

**GRAND JUNCTION PLANNING COMMISSION
NOVEMBER 14, 2000 MINUTES
7:05 P.M. to 10:35 P.M.**

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

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

In attendance, representing the Community Development Department, were Lisa Gerstenberger (Sr. Planner), Joe Carter (Assoc. Planner) and Pat Cecil (Development Services Supervisor).

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

Terri Troutner was present to record the minutes.

There were approximately 24 interested citizens present during the course of the hearing.

Due to technical difficulties, there is no audio taped recording of the public hearing available.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the October 17, 2000 public hearing.

Chairman Elmer referenced the last sentence in the last motion on page 14 of the October 17 minutes and suggested deleting the last portion of the sentence which read, "...and also that the staff look at the details to further define the document in part by some issues. Mr. Elmer clarified the motion to read "and also that the staff look at the details and questions raised by Mr. Shaver to further refine the document."

MOTION: (Commissioner Nall) "Mr. Chairman, I move that we approve the minutes of October 17 as amended this evening."

Commissioner Prinster seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0, with Commissioner Boutilier abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Pulled from the agenda was item MS-1999-179.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items RZ-2000-179 (Rezone – Colonial Heights), FPP-1999-225 (Final Plat/Plan – Cimarron East Subdivision), ANX-2000-186 (Zoning the CHC Cellular Annexation), and ANX-2000-208 (Zoning the Davidson/Wilcox Enclave). Due to audience objection, items RZ-2000-179 (Rezone-Colonial Heights) and FPP-1999-225 (Final Plat/Plan – Cimarron East Subdivision) were pulled from Consent.

MOTION: (Commissioner Dibble) “Mr. Chairman, I move that we approve the Consent Agenda with the removal of the two items mentioned [RZ-2000-179, FPP-1999-225].”

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

IV. FULL PUBLIC HEARING

RZ-2000-179 REZONE—COLONIAL HEIGHTS

A request to rezone 46.84 acres from PD (Planned Development with a density not to exceed 4.4 units per acre) to RMF-8 (Residential Multi-Family with a density not to exceed 8 units per acre) zone district.

Petitioner: Parkerson Construction, Alan Parkerson and Sunshine Development
Location: Southeast corner of the intersection of 25 and G Roads
Representative: Banner Associates, Pat O’Conner

PETITIONER’S PRESENTATION

Frances Blackwelder, representing the petitioner, noted the site’s location on the Site Plan. She said that land areas directly to the west and south are primarily zoned RMF-8, with the Growth Plan recommending densities of between 4-8 units/acre for the entire area. The amount of open space provided as part of the initial Site Plan is 7.03 acres. To meet Growth Plan density requirements, multi-family development had been proposed. Ms. Blackwelder expected the density following build-out of the project to be approximately 4.6 units/acre.

QUESTIONS

Chairman Elmer asked if a Preliminary Plan had been submitted, to which Ms. Blackwelder responded negatively. When asked what prompted the request for rezone, Ms. Blackwelder said that the property’s owner had wanted to ensure that the rezone request was “in process” prior to the vote on Amendment 24. A Preliminary Plan previously approved for the property had been allowed to lapse because it was felt that the current Plan represented a better design, bigger lots and less units. The result, he said, would be a higher density development on fewer lots.

Commissioner Prinster wondered why another Planned Development zone designation was not being sought if the property’s owner already knew the project’s density. Ms. Blackwelder said that straight zones allowed greater flexibility and required less open space.

Commissioner Binder asked if all 7.03 acres of proposed open space was unbuildable, to which Ms. Blackwelder replied affirmatively.

STAFF’S PRESENTATION

Joe Carter said that the Site Plan only depicted the 7.03 acres of open space proposed by the petitioner. Since staff viewed this area as unusable, the City would be requiring an additional 10 percent (5 additional acres of open space). This would result in a substantial reduction of lots. However, depending on the petitioner’s proposed lot configuration, the overall density could still be kept to approximately 4.6 units/acre. The additional open space area would provide the development with an active recreational amenity. Mr. Carter explained that the previously approved Preliminary Plan for “Country Crossings” had never been recorded. The RMF-8 straight zone, he said, would allow the petitioner use of smaller-sized lots. Having found that the request met both Code criteria and Growth Plan recommendations, staff recommended approval of the rezone request.

