

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - October 1, 1996
7:08 p.m. to 10:15 p.m.

I. CALL TO ORDER

The regularly scheduled Planning Commission hearing was called to order at 7:08 p.m. in the City/County Auditorium by Chairman John Elmer.

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

In attendance, representing Community Development Department staff, were: Kathy Portner (Acting Director), Bill Nebeker (Sr. Planner), Kristen Ashbeck (Associate Planner), and Mike Pelletier (Associate 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 30 interested citizens present.

II. CONSIDERATION OF MINUTES

MOTION: (Commissioner Driscoll) ∅Mr. Chairman, I move that we approve the minutes of the September 3 meeting. ∅

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

MOTION: (Commissioner Driscoll) ∅Mr. Chairman, I move that we approve the minutes of the September 10 meeting.

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer indicated that item RZF-96-194 had been pulled from the agenda. Item PDR-96-203 would be heard on October 8. He also stated that the commission would be varying the evening*s format, with the petitioner*s presentation being first followed by staff*s presentation, public comment, petitioner*s rebuttal and commission discussion.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

MS-96-196 MINOR SUBDIVISION--DAUGHTER*S COVE

Request to subdivide approximately 1.7 acres of land zoned RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) into three single family residential lots.

Petitioner: Richard Bishop

Location: 2709 B 3/4 Road

Representative: Mark Young, MDY consulting Engineers

PETITIONER*S PRESENTATION

Richard Bishop, petitioner, said that at staff*s direction he had reduced the number of lots being requested from five to three. He expressed approval for staff*s suggested access alternative, said that the single family homes built on the lots would be in keeping with the surrounding neighborhood and agreed to comply with staff*s recommendations.

STAFF PRESENTATION

Bill Nebeker noted the site*s location on maps provided and recommended approval of the request subject to the following three conditions:

1. Revise plat to show the frontage of lot 3 centered on the centerline of Pinon Street.
2. Add a five-foot-wide multi-purpose easement along the sides of lot 1 and lot 2 for future utility extension, if necessary.
3. Remove the dedication language for the ingress-egress easement. Replace "aligns" with "assigns" in dedication language, last paragraph.

QUESTIONS

Chairman Elmer asked if there were any way potential buyers could be warned that a road might be constructed in the flagpole portion of lot 3.

Kathy Portner said that a note could be placed on the plat to read, "Further subdivision of lot 3 will require a dedication of road right-of-way within the (lot 3) neck area."

PUBLIC COMMENTS

There were no comments either for or against the proposal.

PETITIONER*S REBUTTAL

Mr. Bishop agreed to include a note on the plat warning owners of lots 1 and 2 of the potential for road construction between the two lots.

DISCUSSION

Commissioner Coleman commented that the item was straightforward.

Commissioner Driscoll said that the proposal was a good infill project. He asked for clarification on the appropriate verbiage to be used as a plat note concerning the road extension. Mr. Nebeker suggested allowing staff to formulate the verbiage which would put lot owners on notice that lot 3 had been configured to allow the possible future extension of a road and cul-de-sac.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item MS96-196, I move that we approve the Daughter*s Cove minor subdivision with staff*s recommendations and the addition of a fourth condition which would indicate that there be some language developed by staff which would notify prospective purchasers of lots 1 and 2 that there could be a road extension (between the two lots)."

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

Request for: 1) approval of a revised preliminary Plan for Cobblestone Ridges consisting of 55 single family lots on 23.65 acres; 2) for a revised Final Plat/Plan for Filing #1 for 26 single family lots on 13.713 acres; and 3) revised Final Plat/Plan for Filing #2 for 21 single family lots on 6.425 acres.

Petitioner: Steven Craven, Cobblestone Communities, Inc.

Location: Rana Road in the Ridges

Representative: Jim Langford, Thompson-Langford Corp.

