

**GRAND JUNCTION PLANNING COMMISSION
JANUARY 13, 1998
MINUTES**

The regularly scheduled Planning Commission hearing was called to order at 7:01 p.m. in the City/County Auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Mike Denner, Jeff Driscoll, Joe Grout, Mark Fenn and Paul Coleman. Robert Gordon was absent.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Kristen Ashbeck (Sr. Planner), Kathy Portner (Planner Supervisor), Bill Nebeker (Sr. Planner), Michael Drollinger (Sr. Planner) and Mike Pelletier (Assoc. Planner).

Also present were John Shaver (Asst. City Attorney) and Kerrie Ashbeck (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 34 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of December 9, 1997.

MOTION: (Commissioner Coleman) "Mr. Chairman, I make a motion that we approve the minutes of the December 9 meeting."

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

II. ANNOUNCEMENTS AND/OR PRESENTATIONS

Chairman Elmer noted the items which had been pulled from the evening's agenda which included CUP-1997-200, CUP-1997-205 and RZP-1997-204.

III. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

CUP-1997-187 CONDITIONAL USE PERMIT--SONIC BURGER RESTAURANT

A request for a Conditional Use Permit to allow a Sonic Burger Restaurant with a drive-thru window in a C-1 (Light Commercial) zone district.

**Petitioner: Frank Gonzoles
Location: 2833 North Avenue
Representative: Bill Maurer**

PETITIONER'S PRESENTATION

Bill Maurer, petitioner's representative, briefly reiterated his request for the restaurant to be located on North Avenue. He said that the existing west entrance would be closed, with ingress/egress diverted to the easternmost entrance.

QUESTIONS

Chairman Elmer asked if the single driveway would serve both the adjacent and proposed restaurants, to which Mr. Maurer responded affirmatively.

STAFF'S PRESENTATION

Mike Pelletier said that drive-thru restaurants in any zone district require a CUP permit. This request meets *Code* criteria and staff recommends approval subject to the following conditions:

1. Prior to issuance of a Planning Clearance, the final drainage report must be revised to reflect the current design for construction of the pond outlet structure and off-site storm sewer. The exhibits in the report must match the design shown on the plans, the calculations for the pipe sizing and capacity must be in the report, and the report should verify the size of the pipe exiting the existing area inlet.
2. Prior to submitting final plan sets for City approval, the plans must include the design for the off-site storm sewer construction showing the pipe profile (depth of cover, slope, bedding, tie into pond outlet structure and into the existing area inlet). A manhole must be provided at any bend in the pipe. The plans must include a detail of the tie into the existing area inlet.

QUESTIONS

Commissioner Coleman wondered if a single 25-foot-wide access was enough to serve two restaurants and any third high-use business which might be located next door. Kerrie Ashbeck responded that no problems were expected, even in such an event. She briefly explained on-site circulation patterns and said that there was ample stacking room near the access.

Chairman Elmer expressed a similar concern but said that a single driveway was better than two accesses onto North Avenue. Kerrie Ashbeck said that the width issue of the single driveway could be revisited if and when a third business was proposed for the adjacent site.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Coleman commented that he was satisfied with the proposal as presented.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item CUP-1997-187, I move that we approve the Conditional Use Permit for the drive-thru restaurant at 2833 North Avenue subject to the conditions stated in the staff report."

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

PDR-1997-201 FINAL PLAN--HILLTOP ASSISTED LIVING COMMUNITY

A request for approval of a Final Plan to construct a new 94 unit Assisted Living Community on approximately 10 acres with a zoning of PR-9.4 (Planned Residential with a density not to exceed 9.4 units per acre).

Petitioner: Hilltop Health Services Corp.
Location: Northwest corner of F 1/4 Road and 15th Street
Representative: Robert Jenkins

PETITIONER'S PRESENTATION

Robert Jenkins, representing the petitioner, said that with the exception of a single item, the Final Plan was the same as the Preliminary Plan. It was initially thought that the southwest drainage ditch was under Corps of Engineer (Corps) jurisdiction. The Corps had requested wetlands mitigation prior to issuance of a work permit. It was later discovered that jurisdiction belonged to the Grand Valley Water Users Association (GVWUA) so its approval was irrelevant. Both entities will allow complete piping of the ditch. Copies of a letter received from Mr. Richard Proctor, manager of the GVWUA, were distributed to Planning Commission members. All other conditions of the Preliminary Plan had been met.

QUESTIONS

Chairman Elmer asked if the Corps was then in agreement with piping the ditch. Mr. Jenkins reiterated that since the ditch did not fall within the Corps' jurisdiction, its approval was moot.

Chairman Elmer said that the designed 14th Street alignment would tend to divert more traffic down that street. He suggested rounding the current V-shaped intersection to make the main entrance off 15th Street a continuous road. Mr. Jenkins did not foresee any problems with implementing this suggestion. Kerrie Ashbeck concurred that this modification should pose no problems.

