

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing - June 11, 1996**  
**7:00 p.m. to 1:50 a.m.**

**I. CALL TO ORDER**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. in the City/County Auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Driscoll, Ron Halsey, and Paul Coleman. Thomas Whitaker, Bob Withers and Jeffrey Vogel were absent.

In attendance, representing Planning Department staff, were: Dave Thornton (Senior Planner), Kristen Ashbeck (Associate Planner), Mike Pelletier (Associate Planner), and Michael Drollinger (Senior Planner).

Also present were John Shaver (Asst. City Attorney) and Jody Kliska (City Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 58 citizens present.

**II. CONSIDERATION OF MINUTES**

There were no minutes available for consideration.

**III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS**

Chairman Elmer announced that item FP-96-114 had been pulled from the evening\*s agenda.

**IV. PUBLIC HEARING ITEMS FOR FINAL DECISION**

**CUP-96-108 CONDITIONAL USE PERMIT--THE CHAMELEON CLUB**  
**Request for a Conditional Use Permit for a bar in a B-3 (Retail Business) zone district.**  
**Petitioner: William and Priscilla Inks**  
**Location: 234 Main Street**

**STAFF PRESENTATION**

Kristen Ashbeck presented a brief overview of the proposal. She indicated that the existing building would undergo interior remodeling only. The petitioner has agreed to comply with staff recommendations. With no outstanding issues, recommendation was for approval.

**QUESTIONS**

Commissioner Driscoll asked if the request met Conditional Use criteria, to which Ms. Ashbeck said that it did. She emphasized that the request conformed to the Downtown Development Authority\*s plan and was compatible with other uses along Main Street.

**PETITIONER\*S PRESENTATION**

The petitioner offered no further testimony.

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**DISCUSSION**

Chairman Elmer commented that the request seemed compatible with surrounding uses. Commissioner Halsey agreed.

**MOTION: (Commissioner Halsey) AMr. Chairman, on item CUP-96-108, I move that we approve the Conditional Use Permit for a bar/nightclub, the Chameleon Club, to be located at 234 Main Street.@**

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

**FP-96-113 FINAL PLAT--PHEASANT MEADOWS SUBDIVISION**

**Request for final approval for 7 single family lots on approximately 3.82 acres of land with zoning of RSF-4 (Residential Single Family with a density not to exceed 4 units per acre).**

**Petitioner: George and Carrie Euler**  
**Location: 720 24 3/4 Road**  
**Representative: Mike Best LanDesign, LLC**

**STAFF PRESENTATION**

Michael Drollinger presented the item and indicated the site location on maps provided. Staff recommended approval subject to the following conditions:

1. The detention pond shall be designated as ATract A@ rather than AOutlot A@ on the plat.
2. The drainage easement dedication language shall be consistent with the City standards for plat dedications (as amended by staff).
3. The ACity of Grand Junction Planning Commission Certificate@ shall be removed from the plat.
4. The drainage from the street to the detention facility must either be conveyed by pipe or, as an alternative, the area dedicated as drainage easement be included as part of the outlot for the detention pond, with maintenance responsibility for the entire facility by the HOA. We have had problems in the past with homeowners who fill in swales and ditches or they are not maintained and cease to function. If this option is selected, the grass slopes must be specified on the plans as to the seed type or sod and must be installed with the subdivision.
5. The curb, gutter and sidewalk along 24 3/4 Road may be of the driveover type to match what has been constructed on the west side of the street.
6. Provisions shall be made for the stormwater to be conveyed to the detention facility until further construction on 24 3/4 Road allows the stormwater to be conveyed further down the street toward G Road (as amended by staff).

Mr. Drollinger asked Commissioners to question the petitioner on what choice he intended to make with respect to the drainage options listed in staff condition 4.

**QUESTIONS**

Chairman Elmer asked for clarification on conditions 5. and 6., which was provided.

**PETITIONER\*S PRESENTATION**

Mike Best, representing the petitioners, agreed to comply with staff conditions. The drainage option most

preferred was to provide a grassed-in area dedicated as drainage easement as part of the outlot for the detention pond, with maintenance responsibility for the entire facility by the HOA. With reference to condition 6., he wanted it understood that the petitioners did not want to be responsible for taking the water indefinitely, since the ditch was expected to contain runoff from future subdivisions to the north.

Chairman Elmer asked if the petitioners were in agreement with the rollover type curb, to which Mr. Best replied affirmatively.

### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

### **DISCUSSION**

Commissioner Halsey commented that the petitioners seemed to have met the Preliminary Plan criteria.

**MOTION: (Commissioner Halsey) AMr. Chairman, on item FP-96-113, a request for Final Major Subdivision approval for Pheasant Meadows, I move that the subdivision be approved with the conditions 1. through 6. in the staff report and the revisions of 2. and 6. as indicated by staff this evening; on 4., taking the alternative of the grass, and on 5., making that >...shall be...\* instead of >...may be...\* the driveover type.@**

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

### **FP-96-115 FINAL PLAT--NIAGARA VILLAGE, FILING #2**

**Request for approval of the Final Plat for Niagara Village, Filing #2, for 55 single family manufactured home lots on approximately 9.3 acres with zoning of PR-5.8 (Planned Residential with a density not to exceed 5.8 units per acre).**

**Petitioner: Warloo Nevada, Ltd.**

**Location: Niagara Village Circle**

**Representative: Monty Stroup, LanDesign, LLC**

### **STAFF PRESENTATION**

Michael Drollinger detailed the proposal and noted the site location on maps provided. He indicated the location of the 25-foot easement proposed as a pedestrian link from the western cul-de-sac of Niagara Circle North to 28 Road.

Staff recommended approval of the request subject to the following conditions, at a minimum:

1. The maintenance agreement for Indian Wash must be amended to accept the stormwater discharge for this project prior to approval of final plans.
2. Approval of the sanitary sewer plans by the Fruitvale Sanitation District is required prior to City approval of the final plans.
3. The developer will be required to pay the drainage fee which was part of the original stormwater management plan for the project. Credit towards the fee will only be given if the petitioner can show to the satisfaction of the City Development Engineer that the petitioner\*s stormwater system is accommodating off-site stormwater. The petitioner will be responsible for providing the Development Engineer with the drainage fee calculations.

4. A street light design is required to be submitted and approved by the City Development Engineer prior to approval of final plans.
5. The petitioner is required to guarantee the driveway improvements as part of the Development Improvements Agreement.

### **PETITIONER\*S PRESENTATION**

Richard Livingston, attorney representing the petitioner, and Monty Stroup of LanDesign both agreed to comply with staff conditions and recommendations. He clarified that the Soil Conservation Service had indicated to them that no maintenance agreement amendment was necessary for Indian Wash. With regard to the DIA\*s inclusion of the driveways, Mr. Livingston pointed out that the driveways would be private, with no City maintenance being required. Thus, while the petitioner intended to construct the driveways, including them in the DIA would impose additional financial hardship on the petitioner at the onset of the project. He asked for Commission consideration to waive this requirement. With regard to the drainage and associated fees, Mr. Livingston said that this was reviewed in detail, and it was determined that a storm sewer system costing the petitioner \$30K would better handle the runoff generated from the subdivision and would provide an additional benefit to adjacent properties. With the cost of this system at more than the \$18K in drainage fees, he requested waiver of those fees as well. Finally, Mr. Livingston noted that the owners of lots in Filing #2, and especially those lots along the western boundary, would be put on notice via the covenants that periodic military activity and related noises could be expected from the Colorado National Guard, abutting the property.

Monty Stroup and Jody Kliska engaged in a brief discussion over drainage calculations and appropriate credits. Mr. Stroup said that with regard to the street lighting design, nothing had been submitted because they were waiting on feedback from Public Service. Ms. Kliska reminded Mr. Stroup that street plans showing placement of proposed street lighting were still needed.

### **QUESTIONS**

Chairman Elmer asked if the petitioner intended to install fencing along the perimeter to mitigate noise concerns. Mr. Livingston responded that a short solid wall fence existed between the subject property and Kmart to the North. No additional fencing was proposed.

Chairman Elmer did not feel that the fencing along Kmart\*s boundary would provide a sufficient buffer against noise. Mr. Drollinger suggested that this could be another condition of approval.

### **PUBLIC COMMENTS**

#### **FOR:**

Lyle Berber, Sergeant First Class of the Colorado National Guard (482 - 28 Road, Grand Junction), acknowledged the odd hours and noise associated with facility exercises and operations. He concurred that the stormwater drainage system proposed by the petitioner would be of significant benefit to surrounding properties.

#### **AGAINST:**

Glen Lowell (482 A - 28 Road, Grand Junction) expressed concern over the 25-foot pedestrian easement. He said that the petitioner was currently using the easement to route vehicular traffic and haul fill dirt to the site. He said the easement\*s placement and construction of a 5-foot pathway was too close to adjacent businesses, and he requested that the City vacate the easement altogether. He also requested that a continuous fence and bollards be placed along that border to prevent traffic from accessing the adjacent businesses.