QUESTIONS

Commissioner Binder wondered when the original Preliminary Plan had been approved. Mr. Carter conjectured that it had probably been sometime during 1998.

Chairman Elmer noted that the subject property had been rezoned several times prior to the current request. He wondered why the Administrator hadn't effected a reversion. John Shaver explained that the process required action by the Planning Commission.

Commissioner Nall asked for additional clarification on the open space provision. Mr. Carter reiterated that staff would be requiring at least 12 acres of total open space.

When asked for clarification on the difference between planned and straight zones, Mr. Carter agreed that planned zones were more strict, with more detail typically required. He added that the active open space area would be dedicated to the City for future improvement.

Commissioner Binder asked if the dedication would satisfy a goal of the Parks and Recreation Master Plan, to which Mr. Carter replied affirmatively.

Mr. Shaver read the open space requirement section of the Code for further clarification.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Bob Reeder (2484 G Road, Grand Junction) felt that the subject area was already too dense. He contended that residents didn't want more "low-cost housing" and increased traffic in their neighborhood. The City, he said, had already devalued the area substantially by its approval of the Fountain Greens Subdivision. The City seemed to be giving in to developers, who were only interested in financial gain. He asked that the site's current density of 4.4 units/acre be retained and not increased. Mr. Reeder also noted that, although living adjacent to the site, he had not received any written notification of the impending rezone. Only by hearsay had he been made aware of the public hearing.

Doug Fledderjon (710 – 25 Road, Grand Junction) agreed that the site's current density of 4.4 units/acre should be retained and not increased. He said that although the petitioner's representative contended that the site's density would be only 4.6 units/acre, once the rezone request was approved, there were no guarantees that a plan for higher densities wouldn't be later submitted. This area, he said, was never intended for high-density development. He wondered about the impacts to schools and roads? If the current request were approved, he said that he would probably come before the Planning Commission with a request to rezone and subdivide his own 2-acre parcel. He felt that the current proposal represented a "sell-out" of the area. Planning Commissioners, he said, should be looking out for the interests of existing residents. He added that his mailbox was currently located on the other side of 25 Road opposite his property. Traffic was making it very difficult for him to cross the street and retrieve his mail.

Tom Bjorklund (702 – 25 Road, Grand Junction) urged the City to consider impacts of all developments proposed and/or underway in the area. He felt that the area was being overdeveloped and contended that there was already a lot of traffic along G and 25 Roads. He too was forced to cross 25 Road to retrieve his mail, an effort that was becoming increasingly more difficult. Mr. Bjorklund observed that no easy access to the open space area had been provided on the Site Plan, nor would one be forthcoming given

topographic and other site constraints. Neighbors to the north had one-acre lots. If the higher-density zone district were approved, the petitioner could not be held to a lower-density development. He recommended leaving the current density of 4.4 units/acre in place or approving an RMF-5 zone instead.

Nancy Meininger (2584 G Road, Grand Junction) said that development in the area over the last 15 years seemed very “fragmented,” lacking any real vision or overall direction; the current proposal represented more of this same type of development. It feels piecemeal. She felt that any developed park would be inaccessible to the bulk of the area’s residents. She was also concerned about possible devaluation of existing properties if the area continued to develop to higher densities.

