was in agreement with at least the concept, Mr. Acuff said "no." He foresaw no benefits to the realignment, yet many detriments would be created and at great expense. The concept, he said, made no sense and would be a big waste of money. Further, he said that, traffic safety would be greatly impacted.

Mr. Volkmann voiced his objection to the concept as well.

Carol Kissinger (no address given), president of The Seasons Homeowners Association, said that she had asked the City repeatedly to notify the Association whenever there were planning items proposed for the area. She'd heard about the public hearing only by word of mouth. She concurred with previous comments. The realignment would increase traffic speeds, resulting in increased traffic hazards, especially at the southernmost intersection. She felt that Mr. Acuff would be forced to sell his property. If that occurred, the Association would have no way of knowing what would or could be developed there in its place. She urged the City to reconsider the realignment so that it didn't affect The Seasons filings. She also supported Mr. Bonella's statements.

Charlie Walker (430 – 29 Road, Grand Junction) wondered why the present South Broadway intersection (noted on aerial photo) wasn't "squared off" and made into a more efficient intersection, with signs/signalization. It seemed to him that this would solve all problems. It would make the intersection safer without eliminating the tight curves that currently served to keep traffic speeds down. He agreed that it didn't make sense to expect people to travel along the roadway at higher speeds, only to abruptly slow down in order to navigate the southernmost intersection. Perhaps the southern intersection could also be widened and made more efficient. He felt that the existing street alignments and utilities should remain where they are.

Carol Acuff (462 Tiara Drive, Grand Junction) challenged anyone present to produce a history of accidents along these street sections in this area. There hadn't been any, she said, because slower speeds and tighter turns forced drivers to pay closer attention to what they were doing. She agreed that smoothing out the alignments of the street would only diminish, not improve, traffic safety.

Shawn Cooper (1360 Gunnison Avenue), City Parks Planner, said that the City's golf course, slated for development to the north, should be given the same consideration as other developments. Realigning the street section to the north would adversely impact the City's golf course.

20 1/2 Road/E 3/4 Road Turn

No comments.

E 3/4 Road/20 3/4 Road Turn

No comments.

Unnamed Connection Between Ute Water Tanks and South Camp Road

Gary Flavor (351 Dakota Circle, Grand Junction), speaking for himself and others in Filing 6, said that his main concern was over the safety of children walking to and from Wingate Elementary School. Traffic along South Camp Road near Wingate, he said, was at capacity. Constructing the proposed road from Filing 7, to connect with South Camp Road near Wingate School, would impact safety. Mr. Flavor also noted the old canal route near a wash which had been used for years as a recreational site for mountain bikers and hikers. He expressed concern that any road constructed through this wash would adversely impact this recreational amenity. Mr. Flavor also didn't want to see lighting installed along the new street and urged protection of night views.

Steve Samuelson (no address given) agreed with previous comments. As the father of two daughters, he was concerned about the added traffic that would be funneled to a point so close to Wingate School. This, he said, would pose a safety hazard. As well, the road would scar the mesa, resulting in visual impacts. Mr. Samuelson noted that given the expected angle of the road as it traversed the hillside, vehicle headlights would be directed into his and other existing homes.

24 Road Transportation Plan

No comments.

Patterson Road from I-70B East to 25 Road

No comments.

Lamm Property Minor Collector

No comments.

25 ½ Road from Rimrock Plaza to Crosby Avenue

No comments.

Bookcliff Avenue from 7<sup>th</sup> to 12<sup>th</sup> Streets

No comments.

Horizon Drive Between 1<sup>st</sup> and 7<sup>th</sup> Streets

No comments.

Magnolia Circle at 12<sup>th</sup> Street (Miller Homestead)

No comments.

F ½ Road/Cortland Avenue

Shawn Cooper, City Parks Planner, said that any proposed roadway which bisected Matchett Park could potentially put the proposed recreational center (Center) at risk. Mr. Cooper noted that the Center would be coming before voters in November as a ballot initiative.

Chairman Elmer expressed concern over the Engineering Department's lack of communication with the Parks Department on this issue. Mr. Cooper was unsure how this had slipped by the Parks Department unnoticed. He asked that the street's classification be designated as a minor collector versus a major collector. Mr. Cooper added that with plans to link I-70 with 29 Road, the Horizon connection may not be needed.

E ¾ Road, 28 ½ to 29 Roads

No comments.

East of Orchard Mesa City Market, South of B ½ Road

No comments.

28 Road, North/South Minor Collector Between B ½ Road and Highway 50 Frontage Road

No comments.