STAFF'S PRESENTATION

Kristen Ashbeck said that the only issues associated with the Final Plan were technical and included various easement and right-of-way dedications, striping plans, etc. She elaborated briefly on these points as contained in the project review dated January 7, 1998. Staff did not object to the petitioner's piping of the drainage ditch and recommended approval subject to the following conditions:

1. Submit for review and approval and record a Final Plat for the property.
2. Submit three (3) full sets of revised/finalized plans, engineering documents and Development Improvements Agreement and Guarantee for final review and approval, to include all items mentioned in previous staff comments and this report.
3. Payment of Parks and Open Space fees in the amount of \$21,150.
4. Payment of Transportation Capacity Payment (TCP) in the amount of \$15,850 unless credit is requested and approved by the Development Engineer for proposed off-site improvements.
5. Signage shall comply with that proposed: three freestanding signs--two located at the 15th Street entrance; one located at the 14th Street entrance. Signs shall not exceed 40 square feet each, not exceed a height of 4 feet, and shall not be illuminated.

QUESTIONS

Chairman Elmer wondered what buffers would be used to screen homes to the east. Kristen Ashbeck noted the landscaped hillside which would exist to the northeast. She also pointed out that a 3- to 4-foot berm with plantings was planned from the south entrance along the east side of the property. Trees would be planted along the street frontage.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Richard Proctor, manager of the Grand Valley Water Users Association (500 South 10th Street, Grand Junction) said that while not opposed to the project itself, the previously mentioned drainage ditch was not designed nor intended to handle stormwater runoff but rather to handle seep water and irrigation runoff from an 825 acre area. This runoff was directed into Drain D. He expressed concern that the petitioner's drainage report specified expected conveyance of 38-39 CFS of stormwater. The 24-inch pipe which would carry the water under the property to 12th Street was not designed to handle this expected flow. Flooding could be expected and damage to homes could occur. Mr. Proctor said that he had warned the City on numerous occasions about this possibility and was giving official notice that the Grand Valley Water Users Association would not be held responsible for flooding nor resultant damages to homes or properties in the area.

Howard Logee (3050 North 14th Street, Grand Junction), said that he was not necessarily opposed to the project. Having missed the meeting on the Preliminary Plan, he asked for clarification on how much traffic was expected to travel along 14th Street.

PETITIONER'S REBUTTAL

Mr. Jenkins reiterated that two access points were available to the site but very little traffic was expected. Residents would not drive, visitors would be occasional and the 25 employees could be expected to make two trips per day each.

DISCUSSION

Commissioner Coleman expressed some concern over Mr. Proctor's statements and asked engineering staff to comment. Kerrie Ashbeck explained that the pipe currently located under 15th Street had been oversized to a 36-inch diameter. It conveyed only the amount of water flowing from the basin. While conveyance of water upstream was not considered a problem, downstream conveyance was part of a larger issue being addressed by the City and the Bureau of Reclamation. This latter issue, she said, was not something that could be addressed by the current proposal.

Chairman Elmer noted the petitioner's willingness to mitigate the V-shaped intersection at 14th Street.

Commissioner Fenn asked why two accesses were needed for the site when expected traffic volumes would be so low. Kerrie Ashbeck replied that volumes would be comparable to the trips/day generated by 10 homes. Chairman Elmer said that this aspect of the plan had been discussed during the Preliminary Plan review.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item PDR-1997-201, I move that we approve the Final Plan for the Hilltop Assisted Living Community subject to staff’s recommendations.”

Commissioner Denner seconded the motion.

Chairman Elmer asked that the modification to 14th Street be included in the motion. Commissioner Coleman added the following, “...and the recommendation (to include) a staff condition 6 to read that 14th Street be realigned with the private drive so that it’s a T-intersection.”

Commissioner Denner seconded the amendment.

The amended motion is as follows:

MOTION: (Commissioner Coleman) “Mr. Chairman, on item PDR-1997-201, I move that we approve the Final Plan for the Hilltop Assisted Living Community subject to staff’s recommendations, and the recommendation (to include) a staff condition 6 to read that 14th Street be realigned with the private drive so that it’s a T-intersection.”

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

PDR-1996-241 EXTENSION OF FINAL PLAN APPROVAL--COMMUNITY HOSPITAL PARKING LOT

A request to extend the Final Plan approval for a parking lot expansion at Community Hospital.

Petitioner: Community Hospital

Location: Northwest corner of 12th Street and Orchard Avenue

PETITIONER’S PRESENTATION

Joe Boyle, representing the petitioner, said that due to some reprioritization of capital expenditures, the hospital had been unable to complete the parking lot expansion within the original timeframe. He reiterated his request for a one year extension.

QUESTIONS

Commissioner Driscoll asked when the hospital’s fiscal year began. Mr. Boyle answered that its fiscal year ran from May 1 to April 30.

STAFF’S PRESENTATION

Michael Drollinger said that the original expansion design was intact with no significant changes to warrant reevaluation. Staff recommended approval of the extension request to January 13, 1999 subject to the original approval conditions.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Chairman Elmer remarked that with no significant changes to the plan, the request was straightforward and reasonable.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item PDR-1996-241, a request for extension of a Final Plan approval, I move that we approve this item with the condition as detailed in the staff report dated January 6, 1997 with the approval to expire on January 13, 1999.”