PETITIONER*S PRESENTATION

Steven Craven, petitioner, referred to maps which depicted the differences between the old preliminary plan and the new configuration. The new plan for Phase 1 included the elimination of Saddleback Court, resulting in a loss of 13 lots. However, the new plan configuration would add back three of the lots lost along Saddleback Court to the one original lot proposed along Rana Road; all four lots would front Rana Road. Additionally, one lot was eliminated on Saddle Court to allow for the enlargement of other surrounding lots, diminishing the total number of lots along Saddle Court from 21 to 20. The detention pond would be moved to a low-lying portion of the enlarged open space area and bermed. The former Phase 2 would then be eliminated, with Phases 3 and 4 renamed as Phases 2 and 3, respectively.

Mr. Craven said that prior public comment seemed to be primary focused on increased traffic. He felt that this had been mitigated by reducing the total number of lots by 10.

QUESTIONS

Chairman Elmer asked if the detention pond would be located on a separate tract and maintained by the Homeowners Association, to which Mr. Craven replied affirmatively.

STAFF*S PRESENTATION

Kathy Portner added that staff would be working with the petitioner prior to recording the plat on the granting of construction easements in the open space area, to be dedicated, to allow for lot grading. The off-site path referenced in the former Preliminary Plan will be constructed in the new Phase 1. The developer will be responsible for construction of the trail; however, the City will pay for the cost of the trail off-site from the development. Staff recommended approval of the revised Preliminary Plan and Final Plan/Plat for Filings 1 and 2 with no conditions.

QUESTIONS

Chairman Elmer asked if, with the new plan configuration, there would be any way that something could be built where the previously proposed cul-de-sac had been located. Ms. Portner said that the property would be dedicated to the City as open space.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

PETITIONER*S REBUTTAL

The petitioner offered no further comment.

DISCUSSION

Both Chairman Elmer and Commissioner Vogel commented that the proposal seemed straightforward.

MOTION: (Commissioner Vogel) ¶Mr. Chairman, on item FPP-96-27-2, I move that we approve the revised Preliminary Plan and Final Plat for Filings 1 and 2.↵

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

PP-96-193 PRELIMINARY PLAN--SPRINGSIDE TOWNHOMES

Request for Preliminary Plan approval for 23 residential units (duplex and townhomes) on approximately 3.87 acres with zoning of PD-8 (Planned Development, 8 units per acre).

Petitioner: Ronald Vincent and Ray Rickard

Location: Northwest corner of 28 and Patterson Roads

Representative: Mark Young, MDY consulting Engineers

PETITIONER*S PRESENTATION

Ray Rickard, petitioner, said that the project*s density is only 23 units, 7 less than the 30 units allowed by current zoning. He provided a brief overview of the project*s specifications which included the use of shared driveways and a combination of one and two-car garages, provision of two off-street parking spaces per unit and a minimizing of %garagescape% appearances of dwelling units. Springside Court would be widened by four feet to the North and include curb, gutter, and sidewalks. The extension to the existing Springside Court would include curb, gutter and sidewalk along both sides of the road. The tract whereupon the existing irrigation facilities were located would be dedicated as a separate lot to, and would be maintained by the Homeowners Association. Mr. Rickard was amenable to constructing an off-site sidewalk along 28 Road, provided that costs were offset through TCP fees. A licensing agreement had been applied for from the Grand Valley Water Users to release, at historic rates, storm drainage into Drain D.

QUESTIONS

Chairman Elmer asked if two-car garages would be provided for all units, to which Mr. Richard said that units would include a combination of one and two-car garage designs.

Chairman Elmer noted the building envelope configurations on the submitted plan and asked for clarification on where units would be placed and would units be built according to the sizes stated in the petitioner*s narrative. Both Mr. Rickard and Ms. Ashbeck clarified this point.