Mark Relph, City Public Works Manager, requested the developer install a barrier at this location, which

was comprised of the fill dirt mentioned by Mr. Lowell.

Chairman Elmer asked staff for input on the advantages and disadvantages of the pedestrian easement. Mr. Drollinger said that the easement would be used by pedestrians to access businesses along 28 Road. He felt the suggestion for placement of bollards was a good one. He corrected Mr. Lowell\*s reference to a five-foot path, saying that the path would be eight feet wide. Staff felt that the pedestrian access was necessary but agreed that alternative placement could be investigated.

Chairman Elmer explained to the audience why the City could not vacate the easement itself.

Mr. Lowell interjected that he thought that placement of the easement nearer to the National Guard facility would be more appropriate.

### **PETITIONER\*S REBUTTAL**

Mr. Livingston said that he was unaware that any concerns existed over the easement. He indicated that the easement had been in its current location and had been a part of the land title for the past 60 years and, while adjacent businesses were using the easement as if it were their own, it didn\*t belong to them. He said that no other legal access was available from the property and that the petitioner had no way to force surrounding property owners to give up land belonging to them for location of an alternate easement. He offered to eliminate the easement altogether but felt it be unfair to require the petitioner to pursue additional negotiations for an alternate easement site.

Chairman Elmer asked if the Colorado National Guard would work with the petitioner on this issue. Mr. Livingston said that due to the bureaucracy involved with the Guard, any negotiations would be lengthy and mired in red tape.

### **DISCUSSION**

Chairman Elmer asked John Shaver for input on the Indian Wash amendment. Mr. Shaver said that a letter had been received earlier in the day from U.S. Dept. of Agriculture (USDA) (letter dated June 11, 1996). The letter confirmed that such an amendment was unnecessary; thus, it was the City\*s position that if one was not required by the USDA, the related staff condition could be deleted.

Chairman Elmer asked Ms. Kliska if the drainage fee question could be worked out between the petitioner and the Engineering Department, to which Ms. Kliska responded affirmatively. Mr. Shaver clarified that any adjustment in fees imposed would not include a rebate of fees already paid. Mr. Drollinger added that none of the \$18K in fees had been paid to date and provided additional detail to the Commission.

Commissioner Coleman concurred that the pedestrian easement was necessary and needed to stay where it was. He agreed that the placement of bollards to prevent vehicular traffic was a good idea.

Chairman Elmer asked if the easement for the pathway needed to be 25 feet. Ms. Kliska said that it did because existing utilities underneath required the 25-foot width.

Commissioner Driscoll asked if inclusion of the private drives in the DIA was typical for a project of this type. Mr. Drollinger said that the plan called for shared and combined driveways. Staff was concerned that should something unforeseen happen, the driveways would not be constructed per the plan. Ms. Kliska clarified that with the shared driveways, only 7 2 feet of driveway existed with each lot; thus, if not constructed per the plan, only half the driveway may be constructed.

Commissioner Halsey commented that with the ground being so laden with alkali, dust would be a problem; thus, he thought the driveway improvements were necessary and should be included in the DIA as suggested

by staff.

Commissioner Driscoll suggested adding the request for bollards as a condition 6.

Discussion ensued over whether additional fencing should be required along the western boundary. Chairman Elmer suggested placement of a 6-foot solid wood fence along this boundary to provide a buffer against noise.

**MOTION: (Commissioner Halsey) AMr. Chairman, on item FPP-96-115, a request for a Final Plan and Plat approval, I move that we approve the application subject to the conditions 1. through 5. in the staff report with condition 1. deleted at the recommendation of Mr. Shaver, adding condition 6., requiring the installation of the bollards with the easement walkway, and adding 7., to read, >A 6-foot wood fence shall be constructed on the west boundary of the project. On the northern boundary, either a 6-foot wood fence or, if it can be worked out between the petitioner and Kmart, a 4-foot (solid wood) fence atop the existing barrier owned by Kmart (be constructed), with the intent being to provide the proper buffering, and that the Homeowners Association be responsible for maintenance of the fence (as amended).\*@**

Commissioner Driscoll seconded the motion.

Additional discussion ensued over the a potential requirement for fencing along the northern property line abutting Kmart. Chairman Elmer asked if including this in Filing #2 approval would pose problems with the HOA or established covenants for Filing #1. Mr. Shaver said that this could be a significant amendment to the Filing #1 covenants and could be voted down by any of the current homeowners.

At the direction of Mr. Driscoll, Mr. Livingston was asked for input on the fencing issue. Mr. Livingston said that the covenants were originally recorded to include the entire property because of the open space which exists in portions of both filings. He said that he could initiate a conveyance from the developer to the HOA on the boundary fence which would then make ownership and maintenance the responsibility of the HOA. Mr. Livingston was in agreement with the need for a fence along the western boundary. With a 2-foot solid wall existing presently along the Kmart boundary to the north, Chairman Elmer suggested that the petitioner work with Kmart representatives to replace the existing chain link atop the wall with a 4-foot solid wood fence, for a total height of 6 feet.

Chairman Elmer asked for additional public input; however, none was given.

Commissioner Coleman felt it important to protect future residents from abutting commercial uses.

Commissioner Halsey suggested amending 7. to read, AA 6-foot wood fence shall be constructed on the west boundary of the project. On the northern boundary, either a 6-foot wood fence or, if it can be worked out between the petitioner and Kmart, a 4-foot (solid wood) fence atop the existing barrier owned by Kmart (be constructed), with the intent being to provide the proper buffering, and that the Homeowners Association be responsible for maintenance of the fence.@

The amendment was seconded by Commissioner Coleman.

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

#### **FP-96-117 FINAL PLAT--DAWN SUBDIVISION**

**Request for approval of the Final Plat for 34 single family lots on approximately 8.85 acres with a**

**zoning of RSF-4 (Residential Single Family with a density of 4 units per acre).****Petitioner: John Davis****Location: North of the northeast corner of Patterson and 28 Roads****Representative: Ward Scott**

Due to the potential for conflict of interest, Commissioner Driscoll excused himself from consideration of this item.

**STAFF PRESENTATION**

Kristen Ashbeck detailed the proposal and referenced conditions placed upon approval of the Preliminary Plan. Significant staff comments included the necessity for the petitioner to complete Grand View Drive to the common property line and include this in the Improvements Agreement and Guarantee for Dawn Subdivision if an Improvements Agreement and Guarantee (IAG) for Grand View Filing #2 is not in place to address completion of the street prior to recording the Final Plat for Dawn Subdivision. In addition, property directly south of Dawn Subdivision was purchased by the City for detention of stormwater. The developer's share of the facility is \$10,911 and must be paid prior to recording the plat. Ms. Ashbeck referenced the 12-foot pedestrian easement traveling south to the detention facility and a north-south connection between Dawn and Cottage Avenues. A separate line item for construction of the 8-foot-wide concrete pedestrian path is included in the IAG.

A condition of approval for the Preliminary Plan called for grading of the lots along the northern boundary near the drainage ditch. A separate line item for the cost of the related earthwork had been included in the IAG.

An outstanding concern still existed with the Grand Valley Water Users Association (GVWUA) on the design, specifications and maintenance of the pipe proposed for the drainage ditch located to the west. Staff agrees that a 40-foot easement requested by the GVWUA was excessive and, following receipt by staff of documented statements from various professionals on the width of the easement needed for maintenance, a 30-foot easement would seem more reasonable.

Ms. Ashbeck briefly outlined other pertinent points of the proposal. These included the petitioner addressing comments from other review agencies prior to recording the Final Plat; the execution of an avigation easement, payment of Parks and Open Space fees in the amount of \$7,650; details in language on the Final Plat; and addressing any issues remaining on the red-lined engineering plans to be provided to the petitioner and in the comments per Community Development, City Development Engineer and City Utilities Engineer dated June 5, 1996.

Staff recommended approval of the proposal subject to the following conditions:

1. Address the remaining comments on the red-lined engineering plans and plat provided to the petitioner and in the comments per Community Development, City Development Engineer, and City Utilities Engineer dated June 5, 1996.
2. Approval of the design and specifications for the piping of the ditch along 28 Road by the Grand Valley Water Users Association.
3. Payment of the drainage fee in the amount of \$10,911.
4. Obtain a Stormwater Management Permit from the Colorado Department of Health prior to construction activity.
5. Execution of an avigation easement to be recorded with the Final Plat.

Chairman Elmer indicated that he was not at the meeting where the alternative ditch cross-section was approved. He asked if this alternative would provide adequate setbacks, to which Ms. Ashbeck replied that owners of those western lots would not be allowed to construct fencing along the rear property line. In actuality, she continued, the setbacks were at zero, since the setback requirement was 30 feet and the easement was 30 feet.