29 Road Between Highway 50 and I-70

Charlie Walker (430 – 29 Road, Grand Junction) said that the alignment, as drawn, would actually travel down his driveway. He asked that City and/or County staff meet with him and his neighbors to discuss this connection further. It was crucial that he and his neighbors know where the connection would be located, how they would be impacted and who would pay for improvements costs.

Lisa Benz (428 – 29 Road, Grand Junction) concurred with Mr. Walker's concerns since the proposed alignment would bring the road through her property as well. If no additional development occurred in the area, Ms. Bins asked if D ¼ Road would stay where it currently existed, to which Chairman Elmer replied affirmatively. Ms. Bins said that the corner of D ¼ and 29 Roads was a bad corner for accidents. She also wondered what would be constructed at the D ½ Road/29 Road intersection (location noted). She wanted to alert the Planning Commission and staff that sinkholes were prevalent in this area. The area's unstable soils could potentially affect street integrity.

Chairman Elmer clarified for Ms. Bins that this particular section of street did not include D  $\frac{1}{4}$  Road.

G Road Between 29 and 29  $\frac{1}{2}$  Roads

No comments.

G Road Between 29  $\frac{1}{2}$  and 30 Roads

No comments.

29  $\frac{1}{2}$  Road Between C  $\frac{1}{2}$  and D  $\frac{3}{4}$  Roads

Charles Hutchinson (2949 D  $\frac{1}{2}$  Road, Grand Junction) noted the location of his home. He said that if this road section were constructed as noted on the Map, it would cut directly through his property. If that were the case, he expressed concerns that this would render his property “non-conforming” because setbacks would be dramatically altered. Placing a roadway through his property would effectively destroy his fencing and other structures; he opposed the roadway proposed for this location.

D  $\frac{3}{4}$  Road Between 29  $\frac{1}{2}$  Road and Approximately 29  $\frac{3}{4}$  Road

No comments.

D  $\frac{1}{4}$  Road Between 29 and Approximately 29  $\frac{3}{4}$  Road

John Rietta (no address given) said that this was the first he’d heard about this item. He’d never received notification for either the open house or the public hearing. He wondered if the road proposed for this location would be built to a classification other than local residential.

Lisa Bins (428 – 29 Road, Grand Junction) noted the location of a group residence in this area. She hoped that Planning Commission and staff would take into consideration the number of streets accessing 29 Road and provide some form of traffic calming. She also noted the absence of a fire station and parks in this area. She hoped that the City would provide residents with these amenities as well.

Charlie Walker (430 – 29 Road, Grand Junction) reiterated his request for one or more staff to come to the neighborhood and talk with residents about this section of roadway. There were a lot of unanswered questions, and there seem to have been a number of conflicting statements made by staff. It was important to know what, if any, costs would be passed on to homeowners in this area.

Becky W. (2973 D Road, Grand Junction) objected to the lack of schools, parks, and other amenities in this area. There was no place for children to play except in the streets.

Rich Traver (2967 F  $\frac{1}{2}$  Road, Grand Junction) said that this alignment would cut through many existing structures. Tilton lateral irrigation feeders were also present in the area. Since these were pressurized lines, they couldn’t easily be moved. The biggest issue was over the short segment of D  $\frac{1}{4}$  Road just east of 29  $\frac{1}{2}$  Road. Mr. Traver presented an overhead drawing of the area and noted the location of a ditch that would be impacted. This ditch served many properties and was fed by an underground drain. He felt that this alignment should be shifted further north to avoid those conflicts. The presence of a Grand Junction Drainage Ditch and a Grand Valley Irrigation Company (GVIC) canal precluded realigning the roadway to the south. If realignment involved canal crossings, he noted that the GVIC currently had a moratorium on new crossings.

C  $\frac{3}{4}$  Road Between 29 and 30 Roads

No comments.

A  $\frac{1}{2}$  Road Between 30 Road and XL Spur in Dilasha Acres Subdivision

No comments.

E ¼ Road at 33 Road

No comments.

30 Road/Gunnison Avenue

No comments.

Shirley Casto (2968 D ½ Road, Grand Junction) asked a general question about the underpass planned for 30 Road across the railroad tracks. She wanted to know when would construction start? Mr. Simms answered stating that he expected construction to commence sometime this winter and continue for about 14 months.

**PETITIONERS' REBUTTAL**

Mr. Dorris said that concept plans were difficult for most people to understand. He reminded the Planning Commissions that the purpose of the plan was to determine which street segments would be useful/necessary as land develops in the future. With regard to the opposition received on the Tiara Rado realignment. Mr. Dorris acknowledged that there are a number of alternatives available, and he reiterated that the aerial photo showed only one of a number of options that could be considered. He urged planning commissioners to think in terms of “concept” only. He reiterated that the Revised Map did not reflect actual alignments. It was also possible that many of the street segments either wouldn't be built for a number of years or may not be built at all. Planning Commission members had a wide variety of options at their disposal.