STAFF*S PRESENTATION

Kristen Ashbeck began by stating that the added width to Springside Court would help bring the road up to City standards. Curb, gutter and sidewalk were required for both sides of the street. The petitioners would be allowed some flexibility to work with the Homeowners Association in securing easements along the South side of Springside Court. New sidewalk would then be connected to existing sidewalk and continue up the entire length of Springside Court to 28 Road. Staff recommended approval of the proposal, subject to the following conditions:

1. Per the note to file #87-80 dated May 25, 1994 from Kathy Portner, Springside Court be reconstructed/upgraded to current City standards, including dedication of right-of-way, its entire length, through the property or, if possible, the petitioner be given the flexibility to work with the Homeowner*s Association of Spring Valley Townhomes to provide a pedestrian pathway along the south side of Springside Court via easements from the HOA.
2. The developer construct sidewalk to City standards the length of the property frontage along the western side of 28 Road.
3. The developer provide a copy of a recorded discharge agreement with the Grand Valley Water Users Association (GVWUA)/Bureau of Reclamation (BOR) for discharge of drainage into the existing line along the northern edge of the property.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Neil Bradford (2675 Springside Court, Grand Junction), current president of the Spring Valley Townhomes Homeowners Association, said that he didn't object to working with the petitioners on the sidewalk issue, however, he said that an unresolved civil issue existed between current townhome owners and the property owners over the irrigation pond, the sidewalks along the west side of the townhomes and all related irrigation piping. Mr. Bradford elaborated briefly on the Penner-Franz foreclosure proceedings which affected the property now owned by the current petitioners. A special warranty deed had been assigned and made part of the title which was intended to protect the irrigation system against any future encroachments. Mr. Bradford wanted some assurance from the petitioners that rights to use the irrigation system for the townhomes would be protected. He asked the Commission to either postpone its decision until such assurances could be documented or requested that this be included as a fourth condition of approval.

Mr. Bradford also expressed concern that some of the proposed units seemed to be located too close to existing townhomes. He asked for clarification of the approval/appeal process, which was given.

Horry Baker (2935 Beechwood, Grand Junction) expressed concern over increased traffic and requested a light be placed at the 28 Road and Patterson Road intersection. Chairman Elmer said that one was planned for that intersection sometime in the future.

PETITIONER*S REBUTTAL

Mr. Rickard said that with only 23 units planned, there should be more available open space. Also, he said that this was the first time he'd heard about the issue mentioned by Mr. Bradford. Neither he nor Dr. Vincent had been approached by anyone from the Homeowners Association but both were amenable to meeting with the Springside Townhome owners to work out a mutually satisfactory arrangement. He suggested that this be worked out during the final plan stage.

Dr. Vincent said that the retention pond was on property he owned but he reiterated that there were no objections to working with homeowners on any unresolved issue. He concurred that this was the first time he'd heard that there were outstanding issues. Dr. Vincent said that he wanted only that the retention pond area be attractive and kept free of weeds and cattails.

DISCUSSION

Commissioner Driscoll asked what the City would require if the two parties could not agree on the sidewalk issue. Ms. Ashbeck explained that the right-of-way on the South side of Springside Court was just to the curb and no sidewalk could be built behind the curb without first obtaining the necessary easement. If no easement could be obtained, the 44-foot right-of-way would begin behind the curb.

The sidewalk would then have to be constructed in front of the existing curb which would require removing the existing curb, building the sidewalk over several manholes, and shifting things around on the site plan between 6 and 10 feet, none of which was desirable.

Commissioner Vogel asked for clarification on the comment in the petitioners' narrative which said that the City was pursuing its own discharge agreement with the GVVUA/BOR.

After a brief discussion between commissioners and the petitioners, Mr. Shaver said that the City was not currently pursuing a licensing agreement with the GVVUA/BOR. City staff had met with the BOR but they had failed to provide the City with any specific requirements; there has been no formalization of any process.

With regard to the ownership of the retention pond, Chairman Elmer asked whether the owner would be required to prove ownership to the City. Mr. Shaver replied affirmatively, adding that in this particular case, he would need additional information before being able to provide an opinion on any claims. He said that civil issues could not be decided by the Planning Commission, nor should they factor into its decision at this stage.