Commissioner Halsey elaborated briefly on the problems resulting from the Commission\*s requirement to have the petitioner fill in the ditch.

### **PETITIONER\*S PRESENTATION**

Ward Scott, representing the petitioner, explained that the minimum lot depth is appx. 90 feet, with a 20-foot front setback, and the rear yard comprising 28-30 feet. He felt that this would accommodate the easement and provide some additional space in the rear yard as well. He thought that this open space and view to the north would be desired by some potential buyers, and that a smaller lot would be desired by some homeowners for its low maintenance.

Chairman Elmer said that the petitioner seemed to be asserting that there would be an additional 10 feet for a back yard, excluding the easement. Mr. Scott concurred, adding that no structures, trees, or significant landscaping would be allowed in the easement to allow for unfettered access to the drainage ditch. Chairman Elmer asked for clarification on the space available between the ditch and embankment and the slope of the embankment, which was given.

Mr. Scott concurred with staff comments with the exception of condition 2., relating to the GVVUA and the drainage ditch along 28 Road. He suggested that staff decide on the technical arguments which were expected from Mr. Proctor, representing the GVVUA. Mr. Scott asked for the chance to address Mr. Proctor\*s comments once his testimony had been given. He added that an irrigation facility existed in the northwest corner of the subdivision, and that Mr. Proctor requested that this be moved to the southeast. There were no objections to this latter request.

### **PUBLIC COMMENTS**

**FOR:** There were no comments for the proposal.

### **AGAINST:**

Dick Proctor corrected that the irrigation facility was presently located on the northeast corner of the property and that the petitioner had agreed to move this to the southeast corner. The drainage ditch was part of the Grand Valley Project, with the right-of-way being owned by the Bureau of Reclamation (BOR). He reiterated former comments which stipulated that any design work affecting the ditch would have to be first reviewed and approved by the GVVUA prior to any construction. Mr. Proctor said that, to date, he had not received anything from the petitioner that would indicate his concerns had been satisfactorily addressed. He provided a brief history of the ditch, adding that the BOR had directed the GVVUA not to allow or accept stormwater drainage into the ditch without prior approval. He acknowledged the City\*s intent to construct a detention facility South of the subdivision and stated that the BOR would have to be involved in that process, as well. Mr. Proctor elaborated that the BOR had contacted the City Engineering Department, requesting that the City file an application with them for release of stormwater runoff to the drainage ditch.

Mr. Proctor said that the petitioner needed to submit an application to the GVVUA and BOR for the discharge of stormwater runoff into the drainage ditch for conveyance to the City\*s detention facility, adding that no application had yet been received by either entity. Mr. Proctor reiterated the GVVUA\*s request for a 40-foot easement, adding that the 30 feet shown on the Final Plat was not satisfactory to the GVVUA. He noted that the petitioner\*s present design would leave 150 feet of the drainage ditch open

between Dawn Subdivision and the City's detention facility. Mr. Proctor emphasized the need for a total design plan to include the entire length of the ditch along 28 Road to the detention facility and emphasized that no GVVUA approval would be given until these issues were resolved.

Chairman Elmer thought that the GVVUA line had always been partially under the right-of-way. Thus, it seemed that the GVVUA was asking for more right-of-way than it had previously. Mr. Proctor understood that a portion of the ditch was proposed to be relocated by the petitioner. This could be discussed further, he said, but added that 40 feet of total right-of-way would be required (20 feet to either side of centerline).

Mr. Scott indicated that the existing ditch currently ran under the present road right-of-way. The 20 feet to either side of centerline referred to by Mr. Proctor would be comprised of 20 feet of road right-of-way and 20 feet located on the property. He had originally thought that the GVVUA was asking for a 40-foot right-of-way from the centerline of the ditch. The final design, at their cost, would move the ditch approximately 6 2 feet to the west into the part of the right-of-way to be vacated. If moved back to the centerline of the ditch where previously located, the GVVUA would have 20 feet from the centerline of the ditch to the east via an easement; the 20 feet to the west would be comprised of another 10-foot easement and 10 feet of road right-of-way.

Chairman Elmer commented that the petitioner needed to supply the GVVUA with copies of the Final Plan and cross-section.

#### **PETITIONER'S REBUTTAL**

Mr. Scott said that with regard to putting the Dawn Subdivision drainage into the pipeline coming down from the North and East, he felt the size of the pipeline could be reduced and water conveyed in a separate pipeline running parallel the larger one. Elevations used were those supplied by the City. He felt he could not comment further at this time on the other issues raised by Mr. Proctor and asked for Ms. Kliska's input.

Ms. Kliska provided a brief explanation of how the stormwater release would be managed. She indicated that the City was currently engaged in discussions with the BOR on the drafting of a maintenance agreement, whereby the City would take over the easement leading to the drainage facility.

Mr. Scott summarized by saying that he would leave the ditch at its current centerline location; he would pipe the drainage from Dawn Subdivision in a separate pipe, if required; he requested additional time to allow for resolution of the other issues raised by the GVVUA. He asked, specifically, that staff make a determination on those other issues and grant its approval, allowing the project to continue.

#### **DISCUSSION**

Commissioner Halsey was unclear on what the ramifications of any Commission approval would have on pending negotiations between the other involved entities.

Chairman Elmer indicated that additional conditions of approval could be imposed to address the remaining issues. He asked Ms. Kliska how long she thought it would be before a maintenance agreement was formalized. She said that the BOR was currently working on it and that it should be ready soon.

Commissioner Halsey asked if staff conditions 2. and 4. should be revised. Chairman Elmer said that it was still the responsibility of the petitioner to get the ditch design work approved.

John Shaver elaborated that if the GVVUA felt that their legal rights were infringed upon, they would have independent recourse; thus, regardless of the Commission's recommendation, there may be legal issues raised. He noted that the City's detention facility would relieve a significant amount of the downstream pressure from the Buthorne Drain; thus, the GVVUA should realize the advantage in the City's

construction of the facility.

Chairman Elmer asked other Commissioners if the grading for the northern lots, as currently proposed, was what they remember as being approved in the Preliminary Plan. The other Commissioners assented.

**MOTION: (Commissioner Halsey) A Mr. Chairman, on item FP-96-117, I move that we approve the Final Plat of the Dawn Subdivision with conditions stated in the staff report as 1. through 5.@**

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 3-0.

Commissioner Driscoll rejoined the Commission for the remainder of the meeting.

#### **CUP-96-94 CONDITIONAL USE PERMIT--GRAVEL OPERATION**

**Request for a Conditional Use Permit for gravel extraction, processing, crushing, stockpiling and storage; an asphalt plant; and a concrete plant all in a proposed I-1 (Light Industrial) zone district.**

**Petitioner: United Companies of Mesa County, Inc.**

**Location: 2273 River Road**

#### **STAFF PRESENTATION**

Dave Thornton provided a brief history of the Conditional Use Permit previously approved by the County and briefly read through the County\*s conditions of approval. With no changes being recommended by the City, staff recommended approval of the Conditional Use Permit with all the conditions previously approved by the County, with the exception that all references made for various review, approval and/or enforcement action by Mesa County Departments be now subject to the review, approval and/or enforcement by corresponding City of Grand Junction Departments, where applicable.

#### **QUESTIONS**

Chairman Elmer asked if there was any need to limit the number of truck trips per day, to which Mr. Thornton replied that the area is all in Light Industrial and that no limit on the number of truck trips per days was necessary.

#### **PETITIONER\*S PRESENTATION**

Greg Hoskin, attorney representing the petitioner, said that the request for annexation was originally requested to allow for upgrade of the water line. Since it was later discovered that no water line existed in close proximity to the petitioner\*s property, he was currently working with the petitioner and City to de-annex the property. Otherwise, Mr. Hoskin offered no further comment.

#### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

#### **DISCUSSION**

Commissioner Driscoll agreed that there should be no limit placed on the number of truck trips per day. Chairman Elmer suggested eliminating the second sentence in County condition 1. under Resolution MCM96-32 in its entirety.

**MOTION: (Commissioner Halsey) A Mr. Chairman, on item CUP-96-94, the Conditional Use Permit to allow a gravel operation in an I-1 zone district at 2273 River Road, the Hagie Gravel Pit, I move that we approve this subject to staff recommendations and eliminating all but the first sentence in item 1. (under MCM96-32).@**

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

### **CUP-96-95 CONDITIONAL USE PERMIT--GRAVEL OPERATION**

**Request for a Conditional Use Permit for gravel storage, crusher, and asphalt plant in an I-1 (Light Industrial) zone district.**

**Petitioner: Elam Construction, Inc.**

**Location: 2353 River Road**

#### **STAFF PRESENTATION**

Mike Pelletier reviewed the request and listed the previous conditions of approval imposed by the County. Of the three conditions given, Mr. Pelletier suggestion deleting County condition 3. and adding a new condition to read, "It is not necessary to reobtain a CUP after one year, even where the operation may have been dormant for that period or longer." Staff recommended approval subject to County conditions 1. and 2. with the originally approved County condition 3. being deleted, and replaced by the new condition 3., as previously stated, and that all references made for various review, approval and/or enforcement action by Mesa County Departments be now subject to the review, approval, and/or enforcement by corresponding City of Grand Junction Departments, where applicable.