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

IV. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

RZ-1997-196 REZONE/MINOR SUBDIVISION/CONDITIONAL USE PERMIT--JENKINS MINOR SUBDIVISION

A request for: 1) a rezone from PB (Planned Business) to RSF-5 (Residential Single Family with a density not to exceed 5 units per acre); 2) approval of a two lot minor subdivision; and 3) a Conditional Use Permit for an existing nursery in an RSF-8 zone district.

Petitioner: Mary Jenkins
Location: 2802 and 2806 UnawEEP Avenue
Representative: David Smuin/HydroTerra

PETITIONER’S PRESENTATION

David Smuin, representing the petitioner, said that since the *Growth Plan* recommended a density of between 4-7.9 units/acre and the *Orchard Mesa Plan* recommended RSF-5 zoning, the petitioner was agreeable to an RSF-5 rather than an RSF-8 zone. The purpose of the minor subdivision was to split the business property from the residence. With the exception of a 5-foot pocket easement (shown on the map), no additional rights-of-way, easements or utilities would be required. He felt the request to be compatible with the surrounding neighborhood and said that it would be consistent with area plans and policies.

QUESTIONS

Commissioner Driscoll noted that granting the minor subdivision/rezone would make the existing residence non-conforming. If the home burned or was otherwise destroyed, it would have to be rebuilt to comply with the new RSF-5 bulk requirements. Mr. Smuin said that the petitioner was aware of this but decided that the risk was justified.

STAFF’S PRESENTATION

Mike Pelletier said that currently the planned zone existed without a plan. A straight zone was preferred by the City and staff was in agreement with the petitioner. Staff recommended approval of the minor subdivision and approval of the rezone to an RSF-5 zone district.

QUESTIONS

Commissioner Driscoll wondered why staff would recommend approval when such approval would create a non-conforming situation. Mr. Pelletier said that the petitioner was aware of the risk. He added that from the City’s perspective, the benefits of the rezone outweighed the resultant non-conformity of the residence.

PUBLIC COMMENTS

Commissioner Driscoll remarked that the RSF-5 zone made more sense for the area and noted the request’s conformance with *Growth Plan* recommendations.

Chairman Elmer agreed and said that the RSF-5 zone would allow more flexibility on site.

Commissioner Denner voiced his support for the request.

Commissioner Fenn said that while in favor of the proposal overall, he cited the previously heard Vostatek Subdivision request and felt that granting the current request would be inconsistent with the decision made on that proposal.

MOTION: (Commissioner Coleman) “Mr. Chairman, on RZ-1997-196, I move that we approve the minor subdivision and the Conditional Use Permit for the Jenkins Floral business. Also, on the same item, I move that we recommend that the proposed rezone to RSF-5 be approved by City Council.”

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

VR-1997-202 RIGHT-OF-WAY VACATION--REVISED PRELIMINARY PLAN, FINAL PLAT/PLAN, GRAND VIEW SUBDIVISION FILING #3

A request to: 1) revise the Preliminary Plan for Grand View Subdivision from 3.1 units per acre to 3.3 units per acre; 2) approve the Final Plan for Grand View Filing #3; and 3) vacate a portion of Ridge Drive right-of-way located in Grand View Filing #2.

Petitioner: Donada, Inc.

Location: East of 28 Road between Ridge Drive and Hawthorne Avenue

Representative: Atkins & Associates

PETITIONER'S PRESENTATION

Richard Atkins, representing the petitioner, said that plan revisions would include an additional connection to the Matchett parcel to the east via Cortland Avenue, shorter cul-de-sacs and a more feasible circulation pattern. The petitioner was in agreement with all staff conditions.

QUESTIONS

Commissioner Driscoll noted that the number of units would increase with the density. Mr. Atkins responded affirmatively, saying that approximately 8 more lots would be created with the revised plan.

STAFF'S PRESENTATION

Bill Nebeker said that the revised proposal represented a better plan configuration. Staff recommended approval of the revised Preliminary Plan, Final Plat for Filing #3, and vacation with the following conditions:

Revised Preliminary Plan

1. Half-street improvements including curb, gutter, sidewalk and at least a 22-foot pavement width shall be constructed in Cortland Avenue concurrent with the phase of development that includes Cortland Avenue.

Filing #3

1. An avigation easement will be required prior to plat recordation. If an avigation easement has been previously provided for this development, a recorded copy of that easement shall be made available to the airport and staff.
2. Access on Ridge Drive, an urban residential collector street, will be limited to parcels with sole frontage on this street.
3. A temporary turnaround shall be provided at the end of Ridge Drive past lot 32, block 5 unless this lot is eliminated from the plat.

Street Vacation

1. A multi-purpose easement shall be retained in all vacated rights-of-way for existing and future utilities.

QUESTIONS

Commissioner Driscoll asked if the lot revision would continue to meet all bulk and setback requirements, to which Mr. Nebeker responded affirmatively. When asked if any building envelope problems could be expected, Mr. Nebeker answered that none were expected.

Chairman Elmer asked if a stop sign would be situated at the intersection of Cameron and Ridge Drive. Kerrie Ashbeck replied affirmatively.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Chairman Elmer said that while he had liked the previous Preliminary Plan design better, he would not offer any dissent as long as bulk and setback requirements were met.

Commissioner Driscoll concurred.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item VR-1997-202, I move that we approve the revised Preliminary for Grand View Subdivision and Filing #3 subject to staff’s recommendations and forward a recommendation of approval to the City Council for the vacation of a portion of the Ridge Drive right-of-way subject to staff’s recommendation.”