Commissioner Driscoll suggested the two parties work out some kind of agreement on the sidewalk and irrigation water issues, since not to do so would certainly impact the development.

Chairman Elmer agreed, adding that the 20-foot proposed setbacks were consistent with other projects in the area.

Commissioner Vogel suggested including an irrigation water agreement as a fourth condition. Commissioner Coleman said that since this was not a Commission concern, such a condition should not be included. Chairman Elmer expressed that he would like to see the condition added, but he agreed that it probably would not be bindable.

MOTION: (Commissioner Driscoll) Mr. Chairman, on item PP-96-193, Preliminary Plan for Springside Townhomes, I move that we approve the Preliminary Plan subject to staff's recommendations as Kristen stated tonight.

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

PDR-96-200 PLANNED DEVELOPMENT REVIEW--2699 UNAWEEP AVENUE

Request for Final Plan approval for auto repair garage in an existing Planned Business zone district.

Petitioner: Karl Atunes

Location: 2699 UnawEEP Avenue

PETITIONER'S PRESENTATION

Karl Atunes, petitioner, passed out copies of a question-and-answer sheet to commissioners which he read into the record. Mr. Atunes asserted that he had substantially improved the building on the subject property which made the site more attractive overall. His intention was to open a vehicle repair shop initially and put in a submarine sandwich shop as well sometime in the future. He understood that staff would be recommending denial and said that this was based on two unresolved issues--sidewalk and landscaping requirements.

Mr. Atunes passed out photos of his and surrounding properties. He argued that of all the other businesses in the immediate area, only Dixon's had any type of landscaping and that none of the other businesses had been required to install curb, gutter and sidewalk. He felt it unfair that staff should so condition his business, adding that none of the previous businesses on the site had been required to landscape and that the City intended to improve UnawEEP Avenue and install curb, gutter and sidewalk at its own expense. 27 Road is scheduled to be improved in the year 2002. Mr. Atunes wondered why did he have to bear the cost of a single section of street improvements when others in the area would have their improvements installed at no cost?

Mr. Atunes said that opening his business would benefit other local businesses and requested a waiver of the landscaping and sidewalk requirements.

QUESTIONS

Commissioner Coleman asked the petitioner if he'd checked into the pricing of landscape materials. Mr. Atunes responded that he hadn't since he was objecting to installing any landscaping whatsoever.

Commissioner Driscoll asked if the petitioner had any problem complying with the other two staff conditions, to which Mr. Atunes replied negatively.

Mike Pelletier asked the petitioner if he intended to provide screening prior to the Certificate of Occupancy. Mr. Atunes said that while finances were tight, he may be able to borrow money from relatives for this.

Mr. Pelletier said that the petitioner needed to specify the size of intended signage and indicate whether or not it would be illuminated. Mr. Atunes clarified that he intended to install a 4-foot by 8-foot, non-illuminated sign.

STAFF*S PRESENTATION

Mr. Pelletier said that two calls had been received, both requesting denial based on the intended use and aesthetics of a vehicle repair shop. He said that residences were located on the North and East sides of the property and that curb, gutter and sidewalk along 27 Road would help channel traffic entering or leaving the property. Staff recommended denial unless the petitioner could agree to the following:

1. Dedication of the required right-of-way to the City for reconstruction of UnawEEP Avenue.
2. Construction of curb, gutter and sidewalk along the subject lot*s 27 Road frontage.
3. Screening of the automobile storage area which is to be located behind the building.
4. Landscaping the entire right-of-way and 75 percent of the first 5 feet along UnawEEP Avenue and 27 Road per *Development Code* section 5-4-15.

QUESTIONS

Jody Kliska said that monies received from the petitioner would be added to funds for the UnawEEP project.

Commissioner Coleman asked if the improvements installed by the petitioner would match improvements scheduled for installation in the year 2002. Ms. Kliska said that there was always a chance of a mismatch, but because improvements would be designed as part of the UnawEEP project, the chance of this occurring would be minimized.