**QUESTIONS**

Commissioner Dibble asked if realigning D ¼ Road further to the north would be feasible. Mr. Dorris said that he could not answer without further investigation.

Commissioner Kresin asked that any future transportation planning maps show the I-70/29 Road interchange.

Commissioner Bonella remarked that while street segments may be shown as conceptual only, by showing them and approving them, even conceptually, they established an expectation for all concerned—staff, planning commissioners, developers and residents.

Commissioner Blosser thought Mr. Walker's suggestion to square off the intersection at South Camp Road made sense. Perhaps a three-way stop sign or a roundabout could be placed at this intersection.

A recess was called at 9:27 P.M. The public hearing reconvened at 9:39 P.M.

**DISCUSSION**

Chairman Nystrom said that because Mr. Acuff's ODP had been approved and a number of realignment alternatives were available which wouldn't impact his property, he felt that Mr. Acuff should not be forced to give up his property in favor of a City-preferred option. He asked that this item be pulled from consideration, to allow all parties involved the chance to meet and discuss available alternatives.

Commissioner Kresin agreed. This roadway and any realignment alternatives, should be considered at the time of development, not before.

Commissioner Bonella concurred and suggested that the other two street section items proposed for this area be pulled as well.

Commissioner Caldwell agreed with pulling all the Tiara Rado road section proposals. The existing roads, he said, were rural and in keeping with the area; they seem to him to be fine the way they were.

Commissioner Dibble didn't want to have impacts shifted to the golf course if the realignment occurred further north.

Commissioner Evans didn't want the developers of either project impacted adversely. He agreed that the Tiara Rado item should be pulled for further study.

Chairman Elmer disagreed. He felt that the wider curves and improved sight distance would make a safer situation for all motorists. He noted that approving the concept did not solidify the alignment one way or the other at this point. If not addressed now, he said that there would be no mechanism in place for putting developers on notice.

Commissioner Blosser said that while he understood the conceptual nature of the Revised Plan, in the case of the Tiara Rado proposal, there was no "trigger" mechanism in place. The golf course and The Seasons at Tiara Rado were preapproved development proposals that were already there.

Chairman Elmer said that Mr. Acuff's ODP represented a concept plan only; he did not have an approved filing or subdivided piece of property. He expressed concern that if not put on notice, there was the chance Mr. Acuff could spend a great deal of time and money on a subsequent proposal, only to have the Engineering Department conflict with submitted plans.

Commissioner Caldwell reiterated that while it was fine to put developers on notice, if the street section was approved even conceptually, it put forth the expectation that "that's what would be."

Chairman Elmer suggested asking staff to get together with developer and go over various alignment options. Mr. Dorris said that engineering staff would do this regardless. Approval of the concept would, however, establish legal authority for requiring traffic safety improvements.

Commissioner Dibble remarked that there still seemed to be a question over how "safer" was defined. It seemed logical to pull the items in question, ask developers and staff to get together and discuss alternatives and present a preferred alternative to the Planning Commissions for future consideration.

Mr. Dorris commented on the suggested roundabout. He said that while not originally considered a roundabout has merit for the South Broadway intersection. He suggested that verbiage be included in a motion to say that "something should be done" in this area to make traffic safer. This could include any number and/or variety of options (e.g., straightening out the curves, installation of a roundabout, installing traffic-calming, etc.). Mr. Shaver said that would be legally appropriate and within the Planning Commissions' purview but counseled that the Commission not define the level of detail required. As presented, he said that the Revision Map merely represented an understanding that improvement needed to be done. Mr. Shaver advised the Commissioners that the law that allows the adoption of a map does not specifically define "what" or "where" something would be or go but instead provides notice that something will go there/be needed.

Commissioner Dibble said that since cost was such a factor in consideration of moving the utilities, he suggested that staff come back with a cost estimate of what moving the utilities would cost versus costs of other options such as the installation of a roundabout. Mr. Dorris said that while this certainly could be done, it overlooked the basic goal of the Revision Map, which was to determine if something was required in a given area to meet an overall objective, whether that objective be interconnectivity, traffic safety or other transportation need.

Chairman Nystrom didn't believe that pulling this item sent any message of non-support for the overall goal of making streets safer.