#### **PETITIONER'S PRESENTATION**

Tom Logue, Government Affairs Manager with Elam Construction, passed out copies of a list containing nine various activities that, if performed on the petitioner's property, may be disallowed under City regulations. He briefly detailed each of these activities, which included: 1) in activity of use for more than one year; 2) move portable asphalt plant within property; 3) operate two plants simultaneously; 4) operate two gravel crushers simultaneously; 5) operate 24 hours, 7 days a week; 6) stockpile and process recyclable materials; 7) no maximum number of vehicle trips per day; 8) operate a sand and gravel wash plant; and 9) operate a concrete batch plant. He requested these activities be included in the activities approved under the City's CUP.

#### **QUESTIONS**

Chairman asked for input from staff on the nine listed activities. Mr. Thornton said that all nine of the activities seemed to be acceptable accessory uses to the primary business. He had no objection to adding these activities to the CUP.

#### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

#### **DISCUSSION**

Chairman Elmer suggested listing the nine activities in any motion made for approval.

**MOTION: (Commissioner Halsey) A Mr. Chairman, on item CUP-96-95, the Conditional Use Permit for gravel storage, rock crushing, and an asphalt plant in a Light Industrial (I-1) zone at 2353 River Road, I move that we approve this subject to staff recommendations and under the original County conditions, eliminating 3. and approving a new 3. as submitted by staff, and to include as allowed activities items 1) through 9) as submitted by the petitioner this evening.**

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

### **CUP-96-96 CONDITIONAL USE PERMIT--ROCK OPERATION**

**Request for a Conditional Use Permit for crushing, cutting and stockpiling of ornamental rock.****Petitioner: John Schmahl****Location: 23 Road, south on River Road until it dead-ends at the Colorado River****STAFF PRESENTATION**

Dave Thornton presented a brief history of the CUP approval. Staff felt there was sufficient reason to believe that some of the original conditions were not valid nor needed today, and the owner is requesting that the City reconsider the County's conditions. Revised City conditions include the following:

1. An air quality permit must be maintained from the Colorado Health Department.
2. Hours of operation shall be daylight to dark, Monday through Saturday.
3. A 100-foot setback shall be maintained adjacent to and along the Colorado River.
4. For one (1) year following the approval of this CUP by the City Planning Commission, any complaint referred to the City regarding the original Mesa County approval and/or conditions of approval for this CUP shall require formal presentation and action by the City Planning Commission. Such action may result in amending this CUP.

Mr. Thornton also recommended that the CUP be approved with only those conditions enforceable by the City and that all references made for various review, approval and/or enforcement action by Mesa County Departments be now subject to the review, approval and/or enforcement by corresponding City of Grand Junction Departments, where applicable.

**QUESTIONS**

Chairman Elmer asked if City staff condition 4. was included because of the operation's proximity to the neighbors, to which Mr. Thornton replied affirmatively.

**PETITIONER'S PRESENTATION**

Greg Hoskin felt that the City's conditions for the CUP were more reasonable than those imposed by the County. He stated that de-annexation was being sought for this property as well on the same grounds as the property owned by United Companies.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

There was general agreement over the conditions proposed by City staff.

**MOTION: (Commissioner Driscoll) A Mr. Chairman, on item CUP-96-96, I move that we approve the Conditional Use Permit with the conditions listed in staff's report.@**

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

**CUP-96-97 CONDITIONAL USE PERMIT--SALVAGE OPERATION**

**Request for a Conditional Use Permit for a salvage/recycling operation and pipe storage in a proposed I-2 (Heavy Industrial) zone district.**

**Petitioner: Emmett and Helen Bonner****Location: 2365/2373 River Road**

**STAFF PRESENTATION**

Mike Pelletier briefly outlined the previous County conditions of approval and indicated that, of the seven listed conditions, the petitioner had not met conditions 3., 4., 5., and 7. The road improvements recommended in condition 5., he continued, didn't seem to make sense, since no road existed at the referenced location, rather a vacant lot. The petitioner agreed to check into this discrepancy.

Chairman Elmer asked if the access were needed for any landlocked parcels in the area. Mr. Thornton responded that only an easement existed on the vacant lot. It was unclear to staff if it had been intended for a dedicated right-of-way. Staff felt that this condition could be deleted.

Staff recommended approval of the CUP subject to the conditions as approved by the County; however, all references made for various review, approval and/or enforcement action by Mesa County Departments be now subject to the review, approval and/or enforcement by corresponding City of Grand Junction Departments, where applicable.

**PETITIONER'S PRESENTATION**

Emmett Bonner, petitioner, said that the easement used to lead to a house once present on the property. He said that he had a legal description of the easement available.

**QUESTIONS**

Commissioner Halsey asked for clarification on the references made by staff to non-compliance with County conditions of approval. Mr. Bonner indicated that relative to condition 4., the building footprint was different. He'd constructed the building in a different location than was originally approved but had secured a building permit prior to construction. He didn't think anything else was needed.

Mr. Thornton said that the Final Plat had never been recorded, although, with the petitioner having already been in business for years, it may now be irrelevant.

Mr. Pelletier added that the original County condition for drainage mitigation was too ambiguous and unenforceable by the City. Also, it was unclear whether the limited landscaping present in front of Mr. Bonner's property met the intent of the landscaping berm requirement, but in the limited space available, the berm may not be a desirable feature.

Chairman Elmer wondered if any of the County's conditions were necessary. Mr. Shaver commented that the site conditions should be verifiable. Recordation of the Plat would be of legal significance to Mr. Bonner's property and he recommended that this still be required. The other conditions pertaining to safety or aesthetics could be kept, discarded, or amended at the Commission's discretion.

Discussion ensued over the County's conditions. Mr. Thornton suggested amending 2. to reflect approval of the one existing curb cut; that item 3. reflect that the landscaping be maintained; item 4. should be deleted, since the building footprint is different than the one originally proposed; condition 7. may require that Mr. Bonner obtain a new survey and site description.

Mr. Shaver said that the platting process would clarify and resolve the easement question.

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**DISCUSSION**

Commissioner Driscoll asked for clarification from staff on the conditions. The following suggestions were recommended: 1., remains as written; 2., AThe curb cuts shall be limited to just the one existing cut.; 3.,

that the words "AA landscaping berm shall be developed..." be eliminated and replaced with "ALandscaping shall be maintained..."; 4., changed to read, "AThe existing location of the building footprint and driveway location is allowed."; 5., eliminated; 6., eliminated; 7., remains as written.

**MOTION: (Commissioner Driscoll) "Mr. Chairman, on item CUP-96-97, I move that we approve the CUP with modified recommendations as follows: 1., remains as written; 2., "AThe curb cuts shall be limited to just the one existing cut."; 3., that the words "AA landscaping berm shall be developed..." be eliminated and replaced with "ALandscaping shall be maintained..."; 4., change to read, "AThe existing location of the building footprint and driveway location is allowed."; 5., eliminated; 6., eliminated; 7., remains as written."**

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

**CUP-96-124 CONDITIONAL USE PERMIT--GRAVEL OPERATION**

**Request for a Conditional Use Permit for a gravel mine, batch and asphalt plant, crusher and material storage in an I-1 (Light Industrial) zone district.**

**Petitioner: Parkerson Construction, Inc.**

**Location: 598 - 23 1/4 Road**

**STAFF PRESENTATION**

Dave Thornton provided a brief history of the CUP as approved by the County, noting various inconsistencies contained in the County's approval. Staff recommended that the CUP be granted for both the 36-acre parcel and the 11 acre parcel. The CUP shall allow for both parcels other gravel uses including the following: sand and gravel extraction, processing and storage and ancillary uses, which shall include heavy equipment storage, stockpiling of materials to be used to refill any pit or pits created by the extraction process, location of modular units of offices related to such operation, weigh stations, and storage, periodic installation, operation and storage of an asphalt plant and/or concrete batch plant and temporary storage of construction supplies used in the operation of a dirt moving contractor. Such uses are subject to obtaining the appropriate permits from the State of Colorado. The right to such uses under this Conditional Use Permit shall not be affected by non-use for any period of time. All such uses shall require only an administrative plan review and approval by City staff. Gravel extraction shall occur only on the 34 permitted acres as approved by the State of Colorado (permit #M-90-094).