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

A brief recess was called at 8:05 p.m. The hearing reconvened at 8:15 p.m.

Due to a potential conflict of interest, Commissioner Fenn withdrew from consideration of the next item.

VE-1997-193 VACATION OF EASEMENTS--THE HOME DEPOT

A request to vacate various existing drainage, utility, irrigation, ingress/egress, and multi-purpose easements in the North Mall Subdivision to permit platting of the Home Depot USA, Inc. resubdivision.

Petitioner: The Home Depot

Location: F Road west of 24 1/2 Road

PETITIONER’S PRESENTATION

Jim Langford, representing the petitioner, said that multiple properties were being combined. None of the easements being vacated were needed by the Home Depot and no utility conflicts existed. When the project began the development process, new easements would be platted. Mr. Langford noted that a 14-foot utility easement located along the front of the property did contain utility lines; however, when the project is replatted, those utility lines will be located within a right-of-way.

STAFF’S PRESENTATION

Michael Drollinger said that while staff had no problems with the request, he recommended that the vacations become effective only upon platting of the Home Depot subdivision to ensure that the appropriate and necessary easements are maintained. This condition would be included in the proposed ordinance to be forwarded on to City Council.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Driscoll felt the request to be straightforward and supported the ordinance as proposed.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item VE-1997-193, a request for vacation of easements, I move that we forward this item to City Council with a recommendation of approval.”

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

Commissioner Fenn returned to participate in the remainder of the hearing.

Prior to opening the last two items, Chairman Elmer asked for input from Community Development Director Scott Harrington. Mr. Harrington was asked to provide the Planning Commission with direction on how, or whether, it should proceed with consideration of the *Growth Plan (Plan)* amendment portions of the two Bank of Grand Junction proposals. Chairman Elmer said that the *Plan* had specified how the amendment process was to have been undertaken; however, due to *Code* revision delays, this process was never implemented.

Mr. Harrington said that the *Growth Plan* amendment process would be addressed specifically in the new *Code*. He said that the question of “how to proceed without a process” had been addressed at a recent City Council workshop. He passed out copies of a presentation made to City Council members during that workshop (dated December 15, 1997). The presentation included background information, the Zoning Map, Significant Issues, Interim Policies, Inconsistencies and Summary. It was City Council’s position that the Plan’s Land Use Map was essentially correct but wasn’t perfect. They felt it reasonable to allow citizens to come before them and Planning Commission with their requests for change; however, the burden of demonstrating “why” the zone was incorrect was placed on the petitioner. Each request would then be heard on a case-by-case basis.

Mr. Harrington said that both Bank of Grand Junction proposals fell within the “Proposed Inconsistency” category (p. 4 of the presentation). Zone recommendations for both properties were residential and in each case, the bank was requesting a rezone to commercial. If approved, both the zone and Future Land Use Map would have to be altered. It was staff’s position that because there was an amendment process in place, albeit not yet implemented, they were hesitant to make individual recommendations and “second guess” the Plan’s intent. It was felt, then, that prior to the actual implementation of the process, when a conflict arose between the *Code* and *Growth Plan (Plan)*, the *Plan* should generally prevail. Given the adopted criteria of both documents, if a proposal was inconsistent with *Growth Plan* recommendations, staff would generally recommend denial. This is the case with the Bank of Grand Junction proposals.

During the evaluation of both proposals, consideration had been given to City Council directives and *Plan* content; however, staff’s current recommendations, he said, were based more on the language currently contained within the *Plan*.

QUESTIONS

Commissioner Coleman said that he had seconded a motion made by former Commissioner Halsey to accept the *Growth Plan* with the stipulation that it be revised every 6 months for 2 years. Since that time, the *Plan* had never been brought forward for revision. Having participated in the *Plan* process, he said that participants had assumed the *Code* revision would follow right after the Plan’s adoption. He noted that new members had been added to the Planning Commission, City Council and Community Development Department. Given that there were so many newcomers who didn’t participate in the process, he expressed concern that the intent of the *Plan* and its amendment process had been lost.

Mr. Harrington said that this was one reason why Council felt that citizens should be allowed to “argue their cases” before the governing bodies. He added that if planning commissioners had any specific ideas on how to handle proposals during the interim prior to adoption of the new *Code* (expected June 1, 1998), he encouraged further exploration of those ideas. Immediately following adoption of the new *Code*, the *Plan* amendment process would be initiated.

Chairman Elmer expressed concern over requiring a *Plan* amendment prior to consideration of a rezone request. Having been involved in the *Growth Plan* process from its inception, he said that the *Plan* had always been thought of as a guide *only* to the decision-making. It had never been the intent of the *Plan* to change the zoning of individual parcels on the Land Use Map prior to consideration of a rezone request. Thus, he felt that no amendment of the Land Use Map should be made unless the zoning for an entire area was in error or until trends could be assessed. He questioned the need to change the Land Use Map prior to making a zone change and remarked that if the *Growth Plan* change was denied, the rezone request would not be heard independently.