Chairman Elmer suggested that the item be retained, but add the following verbiage to its approval: "Improve the safety of the corners and attempt to balance the functional classification with the impacts to private property and look at different alternatives."

Commissioner Kresin didn't feel that this would solve anything. He noted that the City had approved a development off of Desert Hills Road to the east; the City owned the property directly north and intended to construct a golf course there; Mr. Acuff owned the property to the south and had already received ODP approval for development of that property; the property further to the south had already been developed as residential as has the property directly to the west. The only logical place for the road system is right where it is. It was unlikely that the City would want to run a road through its golf course to the north; however, it is also unfair to single out Mr. Acuff and "put him in a box."

Commissioner Bonella concurred. The "bite", he said, would fall exclusively on Mr. Acuff. The City may have purchased property for a golf course with certain expectations; however, it could be presumed that Mr. Acuff purchased his property with some expectations too. Mr. Bonella said that if the City wants the realignment and has its own property available to the north, then the City should use its own property to that end.

Chairman Nystrom said that Mr. Acuff had been coming before the Planning Commissions for over the last 10 years and he had always been up front. He reemphasized his desire to have this item pulled, with the added direction that engineering staff get together with Mr. Acuff et al. to come up with a solution to the problem.

Mr. Kresin concurred, adding that everyone could expect that if the road were smoothed out and widened beyond its current 24 feet of pavement width, people would travel that road at speeds close to 50 mph all the way south to the 10 mph intersection. That situation, he said, represented "an accident waiting to happen." He felt that the road was fine as it was.

Commissioner Fuller agreed with Chairman Elmer's position and felt that the item should not be pulled from the plan. She said that establishing the expectation was not a negative thing; however, she didn't like the realignment design as presented on the City's aerial photo.

Chairman Elmer asked for a show of hands from those planning commissioners who preferred pulling the first three items (South Broadway from Tiara Rado Golf Course Entrance to Desert Hills Road; 20 ½ Road/E ¾ Road Turn; and E ¾ Road/20 ¾ Road Turn). All but Chairman Elmer and Commissioners Fuller and Putnam voted to pull the items. These items were pulled from further consideration.

With regard to the Unnamed Connection Between Ute Water Tanks and South Camp Road, Commissioner Caldwell said that this road would cut behind his home. As such, he would not be in favor of it because of its proximity to his home, the intrusion from headlights shining into his home, the added noise from traffic, etc. and would vote against the plan because of it.

Chairman Elmer felt that personal bias should not interfere with what could be an overall community asset. Commissioner Caldwell did not feel that the proposed road would be an asset to the community. He said given the road's expected connection so close to Wingate School, he felt it would pose a safety hazard as well as impact existing residents.

Commissioner Bonella agreed that existing residents should receive due consideration given that they were there first. He said that it was a matter of protecting individual property rights.

Commissioner Kresin concurred with comments made in opposition to the road section. He thought that the road would result in significant scarring to the hillside.

Commissioner Dibble thought that the level of hillside scarring could be comparable to that of the road accessing the Colorado National Monument.

Chairman Elmer emphasized that because the road was only conceptual, there was no way of knowing the details of how it would ultimately be engineered. It was important, he said, to view the improvement as something which could provide an overall community benefit. The road would provide others in the area with an alternate route to the school and to South Camp Road.

When Chairman Elmer asked for a show of hands from those who were in favor of pulling the item, four responded to pull the item; six planning commissioners wanted to leave it in; and Chairman Nystrom abstained. The item was retained for further consideration.

With regard to the D  $\frac{1}{4}$  and D  $\frac{3}{4}$  Road items, Commissioner Kresin agreed that staff needed to get together with the residents in that area to explain where this road could potentially go and how it would impact them. For this reason, he believed that those items should be pulled as well.

Chairman Elmer said that because the proposed streets for this area would not be constructed only if development occurred, it would be appropriate for engineering staff and any developer to work out the details of those plans at the time of a development application. He said that residents could provide input at that time. Again, approval of the Revision Map only put potential developers, as well as residents, on notice that something would be needed in that area as it develops.

Commissioner Dibble felt that the items were in keeping with “developmental evolution.” He said if not laid out now, there would be no direction to developer(s) years hence.

Chairman Nystrom asked if, in the event of further development, the expectation was that there be a through street there, to which Mr. Simms responded affirmatively. When asked if it were Mesa County’s policy to condemn property to acquire right-of-way, Mr. Simms said that in the last 10-11 years of his employment with Mesa County, he recalled only 1 or 2 condemnations and those had been for street widenings and turn lanes.

Commissioner Kresin reiterated his request to see the I-70/29 Road interchange noted on any future circulation maps. Mr. Simms acknowledged this as a reasonable request.