Chairman Elmer asked Ms. Kliska to clarify City policy regarding the funding of half-street improvements. Under the TCP section of the *Code*, she said, discretion is given to the public works director to require half-street improvements. Improvements were being requested as a standard part of the development review process.

Chairman Elmer asked if adjacent property owners would be assessed for street improvements made in the year 2002. Ms. Kliska said that they would be paid for out of the capital improvements budget; no assessment would be made.

A brief discussion ensued over the possibility of giving the petitioner credit against a TCP payment. Mr. Pelletier said that the petitioner was not required to make a TCP payment. Commissioner Coleman wondered how the petitioner could be credited if no TCP payment was required. Ms. Kliska said that the plan had changed during the review process. Mr. Pelletier said that the sub shop request had been made after Ms. Kliska*s initial review. Ms. Kliska said that she had never calculated a TCP payment for the sub shop.

Discussion also revolved around the use, whether the same use was being perpetuated. Mr. Pelletier said that the site was zoned Planned Business, although no plan could be found in the file. The property had remained vacant for the last three years and it was unclear whether any landscaping had existed on the site with prior businesses.

Commissioner Driscoll wondered why the City would require landscaping in the right-of-way when it intended to undertake extensive road improvements. Mr. Pelletier said that the landscaping would be placed in the portion of right-of-way beyond the sidewalk.

Commissioner Driscoll asked how much time the petitioner would be given to make the improvements. Ms. Portner responded that he would be given up to a year, but that a Development Improvements Agreement would be required.

PUBLIC COMMENTS**FOR:**

Don Irwin (1630 Canon Street, Grand Junction) said that he'd lived at his present address for the last 30 years and observed that no landscaping had ever been placed on the subject property. He felt the petitioner was doing a good job of cleaning up the site, that there was a need for the type of business being proposed, and he agreed that it was unfair to impose improvement requirements on the petitioner.

AGAINST:

Mike Zamora (no address given) said that the Orchard Mesa Plan discourages hodge-podge development. He expressed concern over the appearance of the site and wondered how many cars would be parked outside. He felt that the use was more appropriate for a commercially-zoned property and that approving it would set an unwanted precedent and cause surrounding residential uses to suffer.

PETITIONER'S REBUTTAL

Mr. Atunes said that the use was preexisting. He reiterated that he would be improving the property. Mr. Atunes said that the City already planned to include a 30-foot driveway into his property and offered to submit a copy of the plan, if requested. He reiterated that it was unfair that the City should make him pay for street improvements when they would be put in six years hence at no charge to him.

Commissioner Driscoll asked the petitioner if he would be able to come up with a letter of credit, given that improvements wouldn't be required for a year. Mr. Atunes said that he was already going to have to borrow money to meet the screening requirement.

DISCUSSION

Commissioner Driscoll understood that if the petitioner did not open his business and the property continued to lay vacant, the City would construct street improvements at no cost to the petitioner or adjacent property owners. Ms. Kliska concurred, adding that capital improvements were funded by sales taxes.

Commissioner Driscoll felt that the landscaping should be required but agreed with the petitioner that the street improvements should not be required if everyone else would be getting the same improvements at no cost.

Chairman Elmer commented that improvements would mitigate safety and impact issues as well as define the petitioner's driveways.

Commissioner Vogel suggested that safety could be just as easily addressed using proper striping. He felt that improvements requirements had not been consistent for the area, that no landscaping had been required for any other businesses and that the project would represent good infill and be an improvement to the site.

Commissioner Coleman said that properly placed landscaping could also serve to direct traffic accessing or departing the business.

Commissioner Driscoll asked if the *Code* provided any latitude on the curb, gutter and sidewalk improvements. Mr. Shaver responded by reading section 7-2-3B in the *Code*. He said that the Commission first had to determine if the use was appropriate for the zone, since there was no plan to reference. If the use was deemed appropriate, parameters could then be placed on that use. He also explained the TCP payment requirement. Mr. Shaver suggested the best alternative if the Commission decided to give the applicant some consideration would be to extend the timeframe for the improvements.