**PETITIONER'S PRESENTATION**

Greg Hoskin, attorney representing the petitioner, offered nothing further.

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (Commissioner Halsey) AMr. Chairman, on item CUP-96-124, the Conditional Use Permit for gravel extraction, batch and asphalt plant, crusher, and material storage in a Light Industrial (I-1) zone at 598 - 23 1/4 Road, I move that we approve this per staff recommendations.@**

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

**CUP-96-125 CONDITIONAL USE PERMIT--GRAND JUNCTION CONCRETE PIPE**

**Request for a Conditional Use Permit for gravel crusher and storage, asphalt hot plant and a concrete batch plant.**

**Petitioner: Ed Settle, GJ Concrete Pipe Company**

**Location: 621 - 23 Road**

**STAFF PRESENTATION**

Mike Pelletier presented a brief history of the County's CUP and related conditions. Conditions included:

1. The applicant must meet all the requirements of the State of Colorado, including the Health Department, in the operation.
2. The asphalt plant shall be operated for a temporary period not to exceed six months without again coming before the Board for a further extension of time.
3. The reclamation of the land shall occur under applicable laws and to the extent practicable for the nature of the operation under those laws.

4. Traffic in and out of the site shall be limited to 23 Road.
5. Operations shall be conducted only between the hours of 7 a.m. and 8 p.m. and for no more than six days a week, Sunday excluded.
6. The applicant should investigate the use of an electric pump for the pit and, failing the practicability of this, the pump shall be located as far from neighbors as possible with effort being made to reduce the noise.
7. The matter be reviewed at the end of the six-month period.

Of the seven County conditions of approval listed, staff recommended that 2. and 7. be deleted but recommended that all other conditions be required. In addition, staff recommended that a new condition be added to read, "It is not necessary to reobtain a CUP after one year, even where the operation has been dormant for that period or longer."

#### **PETITIONER'S PRESENTATION**

The petitioner offered nothing further.

#### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (Commissioner Halsey) Mr. Chairman, on item CUP-96-125, Conditional Use Permit for gravel extraction and processing, and an asphalt batch plant in a Light Industrial (I-1) zone at 621 - 23 Road (as corrected by staff), I move that we approve this with staff modified recommendations and conditions as presented this evening.**

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

A brief recess was taken at 10:10 p.m. The hearing reconvened at 10:17 p.m.

### **V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL**

#### **RZF-96-76 REZONE AND PRELIMINARY PLAN--123 NORTH 7TH STREET**

**Request to rezone 123 North 7th Street from B-3 (Retail Business) to PB (Planned Business) and for Preliminary Plan approval for a new parking lot and addition of two stories to the existing building for office/retail space.**

**Petitioner: 123 Group L.L.C.**  
**Location: 123 North 7th Street**  
**Representative: Ed Chamberlin, Chamberlin Architects**

#### **STAFF PRESENTATION**

Kristen Ashbeck reviewed the proposal and listed a number of uses which would be allowed in the proposed planned zone. With the proposed two-story addition the building would be 67 feet in height, consistent with other buildings in the downtown area. She felt the proposal would add parking spaces to the downtown area during peak hours and would provide the petitioner additional spaces for prospective tenants. Staff would be willing to reduce the overall landscaping requirement provided that a minimum 5-foot strip of landscape/streetscape is planned, whether in the right-of-way or on private property along both Rood Avenue and 7th Street. The landscape strips are necessary to screen and buffer between the sidewalk and parking area as well as enhance the site. Minimum sidewalk width for Rood Avenue must be 5 feet and for 7th Street, 6 feet.

The first of two phases of construction would include placement of street trees in the rights-of-way on both 7th Street and Rood Avenue and provide some landscaping to deter traffic from entering the lot from the existing curb cuts on both streets. The second phase would include completion of the following (either by the developer or by the 7th Street Improvements Project, whichever comes first): 1) landscaping in the strips along Rood Avenue and 7th Street; 2) landscaping at the corner of 7th and Rood; 3) on-site landscaping near the building; 4) reconstruction of the sidewalk along 7th Street; and 5) close the curb cuts on 7th Street and Rood Avenue. To alleviate staff\*s concern that the 7th Street Project may not include improvements on Rood Avenue, staff recommends that proposed landscaping along Rood Avenue be provided as part of Phase 1.

Ms. Ashbeck listed two of the options the Commission might consider regarding the requirement of landscape/streetscape/public improvements. These included: 1) to require all of the improvements with approval of Phase I (all landscaping on and off-site, sidewalk replacement along 7th Street, and closure of one curb cut on 7th Street and one curb cut on Rood Avenue); or 2) require only some of the improvements with approval of Phase 1 (landscaping only along Rood Avenue, some landscaping along 7th Street to deter use of the existing curb cut, and placement of street trees on both Rood and 7th Street). Assume the remaining improvements (landscaping near building and at the corner of 7th and Rood, further landscaping along 7th Street, replacement of sidewalk along 7th Street, and closure of one curb cut on 7th Street and one curb cut on Rood Avenue) will be required with Phase 2. Staff supports option 1 and provided for phasing of the project while still guaranteeing the improvements.

The four scenarios on how guarantee of this project could proceed are outlined below but detailed in staff report dated June 4, 1996. They include:

1. Require all improvements by developer--constructed or guaranteed for a maximum of one year.
2. Require all improvements by developer--guarantee for Phase 2 improvements would be City CIP.
3. Require all improvements by developer--guaranteed with Phase 1 but some may be constructed in up to five years (or with 7th Street Project, whichever occurs first).
4. Require all improvements by developer--guaranteed phased with project.

Staff recommends approval of the rezone from B-3 to PB and the Preliminary Plan for the 123 North 7th Street project with the following conditions:

#### **REZONE**

1. Uses allowed as outlined in the staff report.
2. Bulk requirements: Height: Sixty-seven (67) feet; front yard setback, ten (10) feet; side and rear yard setbacks, zero (0) feet.
3. Signage shall be limited to a single monument sign, with the name and address of the building only, no greater than 15 feet in height with a maximum size of 185 square feet per face. A directory of building tenants shall be placed inside the building. The monument sign shall not be illuminated.

#### **PRELIMINARY PLAN**

1. Submittal of a Final Plan for administrative review prior to Phase I Planning Clearance to include a

landscape/streetscape/public improvements plan of the entire site (both on-site and in the right-of-way) in order to be able to determine costs for the guarantee of said improvements.

2. The landscape/streetscape improvements shown on the plan along with both 7th Street and Rood Avenue shall provide immediate effective visual screening of vehicles parking on the property and buffer area between the parking lot and pedestrians in the public rights-of-way (e.g., a combination of low walls and shrubs).
3. The first phase of the landscape/streetscape plan shall include some area within the proposed landscape strip along 7th Street in order to deter use of the curb cut that will remain until Phase 2 is completed.
4. Since it is unknown whether the 7th Street project will include any improvements to Rood Avenue, Phase I of this project shall include completion of the following: 1) all landscape/streetscape improvements along Rood Avenue (length of entire 5-foot strip), including closure of the curb cut on Rood Avenue; 2) landscaping within the 5-foot strip to deter use of the Rood Avenue curb cut; and 3) placement of street trees along 7th Street. The improvements listed above must be guaranteed and completed within one year of Phase 1 parking lot improvement.
5. An Improvements Agreement and Guarantee for Phase 2 improvements shall be required with Phase 1 and include the following improvements: 1) completion of the screening walls and landscape treatment along 7th Street; 2) sidewalk replacement along 7th Street; 3) closure of the curb cut on 7th Street; and 4) landscaping in the square landscape area at the corner of 7th and Rood. Guarantee for Phase 2 improvements shall be for a maximum of six years. If the 7th Street Improvement Project is not completed by the end of five years, the developer shall be required to complete all public and private improvements as specified on the plan approved through the Final Plan process.

### **QUESTIONS**

Commissioner Halsey asked why staff was recommending an administrative review of the Final Plan. Ms. Ashbeck cited a recent precedent but added that Commission input would be helpful in resolution of some of the outstanding issues.

Commissioner Driscoll asked if staff was really recommending a 6-foot sidewalk width along 7th Street as indicated in the staff report, to which Ms. Ashbeck replied affirmatively.

When asked by Chairman Elmer how the improvements guarantee tied in with the 7th Street Improvements Project, Ms. Ashbeck provided additional clarification.

Commissioner Driscoll asked how the guarantee would be implemented, to which Mr. Shaver replied that it would come in the form of a Letter of Credit, Bank Disbursement Agreement, or similar instrument.

### **PETITIONER\*S PRESENTATION**

Ed Chamberlin, representing the petitioner, acknowledged that the present site is a blight on the downtown area. It was felt that the proposal would significantly improve the property, but thought that to require the landscaping before the parking lot improvements were completed was unreasonable. He asked Commissioners to allow discussions to continue between himself and City staff on this point. It was unclear, he continued, what the 7th Street Improvements Project would contribute. He also wasn't sure what to include in the design to meet staff\*s requirement for visual screening, since he felt it possible that anything put in may be later torn out in the 7th Street Improvements Project.