PETITIONER’S REBUTTAL

Ms. Blackwelder said that as far as the mail notification cards are concerned, the City of Grand Junction was supplied with the labels required for submittal packages within the required radius, so everyone within the radius should have received notification. She said that when Garrett Estates developed, additional road improvements would occur along the G Road frontage of that development. Road improvements would also be required for any development of this or any other parcel along G and/or 25 Roads. While she was unsure what type of home would be proposed for the subject property, she expected that the quality and styling would be comparable to what is in the area. Single-family development had been preferred by the petitioner; however, higher densities had been recommended by the Growth Plan. The smaller lot sizes of an RMF-8 zone were essential to meeting the City’s density criteria. The suggested RMF-5 zone would also require larger lot areas. The petitioner did not intend to propose a density higher than the 4.6 units/acre already mentioned. With regard to the active open space area, Ms. Blackwelder said that if dedicated to the City as a neighborhood park, it would be the City’s responsibility to ensure neighborhood access. Trail connections to the park would be provided by the petitioner. A traffic study would be undertaken to determine required street improvements. She expected that greater detail on this and other issues would be forthcoming during Preliminary Plan review.

QUESTIONS

Commissioner Nall said that while residents were amenable to the current and proposed densities of 4.4 units/acre and 4.6 units/acre, he wondered what would prevent the petitioner from developing to the 8 units/acre density? Ms. Blackwelder said that the only motivation for the current zone request was to secure the smaller lot size allowance.

Chairman Elmer said that the Growth Plan only required a minimum of 4 units/acre; the site’s current density already met that requirement. With a 40-acre parcel size, development of only 160 units would meet the minimum density recommended by the Growth Plan. Twenty-four of the 184 proposed lots could be deleted and this requirement would still be met. Ms. Blackwelder said that she would need to check the figures before she could respond.

DISCUSSION

Commissioner Dibble noted that three rezone requests had been approved over the last four years. If reverted, which zone would be the one recommended by City staff? Mr. Carter said that the site’s current density of 4.4 units/acre would be upheld until reverted.

Mr. Shaver said that this was yet another instance of a planned zone without a plan; he said that the site’s current zoning would stay in place unless formally reverted or unless another action was approved to take its place. He reminded planning commissioners that the current request was for a rezone only; thus, Site Plan discussions were irrelevant. He concurred that if the RMF-8 rezone request were approved, there

would be nothing to prevent the petitioner from building out to that density, provided that all straight zone criteria were met.

Commissioner Dibble wondered if a reversion would be automatic, to which Mr. Shaver responded negatively. Mr. Shaver read Section 2.6 of the Code. Commissioner Dibble noted the existence of other RMF-8 developments in the area. Mr. Shaver said that the Growth Plan only suggested a range. He again referenced Section 2.6 criteria.

Chairman Elmer expressed concern over the possibilities which would be allowed with an RMF-8 zone and the fact that three previous plans for the same property had been approved. He wondered what would prevent the petitioner from selling the property and another developer wanting to develop to the maximum allowable density? He was uncomfortable with approving the RMF-8 zone request without submission of a plan, and without a plan, there was no way planning commissioners could assess development impacts.

Commissioner Binder remarked that any development proposal would still be required to come before the Planning Commission for consideration. Chairman Elmer said that as long as the bulk requirements for a straight zone were met, there could be little argument made for denial. Mr. Shaver concurred.

Commissioner Binder asked if schools typically responded as a review agency for rezone requests. Mr. Shaver said that school representatives found it difficult to respond when no specific plan was available for assessing impacts.

There was general agreement among planning commissioners that, in this instance, a specific plan should have been submitted along with the rezone request.

MOTION: (Commissioner Prinster) “Mr. Chairman, I move that we find the project consistent with the Growth Plan, Section 2.6 of the Zoning and Development Code, and that we recommend approval of RZ-2000-179 to the City Council.”

Commissioner Binder seconded the motion. A vote was called and the motion was defeated by a unanimous 0-6 vote.

FPP-1999-225 FINAL PLAT/PLAN—CIMARRON EAST SUBDIVISION/TIME EXTENSION
A request for a one-year extension for recording the Final Plat, which consists of 34 single-family lots on approximately 10.63 acres in a PD (Planned Development with a density not to exceed 3.3 units per acre) zone district.