Commissioner Driscoll was also involved in the *Plan* process and he said that it had been stated repeatedly during meetings that the Land Use Map was NOT a zoning map. Since its adoption, the *Plan* had been used by planning commissioners to help guide their rezone decisions. He also expressed concern that what had initially been criteria for consideration was now being made mandatory before an approval of a rezone request could be granted.

John Shaver referenced and read excerpts from chapter 6 in the *Plan* where an amendment process had been formulated but had not been implemented. Without an adopted City/County IGA addressing the process, he suggested that “no action” may be appropriate. Mr. Harrington’s decision to go before Council to seek direction was correct, and Mr. Shaver suggested that planning commissioners follow that direction as much as possible. He reminded the Commission that it had the right to participate in determining the scope and nature of the amendment process.

Commissioner Driscoll concurred with Chairman Elmer’s previous statements and felt that rezone requests should be heard and considered based on their own merits, without having to first consider whether an amendment to the Land Use Map was appropriate.

Commissioner Fenn agreed. The *Plan* was not policy, he said, and disagreed with Council’s directive to staff that the *Plan* should prevail over the *Code*. Rezone requests should be considered on a case-by-case basis, and amendment of the Land Use Map should not be mandatory. To do so would defeat the intent of the *Growth Plan*.

Mr. Shaver referenced *Code* section 4.4.4(F) of the rezone criteria and said that staff will have to consider that section based upon the direction given them by City Council.

Commissioner Fenn suggested that perhaps the Planning Commission should recommend that Council change its direction previously given to staff.

Commissioner Coleman said that given the lack of activity on the amendment process, he felt the *Growth Plan* warranted revisiting.

Mr. Shaver read from the *Plan* that section limiting *Plan* amendment changes to twice per year. He said this was intended to limit the possibility of incremental Land Use Map changes which could result in unintended policy shifts.

Commissioner Driscoll preferred dropping process references until the new *Code* had been adopted.

Mr. Shaver cautioned that a de facto Land Use Map amendment would occur in the event that approval of a rezone was granted. He said that the question for Planning Commission's consideration was whether the *Plan* dictated the use, or did the use dictate the *Plan*.

Commissioner Driscoll asked how this affected past rezone approvals. Mr. Harrington said that each inconsistent rezone had been noted and staff's recommendation had been based in part on that criterion. He added that the *Plan* was more a policy document than a regulatory document.

Commissioner Fenn wondered why there had been a sudden shift from the City Council in its interpretation of the *Growth Plan's* intent. Mr. Harrington said that this was due in part to the appearance of new Council members but also because no one had really addressed the question of what to do in the interim prior to *Code* adoption and formalization of a process.

Commissioner Driscoll disagreed and said that the discussion which had taken place included consideration of each request on a case-by-case basis.

Mr. Harrington reiterated that Council's position was also to consider requests on a case-by-case basis but leave the burden of proving error up to petitioners. He said that any or all aspects of the current petitioner's request could be considered.

Chairman Elmer said that amendment decisions made without a process were less defensible than ones made after a process was in place. He preferred waiting until the process could be formally implemented before considering any *Plan* amendments.

General discussion ensued over whether the amendment process should be included prior to or concurrent with consideration of individual rezone requests. The consensus was to hear the last two items noted on the agenda as 2 and 3 without consideration of the amendment process.

RZP-1997-188 GROWTH PLAN AMENDMENT, REZONE, PRELIMINARY PLAN--BANK OF GRAND JUNCTION

A request to: 1) amend the *Growth Plan* to allow commercial development; 2) rezone from RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) to PB (Planned Business); and 3) approve the Preliminary Plan for a proposed 2,500 s.f. drive-thru bank facility.

**Petitioner: Bank of Grand Junction
Location: 601 - 27 1/2 Road
Representative: David Smuin/HydroTerra**

PETITIONER'S PRESENTATION

David Smuin, representing the petitioner, corrected the agenda by saying that the proposed drive-thru structure was 2,500 square feet not 3,500 square feet in size. He felt that the *Growth Plan* supported the use in its proposed location and read an excerpt from section V.9 and referenced section IV.4 of the *Plan*.

Based on current density allowances, up to 19 additional homes could be placed on the property. Neighborhood participation had been encouraged and surrounding residents were almost unanimously in favor of the proposal. Mr. Smuin referenced the 18 letters of support which had been received previously and the 3 additional letters not yet included in Planning Commission notebooks. Branch banks, he said,

were encouraged by the *Growth Plan* to locate where “neighborhood service needs” could be served. He briefly outlined the type of services to be offered at the facility.

The plan included dedicating additional right-of-way along 27 1/2 Road and widening it. A double left turn lane and a single right turn lane onto Patterson Road were also proposed. No significant traffic impacts were expected. A bike lane and sidewalk would be included alongside the right turn lane.

Slides of the site were shown. The proposed location had been selected by a demographics study which showed the area nearest 12th and Patterson the most desirable. Unfortunately, no commercially-zoned sites were available near this intersection. Mr. Smuin said that other commercial sites had been considered but that the only other vacant commercially-zoned property between 12th Street and 27 1/2 Road was tied up in litigation.

The property is presently ill-kept, and the two existing structures were out of character with the rest of the neighborhood. The proposed plan would enhance the property by cleaning up the site, landscaping and providing services to the community.