Mr. Fife said that because no public notice had been given for the two late entries—E  $\frac{1}{4}$  and 33 Roads and the 30 Road and Gunnison Avenue connections—these should be pulled from further consideration and not be referenced in the motion.

**MOTION: (Commissioner Dibble) “Mr. Chairman, on item PLN-2001-157, I move that we approve the revised Grand Valley Circulation Plan as amended, excepting the South Broadway from Tiara Rado Golf Course Entrance to Desert Hills Road; 20  $\frac{1}{2}$  Road/E  $\frac{3}{4}$  Road Turn; and E  $\frac{3}{4}$  Road/20  $\frac{3}{4}$  Road Turn.”**

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

**MOTION: (Commissioner Kresin) “Mr. Chairman, on Mesa County Planning Commission item 2001-147, Resolution #MCPC 03-01, I move that we approve the revised Grand Valley Circulation**

**Plan as amended, excepting the South Broadway from Tiara Rado Golf Course Entrance to Desert Hills Road; 20 ½ Road/E ¾ Road Turn; and E ¾ Road/20 ¾ Road Turn.”**

Commissioner Bonella seconded the motion. A vote was called and the motion passed by a vote of 4-1, with Commissioner Caldwell opposing.

The Mesa County Planning Commission public hearing was adjourned at 10:35 P.M.; the City Planning Commission public hearing opened to hear the following item.

**TAC-2001-175 TEXT AMENDMENT—BUS SHELTERS/BENCHES**

**Amending the Zoning and Development Code Section 4.2.C.1.1., Sign Regulation, Exemptions, Transit Shelter Signs, and adding Section 4.3.S., Use-Specific Standards, Transit Shelters and Benches.**

**Petitioner: Bob Blanchard**

**PETITIONER’S PRESENTATION**

Bob Blanchard provided a history of the request all as detailed in the September 18, 2001 Staff Report. He said that Outdoor Promotions had contracted with Mesa County to supply benches and shelters for their GVT stops throughout the Grand Junction area; however, the facilities were placed without having first received proper permitting. Mr. Blanchard noted that many of the benches had been placed within rights-of-way. At the City’s request, the contractor removed approximately 35 benches pending the outcome of this public hearing. Outdoor Promotions is seeking permission to place advertising on all of its facilities. Mr. Blanchard offered a PowerPoint presentation which included slides of current and future GVT routes, maintenance standards, bench/shelter locations, safety issues and photos of various non-compliant benches/shelters. Photos depicted examples of hypothetical benches placed in residential areas both with and without advertising. One photo showed where a bench had actually been placed on the street’s pavement. Mr. Blanchard said that of major concern to the City is where benches and shelters could be placed if they have advertising. The City proposed prohibiting advertising on facilities placed along major collectors within the City limits and certain areas within residential zones. Dial-A-Ride locations within residential neighborhoods would be limited. Adoption of the proposed Code amendments would limit placement of these facilities to Dial-A-Ride stops on arterials and non-residential collector streets. Mr. Blanchard said that all Dial-A-Ride stops located on streets classified lower than a major collector must be removed. The Code amendment would also prohibit advertising on Main Street between 3<sup>rd</sup> and 7<sup>th</sup> Streets and within the North 7<sup>th</sup> Street Historical District.

Mr. Blanchard said that if advertising were prohibited in residentially-zoned areas, it was likely that the contractor wouldn’t place any benches there. This expense would then fall either to the City or GVT. Cost estimates for these facilities ranged from \$1K for a bench to \$10K for a shelter. Mr. Blanchard noted that the contract with Outdoor Promotions would return to GVT 10 percent of all gross revenues collected from advertising sales.

The only other issue with the proposed shelters was that advertising signage was generally back-lit. Staff had not been able to find standards for setting limits on the lumens/foot candles generated by the illumination but felt that the issue warranted discussion.

Mr. Blanchard noted correspondence received from the Mesa County Commissioners and Sign Gallery. A postcard had just been received from Robert Dyer (999 Bookcliff Avenue, Apt. C-7, Grand Junction), who spoke in favor of allowing advertising on benches/shelters consistent with Mesa County’s regulations. Mr. Blanchard noted that this submittal would be followed by the County’s consideration of the same item next month at one of its regularly scheduled Planning Commission public hearings.