Petitioner: Stan Seligman
Location: D ½ Road and Morning Dove
Representative: Vince Popish

PETITIONER’S PRESENTATION

Vincent Popish, representing the petitioner, briefly recounted various improvements being undertaken as conditioned in the Plan approval. The time extension would suspend recordation of the plat until spring, when the remaining improvements could be completed. He was unsure why an objection had been raised over the extension request.

STAFF’S PRESENTATION

Lisa Gerstenberger referenced an overhead visual of the Final Plat. One telephone call had been received from a neighbor soliciting additional information, but no objection had been made by the caller at that

time. No changes to the Plan/Plat were proposed, and staff recommended approval of the extension request.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Greg Reis (454 ½ Morning Dove, Grand Junction) said that when the plan was originally approved, he understood that there would be a construction access through the property in what was noted on the Plat as Tracts B and C. Construction traffic had used the route extensively, leaving it in disrepair. He asked who would be responsible for reconstruction? He also thought that the project was to have had an irrigation system installed, which didn't seem to have been constructed.

Chairman Elmer said that this issue was outside the Planning Commission's purview. He suggested talking with planning and/or Code enforcement staff to seek remedy. Mr. Shaver also offered to meet with Mr. Reis to discuss the problem.

DISCUSSION

Commissioner Dibble could see no reason why the extension should not be approved.

Commissioner Prinster added that the request was consistent with similar requests that had come before the Planning Commission and had received approval.

MOTION: (Commissioner Dibble) "Mr. Chairman, on item FPP-1999-225, Cimarron East Subdivision, I move that we approve the request for a one-year extension to record the Final Plat for the Cimarron East Subdivision by November 16, 2001."

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

A brief recess was called at 8:32 p.m. The hearing reconvened at 8:42 p.m.

PP-2000-166 PRELIMINARY PLAN—THE ESTATES

A request for approval of a Preliminary Plan for The Estates Subdivision consisting of 14 single-family lots on 31.5 acres in an RSF-2 (Residential Single Family with a density not to exceed 2 units/acre) zone district.

**Petitioner: Kollao Development LLC, Keith Mendenhall
Location: 2570 G Road
Representative: Development Concepts, Inc., Mike Joyce**

PETITIONER'S PRESENTATION

Mike Joyce, representing the petitioner, gave a brief overview of the request and history of the property. Mr. Joyce said that the property is unique in that it presents a number of topographic challenges. An aerial photo of the property was presented. He noted the one existing home on the property, which would remain on what would be Lot 3. Thirteen additional lots would be created, and he noted the curvilinear street design. Horse trails and open space areas would be provided (locations noted). Ultimately, vacation of a portion of Elvira Street would be requested to accommodate the subdivision's proposed alternative access via Estates Court. Vacation of Elvira Drive would be requested in conjunction with the Final Plat/Plan approval process.

Mr. Joyce said that the project complied with both Growth Plan recommendations and Code criteria, and he concurred with staff conditions.

QUESTIONS

Commissioner Prinster expressed concern over the design of Estate Court. Mr. Joyce said that the adjoining property owner had been approached about a cooperative effort to fix the dangerous sight distance situation of Elvira Street. He said that mitigation would be discussed in greater detail with the next item, Martin Subdivision (FPP-2000-169). The two projects, he said, went hand-in-hand.

Commissioner Binder asked if open space areas were designed to be more active or passive. Mr. Joyce said that they were intended to be more passive; however, the proposed trail system would reflect more active uses.

STAFF'S PRESENTATION

Lisa Gerstenberger briefly overviewed the proposal as outlined in the November 14, 2000 Staff Review. She noted the locations of open space/detention areas and a proposed pedestrian path containing a 10-foot concrete sidewalk. The project was consistent with Growth Plan recommendations and complied with Code criteria. In accordance with Code Section 6.3, the petitioner would be required to provide the City with the equivalent of 10 percent of the property's value for use of a future public park facility, with the fee to be paid at the time of Final Plat/Plan approval and prior to Plat recordation. She added that unless requested, consideration of the Final Plat would be handled administratively without Planning Commission review.