Chairman Elmer asked Mr. Chamberlin to address the rezone criteria, to which Mr. Chamberlin said that he was not ready at this time to do so.

Chairman Elmer asked why the petitioner was proposing to begin this phase now. Was it to be funded by the DDA? Mr. Chamberlin said that the site was unsightly and he wanted to clean it up. He added that he was presently working with the DDA to garner its support.

Commissioner Halsey asked why there would be DDA support for additional downtown parking when there seemed to be an excess already in existence. Mr. Chamberlin said that Barbara Creasman, DDA Director, indicated that the subject area was tight for parking. He indicated that he was presently collecting affidavits from other businesses in the area who disagreed with statements that there was a surplus of parking in the subject area.

When asked by Commissioner Halsey if parking was an appropriate use for the 7th Street corner, Mr. Chamberlin indicated that his building's tenants needed the parking. Both he and other Commissioners pointed out the locations of other parking lots near the 7th and Rood location.

Mr. Shaver asked for specifics regarding the project reference to a deed restriction. Chairman Elmer suggested that it may have something to do with the hours of operation. Mr. Chamberlin answered that he included it because it was noted in a letter received from the DDA. No further action or investigation had been undertaken, but this point would be worked out.

### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

### **DISCUSSION**

Commissioner Halsey indicated that he felt the Commission should be involved in the decision for the Final Plan.

Chairman Elmer shared concerns over another parking lot being constructed on 7th Street but added that it was consistent with others already there in the same area.

Commissioner Halsey expressed concern over the extensive damage of the 7th Street sidewalk. He would like to see it repaired.

Chairman Elmer said that improvements such as landscaping and sidewalk improvements have always been conditioned with a given project; he didn't feel that sufficient argument had been made to warrant delay of the improvements. In addition, no evidence had been proffered to show that an additional parking lot would provide significant community benefit. Thus, he felt that all landscaping and sidewalk improvements should be required with Phase 1 of the project.

Commissioner Halsey agreed and concurred with staff that the height allowance of 67 feet seemed appropriate. He said that he'd have had more concerns if the project had been located further to the west, due to the potential for impacts to view corridors.

**MOTION: (Commissioner Coleman) A Mr. Chairman, on item RZF-96-76, a request for a rezone from Retail Business (B-3) to Planned Business (PB) and a Preliminary Plan for the property located at 123 North 7th Street, I move that we forward the item to City Council with the recommendation of approval subject to staff's recommendations, with the addition that the Final Plan should come**

before Planning Commission.@

No second was made, and the motion died.

**MOTION (Commissioner Halsey) A Mr. Chairman, on item RZF-96-76, a request for a rezone from Retail Business (B-3) to Planned Business (PB), I move that we forward this to City Council with recommendation of approval, and subject to staff recommendations for the rezone.@**

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

There was a long pause wherein no motion on the Preliminary Plan was offered. Chairman Elmer asked Mr. Shaver for his opinion on proper procedure in such an instance. Mr. Shaver suggested that the Commission allow for additional discussion, if necessary.

**MOTION: (Commissioner Halsey) A Mr. Chairman, on item RSF-96-76, the Preliminary Plan for the property located at 123 North 7th Street, I move that we approve the Preliminary Plan subject to staff comments and subject to completion of all landscaping requirements and sidewalk and curb cut improvements in Phase 1, and allowing the Commission to review the Final Plan (as amended).@**

Commissioner Coleman seconded the motion.

Chairman Elmer suggested adding a provision to the motion to allow for Commission input in the Final Plan decision.

Ms. Ashbeck asked for further clarification on whether the motion included only landscaping requirements or all recommended improvements, to include sidewalk and curb cut.

Commissioner Halsey agreed to amend his motion to reflect the requirement for all improvements, as recommended by staff, and the provision suggested by Chairman Elmer. Commissioner Coleman seconded the amendment.

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

#### **RZ-96-112 REZONE -- 1001 PATTERSON ROAD**

**Request to rezone 1001 Patterson Road from B-1 (Neighborhood Business) to B-3 (Retail Business)**

**Petitioner: Patricia Tugman**

**Location: 1001 Patterson Road**

**Representative: Pat Edwards, REMAX 4000, Inc.**

Commissioner Coleman indicated that he was acquainted with the petitioner\*s representative, but he did not feel that the acquaintance would compromise his participation in an impartial consideration of this item. With no opposition expressed by other Commissioners, the hearing continued with Commissioner Coleman present.

#### **STAFF PRESENTATION**

Michael Drollinger noted the site location on maps provided and briefly outlined the request. Staff concerns included the substantial increases in traffic volumes that would accompany the relocation of the liquor store and the constrained on-site circulation which patrons and delivery vehicles would be required to utilize.

Traffic increases resulting from the liquor store were estimated at approximately 60 percent. The circulation concerns involved the proposed parking at the front of the store. Customers backing out of parking spaces may encroach into the eastbound right lane of Patterson Road, creating a potential safety problem for the store's customers and vehicles traveling along Patterson Road. In addition, no accommodation was made for Patterson Road pedestrians in the proposed design. Staff recommended that the petitioner redesign the parking spaces to be parallel, with a 6-foot pedestrian way designated for pedestrians and dedicated as right-of-way. The petitioner was also remiss in providing information on how delivery vehicles would be accommodated.

Jody Kliska, City Development Engineer, elaborated on the City's position with regard to traffic mitigation and presented data on the number of trips generated by the uses proposed. She also noted that the number of pedestrians traveling along the south side of Patterson Road was increasing; thus, concern for safety was paramount. She stressed the need for parallel parking spaces and additional sidewalk to accommodate pedestrian traffic.

Ms. Kliska also pointed out that the proximity of the proposed liquor store to the Grand Valley Canal constrained the access and turn-around area in the rear of the business needed for delivery vehicles.

Mr. Drollinger indicated that the proposal did not meet the *Code* requirements for rezone requests, nor did it meet the intent of the *Patterson Road Corridor Guidelines*. Due to the intensification of uses permitted by the rezone, staff believed that approval would have a negative impact on Patterson Road and that the on-site constraints would serve to compound the problem. Denial of the request was recommended; however, should the Commission choose to approve the application, the following conditions, at a minimum, should be a part of the approval:

1. Removal of the 45 degree spaces on the north side of the parcel replaced by parallel spaces (resulting in a net loss of three spaces which also results in the parking requirements no longer being met). The net gain in aisle width will be partially offset by the requirement to provide for a 6-foot pedestrian way along the Patterson Road frontage (see next condition). The petitioner shall be required to seek additional spaces to meet the parking requirement.
2. The petitioner shall be required to provide a 6-foot-wide pedestrian way along the Patterson Road frontage which will require the relocation of proposed landscaping and dedication of adequate right-of-way.
3. Dedication of a pedestrian easement from the existing pedestrian bridge to Patterson Road is required in an alignment acceptable to City staff.
4. An easement shall be provided for the existing storm drain on the property.
5. All required parking and maneuvering areas shall be paved as required by the *Zoning and Development Code*.
6. The petitioner shall use turning templates to determine the required maneuvering areas around the building (especially the southeast corner). The circulation design shall be subject to approval by the Development Engineer.
7. The site plan must clearly indicate where painted arrows and other traffic control signs are proposed. Staff requires, at a minimum, that the site driveways be adequately signed and striped (not presently indicated on plans).
8. The proposal will require a Change of Use review prior to occupancy by the petitioner.

**QUESTIONS**

Chairman Elmer noted that no mention of the number of spaces required was made versus what was available. Mr. Drollinger answered that 25 spaces would be required. The design reconfiguration would result in a loss of two spaces from the original design depicting 27 spaces.

**PETITIONER\*S PRESENTATION**

John Williams, attorney representing the petitioner, provided a brief history of the petitioner\*s former location at 12th and Patterson. He indicated that the petitioner had originally received favorable feedback from the Planning Department on the proposed location; thus, the recommendation for denial from staff came as a surprise. The liquor license had been approved for the location, conditioned upon the City\*s approval for the rezone request. Packets containing information on the request were passed out to Commissioners.

A revised site plan included revision of the parking layout for 25 spaces, incorporating staff requirements for parallel parking in the front and the 6 foot pedestrian way. Mr. Williams disagreed with Ms. Kliska\*s trip generation figures and offered the following to suggest fewer trips. The site plan indicated a retail floor space of 2,000 square feet (with a storage area of 1,200 square feet), not the 3,200 square feet that Ms. Kliska used for her retail trip generation figures. Using these figures, he continued, the number of trips would only increase from 181 per day to 185 per day. He noted that Centennial Liquors had been located across the street, and with its closure, he felt that traffic counts would remain comparatively even. Mr. Williams drew comparisons between the current proposal objections and the fact that no comments or objections had been raised when Quizno\*s restaurant was proposed for a vacant lot.