QUESTIONS

Commissioner Driscoll asked how much of the 2.4 acre property would be left after the bank was constructed. Mr. Smuin responded that approximately one acre would be left. There were no current plans to develop the remainder of the property but the petitioner would eventually like to place medical/dental/professional offices there.

Commissioner Coleman said that with the site’s size restrictions, there was little chance that the bank could expand to include a full range of services. Mr. Smuin agreed with this conclusion.

Commissioner Driscoll wondered how access would be provided to the remaining portion of the property. Mr. Smuin indicated on the site plan the two points where access could be provided.

Commissioner Coleman asked for clarification on where the existing access was located, which was provided.

STAFF’S PRESENTATION

Bill Nebeker presented an overhead slide depicting surrounding and nearby zoning. No other commercial properties were situated nearby, which made the current proposal out of character with the area and representing spot zoning. Most of the area is zoned RSF-8 and the site could be developed to accommodate this residential density. Examples of other nearby developments were provided. He also noted several commercially-zoned sites where the branch bank would be more compatible. Staff did not consider the use to be truly neighborhood friendly because it relied on its patrons being in their cars and drive to and from the site. Staff felt that the current proposal would open the door to future commercial use proposals for both the adjacent properties to the north and west, and the Brodak property located across Patterson to the south. Thus, expected impacts would come not only from the currently proposed use but from the uses which were sure to follow. Market studies, he said, were not always in harmony with planning goals and policies. The *Growth Plan* policy 1.6 referenced by Mr. Smuin was not intended to encourage commercial development in conjunction with all residential developments with medium-high densities. In summary, staff said that since the proposal failed to meet the zoning criteria contained within the *Code* and did not meet the intent of the *Growth Plan*, denial was recommended.

QUESTIONS

Commissioner Coleman asked if the RSF-8 zoning was compatible with *Growth Plan* recommendations, to which Mr. Nebeker replied affirmatively. Commissioner Coleman wondered if multi-family development could be located on the one acre portion of the site. Mr. Nebeker felt that while this was unlikely due of size restrictions, it was possible.

PUBLIC COMMENTS

FOR:

Mike Babcock (2742 Patterson Road, Grand Junction) said that he was more supportive of the current proposal than if the site were developed as multi-family.

Tom LaValle (2830 North Avenue, Grand Junction) said that the intersection at 27 1/2 and Patterson Roads was very busy. Townhomes developed on the rear of the property as suggested by Commissioner Coleman may be compatible with the neighborhood, but he felt there was too much traffic at this intersection for residential development. He said that the bank's location on the site would save him from driving all the way to the mall to do his banking.

Kirk Knowles (621 Oxbow Road, Grand Junction) also felt the use to be preferable over residential development. He said that traffic and safety at the intersection should be considered.

Bob Johnson, president of the Bank of Grand Junction (no address given) said that in December of 1995 branch banking became a reality. He explained that a contract had been submitted for the property at 15th and Patterson but that due to pending litigation, this property was unavailable. The Safeway location at 29 and Patterson Roads was also unfeasible because the Bank of Colorado intended to locate there. He recalled the process the bank had undertaken prior to and during the *Growth Plan* process. Efforts to get a clear direction on the amendment process, he felt, had been continuously thwarted; however, former City Council members had encouraged bank representatives to come back before them. He said that Dan Wilson, City Attorney, had told him less than two weeks prior that a rezone in this instance would serve to amend the *Growth Plan*.

Mr. Johnson said that if reserved for residential development, the site would no doubt create backing problems onto 27 1/2 and Patterson Roads. He wondered who would buy a house directly off of Patterson Road without a safe ingress/egress. He also reemphasized the support garnered by adjacent and nearby residents, the research that had gone into selecting the site, and the frustration of having been "stonewalled" by the system.

Commissioner Coleman asked how many new employees would be added to the facility. Mr. Johnson said that 6-8 would be added initially but that this could be increased to 12-15.

AGAINST:

Linda Rattan (657 - 26 Road, Grand Junction) said that during the *Growth Plan* process, involved parties had determined that the best use for the area would be residential. She felt that determination should be upheld. With no other commercial development nearby, she agreed with staff that the use was out of character with the surrounding area.

PETITIONER'S REBUTTAL

The petitioner chose not to offer rebuttal testimony.

DISCUSSION

Commissioner Coleman noted that no new commercial zoning had been added to the *Growth Plan*. He said that statements were made in a steering meeting that Patterson Road had outgrown its present residential use. With the volume of traffic traveling along Patterson Road, he felt that commercial development was appropriate for busy intersections. This had been typically supported by the Planning Commission.

Commissioner Grout asked Kerrie Ashbeck what, if any, capital improvements were planned for 27 1/2 Road. Kerrie Ashbeck replied that the City planned to improve 27 1/2 Road to a collector standard from this site north, which included a center left turn lane and bike lane. Improvements were scheduled for the years 1999-2000. Any development of the corner would probably require the double left turn lane proposed by the petitioner to help mitigate potential stacking problems.

Commissioner Driscoll agreed with the proposal in principal but he did not support the bank's leaving the remaining parcel with an RSF-8 zoning.