Staff recommended approval of the Preliminary Plan subject to the following conditions:

1. Pedestrian path detail to indicate a 10-foot concrete sidewalk. Remove the reference to an 8-foot concrete sidewalk. Add a note to the plans indicating that the sidewalk shall be constructed from G Road to the eastern property line of Lot 4, Block 3.
2. Plat a 20-foot sanitary sewer easement on either the south property line of Lot 4, Block 3 or Lot 3, Block 3 for future sewer extension to properties east of this development.
3. The sight distance profile supplied by the applicant shall also be included on the Final Plan at a larger scale.
4. The project benchmark must be shown on the Final Plan.
5. The developer must provide payment in lieu of half-street improvements for the entire G Road frontage. The amount of payment will be based on approved cost estimates submitted by the design engineer at Final Plan. Contact the Development Engineer if there are any questions regarding the required street section.
6. Final Plan must meet the drafting and graphic standards given in the SSID manual. Please contact the Development Engineer for guidance, if necessary.
7. Compliance with the recommendations of the Colorado Geological Survey as noted in their letter dated September 25, 2000.

QUESTIONS

Commissioner Binder recalled past discussions where a connection from Estates Drive north was required. Why had no turn lanes from G Road been proposed? Eric Hahn, Development Engineer, summarized plans for improving G Road.

Commissioner Prinster asked if Estate Blvd. ended in a “pork chop” configuration, to which Mr. Hahn responded negatively. Traffic would be able to turn left and right from the roadway, and the petitioner had been able to demonstrate adequate sight distance.

Commissioner Prinster referenced the payment-in-lieu option for parks and wondered if the City had selected another, more preferable park location. Ms. Gerstenberger replied negatively, adding that the petitioner’s funds would go towards acquiring other park property. Commissioner Prinster said that if the area developed and no additional land was available, there would be no chance to acquire additional park land.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER’S REBUTTAL

The petitioner’s representative offered no rebuttal testimony.

DISCUSSION

Chairman Elmer said that the request seemed straightforward. The proposed street plan conformed with the overall area-wide street plan, and it appeared the petitioner was willing to address sight distance concerns.

Commissioner Dibble appreciated the aesthetic features of the proposal and commended Mr. Joyce on the project’s design.

Commissioner Binder said that the curvilinear street design appealed to her.

Commissioner Prinster was pleased to see the dangerous Elvira Street situation addressed.

MOTION: (Commissioner Prinster) “Mr. Chairman, on item PP-2000-166, a request for Preliminary Plan approval for The Estates, I move that we approve the request subject to staff conditions, with the findings as outlined in the staff report.”

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

PP-2000-169 PRELIMINARY PLAN—MARTIN SUBDIVISION

A request for approval of a Preliminary Plan for Martin Subdivision consisting of four single-family lots on 4.12 acres in an RSF-2 (Residential Single-Family with a density not to exceed two units per acre) zone district.

**Petitioner: Ted and Juliann Martin
Location: 2580 G Road
Representative: Development Concepts, Inc., Mike Joyce**

PETITIONER'S PRESENTATION

Mike Joyce, representing the petitioner, reminded planning commissioners that this request went hand-in-hand with the former request (PP-2000-166). He briefly reviewed the proposal and reiterated the petitioner's ultimate intention to vacate a portion of Elvira Road. The vacation would result in the extension of sewer service to the area, a rerouting of existing utilities, and a deeding of the vacated portions of Elvira back to adjacent property owners. Detention, open space and irrigation pond locations were noted. Mr. Joyce said that an adjacent property owner had expressed concern that the detention pond might adversely affect his septic system; however, the proposed pond would be comprised of a clay base with a lining over it to prevent seepage. A geologic study for both the subject site and that of The Estates site had been undertaken, with findings made part of the record.

Mr. Joyce felt that the project meet Code criteria and Growth Plan recommendations, and he took no issue with staff conditions of approval.