Chairman Elmer commented that Quizno\*s was considered under an administrative site plan review and did not go before the Commission with a rezone request.

Mr. Williams said that perhaps the largest delivery truck accessing the site would be 40 feet long. He said that Central Distributing had been asked to review the plan; their comments indicated that there would be no difficulty accessing the site.

With regard to the rezone criteria, he felt the current proposal was in keeping with the business zoning which had been in place since 1980, and that the business *would* provide a community benefit. Further, he felt that the area was increasing in business uses, and he noted that the City\*s liquor license survey garnered no neighborhood opposition.

In summary, Mr. Williams felt that the plan was compatible to the *Patterson Road Corridor Guidelines* and that staff concerns had been satisfactorily addressed.

**QUESTIONS**

Chairman Elmer asked for clarification on the current status of the existing apartments. Mr. Williams said that the apartments were compatible in a B-1 zone but would be incompatible in a B-3 zone. He added that the plan called for removal of the apartments.

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**DISCUSSION**

Commissioner Halsey said that while he appreciated the input on revised traffic figures from Mr. Williams, he felt that he must go along with the Development Engineer\*s figures. He acknowledged that even though there may be a need for a business of this type in the subject area, he felt that the proposed location was not

suitable, given staff and engineering concerns.

Chairman Elmer concurred, saying that the current proposal could not necessarily be compared to a plan approved in 1980. He empathized with the petitioner's search for a suitable area for her business, but questioned the actual benefits derived by the community from the proposed use. In addition, he felt that to approve the rezone would be to allow spot zoning, which was contrary to City policy. Chairman Elmer felt that the direction of staff and the Development Engineer should be followed.

Commissioner Driscoll concurred with previous statements.

**MOTION: (Commissioner Halsey) AMr. Chairman, on item #RZ-96-112, a request for rezone, I move that we forward this on to City Council with recommendation of denial.@**

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

A question was raised over the language of the motion. Mr. Shaver suggested restating the motion.

**MOTION: (Commissioner Halsey) AMr. Chairman, on item #RZ-96-112, a request for rezone, I move we deny the request.@**

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

With regard to the following item, Dave Thornton offered to provide an overview of the zone of annexation request, but suggested that the next item, RZP-96-45, Rezone and Preliminary Plan for Fall Valley Subdivision, be opened up for consideration since the zone of PR-7.6 was contingent upon the approval of Fall Valley Subdivision. This was acceptable to the Commission and Chairman Elmer opened up both items simultaneously for consideration.

Commissioner Driscoll excused himself from consideration of the next two items due to a potential conflict of interest.

#### **ANX-96-58 ZONE OF ANNEXATION--HETZEL**

**Request to zone land consisting of approximately 29 acres which is currently being annexed to the City of Grand Junction to PR-7.6 (Planned Residential with a density not to exceed 7.6 units per acre).**

**Petitioner: Kenneth Hetzel**

**Location: East of 25 2 Road, between F 2 and F 1/4 Roads**

#### **RZP-96-45 REZONE AND PRELIMINARY PLAN--FALL VALLEY SUBDIVISION**

**Request to rezone from RSF-4 (Residential Single Family with a density not to exceed 1 unit per 5 acres) to PR-7.6 (Planned Residential with a density not to exceed 7.6 units per acre) and for 288 units on approximately 37.93 acres of land consisting of 49 single family units, 189 single family units of patio homes, and 50 multi-family units in duplexes and four-plexes.**

**Petitioner: John Davis**

**Location: East of 25 2 Road, south of F 2 Road, and north of F 1/4 Road**

#### **STAFF PRESENTATION**

Dave Thornton said that an annexation agreement had been signed by the developer making the annexation

contingent upon approval of the zoning and development plan. He added that the City was under no compulsion to approve either the zone or the plan.

Michael Drollinger continued with the presentation, noting the location of the site and surrounding land uses on maps provided. He outlined the proposal and pointed out the stub street proposed for the southeastern portion of the subdivision. Additional right-of-way for F 2 Road would be dedicated with the development and the petitioner would also be required to construct half-street improvements along 25 2 Road with a minimum 22-foot pavement mat.

A traffic study has been submitted to staff for review. The report concluded that no improvements were required to the adjacent street network (intersection of 25 2 and Patterson Roads) to accommodate the proposed development and staff concurred with those conclusions. Staff felt that the rezone request was supported by the rezone criteria and suggested recommending approval, subject to the following conditions, at a minimum:

1. The completion of 25 2 Road improvements shall occur concurrent with the development of Filing #2, not Filing #4 as proposed by the petitioner.
2. The proposed open space in the Northeast corner of the project shall be reconfigured in a manner which makes the space more visible and accessible from adjoining streets. The petitioner shall also incorporate into the CC&R\*s a provision which limits the fence height in the rear of the lots abutting the open space to 3 feet.
3. Based on discussions with staff, the petitioner shall redesign the duplex and four-plex designs, to staff\*s satisfaction, to reduce the amount of pavement area by providing for a more efficient parking configuration.
4. The four-way intersection proposed at the Southeast corner of the site shall be reconfigured to eliminate the stub to the South because of awkward geometry.
5. The petitioner shall be required to detail the amenities proposed for the open space areas at the time of Final Plat/Plan submittal.

### **QUESTIONS**

Commissioner Halsey asked Ms. Kliska if she had any input on staff condition 4. Ms. Kliska acknowledged the awkward geometry and expressed a general concern for safety.

Chairman Elmer asked if there was a need for the stub street to the South. Mr. Drollinger said that it would be the only access to the property from F 1/4 Road. He added that in lieu of extending the F 1/4 right-of-way along the southern boundary of the property, the petitioner proposed to jog it up slightly in order to be able to utilize the frontage of what would be the extension of F 1/4 Road for the units on both sides (referred to map).

Chairman Elmer asked if the City had any issue with the sewer capacity for the development. Mr. Drollinger answered that the Utilities Engineer reviewed the proposal and determined there to be sufficient capacity for the proposed density.

Chairman Elmer asked about the compatibility and buffering of this proposal to the industrial property to the West. Mr. Drollinger said that the collector road provided an initial buffer. The petitioner would also be required to provide fencing and landscaping for the rear of the lots abutting the Planned Industrial zone. He added that the lots in the Foresight Park were large and buildings were located in the rear portions of the

lots. Mr. Drollinger didn't feel that there would be a compatibility issue between the two land uses.

Chairman Elmer asked for clarification on the number of parking spaces allowed and the proposed street design, which was provided.

Chairman Elmer asked how much useable land area would be available for the park versus what would be used for the detention basin. Mr. Drollinger said that, overall, the detention areas were relatively shallow, so that the ponds themselves would provide park-like amenities. Also, there seemed to be enough usable area available to construct other amenities as well.

Chairman Elmer asked about proposed lot sizes for the single family units. Mr. Drollinger suggested that the question be asked of the petitioner.

### **PETITIONER\*S PRESENTATION**

Ward Scott, representing the petitioner, began by saying the single family lots would be 6,800 square feet, at a minimum, similar to single family lots to the north of the parcel. Mr. Scott acknowledged the uniqueness of the area and felt that the higher density units would be compatible to the adjacent Planned Industrial property. Mr. Scott said that additional information had been provided at the Preliminary Plan development stage, although some of the data was not required until the Final Plan stage. He detailed the specifics of the proposed units, adding that maintenance of landscaping for the patio homes would be maintained by a Homeowners Association. He pointed out that the density proposed was lower than what would have been allowed.

With regard to the half-street improvements along 25<sup>th</sup> 2 Road, he proposed to complete this during the first six months of Phase 3 or not more than three years following the initial approval for the first phase, whichever occurred first. Mr. Scott noted an error on the map and clarified that a 15-foot landscape and sidewalk approach was proposed in the north corner where a pond and park were planned. The planned four-way intersection at the entrance would give access to the Mustang Broadcasting property. If it became necessary to change the configuration, Mr. Scott felt that this could be worked out with staff.

In summary, Mr. Scott felt that the project would provide a need for additional close-in housing and reiterated the lowered density and intent to comply with staff recommendations.

Mr. Drollinger passed out copies of letters received by area residents opposing the proposal.

### **PUBLIC COMMENTS**

#### **FOR:**

Kenneth Hetzel (514 Riverview Drive, Grand Junction) said that the property has been very expensive to retain and said that it was more suited to development than agriculture.

Sharon Vaughn with Coldwell Banker (449 W. Scenic Drive, Grand Junction), representing Mr. and Mrs. Foreacre who owned property in the west portion of the proposed subdivision. They felt the development was compatible with surrounding uses and urged approval.