Chairman Elmer thought the proposal represented "half an idea," and that guidance had been misinterpreted. The *Patterson Road Corridor Guidelines*, he felt, were also misinterpreted. Commercial development was inappropriate for the corner and if granted, it would set an undesirable precedent for future potential "leapfrogging" of commercial spot zoning along Patterson Road. He disagreed that the current proposal would create any new jobs for the community. Chairman Elmer recalled the petitioners coming before the *Growth Plan* committee but since the proposal represented a rezone request, the committee had decided not to consider individual development proposals.

Mr. Nebeker confirmed that this was the first time the petitioner had submitted a rezone request to the Community Development Department.

Commissioner Coleman felt that additional commercial development along Patterson Road was inevitable.

Commissioner Fenn agreed with comments made by Commissioner Driscoll on the one acre parcel. However, consideration needed to be given to the fact that the petitioner had been encouraged by City Council members to pursue the project. He was also unsure whether the previously referenced string of lots was suitable for residential development, adding that he would not want to live on this corner. The use would be an improvement to the property. Given all of these considerations, Commissioner Fenn felt that the proposed use was a good exception to the *Plan*.

Commissioner Grout agreed with comments made by Commissioner Driscoll and Chairman Elmer. Given the lack of a plan for the remaining one acre and the petitioner's presentation of "half a plan," the rezone request was not appropriate for the site.

Chairman Elmer said that past heresay, opinions and history should not factor into the current decision. He did not agree with the petitioner's argument that this was the only site available. Whether or not other sites exactly matched the petitioner's criteria should not factor into Planning Commission's decision.

MOTION: (Commissioner Grout) “Mr. Chairman, on item RZP-1997-188, I move that we forward a recommendation of denial to City Council for the rezoning of the proposed bank at the northwest corner of 27 1/2 Road and Patterson from RSF-8 to Planned Business.”

Commissioner Denner seconded the motion. A vote was called and the motion passed by a vote of 4-2, with Commissioners Fenn and Coleman opposing.

A brief recess was called at 9:35 p.m. The hearing was reconvened at 9:42 p.m.

Due to a potential conflict of interest, Commissioner Grout excused himself from participation in the following item.

RZP-1997-189 *GROWTH PLAN* AMENDMENT, REZONE, PRELIMINARY PLAN--BANK OF GRAND JUNCTION

A request to: 1) amend the *Growth Plan* to allow commercial development; 2) rezone from RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to PB (Planned Business); and 3) approve the Preliminary Plan for a proposed 2,500 s.f. drive-thru bank facility.

Petitioner: Bank of Grand Junction

Location: Southeast corner of Hwy 340 and the Redlands Parkway

Representative: David Smuin

PETITIONER’S PRESENTATION

David Smuin, representing the petitioner, said that the proposal sought to consolidate five parcels into three. He felt that the *Growth Plan* provided even more support for this rezone. The rezone would only apply to that portion of the property where the bank would be located; the existing nursery and houses would remain the existing residential zoning. Mr. Smuin passed out copies of *Growth Plan* section IV.19 which listed Growth Alternatives. He interpreted Alternative 3 as encouraging commercial nodes in the Redlands. He went over the *Code*’s rezone criteria and felt that the proposal met all of the conditions of approval. Fifteen letters of support were received from the adjacent residents and neighbors for the project. With no branch banks located in the Redlands, the facility would serve a community need. Slides of the primary accesses were shown.

A brief overview of the plan was given. A driveway, which formerly served the Grobetter Nursery, would be eliminated and a single alternative access would be created for all three parcels (shown using slides). The access would be upgraded to include one lane in and two lanes out of the property. An existing bike path would be upgraded and another bike path would be added in front of the parcel. Sewer service would be extended to the site. A traffic study had been submitted, and Mr. Smuin briefly outlined peak traffic hours and the volumes of traffic which could be expected. The restriping of Broadway to provide a left turn lane was proposed for vehicles traveling west. Landscaping would be added to the site and it was felt that the bank would enhance the site. He maintained that since the nursery had been an established business at this corner, a branch bank would be in keeping with a past commercial use.

QUESTIONS

Commissioner Coleman asked for clarification on the location of the existing and proposed access(es), which was provided using the slides brought by the petitioner.

Chairman Elmer pointed out that the particular alternative referenced by Mr. Smuin had not been accepted by the *Growth Plan* committee. Mr. Smuin understood that an exception had been made for the Redlands. Kristen Ashbeck agreed to provide clarification of this point in her presentation.

STAFF'S PRESENTATION

Kristen Ashbeck began by saying that two additional letters had been received from the public--one in favor and one in opposition. Using slides, she said that staff's interpretation clearly showed that the proposal was not consistent with the *Growth Plan*. The subject area was primarily residential. She said that statements contained in Alternative 3 regarding the Redlands were adopted but applied to *existing* commercial nodes and Monument Village. Since the bank proposal constituted a new commercial use, these statements were not applicable. She read through the *Code's* rezone criteria and said that the proposal failed to meet both the criteria and *Growth Plan* recommendations for the area. Due to the site's topography, no amount of screening could buffer the use from the surrounding residences and roadway. The petitioner had undergone initial CDOT review, but the plan was expected to change to comply with the agency's requirements.