QUESTIONS

Commissioner Dibble asked if access into Lot 2 would be derived from the Estates Court cul-de-sac, to which Mr. Joyce responded affirmatively. Access would be via a flagpole extension, which would conform with driveway specifications as required by the Building Department. Mr. Joyce also stated that Lot 3 has an existing driveway that does access G Road and after discussion with Emergency Services it was decided that this driveway will be permitted to remain. Mr. Joyce also stated that the secondary structure on Lot 3 is currently being used as office and storage and that they will be removing the kitchen facilities from this dwelling to meet code requirements.

Commissioner Nall wondered how residents to the east would receive their access. A detailed explanation was provided by Mr. Joyce. He assured planning commissioners that access existed or would be provided for each lot.

Commissioner Dibble asked if the Estates Court cul-de-sac would remain open-ended to provide access to adjacent lots, to which Mr. Joyce responded affirmatively.

Chairman Elmer asked if the plan was to vacate all of Elvira Street. Mr. Joyce answered affirmatively, adding that details were not yet finalized. Mr. Shaver said that approval of the vacation request would be subject to satisfaction of sight distance concerns.

STAFF'S PRESENTATION

Ms. Gerstenberger acknowledged the current proposal as a companion project to the previously heard Estates Subdivision. The vacation request would come back before the Planning Commission for consideration. Referencing the Preliminary Plan, she said that the kitchen facility in the accessory structure (location noted) must be removed so that it did not qualify as a separate primary structure. Doing so would make that particular lot compliant. Staff recommended approval subject to the following conditions:

1. Show access for Tract A.
2. The sewer easement across Lots 1 and 2, Block 1, must be 20 feet.
3. The existing driveway to Lot 3 may not meet the sight distance requirements of TEDS. However, access to the lot must be maintained, and the existing access appears to be the best possible location at this time. It is anticipated that any sight distance problems will be resolved during the construction of future public improvements to G Road.

4. The location of the proposed 15-foot sewer easement along the west side of Lots 1 and 2, Block 1, will probably not be adequate to provide sewer services to Lots 2 and 3 with sufficient grade and minimal horizontal bends. The final location of the sewer services and associated easements necessary to serve these lots will be established during Final Plan.
5. The project benchmark must be shown on the Final Plan.
6. The developer must provide payment in lieu of half-street improvements for the entire G Road frontage. The amount of payment will be based on approved cost estimates submitted by the design engineer at Final Plan. Contact the Development Engineer if there are any questions regarding the required street section.
7. For Lot 2, since the driveway length is now dependent on the location of the dwelling to be constructed on the lot, the following language is required on the Final Plat: "Before a Planning Clearance is issued for any dwelling unit to be constructed on Lot 2, the Grand Junction Fire Department must approve construction plans for any driveway providing access to the dwelling."
8. This project shall NOT be allowed to plat until all of the sanitary sewer improvements within the proposed Estates Subdivision have been constructed and approved by the City.
9. Compliance with the recommendations of the Colorado Geological Survey as noted in their letter dated September 25, 2000.
10. Evidence that the kitchen facilities have been removed from the accessory structure located on Lot 3, Block 1, prior to recordation of the Final Plat.

QUESTIONS

Commissioner Dibble asked staff if they foresaw any issues with the driveway for Lot 3. Mr. Hahn said that he would be reviewing plans and working with the property owner to ensure that adequate sight distance was available.

Chairman Elmer asked if Lot 1 would still meet the requirements regardless of outcome of vacating Elvira Drive Right of Way North of Estate Court. Ms. Gerstenberger responded affirmatively.

PUBLIC COMMENTS

FOR:

Mike Meininger (2584 G Road, Grand Junction) agreed that the property was very topographically challenged but felt that the project would be a nice addition to the community. Mr. Meininger had questions about the North part of Elvira Drive where his driveway currently exists. He said "looking at the map and listening to everyone I have heard a couple different options and would like some clarification."