Chairman Elmer acknowledged that any waiver of improvements would be as a recommendation to City Council only.

Additional discussion ensued over whether the use was appropriate for the zone. Ms. Portner said that the prior use had been a service station; the proposed use would be strictly auto repair and the latter wasn't an allowed use in a business zone. She said that an auto repair business would have a greater impact on the neighborhood but added that, due to the circumstances surrounding the proposal and property, staff felt that the business might have less impact if site improvements were constructed.

Commissioner Driscoll asked if a timeframe extension would help the petitioner. Mr. Atunes replied negatively, saying that it still would mean his paying twice for improvements that, he felt, shouldn't be required at all.

Chairman Elmer said that if the Code is clear on the requirements, no exceptions should be made. Commissioner Coleman felt that staff condition 2. should be deleted. Commissioner Vogel observed that the petitioner seemed completely inflexible.

MOTION: (Commissioner Coleman) Mr. Chairman, on item PDR-96-200, I move that we approve this item subject to staff recommendations, deleting recommendation 2.

The motion failed for lack of a second.

MOTION: (Commissioner Vogel) Mr. Chairman, on item PDR-96-200, I move that we approve this item subject to staff conditions 1. through 4. with addition 5., requiring signage to be no more than 4 feet by 8 feet or by Code.

Commissioner Driscoll asked staff if a 4 foot by 8 foot sign would meet *Code* requirements. Mr. Pelletier said that with the amount of frontage available, the size proposed should be well within *Code* specifications.

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

Chairman Elmer explained the appeal process to Mr. Atunes.

V. PUBLIC HEARING ITEMS FOR RECOMMENDATION TO CITY COUNCIL

RZF-96-195 REZONE AND FINAL PLAT--ASHMONT HEIGHTS SUBDIVISION

Request to rezone from PB (Planned Business) to RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) in order to replat 5 lots into 3 single family residential lots.

Petitioner: Ronald and Angelina Ashley

Location: 1620 Canon Street

PETITIONER'S PRESENTATION

Ronald Ashley, petitioner, explained his request. He said the homes to be built on the lots would be affordable but not low-income. The homes would be in keeping with other residential uses on the same side of the street, would be approximately 1,000 to 1,200 square feet, include carports and would meet zone setbacks.

QUESTIONS

Chairman Elmer asked if one of the lots would be provided access off of the alley. Mr. Ashley said that two of the lots fronted Canon Street and one lot fronted Grand Mesa Avenue.

STAFF PRESENTATION

Kristen Ashbeck said that the Commission was considering the rezone only. The RSF-8 zone was more consistent with surrounding uses, the proposal was consistent with the Orchard Mesa Plan, no half-street improvements would be required and a drainage fee would be acceptable. Staff recommended approval with no conditions.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Leroy Workman (2817 C 1/2 Road, Grand Junction), owner of property to the West of the subject lots felt that the zoning should be retained as business.

PETITIONER*S REBUTTAL

The petitioner offered no further comment.

DISCUSSION

Chairman Elmer felt that either use would be appropriate for the site.

Commissioner Coleman commented that a business zone would be better since they were harder to acquire. Commissioner Vogel said that the site restricts the type of business that would be allowed there

Commissioner Driscoll felt that the zone and homes would fill a housing need. He concurred with staff*s recommendation.

MOTION: (Commissioner Driscoll) ✂Mr. Chairman, on item RZF-96-195, request to rezone property located at 1620 Canon Street from Planned Business to RSF-8, I move that we forward the request 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 4-0.

RZF-96-176 REZONE AND FINAL PLAN--CLM MINOR SUBDIVISION

Request to: 1) rezone from Planned Residential to Planned Business; 2) approval of a two lot minor subdivision; and 3) approval of a Final Plan for lot 1 for a 12,580 square foot retail/office building.