#### **AGAINST:**

Robert Leachman (627 Braemer Circle, Grand Junction), owner of 12 acres to the east of the proposed subdivision, expressed concern over the loss of agricultural lands, loss of neighborhood character and quality of life, impacts to wildlife, increased traffic and decreased safety of pedestrians, the narrowness of the petitioner\*s proposed street design and the potential for traffic to use Braemer Circle (a dirt road) as an alternative access. He requested denial of the proposal and any future rezone requests until the following

were completed: 1) extension of 25<sup>th</sup> Road from Patterson to F<sup>2</sup> Road; 2) widening F<sup>2</sup> Road from 25<sup>th</sup> Road to 26<sup>th</sup> Road to City standards and include bike paths; 3) sidewalks should be installed on both sides of F<sup>2</sup> Road from 25<sup>th</sup> Road to 26<sup>th</sup> Road; 4) include public open space in the immediate area to accommodate the anticipated growth; 5) construct a pedestrian overpass over Patterson Road at 25<sup>th</sup> Road to allow the safe crossing of school children. Mr. Leachman couldn't understand why traffic would be viewed as such a significant factor in the previous proposal to relocate a liquor store, yet not be given the same consideration for a project with close to 300 units. He disagreed with staff statements that F<sup>2</sup> Road was an adequate access for a project of this size.

Tom Buescher (624 - 26<sup>th</sup> Road, Grand Junction) also expressed concern over the traffic and speeds of vehicles traveling along Patterson Road. He felt the proposed development would only exacerbate the current traffic problems in the area.

Chris Clark (625 Meander Drive, Grand Junction) felt that this proposal mirrored the previous period of rapidly-built high density housing of the late 70s and early 80s constructed for a transient population. He expressed traffic, safety, pedestrian, and density concerns similar to those stated by Mr. Leachman and Mr. Buescher. He said that even though the proposal was lower in density than what could have been allowed, there would be a significant impact to the area in going from a vacant field to 300 units. He noted the other subdivisions which had recently been approved or were currently under consideration, adding that the area was undergoing a significant change of character with all of the new subdivision proposals. He suggested the Commission take a more pro-active position and view the long-term impacts of such a development on existing neighborhoods.

Gene Taylor (633 Catcher Lane, Grand Junction), owner of 5 acres to the east of the development proposal, said that Mr. Scott wouldn't have the same problems with the drainage ditch as he had. He also stressed what he felt was the incompatibility of the proposal to surrounding neighborhoods. He didn't feel that averaging the density over the entire proposal reflected the true impacts of those higher density units. He also asked for clarification on the size of the proposed detention ponds (which was deferred due to Preliminary status of the proposal) and expressed concern over school impacts.

Connie Kelly (629 Fletcher Lane, Grand Junction) expressed concern over the visual impacts of the proposal and the impacts of placing approximately 1,000 persons in a small land area. She urged the Commission to consider quality of life issues.

James Bates (626 Fletcher Lane, Grand Junction) said that with an estimated population of 1,200 persons at build-out (his figures), the two cars per household would add an incredible impact to Patterson Road. He suggested the petitioner resubmit the plan at a lower density.

Robin Madison (2586 Galley Lane, Grand Junction) expressed similar concerns over traffic, safety, density, and compatibility.

Adelle Swensen (2570 Galley Lane, Grand Junction) expressed concerns over the impacts of such a proposal to the area and Grand Junction as a whole.

Warren Peterson (627 Fletcher Lane, Grand Junction) concurred with previous comments.

Dalton Garlitz (631 - 26<sup>th</sup> Road, Grand Junction) concurred with previous comments.

Bev Taylor (633 Fletcher Lane, Grand Junction) expressed opposition to the proposal.

Dave Palmer (2577 F<sup>2</sup> Road, Grand Junction) concurred with previous comments, adding that an

Environmental Impact Statement should be conducted on the property. He expressed concerns over density and the loss of quality of life.

Pat Ralston (652 Young Street, Grand Junction) said that the development would attract young families with children and that surrounding the development site were dangers such as highly traveled roads, the radio tower of Mustang Broadcasting, utility yards, canals and the absence of pedestrian paths.

Dale Hollingshead (629 Braemer Circle, Grand Junction) expressed concerns over school impacts, traffic and safety for children.

### **PETITIONER\*S REBUTTAL**

Mr. Scott said that an invitation to a neighborhood meeting had been sent out but that no one from the neighborhood attended (statement later amended to indicated that the invitation had been sent to those persons who were on the City\*s notification list only). He said that the traffic study for 25 2 Road (which included F 2 Road) was performed by a competent engineer and had been forwarded on to the City without his involvement. He said that other parks were available nearby to supplement that which was being proposed for the development. Mr. Scott stated that the area of the property which was planned for the single family units was close to the density of the units directly across the street from them. He said that the \$70K-\$80K price range for the two bedroom patio homes would not be low income housing. Internal streets would be constructed to City standards, the only variation being that the sidewalks would be removed from the streets and relocated to the patio homes for the enjoyment of the residents. This would also provide for additional green space. Mr. Scott said that building heights would be that of a single family residence except on the extreme sides. He said that the rights of the property owners involved should also be considered.

### **DISCUSSION**

Commissioner Coleman felt that the density was too high for the neighborhood.

Chairman Elmer said that in reviewing the rezone criteria and available services, he acknowledged that the rezone would exceed the capacity of Pomona School. He also said that even if the Growth Plan suggested a density of 8-12 units per acre for the subject area, the infrastructure and services would have to be available to support such a density.

Commissioner Halsey concurred with school impact and density concerns.

Commissioner Halsey asked Mr. Shaver on the ramifications of Preliminary Plan denial on the proposed zone of annexation. Mr. Shaver suggested postponing the motion on the Zone of Annexation until after the motion for the Preliminary Plan.

Mr. Thornton added that if the Preliminary Plan were denied, staff could come back with another zone proposal based on a revised plan.

**MOTION: (Commissioner Halsey) A Mr. Chairman, on item RZP-96-45, a request for a rezone, I move that we forward this application to City Council with recommendation of approval.@**

Commissioner Coleman seconded the motion. A vote was called and the motion was defeated by a vote of 0-3, with all Commissioners opposing.

With regard to the zone of annexation request, Chairman Elmer asked Mr. Shaver for the basis which could be used for denying the zone of annexation. Mr. Shaver said that this could be based upon the annexation agreement contingency.

Chairman Elmer said that in keeping with the City\*s policy to zone newly annexed parcels as close to former County zoning, he recommended a zone of RSF-R.

**MOTION: (Commissioner Halsey) AMr. Chairman, on item ANX-96-58, the Zone of Annexation for the Hetzel Annexation, I recommend that we forward this on to City Council with the recommendation of RSF-R.@**

Commissioner Coleman seconded the motion.

Chairman Elmer reiterated that the recommendation was consistent with staff recommendations and that the RSF-R zone was closest in compatibility with the existing land use.

A vote was called and the motion passed unanimously by a vote of 3-0.

Commissioner Driscoll rejoined the Commission for the remainder of the meeting.

#### **TAC-96-1.10 TEXT AMENDMENT--CODE--SECTION 5-15**

**Request for an amendment to the *Zoning and Development Code* to add Section 5-15, Mineral Extraction, Washers, Crushing, Cement Batch Plants and Asphalt Plants.**

**Petitioner: City of Grand Junction**

#### **STAFF PRESENTATION**

Dave Thornton said that the amendment would include the above-mentioned uses in the *Code* where they presently did not exist. During recent annexation, businesses which conducted these activities were brought into the City limits. He noted that the proposed text amendment was generally the same as the one currently adopted by Mesa County and was familiar to existing gravel operators in the Grand Valley. Staff recommended approval of the amendment.

#### **PUBLIC COMMENT**

There were no comments either for or against the proposal.

#### **DISCUSSION**

Commissioner Driscoll felt it filled a gap in the Code. Chairman Elmer concurred.

**MOTION: (Commissioner Coleman) AMr. Chairman, on item #TAC-96-1.10, a text amendment adding Section 5-15 (Mineral Extraction, Washing, Crushing, Cement Batch Plants and Asphalt Plants) to the Zoning and Development Code, I move that we forward this on to City Council with the recommendation of approval.@**

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

#### **VI. GENERAL DISCUSSION**

Mary Huber (580 2 Melrose Court, Grand Junction) felt that the last item was reminiscent of the Clifton annexation. She expressed concern that the City was moving too fast to annex areas without an appropriate zone. She urged the Commission to slow down and consider the long-term ramifications.

Dave Thornton said that M.K. Centennial, consultant for the North-South corridor study, had scheduled a joint City/County Planning Commission hearing on August 8 to allow for review of their findings.

The hearing was adjourned at 1:50 a.m.