**QUESTIONS**

Commissioner Dibble asked if the allowance of outdoor signage on these facilities affected contractors' signage limitations, to which Mr. Blanchard responded negatively. The way the Code sections are proposed, advertising for these facilities would be exclusive to those facilities and wouldn't be affected by off-premise signage requirements. This would be the trade-off for the contractor's provision of the amenity. Commissioner Dibble remarked that this would open the door for a proliferation of off-premise signage throughout the City. Facilities would also serve as magnets, he thought, for unauthorized postings such as yard sales. He wondered what kind of policing would be provided. Mr. Blanchard said that this fell within maintenance program guidelines, which required twice-weekly maintenance for shelters and once per week maintenance of benches. Since no specific days of the week were named, complaints/reports would be monitored and handled by Code Enforcement staff.

Chairman Elmer asked for clarification on how shelters were shown on the Map, which was given.

Commissioner Putnam asked for confirmation that benches and bus stops would be allowed on arterials, which was given.

Commissioner Dibble noted the presence of benches along G Road; however, he noted that G Road is not a designated route. If the Code amendments were approved, he wondered if the benches there would be removed. Mr. Blanchard said that G Road was a Dial-A-Ride corridor as well as a minor arterial; benches would be allowed along G Road; however, Dial-A-Ride locations along major collectors or less would not permit benches with advertising.

**PUBLIC COMMENTS**

Gary Young (no address given), president of Outdoor Promotions, said that the benches and shelters placed throughout the City were the same as those located in 25 other municipalities. The benefits of allowing advertising on these facilities is that costs for the amenities were offset by charges to the advertiser. This represented a savings to the transit company and to the community. He said that, 10 percent of gross revenues collected from advertising sales would go to transit, thus helping to supplement its budget and keep it a viable community service. Mr. Young said that users of bus systems always appreciated the availability of bench and shelter facilities. He said that he'd worked with GVT staff to determine where facilities were to be placed; it had been his understanding that GVT had been given this authority.

Referencing the Staff Report section on safety, he presented photos of the benches supplied by GVT and those supplied by his company. The benefits of the latter, he said, were that those benches had concrete bases, which prevented them from tipping or blowing over, or from being carried off. Thus, it was not felt that concrete pads were necessary for benches, only for shelters. There was also no need to anchor a bench since it wasn't a structure subject to wind loads. He also contended that concrete pads for benches were unnecessary since his company was responsible for maintenance of the site around the facility, regardless of whether or not a pad was installed. Photos of benches along the Dial-A-Ride stops were presented to point out that all of those locations had residential zoning behind the stops. Mr. Young said that his company was also very conscientious about not placing facilities in front of someone's yard where it would be intrusive to both the homeowner and to the neighborhood. In areas where there was no curb or sidewalk present, he felt that if the area was designated as a bus stop, the safety element would not change by the mere presence of a bench.

Mr. Young felt that in areas of higher density residential uses, it made more sense to provide facilities in those areas since a greater number of people were likely to utilize the transit service. Facilities would give them a place to wait for the bus and in the case of shelters, it would also keep them protected from the elements. He offered additional photos of stops located along Unawep Avenue, where residential areas were fenced off from the street. This, he felt, was an appropriate location for facilities. The

consistency of color and design was also an important consideration. Mr. Young said that he always approached property owners nearest a facility location to ensure that they had no objection to placement. Mr. Young stated that if advertising was removed from the facilities, benches and/or shelters then provision of them by his company would no longer be economically viable. This would leave costs for the facilities up to the City or the transit company. He didn't plan to place any facility within a park; however, they could be placed adjacent to park locations to serve people wanting to travel to and from the park.

With regard to maintenance, Mr. Young said that their typical response time was actually less than the City would require. Graffiti was removed generally within 24 hour, or the same day when the company was made aware of it. Bus drivers were the best reporters of such incidents. Referencing shelter illumination, electrical power was supplied to the shelter. The V-shaped box spread the panel away from the lighting, therefore decreasing lighting intensity. The brightness of illumination had never been an issue in any other municipality. He asked that any restriction regarding illumination brightness be removed from the proposed Code.

Mr. Young referenced the Code section limiting the height of bench signage to 2 feet. Since bench backs totaled 42 inches in height, he asked that this restriction be amended. He noted the presence of two benches near the Two Rivers Convention Center. He asked that those benches fall under consideration of the Downtown Development Authority (DDA).

### **QUESTIONS**

Commissioner Dibble asked Mr. Young if he had any input on where Dial-A-Ride stops were located, to which he replied negatively. When asked if he would replace the lawn or other landscape materials which may have been disturbed in removing the benches, Mr. Young responded affirmatively. Commissioner Dibble asked if Mr. Young intended to impose any restrictions on the type of advertising accepted. Mr. Young said that the contract excluded a list of items (e.g., tobacco, sexually explicit material, alcohol, etc.)