Petitioner: Clifton and Trula Mays

Location: 2464 and 2466 F Road

Representative: Dan Roberts

PETITIONERS* PRESENTATION

Dan Roberts, representing the petitioners, said that the building would be attractive (no metal siding), and that the petitioners agreed to comply with staff recommendations.

QUESTIONS

Chairman Elmer said that the petitioners* narrative specified retail and office uses, yet they were asking for approval of all uses in a B-3 zone. Bill Nebeker said that this had been modified to include more specific uses.

STAFF*S PRESENTATION

Mr. Nebeker clarified that the rezone request would be forwarded to City Council, while Planning Commission would render a final decision on the plan. He pointed out the site*s location on maps provided. Staff recommended approval subject to the following conditions:

Subdivision

1. Provide an ingress/egress easement over the portion of the West driveway to be shared with Bishop*s Furniture.

Site Plan

1. An ingress/egress easement must be obtained for the remainder of the shared driveway with Bishop*s Furniture.
2. Revise the site plan to show that the building has been moved 6 feet towards Patterson Road to provide an adequate turning radius at the Northeast and Northwest corners of the building.
3. Revise parking to show aisle for van accessible space on the North side of the space.
4. Submit a revised grading and drainage plan for review and approval that reflects the revised site plan.
5. Replace the Austrian pine located near the berm by the west driveway with a deciduous tree.
6. Note on the landscape plan that the pines will be at least 6 feet in height at the time of planting.

Note: The site excludes medical and dental offices.

QUESTIONS

Chairman Elmer said that not all uses listed in a B-3 zone would be appropriate for the site. He wondered what uses had been specified by the petitioner. Mr. Nebeker said that the petitioner proposed general retail and/or personal service businesses such as a barber shop or pharmacy. He added that a condition could be added to limit the approved uses to just those stated. Chairman Elmer felt that to do so would be appropriate.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Jim Bishop (1004 Ouray Avenue, Grand Junction), owner of Bishop*s Furniture expressed several concerns. He felt that the location of the proposed trees would severely limit the sight distance for those entering or leaving his parking lot and recommended fewer trees or landscaping that was closer to the ground. He was also concerned that the pavement thickness for the petitioner*s parking lot would not match his own. With the restrictions in use, he also wondered if the number of parking spaces was adequate for the uses proposed. He wanted to make sure that his parking area would not be used to accommodate the petitioners* overflow.

Mr. Nebeker said that parking was adequate for the uses proposed and based on one-quarter of the total square footage being offices, three-quarters being used for retail.

Mr. Bishop asked for clarification on the proposed layout of the curbing. He suggested the petitioner sign his (Mr. Bishop*s) parking area located directly to the west of the curbing with ♪no parking♫ (location of curbing shown on the site plan).

PETITIONERS* REBUTTAL

Mr. Roberts acknowledged Mr. Bishop*s concerns, clarifying to staff that the area referenced by Mr. Bishop was used as a driveway into his loading dock. Mr. Roberts said that he was willing to work with Mr. Bishop to resolve this issue. He also agreed to sign the area referenced by Mr. Bishop and work to ensure the paving thicknesses would be compatible and accommodate trucks accessing Mr. Bishop*s property.

DISCUSSION

Commissioner Vogel asked if there was a formal agreement recorded on the shared driveway usage. Mr. Nebeker replied in the negative, but added that Bishop*s Furniture was required to provide an ingress/egress easement per a recorded County resolution.

Commissioner Driscoll agreed with Mr. Bishop on the sight distance issue. He felt that the landscaping should be designed to eliminate this concern.

Commissioner Vogel suggested eliminating the berm near Patterson Road.

Jody Kliska stated that the maximum height of the berm would be 30" while most drivers' vision is at about 42".

Mr. Nebeker said that the one pine tree nearest the shared drive should be eliminated.