QUESTIONS

Commissioner Driscoll asked if this proposal was similar to that of the one previously approved for the Redlands Water & Power Company. Kristen Ashbeck replied negatively, adding that the latter was a utility provider which had been given special consideration. Also, the Redlands Water & Power Company had received a Planned Residential zone designation versus the business zoning being requested by the bank.

PUBLIC COMMENTS

FOR:

Floyd Dickerson (557 E. Saddleback Drive, Grand Junction) expressed support for the bank as a long-time customer.

Don Teats (509 Rado Drive, Grand Junction) said that the bank would improve the site and provide an asset to the community.

Rob Lowe (508 Tiara Drive, Grand Junction) felt that Monument Village could not handle all of the commercial needs of the growing Redlands area. He, too, expressed support for the proposal.

Commissioner Coleman asked if it was difficult to get into and out of the Monument Village Shopping Center, to which Mr. Lowe responded affirmatively.

Doug Fassbinder (no address given) thought it very unfair that the *Growth Plan* amendment issue had not been addressed. As a builder, he voiced his objection to what he perceived as the continued downzoning of Grand Junction. Mr. Fassbinder recognized the need for better fire protection in the area and noted the poor soils which made septic systems difficult to maintain.

Bob Johnson, president of the Bank of Grand Junction, reiterated some of the points mentioned by Mr. Smuin. There was also a door shop and The Country Store located near the property. He said that the site had been selected by a demographics expert. He felt that a bank would locate at this corner eventually. The Monument Village Shopping Center would not support a bank, as evidenced by the closure of a previous bank at this location. He said that the proposal would correct an unsafe access situation. If the property was sold, its presently unsafe access would remain.

AGAINST:

Terry Brahmsteadt (2263 Broadway, Grand Junction) submitted copies of a petition signed by those residents opposing the proposal. As the owner of the previously referenced door shop, he clarified that it was actually a sales office and had been operated from his home since 1932. He said that the Country Store had been grandfathered in as an exception. Grobetter Nursery was allowed because its former R2 agricultural zoning permitted agriculturally-related uses. He expressed concern over traffic increases and impacts and safety. He felt that the intent of the *Growth Plan* should be upheld and supported staff's recommendation for denial.

Linda Rattan (656 - 26 Road, Grand Junction) could find no justification for additional commercial uses in the Redlands. She also submitted a petition containing names of those residents who opposed the project.

Chris Durham (2253 Pine Terrace Court, Grand Junction) expressed concerns over traffic increases and impacts. He didn't feel that the restriping of Broadway would provide adequate traffic mitigation.

Kathan Battan (526 Foy Drive, Grand Junction) opposed any more commercial development in the area.

Sherry Opp (2250 Pine Terrace Court, Grand Junction) expressed concern over the safety of children with increased commercial development.

PETITIONER'S REBUTTAL

The petitioner chose not to offer any rebuttal testimony.

DISCUSSION

Commissioner Coleman expressed general support for the project and wondered if there were any outstanding issues with CDOT. Kerrie Ashbeck said that there may not be enough right-of-way to construct a turn lane onto the site. If not, the petitioner would have to acquire additional right-of-way.

Commissioner Fenn noted a number of adverse impacts and concerns with this project not evident with the Patterson Road project.

Chairman Elmer said that grandfathered uses in residential zones should not be viewed in the same light as new uses. Kristen Ashbeck thought that the nursery had a County CUP prior to the City's annexation.

Commissioner Denner thought that the nursery provided a more aesthetic appearance to the corner, which would be significantly altered with a bank. He said that he had originally been in favor of the proposal, but after community and staff input, he now felt the use to be inappropriate for the site.

Commissioner Driscoll expressed support for the proposal, having found that it met a community need and would not be detrimental to the neighborhood.

Chairman Elmer said that he both agreed and disagreed, adding that the business would change the character of the corner from low density residential to commercial.

Commissioner Coleman noted the benefits of reducing the number of driveways and having only a single access onto Broadway. Add to that the left-hand turn lane and the traffic situation would seem to be made safer.

Chairman Elmer said that even with the turn lane, turning movements like those expected would lead to more accidents.

Commissioner Coleman suggested that the driveway could be moved away from the main intersection which would lessen the hazard.

Commissioner Fenn agreed that the driveway could be moved further east to minimize traffic hazards.

Kerrie Ashbeck said that with expansions of existing uses, the *State Highway Access Code* allowed the state to make decisions on access modifications. Thus, if the Grobetter site were modified, the state would be involved as well in determining access requirements.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RZP-1997-189, I move that we recommend approval for the rezone request the branch bank and drive-up facility on the southwest corner of Highway 340 and Redlands Parkway.”

Commissioner Driscoll seconded the motion. A vote was called and the motion failed by a vote of 2-3, with Chairman Elmer and Commissioners Denner and Fenn opposing.

V. GENERAL DISCUSSION

Commissioner Grout returned. Mr. Harrington said that drafts of the new *Code* would be distributed to planning commissioners during the week of January 19. He suggested scheduling a meeting to go over the draft and *Growth Plan* issues in combination or independent of the regularly scheduled workshop. Mr. Harrington offered to get back with planning commissioners on a time and date for this meeting.

With no further business, the hearing adjourned at 12:15 a.m.