### **PUBLIC COMMENTS (con't)**

Donna Poncavil and Lisa Beam came forward together (no addresses given) and said that they were both legally blind and belonged to the National Federation of the Blind (NFB). Ms. Poncavil said that GVT served close to 40 NFB members, all of whom derived a great sense of freedom and independence as a result of the transit system. The facilities, Ms. Poncavil said, provided by the contractor served as easily identifiable landmarks.

Ms. Beam viewed the facilities as necessary amenities. She felt that they also provided a safety feature, since the only alternative was for people to stand in or near the street or sit on curbs. If people sat on curbs and if there was anything blocking the bus driver's view of the stop, the driver would think that there were no passengers at the stop. The drivers, themselves, had confirmed this with her. She agreed with comments made by Ms. Poncavil. Signed stops without these facilities weren't sufficient for blind passengers because bus stop signs resembled 'No Parking' signage. Ms. Beam said that the facilities she'd used were always clean and well maintained. She urged the City to encourage placement of these facilities at every stop.

Ken Simms said that with regard to brightness that he had contacted shelter manufacturers. The lighting seems to be universal in that all used four 75-watt bulbs. None of the manufacturers contacted had undertaken any testing, but there was no record of any complaints regarding glare, being a traffic hazard, etc. Mr. Simms said that he'd also checked a number of municipal codes elsewhere and none of them addressed shelter lighting.

Mary Locke (no address given), a member of the Mesability Board of Directors and a non-voting member of the GVT Steering Committee, said that the Dial-A-Ride concept enabled people to catch a bus without having to walk more than a half mile between stops. Since a person was required to call for service, there was no real certainty when the bus would arrive. Thus, it was important to have places where people could get out of the heat in the summer or snow/rain in the winter. She expressed her appreciation for any help the Planning Commission could give in expediting and accommodating the Code so that facilities could be provided for the benefit of the community.

Gail Gnirk (no address given), representing GVT, said that Outdoor Promotions had come in “head and shoulders” above the rest of the bidders in terms of experience and the services they offered to provide. Advertising content would be strictly regulated. The contract had the full support of GVT. The added \$150K to \$200K/yr in advertising revenue would be extremely helpful to transit and would be used for continued operations. The advertising money would reduce the company’s dependence on other governmental assistance. In response to Commissioner Putnam’s comment regarding buses stopping along major arterials, she said that garbage trucks were an example of other vehicles already doing this. Further, since arterials like Patterson were four-laned, there was plenty of room and sight distance for traffic to navigate around buses.

Mark Gamble (2475 Commerce Blvd., Grand Junction), owner of Colorado West Outdoor Advertising, said that the City’s new Code had drastically and negatively impacted his sign business. He said that if Mr. Young were allowed to place advertising on all facilities and along any transit route, it would represent an unfair advantage given to one sign contractor. Mr. Gamble said that bus bench and shelter signage constituted off-premise outdoor signage. As such, he felt that GVT’s contractor should be subject to the same restrictions as other contractors, which meant that this type signage would only be allowed in C-2, I-1 and I-2 zones. If consistent with Code restrictions, the contractor could only advertise on facilities located along a portion of 25 Road between Hwy 6 & 50 and G Road near 23 Road. He did agree that the backlit lighting of shelter signs shouldn’t be an issue since it was unlikely that there would be insufficient room to install other than fluorescent lighting behind advertising panels.

**PETITIONER’S REBUTTAL**

Mr. Blanchard clarified that the sign “height” as referenced in the proposed Code would be defined as the area comprising the back of the bench, not the distance as measured between the ground and the top of the bench back. The proposed Code sections limited bench signage dimensions to 2 feet by 6 feet. He said that with approval of the proposal, facility advertising would be allowed along G Road because G Road was defined as an arterial.

**QUESTIONS**

Commissioner Dibble asked if each bench location would require separate permitting. Mr. Blanchard said that the idea was to process requests in bunches. Staff was asking for GPS coordinates to pinpoint bench locations. When asked if any of the facilities could be placed without advertising, Mr. Blanchard said that that was entirely up to the contractor. He suspected that requests would only be submitted for benches that included advertising. Commissioner Dibble thought that perhaps some extra non-signed benches could be distributed along with signed benches. Mr. Blanchard said that they would still require permitting, although additional placement latitude would be available to the non-signed benches.

Mr. Shaver reminded planning commissioners about the Charter requirement for a revocable permit and that the issue under discussion advertising; the revocable permit would be considered by the City Council.