Mr. Bishop said that the same concern existed with the placement of signage. Mr. Roberts clarified the location of intended signage. When asked, Mr. Roberts indicated that proposed signage would include a 10 foot by 20 foot illuminated monument sign. Extensive discussion ensued over whether a sign of this size would meet *Sign Code* allowances. The hearing was recessed at 9:45 p.m. to discuss this issue and reconvened at 9:50 p.m.

Mr. Nebeker stated that the proposed sign would be moved to the Southeast corner of the property, would not exceed 150 square feet and have a maximum height of 10 feet with a maximum width of 15 feet. Additional business identification signage on the building, per *Code* specifications, would be allowed.

Commissioner Driscoll recommended moving the one tree nearest the shared driveway. Mr. Nebeker agreed, adding that a second tree should also be removed nearest the ingress driveway to allow for signage placement.

A brief discussion ensued over what conditions and/or modifications should be included in the motion.

MOTION: (Commissioner Driscoll) Mr. Chairman, on item RZF-96-176, I move that we forward a recommendation of approval to City Council for the rezone from PR to PB.

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

MOTION: (Commissioner Driscoll) Mr. Chairman, on item RZF-96-176, I move that we approve the CLM Minor Subdivision and Final Plan with staff's recommendations along with three new recommendations: 6. Uses for the retail office center are restricted to those stated on page 3 under the section designated Site Plan* (staff report dated 9/25/96); 7. Seventy-five percent of the building is going to be retail, the remainder will be office space; and 8. The monument sign would be 10 feet by 15 feet, then the remainder of signage allowance for the other businesses would be as allowed per the Code and that the sign be moved as indicated by Mr. Nebeker this evening, and that the two trees adjacent to the driveways, as indicated by Mr. Nebeker tonight, would also not be required to be placed (as amended).

Commissioner Coleman seconded the motion.

Chairman Elmer clarified that based upon the motion made, there would be no need to keep condition 5. Commissioner Driscoll agreed to amend his motion to delete condition 5 and renumber the three new conditions as 6., 7. and 8. Commissioner Coleman seconded the amendment.

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

ANX-96-192 ANNEXATION--HIGH COUNTRY BUSINESS PARK

Request to zone approximately 9.9 acres of land, which is currently being annexed to the City, to I-1 (Light Industrial).

Petitioner: City of Grand Junction

Location: High Country Court off River Road

STAFF PRESENTATION

Mike Pelletier presented a brief overview and recommended approval of the zone request to I-1.

QUESTIONS

Chairman Elmer asked if all the affected residents knew of the annexation and wondered how they had been annexed. Mr. Pelletier replied that residents had been made aware and that they had been annexed via Powers of Attorney.

PUBLIC COMMENTS

There were no citizens remaining to comment on the request.

MOTION: (Commissioner Coleman) ∅Mr. Chairman, on ANX-96-192, a zone of annexation for the High Country Business Park annexation, I move that we forward to City Council a recommendation of Light Industrial (I-1) zoning and a public zone for the City-owned property.∅

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

VI. GENERAL DISCUSSION

Mr. Nebeker presented a revised site plan to commissioners on the project located at 1305 Glenwood Avenue. During consideration of that item, a straight driveway had been recommended; however, upon further review, staff felt that a circular drive may be more appropriate to eliminate backing onto Glenwood Avenue. After a brief discussion, commissioners agreed the variation was in accordance with their approval.

Ms. Portner recalled City Council actions on items heard by the Commission. She reminded commissioners that the Growth Plan would be heard directly following City Council*s consent agenda on October 2.

Ms. Portner passed out copies of the staff report for Rimrock Market Place. Staff was recommending denial based on the petitioner*s non-compliance with landscaping requirements for the parking lot, among other issues. She also passed out copies of current updates on the *Code* rewrite.

Ms. Portner also said that approximately six applications had been received for the two Planning Commission vacancies.

The hearing was adjourned at 10:15 p.m.