AGAINST:

Cheryl Williams (2586 G Road, Grand Junction) reaffirmed that her only concern was over the detention pond's integrity. She wanted assurances that it would not adversely impact her septic system.

PETITIONER’S REBUTTAL

Mr. Joyce said that a number of options were available to address the Elvira Street situation. He understood that an agreement must be reached with Mr. Meininger and he expected that revisions to the existing Preliminary Plan could occur to accommodate that agreement. He reassured planning commissioners that all pertinent details would be worked out prior to Final. He reiterated intentions to line the detention pond and install a clay base to prevent seepage into the Williams’ septic system.

DISCUSSION

Commissioner Binder felt the request to be straightforward, although she didn’t think the driveway onto G Road was an ideal solution.

Chairman Elmer said that this and any other outstanding issues could be resolved prior to Final.

Commissioner Prinster indicated that, as an infill project, the current design represented a good use of the land. He, too, felt that any remaining concerns could be resolved prior to Final, when the vacation issue would again be discussed.

When asked by Commissioner Binder if the detention pond lining should be mentioned in the motion as an additional condition, Ms. Gerstenberger said that current staff review would cover this concern.

MOTION: (Commissioner Binder) “Mr. Chairman, on item PP-2000-169, a request for Preliminary Plan approval for the Martin Subdivision, I move that we approve the request subject to staff conditions, with the findings as outlined in the staff review.”

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

CUP-2000-202 CONDITIONAL USE PERMIT—ENTERTAINMENT COMPLEX

A request for approval of a Conditional Use Permit for a bar/nightclub in a C-2 (Heavy Commercial) zone district.

Petitioner: Jeff and Carrie Thornton
Location: 2375 Leland Avenue
Representative: PA/DS Architecture, Bryan Sims

PETITIONERS’ PRESENTATION

Bryan Sims, representing the petitioners, reviewed the request and said the existing 10,000 square-foot building would be remodeled for the business. Additional land was going to be purchased for buffering and to accommodate the volleyball courts, horseshoe pits, batting cages and other outdoor activities. Petitioners hoped to attract a lot of people interested in summertime activities. No late-night activities were planned, and there would be no outdoor amplified sound system. Outdoor recreational activities would cease by 10:00 P.M. Surrounding uses were all commercial, so the proposed use was not expected to “offend” anyone. Parking could be controlled via the scheduling of events.

QUESTIONS

Commissioner Prinster wondered what type of outside signage would be proposed. Mr. Sims said that petitioners would comply with signage requirements. Approximately 176 square feet of signage was allowed. He expected there to be a sign on the building, a sign above the entrance, and a monument sign.

Commissioner Dibble asked about the structure that presently existed on the site. Mr. Sims said that the preengineered metal building could be further “softened” to be more visually appealing for the 24 Road corridor. Options were still being explored.

Commissioner Dibble asked if buffering and landscaping was proposed for all four sides of the building, to which Mr. Sims responded affirmatively.

Commissioner Boutilier suggested construction of a pedestrian path to access the volleyball court area.

STAFF’S PRESENTATION

Joe Carter outlined the proposal as contained in the November 14, 2000 Staff Review. He confirmed the maximum sign allowance to be 176 square feet, and the petitioners had agreed to meet 24 Road Corridor sign criteria. Mr. Carter said that the existing structure was not a typical metal building, and it blended more readily with the surrounding neighborhood. Adequate buffering was available, and a chain link fence with slats would be erected along the west side of the property. Staff had been satisfied with the parking plan, and approval was recommended subject to the following conditions:

1. The applicant will need to complete a floodplain development permit for construction of a parking lot in the 100-year floodplain.
2. Provide a recorded deed for dedication of the 14-foot multi-purpose easement along the Leland Avenue frontage (refer to page ST-06 of the City of Grand Junction Standard Contract Documents for Capital Improvements Construction).
3. Dedicate sufficient right-of-way for half a commercial street (26 feet) and extend half-street improvements along Leland Avenue to the western boundary of the lot adjacent to the existing building. Half-street improvements shall consist of a minimum 20 feet of asphalt along with a roadside swale to collect and convey runoff.
4. Provide a roadway plan and profile along with cross-sections at 25-foot intervals along the Leland Avenue frontage.
5. Provide a Development Improvements Agreement along with a letter requesting TCP credit for the improvements to Leland Avenue.
6. Verify that sufficient on-site vehicle storage has been provided, per Appendix 11.9 of the TEDS manual (room for little more than one car has been provided from the flowline within Leland Avenue to the first parking space).
7. Provide the Book and Page for the existing sanitary sewer easement that runs from north to south across the western portion of the property.
8. Add street lights along the Leland Avenue frontage per Section 8 of the TEDS manual.

Mr. Carter added that one telephone call had been received by a neighbor interested in the proposal, but no support or opposition had been expressed by the caller.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONERS' REBUTTAL

Mr. Sims asked if there were a way other than the simple subdivision process to acquire the small portion of land referenced previously in his presentation. Both Chairman Elmer and Mr. Shaver explained that by separating a portion of the adjacent property owner's property, a separate lot was being created. A minor subdivision was the only tool available to accomplish this. A brief discussion ensued over this process, but Mr. Shaver reiterated that a simple subdivision was in fact the correct procedure.

Mr. Sims expressed concern that the subdivision process would require Leland Avenue improvements that wouldn't otherwise be required. Kent Marsh explained that half-street improvements were already included as a condition of CUP approval by virtue of the use. Extension of improvements to the west were to provide a future connection to the adjacent property.

Mr. Sims noted the site's location on an available map and said that to presuppose a connection would be trying to second-guess future development plans of the adjacent property owner. He asked that condition 2 be amended to delete this requirement.

QUESTIONS

Commissioner Dibble wondered what provisions would be made to control liquor services. Mr. Sims said that while some liquor service would be available for lunch customers, the bulk of sales would occur during evening hours. Liquor service would be controlled via wait staff. Commissioner Dibble envisioned beer bottles being thrown into the volleyball court or other activity areas. Mr. Sims said that this would be "policed" by both wait staff and management.

Jeff Thornton, co-petitioner, added that liquor sales would be strictly monitored and would occur only inside the building.

Commissioner Binder wondered if the petitioners could be made to comply with 24 Road Corridor Design Standards and Guidelines. Chairman Elmer said that since they were not as yet adopted, the question was moot. Mr. Carter said that at the point that sign permits were secured, the guidelines will have been adopted. The 24 Road Corridor signage criteria would then be in place and compliance would be required.

Commissioner Binder asked if specific design recommendations for the building itself should be imposed. Mr. Carter reiterated that the building was not offensive nor was it a typical metal building.

DISCUSSION

Commissioner Nall asked if the Leland Street stub was located on someone else's property, to which Mr. Carter replied affirmatively. If "T'd" off at the property line, couldn't the adjacent property owner be responsible for its continuation? Mr. Carter explained that this was a typical requirement of a simple subdivision. Chairman Elmer said that the simple subdivision wouldn't be allowed without the stub.

Chairman Elmer felt that CUP criteria had been or could be addressed. He remarked that buffering and fencing would do more to protect the business than to protect surrounding uses.

Commissioner Prinster did not express any objection to the request.

MOTION: (Commissioner Prinster) "Mr. Chairman, on Conditional Use Permit, CUP-2000-202, I move that we find the project consistent with the Growth Plan and Section 2.13 of the Zoning and Development Code and that we approve CUP-2000-202 subject to staff conditions as outlined in the November 14, 2000 Staff Report."

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

V. GENERAL DISCUSSION

Chairman Elmer asked for further discussion on density differences between the old and new Codes. He also reminded planning commissioners that election of a new Chairman and Vice-Chairman would be required at the next public hearing.

With no further business to discuss, the meeting was adjourned at 10:35 P.M.