Commissioner Putnam asked if the City would be interested in placing benches in areas where advertising was prohibited. Mr. Blanchard said that he hadn’t received any feedback.

Commissioner Dibble asked if the concrete pad requirement was "flexible." Mr. Blanchard said that the solid surfaces of pads would be easier to keep clean. Some of the photos he'd taken had been of benches located on either dirt or grass surfaces. During inclement weather, concrete pads would keep benches and riders alike out of the mud. Pads also tended to level out a seating surface, which would provide added comfort to transit system users.

Commissioner Dibble asked if the City had checked into the liability factor of non-anchored benches. Mr. Blanchard said that the Code did not address liability on this issue. Chairman Elmer said that liability was a separate issue. Mr. Shaver concurred.

Commissioner Blosser wondered if the lighting needed to be addressed in the proposed Code sections since no one seemed to take issue with it. Mr. Blanchard agreed that it was probably not a significant issue.

Commissioner Dibble wondered what the City would do along streets absent curb, gutter and sidewalk. Mr. Blanchard said that for this reason, the increased setback (10 feet) would be applicable to better address safety concerns. If there was adequate justification, he said, that the setback could be reduced to 5 feet by the City's Engineering Department.

### **DISCUSSION**

Commissioner Blosser felt that he could support the request but preferred having references to the lighting omitted.

Mr. Shaver offered suggested changes to Section 4.3.S.2.k to address lighting.

Chairman Elmer said that all would agree that provision of the facilities would be a public amenity. He agreed with staff's analysis to keep the pad requirements and setback references as stated in the Staff Report. Since the main issue was over advertising, he didn't think that outdoor advertising was appropriate adjacent to any residential neighborhood or residential zoned property. He said that it was an intrusion. He noted that the City had always been very restrictive of off-premise signage and over the years had attempted to control its proliferation. He agreed with Mr. Gamble that allowing it in this circumstance would be inconsistent with Code criteria and result in a large number of off-premise signs with very little restriction. He felt that G Road was inappropriate for signage of any form. Chairman Elmer suggested that the proposal be expanded to include prohibit signage adjacent to any residential zone.

Commissioner Dibble agreed but thought that signage would be appropriate near Two Rivers Plaza on Main Street. A brief discussion ensued over what bench signage, if any, should be allowed along Main Street. It was determined that no bench signage should be allowed between 2<sup>nd</sup> Street and 7<sup>th</sup> Street on Main Street.

Commissioner Blosser concurred with Chairman Elmer's position to prohibit signage adjacent to residential zones.

Commissioner Prinster confirmed that the City had, over the years, discouraged the proliferation of off-premise signage in and around residential areas. While residents would no doubt appreciate the benches, they would not appreciate the intrusion of advertising into their neighborhoods.

Commissioner Dibble said that he could support placement of the benches at designated stops and Dial-A-Ride locations only. Mr. Blanchard commented that there were control measures already in place with regard to the Dial-A-Ride stops.

Commissioner Prinster said that safeguards were in place in that if problems arose with any given stop, its permit could be revoked.

Chairman Elmer asked staff if the following verbiage was sufficient to direct staff with regard to signage adjacent to residential zones: "...and a restriction to direct staff to amend the wording of the proposed Code section to not allow signage adjacent to any residential zone."

Mr. Shaver suggested defining the excluded area along Main Street as "the western boundary of 2<sup>nd</sup> Street to the eastern boundary of 7<sup>th</sup> Street."

The Commission discussed and retained the concrete pad requirements.

**MOTION: (Commissioner Prinster) "Mr. Chairman, I move that the Planning Commission forward a recommendation of approval to the City Council of agenda item TAC-2001-175, amending the Zoning and Development Code Section 4.2.C.1.I, Sign Regulation, Exemptions, Transit Shelter Signs, and adding Section 4.3.S., Use-Specific Standards, Transit Shelters and Benches; adding to that also eliminating advertising from benches in residential areas; adding the illumination restrictions [to state that] 'In section 4.3.S.2.k, strike the rest of the sentence following the word "back lighting" and the subsequent sentence, ending in "...foot candles." Add the following verbiage in its place "...with fluorescent bulbs. Lighting shall be maintained and operated so that its shine does not create glare or create a hazard.'" Keep the rest of the paragraph intact; and also adding the exclusion of signage along Main Street from the western boundary of 2<sup>nd</sup> Street to the eastern boundary of 7<sup>th</sup> Street; and a restriction to direct staff to amend the wording of the proposed Code section to not allow signage adjacent to any residential zone, whether on a bench or a shelter. "**

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

With no further business to discuss, the meeting was adjourned at 12:30 A.M.